



City of Cincinnati

801 Plum Street
Cincinnati, Ohio 45202

CALENDAR

Cincinnati City Council

Wednesday, May 15, 2024

2:00 PM

Council Chambers, Room 300

ROLL CALL

PRAYER AND PLEDGE OF ALLEGIANCE

FILING OF THE JOURNAL

MAYOR AFTAB

Woodward Trust

1. [202401318](#) **APPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby appoint Louis Arnold to the Woodward Trust for a term expiring on March 31, 2027. This appointment is submitted to City Council for its advice & consent pursuant to its Rules. (AA/Male)

Recommendation CONFIRM

Sponsors: Mayor

MS. ALBI

2. [202401356](#) **RESOLUTION**, submitted by Councilmember Albi, from Emily Smart Woerner, City Solicitor, **RECOGNIZING** the girls' varsity soccer team at The Summit Country Day School as the OHSAA Division II state soccer champions and **EXPRESSING** the appreciation of the Mayor and the Council of the City of Cincinnati for their extraordinary achievements.

Recommendation PASS

Sponsors: Albi

MS. PARKS

3. [202401373](#) **MOTION**, submitted by Councilmember Parks, **WE MOVE** that the administration prepare a report within sixty (60) days on how to increase access to accessible toilets at public events, with one possible avenue being requiring a certain number of wheelchair accessible porta potties at large events. (BALANCE ON FILE IN THE CLERK'S OFFICE).

Recommendation EQUITABLE GROWTH & HOUSING COMMITTEE

Sponsors: Parks

CITY MANAGER

4. [202401313](#) **REPORT**, dated 5/15/2024, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Laconia Ave 35th Block Party.

Recommendation FILE

Sponsors: City Manager

5. [202401314](#) **REPORT**, dated 5/15/2024, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Pride Party.

Recommendation FILE

Sponsors: City Manager

6. [202401316](#) **REPORT**, dated 5/15/2024, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Corpus Christi 2024.

Recommendation FILE

Sponsors: City Manager

7. [202401317](#) **REPORT**, dated 5/15/2024, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for DangerWheel 2024.

Recommendation FILE

Sponsors: City Manager

8. [202401319](#) **REPORT**, dated 5/15/2024, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Holy Name Procession.

Recommendation FILE

Sponsors: City Manager

9. [202401320](#) **REPORT**, dated 5/15/2024, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for The West End MAZ-Low Food Fest.

Recommendation FILE

Sponsors: City Manager

10. [202401321](#) **REPORT**, dated 5/15/2024, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Cincinnati Official Juneteenth Parade.

Recommendation FILE

Sponsors: City Manager

11. [202401322](#) **REPORT**, dated 5/15/2024, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Hall of Fame Rockdale Academy.

Recommendation FILE

Sponsors: City Manager

12. [202401323](#) **REPORT**, dated 5/15/2024, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Saylor Park 4th of July Bike Parade.
Recommendation FILE
Sponsors: City Manager
13. [202401324](#) **REPORT**, dated 5/15/2024, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Upstander 5k.
Recommendation FILE
Sponsors: City Manager
14. [202401328](#) **REPORT**, dated 5/8/2024 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 Four Bros Petroleum Inc., DBA Schwarz Food Market, 2311 Baltimore Avenue. (#28476050005, TRFO, C1 C2 D6) [Objections: None]
Recommendation FILE
Sponsors: City Manager
15. [202401329](#) **REPORT**, dated 5/8/2024 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 Out the Gate Café LLC, 3389 Glenmore Avenue. (#6607526, New, D5) [Objections: Yes]
Recommendation FILE
Sponsors: City Manager
16. [202401345](#) **REPORT**, dated 5/15/2024 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 HD Park LLC, DBA The Park, 161 E. Freedom Way Ste 170. (#3805674, New, D5J) [Objections: Yes]
Recommendation FILE
Sponsors: City Manager
17. [202401346](#) **REPORT**, dated 5/15/2024 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 300 Main Club LLC, DBA 300 Main Club, 300 Main Street. (#8981270, TREX, D5) [Objections: Yes]
Recommendation FILE
Sponsors: City Manager
18. [202401347](#) **REPORT**, dated 5/22/2024 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 Triple CJ LLC, DBA Shoreline Social, 4855 Kellogg Avenue. (#9052903, TRFO, D1 D2 D3 D3A D6) [Objections: None]
Recommendation FILE
Sponsors: City Manager

19. [202401349](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 5/15/2024, **AUTHORIZING** the City Manager to take any and all steps as may be necessary in order to vacate as public right-of-way and retain approximately 0.7968 acres, being portions of public rights-of-way known as Elm Street, Convention Way, Opera Alley, Hatters Alley, Thorp Alley, and Sixth Street in the Central Business District of Cincinnati, and to release and quitclaim certain public walkway easements over and across the site of the former Millennium Hotel, all to facilitate the Duke Energy Convention Center renovation project.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

20. [202401351](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 5/15/2024, **AUTHORIZING** the City Manager to execute a Funding Agreement with The Model Group, Inc., providing for a grant from the City to fund (i) the removal of the elevated pedestrian skywalk bridge above Walnut Street that connects the Mercantile Library Building to the US Bank Tower, and (ii) the restoration of the public right-of-way along Walnut Street, and the exterior, façade, and limited interior portions of those buildings;

AUTHORIZING the removal of said skywalk bridge and the release and quitclaim of certain public walkway easements over and through the Mercantile Library Building; **AUTHORIZING** the transfer and appropriation of the sum of \$1,753,337 from the unappropriated surplus of Downtown South/Riverfront Equivalent Fund 481 (Downtown South/Riverfront TIF District) to the Department of Community and Economic Development non-personnel operating budget account no. 481x164x7200 to provide resources for the demolition and removal of the elevated pedestrian skywalk bridge above Walnut Street that connects the Mercantile Library Building to the US Bank Tower, restoration of the façades of such buildings, and other public improvements in support of such project; and further **DECLARING** expenditures from such account related to the demolition of the skywalk bridge, the façade restoration activities, and the other public improvements in support of such project to be a public purpose and constitute a "Public Infrastructure Improvement" (as defined in Ohio Revised Code Section 5709.40(A)(8)) that will benefit and/or serve the District 2-Downtown South/Riverfront District Incentive District, subject to compliance with Ohio Revised Code Sections 5709.40 through 5709.43. (Subject to the Temporary Prohibition List <<https://www.cincinnati-oh.gov/law/ethics/city-business>>).

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

21. [202401357](#) **ORDINANCE (EMERGENCY)**, submitted by Sheryl M. M. Long, City Manager, on 5/15/2024, **AUTHORIZING** a payment of \$37,336.16 from Community Health Center Activities Fund non-personnel operating budget account no. 395x265x1110x7288 as a moral obligation to Zayo Group Holdings, Inc., dba Zayo Group, LLC, for wide-area network connectivity services provided to the Cincinnati Health Department.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

22. [202401358](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 5/15/2024,

MODIFYING the Cincinnati Municipal Code by **REPEALING** Chapter 745, "Abortion," of the Cincinnati Municipal Code in its entirety to ensure conformity with Ohio Constitution Article I, Section 22, "The Right to Reproductive Freedom with Protections for Health and Safety."

Sponsors: City Manager

23. [202401359](#) **ORDINANCE (EMERGENCY)**, submitted by Sheryl M. M. Long, City Manager, on 5/15/2024, **AUTHORIZING** the payment of \$2,325.05 from the Parks Department, Parks Private Endowment and Donations Fund 430, non-personnel operating budget account no. 430x202x3000x7361, to General Factory Supply pursuant to the attached certificate from the Director of Finance, for outstanding charges related to cables, adapters, and graffiti removal used by the Parks Department in December 2023.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

24. [202401360](#) **ORDINANCE**, submitted by Sheryl M. M. Long, City Manager, on 5/15/2024, **AUTHORIZING** the City Manager to accept an in-kind donation of goods and professional services from Playground Equipment Services valued at up to \$150,000 for the installation of a turf infield at the Bond Hill Recreation Area.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

25. [202401361](#) **ORDINANCE**, submitted by Sheryl M. M. Long, City Manager, on 5/15/2024, **AUTHORIZING** the City Manager to accept an in-kind donation of goods from Activities Beyond the Classroom valued at up to \$35,000 for equipment to create a public technology lab at Hartwell Recreation Center.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

CLERK OF COUNCIL

26. [202401337](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Anna Albi/Councilmember. (ETHICS)

Recommendation FILE

Sponsors: Clerk of Council

27. [202401343](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Scotty Johnson/Councilmember. (ETHICS)

Recommendation FILE

Sponsors: Clerk of Council

28. [202401389](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Victoria Parks/Councilmember. (ETHICS)

Recommendation FILE

Sponsors: Clerk of Council

29. [202401395](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Meeka Owens/Councilmember. (ETHICS)

Recommendation FILESponsors: Clerk of Council

30. [202401401](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Jan-Michele Kearney/Vice Mayor. (ETHICS)

Recommendation FILESponsors: Clerk of Council**BUDGET AND FINANCE COMMITTEE**

31. [202401288](#) **ORDINANCE**, submitted by Councilmember Harris and Jeffreys, from Emily Smart Woerner, City Solicitor, **MODIFYING** the provisions of Chapter 723, "Streets and Sidewalks, Use Regulations," of the Cincinnati Municipal Code by **ORDAINING** new Sections 723-1-S4, "Skating or Coasting Device," and 723-34, "Skateboards and Other Coasting Devices, Regulation," **MODIFYING** the provisions of Title 15, "Code and Compliance Hearings," of the Cincinnati Municipal Code by **AMENDING** Section 1501-3, "Class A Civil Offenses;" and **MODIFYING** the provisions of Chapter 506, "Operation and Right of Way," of the Cincinnati Municipal Code by **REPEALING** Section 506-3, "Skateboards, Regulation."

Recommendation PASSSponsors: Harris and Jeffreys

32. [202401284](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 5/8/2024, **ESTABLISHING** new Fund 404, "General Government Grants," to account for revenue from various grant sources to be used in support of City of Cincinnati programming and services; and **AUTHORIZING** the expenditure of resources from General Government Grants Fund 404 in accordance with the specific grant's purpose.

Recommendation PASS EMERGENCYSponsors: City Manager

33. [202401285](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 5/8/2024, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$25,000, effective FY 2025, from the U.S. Department of the Interior's Historic Preservation Fund (ALN 15.904) through the Ohio History Connection's Certified Local Government Grant Program to provide resources for the development of a Multiple Property Documentation Form for the historic designation of Cincinnati's brewery resources; and **AUTHORIZING** the Director of Finance to deposit the grant resources into the General Government Grants Fund 404x8548, Department of City Planning and Engagement project account no. 25OHCG, effective July 1, 2024.

Recommendation PASSSponsors: City Manager

34. [202401331](#) **ORDINANCE (EMERGENCY)**, submitted by Councilmember Owens, from Emily Smart Woerner City Solicitor, **AUTHORIZING** the City Manager and the employees of the Office of Councilmember Owens to solicit and accept donations of money, in-kind contributions, and other things of value from the

Cincinnati business community, individuals benefactors, and other available sources to host the MINDING Your Business Mental Health Summit; and **AUTHORIZING** the Director of Finance to deposit funds donated to the City for the MINDING Your Business Mental Health Summit into Fund No. 314, "Special Events."

Recommendation PASS EMERGENCY

Sponsors: Owens

35. [202401287](#) **ORDINANCE (EMERGENCY)**, submitted by Councilmember Albi, from Emily Smart Woerner, City Solicitor, **AUTHORIZING** the transfer of \$500 within the General Fund from Councilmember Anna Albi's General Fund personnel operating budget account no. 050x016x7100 to Councilmember Anna Albi's General Fund non-personnel operating budget account no. 050x016x7200 to realign the office budget for Councilmember Anna Albi.

Recommendation PASS EMERGENCY

Sponsors: Albi

36. [202401348](#) **ORDINANCE (EMERGENCY)**, submitted by Councilmember Owens, from Emily Smart Woerner, City Solicitor, **AUTHORIZING** the transfer of \$20,000 from General Fund balance sheet reserve account no. 050x2535, "Reserve for Operating Budget Contingencies," to the unappropriated surplus of General Fund 050; **AUTHORIZING** the transfer and appropriation of \$20,000 from the unappropriated surplus of General Fund 050 to the City Manager's General Fund non-personnel operating budget account no. 050x101x7200 to provide one-time funds for hosting the MINDING Your Business Mental Health Summit to combat stigma and promote mental health resources and programs offered in the community; **AUTHORIZING** the transfer and return to source of \$20,000 from the City Manager's General Fund non-personnel operating budget account no. 050x101x7200 to the unappropriated surplus of General Fund 050 effective June 15, 2024; and **AUTHORIZING** the transfer of \$20,000 from the unappropriated surplus of General Fund 050 to General Fund balance sheet reserve account no. 050x2535, "Reserve for Operating Budget Contingencies," effective June 15, 2024

Recommendation PASS EMERGENCY

Sponsors: Owens

37. [202401294](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 5/8/2024, **AUTHORIZING** the transfer of \$15,169,563 within the General Fund, from and to various operating accounts and the unappropriated surplus of the General Fund according to the attached Schedules of Transfer, to realign and provide funds for the ongoing needs of City departments; **AUTHORIZING** the transfer and return to source of \$591,000 from Cincinnati Fire Department General Fund non-personnel operating budget account no. 050x271x7200 to the unappropriated surplus of the General Fund; **AUTHORIZING** the transfer of \$591,000 from the unappropriated surplus of the General Fund to the unappropriated surplus of Fire Grants and Donations Fund 472 to provide resources for a health caseworker and other expenses associated with the social services outreach program; **AUTHORIZING** the transfer and return to source of \$200,000 from non-departmental Lump Sum Payments General Fund personnel operating budget account no.

050x924x7100 to the unappropriated surplus of the General Fund;
AUTHORIZING the transfer of \$200,000 from the unappropriated surplus of the General Fund to the unappropriated surplus of Special Events Fund 314 to provide resources for Summer in Cincy programming to reduce youth violence in the City; and **AUTHORIZING** the transfer and appropriation of \$410,000 from the unappropriated surplus of the General Fund to capital improvement program project account no. 980x101x231038, "Martin Luther King, Jr. Monument," to provide additional resources for the monument to honor the legacy of the Reverend Dr. Martin Luther King, Jr.

Recommendation PASS EMERGENCY

Sponsors: City Manager

38. [202401286](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 5/8/2024, **AUTHORIZING** the transfer of \$8,793,088 within various Restricted Funds and the unappropriated surplus of various Restricted Funds to various operating accounts and the unappropriated surplus of certain Restricted Funds according to the attached Schedules of Transfer to realign and provide resources for the ongoing needs of City departments.

Recommendation PASS EMERGENCY

Sponsors: City Manager

39. [202401289](#) **RESOLUTION (LEGISLATIVE)** submitted by Sheryl M. M. Long, City Manager, on 5/8/2024, **DECLARING** the need for emergency repairs that have been made to sidewalks, sidewalk areas, curbs, and/or gutters at a variety of locations in the City and the need for levying assessments for the cost of such repairs on the abutting properties in accordance with Cincinnati Municipal Code Sections 721-149 to 721-169.

Recommendation PASS

Sponsors: City Manager

40. [202401315](#) **REPORT**, dated 5/8/2024, submitted Sheryl M. M. Long, City Manager, regarding Urban Forestry Program Assessment Equalization Board Recommendations. (Ref. Doc. 202000677).

Recommendation APPROVE & FILE

Sponsors: City Manager

41. [202401295](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 5/8/2024, **DETERMINING** to proceed with a special assessment for the Urban Forestry Program for the calendar year 2025, 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

42. [202401302](#) **REPORT**, dated 5/8/2024, submitted Sheryl M. M. Long, City Manager, regarding the Feasibility of Ault Park 4th of July Fireworks Continuity. (Ref. Doc. #202400916)

Recommendation APPROVE & FILE

Sponsors: City Manager

43. [202401327](#) **MOTION**, submitted by Councilmembers Jeffreys, Parks, Walsh and Albi, To understand the make-up of the “boots on the ground” workforce in City projects, **WE MOVE** that, the Administration use aggregated certified payroll data over the past few years to report back to Council within sixty (60) days. (BALANCE ON FILE IN THE CLERK’S OFFICE) (STATEMENT ATTACHED)

Recommendation ADOPT

Sponsors: Jeffreys, Parks, Walsh and Albi

44. [202401297](#) **ORDINANCE**, dated 5/8/2024, submitted by Sheryl M. M. Long, City Manager, **LEVYING** a special assessment for the Urban Forestry Program for the calendar year 2025, 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

PUBLIC SAFETY & GOVERNANCE COMMITTEE

45. [202401298](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 5/8/2024, **ORDAINING** new Chapter 751, “Graffiti Abatement,” of the Cincinnati Municipal Code, and **REPEALING** existing Chapter 751, “Graffiti Abatement,” to update the City’s updated Graffiti abatement program to align with existing abatement programs, including by providing for significant prior notice to a property owner in advance of City-led abatement efforts and identifying cost recovery mechanisms.

Recommendation PASS

Sponsors: City Manager

ANNOUNCEMENTS

Adjournment



AFTAB PUREVAL
City of Cincinnati, Office of the Mayor

May 2024

APPOINTMENT

I hereby appoint Louis Arnold to the Woodward Trust for a term expiring on March 31, 2027. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.

Mayor Aftab Pureval

202401356

Date: May 15, 2024

To: Councilmember Anna Albi
From: Emily Smart Woerner, City Solicitor *EESW*
Subject: **Resolution – Summit Girls’ Soccer Team**

Transmitted herewith is a resolution captioned as follows:

RECOGNIZING the girls’ varsity soccer team at The Summit Country Day School as the OHSAA Division II state soccer champions and **EXPRESSING** the appreciation of the Mayor and the Council of the City of Cincinnati for their extraordinary achievements.

EESW/IMD(dmm)
Attachment
401845

EESW

RESOLUTION NO. _____ - 2024

RECOGNIZING the girls’ varsity soccer team at The Summit Country Day School as the OHSAA Division II state soccer champions and **EXPRESSING** the appreciation of the Mayor and the Council of the City of Cincinnati for their extraordinary achievements.

WHEREAS, The Summit Country Day School’s girls’ varsity soccer team (the “Silver Knights”) completed their special journey this season with a 20-1-3 record, which included fifteen shutouts, and ended their season with nine consecutive wins; and

WHEREAS, the Silver Knights culminated their 2023 season by winning the Division II state championship; and

WHEREAS, this is the Silver Knights’ fourth state championship for the girls’ varsity soccer program, with previous wins in 2017, 2015, and 2011; and

WHEREAS, Coach Mike Fee has been the head coach of the girls’ varsity soccer program for 23 years, and under his leadership, they have never lost a championship game; and

WHEREAS, The Summit Country Day School’s athletic programs help students develop positive character traits including commitment, responsibility, honor, perseverance, cooperation, leadership, and sportsmanship; now, therefore,

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

Section 1. That the Mayor and this Council hereby recognize the girls’ varsity soccer team at The Summit Country Day School for its outstanding 2023 season and congratulate the team’s members for winning the OHSAA Division II state soccer championship.

Section 2. That this resolution be spread upon the minutes of Council and that a copy be provided to the girls’ varsity soccer team at The Summit Country Day School through the office of Councilmember Anna Albi.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

Submitted by Councilmember Anna Albi



Victoria Parks
President Pro Tempore

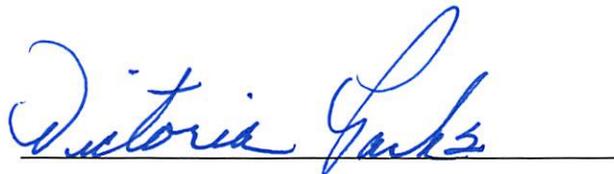
MOTION

Increasing Accessibility at Public Events

As Cincinnati looks to care for all its citizens and make sure no one gets left behind, we must make sure our public events are enjoyable for all people. A typical porta potty is not wheelchair accessible, but most public events exclusively use those small porta potties for restrooms. Wheelchair accessible porta potties include larger doors to allow for the entrance and exit of wheelchairs, enough space for a wheelchair to make a three point turn, handrails, and lower toilet seats.

These units are larger and more expensive than a typical porta potty so it would be unreasonable to expect every unit to be wheelchair accessible. However, wheelchair users have the right to enjoy all of Cincinnati's events and efforts must be made to support that.

WE MOVE that the administration prepare a report within sixty (60) days on how to increase access to accessible toilets at public events, with one possible avenue being requiring a certain number of wheelchair accessible porta potties at large events.



Date: 5/15/2024

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **SPECIAL EVENT PERMIT APPLICATION: Laconia Ave 35th Block Party 202401313**

In accordance with Cincinnati Municipal Code, Chapter 765; (applicant name) 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 Fire Department, Metro, Cincinnati Police Special Events Unit, Cincinnati Police District One, Traffic and Engineering Department, Traffic and Road Operations Department and The Health Department. There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: Laconia Ave 35th Block Party
EVENT SPONSOR/PRODUCER: Michelle Baker
CONTACT PERSON: Michelle Baker
LOCATION: Laconia Ave
DATE(S) AND TIME(S): 6/8/24 11:00am - 11:00pm
EVENT DESCRIPTION: A day of fellowship between neighbors and friends for the past 35 years.
ANTICIPATED ATTENDANCE: 300
ALCOHOL SALES: YES. NO.
TEMPORARY LIQUOR PERMIT HOLDER IS:

cc: Colonel Teresa A. Theetge, Police Chief

Date: 5/15/2024

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **SPECIAL EVENT PERMIT APPLICATION: Pride Party** **202401314**

In accordance with Cincinnati Municipal Code, Chapter 765; Annette Troescher Cincinnati Magazine/Cincinnati 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: Pride Party
EVENT SPONSOR/PRODUCER: Cincinnati Magazine/Cincinnati Media LLC
CONTACT PERSON: Annette Troescher
LOCATION: Court Street (Between Vine St and Race ST)
DATE(S) AND TIME(S): 06/21/2024 5:00pm—06/21/2024 8:00pm
EVENT DESCRIPTION: This event is a kick off party to Pride weekend. We will have multiple activities for all ages and entertainment. A portion of all of our sales will be donated to the Queen City Charities.
ANTICIPATED ATTENDANCE: 700
ALCOHOL SALES: YES. NO.
TEMPORARY LIQUOR PERMIT HOLDER IS: Cincinnati Magazine/Cincinnati Media LLC

cc: Colonel Teresa A. Theetge, Police Chief

Date: 5/15/2024

To: Mayor and Members of City Council
 From: Sheryl M. M. Long, City Manager
 Subject: **SPECIAL EVENT PERMIT APPLICATION: Corpus Christi 2024** **202401316**

In accordance with Cincinnati Municipal Code, Chapter 765; Derrie Edge 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: Corpus Christi 2024
EVENT SPONSOR/PRODUCER: Old Saint Mary's Catholic Church
CONTACT PERSON: Derrie Edge
LOCATION: 117 East Thirteenth Street
DATE(S) AND TIME(S): 05/30/2024 7:00am—05/30/2024 11:00pm
EVENT DESCRIPTION: We will be drawing with chalk and filling in the designs with wood chips on E 13th street from Main St to Clay Street. We are requesting to close E 13th Street from Main Street to Clay Street from 7AM until 11PM. We would also like to request that the other 3 streets around Old Saint Mary's be closed just for about 30-45 during our procession. The time for closing those streets would be about 8-8:30 PM. Those three streets would be Clay St, from where it intersects with E 13th St and until where it intersects with E 12th St. E 12th Street, from where it intersects with Clay St. until where it intersects with Main St. And Main St from where it intersects with E 12th St until where it intersects with E 13th St. Basically it is just a rectangular around Old Saint Mary's.
ANTICIPATED ATTENDANCE: 250
ALCOHOL SALES: YES. NO.
TEMPORARY LIQUOR PERMIT HOLDER IS:

cc: Colonel Teresa A. Theetge, Police Chief

Date: 5/15/2024

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **SPECIAL EVENT PERMIT APPLICATION: DangerWheel 2024** **202401317**

In accordance with Cincinnati Municipal Code, Chapter 765; Lori Salzarulo 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: DangerWheel 2024
EVENT SPONSOR/PRODUCER: Danger Wheel LLC, Riding Forward, Inc.
CONTACT PERSON: Lori Salzarulo
LOCATION: 1200-1300 Broadway St.
DATE(S) AND TIME(S): 07/27/2024 12:00pm—07/27/2024 8:00pm
EVENT DESCRIPTION: Adult Downhill Bigwheel Racing
ANTICIPATED ATTENDANCE: 10,000
ALCOHOL SALES: YES. NO.
TEMPORARY LIQUOR PERMIT HOLDER IS: Riding Forward, Inc.

cc: Colonel Teresa A. Theetge, Police Chief

Date: 5/15/2024

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **SPECIAL EVENT PERMIT APPLICATION: Holy Name Procession** **202401319**

In accordance with Cincinnati Municipal Code, Chapter 765; St. Antoninus Holy Name Society 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: Holy Name Procession
EVENT SPONSOR/PRODUCER: St. Antoninus Holy Name Society
CONTACT PERSON: Roger Glandorf
LOCATION: 1115 Olivia Ln
DATE(S) AND TIME(S): 10/19/2024 9:00am—10/19/2024 11:00am
EVENT DESCRIPTION: Process from the Basilica to Old St. Mary's in downtown Cincinnati
ANTICIPATED ATTENDANCE: 1000
ALCOHOL SALES: YES. NO.
TEMPORARY LIQUOR PERMIT HOLDER IS:

cc: Colonel Teresa A. Theetge, Police Chief

Date: 05/15/2024

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **SPECIAL EVENT PERMIT APPLICATION: The West End MAZ-Low Food Fest 202401320**

In accordance with Cincinnati Municipal Code, Chapter 765; Deseree Byrd 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: The West End MAZ-Low Food Fest
EVENT SPONSOR/PRODUCER: 7 Hills Neighborhood House
CONTACT PERSON: Deseree Byrd
LOCATION: 901 Findlay Street
DATE(S) AND TIME(S): 06/13/2024 6:00pm—06/13/2024 8:00pm
EVENT DESCRIPTION: Community Engagement Event connecting families with free giveaways, free food, and food knowledge.
ANTICIPATED ATTENDANCE: 700
ALCOHOL SALES: YES. NO.
TEMPORARY LIQUOR PERMIT HOLDER IS:

cc: Colonel Teresa A. Theetge, Police Chief

Date: 5/15/2024

To: Mayor and Members of City Council 202401321
From: Sheryl M. M. Long, City Manager
Subject: **SPECIAL EVENT PERMIT APPLICATION: Cincinnati Official Juneteenth Parade**

In accordance with Cincinnati Municipal Code, Chapter 765; Patrice Logan 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: Cincinnati Official Juneteenth Parade
EVENT SPONSOR/PRODUCER: COJP Committee - Patrice Logan
CONTACT PERSON: Patrice Logan
LOCATION: Court St (Between Linn St and Plum St)
DATE(S) AND TIME(S): 06/16/2024 10:00am—06/16/2024 2:00pm
EVENT DESCRIPTION: 3rd Annual Cincinnati Official Juneteenth Parade
ANTICIPATED ATTENDANCE: 1000
ALCOHOL SALES: YES. NO.
TEMPORARY LIQUOR PERMIT HOLDER IS: N/A

cc: Colonel Teresa A. Theetge, Police Chief

Date: 5/15/2024

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **SPECIAL EVENT PERMIT APPLICATION: Hall of Fame Rockdale Academy 202401322**

In accordance with Cincinnati Municipal Code, Chapter 765; Jaren Finney 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 Fire Department, Metro, Cincinnati Police Special Events Unit, Cincinnati Police District One, Traffic and Engineering Department, Traffic and Road Operations Department and The Health Department. There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: Hall of Fame Rockdale Academy
EVENT SPONSOR/PRODUCER: Jaren Finney
CONTACT PERSON: Jaren Finney
LOCATION: 335 Rockdale Ave
DATE(S) AND TIME(S): 5/20/2024 12:00-1:30
EVENT DESCRIPTION: Celebrate Rockdale Academy for being a Hall of Fame School We will be walking around our building to celebrate! The "Parade" part will only be the length of time it takes us to walk starting at 12:15
ANTICIPATED ATTENDANCE: 400
ALCOHOL SALES: YES. NO.
TEMPORARY LIQUOR PERMIT HOLDER IS:

cc: Colonel Teresa A. Theetge, Police Chief

Date: 5/15/2024

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **SPECIAL EVENT PERMIT APPLICATION: Sayler Park 4th of July Bike Parade 202401323**

In accordance with Cincinnati Municipal Code, Chapter 765; Eric Tomeo 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 Fire Department, Metro, Cincinnati Police Special Events Unit, Cincinnati Police District One, Traffic and Engineering Department, Traffic and Road Operations Department and The Health Department. There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: Sayler Park 4th of July Bike Parade
EVENT SPONSOR/PRODUCER: Sayler Park Community Council
CONTACT PERSON: Eric Tomeo
LOCATION: 6583 Gracely Dr
DATE(S) AND TIME(S): 7/4/2024 1000-1100
EVENT DESCRIPTION: This is a bike parade where families decorate thier bikes and celebrate the fourth by parading from the school to the park. We have a bike decorating contest, recite the pledge of allegiance and hand out a snack at the end.
ANTICIPATED ATTENDANCE: 150
ALCOHOL SALES: YES. NO.
TEMPORARY LIQUOR PERMIT HOLDER IS:

cc: Colonel Teresa A. Theetge, Police Chief

Date: 05/15/2024

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **SPECIAL EVENT PERMIT APPLICATION: Upstander 5k** **202401324**

In accordance with Cincinnati Municipal Code, Chapter 765; Matthew Czarnecki 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: Upstander 5k
EVENT SPONSOR/PRODUCER: RacePenguin, LLC
CONTACT PERSON: Matthew Czarnecki
LOCATION: 1301 Western Avenue
DATE(S) AND TIME(S): 06/30/2024 8:30am—06/30/2024 10:00am
EVENT DESCRIPTION: The Upstander 5K takes runners and walkers on a scenic route around historic Union Terminal and throughout the West End and Over-the-Rhine. Participants will also enjoy live music, family activities, breakfast, and a pickleball tournament outside of Union Terminal.
ANTICIPATED ATTENDANCE: 600
ALCOHOL SALES: YES. NO.
TEMPORARY LIQUOR PERMIT HOLDER IS:

cc: Colonel Teresa A. Theetge, Police Chief

Date: May 8, 2024

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

202401328

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: 2847605 0005
PERMIT TYPE: TRFO
CLASS: C1 C2 D6
NAME: FOUR BROS PETROLEUM INC
DBA: SCHWARZ FOOD MARKET
2311 BALTIMORE AVE
CINCINNATI OH 45225

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

On April 11, 2024, the Fay 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: May 28, 2024

Date: May 8, 2024

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

202401329

FINAL RECOMMENDATION REPORT

OBJECTIONS: Buildings & Inspections Department

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: 6607526
PERMIT TYPE: NEW
CLASS: D5
NAME: OUT THE GATE CAFÉ LLC
DBA: NONE LISTED
3389 GLENMORE
CINCINNATI OH 45211

On April 10, 2024, the Westwood 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: June 4, 2024

Date: May 15, 2024

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

202401345

FINAL RECOMMENDATION REPORT

OBJECTIONS: The Cincinnati Police Department

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: 3805674
PERMIT TYPE: NEW
CLASS: D5J
NAME: HD PARK LLC
DBA: THE PARK
161 E FREEDOM WAY STE 170
CINCINNATI OH 45202

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

On March 11, 2024, the 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: April 30, 2024

Date: May 15, 2024

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

FINAL RECOMMENDATION REPORT

OBJECTIONS: The Cincinnati Police Department

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: 8981270
PERMIT TYPE: TREX
CLASS: D5
NAME: 300 MAIN CLUB LLC
DBA: 300 MAIN CLUB
300 MAIN ST
CINCINNATI OH 45202

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

On March 11, 2024, the 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: May 7, 2024

Date: May 15, 2024

To: Mayor and Members of City Council 202401347
From: Sheryl M. M. Long, City Manager
Subject: **Liquor License – TRFO**

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: 9052903
PERMIT TYPE: TRFO
CLASS: D1 D2 D3 D3A D6
NAME: TRIPLE CJ LLC
DBA: SHORELINE SOCIAL
4855 KELLOGG AV
CINCINNATI OH 45226

On April 16, 2024, the East End Area Council was notified of this application and do not object.

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

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 14, 2024

May 15, 2024

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

202401349

Subject: Emergency Ordinance - Vacating Convention Way & Elm Street (DECC)

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to take any and all steps as may be necessary in order to vacate as public right-of-way and retain approximately 0.7968 acres, being portions of public rights-of-way known as Elm Street, Convention Way, Opera Alley, Hatters Alley, Thorp Alley, and Sixth Street in the Central Business District of Cincinnati, and to release and quitclaim certain public walkway easements over and across the site of the former Millennium Hotel, all to facilitate the Duke Energy Convention Center renovation project.

This ordinance authorizes the vacation of portions of existing right-of-way proximate to the Duke Energy Convention Center and release of certain easements related to the former Millennium Hotel, all as part of the ongoing convention center redevelopment project. The City will maintain ownership of all vacated public right-of-way. The purpose of this authorization is to facilitate the creation of the public plaza planned for the area immediately east of the existing Duke Energy Convention Center.

The Administration recommends passage of this Emergency Ordinance.

cc: William "Billy" Weber, Assistant City Manager

EMERGENCY

SSB

- 2024

AUTHORIZING the City Manager to take any and all steps as may be necessary in order to vacate as public right-of-way and retain approximately 0.7968 acres, being portions of public rights-of-way known as Elm Street, Convention Way, Opera Alley, Hatters Alley, Thorp Alley, and Sixth Street in the Central Business District of Cincinnati, and to release and quitclaim any and all public walkway easements over and across the site of the former Millennium Hotel, all to facilitate the Duke Energy Convention Center renovation project.

WHEREAS, the City of Cincinnati (the “City”) owns approximately 0.7968 acres of public rights-of-way known as (i) the portion of Elm Street located between Fifth and Sixth Streets, (ii) Convention Way, (iii) Opera Alley, (iv) Hatters Alley, (v) Thorp Alley, and (vi) the residue portion of Sixth Street located at the southeast corner of Elm and Sixth Streets, all in the Central Business District of Cincinnati, and as more particularly described on Attachment A and depicted on Attachment B to this ordinance (collectively, the “City ROW”), which is under the management and control of the City’s Department of Transportation and Engineering (“DOTE”); and

WHEREAS, the City, Hamilton County, and Cincinnati Center City Development Corporation (3CDC) are partnering on the redevelopment of the City-owned Duke Energy Convention Center (the “DECC”), including through the creation of a plaza immediately adjacent thereto for coordinated programming for the DECC (collectively, the “Project”); and

WHEREAS, the Port of Greater Cincinnati Development Authority (the “Port”) currently owns certain real property where the former Millennium Hotel was located, generally bounded by Elm Street, Fifth Street, Sixth Street, and the 84.51 headquarters building (the “Millennium Site”); and

WHEREAS, the City desires to (i) vacate as public right-of-way and retain ownership of the City ROW, and (ii) release and quitclaim any and all public walkway easements over and across the Millennium Site (the “Walkway Easements”), all to create a consolidated Project site when combined with the DECC and the Millennium Site; and

WHEREAS, a reputable attorney practicing in Hamilton County, Ohio, will have provided an Attorney’s Certificate of Title, certifying as to the owners of all real property abutting the City ROW, prior to the City Manager vacating the City ROW; and

WHEREAS, if applicable, all necessary abutters will have consented to the City’s vacation of the City ROW by executing and delivering quitclaim deeds prior to the City Manager vacating the City ROW; and

WHEREAS, pursuant to Ohio Revised Code Section 723.05, the City may 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, the City Manager, in consultation with DOTE, has determined that: (i) the City ROW and Walkway Easements are not needed for transportation or public right-of-way purposes, (ii) the Walkway Easements are not needed for any municipal purpose, (iii) there is good cause to vacate the City ROW and release the Walkway Easements, and (iv) the vacation of the City ROW as public right-of-way and the release of the Walkway Easements will not be detrimental to the general interest; and

WHEREAS, 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 the public purposes and provisions of applicable federal, state, and local laws and regulations; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the vacation of the City ROW at its meeting on May 3, 2024; 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 any and all documents that may be necessary to (a) vacate as public right-of-way and retain approximately 0.7968 acres, being portions of public rights-of-way known as Elm Street, Convention Way, Opera Alley, Hatters Alley, Thorp Alley, and Sixth Street, all as more particularly described on Attachment A and depicted on Attachment B to this ordinance (the “City ROW”); and (b) release and quitclaim any and all public walkway easements over and across the site of the former Millennium Hotel (the “Walkway Easements”).

Section 2. That the City ROW and Walkway Easements are not needed for transportation or public right-of-way purposes, that the Walkway Easements are not needed for any other municipal purposes, that there is good cause to vacate and retain the City ROW and release the Walkway Easements, and that such vacation and release will not be detrimental to the general interest.

Section 3. That, pursuant to Ohio Revised Code Section 723.041, any affected public utility shall be deemed to have a permanent easement in the City ROW to maintain, operate, renew, reconstruct, and remove its utility facilities and for purposes of access to said facilities.

Section 4. That Council authorizes the proper City officials to take all necessary and proper actions to fulfill the terms of this ordinance, including, without limitation, executing all agreements, deeds, easements, conveyance documents, plats, amendments, and other documents to effectuate the vacation of the City ROW and the release of the Walkway Easements.

Section 5. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the urgency to commence the renovation of the Duke Energy Convention Center and auxiliary improvements in accordance with the established construction timeline.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

Date: April 16, 2024
Description: Parts of Elm Street, Convention Way, 6th Street
Thorp Alley, Opera Alley and Hatters Alley
Vacation
Location: City of Cincinnati
Hamilton County, Ohio



Situated in Section 18, Town 4, Fractional Range 1, Between the Miamis, Cincinnati Township, The City of Cincinnati, Hamilton County, Ohio, and being parts of Elm Street, Convention Way, 6th Street, Thorp Alley, Opera Alley and Hatters Alley containing 0.7968 acres being further described as follows:

Begin at a set cross notch at the intersection of the north right of way of West 5th Street and the west right of way of said Elm Street, said cross notch being the True Point of Beginning;

thence, from the True Point of Beginning, departing the north right of way of said West 5th Street and with the west right of way of said Elm Street, North 09° 56' 21" West, 437.23 feet to a set cross notch at the intersection of the south right of way of West 6th Street;

thence, departing the west right of way of said Elm Street and through the right of way of said West 6th Street, South 80° 42' 46" East, 72.02 feet to a found cross notch at the south right of way of said 6th Street;

thence, departing the south right of way of said West 6th Street and with the east right of way of said Elm Street which is part of the original 6th Street the following two courses: South 09° 56' 21" East, 16.40 feet to the original south right of way of said West 6th Street;

thence, with the original south right of way of said West 6th Street, South 80° 21' 29" West, 2.00 feet to the east right of way of said Elm Street;

thence, departing said original south right of way of said West 6th Street and with the east right of way of said Elm Street, South 09° 56' 21" East, 90.29 feet to the north right of way of Thorp Alley;

thence, departing the east right of way of said Elm Street and with said Thorp Alley the following three courses: North 80° 21' 59" East, 2.00 feet;

thence, South 09° 56' 21" East, 10.00 feet;

thence, South 80° 21' 59" West, 2.00 feet to the east right of way of said Elm Street;

thence, departing said Thorp Alley right of way and with east right of way of said Elm Street, South 09° 56' 21" East, 81.92 feet to the north right of way of Convention Way;

thence, departing the east right of way of said Elm Street and with the north right of way of said Convention Way the following five courses: North 80° 21' 59" East, 159.05 feet to a set cross notch;

thence, South 09° 38' 01" East, 3.79 feet;

thence, North 80° 03' 28" East, 38.97 feet;

thence, North 09° 38' 01" West, 3.58 feet;

thence, North 80° 21' 59" East, 10.45 feet to a found cross notch at the terminus of north right of way of said Convention Way;

thence, with said terminus, South 09° 56' 21" East, 30.00 feet to a found cross notch at the south right of way of said Convention Way;

thence, departing said terminus and with the south right of way of said Convention Way, South 80° 22' 19" West, 191.48 feet to a found cross notch on part of Opera Alley right of way;

thence, departing the south right of way of said Convention Way and with said Opera Alley right of way the following two courses: South 09° 56' 21" East, 10.00 feet;

thence, South 80° 21' 59" West, 17.00 feet to the east right of way of said Elm Street;

thence, departing said Opera Alley right of way and with the east right of way of said Elm Street, South 09° 56' 21" East, 60.00 feet to the north right of way of Hatters Alley;

thence, departing the east right of way of said Elm Street and with said Hatters Alley the following three courses: North 80° 21' 59" East, 17.00 feet;

thence, South 09° 56' 21" East, 16.00;

thence, South 80° 21' 59" West, 17.00 feet to the east right of way of said Elm Street;

thence, departing said Hatters Alley right of way and with the east right of way of said Elm Street, South 09° 56' 21" East, 99.16 feet to the north right of way of said West 5th Street;

thence, departing east right of way of said Elm Street, South 80° 15' 35" West, 66.00 feet to the True Point of Beginning containing 0.7968 acres, more or less, and being subject to all legal highways, easements restrictions and agreements of record.

Basis of Bearings: NAD83(2011) Ohio State Plane Coordinates, South Zone (3402).

The above description was prepared from a Vacation plat made on April 16, 2024, under the direction of Jeffrey O. Lambert, Professional Surveyor #7568 in the State of Ohio.

May 15, 2024

To: Mayor and Members of City Council

From: Sheryl M.M. Long, City Manager

202401351

Subject: Emergency Ordinance – Approving and Authorizing a Funding Agreement for the Walnut Street Skywalk Removal with The Model Group

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to execute a Funding Agreement with The Model Group, Inc., providing for a grant from the City to fund (i) the removal of the elevated pedestrian skywalk bridge above Walnut Street that connects the Mercantile Library Building to the US Bank Tower, and (ii) the restoration of the public right-of-way along Walnut Street, and the exterior, façade, and limited interior portions of those buildings; **AUTHORIZING** the removal of said skywalk bridge and the release and quitclaim of certain public walkway easements over and through the Mercantile Library Building; **AUTHORIZING** the transfer and appropriation of the sum of \$1,753,337 from the unappropriated surplus of Downtown South/Riverfront Equivalent Fund 481 (Downtown South/Riverfront TIF District) to the Department of Community and Economic Development non-personnel operating budget account no. 481x164x7200 to provide resources for the demolition and removal of the elevated pedestrian skywalk bridge above Walnut Street that connects the Mercantile Library Building to the US Bank Tower, restoration of the façades of such buildings, and other public improvements in support of such project; and further **DECLARING** expenditures from such account related to the demolition of the skywalk bridge, the façade restoration activities, and the other public improvements in support of such project to be a public purpose and constitute a “Public Infrastructure Improvement” (as defined in Ohio Revised Code Section 5709.40(A)(8)) that will benefit and/or serve the District 2-Downtown South/Riverfront District Incentive District, subject to compliance with Ohio Revised Code Sections 5709.40 through 5709.43.

BACKGROUND/CURRENT CONDITIONS

With the redevelopment of the Mercantile Building, the Walnut Street Skywalk, which connects the Mercantile Building (414 Walnut Street) and the US Bank Tower (425 Walnut Street), no longer contributes to the downtown pedestrian network, nor does it serve the new use of the Mercantile Building, which is being converted into a primarily residential use. The City intends to enter into a funding agreement with The Model

Group, Inc. to facilitate the demolition of the skywalk, restore the building exteriors, and interior restorations of the former skywalk easement paths.

CONTRACTOR INFORMATION

The Model Group has developed more than \$750 Million in real estate, including over 400 historic properties in Ohio. This includes a diverse mix of market rate and affordable residential, as well as commercial real estate. TMG has extensive experience working with multiple funding sources, routinely layering them together in complex financing structures to maximize the impact of scarce resources and get challenging projects completed. TMG is also presently mobilized for their work on the adjacent Mercantile Center and are best positioned to facilitate the demolition.

PROJECT INFORMATION

The City of Cincinnati intends to enter into a funding agreement, for \$1,753,337, with The Model Group to facilitate the demolition of the Walnut Street Skywalk. The Model Group, who is already renovating the Mercantile Building adjacent to the site, will then demolish the skywalk and restore the facades and limited interior restoration of public easement areas of the two buildings connected by the bridge.

The project will consist of three major public infrastructure improvements:

1. Removal of the existing skywalk bridge between the US Bank Tower and Mercantile Building.
2. Restore and rebuild the façade, exterior wall construction, windows to match the existing adjacent building façade, of the Mercantile Building
3. Restore and re-build the building façade, exterior wall construction, and windows to match the existing adjacent building façade of the US Bank Tower.

The project will also consist of private improvements within the interiors of both the Mercantile Building and the US Bank Tower.

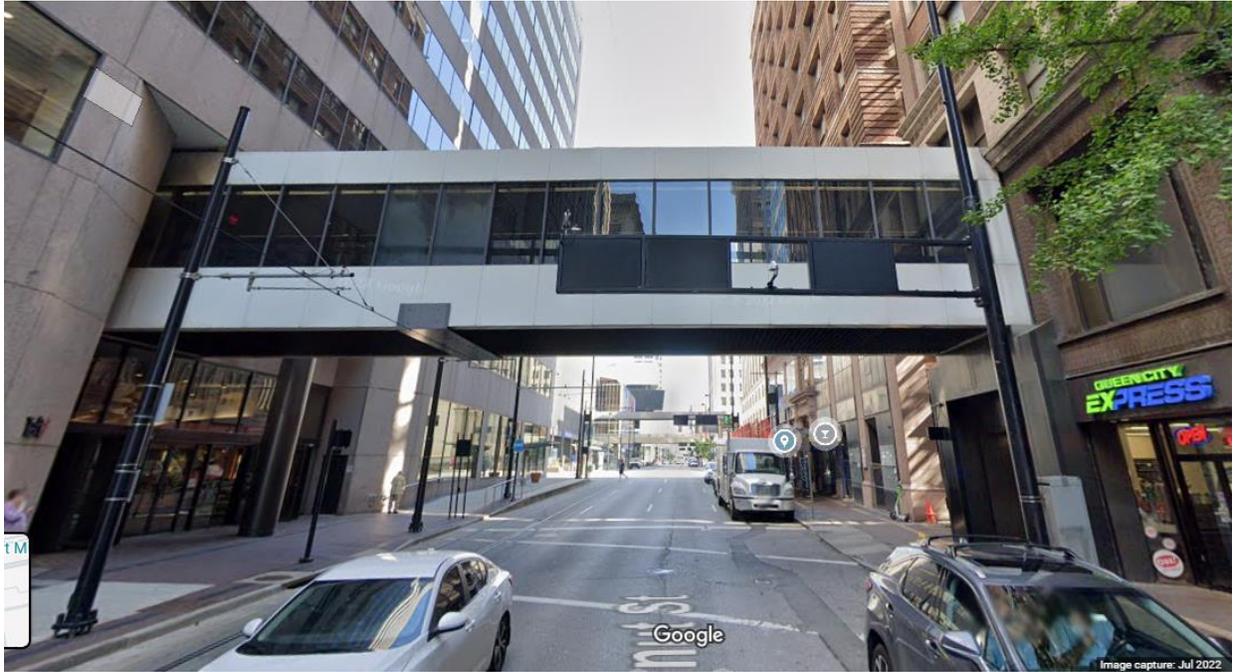
RECOMMENDATION

The Administration recommends approval of this Emergency Ordinance.

Attachment: Project Outline

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

Project Image



EMERGENCY

TJL

- 2024

AUTHORIZING the City Manager to execute a Funding Agreement with The Model Group, Inc., providing for a grant from the City to fund (i) the removal of the elevated pedestrian skywalk bridge above Walnut Street that connects the Mercantile Library Building to the US Bank Tower, and (ii) the restoration of the public right-of-way along Walnut Street, and the exterior, façade, and limited interior portions of those buildings; **AUTHORIZING** the removal of said skywalk bridge and the release and quitclaim of certain public walkway easements over and through the Mercantile Library Building; **AUTHORIZING** the transfer and appropriation of the sum of \$1,753,337 from the unappropriated surplus of Downtown South/Riverfront Equivalent Fund 481 (Downtown South/Riverfront TIF District) to the Department of Community and Economic Development non-personnel operating budget account no. 481x164x7200 to provide resources for the demolition and removal of the elevated pedestrian skywalk bridge above Walnut Street that connects the Mercantile Library Building to the US Bank Tower, restoration of the façades of such buildings, and other public improvements in support of such project; and further **DECLARING** expenditures from such account related to the demolition of the skywalk bridge, the façade restoration activities, and the other public improvements in support of such project to be a public purpose and constitute a “Public Infrastructure Improvement” (as defined in Ohio Revised Code Section 5709.40(A)(8)) that will benefit and/or serve the District 2-Downtown South/Riverfront District Incentive District, subject to compliance with Ohio Revised Code Sections 5709.40 through 5709.43.

WHEREAS, the City of Cincinnati (the “City”) is the owner of an elevated pedestrian skywalk bridge located above Walnut Street between Fourth and Fifth Streets in the Central Business District of Cincinnati (the “Skywalk”) which is attached to and connects the building located at 414 Walnut Street and 115 Fifth Street (the “Mercantile Library Building”) to the building located at 425 Walnut Street (the “US Bank Tower”); and

WHEREAS, MCA Center LLC (“MCA”), a subsidiary of The Model Group, Inc. (“Developer”), is undertaking a renovation of the Mercantile Library Building, pursuant to that certain Community Reinvestment Area Tax Exemption Agreement by and between the City and MCA, dated May 24, 2023 (the “CRA Agreement”), authorized by Ordinance No. 145-2023, passed on May 10, 2023, which authorizes a real property tax abatement for certain improvements that MCA will make to the Mercantile Library Building (the “Mercantile Project”); and

WHEREAS, pursuant to that certain Grant of Easement recorded on August 25, 1994 in Official Record 6554, Page 121, Hamilton County, Ohio Registered Land Records, the City was granted certain easement rights (the “Easement”) in and upon the Mercantile Library Building and other portions of the Mercantile Library Building associated with, and necessary for, allowing the general pedestrian public the right of ingress and egress through the property for use of the Skywalk; and

WHEREAS, as a result of MCA’s work on the Mercantile Project, Developer desires to demolish the Skywalk and thereafter complete various improvements to restore the areas impacted by the Skywalk removal, including, without limitation, restoring the façade and limited interior portions of the Mercantile Library Building and the US Bank Tower, and performing certain other construction restoration activities in the right-of-way impacted by the demolition of the Skywalk, at an estimated total cost of approximately \$1,753,337 (the “Public Infrastructure Project”) all as more particularly described in the Funding Agreement (the “Agreement”) attached as Attachment A hereto; and

WHEREAS, Developer has petitioned the City to close and remove the Skywalk and release and terminate any public pedestrian access rights associated with the same; and

WHEREAS, the City’s Real Estate Services Division has determined, by appraisal, that the fair market value of the Easement is approximately \$68,480; however, to facilitate the Mercantile Project, the City desires to terminate and release the Easement and allow for the removal of the Skywalk for Developer’s benefit 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 Easement because terminating the Easement and removing the Skywalk will eliminate the financial costs on the City to maintain the Skywalk and will allow resources to be focused on the Mercantile Project; and

WHEREAS, under the proposed Agreement the City will provide a \$1,753,337 grant to Developer to fund the Public Infrastructure Project; and

WHEREAS, pursuant to Ordinance No. 412-2002, passed on December 18, 2002, Council created the District 2-Downtown South/Riverfront District Incentive District (the “TIF District”) to, in part, fund “Public Infrastructure Improvement[s]” (as defined in Section 5709.40 of the Ohio Revised Code) that benefit or serve the TIF District, including demolition and demolition on private property when determined to be necessary for economic development purposes; and

WHEREAS, the Skywalk, the Mercantile Library Building, the US Bank Tower, and the Public Infrastructure Project are all located within the boundaries of the TIF District; and

WHEREAS, the proposed expenditures set forth in the Agreement are valid public improvements as they will serve the public purpose of creating jobs and other beneficial economic impacts, supporting the redevelopment of the Central Business District; and

WHEREAS, Section 13 of Article VIII of the Ohio Constitution provides that, in order to create or preserve jobs and employment opportunities, and to improve the economic welfare of the people of the state, it is in the public interest and a 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, structures, equipment, and facilities for industry commerce, distribution, and research; and to make loans and to provide moneys for the acquisition, construction, enlargement, improvement, or equipment of such property, structures, equipment, and facilities; and

WHEREAS, the City has determined that, following demolition of the Skywalk (i) the Easement will no longer be needed for any transportation, public right-of-way, or municipal purposes; (ii) there is good cause to release the Easement; and (iii) release of the Easement will not be detrimental to the general interest; and

WHEREAS, the City believes that the Public Infrastructure Project will benefit and/or serve the TIF District; is in the vital and best interests of the City and health, safety, and welfare of its residents; and is in accordance with the public purposes and provisions of applicable federal, state, and local laws and requirements; and

WHEREAS, the City Planning Commission, having the authority to approve the change in City-owned property, approved the removal of the Skywalk and termination of the Easement at its meeting on March 15, 2024; 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) a Funding Agreement with The Model Group, Inc. (“Developer”), in substantially the form attached to this ordinance as Attachment A (the “Agreement”), pursuant to which: (i) Developer will demolish and remove the elevated pedestrian skywalk bridge above Walnut Street located between Fourth and Fifth Streets in the Central Business District of Cincinnati (the “Skywalk”), which is attached to and connects the building located at 414 Walnut Street and 115 Fifth Street (the “Mercantile Library Building”) to the building located at 425 Walnut Street (the “US Bank Tower”), and thereafter complete various public infrastructure improvements to restore the areas impacts by the Skywalk removal, including, without limitation, restoring the façade and limited interior portions of the Mercantile Library Building and the US Bank Tower, and perform certain other construction restoration activities in the right-of-way impacted by the demolition of the Skywalk (collectively, the “Public Infrastructure Project”); and (ii) the City will make a \$1,753,337 grant to support the Public Infrastructure Project; and (b) any and all documents that may be necessary to release and quitclaim the public walkway easement granted to the City upon and through the Mercantile Library Building pursuant to that Grant of Easement recorded on August 25, 1994 in Official Record 6554, Page 121, Hamilton County, Ohio Registered Land Records (the “Easement”).

Section 2. That the Director of Finance is hereby authorized to transfer and appropriate the sum of \$1,753,337.00 from the unappropriated surplus of Downtown South/Riverfront Equivalent Fund 481 to the Department of Community and Economic Development non-personnel operating budget account no. 481x164x7200 to provide resources for the Public Infrastructure Project, as allowable by Ohio law and as further described in the Agreement.

Section 3. That Council hereby declares that (a) the improvements associated with the Public Infrastructure Project 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 2-Downtown South/Riverfront District Incentive District, subject to compliance with Ohio Revised Code Sections 5709.40 through 5709.43; and (b) the Public Infrastructure Improvements serve a public purpose.

Section 4. That, following the demolition of the Skywalk, (a) the Easement is not needed for transportation, public right-of-way, or municipal purposes; (b) there is good cause to release the Easement; and (c) release of the Easement will not be detrimental to the general interest.

Section 5. That Council authorizes the appropriate City officials to take all necessary and proper actions as they deem necessary or appropriate to fulfill the terms of this ordinance and the Agreement, including, without limitation, executing any and all releases, terminations, closing documents, agreements, amendments, and other instruments pertaining to the Easement, and the Public Infrastructure Project.

Section 6. That any proceeds from the sale of the Easement shall be deposited into Property Management Fund 209 to pay for the 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 any amount in excess thereof into the Miscellaneous Permanent Improvement Fund 757.

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 Developer to move forward with the Public Infrastructure Project as soon as possible, which will result in the creation of jobs and the stimulation of economic growth in the Central Business District of Cincinnati at the earliest possible date.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____

Contract No: _____

FUNDING AGREEMENT

between the

CITY OF CINCINNATI,
an Ohio municipal corporation

and

THE MODEL GROUP, INC.
an Ohio corporation

Project Name:
Walnut Street Skywalk Demolition and Infill

(grant of TIF funds for the demolition of the Walnut Street Skywalk connecting the Mercantile Building and the US Bank Tower in the Central Business District of Cincinnati)

Dated: _____, 2024

FUNDING AGREEMENT

(Walnut Street Skywalk Demolition and Infill)

This FUNDING AGREEMENT (this “**Agreement**”) is made and entered into as of the Effective Date (as defined on the signature page hereof) between the **CITY OF CINCINNATI**, an Ohio municipal corporation, 801 Plum Street, Cincinnati, Ohio 45202 (the “**City**”) and **THE MODEL GROUP, INC.**, an Ohio corporation, 1826 Race Street, Cincinnati, Ohio 45202 (“**Developer**”).

Recitals:

A. Developer indirectly controls through a wholly-owned affiliate MCA CENTER LLC, an Ohio limited liability company (“**MCA**”), which owns fee simple title to certain real property located at 414 Walnut Street and 115 Fifth Street in the Central Business District of Cincinnati, as more particularly described on Exhibit A-1 (Legal Description – Mercantile Building) attached hereto (the “**Mercantile Building**”).

B. The City owns and leases to US Bank National Association (“**US Bank**”) certain real property adjacent to the Mercantile Building located at 425 Walnut Street in the Central Business District of Cincinnati, as more particularly described on Exhibit A-2 (Legal Description – US Bank Tower) attached hereto (the “**US Bank Tower**”).

C. The City is the owner of an elevated, second level public pedestrian walkway located above and across the Walnut Street public right-of-way, abutting and connecting the Mercantile Building to the east and the US Bank Tower to the west, for use by the general pedestrian public at 565 feet above mean sea level, as more particularly described and depicted on Exhibit A-3 (Legal Description and Depict - Walnut Street Skywalk) attached hereto (the pedestrian walkway, and related improvements are referred to herein as the “**Skywalk**”).

D. MCA is undertaking a mixed-use redevelopment of the two buildings making up the Mercantile Building (the “**Mercantile Redevelopment**”), and the City has assisted MCA in that redevelopment by facilitating a real property tax abatement for MCA’s improvements to the Mercantile Building pursuant to that *Community Reinvestment Area Tax Exemption Agreement* between the City and MCA dated May 24, 2023 (the “**CRA Agreement**”).

E. Developer desires to cause the demolition of the Skywalk as part of the Mercantile Redevelopment (the “**Skywalk Demolition**”) and subsequently cause the restoration of the exterior, façade, and limited interior portions of the Mercantile Building and the US Bank Tower (separately and collectively, the “**Limited Building Restoration**”; and together with the Skywalk Demolition, the “**Public Infrastructure Improvements**”) all as further described and in accordance with Exhibit B (Statement of Work, Budget, and Sources of Funds) attached hereto.

F. Following the Skywalk Demolition, Developer shall cause to be constructed private improvements within the Mercantile Building in accordance with the CRA Agreement, and within the US Bank Tower (if any), each as further described on Exhibit B hereto (collectively, the “**Private Improvements**”). The completion of the Public Infrastructure Improvements and the Private Improvements are referred to herein as the “**Project**”.

G. Developer will fully fund the Private Improvements with private funding and will pay for all remaining expenses of the Project (including the Public Infrastructure Improvements) not covered by the Funds.

H. The City, upon the recommendation of the City’s Department of Community and Economic Development (“**DCED**”), desires to provide finance assistance for the Public Infrastructure Improvements using funds from the District 2-Downtown South/Riverfront District Incentive District, which will be provided to Developer, as further described herein, for project work completed and in an amount up to but not to exceed \$1,753,337 (the “**Funds**”).

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I. In order to increase efficiency and meet the timing needs, the parties have determined that Developer or MCA (or one of Developer's affiliates) will, in accordance with the terms herein, bid out and contract for construction of the Project with Model Construction, LLC, an Ohio limited liability company (the "**General Contractor**"), as the single construction manager for the Skywalk Demolition, the Limited Building Restoration, the Private Improvements associated with the Mercantile Building, and any Private Improvements associated with the US Bank Tower pursuant to that certain agreement and right-of-entry between Developer and/or the General Contractor and the owner of the US Bank Tower (the "**US Bank Tower Agreements**"; and the "**US Bank Tower Owner**"; respectively), and the General Contractor will in turn contract with necessary subcontractors for completion of the Project.

J. Pursuant to this Agreement, the City is engaging Developer to manage, oversee, and contract for the Project, and the parties acknowledge that such services are considered "professional services" (as defined in Cincinnati Municipal Code 321-1-P) and require exercise by Developer of discretion and independent judgment to perform such services and an advanced specialized expertise acquired by Developer and its affiliates through completion of other similar public space redevelopments throughout the City.

K. 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 consistent with the public purpose and provisions of applicable federal, state, and local laws and requirements.

L. Section 13 of Article VIII of the Ohio Constitution provides that, in order to create or preserve jobs and employment opportunities, and to improve the economic welfare of the people of the state, it is in the public interest and a proper public purpose for the state or its political subdivisions, or not-for-profit corporations designated by them, to acquire, construct, enlarge, improve or equip, and to sell, lease, exchange or otherwise dispose of, property, structures, equipment and facilities for industry, commerce, distribution and research, and to make loans and to provide moneys for the acquisition, construction, enlargement, improvement or equipment of such property, structures, equipment and facilities.

M. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the Skywalk Demolition at its meeting on March 15, 2024.

N. Execution of this Agreement on behalf of the City was authorized by Ordinance No. ___ - 2024, passed by City Council on _____, 2024, which appropriated funds for the Public Infrastructure Improvements for the Project, which the City has determined constitutes a Public Infrastructure Improvement (as defined in Section 5709.40(A)(8) of the Ohio Revised Code), that will benefit and/or serve the District 2-Downtown South/Riverfront District Incentive District.

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

1. **Term.** The term of this Agreement shall commence on the Effective Date and shall end on the date on which Developer has satisfied all other obligations to the City under this Agreement (the "**Term**") unless sooner terminated as provided herein.

2. **Due Diligence Materials.** Following the Effective Date, Developer shall prepare and deliver, if not previously delivered, the following items (the "**Due Diligence Materials**") to the City for its review and approval:

(A) **Abutter's Consent:** fully executed original of the Quitclaim Deed from US Bank Tower Owner consenting to the closure of, and conveying to the City all of US Bank Tower Owner's rights, title, and interest in and to the Skywalk ("**Abutter's Consent**"), which, following the City's receipt and approval

of the Abutter's Consent, Developer shall record in the real property records of Hamilton County, Ohio, all at Developer's expense;

(B) US Bank Tower Agreements: fully executed copies of the US Bank Tower Agreements granting Developer (or its affiliate) permission to enter the US Bank Tower, and perform and complete the Skywalk Demolition, the Limited Building Restoration associated with the US Bank Tower, the Private Improvements associated with the US Bank Tower (if any), any other construction work that impacts or may impact the US Bank Tower as a result of Developer's construction of the Project, and any other construction activities agreed to by Developer and the US Bank Tower Owner under the US Bank Tower Agreements, which Developer shall undertake at no expense to the City;

(C) Preliminary Design Plans – Public Infrastructure Improvements: preliminary plans and specifications for the Public Infrastructure Improvements, including without limitation, those demolition plans for the Skywalk Demolition, which Developer shall coordinate with the City's Department of Transportation and Engineering (“**DOT**”), Department of Buildings & Inspections (“**B&I**”), DCED, and other various relevant City Departments (including, as necessary, Greater Cincinnati Water Works, Stormwater Management Utility, and the Metropolitan Sewer District) to develop, and the Developer shall submit such plans and specifications to the City for review and approval;

(D) Private Improvements: preliminary plans and specifications for the Private Improvements, available information regarding the intended timing, costs, and scope of the Private Improvements being constructed as a result of the Project, as described in Exhibit B;

(E) Project Schedule: the proposed construction schedule for completion of the Project;

(F) Final Budget: a final itemized budget for the Public Infrastructure Improvements that is separate from the Private Improvements (as the same may be amended from time to time and approved by the City, the “**Budget**”);

(G) Final Plans: the final demolition plans, drawings, plans, and specifications for the Project and upon completion shall submit copies to the City for the City's final review and approval. The parties agree to work diligently and cooperatively with each other in order that the drawings, plans, and specifications can be finalized and approved by the City as expeditiously as possible. The drawings, plans, and specifications (including any and all changes thereto reflected on properly executed Change Orders (as defined below)) for each category of improvements, as approved by the City are referred to herein as the “**Final Plans**.”

(H) Permits: evidence that Developer has obtained a roadway barricade permit from DOTE, and any other necessary City permits for the Project have been secured;

(I) Approval of Contractors: a list of proposed contractors and subcontractors for the Public Infrastructure Improvements, none of whom shall be identified as being debarred on lists maintained by the City or by the federal or state governments; and

(J) Insurance: proof of insurance as required by Section 10 below, naming the City as an additional insured;

(K) Other Information: such other information and documents pertaining to Developer or the Project as the City may reasonably request.

3. **Change Order.** Once approved by the City, Developer shall not make any changes to the Public Infrastructure Improvements set forth in the Final Plans without the consent of the City. Any material changes to the Final Plans shall be evidenced by a written change order signed by Developer, B&I (as applicable), DOTE (as applicable), and DCED (each a “**Change Order**”). The City shall review and either approve or deny each proposed Change Order as expeditiously as possible and such approval shall not be unreasonably withheld, conditioned, or delayed. The City may deny Change Orders to the Public Infrastructure Improvements in its reasonable discretion. The City shall not require any material changes to the Final Plans without Developer’s consent, which shall not be unreasonably withheld, conditioned, or delayed. Developer shall promptly execute Change Orders to reflect approved changes. Funding of Change Orders shall be handled as set forth in Section 6 below.

4. **Bidding Phase.** Developer shall work cooperatively with the City in soliciting, reviewing, and selecting the bids for the construction of the Public Infrastructure Improvements. All bids shall be solicited in accordance with the City’s competitive bidding requirements, as further described in Exhibit D (Additional Requirements). If there is a public bid opening, Developer shall permit City representatives to be present at the opening of the bids. Developer shall not solicit bids from any contractors or subcontractors who are listed as debarred by the federal or state government or on the City’s Vendor’s Performance list. In reviewing and considering bids, Developer shall bear in mind that all contractors and subcontractors performing any work in connection with the Public Infrastructure Improvements shall be subject to the City’s approval in its sole discretion. Developer and the City shall work cooperatively to select the winning bids. The City shall use reasonable efforts to notify Developer, within 10 business days after the opening of the bids, of the City’s approval or disapproval of the bids, as the case may be. If the City does not approve of the bids, Developer shall work cooperatively with the City to resolve the City’s objections, including for example revising the Final Plans and re-bidding all or part of the Project. The City shall, in its sole discretion, have final approval of all bids for the Public Infrastructure Improvements. The final bids, as approved by the parties, and as the same be adjusted from time to time by Change Orders, are hereinafter referred to as the “**Final Bids.**”

Notwithstanding the foregoing, if the City does not approve of the bids proposed by the Developer for the Public Infrastructure Improvements and the Developer cannot resolve all City objections, then either party may terminate this Agreement, and both parties thereafter shall have no obligations or rights under this Agreement. Additionally, if Developer does not approve of the bids it receives for the Public Infrastructure Improvements, Developer may terminate this Agreement, and both parties thereafter shall have no obligations or rights under this Agreement.

5. **Budget; Construction; Inspections.**

(A) **Budget.** Prior to commencement of construction of the Project, Developer shall present to the City a final itemized budget for the Project, with independent itemized sections detailing expenditures for the Private Improvements and the Public Infrastructure Improvements (as the same may be amended from time to time and approved by the City, the “**Budget**”), generally consistent with the preliminary sources and uses budget attached hereto as Exhibit B.

(B) **Construction Contracts.** Upon the City’s receipt and approval of the Due Diligence Materials for the Project and the parties’ approval of the Final Plans, Budget, and Final Bids, and once the parties are otherwise ready to move forward with construction of the Project, the Developer shall enter into a guaranteed maximum price or stipulated sum construction contract, in such form as approved by the City, with the General Contractor in an amount not to exceed \$1,753,337 for the Project. The cost of the Private Improvements, as incorporated into the Final Bids, shall be approved by Developer, in its sole discretion. Developer shall be responsible for reviewing and approving all construction contracts and, upon the City’s request, provide a copy of the construction contracts to the City. Developer shall require in all contracts that it enters into relating to the Project, including the construction contract with the General Contractor, compliance with the terms of this Agreement and that all subcontracts incorporate and comply with the terms of this Agreement.

(C) Construction Commencement and Completion. Following execution of the construction contracts described in Section 5(B), Developer shall commence construction of the Project. Developer shall cause the Project to be completed in accordance with the approved Final Plans, in accordance with the City-approved construction schedule, and in a good and workmanlike manner. Developer shall provide all supervision, technical personnel, labor, materials, and services necessary to complete the Project. Developer shall complete construction of the Public Infrastructure Improvements no later than December 31, 2024. Developer shall (i) complete construction of the Private Improvements with respect to the Mercantile Building in accordance with the completion requirements under the CRA Agreement, and (ii) complete construction of the Private Improvements with respect to the US Bank Tower (if any), in accordance with the completion requirements under the US Bank Tower Agreements.

(D) Verification of Construction Costs. During construction of the Project and upon completion thereof, Developer shall provide the City with verification of actual construction costs for the Project, including individual and actual construction costs for the Project and such other pertinent information pertaining to the demolition and construction of the Project or performance by Developer of its obligations under this Agreement as the City may reasonably request. Developer shall not be responsible for verifying to the City the quantities of materials utilized in the Public Infrastructure Improvements; the City shall assume the responsibility for oversight, inspection, and verification as to the quantity of materials installed and utilized in the Project. Developer and the City agree to work collaboratively to ensure that the General Contractor and subcontractors provide adequate information to the City in order to assist in tracking of quantities installed and utilized in the Project.

(E) Inspection of Work. During construction of the Project, the City, its employees, and its agents shall have the right at all reasonable times to inspect the progress of construction to determine whether Developer is complying with its obligations hereunder. If the City determines that work on the Project is not in accordance with the Final Plans or other requirements of this Agreement, is not in compliance with all applicable laws, or is not performed in a good and workmanlike manner, then the City shall notify Developer who shall have 30 days to cure such error or if it cannot be cured within 30 days Developer shall initiate and diligently pursue such cure. If Developer fails to cure or initiate and diligently pursue such cure within 30 days, the City shall have the right, in its reasonable judgment, to stop such work and order its replacement at Developer's expense (not to be paid for using the Funds), whether or not such work has been incorporated into the Public Infrastructure Improvements by giving notice of such nonconforming work to Developer.

(F) Mechanics' Liens. Developer shall not permit any mechanics' liens or other liens to be filed against the City or any third-party owned real property related to the Project. Developer shall, within 30 days after notice of the filing thereof, cause the same to be discharged of record.

(G) Project Information; As-Built Plans. During construction, Developer shall provide the City with such additional pertinent information pertaining to the Project as the City may reasonably request. Following completion of construction, the Developer shall provide the City with a set of as-built plans and shall provide the City such other information pertaining to the Project as the City may reasonably request.

(H) Permits and Fees Payable to DOTE. Developer acknowledges that (i) it is necessary to close Walnut Street between Fourth and Fifth Streets at certain times during the demolition of the Skywalk, (ii) Developer will be required to obtain all necessary permits and approvals concerning the demolition of the Skywalk, including without limitation, any and all temporary street closure, streetcar shutdown, streetcar track access permits, barricade, street opening, meter permits, and other related permits when the Project necessitates closing meters, opening and/or closing the adjoining streets or portions thereof, or when otherwise required by DOTE for the Project (iii) Developer will be required to pay DOTE for any such permit fees, and (iv) with many entities competing for space on City street, it is important that construction activities be limited to as little space and the shortest duration as possible and that all work be scheduled and performed to cause the least interruption to vehicular travel, bicyclists, pedestrians and businesses; therefore, DOTE shall have the right to evaluate Developer's need for a barricade throughout construction and, if at any time after consultation with Developer DOTE determines that a barricade is not needed, DOTE shall have the right to withdraw the permit.

6. Public Infrastructure Improvements.

(A) Funding Terms. Subject to the terms and conditions of this Agreement, the City agrees to make available up to the full amount of the Funds to pay for the Public Infrastructure Improvements. Developer shall be permitted to use the Funds only to pay for hard construction costs and related soft costs of the Public Infrastructure Improvements as itemized in the Budget and for no other purpose. For purposes of clarity, Developer shall not use any portion of the Funds to pay for the purchase of inventory, supplies, furniture, trade fixtures, or any other items of personal property; to establish a working capital fund; or to pay for costs or expenses of the Private Improvements.

(B) Funding of Change Orders and Cost Overruns to Public Infrastructure Improvements. Under no circumstances shall the City be required to provide funds in excess of the Funds for completion of the Project, and the Developer agrees to provide any additional funding required to complete the Project in excess of the Funds. To the extent available, the Funds may be used for Change Orders approved by the City.

(C) US Bank Tower Owner Approval. Developer acknowledges and agrees that as part of its obligations to the City to enter into the US Bank Tower Agreements with the US Bank Tower Owner, Developer shall submit and obtain approval from the US Bank Tower Owner, prior to its submission to the City, of its proposed Final Plans for the Skywalk Demolition, and the Limited Building Restoration associated with the US Bank Tower.

7. Private Improvements.

(A) Costs and Funding of Private Improvements. Developer shall pay for all costs of the Private Improvements using private funds, including, without limitation, the costs of any Private Improvements associated with the US Bank Tower. No portion of the Funds shall be utilized on the Private Improvements, and the Developer shall put in place appropriate controls in order to independently track the funding and costs of the Private Improvements and the Public Infrastructure Improvements.

(B) Timing. Developer shall use its best efforts to coordinate the construction of the Public Infrastructure Improvements and the Private Improvements so as to avoid damage or destruction to the Public Infrastructure Improvements during the course of subsequent construction activities.

(C) Owner Approval. For all Private Improvements that will occur on properties not owned or controlled by Developer or its affiliates, Developer shall acquire a signed written consent and approval of such property owners to conduct the portions of the Private Improvements that will impact such owner's property. Developer shall provide a copy of such signed written consent and approval to the City upon its request.

(D) US Bank Tower Owner Approval. Developer acknowledges and agrees that as part of its obligations to the City to enter into the US Bank Tower Agreements with the US Bank Tower Owner, Developer shall submit and obtain approval from the US Bank Tower Owner, prior to its submission to the City, of its proposed Final Plans for any Private Improvements associated with the US Bank Tower (as applicable) and any other construction activities that are associated with or may otherwise impact the US Bank Tower.

8. Disbursement of Funds. The City shall disburse the Funds to Developer in accordance with Exhibit C (Disbursement of Funds) hereto. At all times during demolition of the Skywalk and until completion of the same, the City shall be deemed to be the owner of the Skywalk. Notwithstanding anything in this Agreement to the contrary, under no circumstances shall the City be obligated to make disbursements of Funds (i) if any portion of the Public Infrastructure Improvements does not meet the requirements of the City; (ii) except to reimburse Developer for actual costs of constructing the Public Infrastructure Improvements incurred in accordance with the terms herein; or (iii) in excess of the Funds. Except for the City's agreement to provide the Funds to the Developer as described in this Agreement, the City shall not be responsible for any costs associated with the completion of the Project.

9. Applicable Laws and Programs; Fees; Developer Compensation.

(A) Applicable Laws. Developer shall obtain, pay for, and maintain all necessary permits (including without limitation DOTE right-of-way permits), licenses, and other governmental approvals and shall comply with all applicable federal, state, and local laws, codes, ordinances, judicial orders, and other governmental requirements applicable to the construction of the Project, including without limitation those set forth on Exhibit D. The City makes no representations or other assurances to Developer that Developer will be able to obtain whatever variances, permits, or other approvals from the City's Department of Buildings and Inspections, DOTE, City Planning Commission, City Council, or any other governmental agency that may be required in connection with the Project.

(B) Applicability of City Programs and Policies. Notwithstanding anything to the contrary in this Agreement and regardless of applicability under existing law and regulation, the Developer shall comply and shall cause the General Contractor and other contractors to comply with the requirements, as further described in Exhibit D, of the following City programs and policies:

(i) The requirements of the Construction Workforce Goals, as defined in Section A of Exhibit D, relating to contracting with minority-owned businesses and women-owned businesses;

(ii) As stated above, all bids for the Public Infrastructure Improvements shall be solicited in accordance with the City's competitive bidding requirements, and Developer shall comply with the meet and confer meeting requirements, all as more particularly described in Section B of Exhibit D;

(iii) the Business Enterprise program, as further described in Section F of Exhibit D;
and

(iv) Equal Employment Opportunity program, as further described in Section G of Exhibit D.

It is not the intent of this provision to limit Developer's obligations to comply with all applicable law and regulation; this provision is intended as a covenant to the City that, in addition to other applicable law and regulation, Developer shall comply with the requirements of the above-listed City programs and policies during the Project.

(C) Prevailing Wage. Developer shall comply and cause the General Contractor and other contractors to comply with the requirements of the State of Ohio's Prevailing Wage Law, set forth in Ohio Revised Code 4115.03 to 4115.16. To the extent that Developer's contractors are unable to segregate work on the Private Improvements from the Public Infrastructure Improvements, then Developer shall pay the applicable prevailing wage rates on the Private Improvements as if it were a part of the Public Infrastructure Improvements.

(D) Fees. Developer shall be responsible for payments of all standard fees associated with the Private Improvements.

10. Insurance; Indemnity.

(A) Insurance during Construction. Until such time as all construction work associated with the Project has been completed, Developer shall maintain, or cause to be maintained, the following insurance:

(i) Developer shall maintain (a) 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, (b) worker's compensation insurance in such amount as required by law, (c) all

insurance (including the amount of coverage) as may be required by any and all lenders for the Project, and (d) such other insurance as may be reasonably required by the City;

(ii) Developer shall cause the General Contractor, all other prime contractors, and all subcontractors to maintain (a) Commercial General Liability insurance of at least \$1,000,000 per occurrence, combined single limit/\$2,000,000 aggregate, naming the City and Developer as an additional insured, (b) unless otherwise waived by the City, proper endorsements to all Commercial General Liability insurance policies required hereunder to ensure that such policies cover defective construction or workmanship by the policy holder and its subcontractors, (c) builder's risk insurance in the amount of one-hundred percent (100%) of the value of the improvements constructed under the contract with such policy holder, (d) worker's compensation insurance in such amount as required by law, (e) all insurance (including the amount of coverage) as may be required by any and all lenders for the Project, and (f) such other insurance as may be reasonably required by the City; and

(iii) Developer or the prime contractor (including General Contractor), unless otherwise waived by the City in writing, shall maintain builder's risk insurance in the amount of one-hundred percent (100%) of the value of the improvements constructed under the contract with such policy holder.

All 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 cancelled or modified without at least 30 days prior written notice to the City. Within ten days following execution of this Agreement or following execution of the construction contract, as applicable, Developer shall send proof of all such insurance to DCED at 805 Central Avenue, Suite 700, Cincinnati, Ohio 45202, Attention: Monitoring and Compliance Division, or such other address as may be specified by the City from time to time.

(B) Waiver of Subrogation in Favor of City. 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 itself against such loss or damage by maintaining adequate insurance. Developer shall cause its property insurance policies to include a waiver of subrogation provision consistent with the foregoing waiver.

(C) General Indemnity. Notwithstanding anything in this Agreement to the contrary, as a material inducement to the City to enter into this Agreement, Developer shall defend, indemnify, and hold the City, its officers, council members, employees, and agents (collectively, the "**Indemnified Parties**") harmless from and against any and all actions, suits, claims, losses, costs (including without limitation attorneys' fees), demands, judgments, liability, and damages (collectively, "**Claims**") 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 indemnification obligations under this paragraph shall survive the termination or expiration of this Agreement with respect to Claims arising prior thereto.

11. Casualty; Eminent Domain. If, during the Term of this Agreement, any improvements constructed as part of the Project are damaged or destroyed by fire or other casualty during construction, or if any portion of the improvements constructed as part of the Project are taken by exercise of eminent domain (federal, state, or local), except in the case of an exercise by the City, Developer shall cause such improvements to be repaired and restored, as expeditiously as possible, and to the extent practicable, to substantially the same condition that existed immediately prior to such occurrence. If available condemnation or insurance proceeds or other funds received related to a taking are insufficient to fully repair and restore the affected improvements, the City shall not be required to make up the deficiency;

provided, however, no repair or restoration shall be required for damage to the Skywalk, which is being demolished as part of the Public Infrastructure Improvements. Developer shall handle all reconstruction in accordance with the applicable requirements set forth herein, including without limitation obtaining the City's approval of the plans and specifications for the construction of the Project if they deviate from the Final Plans as initially approved by the City hereunder. Developer shall not be relieved of any obligations, financial or otherwise, under this Agreement during any period in which the affected improvements are being repaired or restored.

12. Default; Remedies.

(A) Default. The occurrence of any of the following shall be an “**event of default**” under this Agreement:

(i) The failure of Developer to perform any obligation under this Agreement (including, without limitation, its obligations to comply with the CRA Agreement), and failure to correct such failure within 30 days after its receipt of written notice thereof from the City; or

(ii) The dissolution of Developer or the filing of any bankruptcy or insolvency proceedings by or against Developer, the making by Developer of an assignment for the benefit of creditors, the appointment of a receiver (temporary or permanent) for Developer, or the attachment of, levy upon, or seizure by legal process of any property of Developer.

(B) Remedies. Upon the occurrence of an event of default under this Agreement, the City shall be entitled to (i) terminate this Agreement by giving Developer written notice thereof and, without limitation of its other rights and remedies, and with or without terminating this Agreement, demand that the Developer repay to the City all previously disbursed Funds, (ii) take such actions in the way of “self-help” as the City determines to be reasonably necessary or appropriate to cure or lessen the impact of such default, all at the expense of Developer, and (iii) exercise any and all other rights and remedies available at law or in equity. Developer shall be liable for all costs and damages, including without limitation attorneys’ fees, suffered or incurred by the City in connection with administration, enforcement, or termination of this Agreement or as a result of a default of Developer under this Agreement. The failure of the City to insist upon the strict performance of any covenant or duty or to pursue any remedy shall not constitute a waiver of the breach of such covenant or of such remedy. The foregoing shall be in addition to any and all rights and remedies provided for under any other documents executed by Developer in favor of the City in connection with the Project.

13. Notices. All notices given by the parties hereunder shall be deemed given if personally delivered, or delivered by Federal Express, UPS, or other recognized overnight courier, or mailed by U.S. registered or certified mail, postage prepaid, return receipt requested, addressed to the parties at their addresses below or at such other addresses as either party may designate by notice to the other party given in the manner prescribed herein. Notices shall be deemed given on the date of receipt.

To the City:
City of Cincinnati
Department of Community and
Economic Development
Attention: Director
805 Central Avenue, Suite 700
Cincinnati, OH 45202

To Developer:
The Model Group, Inc.,
Attn: Bobby Maly, CEO
1826 Race Street,
Cincinnati, OH 45202
bmalym@modelgroup.net

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 to: City Solicitor, City of Cincinnati, 801 Plum Street, Room 214, Cincinnati, Ohio 45202

14. Representations, Warranties, and Covenants. Developer makes the following representations, warranties and covenants to induce the City to enter into this Agreement (and shall be deemed as having made these representations, warranties, and covenants again upon receipt of each disbursement of the Funds):

(A) Developer is duly organized and validly existing under the laws of the State of Ohio, has properly filed all certificates and reports required to be filed by it under the laws of the State of Ohio and is not in violation of any laws of the State of Ohio relevant to the transactions contemplated by this Agreement.

(B) Developer has full power and authority to execute and deliver this Agreement and to carry out the transactions provided for herein, and all actions necessary have been taken to constitute this Agreement, when executed and delivered, valid and binding obligations of Developer.

(C) The execution, delivery, and performance of this Agreement by Developer and the consummation of the transactions contemplated hereby will not violate any applicable laws; or any writ or decree of any court or governmental instrumentality; or the organizational documents of Developer; or any mortgage, indenture, contract, agreement, or other undertaking to which Developer is a party or which purports to be binding upon Developer or upon any of its assets; nor is Developer in violation or default of any of the foregoing.

(D) There are no actions, suits, proceedings, or governmental investigations pending, or to the knowledge of Developer, threatened against or affecting Developer or the Project, at law or in equity or before or by any governmental authority which would materially adversely affect Developer's ability to perform its respective obligations set forth in this Agreement.

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

(F) The information contained in the documentation provided by Developer to the City that is descriptive of Developer, its existing businesses, and its proposed business has been reviewed by Developer and does not contain any untrue statement of a material fact or omit to state any material fact necessary in order to make such information, in light of the circumstances under which they were made, not misleading.

(G) Pursuant to Section 301-20, Cincinnati Municipal Code, neither Developer nor any of its affiliates are currently delinquent in paying any fines, penalties, judgments, water or other utility charges, or any other amounts owed by them to the City.

15. 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, the Public Infrastructure Improvements, the Private Improvements, or this Agreement, including without limitation audited financial statements, bank statements, income tax returns, and such reports and information as may be required for compliance with programs and projects funded by the City, Hamilton County, the State of Ohio, or any federal agency (collectively, "Records and Reports"). All Records and Reports compiled by Developer and furnished to the City shall be in such form as the City may from time to time require. Developer shall retain all Records and Reports for a period of three years after the expiration or termination of this Agreement.

(B) City's Right to Inspect and Audit. During construction of the Project and for a period of three years thereafter, Developer shall permit the City, its employees, agents, 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.

16. General Provisions.

(A) Assignment. Developer shall not assign its rights or interests under this Agreement or any ancillary agreements with the City without the prior written consent of the City; provided that a collateral assignment of its rights under this Agreement to its lender for Project (and subsequent assignments by such lender) shall be permitted. Developer's assignment of its rights or interests under this Agreement to an affiliate of Developer shall be subject to the City's prior written approval, not to be unreasonably withheld.

(B) Entire Agreement; Conflicting Provisions. This Agreement (including the exhibits hereto) and the other agreements referred to herein contain the entire agreement between the parties with respect to the subject matter hereof and supersedes any and all prior discussions, negotiations, representations or agreements, written or oral, between them respecting the subject matter hereof. In the event that any of the provisions of this Agreement purporting to describe specific provisions of other agreements are in conflict with the specific provisions of such other agreements, the provisions of such other agreements shall control. In the event that any of the provisions of this Agreement are in conflict or are inconsistent, the provision determined by the City to provide the greatest legal and practical safeguards with respect to the use of the Funds and the City's interests in connection with this Agreement shall control.

(C) Amendments. This Agreement may be amended 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 Recording. This Agreement shall not be recorded in the Hamilton County Recorder's office.

(I) Time. Time is of the essence with respect to Developer's performance of its obligations under this Agreement.

(J) Recognition of City Assistance. Developer shall acknowledge the financial support of the City with respect to the Project in all printed promotional materials (including but not limited to informational releases, pamphlets and brochures, construction signs, project and identification signage, and stationary) and any publicity (such as but not limited to materials appearing on the Internet, television, cable television, radio, or in the press or any other printed media) relating to the Project. In identifying the City as a funding source for the Public Infrastructure Improvements, Developer shall use either the phrase "Funded 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.

(K) No Third-Party Beneficiaries. The parties hereby agree that no third-party beneficiary rights are intended to be created by this Agreement.

(L) No Brokers. The parties represent that they have not dealt with a real estate broker, salesperson, or other person who might claim entitlement to a fee or other compensation as a result of the parties' execution of this Agreement.

(M) 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.

(N) Conflict of Interest. No officer, employee, or agent of the City who exercises any functions or responsibilities in connection with the planning or carrying out of the Project shall have any personal financial interest, direct or indirect, in Developer or in the Project, and Developer shall take appropriate steps to assure compliance.

(O) Administrative Actions. To the extent permitted by applicable laws, 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 and the funding hereunder.

(P) Counterparts and Electronic Signatures. This Agreement may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original but all of which together shall constitute one and the same instrument. This Agreement may be executed and delivered by electronic signature.

10. **EXHIBITS.** The following Exhibits are attached hereto and made a part hereof:
Exhibit A-1 – *Legal Description – Mercantile Building*
Exhibit A-2 – *Legal Description – US Bank Tower*
Exhibit A-3 – *Walnut Skywalk Depiction*
Exhibit B – *Statement of Work, Budget and Sources of Funds*
Exhibit C – *Disbursement of Funds*
Exhibit D – *Additional Requirements (incl. Addendum I to Additional Requirements Exhibit – City's Prevailing Wage Determination)*

SIGNATURE PAGE FOLLOWS

Executed by the entities below on the dates indicated below their signatures, effective as of the later of such dates (the "Effective Date").

CITY OF CINCINNATI

THE MODEL GROUP, INC.

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

By: _____
Robert L. Maly, Chief Executive Officer

Date: _____, 2024

Date: _____, 2024

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

EXHIBIT A-1
to Funding Agreement

Legal Description – Mercantile Building

PARCEL ONE:

Auditor's Parcel No.: 083-0001-0163 and 0169, cons.

Situate in Section 18, Town 4, Fractional Range 1, Miami Purchase, Cincinnati Township, in the City of Cincinnati, Hamilton County, Ohio, being part of In Lots 139 and 140 of said city and being more particularly described as follows: Beginning at a point in the east line of Walnut Street (a 66 foot street) which is North 16°11' West, 51.33 feet from the north line of Fourth Street (a 66 foot street); thence North 16 deg. 11' West, along the east line of Walnut Street, 148.47 feet to the south line of Mercantile Place; thence North 74°03'30" East, along the south line of Mercantile Place, 110.13 feet to the westerly line of the land described in Registered Land Certificate of Title 62144; thence along the westerly line of said Registered Land, South 16°13' East 60.17 feet, South 74°03'30" West 10 feet, South 16°13' East 76.46 feet, North 74°00' East 0.73 feet and South 16°13' East 11.73 feet; and thence South 74°00' West 100.95 feet to the place of beginning.

PARCEL TWO:

Auditor's Parcel No.: 083-0001-0141 thru 0144, 0164 thru 0168, 0170 thru 0172, 0180, 0254 & 0255, cons.

Situate, lying and being in Section 18, Town 4, Fractional Range 1, Cincinnati Township, City of Cincinnati, Hamilton County, Ohio and being all of Lots 12 through 15 and part of Lot 11 of Hamilton County Subdivision as recorded in Deed Book V-2, Page 417, Hamilton County Recorder's Office, and also being part of In Lots 139 and 140 of the In Lots as recorded in Deed Book E-2, Pages 62 to 66, Hamilton County Recorder's Office and also being all of Tract B (a fee simple estate), all of Tract C (a fee simple estate) and all of Tract E (a fee simple estate) and also being part of Tract A (a fee simple estate) and part of Tract D (a fee simple estate) of Registered Land Certificate No. 78982 (City of Cincinnati) which is recorded in Hamilton County, Ohio Registered Land Records, and also being all of Traction Place (a 10 foot alley), and also being part of Mercantile Place (an 18 foot street), and being more particularly described as follows:

Beginning at the intersection of the south line of Fifth Street (a 130 foot street) and the west line of Traction Place (a 10 foot alley); thence North 81°08'30" East along the south line of Fifth Street 112.70 feet to the west line of Tract B-2, Parcel 2 (Federal Reserve Bank); thence South 9°23'30" East along the west line of Tract B-2, Parcel 2, and the west line of Tract B-2, Parcel 1 (Federal Reserve Bank) 334.83 feet to a point in the north line of Fourth Street (said point being 225.00 feet westwardly from the northwest corner of Fourth Street and Main Street (a 66 foot street)); thence South 81°04'50" West along the north line of Fourth Street 172.52 feet to the east line of Walnut Street (a 66 foot street); thence North 9°06'00" West along the east line of Walnut Street 51.33 feet to the south line of the property presently owned by the Cincinnati College, an Ohio corporation, thence North 81°04'50" East along said south line and 51.33 feet north of and parallel to the north line of Fourth Street 100.95 feet to the west line of Tract C of Registered Land Certificate No. 78982; thence North 9°08'10" West along said west line 11.73 feet to the south line of Tract E of Registered Land Certificate No. 78982; thence South 81°04'50" West along said south line 0.73 feet to the west line of said Tract E; thence North 9°08'10" West along said west line 76.46 feet to the north line of said Tract E; thence North 81°08'20" East along said north line 10.00 feet to a point in the west line of Tract C of Registered Land Certificate No. 78982; thence North 9°08'10" West along said west line and the west line extended northwardly 75.17 feet to a point 15 feet north of the south line of Mercantile Place (an 18 foot street); thence South 81°08'30" West along a line 15 feet north of and parallel to the south line of Mercantile Place 51.99 feet to the west line of Traction Place; thence North 9°06'00" West along the west

line of Traction Place 120.20 feet to the south line of Fifth Street and the Place of Beginning and containing 33,378 square feet, more or less.

PARCEL THREE:

Auditor's Parcel No.: 083-0001-0257

Beginning at the intersection of the east line of Walnut Street (a 66 foot street) and the south line of Mercantile Place (a 15 foot alley), thence North 81°08'30" East, along the south line of said Mercantile UCFDisney Springs Place, a distance of 110.14 feet to the westerly line of that part of Mercantile Place vacated by Ordinance 345-1968, City of Cincinnati; thence North 9°08'10" West along the westerly line of said vacated Mercantile Place, a distance of 15 feet; thence South 81°08'30" West, along the northerly line of said Mercantile place, as narrowed, and the North line of Mercantile Place a distance of 110.13 feet to the east line of said Walnut Street; thence South 9°06' East, along the east line of said Walnut Street, a distance of 15 feet to the place of beginning.

EXHIBIT A-2
to Funding Agreement

Legal Description – US Bank Tower

Situate in the City of Cincinnati, County of Hamilton, State of Ohio and being all that part of the below-described tract located above 544 17 feet above sea level as ascertained by the City of Cincinnati datum plane.

Situate in Section 18, Town 4, Fractional Range 1, Cincinnati Township, Hamilton County, Ohio and being part of In Lots 164, 165, 166 and 167 as recorded in Deed Book "E-2", Pages 62-66, Hamilton County Recorder's Office and more particularly described as follows.

Beginning at the point of intersection of the south line of Fifth Street and the west line of Walnut Street, thence South 81° 10' 30" West, along the south line of Fifth Street, 129.25 feet to a point; thence South 8° 49' 30" East, 225 00 feet to a point in the north line of R. A. Skilken's property as recorded in Certificate 68857 Registered Land Records of Hamilton County; thence North 81° 05' 45" East, along the north line of said registered land, 61.33 feet to a point; thence South 8° 54' 15" East, 2.58 feet to a point; thence North 81° 05' 45" East, along the north line of said registered land, 69 00 feet to a point in the west line of Walnut Street; thence North 9° 06' West, along the west line of Walnut Street, 227.40 feet to the Point of Beginning, containing 29,367 square feet.

The description of this parcel is based on a survey made by the City of Cincinnati under the direction of Marvin W. Duermit.

Being part of the premises heretofore conveyed by deed recorded in Deed Book 3282, Page 132, Hamilton County Records.

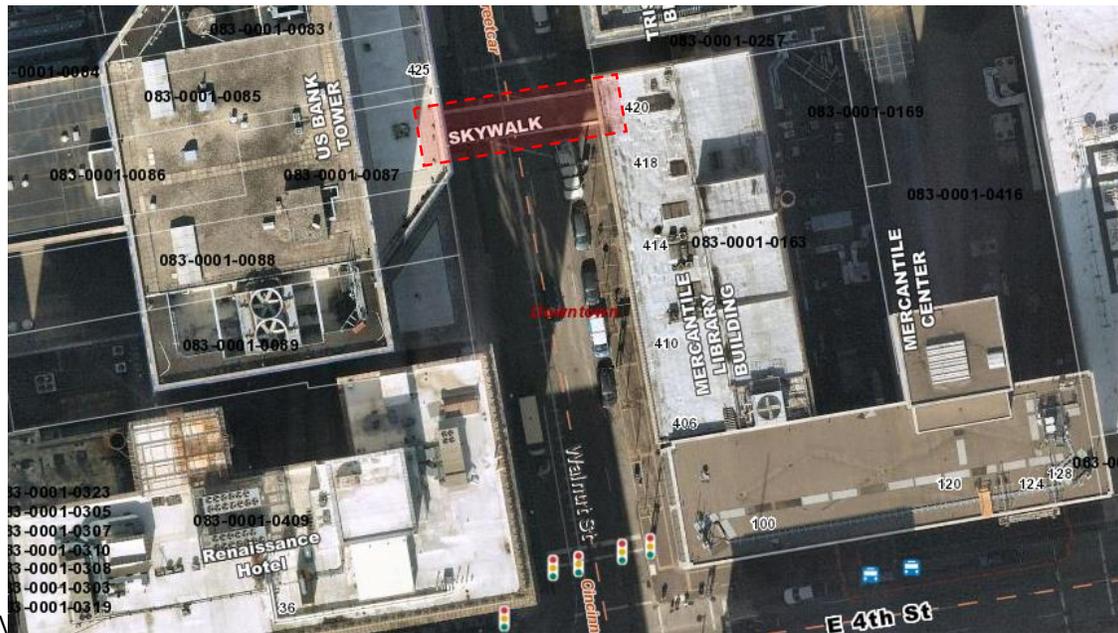
EXHIBIT A-3
to Funding Agreement

Legal Description and Depiction - Walnut Skywalk

Legal Description:

Located in the City of Cincinnati, Hamilton County, Ohio, beginning at a point located S 8°29'30" E for 125.92' from the Southwest intersection of the right-of-ways of Fifth Street and Walnut Street, thence continuing S 8°29'30" E for 14.50' and there end. Said easement is located between elevations 562.86 and 578.86 Sea Level Datum, City of Cincinnati Benchmarks, and extends Westwardly 0.50' into the First National Bank Center Building. Containing 116 cubic feet, more or less.

Depiction: The Skywalk is depicted below in the red square, located on Walnut Street south of Fifth Street, north of Fourth Street, connecting the US Bank Tower (formerly the First National Bank Center Building) to the West and the Mercantile Building to the East:



Street view of the Skywalk from Walnut Street, facing North:



EXHIBIT B
to Funding Agreement

Statement of Work, Budget, and Sources of Funds

I. STATEMENT OF WORK

Developer shall undertake all of the following as part of the Project:

(A) Public Infrastructure Improvements. The following descriptions are preliminary descriptions for informational purposes; such designs describing the Public Infrastructure Improvements set forth in the Final Plans shall control.

- 1) Skywalk Demolition.** Remove existing skywalk bridge between the 2nd floors of the US Bank Tower (425 Walnut St.) and the Mercantile Building (414 Walnut St.) in its entirety, without damage to the existing to remain elements of each building. Remove existing skywalk supporting structure at east side of skywalk (the US Bank Tower) down to just beneath the existing structural sidewalk slab. Remove interior skywalk ramp structure and non-historic means of egress related to skywalk structure and easement. Take care to preserve and protect the existing buildings' facades and structure, including the existing historic elements and details on the façade of the Mercantile Building, as dictated by the State Historic Preservation Office (SHPO) given the active Historic Tax Credit renovation currently underway. Take care to protect and not damage existing streetcar and utility infrastructure in the right-of-way, beneath the skywalk.
- 2) Limited Building Restoration – Mercantile Building, 414 Walnut St.** At the location of the removed skywalk, restore and re-build the building façade, exterior wall construction, windows to match the existing adjacent building façade, including historic elements, features, and detailing. At the interior of the restored façade and along the former skywalk easement/egress path, provide new interior finishes matching the existing adjacent interior finishes restoring the former easement area to occupiable condition. At the locations of the removed skywalk support pilaster columns, patch the existing concrete structural slab assembly to match the existing adjacent sidewalk.
- 3) Limited Building Restoration – US Bank Tower, 425 Walnut St.** At the location of the removed skywalk, restore and re-build the building façade, exterior wall construction, and windows to match the existing adjacent building façade. The existing exterior wall assembly and connection to the existing building structure, and existing steel fire-proofing condition is unknown and must be field-verified after removal of the skywalk. At the interior of the restored façade, provide new interior finishes matching the existing adjacent interior finishes, restoring the former easement area to occupiable condition

(B) Private Improvements. The following description is a preliminary description for informational purposes; such designs describing the Private Improvements set forth in the Final Plans shall control. The Private Improvements will include the following:

- 1) Interior Restoration – Mercantile Building, 414 Walnut St.** Along the former skywalk easement/egress path, construct a replacement egress stair, as required by SHPO given the active Historic Tax Credit renovation currently underway at 414 Walnut St., to replace the egress within the Mercantile Building.
- 2) Interior Restoration – US Bank Tower, 425 Walnut St.** Any and all construction work agreed to between Developer and the US Bank Tower Owner pursuant to the US Bank Tower Agreements that are separate from the Public Infrastructure Improvements included in I(A)(3) above, if any.

Developer will complete all construction in accordance with the Final Plans approved by the City.

II. DEMOLITION SCHEDULE FOR SKYWALK

Walnut Street Skywalk Demolition Schedule

Task	Start	Duration	Finish
Schedule starting date	2/15/2024		
Easement Vacation			
US Bank Approval	3/28/2024		[5/30/2024]
City Approval	4/30/2024		[5/22/2024]
Vacation Finalization	4/30/2024		[7/1/2024]
City Funding Request			
DCED Review	2/15/2024	83	5/8/2024
City Council Introduction			[5/15/2024]
City Council Approval			[5/22/2024]
Demolition Plans (including US Bank)	2/15/2024		[5/31/2024]
Demolition Permit			
DCED/DOTE Permit process meeting	2/15/2024	10	2/25/2024
City Permit	3/27/2024	60	5/26/2024
SORTA / Streetcar / DOTE Permits	3/27/2024	60	5/26/2024
Demolition / Construction			
Final Bid Confirmations	3/27/2024		[5/26/2024]
Street Closure / Intermittent	5/26/2024	10	6/5/2024
Mercantile Interior Demolition	5/26/2024	10	6/5/2024
Removal of Skywalk	5/26/2024	10	6/5/2024
Façade Restorations	6/5/2024	60	8/4/2024
Interior Restorations	6/5/2024	60	8/4/2024
Sidewalk Repairs	8/4/2024	15	8/19/2024

III. **BUDGET**

	Cost
SKYWALK DEMOLITION	
Design Allowance for repair work	\$50,000
Building Permits Allowance	\$25,000
Streetcar/SORTA Permitting and Special requirements allowance	\$50,000
Builders Risk Insurance Allowance	\$10,000
MEP Make Safes	\$24,000
O'Rourke – Skywalk Removal bid – Exterior Only	\$315,000
Road and Sidewalk closures – Mass demo	included
Rumpke Demo – Mercantile interior demo of Skywalk Ramp Structure	\$105,600
Demo Allowance for US Bank interior work	\$18,000
Temp Partitions	\$12,000
Sidewalk Patching	\$6,000
Sidewalk Improvements	\$60,000
West Storefronts Improvements	\$96,000
Outdoor Retail Improvements	\$60,000
Exterior Building Lighting	\$90,000
Pedestrian Safety Measures	\$30,000
Building Signage	\$60,000
SUBTOTAL DEMOLITION COSTS	\$1,011,600
MERCANTILE SHELL RESTORATION & BUILDING CLOSE UP COSTS	
Skywalk Closure Permits for restoration	\$15,000
Structural Support system removal allowance	\$60,000
Historic Window Restoration – 6x	\$28,800
2 nd Floor Fenestration Restoration	\$21,420
1 st Floor Column Restoration	\$3,600
Masonry restoration	\$54,000
Interior Restoration – Drywall and Metal Stud Framing	\$9,720
Interior Restoration – Insulation	\$1,620
Interior Restoration – Painting	\$5,400
Interior Restoration – Floor Restoration	\$21,600

Interior Restoration – Electrical	\$4,200
SUBTOTAL MERCANTILE SHELL RESTORATION & BUILDING CLOSE UP COSTS	\$225,360
US BANK TOWER SHELL RESTORATION & BUILDING CLOSE UP COSTS	
Skywalk Closure Permits for restoration	\$15,000
Structural Support system removal allowance	\$60,000
Final Steel Connection removal Touch-up	\$9,000
Granite Cladding Restoration	\$24,000
2 nd Floor Fenestration Restoration	\$21,420
Interior Restoration – Drywall and Metal Stud Framing	\$9,000
Interior Restoration – Insulation	\$900
Interior Restoration – Painting/Wall Covering	\$6,000
Interior Restoration – Flooring	\$3,000
Interior Restoration – Electrical	\$3,000
SUBTOTAL US BANK TOWER SHELL RESTORATION & BUILDING CLOSE UP COSTS	\$151,320
Project Contingency – 15%	\$186,867
General Requirements – 6%	\$85,959
Overhead – 2%	\$30,272
Profit – 4%	\$61,959
TOTAL PROJECT COSTS	\$1,753,337

IV. SOURCES OF FUNDS

TOTAL SOURCES OF FUNDS (LEVERAGE)

City Funding Source	\$1,753,337
TOTAL	\$1,753,337

The City may, at its sole discretion, elect to revise the Budget through a letter signed by both the City and Developer. However, in no event will the City contribute any additional funds to the Budget. In the event of cost overruns, it shall be Developer's responsibility to complete the Project.

EXHIBIT C
to Funding Agreement

Disbursement of Funds

(A) Conditions to be Satisfied Prior to Disbursement of Funds. The City shall be under no obligation to disburse the Funds unless and until the following conditions are satisfied and continue to be satisfied:

- (i) Developer shall have delivered to the City all Due Diligence Materials for the Project;
- (ii) Developer shall have delivered to the City fully executed copies of the US Bank Tower Agreements;
- (iii) The City shall have approved the Final Plans for the Project;
- (iv) The City shall have approved the construction schedule for the Project;
- (v) Developer shall have provided evidence satisfactory to the City that Developer has obtained all financing (in addition to the Funds) required for completion of the Project;
- (vi) Developer shall have provided the City with evidence of the insurance required under this Agreement;
- (vii) Developer shall have deposited with the City the surety bond(s) required under this Agreement, if any;
- (viii) Developer shall have provided the City with evidence that it has obtained all licenses, permits, governmental approvals and the like necessary for the completion of the Project;
- (ix) Construction shall have commenced and be proceeding in accordance with the City-approved Budget, construction schedule, and Final Plans; and
- (x) Developer shall not then be in default under this Agreement.
- (xi) Developer shall be prepared and capable of otherwise undertaking and completing all necessary actions to commence the Project promptly following the Effective Date and thereafter to pursue completion of this Project in a timely manner and otherwise in accordance with the terms of the Agreement.

(B) Disbursement of Funds. Provided all of the requirements for disbursement of the Funds shall have been satisfied, the City shall disburse the Funds to Developer. The City shall disburse the Funds on a reimbursement basis. Developer shall not be entitled to a disbursement of Funds to pay for costs incurred prior to the Effective Date. Developer shall request the Funds and shall use the Funds solely for the purposes permitted under the Agreement. Nothing in this Agreement shall permit, or shall be construed to permit, the expenditure of Funds for the acquisition of supplies or inventory, or for the purpose of purchasing materials not used in the construction, or for establishing a working capital fund, for the costs of the Private Improvements, or for any other purpose expressly disapproved in writing by the City. Developer shall not request a disbursement of Funds for any expenditure that is not itemized on or contemplated by the approved budget or if the costs for which the disbursement is being requested exceeds the applicable line item in the budget; however, Developer may request, in writing, that funds be transferred between line items, with the City's approval thereof not to be unreasonably withheld. Disbursements from the project account shall be limited to an amount equal to the actual cost of the work, materials, and labor

incorporated in the work up to the amount of such items as set forth in Developer's request for payment. Anything contained in this Agreement to the contrary notwithstanding, the City shall not be obligated to make or authorize any disbursements from the project account if the City determines, in its reasonable discretion, that the amounts remaining from all funding sources with respect to the Project are not sufficient to pay for all the costs to complete construction. Developer acknowledges that the obligation of the City to disburse the Funds to Developer for construction shall be limited to the Funds to be made available by the City under this Agreement. Developer shall provide all additional funds from other resources to complete the Project. Notwithstanding anything in this Agreement to the contrary, the City's obligation to make the Funds available to Developer, to the extent such Funds have not been disbursed, shall terminate 30 days following completion of construction of the Project.

Notwithstanding anything in this Agreement to the contrary, no Funds shall be used for any costs that were incurred prior to the Effective Date of this Agreement. The Funds shall be requested and used by Developer solely to pay for costs of the Public Infrastructure Improvements, as described in this Agreement and as reflected on the Final Plans and Budget and for no other purpose.

Developer shall not use any portion of the Funds to pay for any costs associated with any privately-owned improvements. Nothing in this Agreement shall permit, or shall be construed to permit, the expenditure of Funds for the acquisition of supplies or inventory, or for the purpose of purchasing materials not used in the construction of the Public Infrastructure Improvements, for establishing a working capital fund, or for any other purpose expressly disapproved by the City. Developer shall not request a disbursement of Funds for any expenditure that is not itemized on or contemplated by the Budget, Final Plans, or Final Bids or otherwise permitted under this Agreement.

(C) Construction Draw Procedure

(i) Frequency. Developer may make disbursement requests no more frequently than once in any thirty (30) day period.

(ii) Documentation. Each disbursement request for construction costs shown on the approved budget, Developer shall submit a draw request form provided by the City with the following attachments: (i) an AIA G-702-703 Form (AIA) or such other similar form acceptable to the City; (ii) sworn affidavits and/or unconditional lien waivers (together with invoices, contracts, or other supporting data) from the General Contractor, all subcontractors and materialmen covering all work, labor and materials for the work through the date of the disbursement and establishing that all such work, labor and materials have been paid for in full; (iii) waivers or disclaimers from suppliers of fixtures or equipment who may claim a security interest therein, and (iv) such other documentation or information requested by the City that a prudent construction lender might request. All affidavits and lien waivers shall be signed, fully-executed originals and in such form approved and acceptable to the City.

(D) Retainage. After review and approval of a disbursement request, the City shall disburse 90% of the amount requested (with retainage of 10%). The retained amount shall be disbursed when (i) construction of the Project have been completed and evidence thereof, in form satisfactory to the City, has been delivered to the City; (ii) the City has obtained final lien waivers and all other conditions to payment set forth in this Agreement have been satisfied with respect to such payment; and (iii) Developer has complied with all of its other obligations, as it relates to the Project, under this Agreement as determined by the City in its sole discretion. For the avoidance of doubt, Developer may, following the completion of the Project, and upon the provision of the required documentation and the satisfaction of the other disbursement conditions in this Exhibit, request disbursement of the entire amount of Funds in one lump sum, in which case such amount would not be subject to retainage.

(E) Estoppel Certification. A request for the disbursement of Funds shall, unless otherwise indicated in writing at the time Developer makes such request, be deemed as a representation and certification by Developer that (i) all work done and materials supplied to date are in accordance with the approved plans and specifications and in strict compliance with all legal requirements as of the date of the

request, (ii) the construction is being completed in accordance with the approved budget and construction schedule, and (iii) Developer and the City have complied with all of their respective obligations under this Agreement. If Developer alleges that the City has been or is then in default under this Agreement at the time Developer makes such request, and if the City disputes such allegation, the City shall not be obligated to make or authorize such disbursement until the alleged default has been resolved.

EXHIBIT D
to Funding 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 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.

(i) Applicability. The applicability of Municipal Code Chapter 323 (Small Business Enterprise Program) is limited to construction contracts in excess of \$5,000. Municipal Code Chapter 323 defines "contract" as "a contract in excess of \$5,000.00, except types of contracts listed by the City purchasing agent as exempt and approved by the City Manager, for (a) construction, (b) supplies, (c) services, or (d) professional services." It defines "construction" as "any construction, reconstruction, improvement, enlargement, alteration, repair, painting, decorating, wrecking or demolition, of any public improvement the total overall project cost of which is fairly estimated by Federal or Ohio statutes to be more than \$4,000 and performed by other than full-time employees who have completed their probationary periods in the classified service of a public authority." To the extent Municipal Code Chapter 323 does not apply to this Agreement, Developer is not subject to the various reporting requirements described in this Section (F).

(ii) Requirement. The City has an aspirational goal that 30% of its total dollars spent for construction and 15% of its total dollars spent for supplies/services and professional services be spent with Small Business Enterprises ("SBE"s), which include SBEs owned by minorities and women. Accordingly, subject to clause (i) above, Developer and its general contractor shall use its best efforts and take affirmative steps to assure that SBEs are utilized as sources of supplies, equipment, construction, and services, with the goal of meeting 30% SBE participation for construction contracts and 15% participation for supplies/services and professional services contracts. An SBE means a consultant, supplier, contractor or subcontractor who is certified as an SBE by the City in accordance with Cincinnati Municipal Code ("CMC") Chapter 323. (A list of SBEs may be obtained from the Department of Economic Inclusion or from the City's web page, <http://cincinnati.diversitycompliance.com>.) Developer and its general contractor may refer interested firms to the Department of Economic Inclusion for review and possible certification as an SBE, and applications may also be obtained from such web page. If the SBE program is applicable to this Agreement, as described in clause (i) above, Developer agrees to take (or cause its general contractor to take) at least the following affirmative steps:

(1) Including qualified SBEs on solicitation lists.

(2) Assuring that SBEs are solicited whenever they are potential sources. Contractor must advertise, on at least two separate occasions, both in local minority publications and in other local newspapers of general circulation, invitations to SBEs to provide services, to supply materials or to bid on construction contracts for the Project. Contractor is encouraged to use the internet and similar types of advertising to reach a broader audience, but these additional types of advertising cannot be used as substitutes for the above.

(3) When economically feasible, dividing total requirements into small tasks or quantities so as to permit maximum SBE participation.

(4) When needs permit, establishing delivery schedules that will encourage participation by SBEs.

(iii) Subject to clause (i) above, if any subcontracts are to be let, Developer shall require the prime contractor to take the above affirmative steps.

(iv) Subject to clause (i) above, Developer shall provide to the City, prior to commencement of the Project, a report listing all of the contractors and subcontractors for the Project, including information as to the owners, dollar amount of the contract or subcontract, and other information that may be deemed necessary by the City Manager. Developer or its general contractor shall update the report monthly by the 15th. Developer or its general contractor shall enter all reports required in this subsection via the City's web page referred to in clause (i) above or any successor site or system the City uses for this purpose. Upon execution of this Agreement, Developer and its general contractor shall contact the Department of Economic Inclusion to obtain instructions, the proper internet link, login information, and password to access the site and set up the necessary reports.

(v) Subject to clause (i) above, Developer and its general contractor shall periodically document its best efforts and affirmative steps to meet the above SBE participation goals by notarized affidavits executed in a form acceptable to the City, submitted upon the written request of the City. The City shall have the right to review records and documentation relevant to the affidavits. If affidavits are found to contain false statements, the City may prosecute the affiant pursuant to Section 2921.12, Ohio Revised Code.

(vi) Subject to clause (i) above, failure of Developer or its general contractor to take the affirmative steps specified above, to provide fair and equal opportunity to SBEs, or to provide technical assistance to SBEs as may be necessary to reach the minimum percentage goals for SBE participation as set forth in Cincinnati Municipal Code Chapter 323, may be construed by the City as failure of Developer to use best efforts, and, in addition to other remedies under this Agreement, may be a cause for the City to file suit in Common Pleas Court to enforce specific performance of the terms of this section.

(G) Equal Employment Opportunity.

(i) Applicability. Chapter 325 of the Cincinnati Municipal Code (Equal Employment Opportunity) applies (a) where the City expends more than \$5,000 under a non-construction contract, or (b) where the City spends or receives over \$5,000 to (1) employ another party to construct public improvements, (2) purchase services, or (3) lease any real or personal property to or from another party. Chapter 325 of the Municipal Code does not apply where the contract is (a) for the purchase of real or personal property to or from another party, (b) for the provision by the City of services to another party, (c) between the City and another governmental agency, or (d) for commodities such as utilities.

(ii) Requirement. If this Agreement is subject to the provisions of Chapter 325 of the Cincinnati Municipal Code (the City of Cincinnati's Equal Employment Opportunity Program), the provisions thereof are hereby incorporated by reference into this Agreement.

(H) Prevailing Wage. Developer shall comply, and shall cause all contractors working on the Project to comply, with all any prevailing wage requirements that may be applicable to the Project. In the event that the City is directed by the State of Ohio to make payments to construction workers based on violations of such requirements, Developer shall make such payments or reimburse the City for such payments within twenty (20) days of demand therefor. A copy of the City's prevailing wage determination may be attached to this Exhibit as Addendum I to Additional Requirements Exhibit (City's Prevailing Wage Determination) hereto.

(I) Compliance with the Immigration and Nationality Act. In the performance of its construction obligations under this Agreement, Developer shall comply with the following provisions of the federal Immigration and Nationality Act: 8 U.S.C.A. 1324a(a)(1)(A) and 8 U.S.C.A. 1324a(a)(2). Compliance or noncompliance with those provisions shall be solely determined by final determinations resulting from the actions by the federal agencies authorized to enforce the Immigration and Nationality Act, or by determinations of the U.S.

(J) Prompt Payment. The provisions of Chapter 319 of the Cincinnati Municipal Code, which provides for a "Prompt Payment System", may apply to this Agreement. Municipal Code Chapter 319 also (i) provides certain requirements for invoices from contractors with respect to the Prompt Payment System, and (ii) obligates contractors to pay subcontractors for satisfactory work in a timely fashion as provided therein.

(K) Conflict of Interest. Pursuant to Ohio Revised Code 102.03, no officer, employee, or agent of the City who exercises any functions or responsibilities in connection with the planning or carrying out of the Project may have any personal financial interest, direct or indirect, in Developer or in the Project, and Developer shall take appropriate steps to assure compliance.

(L) Ohio Means Jobs. If this Agreement constitutes a construction contract (pursuant to the guidance with respect to the definition of that term provided in Section (A) above), then, pursuant to Ordinance No. 238-2010: To the extent allowable by law, Developer and its general contractor shall use its best efforts to post available employment opportunities with Developer, the general contractor's organization, or the organization of any subcontractor working with Developer or its general contractor with the OhioMeansJobs Center, 1916 Central Parkway, Cincinnati, Ohio 45214-2305, through its Employer Services Unit Manager at 513-946-7200.

(M) Wage Enforcement.

(i) Applicability. Council passed Ordinance No. 22-2016 on February 3, 2016, which ordained Chapter 326 (Wage Enforcement) of the Cincinnati Municipal Code (the "**Wage Enforcement Chapter**"). The Wage Enforcement Chapter was then amended by Ordinance No. 96-2017, passed May 17, 2017. As amended, the Wage Enforcement Chapter imposes certain requirements upon persons entering into agreements with the City whereby the City provides an incentive or benefit that is projected to exceed \$25,000, as described more particularly in the Wage Enforcement Chapter. Cincinnati Municipal Code Section 326-5 requires that the language below be included in contracts subject to the Wage Enforcement Chapter.

(ii) Required Contractual Language. Capitalized terms used, but not defined, in this clause (ii) have the meanings ascribed thereto in the Wage Enforcement Chapter.

(a) This contract is or may be subject to the Wage Enforcement provisions of the Cincinnati Municipal Code. These provisions require that any Person who has an Agreement with the city or with a Contractor or Subcontractor of that Person shall report all Complaints or Adverse Determinations of Wage Theft and Payroll Fraud (as each of those terms is defined in Chapter 326 of the Cincinnati Municipal Code) against the Contractor or Subcontractors to the Department of Economic Inclusion within 30 days of notification of the Complaint or Adverse Determination.

(b) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to include provisions in solicitations and contracts regarding a Development Site that all employers, Contractors or Subcontractors performing or proposing to perform work on a Development Site provide an initial sworn and notarized "Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee and, within 30 days of an Adverse Determination or Complaint of Wage Theft or Payroll Fraud, shall provide an "Amended Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee.

(c) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to authorize, and does hereby specifically authorize, any local, state or federal agency, court, administrative body or other entity investigating a complaint of Wage Theft or Payroll Fraud against the Person (collectively "investigative bodies") to release to the City's Department of Economic Inclusion any and all evidence, findings, complaints and determinations associated with the allegations of Wage Theft or Payroll Fraud upon the City's request and further authorizes such investigative bodies to keep the City advised regarding the status of the investigation and ultimate determination. If the investigative bodies require the Person to provide additional authorization on a prescribed form or in another manner, the Person shall be required to provide such additional authorization within 14 days of a request by the City.

(d) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall include in its contracts with all Contractors language that requires the Contractors to provide the authorizations set forth in subsection (c) above and that further requires each Contractor to include in its contracts with Subcontractors those same obligations for each Subcontractor and each lower tier subcontractor.

(e) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall post a conspicuous notice on the Development Site throughout the entire period work is being performed pursuant to the Agreement indicating that the work being performed is subject to Cincinnati Municipal Code Chapter 326, Wage Enforcement, as administered by the City of Cincinnati Department of Economic Inclusion. Such notice shall include contact information for the Department of Economic Inclusion as provided by the department.

(f) Under the Wage Enforcement provisions, the city shall have the authority, under appropriate circumstances, to terminate this contract or to reduce the incentives or subsidies to be provided under this contract and to seek other remedies, including debarment.

(N) Americans with Disabilities Act; Accessibility.

(i) Applicability. Cincinnati City Council adopted Motion No. 201600188 on February 3, 2016 (the “**Accessibility Motion**”). This motion directs City administration, including DCED, to include language specifically requiring compliance with the Americans With Disabilities Act, together with any and all regulations or other binding directives promulgated pursuant thereto (collectively, the “**ADA**”), and imposing certain minimum accessibility standards on City-subsidized projects regardless of whether there are arguably exceptions or reductions in accessibility standards available under the ADA or State law.

(ii) Requirement. In furtherance of the policy objectives set forth in the Accessibility Motion, (A) the Project shall comply with the ADA, and (B) if (i) any building(s) within the Project is subject to the accessibility requirements of the ADA (e.g., by constituting a “place of public accommodation” or another category of structure to which the ADA is applicable) and (ii) such building(s) is not already required to meet the Contractual Minimum Accessibility Requirements (as defined below) pursuant to the ADA, applicable building code requirements, or by any other legal requirement, then Developer shall cause such building(s) to comply with the Contractual Minimum Accessibility Requirements in addition to any requirements pursuant to the ADA and the applicable building code or legal requirement. As used herein, “**Contractual Minimum Accessibility Requirements**” means that a building shall, at a minimum, include (1) at least one point of entry (as used in the ADA), accessible from a public right of way, with respect to which all architectural barriers (as used in the ADA) to entry have been eliminated, and (2) if such accessible point of entry is not a building’s primary point of entry, conspicuous signage directing persons to such accessible point of entry.

(O) Electric Vehicle Charging Stations in Garages.

(i) Applicability. Cincinnati City Council passed Ordinance No. 89-2017 on May 10, 2017. This ordinance requires all agreements in which the City provides any amount of “qualifying incentives” for projects involving the construction of a parking garage to include a provision requiring the inclusion of certain features in the garage relating to electric vehicles. The ordinance defines “qualifying incentives” as the provision of incentives or support for the construction of a parking garage in the form of (a) the provision of any City monies or monies controlled by the City including, without limitation, the provision of funds in the form of loans or grants; (b) the provision of service payments in lieu of taxes in connection with tax increment financing, including rebates of service payments in lieu of taxes; and (c) the provision of the proceeds of bonds issued by the City or with respect to which the City has provided any source of collateral security or repayment, including, but not limited to, the pledge of assessment revenues or service payments in lieu of taxes. For the avoidance of doubt, “qualifying incentives” does not include (1) tax abatements such as Community Reinvestment Area abatements pursuant to Ohio Revised Code 3735.67, et seq., or Job Creation Tax Credits pursuant to Ohio Revised Code 718.15; (2) the conveyance

of City-owned real property for less than fair market value; and (3) any other type of City support in which the City provides non-monetary assistance to a project, regardless of value.

(ii) Requirement. If the applicability criteria of Ordinance No. 89-2017 are met, then the following requirements shall apply to any parking garage included within the Project: (a) at least one percent of parking spaces, rounding up to the nearest integer, shall be fitted with Level 2 minimum 7.2 kilowatt per hour electric car charging stations; provided that if one percent of parking spaces is less than two parking spaces, the minimum number of parking spaces subject to this clause shall be two parking spaces; and (b) the parking garage's electrical raceway to the electrical supply panel serving the garage shall be capable of providing a minimum of 7.2 kilowatts of electrical capacity to at least five percent of the parking spaces of the garage, rounding up to the nearest integer, and the electrical room supplying the garage must have the physical space for an electrical supply panel sufficient to provide 7.2 kilowatts of electrical capacity to at least five percent of the parking spaces of the garage, rounding up to the nearest integer.

(P) Certification as to Non-Debarment. Developer represents that neither it nor any of its principals is presently suspended or debarred by any federal, state, or local government agency. In completing the Project, Developer shall not solicit bids from any contractors or subcontractors who are identified as being suspended or debarred by any federal, state, or local government agency. If Developer or any of its principals becomes suspended or debarred by any federal, state, or local government agency during the term of this Agreement, Developer shall be considered in default under this Agreement.

Addendum I
to
Additional Requirements Exhibit

City's Prevailing Wage Determination

TO BE ATTACHED TO EXECUTION VERSION

May 15, 2024

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager 202401357

Subject: **Emergency Ordinance – Health: Moral Obligation Payment to Zayo Group Holdings, Inc.**

Attached is an Emergency Ordinance captioned:

AUTHORIZING a payment of \$37,336.16 from Community Health Center Activities Fund non-personnel operating budget account no. 395x265x1110x7288 as a moral obligation to Zayo Group Holdings, Inc., dba Zayo Group, LLC, for wide-area network connectivity services provided to the Cincinnati Health Department.

Approval of this Emergency Ordinance authorizes the payment of \$37,336.16 from Cincinnati Health Department Community Health Center Activities Fund non-personnel operating budget account no. 395x265x1110x7288 to Zayo Group Holdings, Inc., dba Zayo Group, LLC, for wide-area network (WAN) connectivity services provided to the Cincinnati Health Department.

On August 7, 2020, the Cincinnati Health Department (CHD) issued a purchase order for the provision of wide-area network connectivity services from Zayo Group Holdings, Inc. The services were meant to continue on an annual basis, but due to personnel changes in CHD, the purchase orders were not renewed internally, and funds for the services were not certified. Between September 1, 2021, and January 1, 2024, CHD continued to receive services but did not pay the invoices submitted by Zayo Group Holdings, Inc., which collectively amounted to \$37,336.16 for the time period.

CHD has now implemented a process to ensure that invoices are received and paid consistently, regardless of personnel changes in the department, and each fiscal year, CHD will renew its purchase order with Zayo Group Holdings, Inc. to ensure additional funds are certified.

The reason for the emergency is the immediate need to make payment to Zayo Group Holdings, Inc. 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

IMD

- 2024

AUTHORIZING a payment of \$37,336.16 from Community Health Center Activities Fund non-personnel operating budget account no. 395x265x1110x7288 as a moral obligation to Zayo Group Holdings, Inc., dba Zayo Group, LLC, for wide-area network connectivity services provided to the Cincinnati Health Department.

WHEREAS, on August 7, 2020, the Cincinnati Health Department (“CHD”) issued a purchase order for the provision of wide-area network connectivity services from Zayo Group Holdings, Inc. (“Zayo”); and

WHEREAS, the services were meant to continue on an annual basis, but due to personnel changes in CHD, the purchase orders were not renewed internally, and funds for the services did not continue to be certified; and

WHEREAS, between September 1, 2021, and January 1, 2024, CHD continued to receive services from Zayo but did not pay the invoices submitted by Zayo, which collectively amounted to \$37,336.16 for this time period; and

WHEREAS, CHD has now implemented a process to ensure that invoices are received and paid consistently, regardless of personnel changes in the department, and each fiscal year CHD will renew its purchase order with Zayo to ensure additional funds are certified; and

WHEREAS, sufficient funds are available in Community Health Center Activities Fund non-personnel operating budget account no. 395x265x1110x7288 to make the \$37,336.16 moral obligation payment to Zayo; and

WHEREAS, Council desires to provide a moral obligation payment to Zayo of \$37,336.16; now, therefore,

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

Section 1. That the Director of Finance is authorized to make a payment of \$37,336.16 from Community Health Center Activities Fund non-personnel operating budget account no. 395x265x1110x7288 as a moral obligation to Zayo Group Holding, Inc., dba Zayo Group, LLC, for wide-area network connectivity services provided 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 make payment to Zayo Group Holdings, Inc. in a timely manner for services provided to the Cincinnati Health Department.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

Date: May 15, 2024

To: Mayor and Members of City Council

202401358

From: Sheryl M.M. Long, City Manager

Subject: **Ordinance – Repealing Chapter 745 in its Entirety**

Transmitted herewith is an ordinance captioned as follows:

MODIFYING the Cincinnati Municipal Code by **REPEALING** Chapter 745, “Abortion,” of the Cincinnati Municipal Code in its entirety to ensure conformity with Ohio Constitution Article I, Section 22, “The Right to Reproductive Freedom with Protections for Health and Safety.”

cc: Emily Smart Woerner, City Solicitor

EESW/CNS(dmm)

Attachment

398736

MODIFYING the Cincinnati Municipal Code by **REPEALING** Chapter 745, “Abortion,” of the Cincinnati Municipal Code in its entirety to ensure conformity with Ohio Constitution Article I, Section 22, “The Right to Reproductive Freedom with Protections for Health and Safety.”

WHEREAS, on November 7, 2023, Ohioans voted on Ohio “Issue 1,” the Right to Make Reproductive Decisions Including Abortion Initiative; and

WHEREAS, following passage of Issue 1, Ohio enshrined reproductive rights in the Ohio Constitution at Article I, Section 22, “The Right to Reproductive Freedom with Protections for Health and Safety”; and

WHEREAS, the rights bestowed upon Ohioans in the Ohio Constitution at Article I, Section 22 include the right to make and carry out one’s own reproductive decisions, including but not limited to decisions on abortion; and

WHEREAS, Cincinnati Municipal Code Chapter 745, “Abortion,” is no longer necessary, considering Ohio’s Constitutional Amendment granting the right to make and carry out one’s own reproductive decisions on abortion; now, therefore,

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

Section 1. That existing Chapter 745, “Abortion,” of the Cincinnati Municipal Code is repealed in its entirety.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk



May 15, 2024

To: Mayor and Members of City Council

202401359

From: Sheryl M. M. Long, City Manager

**Subject: Emergency Ordinance – Parks Department: Then and Now
Payment to General Factory Supply**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the payment of \$2,325.05 from the Parks Department, Parks Private Endowment and Donations Fund 430, non-personnel operating budget account no. 430x202x3000x7361, to General Factory Supply pursuant to the attached certificate from the Director of Finance, for outstanding charges related to cables, adapters, and graffiti removal used by the Parks Department in December 2023.

This Emergency Ordinance authorizes the payment of \$2,325.05 from the Parks Department, Parks Private Endowment and Donations Fund 430, non-personnel operating budget account no. 430x202x3000x7361, to General Factory Supply pursuant to the attached certificate from the Director of Finance, for outstanding charges related to cables, adapters, and graffiti removal materials used by the Parks Department in December 2023.

On December 13, 2023, General Factory Supply provided a quote for \$5,325.05 to the Parks Department for cables, adapters, and graffiti removal materials. A quote provided to the Parks Department of \$3,000 was used in error for the Cincinnati Financial System (CFS) submission, resulting in a shortage of \$2,325.05. Pursuant to Ohio Revised Code Section 5705.41(D)(1), the Director of Finance has issued a certificate, attached to this Emergency Ordinance, verifying that a sufficient sum was appropriated and in the City Treasury for the purpose of paying such charges under the contract both at the time the quote was issued and at the time the attached certificate was issued. This Emergency Ordinance will provide payment to General Factory Supply for its outstanding obligation of \$2,325.05 for cables, adapters, and graffiti removal materials used by the Parks Department.

The reason for the emergency is the immediate need to pay General Factory Supply for the outstanding charges in a timely manner.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

EMERGENCY

KKF

- 2024

AUTHORIZING the payment of \$2,325.05 from the Parks Department, Parks Private Endowment and Donations Fund 430, non-personnel operating budget account no. 430x202x3000x7361, to General Factory Supply pursuant to the attached certificate from the Director of Finance, for outstanding charges related to cables, adapters, and graffiti removal used by the Parks Department in December 2023.

WHEREAS, on December 13, 2023, General Factory Supply provided a quote for \$5,325.05 to the Parks Department for cables, adapters, and graffiti removal; and

WHEREAS, a quote provided to the Parks Department of \$3,000 was used in error for the Cincinnati Financial System submission, resulting in a shortage of \$2,325.05; and

WHEREAS, pursuant to Ohio Revised Code Section 5705.41(D)(1), the Director of Finance has issued a certificate, attached to this ordinance, verifying that a sufficient sum was appropriated and in the City Treasury for the purpose of paying such charges under the contract both at the time the quote was issued and at the time the attached certificate was issued; and

WHEREAS, Council desires to provide payment to General Factory Supply for its outstanding obligation of \$2,325.05 for cables, adapters, and graffiti removal used by the Parks Department; now, therefore,

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

Section 1. That the Director of Finance is authorized to make a payment of \$2,325.05 from the Parks Department, Parks Private Endowment and Donations Fund 430, non-personnel operating budget account no. 430x202x3000x7361, to General Factory Supply pursuant to the attached certificate from the Director of Finance, for outstanding charges related to cables, adapters, and graffiti removal used by the Parks Department in December 2023.

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 General Factory Supply for the outstanding charges in a timely manner.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

CITY OF CINCINNATI
DIRECTOR OF FINANCE
THEN AND NOW CERTIFICATE

I, Karen Alder, Director of Finance for the City of Cincinnati, state the following:

WHEREAS, on December 13, 2023, General Factory Supply (“GFS”) provided a quote (“Quote”) to the Cincinnati Parks Department in the amount of \$5,325.05 for cables, adapters, and graffiti removal; and

WHEREAS, a quote provided to the Parks Department in the amount of \$3,000 was used in error for the Cincinnati Financial System submission, resulting in a shortage of \$2,325.05; and

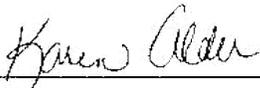
WHEREAS, GFS provided the Parks Department with all of the goods contained in the Quote; and

WHEREAS, GFS therefore has not been compensated for the original materials in the amount of \$2,325.05;

NOW, THEREFORE,

1. As of December 13, 2023, and as of the date this certificate was executed, I hereby verify that the City Treasury held a sufficient sum that was appropriated and available for the purpose of paying for goods and services rendered under the Quote from General Factory Supply. This verification is conditioned upon and subject to Council’s approval of an ordinance authorizing the drawing of a warrant in payment of amount due to General Factory Supply under the Quote.

Signed,



Karen Alder, Director of Finance
City of Cincinnati

Date: 5/3/24

May 15, 2024

To: Mayor and Members of City Council

202401360

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – Cincinnati Recreation Commission: Bond Hill Recreation Field In-Kind Donation

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to accept an in-kind donation of goods and professional services from Playground Equipment Services valued at up to \$150,000 for the installation of a turf infield at the Bond Hill Recreation Area.

Approval of this Ordinance would authorize the City Manager to accept an in-kind donation of goods and professional services valued at up to \$150,000 for the installation of a turf infield at the Bond Hill Recreation Area.

Playground Equipment Services, a local Cincinnati company, generously offered to donate a turf infield for the baseball field at the Bond Hill Recreation Area, including construction materials and labor associated with the installation. Playground Equipment Services will be responsible for ensuring the project is constructed in compliance with all applicable state and local rules, regulations, and building codes, and will provide necessary design drawings and obtain necessary permits.

This in-kind donation falls outside the parameters of Ordinance No. 0062-2024, which authorized ongoing in-kind donations valued in amounts up to \$5,000, and therefore requires discrete approval.

There are no new FTEs/full time equivalents or matching funds associated with the acceptance of this in-kind donation.

Acceptance of this donation is in accordance with the “Live” goal to “[b]uild a robust public life” and the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” as described on pages 149 and 209 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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



Attachment

AUTHORIZING the City Manager to accept an in-kind donation of goods and professional services from Playground Equipment Services valued at up to \$150,000 for the installation of a turf infield at the Bond Hill Recreation Area.

WHEREAS, Playground Equipment Services, a local Cincinnati company, generously offered to donate goods and professional services valued at up to \$150,000 to install a turf infield for the baseball field at Bond Hill Recreation Area, including construction materials and labor associated with the installation; and

WHEREAS, Playground Equipment Services will be responsible for ensuring the project is constructed in compliance with all applicable state and local rules, regulations, and building codes, and will provide necessary design drawings and obtain necessary permits; and

WHEREAS, the donated goods and services will be provided pursuant to a separate donation agreement being negotiated between the Cincinnati Recreation Commission and Playground Equipment Services; and

WHEREAS, this donation does not require matching funds, and there are no additional FTEs/full time equivalents associated with this donation; and

WHEREAS, acceptance of this donation is in accordance with the “Live” goal to “[b]uild a robust public life” and the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” as described on pages 149 and 209 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 goods and professional services from Playground Equipment Services valued at up to \$150,000 for the installation of a turf infield at the Bond Hill Recreation Area.

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

Section 3. That the City Manager is authorized to enter into any and all agreements necessary to accept and utilize the donated goods and services.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

May 15, 2024

To: Mayor and Members of City Council

202401361

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – Cincinnati Recreation Commission: Activities Beyond the Classroom In-Kind Donation

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to accept an in-kind donation of goods from Activities Beyond the Classroom valued at up to \$35,000 for equipment to create a public technology lab at Hartwell Recreation Center.

Approval of this Ordinance would authorize the City Manager to accept an in-kind donation from Activities Beyond the Classroom (ABC) of equipment valued at \$35,000 to create a public technology lab at Hartwell Recreation Center.

Activities Beyond the Classroom, a local Cincinnati company, generously offered to donate equipment to create a public technology lab at Hartwell Recreation Center. The new technology lab will allow members of the public to access state of the art equipment including Microsoft Surface Studio 2 computers, Apple iPad tablets, a color laser printer, and a 3D printer. This equipment is intended to help remove barriers to accessing technology.

This in-kind donation falls outside the parameters of Ordinance No. 0062-2024, which authorized ongoing in-kind donations valued in amounts up to \$5,000, and therefore requires discrete approval.

There are no new FTEs/full time equivalents or matching funds associated with the acceptance of this in-kind donation.

Acceptance of this donation is in accordance with the “Live” goal to “[b]uild a robust public life” and strategy to “[d]evelop and maintain inviting and engaging public spaces to encourage social interaction between different groups of people” as well as the “Collaborate” strategy to “[u]nite our [c]ommunities” as described on pages 149-151 and 210-211 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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



Attachment

AUTHORIZING the City Manager to accept an in-kind donation of goods from Activities Beyond the Classroom valued at up to \$35,000 for equipment to create a public technology lab at Hartwell Recreation Center.

WHEREAS, Activities Beyond the Classroom, a local Cincinnati company, generously offered to donate goods valued at up to \$35,000 for equipment to create a public technology lab at Hartwell Recreation Center; and

WHEREAS, the new technology lab will allow members of the public to access state of the art equipment including Microsoft Surface Studio 2 computers, Apple iPad tablets, a color laser printer, and a 3D printer; and

WHEREAS, this equipment is intended to help remove barriers to accessing technology; and

WHEREAS, authorization to accept this in-kind donation is necessary due to the value of the in-kind donation exceeding the \$5,000 maximum value for individual in-kind contributions authorized via Ordinance No. 62-2024; and

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

WHEREAS, creating a technology lab at Hartwell Recreation Center is in accordance with the “Live” goal to “[b]uild a robust public life” and strategy to “[d]evelop and maintain inviting and engaging public spaces to encourage social interaction between different groups of people” as well as the “Collaborate” strategy to “[u]nite our [c]ommunities” as described on pages 149-151 and 210-211 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 goods from Activities Beyond the Classroom valued at up to \$35,000 for equipment to create a public technology lab at Hartwell Recreation Center.

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

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

2024012008
Date: May 8, 2024

To: Councilmembers Reggie Harris and Mark Jeffreys
From: Emily Smart Woerner, City Solicitor *ESW*
Subject: **Ordinance – Skateboarding Ordinance**

Transmitted herewith is an ordinance captioned as follows:

MODIFYING the provisions of Chapter 723, “Streets and Sidewalks, Use Regulations,” of the Cincinnati Municipal Code by **ORDAINING** new Sections 723-1-S4, “Skating or Coasting Device,” and 723-34, “Skateboards and Other Coasting Devices, Regulation;” **MODIFYING** the provisions of Title 15, “Code and Compliance Hearings,” of the Cincinnati Municipal Code by **AMENDING** Section 1501-3, “Class A Civil Offenses;” and **MODIFYING** the provisions of Chapter 506, “Operation and Right of Way,” of the Cincinnati Municipal Code by **REPEALING** Section 506-3, “Skateboards, Regulation.”

ESW/IMD(dmm)
Attachment
386857

City of Cincinnati

IMD

EESW

An Ordinance No. _____

- 2024

MODIFYING the provisions of Chapter 723, “Streets and Sidewalks, Use Regulations,” of the Cincinnati Municipal Code by **ORDAINING** new Sections 723-1-S4, “Skating or Coasting Device,” and 723-34, “Skateboards and Other Coasting Devices, Regulation;” **MODIFYING** the provisions of Title 15, “Code and Compliance Hearings,” of the Cincinnati Municipal Code by **AMENDING** Section 1501-3, “Class A Civil Offenses;” and **MODIFYING** the provisions of Chapter 506, “Operation and Right of Way,” of the Cincinnati Municipal Code by **REPEALING** Section 506-3, “Skateboards, Regulation.”

WHEREAS, the Cincinnati Municipal Code (“CMC”) currently restricts the use of skateboards to sidewalks on which there are no abutting buildings, which effectively prohibits skateboarding throughout most of the City’s urban core; and

WHEREAS, the CMC does not provide clear parameters for the use of roller blades, in-line skates, and similar devices on sidewalks; and

WHEREAS, the treatment of skateboards and similar devices in the CMC has resulted in confusion regarding where people can use skateboards and similar devices; and

WHEREAS, on November 30, 2022, Council passed Ordinance No. 363-2022 to create a Complete Streets policy that promotes accessibility through policies and goals to increase multimodal accommodations, connectivity, comfort, and safety; and

WHEREAS, expanding the permitted use of skateboards and similar devices to additional sidewalks throughout the City aligns with the City’s Complete Streets policy by promoting alternative forms of transportation; and

WHEREAS, the City has shown its commitment to promoting skating and similar activities by allocating \$250,000 to the Cincinnati Recreation Commission to build a skatepark; and

WHEREAS, skateboarding and related activities are popular and safe forms of transportation, recreation, and sport that result in significantly lower rates of injury when compared to other popular sports, despite skateparks being the fourth most used type of recreation; and

WHEREAS, promoting the use of skateboards and similar devices can also reduce automobile dependence and contribute to the City’s environmental sustainability goals; and

WHEREAS, Council desires to modify Chapter 723, “Streets and Sidewalks, Use Regulations,” Title 15, “Code and Compliance Hearings,” and Chapter 506, “Operation and Right of Way,” of the Cincinnati Municipal Code to permit the safe use of skateboards and similar coasting devices on the City’s sidewalks; now, therefore,

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

Section 1. That new Sections 723-1-S4, "Skating or Coasting Device," and 723-34, "Skateboards and Other Coasting Devices, Regulation," of Chapter 723, "Streets and Sidewalks, Use Regulations," are ordained as follows:

Sec. 723-1-S4. Skating or Coasting Device.

"Skating or coasting device" includes skateboards, roller skates, roller blades, coasters, scooters, and similar rolling or wheeled devices that are moved by human power. "Skating or coasting device" does not include bicycles; e-scooters and other motorized low-speed micromobility devices; mobility devices regulated by the Americans with Disabilities Act of 1990 and its implementing regulations, including motorized wheelchairs as defined in Section 4511.01 of the Ohio Revised Code or its successor; or personal delivery devices as defined in Section 4511.513 of the Ohio Revised Code or its successor.

Sec. 723-34. Skateboards and Other Coasting Devices, Regulation.

- (a) No person shall ride or operate a skating or coasting device on or within any street, highway, or other area where such use is restricted by law, rule, or regulation, including:
 - (1) the area bounded by Second Street, Elm Street, Central Avenue and Mehring Way; and
 - (2) any additional area, as determined by the city manager or the city manager's designee, where such restriction would be in the interest of public health or safety, and which shall be indicated by official signage prohibiting such use.
- (b) A person riding or operating a skating or coasting device on a sidewalk where such use is permitted shall:
 - (1) give audible warnings of his or her approach to any pedestrian or other person lawfully using the sidewalk;
 - (2) yield the use of the sidewalk to such pedestrian or other person, or dismount if necessary to do so;
 - (3) operate the skating or coasting device at a reasonable and prudent speed while exercising reasonable and ordinary control, with due regard for the safety and rights of others, so as to not endanger the physical safety or property of any person lawfully using the sidewalks. A person shall not operate a skating or coasting device in a weaving or zigzagging course unless such irregular course is necessary for safe operation or is in compliance with the law.

Section 2. That existing Section 1501-3, "Class A Civil Offenses," is amended to read as follows:

A person who violates a standard of conduct set forth in a section or chapter of the Cincinnati Municipal Code listed below is liable for the civil fine specified in § 1501-99 for a Class A Civil Offense. If a person has previously been found to have violated the same provision of the Cincinnati Municipal Code within one year that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine specified in § 1501-99 for the first violation of a Class B Civil Offense.

a.	§ 511-1	Advertising on Vehicles.
b.	§ 511-33	Front Yard Parking.
c.	§ 514-11	Parking Restrictions.
d.	§ 604-17	Unapproved Bird, Fowl or Animal Feeding.
e.	§ 701-19	Order to Muzzle Dogs.
f.	§ 701-27	Loud Dog.
g.	§ 701-30	Dog Excrement Removal.
h.	§ 721-63	Gutter Crossings.
i.	§ 721-65	Obstructing Gutters.
j.	§ 721-93	Temporary Driveway Permits.
k.	§ 723-5	Encumbering Sidewalks.
l.	§ 723-9	Regulations for Wholesale Produce Areas.
m.	§ 723-11	Retail Sidewalk Display.
n.	§ 723-12	Free Standing Business or Identification Signs (Sandwich Boards) on Sidewalk.
o.	§ 723-13	Temporary Encumbrances.
p.	§ 723-17	U.S. Mail Boxes.
q.	§ 723-23	Ground and Debris on Street or Sidewalk.
r.	§ 723-29	Sprinkling Roadways in Congested District.
s.	§ 723-31	Sprinkling Before Sweeping.
t.	§ 723-37	Unloading Heavy Material on Streets or Sidewalks.
u.	§ 723-39	Inscribing Names or Advertising Matter on Sidewalks Unlawful.
v.	§ 723-57	Removal of Snow.
w.	§ 723-59	Ice on Sidewalks.
x.	§ 723-65	Displaying House Numbers.
y.	§ 723-69	Removing House Numbers.
z.	§ 729-7	Setting Out Containers.

aa.	§ 729-15	Containers to be Removed from Collection Points.
bb.	§ 729-37	Street Waste Receptacles.
cc.	§ 729-87(a)	Recyclable Materials - Taking Recyclables.
dd.	§ 729-87(b)	Recyclable Materials - Destruction of Container.
ee.	§ 729-87(c)	Recyclable Materials - Relocation of Container.
ff.	§ 729-87(d)	Recyclable Materials - Failure to Remove Container from Collection Point.
gg.	§ 729-88	Yard Waste Materials.
hh.	§ 729-89(c)	Disposal of Unacceptable Waste.
ii.	§ 911-17	Posting Bills on Streets.
jj.	§ 1123-11(b)	Vacant Foreclosed Property Registration - Failure to maintain accurate information.
kk.	§ 1123-11(c)	Vacant Foreclosed Property Registration - Failure to maintain the property in accordance with the maintenance provisions.
ll.	§ 701-2(B)(1)	Leash Required; Responsibility for Injury (<i>Leash</i>).
mm.	§ 856-25(d)	Failure to Provide Registration Number on a Listing Advertising a Short Term Rental.
nn.	§ 874.07(b)	Failure to Maintain Accurate Residential Rental Property Registration.
oo.	§ 1601-57	Enforcement of Emergency Orders.
pp.	§ 1601-59	Enforcement of Health Orders.
qq.	§ 723-34	<u>Skateboards and Other Coasting Devices, Regulation.</u>

Section 3. That Section 506-3, “Skateboards, Regulation,” of the Cincinnati Municipal Code is repealed.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

New language underscored. Deletions indicated by strike-through.

May 8, 2024

To: Mayor and Members of City Council

202401284

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – Finance: Establishment of General Government Grants Fund 404

Attached is an Emergency Ordinance captioned:

ESTABLISHING new Fund 404, “General Government Grants,” to account for revenue from various grant sources to be used in support of City of Cincinnati programming and services; and **AUTHORIZING** the expenditure of resources from General Government Grants Fund 404 in accordance with the specific grant’s purpose.

Approval of this Emergency Ordinance establishes new Fund 404, “General Government Grants,” for the purpose of accounting for revenue from various grant sources to be used in support of City of Cincinnati programming and services. This Emergency Ordinance also authorizes the expenditure of resources from General Government Grants Fund 404 in accordance with the specific grant’s purpose.

Grant resources from certain federal grants cannot be deposited into the General Fund. Departments that regularly receive federal grant resources have separate grant accounts for the receipt and expense of resources. However, several departments do not have a separate fund because they do not regularly receive federal grants. Therefore, creating a single, general grant fund to receive the resources from these non-regular grants is more efficient than creating multiple grant funds.

The reason for the emergency is the immediate need to establish General Government Grants Fund 404 to allow departments to accept and deposit grant resources in a timely manner.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

EMERGENCY

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ESTABLISHING new Fund 404, “General Government Grants,” to account for revenue from various grant sources to be used in support of City of Cincinnati programming and services; and **AUTHORIZING** the expenditure of resources from General Government Grants Fund 404 in accordance with the specific grant’s purpose.

WHEREAS, a new fund is necessary to account for revenue from various grant sources to be used in support of City of Cincinnati programming and services; and

WHEREAS, grant resources from certain federal grants cannot be deposited into the General Fund; and

WHEREAS, a number of departments do not have separate funds to account for revenue from various grant sources because they do not regularly receive federal grant money; and

WHEREAS, creating a single, general grant fund to receive the resources from these non-regular grants is more efficient than creating multiple grant funds; and

WHEREAS, grant awards deposited into this fund will be required to be expensed in accordance with the approved grant agreement; now, therefore,

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

Section 1. That new Fund No. 404, “General Government Grants,” is established to account for revenue from grant resources to be used in support of City programming and services.

Section 2. That the proper City officials are authorized to make expenditures from General Government Grants Fund 404 in accordance with the specific grant’s purpose and approved grant agreement.

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 immediate need to establish General Government Grants Fund 404 to allow departments to accept and deposit grant resources in a timely manner.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

May 8, 2024

To: Mayor and Members of City Council

202401285

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – City Planning and Engagement: Certified Local Government Grant

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant of up to \$25,000, effective FY 2025, from the U.S. Department of the Interior’s Historic Preservation Fund (ALN 15.904) through the Ohio History Connection’s Certified Local Government Grant Program to provide resources for the development of a Multiple Property Documentation Form for the historic designation of Cincinnati’s brewery resources; and **AUTHORIZING** the Director of Finance to deposit the grant resources into the General Government Grants Fund 404x8548, Department of City Planning and Engagement project account no. 25OHCG, effective July 1, 2024.

Approval of this Ordinance would authorize the City Manager to apply for, accept, and appropriate a grant of up to \$25,000, effective FY 2025, from the U.S. Department of the Interior’s Historic Preservation Fund (ALN 15.904), through the Ohio History Connection (OHC)’s Certified Local Government (CLG) Grant Program, to provide resources for the development of a Multiple Property Documentation Form for the historic designation of Cincinnati’s brewery resources. This Ordinance further authorizes the Finance Director to deposit grant resources into the General Government Grants Fund, revenue account no. 404x8548, Department of City Planning and Engagement (DCPE) project account no. 25OHCG, effective July 1, 2024.

Prior Ordinance No. 0014-2024 authorized the appropriation of \$40,000 for the Neighborhood Historic Preservation Program to the City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7400, of which up to \$16,667 has been identified to satisfy the match requirement. There are no new FTEs/full time equivalents associated with the acceptance of this grant.

The City applied for the grant prior to the deadline of April 30, 2024, but no grant resources will be accepted without approval by the City Council.

The City’s use of CLG Program grant resources is in accordance with the “Sustain” strategy to “[p]reserve our built history” as described on page 197-198 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, accept, and appropriate a grant of up to \$25,000, effective FY 2025, from the U.S. Department of the Interior’s Historic Preservation Fund (ALN 15.904) through the Ohio History Connection’s Certified Local Government Grant Program to provide resources for the development of a Multiple Property Documentation Form for the historic designation of Cincinnati’s brewery resources; and **AUTHORIZING** the Director of Finance to deposit the grant resources into General Government Grants Fund 404x8548, Department of City Planning and Engagement project account no. 25OHCG, effective July 1, 2024.

WHEREAS, the City is classified as a Certified Local Government (“CLG”) by the Ohio History Connection, which allows the City to compete annually for federal grants to help carry out a wide range of historic preservation activities; and

WHEREAS, a grant of up to \$25,000 is available from the U.S. Department of the Interior’s Historic Preservation Fund (ALN 15.904) through the Ohio History Connection’s CLG Grant Program to provide resources for the development of a Multiple Property Documentation Form for Cincinnati’s historic brewery resources, with an emphasis on lagering tunnels, to be listed in the National Register of Historic Places; and

WHEREAS, to develop the Multiple Property Documentation Form, a full context of the City’s brewery history and lagering tunnels will be prepared by a consultant under the direction of the Department of City Planning and Engagement, which will also identify character-defining features traditionally observed in this type of historic resource; and

WHEREAS, the preliminary focus of the Multiple Property Documentation Form will be in the City’s Central Business District, Over-the-Rhine, Pendleton, and West End neighborhoods; and

WHEREAS, the grant requires a local match of up to \$16,667; and

WHEREAS, Ordinance No. 14-2024 authorized the appropriation of \$40,000 for the Neighborhood Historic Preservation Program to the City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7400, of which up to \$16,667 has been identified to satisfy the match requirement; and

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

WHEREAS, the City has already applied for the grant due to the application deadline of April 30, 2024, but funding will not be accepted without approval by Council; and

WHEREAS, the City’s use of CLG Program grant resources is in accordance with the “Sustain” strategy to “[p]reserve our built history” as described on pages 197-198 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to apply for, accept, and appropriate a grant of up to \$25,000, effective FY 2025, from the U.S. Department of the Interior’s Historic Preservation Fund (ALN 15.904) through the Ohio History Connection’s Certified Local Government Grant Program to provide resources for the development of a Multiple Property Documentation Form for the historic designation of Cincinnati’s brewery resources.

Section 2. That the Director of Finance is authorized to deposit the grant resources into General Government Grants Fund 404x8548, Department of City Planning and Engagement project account no. 25OHCG, effective July 1, 2024.

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: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

202401331
Date: May 8, 2024

To: Councilmember Meeka Owens
From: Emily Smart Woerner, City Solicitor *EESW*
Subject: **Emergency Ordinance – Donations for MINDING Your Business Mental Health Summit**

Transmitted herewith is an emergency ordinance captioned as follows:

AUTHORIZING the City Manager and the employees of the Office of Councilmember Owens to solicit and accept donations of money, in-kind contributions, and other things of value from the Cincinnati business community, individual benefactors, and other available sources to host the MINDING Your Business Mental Health Summit; and **AUTHORIZING** the Director of Finance to deposit funds donated to the City for the MINDING Your Business Mental Health Summit into Fund No. 314, “Special Events.”

EESW/CMZ(dmm)
Attachment
401796



EMERGENCY

City of Cincinnati

CMZ

EESW

An Ordinance No. _____

- 2024

AUTHORIZING the City Manager and the employees of the Office of Councilmember Owens to solicit and accept donations of money, in-kind contributions, and other things of value from the Cincinnati business community, individual benefactors, and other available sources to host the MINDING Your Business Mental Health Summit; and **AUTHORIZING** the Director of Finance to deposit funds donated to the City for the MINDING Your Business Mental Health Summit into Fund No. 314, "Special Events."

WHEREAS, the MINDING Your Business Mental Health Summit is sponsored by Councilmember Owens to combat stigma and promote mental health resources and programs offered in the community; and

WHEREAS, the MINDING Your Business Mental Health Summit will be held on June 1, 2024, as well as on dates to be determined in future years; and

WHEREAS, the MINDING Your Business Mental Health Summit 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 and 160-162 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 and the employees of the Office of Councilmember Owens are authorized to solicit and accept donations of money, in-kind contributions, and other things of value to host the MINDING Your Business Mental Health Summit on June 1, 2024 and in future years.

Section 2. That the Director of Finance is authorized to deposit any funds donated to the City for the MINDING Your Business Mental Health Summit into Fund No. 314, "Special Events."

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 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 resources for the MINDING Your Business Mental Health Summit.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

2024 01287

Date: May 8, 2024

To: Councilmember Anna Albi
From: Emily Smart Woerner, City Solicitor *EESW*
Subject: **Emergency Ordinance – FY 2024 Office Budget Adjustments**

Transmitted herewith is an emergency ordinance captioned as follows:

AUTHORIZING the transfer of \$500 within the General Fund from Councilmember Anna Albi's General Fund personnel operating budget account no. 050x016x7100 to Councilmember Anna Albi's General Fund non-personnel operating budget account no. 050x016x7200 to realign the office budget for Councilmember Anna Albi.

EESW/LES(dmm)
Attachment
401353

EMERGENCY

City of Cincinnati

LES

EESW

An Ordinance No. _____

- 2024

AUTHORIZING the transfer of \$500 within the General Fund from Councilmember Anna Albi’s General Fund personnel operating budget account no. 050x016x7100 to Councilmember Anna Albi’s General Fund non-personnel operating budget account no. 050x016x7200 to realign the office budget for Councilmember Anna Albi.

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

Section 1. That \$500 existing within Councilmember Anna Albi’s General Fund personnel operating budget account no. 050x016x7100 is transferred to Councilmember Anna Albi’s General Fund non-personnel operating budget account no. 050x016x7200 to realign the office budget for Councilmember Anna Albi.

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 ensure necessary funds for the operation of Councilmember Anna Albi’s office.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

202401348
Date: May 15, 2024

To: Councilmember Meeka Owens
From: Emily Smart Woerner, City Solicitor *EESW*
Subject: **Emergency Ordinance – Transferring Funds for MINDING Your Business Summit**

Transmitted herewith is an emergency ordinance captioned as follows:

AUTHORIZING the transfer of \$20,000 from General Fund balance sheet reserve account no. 050x2535, “Reserve for Operating Budget Contingencies,” to the unappropriated surplus of General Fund 050; **AUTHORIZING** the transfer and appropriation of \$20,000 from the unappropriated surplus of General Fund 050 to the City Manager’s General Fund non-personnel operating budget account no. 050x101x7200 to provide one-time funds for hosting the MINDING Your Business Mental Health Summit to combat stigma and promote mental health resources and programs offered in the community; **AUTHORIZING** the transfer and return to source of \$20,000 from the City Manager’s General Fund non-personnel operating budget account no. 050x101x7200 to the unappropriated surplus of General Fund 050 effective June 15, 2024; and **AUTHORIZING** the transfer of \$20,000 from the unappropriated surplus of General Fund 050 to General Fund balance sheet reserve account no. 050x2535, “Reserve for Operating Budget Contingencies,” effective June 15, 2024.

EESW/CMZ(dmm)
Attachment
401995



EMERGENCY

City of Cincinnati

CMZ

EESW

An Ordinance No. _____

- 2024

AUTHORIZING the transfer of \$20,000 from General Fund balance sheet reserve account no. 050x2535, "Reserve for Operating Budget Contingencies," to the unappropriated surplus of General Fund 050; **AUTHORIZING** the transfer and appropriation of \$20,000 from the unappropriated surplus of General Fund 050 to the City Manager's General Fund non-personnel operating budget account no. 050x101x7200 to provide one-time funds for hosting the MINDING Your Business Mental Health Summit to combat stigma and promote mental health resources and programs offered in the community; **AUTHORIZING** the transfer and return to source of \$20,000 from the City Manager's General Fund non-personnel operating budget account no. 050x101x7200 to the unappropriated surplus of General Fund 050 effective June 15, 2024; and **AUTHORIZING** the transfer of \$20,000 from the unappropriated surplus of General Fund 050 to General Fund balance sheet reserve account no. 050x2535, "Reserve for Operating Budget Contingencies," effective June 15, 2024.

WHEREAS, the MINDING Your Business Mental Health Summit (the "Summit") is sponsored by Councilmember Owens to combat stigma and promote mental health resources and programs offered in the community; and

WHEREAS, the Summit will be held on June 1, 2024; and

WHEREAS, the City Manager and the office of Councilmember Owens will solicit donations to cover the costs associated with the Summit, but expenditures for the Summit will be incurred before donations are received; and

WHEREAS, sufficient resources exist in General Fund balance sheet reserve account no. 050x2535, "Reserve for Operating Budget Contingencies" to cover the necessary expenditures for the Summit; and

WHEREAS, the Summit 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 and 160-162 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That \$20,000 is transferred from General Fund balance sheet reserve account no. 050x2535, "Reserve for Operating Budget Contingencies," to the unappropriated surplus of the General Fund.

Section 2. That \$20,000 is transferred and appropriated from the unappropriated surplus of the General Fund to the City Manager’s General Fund non-personnel operating budget account no. 050x101x7200 to provide one-time funds for hosting the MINDING Your Business Mental Health Summit to combat stigma and promote mental health resources and programs offered in the community.

Section 3. That \$20,000 is transferred and returned to source from the City Manager’s General Fund non-personnel operating budget account no. 050x101x7200 to the unappropriated surplus of the General Fund effective June 15, 2024.

Section 4. That \$20,000 is transferred from the unappropriated surplus of the General Fund to General Fund balance sheet reserve account no. 050x2535, “Reserve for Operating Budget Contingencies,” effective June 15, 2024.

Section 5. That the appropriate City officials are authorized to do all things necessary and proper to implement the provisions of Sections 1 through 4.

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 accomplish the authorized transfers and appropriations so that the funding described herein is in place immediately and so that the necessary expenditures described herein may be made as soon as possible.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

May 8, 2024

To: Mayor and Members of City Council

202401294

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – FY 2024 General Fund Operating Budget Final Adjustment Ordinance (FAO)

Attached is an Emergency Ordinance captioned:

AUTHORIZING the transfer of \$15,169,563 within the General Fund, from and to various operating accounts and the unappropriated surplus of the General Fund according to the attached Schedules of Transfer, to realign and provide funds for the ongoing needs of City departments; **AUTHORIZING** the transfer and return to source of \$591,000 from Cincinnati Fire Department General Fund non-personnel operating budget account no. 050x271x7200 to the unappropriated surplus of the General Fund; **AUTHORIZING** the transfer of \$591,000 from the unappropriated surplus of the General Fund to the unappropriated surplus of Fire Grants and Donations Fund 472 to provide resources for a health caseworker and other expenses associated with the social services outreach program; **AUTHORIZING** the transfer and return to source of \$200,000 from non-departmental Lump Sum Payments General Fund personnel operating budget account no. 050x924x7100 to the unappropriated surplus of the General Fund; **AUTHORIZING** the transfer of \$200,000 from the unappropriated surplus of the General Fund to the unappropriated surplus of Special Events Fund 314 to provide resources for Summer in Cincy programming to reduce youth violence in the City; and **AUTHORIZING** the transfer and appropriation of \$410,000 from the unappropriated surplus of the General Fund to capital improvement program project account no. 980x101x231038, “Martin Luther King, Jr. Monument,” to provide additional resources for the monument to honor the legacy of the Reverend Dr. Martin Luther King, Jr.

The attached Emergency Ordinance balances the City’s General Fund operating budget accounts for FY 2024. The accounts are balanced by transferring appropriations within and between General Fund departments and relies on unappropriated surplus. The Emergency Ordinance also transfers resources out of the General Fund for various purposes.

GENERAL FUND TRANSFERS WITHIN CURRENT APPROPRIATIONS

A total of \$9,651,828 will be transferred within current appropriations in order to offset various anticipated needs as outlined below.

Clerk of Council – \$50,000

A total non-personnel need of \$50,000 in the Office of the Clerk of Council for contractual services expenses related to evening meetings and necessary equipment will be offset by personnel savings in the Office of the Clerk of Council.

City Manager's Office – \$656,000

The City Manager's Office reports a total non-personnel need of \$656,000 for various contractual services expenses. \$394,000 will be offset by savings from various agencies within the City Manager's Office. The remaining \$262,000 will be offset from various other departmental and non-departmental savings.

The City Manager's Office requires \$300,000 for the Public Safety Facilities Master Plan Phase I, \$75,000 for enhanced Fountain Square summer programming, and \$131,000 for temporary personnel services.

The Office of Environment and Sustainability (OES) requires \$77,000 to offset non-personnel needs related to the recycling program and \$73,000 for energy management software.

Department of Law – \$449,000

The Department of Law has a personnel need of \$308,000 due to reduced reimbursements resulting from an accounting correction related to changes implemented for recording credits to expense. Law also requires \$141,000 to cover contractual services needs related to outside counsel expertise and unbudgeted collection fees. The total need of \$449,000 will be offset from various other departmental and non-departmental savings.

Department of Finance – \$77,880

The Department of Finance, Office of the Director has a personnel need of \$25,880 related to fringe benefits. This need will be offset by non-personnel savings in the Office of the Director and personnel savings in Accounts and Audits. A savings of \$52,000 in non-personnel will be transferred from the Treasury Division to offset an insurance premium need in Risk Management. The Department of Finance will return a net \$111,620 in savings, which will be used to offset needs in other departments.

Department of Community and Economic Development – \$125,000

The Department of Community and Economic Development (DCED) requires \$125,000 in non-personnel for needs related to the Homeownership Workshop as well as operating expenses related to the Shillito's West building. This need will be offset by other departmental and non-departmental savings.

Department of City Planning and Engagement – \$2,500

A transfer of \$2,500 in personnel savings will be necessary to offset needs associated with office supplies for community engagement events. The Department of City Planning and Engagement will return a net \$70,000 in savings, which will be used to offset needs in other departments.

Citizen Complaint Authority – \$23,700

Personnel savings of \$23,700 will be transferred to cover various needs related to investigator training, temporary personnel, copier and printing expenses, and vehicle repairs. The Citizen Complaint Authority will return a net \$100,000 in savings, primarily due to position vacancy savings, which will be used to offset needs in other departments.

Cincinnati Recreation Commission – \$826,644

A transfer of \$518,469 in personnel and non-personnel savings will be necessary to cover personnel needs and non-personnel needs related to increased costs of cleaning supplies, chemicals, and other equipment. An additional transfer of \$308,175 is required from other departmental and non-departmental savings to cover a personnel need in the Athletics Division for the aquatics program. The Aquatics Pay and Recruitment Bonus Plan was in place starting in Summer 2023, which resulted in increased staffing at City pools.

Cincinnati Police Department – \$4,526,945

Personnel and benefit savings in the Support Bureau and the Administration Bureau, as well as other departmental and non-departmental savings, will be used to offset personnel needs in the Patrol Bureau totaling \$3,886,945. Other non-personnel savings in the Patrol Bureau and the Administration Bureau will be used to offset non-personnel needs totaling \$640,000 related to uniforms for the Civil Disturbance Response Team (CDRT) and other various contractual services needs.

Department of Transportation and Engineering – \$345,000

Personnel and fringe benefits savings in the Transportation Planning Division and the Engineering Division in the amount of \$345,000 will be transferred to offset a personnel need of \$125,000 in the Office of the Director and a non-personnel need of \$220,000 related to Duke Energy utility increases for street lighting in the Traffic Engineering Division.

Department of Public Services – \$550,000

A total of \$550,000 in personnel and non-personnel savings will be transferred to City Facility Management (CFM) to cover increases in contractual services for City Hall management, including operating expenses and unexpected building repairs.

Cincinnati Fire Department – \$1,921,132

An amount of \$1,221,132 in personnel and fringe benefits savings in the Support Services Division will be transferred to offset a personnel need of \$1,040,454 in the Response Division, primarily due to increased overtime, and a non-personnel need of \$180,678 related to increased costs for upcoming Recruit Class 122.

Various other departmental and non-departmental savings will be transferred to the Cincinnati Fire Department to address a fringe benefit need of \$700,000.

Department of Economic Inclusion – \$23,077

A total of \$23,077 in personnel and benefits savings in the Department of Economic Inclusion (DEI) will be transferred to address contractual services needs related to non-local training, wage compliance software, and the Business Enterprise Expo. The Department of Economic Inclusion will return a net \$100,000 in savings, primarily due to position vacancy savings, which will be used to offset needs in other departments.

Non-Departmental Accounts – \$74,950

The Public Employees Assistance Program (PEAP) account requires a transfer of \$12,500 to cover fringe benefits needs. The Hamilton County Auditor & Treasurer Fees account requires a transfer of \$62,450 to cover a non-personnel need due to an anticipated increase in fees due to higher property tax revenue. These needs will be offset by savings in the Workers' Compensation Insurance account and the Election Expense account. The non-departmental accounts will return a net \$1,517,500 in savings, which will be used to offset needs in other departments.

GENERAL FUND SUPPLEMENTAL APPROPRIATIONS

Two departments require supplemental appropriations totaling \$5,517,735. These needs will be addressed using General Fund unappropriated surplus.

Cincinnati Police Department – \$1,765,000

Supplemental appropriations totaling \$1,540,000 are needed in the Cincinnati Police Department to address Police Visibility Overtime (PVO). Additionally, \$225,000 is needed to address contractual services needs related to water fountain installations and building updates. As of the Finance and Budget Monitoring Report for the Period Ending January 31, 2024, the Police Department was projecting a net need of \$2.8 million. However, the department was able to reduce their net need to \$2,251,945 in the Final Adjustment Ordinance. Of this, \$486,945 of the net need was addressed within appropriations using savings from other departmental and non-departmental accounts. The remaining \$1,765,000 is addressed with General Fund unappropriated surplus.

Cincinnati Fire Department – \$3,752,735

The Cincinnati Fire Department requires a supplemental appropriation of \$2,680,496 primarily due to greater than anticipated overtime costs. Additional appropriations totaling \$1,072,239 are required to cover increased expenses related to paramedic classes, fleet expenses, medical supplies, and other necessary supplies. As of the Finance and Budget Monitoring Report for the Period Ending January 31, 2024, the Fire Department was projecting a net need of \$3.6 million. However, the department's net need increased to \$4,452,735 in the Final Adjustment Ordinance. Of this,

\$700,000 of the net need was addressed within appropriations using savings from other departmental and non-departmental accounts. The remaining \$3,752,735 is addressed with General Fund unappropriated surplus.

GENERAL FUND TRANSFERS OUT

This Emergency Ordinance authorizes the transfer out of General Fund resources for three purposes, as outlined below.

Fire Department Social Services Pilot – \$591,000

The Cincinnati Fire Department (CFD) previously received donations from Hamilton County Public Health to provide funding for a multidisciplinary social services outreach pilot program. These resources were receipted in the General Fund. Now, CFD wishes to transfer these existing resources out to Fire Grants and Donations Fund 472. CFD plans to use the donation for temporary personnel for a health caseworker and other expenses associated with the social services outreach pilot program.

Summer in Cincy – \$200,000

The non-departmental Lump Sum Payments account has realized a savings of \$200,000. These resources will be transferred out to Special Events Fund 314 for Summer in Cincy programming designed to reduce youth violence in the City over the summer months.

Martin Luther King, Jr. Monument – \$410,000

A transfer out in the amount of \$410,000 from the unappropriated surplus of the General Fund to existing capital improvement project account no. 980x101x231038, “Martin Luther King, Jr. Monument” is needed for the purpose of providing additional resources for the monument at the intersection of Reading Road and Martin Luther King, Jr. Drive to honor the legacy of the Reverend Dr. Martin Luther King, Jr.

The reason for the emergency is the immediate need to realign and provide funds for the ongoing needs of City departments.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

EMERGENCY

AKS

- 2024

AUTHORIZING the transfer of \$15,169,563 within the General Fund, from and to various operating accounts and the unappropriated surplus of the General Fund according to the attached Schedules of Transfer, to realign and provide funds for the ongoing needs of City departments; **AUTHORIZING** the transfer and return to source of \$591,000 from Cincinnati Fire Department General Fund non-personnel operating budget account no. 050x271x7200 to the unappropriated surplus of the General Fund; **AUTHORIZING** the transfer of \$591,000 from the unappropriated surplus of the General Fund to the unappropriated surplus of Fire Grants and Donations Fund 472 to provide resources for a health caseworker and other expenses associated with the social services outreach program; **AUTHORIZING** the transfer and return to source of \$200,000 from non-departmental Lump Sum Payments General Fund personnel operating budget account no. 050x924x7100 to the unappropriated surplus of the General Fund; **AUTHORIZING** the transfer of \$200,000 from the unappropriated surplus of the General Fund to the unappropriated surplus of Special Events Fund 314 to provide resources for Summer in Cincy programming to reduce youth violence in the City; and **AUTHORIZING** the transfer and appropriation of \$410,000 from the unappropriated surplus of the General Fund to capital improvement program project account no. 980x101x231038, “Martin Luther King, Jr. Monument,” to provide additional resources for the monument to honor the legacy of the Reverend Dr. Martin Luther King, Jr.

WHEREAS, a need has arisen since the beginning of Fiscal Year 2024 to transfer various sums according to the attached Schedules of Transfer to realign and provide funds for the ongoing needs of City departments; and

WHEREAS, \$9,651,828 is being transferred within current Fiscal Year 2024 appropriations and \$5,517,735 is being transferred from the unappropriated surplus of the General Fund for these ongoing needs; and

WHEREAS, the Cincinnati Fire Department (“CFD”) received donations from Hamilton County Public Health to provide funding for a multidisciplinary social services outreach pilot program, which were received in the General Fund; and

WHEREAS, CFD plans to use the donation to fund a health caseworker as part of the social services outreach pilot program; and

WHEREAS, the non-departmental Lump Sum Payments account has realized a savings of \$200,000 to be utilized for Summer in Cincy programming to reduce youth violence in the City; and

WHEREAS, Ordinance No. 10-2023 established the Martin Luther King, Jr. Monument capital improvement program project account and appropriated \$992,500 for the monument; and

WHEREAS, additional resources are required to complete the Martin Luther King, Jr. Monument; now, therefore,

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

Section 1. That a total of \$15,169,563 existing within the General Fund and the unappropriated surplus of the General Fund is transferred within said fund according to the attached Schedules of Transfer to realign certain operating accounts and to provide funds for the ongoing needs of City departments.

Section 2. That \$591,000 is transferred and returned to source from Cincinnati Fire Department General Fund non-personnel operating budget account no. 050x271x7200 to the unappropriated surplus of the General Fund.

Section 3. That \$591,000 is transferred from the unappropriated surplus of the General Fund to the unappropriated surplus of Fire Grants and Donations Fund 472 to provide resources for a health caseworker and other expenses related to the social services outreach program.

Section 4. That \$200,000 is transferred and returned to source from non-departmental Lump Sum Payments personnel operating budget account no. 050x924x7100 to the unappropriated surplus of the General Fund.

Section 5. That \$200,000 is transferred from the unappropriated surplus of the General Fund to the unappropriated surplus of Special Events Fund 314 to provide resources for Summer in Cincy programming to reduce youth violence in the City.

Section 6. That \$410,000 is transferred from the unappropriated surplus of the General Fund to capital improvement program project account no. 980x101x231038, "Martin Luther King, Jr. Monument," to provide additional resources for the monument to honor the legacy of the Reverend Dr. Martin Luther King, Jr.

Section 7. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Section 1 through 6 and the attached Schedules of Transfer.

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 realign and provide funds for the ongoing needs of City departments.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

SCHEDULE OF TRANSFER

FY 2024 GENERAL FUND 050 FINAL ADJUSTMENT ORDINANCE

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				
CLERK OF COUNCIL					CLERK OF COUNCIL				
	050	041	7100	30,000		050	041	7200	50,000
	050	041	7500	20,000					
CITY MANAGER'S OFFICE					CITY MANAGER'S OFFICE				
	050	101	7100	131,000		050	101	7200	506,000
	050	102	7200	30,000		050	104	7200	150,000
	050	103	7100	160,000	DEPARTMENT OF LAW				
	050	104	7100	72,000		050	111	7100	308,000
	050	104	7500	1,000		050	111	7200	75,000
DEPARTMENT OF FINANCE						050	112	7200	66,000
	050	131	7200	3,000	DEPARTMENT OF FINANCE				
	050	131	7400	1,500		050	131	7500	25,880
	050	133	7100	25,000		050	135	7400	52,000
	050	133	7200	10,000	DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT				
	050	134	7100	45,000		050	161	7200	25,000
	050	134	7200	75,000		050	164	7200	100,000
	050	136	7100	30,000	DEPARTMENT OF CITY PLANNING AND ENGAGEMENT				
DEPARTMENT OF CITY PLANNING AND ENGAGEMENT						050	171	7300	2,500
	050	171	7100	70,000	CITIZEN COMPLAINT AUTHORITY				
	050	171	7500	2,500		050	181	7200	21,700
CITIZEN COMPLAINT AUTHORITY						050	181	7400	2,000
	050	181	7100	123,700	CITIZEN COMPLAINT				
CINCINNATI RECREATION COMMISSION									
	050	191	7100	107,043	CINCINNATI RECREATION COMMISSION				
	050	192	7100	110,094		050	191	7200	23,405
	050	194	7100	127,525		050	191	7300	2,229
	050	199	7100	118,173		050	191	7400	3,088
	050	199	7200	49,547		050	191	7600	30,000
	050	199	7300	6,087		050	192	7200	20,898
DEPARTMENT OF BUILDINGS & INSPECTIONS						050	192	7300	5,652
	050	211	7100	287,000		050	192	7400	2,886
	050	211	7500	145,000		050	192	7600	10,000
						050	193	7100	81,236
						050	193	7300	7,744
						050	193	7600	30,000
						050	194	7300	99,305
						050	197	7100	455,061
						050	197	7200	55,140

SCHEDULE OF TRANSFER

FY 2024 GENERAL FUND 050 FINAL ADJUSTMENT ORDINANCE

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				
CINCINNATI POLICE DEPARTMENT					CINCINNATI POLICE DEPARTMENT				
PATROL	050	222	7200	400,000	PATROL	050	222	7100	3,486,945
PATROL	050	222	7300	90,000	PATROL	050	222	7500	400,000
SUPPORT	050	226	7100	2,100,000	INVESTIGATIONS	050	225	7200	150,000
ADMINISTRATION	050	227	7100	800,000	SUPPORT	050	226	7200	400,000
ADMINISTRATION	050	227	7200	150,000	SUPPORT	050	226	7300	90,000
ADMINISTRATION	050	227	7500	500,000	DEPARTMENT OF TRANSPORTATION AND ENGINEERING				
DEPARTMENT OF TRANSPORTATION AND ENGINEERING					OFFICE OF THE DIRECTOR				
TRANSPORTATION PLANNING	050	232	7100	150,000	OFFICE OF THE DIRECTOR	050	231	7100	75,000
TRANSPORTATION PLANNING	050	232	7500	50,000	OFFICE OF THE DIRECTOR	050	231	7500	50,000
ENGINEERING	050	233	7100	120,000	TRAFFIC ENGINEERING	050	239	7200	220,000
ENGINEERING	050	233	7500	25,000	DEPARTMENT OF PUBLIC SERVICES				
DEPARTMENT OF PUBLIC SERVICES					CITY FACILITY MANAGEMENT				
TRAFFIC AND ROAD OPERATIONS	050	252	7100	20,000	CITY FACILITY MANAGEMENT	050	255	7200	550,000
TRAFFIC AND ROAD OPERATIONS	050	252	7500	10,000	CINCINNATI FIRE DEPARTMENT				
NEIGHBORHOOD OPERATIONS	050	253	7100	200,000	RESPONSE	050	271	7100	1,040,454
NEIGHBORHOOD OPERATIONS	050	253	7300	50,000	RESPONSE	050	271	7500	700,000
NEIGHBORHOOD OPERATIONS	050	253	7500	250,000	SUPPORT SERVICES	050	272	7300	180,678
FLEET SERVICES	050	256	7100	15,000	DEPARTMENT OF ECONOMIC INCLUSION				
FLEET SERVICES	050	256	7500	5,000	ECONOMIC INCLUSION	050	281	7200	23,077
CINCINNATI FIRE DEPARTMENT					NON-DEPARTMENTAL ACCOUNTS				
SUPPORT SERVICES	050	272	7100	721,344	PUBLIC EMPLOYEES ASSISTANCE PROGRAM	050	919	7500	12,500
SUPPORT SERVICES	050	272	7500	499,788	HAMILTON COUNTY AUDITOR & TREASURER FEES	050	942	7200	62,450
DEPARTMENT OF ECONOMIC INCLUSION									
ECONOMIC INCLUSION	050	281	7100	113,077					
ECONOMIC INCLUSION	050	281	7500	10,000					
NON-DEPARTMENTAL ACCOUNTS									
WORKERS' COMPENSATION INSURANCE	050	921	7500	1,280,000					
ELECTION EXPENSE	050	946	7400	312,450					
TOTAL FUND 050 REDUCTIONS				9,651,828	TOTAL FUND 050 INCREASES				9,651,828

SCHEDULE OF TRANSFER

FY 2024 GENERAL FUND 050 FINAL ADJUSTMENT ORDINANCE

Fund 050 General Fund

<i>REDUCTIONS</i>				<i>INCREASES</i>					
	<i>Fund</i>	<i>Agency</i>	<i>Appropriation Unit</i>	<i>\$ Amount</i>		<i>Fund</i>	<i>Agency</i>	<i>Appropriation Unit</i>	<i>\$ Amount</i>
SUPPLEMENTAL APPROPRIATIONS					SUPPLEMENTAL APPROPRIATIONS				
SOURCE ACCOUNTS					USE ACCOUNTS				
UNAPPROPRIATED SURPLUS				5,517,735	CINCINNATI POLICE DEPARTMENT				
						050	222	7100	1,400,000
						050	225	7100	140,000
						050	227	7200	225,000
						CINCINNATI FIRE DEPARTMENT			
						050	271	7100	1,033,653
						050	271	7200	607,578
						050	271	7300	464,661
						050	271	7500	1,646,843
TOTAL FUND REDUCTIONS				5,517,735	TOTAL FUND INCREASES				5,517,735

May 8, 2024

To: Mayor and Members of City Council

202401286

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – FY 2024 Restricted Funds Operating Budget Final Adjustment Ordinance (FAO)

Attached is an Emergency Ordinance captioned:

AUTHORIZING the transfer of \$8,793,088 within various Restricted Funds and the unappropriated surplus of various Restricted Funds to various operating accounts and the unappropriated surplus of certain Restricted Funds according to the attached Schedules of Transfer to realign and provide resources for the ongoing needs of City departments.

The attached Emergency Ordinance balances the City's Restricted Fund accounts as required by state law and authorizes transfers for twelve appropriated Restricted Funds. These include transfers within appropriations as well as increases to appropriations for eight funds.

RESTRICTED FUND TRANSFERS WITHIN CURRENT APPROPRIATION

The transfers within current FY 2024 appropriations are for the following nine funds: Water Works Fund 101, General Aviation Fund 104, Municipal Golf Fund 105, Stormwater Management Fund 107, Income Tax-Infrastructure Fund 302, Recreation Special Activities Fund 323, Community Health Center Activities Fund 395, Cincinnati Health District Fund 416, and Streetcar Operations Fund 455.

The information below summarizes the need and transfers for each fund.

Water Works Fund 101 – \$2,648,200

Department of Water Works – \$2,648,200

Transfers in the amount of \$2,648,200 are needed for the Greater Cincinnati Water Works (GCWW). This includes increased personnel resources related to a double fill of the Deputy Director position. The majority of the needs are related to increased non-personnel resources for security guard services, additional equipment repair expenses, increased utility expenses, and additional resources needed for parts, equipment, and storeroom inventories. Salary and fringe benefit savings are available in various agencies to offset the above non-personnel items.

General Aviation Fund 104 – \$6,000

Department of Transportation and Engineering – \$6,000

A transfer in the amount of \$6,000 is needed for increased costs associated with acquiring a hybrid vehicle instead of a gas vehicle. Salary savings are available to offset this item.

Municipal Golf Fund 105 – \$1,884

Cincinnati Recreation Commission – \$1,884

A transfer of salary savings in the amount of \$1,884 is needed for increased expert services costs related to municipal golf course management.

Stormwater Management Fund 107 – \$326,000

Department of Buildings and Inspections – \$326,000

A transfer in the amount of \$326,000 is needed for increased contractual services related to the Private Lot Abatement Program (PLAP) due to increased referrals. Salary and fringe benefit savings are available to offset this item.

Income Tax-Infrastructure Fund 302 – \$785,000

Department of Transportation & Engineering – \$575,000

A transfer in the amount of \$575,000 is needed to account for a shortfall in personnel and fringe benefit resources in the Office of the Director, the Division of Transportation Planning, and the Division of Traffic Engineering. Additional non-personnel resources are also needed for right-of-way vegetation removal and additional pedestrian safety materials. Savings in the Engineering Division and Division of Traffic Services are available to offset the above items.

Department of Public Services – \$200,000

A transfer in the amount of \$200,000 is needed for unexpected City-wide building repairs in the City Facility Management (CFM) Division. Personnel savings within CFM and automotive repair savings related to winter operations in the Traffic and Road Operations Division (TROD) are available to offset this need.

Non-Departmental Accounts – \$10,000

A transfer of \$10,000 within the non-departmental accounts is needed for costs related to tuition reimbursement.

Recreation Special Activities Fund 323 – \$726,803

Cincinnati Recreation Commission – \$726,803

Recreation will require transfers within appropriations in the amount of \$726,803 to cover salary needs in the West Region and the Athletics program as well as various non-personnel needs in the West Region, East Region, Central Region, and the Athletics program. Grant reimbursements created salary savings of which \$380,000 can be utilized by the Cincinnati Recreation Commission to purchase minibuses to expand transportation options for childcare and youth programming.

Community Health Center Activities Fund 395 – \$780,000

Cincinnati Health Department – \$780,000

Transfers in the amount of \$780,000 are needed for a salary need in the Division of Primary Health Care – Programs related to a new position added in Fiscal Year 2024. Additionally, non-personnel resources are needed in the Division of Primary Health Care – Programs, the Division of Primary Health Care – Centers, and the Division of School & Adolescent Health for security guard expenses, temporary staffing, and other expert services. Salary savings in the Division of Primary Health Care – Centers and the Division of School & Adolescent Health are available to offset the above needs.

Cincinnati Health District Fund 416 – \$1,803,000

Cincinnati Health Department – \$1,803,000

Transfers in the amount of \$1,803,000 are needed for a salary need in the Division of Community Health Centers related to the reallocation of staff that are no longer grant-funded. Additional non-personnel resources are needed in the Division of Technical Resources, Division of Community Health Centers, Division of Primary Health Care – Programs, and Division of Primary Health Care – Centers for temporary staffing, security guards, facility repairs, and lease payments. Salary and fringe benefit savings in the Office of the Commissioner, the Division of Technical Resources, and the Division of Primary Health Care – Centers are available to offset the above needs.

Streetcar Operations Fund 455 – \$50,000

Department of Transportation and Engineering – \$50,000

A transfer in the amount of \$50,000 is needed for higher than budgeted personnel expenses. Non-personnel savings are available for this transfer.

TRANSFERS RESULTING IN A SUPPLEMENTAL APPROPRIATION

The following eight funds require supplemental appropriations in FY 2024: Municipal Golf Fund 105, Stormwater Management Fund 107, Recreation Special Activities Fund 323, Cincinnati Riverfront Park Fund 329, Community Health Center Activities Fund 395, Cincinnati Health District Fund 416, Cincinnati Area Geographic Information Systems (CAGIS) Fund 449, and County Law Enforcement Applied Regionally (CLEAR) Fund 457.

The information below summarizes the need and transfers for each fund.

Municipal Golf Fund 105 – \$898,116

Cincinnati Recreation Commission – \$898,116

A need of \$898,116 exists in the Cincinnati Recreation Commission related to increased contractual services expenses. Golf courses have seen increased utilization during Fiscal Year 2024, which has increased associated costs in expert services. Municipal Golf Fund revenue is projected to exceed budgeted estimates, which will offset the supplemental appropriation.

Stormwater Management Fund 107 – \$77,000

Office of the City Manager – \$77,000

A need of \$77,000 exists in the Office of Environment and Sustainability (OES) for contractual services related to recycling.

Recreation Special Activities Fund 323 – \$308,175

Cincinnati Recreation Commission – \$308,175

A need of \$308,175 exists in the Cincinnati Recreation Commission for the summer aquatics program. The Aquatics Pay and Recruitment Bonus Plan was in place starting in Summer 2023, which resulted in increased staffing at City pools.

Cincinnati Riverfront Park Fund 329 – \$3,340

Non-Departmental Accounts – \$3,340

A need of \$3,340 exists in the non-departmental account for Workers' Compensation Insurance.

Community Health Center Activities Fund 395 – \$171,950

Non-Departmental Accounts – \$171,950

A need of \$171,950 exists in the non-departmental account for Workers' Compensation Insurance.

Cincinnati Health District Fund 416 – \$174,640

Non-Departmental Accounts – \$174,640

A need of \$174,640 exists in the non-departmental account for Workers' Compensation Insurance.

Cincinnati Area Geographic Information Systems (CAGIS) Fund 449 – \$16,630

Non-Departmental Accounts – \$16,630

A need of \$16,630 exists in the non-departmental account for Workers' Compensation Insurance.

County Law Enforcement Applied Regionally (CLEAR) Fund 457 – \$16,350

Non-Departmental Accounts – \$16,350

A need of \$16,350 exists in the non-departmental account for Workers' Compensation Insurance.

The reason for the emergency is the immediate need to continue the uninterrupted services within the Restricted Funds through the end of the fiscal year.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

EMERGENCY

KKF

-2024

AUTHORIZING the transfer of \$8,793,088 from various Restricted Funds and the unappropriated surplus of various Restricted Funds to various operating accounts and the unappropriated surplus of certain Restricted Funds according to the attached Schedules of Transfer to realign and provide resources for the ongoing needs of City departments.

WHEREAS, a need has arisen since the beginning of Fiscal Year 2024 to transfer various sums according to the attached Schedules of Transfer to realign and provide resources for the ongoing needs of City departments; now, therefore,

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

Section 1. That \$8,793,088 existing within various Restricted Funds and the unappropriated surplus of various Restricted Funds is transferred from and to various operating accounts according to the Schedules of Transfer attached to and by reference made a part of this ordinance to realign certain accounts and provide resources for the ongoing needs of City departments until the end of Fiscal Year 2024.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Section 1 and the attached Schedules 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 continue the uninterrupted services within the Restricted Funds through the end of the fiscal year.

Passed: _____, 2024

Attest: _____
Clerk

Aftab Pureval, Mayor

SCHEDULE OF TRANSFER

FY 2024 RESTRICTED FUNDS FINAL ADJUSTMENT ORDINANCE

Fund 101 Water Works

<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				
GREATER CINCINNATI WATER WORKS					GREATER CINCINNATI WATER WORKS				
COMMERCIAL SERVICES	101	302	7100	505,600	BUSINESS SERVICES	101	301	7100	90,600
DIVISION OF SUPPLY	101	303	7100	913,000	BUSINESS SERVICES	101	301	7200	165,000
DIVISION OF SUPPLY	101	303	7500	292,000	COMMERCIAL SERVICES	101	302	7300	250,000
DIVISION OF DISTRIBUTION	101	304	7100	521,000	DIVISION OF SUPPLY	101	303	7300	1,205,000
DIVISION OF DISTRIBUTION	101	304	7500	416,600	DIVISION OF DISTRIBUTION	101	304	7300	937,600
Subtotal Transfers Within Appropriations				2,648,200	Subtotal Transfers Within Appropriations				2,648,200
TOTAL FUND 101 REDUCTIONS				2,648,200	TOTAL FUND 101 INCREASES				2,648,200

SCHEDULE OF TRANSFER

FY 2024 RESTRICTED FUNDS FINAL ADJUSTMENT ORDINANCE

Fund 104 General Aviation

<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				
DEPARTMENT OF TRANSPORTATION AND ENGINEERING					DEPARTMENT OF TRANSPORTATION AND ENGINEERING				
AVIATION	104	234	7100	6,000	AVIATION	104	234	7600	6,000
Subtotal Transfers Within Appropriations				6,000	Subtotal Transfers Within Appropriations				6,000
TOTAL FUND 104 REDUCTIONS				6,000	TOTAL FUND 104 INCREASES				6,000

SCHEDULE OF TRANSFER

FY 2024 RESTRICTED FUNDS FINAL ADJUSTMENT ORDINANCE

Fund 105 Municipal Golf

<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				
CINCINNATI RECREATION COMMISSION					CINCINNATI RECREATION COMMISSION				
GOLF	105	195	7100	1,884	GOLF	105	195	7200	1,884
Subtotal Transfers Within Appropriations				1,884	Subtotal Transfers Within Appropriations				1,884
SUPPLEMENTAL APPROPRIATIONS					SUPPLEMENTAL APPROPRIATIONS				
SOURCE ACCOUNTS					USE ACCOUNTS				
UNAPPROPRIATED SURPLUS					CINCINNATI RECREATION COMMISSION				
	105			898,116	GOLF	105	195	7200	898,116
Subtotal Supplemental Appropriations				898,116	Subtotal Supplemental Appropriations				898,116
TOTAL FUND 105 REDUCTIONS				900,000	TOTAL FUND 105 INCREASES				900,000

SCHEDULE OF TRANSFER

FY 2024 RESTRICTED FUNDS FINAL ADJUSTMENT ORDINANCE

Fund 107 Stormwater Management

<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				
DEPARTMENT OF BUILDINGS AND INSPECTIONS					DEPARTMENT OF BUILDINGS AND INSPECTIONS				
PROPERTY MAINTENANCE CODE ENFORCEMENT	107	212	7100	250,000	PROPERTY MAINTENANCE CODE ENFORCEMENT	107	212	7200	326,000
PROPERTY MAINTENANCE CODE ENFORCEMENT	107	212	7500	76,000					
Subtotal Transfers Within Appropriations				326,000	Subtotal Transfers Within Appropriations				326,000
SUPPLEMENTAL APPROPRIATIONS					SUPPLEMENTAL APPROPRIATIONS				
SOURCE ACCOUNTS					SOURCE ACCOUNTS				
UNAPPROPRIATED SURPLUS					CITY MANAGER'S OFFICE				
	107			77,000	OFFICE OF ENVIRONMENT & SUSTAINABILITY	107	104	7200	77,000
Subtotal Supplemental Appropriations				77,000	Subtotal Supplemental Appropriations				77,000
TOTAL FUND 107 REDUCTIONS				403,000	TOTAL FUND 107 INCREASES				403,000

SCHEDULE OF TRANSFER

FY 2024 RESTRICTED FUNDS FINAL ADJUSTMENT ORDINANCE

Fund 302 Income Tax-Infrastructure

<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				
DEPARTMENT OF TRANSPORTATION AND ENGINEERING					DEPARTMENT OF TRANSPORTATION AND ENGINEERING				
ENGINEERING	302	233	7100	410,000	OFFICE OF THE DIRECTOR	302	231	7100	25,000
ENGINEERING	302	233	7200	20,000	OFFICE OF THE DIRECTOR	302	231	7500	200,000
TRAFFIC SERVICES	302	238	7100	120,000	TRANSPORTATION PLANNING	302	232	7100	100,000
TRAFFIC SERVICES	302	238	7500	25,000	TRANSPORTATION PLANNING	302	232	7200	50,000
					TRANSPORTATION PLANNING	302	232	7500	50,000
					TRAFFIC SERVICES	302	238	7300	100,000
					TRAFFIC ENGINEERING	302	239	7100	20,000
					TRAFFIC ENGINEERING	302	239	7500	30,000
DEPARTMENT OF PUBLIC SERVICES					DEPARTMENT OF PUBLIC SERVICES				
TRAFFIC AND ROAD OPERATIONS	302	252	7200	150,000	CITY FACILITY MAINTENANCE	302	255	7200	200,000
CITY FACILITY MAINTENANCE	302	255	7100	50,000					
NON-DEPARTMENTAL ACCOUNTS					NON-DEPARTMENTAL ACCOUNTS				
GENERAL FUND OVERHEAD	302	944	7200	10,000	TUITION REIMBURSEMENT	302	928	7400	10,000
Subtotal Transfers Within Appropriations				785,000	Subtotal Transfers Within Appropriations				785,000
TOTAL FUND 302 REDUCTIONS				785,000	TOTAL FUND 302 INCREASES				785,000

SCHEDULE OF TRANSFER

FY 2024 RESTRICTED FUNDS FINAL ADJUSTMENT ORDINANCE

Fund 323 Recreation Special Activities

<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				
CINCINNATI RECREATION COMMISSION					CINCINNATI RECREATION COMMISSION				
WEST REGION	323	191	7100	44,154	WEST REGION	323	191	7300	42,812
WEST REGION	323	191	7200	26,418	WEST REGION	323	191	7600	100,000
EAST REGION	323	192	7100	252,589	EAST REGION	323	192	7600	130,000
EAST REGION	323	192	7200	39,364	CENTRAL REGION	323	193	7200	32,609
EAST REGION	323	192	7300	20,094	CENTRAL REGION	323	193	7300	36,352
CENTRAL REGION	323	193	7100	255,317	CENTRAL REGION	323	193	7400	5,119
ADMINISTRATION	323	199	7100	68,750	CENTRAL REGION	323	193	7600	150,000
ADMINISTRATION	323	199	7200	1,400	ATHLETICS	323	197	7100	164,698
ADMINISTRATION	323	199	7300	18,717	ATHLETICS	323	197	7200	40,063
					ATHLETICS	323	197	7300	25,150
Subtotal Transfers Within Appropriations				726,803	Subtotal Transfers Within Appropriations				726,803
SUPPLEMENTAL APPROPRIATIONS					SUPPLEMENTAL APPROPRIATIONS				
SOURCE ACCOUNTS					USE ACCOUNTS				
UNAPPROPRIATED SURPLUS					CINCINNATI RECREATION COMMISSION				
	323			308,175	ATHLETICS	323	197	7100	308,175
Subtotal Supplemental Appropriations				308,175	Subtotal Supplemental Appropriations				308,175
TOTAL FUND 323 REDUCTIONS				1,034,978	TOTAL FUND 323 INCREASES				1,034,978

SCHEDULE OF TRANSFER

FY 2024 RESTRICTED FUNDS FINAL ADJUSTMENT ORDINANCE

Fund 329 Cincinnati Riverfront Park

<i>REDUCTIONS</i>					<i>INCREASES</i>				
	Fund	Agency	Appropriation Unit	\$ Amount		Fund	Agency	Appropriation Unit	\$ Amount
SUPPLEMENTAL APPROPRIATIONS					SUPPLEMENTAL APPROPRIATIONS				
SOURCE ACCOUNTS					USE ACCOUNTS				
					NON-DEPARTMENTAL ACCOUNTS				
UNAPPROPRIATED SURPLUS	329			3,340	WORKERS' COMPENSATION INSURANCE	329	921	7500	3,340
Subtotal Supplemental Appropriations				3,340	Subtotal Supplemental Appropriations				3,340
TOTAL FUND 329 REDUCTIONS				3,340	TOTAL FUND 329 INCREASES				3,340

SCHEDULE OF TRANSFER

FY 2024 RESTRICTED FUNDS FINAL ADJUSTMENT ORDINANCE

Fund 395 Community Health Center Activities

<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						
CINCINNATI HEALTH DEPARTMENT					CINCINNATI HEALTH DEPARTMENT						
	DIVISION OF PRIMARY HEALTH CARE - CENTERS	395	265	7100	580,000		DIVISION OF PRIMARY HEALTH CARE - PROGRAMS	395	264	7100	70,000
	DIVISION OF SCHOOL & ADOLESCENT HEALTH	395	266	7100	200,000		DIVISION OF PRIMARY HEALTH CARE - PROGRAMS	395	264	7200	130,000
							DIVISION OF PRIMARY HEALTH CARE - CENTERS	395	265	7200	510,000
							DIVISION OF SCHOOL & ADOLESCENT HEALTH	395	266	7200	70,000
	Subtotal Transfers Within Appropriations			780,000		Subtotal Transfers Within Appropriations			780,000		
SUPPLEMENTAL APPROPRIATIONS					SUPPLEMENTAL APPROPRIATIONS						
SOURCE ACCOUNTS					SOURCE ACCOUNTS						
	UNAPPROPRIATED SURPLUS	395			171,950		NON-DEPARTMENTAL ACCOUNTS				
	Subtotal Supplemental Appropriations			171,950			WORKERS' COMPENSATION INSURANCE	395	921	7500	171,950
	Subtotal Supplemental Appropriations			171,950		Subtotal Supplemental Appropriations			171,950		
TOTAL FUND 395 REDUCTIONS				951,950	TOTAL FUND 395 INCREASES				951,950		

SCHEDULE OF TRANSFER

FY 2024 RESTRICTED FUNDS FINAL ADJUSTMENT ORDINANCE

Fund 416 Cincinnati Health District

<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				
CINCINNATI HEALTH DEPARTMENT					CINCINNATI HEALTH DEPARTMENT				
	416	261	7100	110,000		416	262	7200	510,000
	416	262	7100	510,000		416	263	7100	840,000
	416	265	7100	900,000		416	263	7200	178,000
	416	265	7500	283,000		416	264	7200	165,000
						416	265	7200	110,000
				1,803,000					1,803,000
SUPPLEMENTAL APPROPRIATIONS					SUPPLEMENTAL APPROPRIATIONS				
SOURCE ACCOUNTS					SOURCE ACCOUNTS				
	416			174,640		416	921	7500	174,640
				174,640					174,640
TOTAL FUND 416 REDUCTIONS				1,977,640	TOTAL FUND 416 INCREASES				1,977,640

SCHEDULE OF TRANSFER

FY 2024 RESTRICTED FUNDS FINAL ADJUSTMENT ORDINANCE

Fund 449 Cincinnati Area Geographic Information Systems (CAGIS)

<i>REDUCTIONS</i>				<i>INCREASES</i>					
	Fund	Agency	Appropriation Unit	\$ Amount		Fund	Agency	Appropriation Unit	\$ Amount
SUPPLEMENTAL APPROPRIATIONS					SUPPLEMENTAL APPROPRIATIONS				
SOURCE ACCOUNTS					SOURCE ACCOUNTS				
					NON-DEPARTMENTAL ACCOUNTS				
UNAPPROPRIATED SURPLUS		449		16,630		449	921	7500	16,630
				<u>16,630</u>					<u>16,630</u>
TOTAL FUND 449 REDUCTIONS				16,630	TOTAL FUND 449 INCREASES				16,630

SCHEDULE OF TRANSFER

FY 2024 RESTRICTED FUNDS FINAL ADJUSTMENT ORDINANCE

Fund 455 Streetcar Operations

<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						
DEPARTMENT OF TRANSPORTATION AND ENGINEERING					DEPARTMENT OF TRANSPORTATION AND ENGINEERING						
STREETCAR OPERATIONS					STREETCAR OPERATIONS						
	455	236	7200	50,000		455	236	7100	50,000		
Subtotal Transfers Within Appropriations					50,000	Subtotal Transfers Within Appropriations					50,000
TOTAL FUND 455 REDUCTIONS					50,000	TOTAL FUND 455 INCREASES					50,000

SCHEDULE OF TRANSFER

FY 2024 RESTRICTED FUNDS FINAL ADJUSTMENT ORDINANCE

Fund 457 County Law Enforcement Applied Regionally (CLEAR)

<i>REDUCTIONS</i>					<i>INCREASES</i>				
	Fund	Agency	Appropriation Unit	\$ Amount		Fund	Agency	Appropriation Unit	\$ Amount
SUPPLEMENTAL APPROPRIATIONS					SUPPLEMENTAL APPROPRIATIONS				
SOURCE ACCOUNTS					SOURCE ACCOUNTS				
					NON-DEPARTMENTAL ACCOUNTS				
UNAPPROPRIATED SURPLUS	457			16,350	WORKERS' COMPENSATION INSURANCE	457	921	7500	16,350
Subtotal Supplemental Appropriations				16,350	Subtotal Supplemental Appropriations				16,350
TOTAL FUND 457 REDUCTIONS				16,350	TOTAL FUND 457 INCREASES				16,350

Date: May 8, 2024

To: Mayor and Members of City Council

202401289

From: Sheryl M. M. Long, City Manager

Subject: LEGISLATIVE RESOLUTION – 2023 SIDEWALK SAFETY PROGRAM - EMERGENCY
SIDEWALK REPAIRS AT A VARIETY OF LOCATIONS

Attached is a legislative resolution captioned as follows:

DECLARING the need for emergency repairs that have been made to sidewalks, sidewalk areas, curbs, and/or gutters at a variety of locations in the City and the need for levying assessments for the cost of such repairs on the abutting properties in accordance with Cincinnati Municipal Code Sections 721-149 to 721-169.

This resolution will declare the necessity of special assessments upon certain property bounding and abutting streets within the City of Cincinnati, as noted in Attachment A, for the purpose of paying the cost and expense of repairing, reconstructing, and constructing concrete sidewalks, driveways, and curbs consistent with Ohio Revised Code Chapter 729 and Cincinnati Municipal Code Requirements.

The property owners have been notified of the need for repairs. The property owners that did not make the necessary repairs, according to City requirements, have had the work completed by the City. Property owners that have not paid their bill, for costs incurred by the City, will be assessed in accordance with the Ohio Revised Code.

Ultimately, unpaid assessments will be certified to the Hamilton County Auditor for collection by the Hamilton County Treasurer, in the same manner as real estate taxes.

The Administration recommends passage of the attached resolution.

Attachment A – Locations and costs of Sidewalk Repairs

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

Legislative Resolution

JRS

RESOLUTION NO. _____ - 2024

DECLARING the need for emergency repairs that have been made to sidewalks, sidewalk areas, curbs, and/or gutters at a variety of locations in the City and the need for levying assessments for the cost of such repairs on the abutting properties in accordance with Cincinnati Municipal Code Sections 721-149 to 721-169.

WHEREAS, Chapter 721 of the Cincinnati Municipal Code requires property owners to keep the sidewalks, sidewalk area, curbs, and gutters abutting their properties safe and in good repair; and

WHEREAS, City inspectors have documented the need for emergency sidewalk repairs adjacent to each of the properties listed in Exhibit A attached hereto and incorporated herein by reference (the “Properties”); and

WHEREAS, Cincinnati Municipal Code Section 721-165 authorizes the City to make emergency repairs without prior notice to the abutting property owner if necessary to provide for public safety and also to bill the owner for the cost of the work; and

WHEREAS, for the Properties, the City provided prior written notice of the emergency sidewalk conditions and the need for repairs to each property owner, which included notice that failure by an owner to permanently repair an emergency condition would result in the City performing the repair at the property owner’s cost; and

WHEREAS, under Cincinnati Municipal Code Section 721-169, if a property owner fails to pay the City’s bill for the cost of the work within thirty days, the City may levy an assessment on the abutting property for the cost of the work, which shall be collected by the County Treasurer in the same manner as real estate taxes; and

WHEREAS, by this resolution the City declares the need for emergency repairs to sidewalks, sidewalk areas, curbs, or gutters abutting the Properties and the need for the levying of an assessment, by subsequent ordinance, for the cost of the work against each such property if the property owner fails to pay the City’s bill within thirty days; now, therefore,

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

Section 1. That the making of emergency repairs to the sidewalks, sidewalk areas, curbs and/or gutters abutting certain properties at certain miscellaneous locations within the City,

as identified in Attachment A attached hereto and incorporated herein by reference, is hereby declared necessary for public safety in accordance with Cincinnati Municipal Code Sections 721-149 through 721-169.

Section 2. That the work performed by the City shall be accomplished in accordance with plans and specifications on file in the Clerk of Council's office which are hereby approved.

Section 3. That Council finds that the City shall be responsible for two percent of the cost of the work and that the balance of the cost of the work shall be charged to the abutting property owners in the amounts shown in Attachment A hereto.

Section 4. That a property owner who fails to pay the City's bill within thirty days shall, by subsequent ordinance, have an assessment levied upon such property for the cost of the work which shall be collected by the County Treasurer.

Section 5. That if a property owner does not pay the assessment in cash and, prior to the billing statement due date, does not indicate to the Director of the City's Department of Transportation and Engineering the property owner's election to pay the assessment over three, five, or ten years, the City shall assess the property for a period of three years. The interest rate charged shall correspond to the City-adopted rates in effect at the time Council passes the assessing ordinance for the respective property. The 2024 rates are 7.09% for three years, 6.93% for five years, and 6.95% for ten years. Assessments not timely paid shall be certified to the County Auditor for collection by the County Treasurer in the same manner as real estate taxes are collected.

Section 6. That notice of the passage of this resolution shall be given pursuant to Chapter 729 of the Ohio Revised Code and Section 721.153 of the Cincinnati Municipal Code.

Section 7. That this legislative resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

Attachment A

2023 SSP Misc Emergency Repairs Total

Construction Cost: \$256,546.22

2022 Dist 2 (Fall) Emergency Repair	\$108,613.20
2022 Dist 3 (Fall) Emergency Repair	\$25,223.94
2022 Dist 4 (Fall) Emergency Repair	\$42,163.16
2022 Dist 5 (Fall) Emergency Repair	\$15,924.48
2023 W 8th - Emerg Repair (791)	\$64,621.44

Group Name: 2022 Dist 2 (Fall) Emergency Repair

		Location:	Parcel:	Construction Cost:
1	East End	2919 RIVERSIDE Dr	0031-0001-0120	\$4,563.00
2	East Walnut Hills	10 BEECHCREST Ln	0056-0005-0002	\$507.00
3	East Walnut Hills	2949 CLEINVIEW Av	0055-0006-0066	\$567.84
4	East Walnut Hills	1955 MADISON Rd	0056-0004-0005	\$1,318.20
5	East Walnut Hills	2210 VICTORY Pkwy	0063-0004-CD14	\$912.60
6	East Walnut Hills	2215 VICTORY Pkwy	0063-0004-0095	\$2,575.56
7	Hyde Park	2235 BEDFORD Ter	0053-0002-0021	\$8,166.00
8	Hyde Park	2603 ERIE Av	0041-0004-0081	\$405.60
9	Hyde Park	1280 GRACE Av	0043-0001-0002	\$811.20
10	Hyde Park	1302 GRACE Av	0043-0003-0125	\$1,014.00
11	Hyde Park	2308 MADISON Rd	0053-0002-0014	\$2,983.92
12	Hyde Park	2347 MADISON Rd	0046-0006-0005	\$507.00
13	Hyde Park	2365 MADISON Rd	0046-0006-0003	\$4,353.60
14	Kennedy Heights	3863 ZINSLE Av	0130-0004-0015	\$730.08
15	Kennedy Heights	3917 ZINSLE Av	0130-0001-0004	\$1,297.92
16	Kennedy Heights	3921 ZINSLE Av	0130-0001-0005	\$811.20
17	Kennedy Heights	3923 ZINSLE Av	0130-0001-0006	\$2,433.60
18	Kennedy Heights	3943 ZINSLE Av	0130-0001-0013	\$811.20
19	Kennedy Heights	3945 ZINSLE Av	0130-0001-0014	\$3,309.60
20	Kennedy Heights	3951 ZINSLE Av	0130-0001-0016	\$1,178.88
21	Kennedy Heights	3954 ZINSLE Av	0130-0002-0086	\$973.44
22	Kennedy Heights	3962 ZINSLE Av	0130-0002-0087	\$1,946.88
23	Kennedy Heights	3964 ZINSLE Av	0130-0002-0088	\$1,054.56
24	Kennedy Heights	3965 ZINSLE Av	0130-0001-0019	\$961.20
25	Kennedy Heights	3966 ZINSLE Av	0130-0002-0089	\$730.08
26	Madisonville	4601 ERIE Av	0036-0004-0032	
27	Mount Lookout	3470 AULT VIEW Av	0038-0006-0058	\$567.84
28	Mount Lookout	3478 AULT VIEW Av	0038-0006-0060	\$811.20
29	Mount Lookout	3482 AULT VIEW Av	0038-0006-0061	\$1,216.80
30	Mount Lookout	1008 CREST Cir	0044-0003-0108	\$365.04
31	Mount Lookout	1278 CRESTWOOD Av	0043-0005-0098	\$405.60
32	Mount Lookout	1268 DELTA Av	0044-0005-0027	\$1,281.60
33	Mount Lookout	3231 GLENGYLE Av	0044-0003-0115	\$324.48
34	Mount Lookout	1205 GRACE Av	0043-0A01-0099	\$2,535.00
35	Mount Lookout	1218 GRACE Av	0043-0001-0022	\$811.20
36	Mount Lookout	1238 GRACE Av	0043-0001-0097	\$507.00
37	Mount Lookout	1240 GRACE Av	0043-0001-0016	\$1,216.80

Group Name: 2022 Dist 2 (Fall) Emergency Repair

		Location:	Parcel:	Construction Cost:
38	Mount Lookout	1242 GRACE Av	0043-0001-0014	\$1,216.80
39	Mount Lookout	1243 GRACE Av	0043-0A01-0060	\$405.60
40	Mount Lookout	1254 GRACE Av	0043-0001-0012	\$2,082.00
41	Mount Lookout	3201 GRIEST Av	0044-0005-0056	\$1,622.40
42	Mount Lookout	3221 GRISCHY Ln	0044-0002-0120	\$2,194.20
43	Mount Lookout	1117 HERSCHEL Av	0019-0002-0049	\$555.36
44	Mount Lookout	1203 HERSCHEL Av	0019-0002-0085	\$7,165.44
45	Mount Lookout	1449 HERSCHEL Av	0039-0001-0056	\$811.20
46	Mount Lookout	1243 JERRY Ln	0023-0003-0153	\$1,641.60
47	Mount Lookout	3325 LAMBERT PI	0019-0002-0076	\$2,024.64
48	Mount Lookout	3284 LINWOOD Av	0044-0002-0092	\$1,216.80
49	Mount Lookout	3292 LINWOOD Av	0044-0002-0094	\$811.20
50	Mount Lookout	3160 LOOKOUT Cir	0044-0002-0041	\$1,392.00
51	Mount Lookout	3206 LOOKOUT Cir	0044-0002-0048	\$687.00
52	Mount Lookout	3305 LOOKOUT Dr	0019-0002-0111	\$973.44
53	Mount Lookout	3325 LOOKOUT Dr	0019-0002-0027	\$973.44
54	Mount Lookout	3343 LOOKOUT Dr	0019-0002-0132	\$730.08
55	Mount Lookout	3408 OBSERVATORY Av	0038-0003-0077	\$1,014.00
56	Mount Lookout	3409 OBSERVATORY Av	0038-0003-0094	\$567.84
57	Mount Lookout	3445 OBSERVATORY PI	0039-0001-0038	\$1,379.04
58	Mount Lookout	1315 PARK RIDGE PI	0043-0004-0053	\$854.40
59	Mount Lookout	1327 PARK RIDGE PI	0043-0004-0056	\$648.96
60	Mount Lookout	1327 SUNCREST Dr	0043-0004-0121	\$2,485.44
61	Mount Lookout	1335 SUNCREST Dr	0043-0004-0117	\$405.60
62	Mount Lookout	1339 SUNCREST Dr	0043-0004-0080	\$512.64
63	Mount Lookout	1343 SUNCREST Dr	0043-0004-0082	\$1,601.76
64	Mount Lookout	1346 SUNCREST Dr	0043-0004-0103	\$832.80
65	Mount Lookout	1350 SUNCREST Dr	0043-0004-0104	\$1,460.16
66	Mount Lookout	1355 SUNCREST Dr	0043-0004-0085	\$405.60
67	Mount Lookout	1359 SUNCREST Dr	0043-0004-0086	\$2,349.12
68	Mount Washington	1242 WAYSIDE PI	0004-0004-0031	\$1,297.92
69	Oakley	3009 MINOT Av	0050-0001-0067	\$730.08
70	Pleasant Ridge	2518 BRIARCLIFFE Av	0120-0001-0041	\$2,034.96
71	Pleasant Ridge	2528 BRIARCLIFFE Av	0120-0001-0098	\$648.96
72	Walnut Hills	2195 VICTORY Pkwy	0063-0004-0092	\$2,149.68
73	Walnut Hills	2199 VICTORY Pkwy	0063-0004-0091	\$5,155.92
74	Walnut Hills	2320 VICTORY Pkwy	0063-0003-0142	\$608.40

Group Name: 2022 Dist 3 (Fall) Emergency Repair

		Location:	Parcel:	Construction Cost:
75	East Price Hill	442 CRESTLINE Av	0177-0037-0164	\$4,062.00
76	East Price Hill	1016 DEL MONTE PI	0174-0009-0161	\$2,841.30
77	East Price Hill	921 MT HOPE Av	0175-0015-0074	\$2,669.10
78	East Price Hill	742 PURCELL Av	0178-0025-0034	\$861.00
79	North Fairmount - English Woods	2073 N TERALTA Cir	0206-0004-0018	\$688.80
80	West Price Hill	545 DELRIDGE Dr	0179-0080-0143	\$4,238.40
81	West Price Hill	5017 RELLEUM Av	0183-0002-0240	\$378.84
82	Westwood	2905 HARRISON Av	0208-0A57-0001	\$9,140.10
83	Westwood	2671 MORNINGRIDGE Dr	0208-0065-0091	\$344.40

Group Name: 2022 Dist 4 (Fall) Emergency Repair

		Location:	Parcel:	Construction Cost:
84	Carthage	131 SEVENTIETH St	0241-0001-0028	\$1,297.92
85	Corryville	2915 HIGHLAND Av	0092-0004-0123	\$4,177.68
86	Hartwell	8457 CURZON Av	0245-0001-0022	\$405.60
87	Hartwell	81 E GALBRAITH Rd	0244-0005-0032	\$4,948.32
88	Hartwell	108 PARKWAY Av	0244-0003-0011	\$811.20
89	Hartwell	118 PARKWAY Av	0244-0003-0012	\$1,825.20
90	Hartwell	20 PARKWAY Av	0244-0005-0061	\$7,083.80
91	Hartwell	24 PARKWAY Av	0244-0005-0065	\$1,095.12
92	Hartwell	27 PARKWAY Av	0244-0004-0018	\$1,622.40
93	North Avondale - Paddock Hills	960 REDWAY Av	0110-0003-0006	\$2,423.28
94	Roselawn	7633 READING Rd	0117-0014-0213	\$8,766.24
95	Roselawn	7349 SCOTTWOOD Av	0117-0A07-0229	\$1,216.80
96	Roselawn	7353 SCOTTWOOD Av	0117-0A07-0414	\$1,541.28
97	Roselawn	1594 SUMMIT Rd	0117-0014-0002	\$4,948.32

Group Name: 2022 Dist 5 (Fall) Emergency Repair

		Location:	Parcel:	Construction Cost:
98	College Hill	5719 HAMILTON Av	0234-0001-0065	\$608.40
99	College Hill	5787 LANTANA Av	0233-0004-0109	\$1,277.64
100	College Hill	1510 W NORTH BEND Rd	0247-0002-0013	\$6,579.60
101	CUF	2966 MCMICKEN Av	0099-0002-0075	\$1,014.00
102	CUF	485 Riddle St	0101-0006-0048	\$1,825.20
103	Northside	1681 Blue Rock St	0194-0012-0095	\$3,159.48
104	Northside	4215 CHAMBERS St	0221-0020-0086	\$1,460.16

Group Name: 2023 W 8th - Emerg Repair (791)

		Location:	Parcel:	Construction Cost:
105	West Price Hill	3826 EIGHTH St	0176-0023-0027	\$854.40
106	West Price Hill	3909 EIGHTH St	0179-0076-0130	\$9,928.80
107	West Price Hill	3920 EIGHTH St	0179-0076-0042	\$1,521.00
108	West Price Hill	3951 EIGHTH St	0179-0076-0353	\$5,070.00
109	West Price Hill	3961 EIGHTH St	0179-0076-0145	\$2,781.60
110	West Price Hill	4004 EIGHTH St	0179-0076-0119	\$1,014.00
111	West Price Hill	4005 EIGHTH St	0179-0076-0148	\$507.00
112	West Price Hill	4041 EIGHTH St	0179-0078-0200	\$2,007.00
113	West Price Hill	4043 EIGHTH St	0179-0078-0201	\$1,548.00
114	West Price Hill	4053 EIGHTH St	0179-0078-0208	\$1,281.60
115	West Price Hill	4067 EIGHTH St	0179-0078-0211	\$1,014.00
116	West Price Hill	4099 EIGHTH St	0179-0078-0217	\$2,172.60
117	West Price Hill	4109 EIGHTH St	0179-0078-0244	\$1,014.00
118	West Price Hill	4126 EIGHTH St	0179-0078-0300	\$2,636.40
119	West Price Hill	4128 EIGHTH St	0179-0078-0293	\$1,622.40
120	West Price Hill	4132 EIGHTH St	0179-0078-0358	\$2,722.20
121	West Price Hill	4136 EIGHTH St	0179-0078-0365	\$405.60
122	West Price Hill	4150 EIGHTH St	0179-0078-0376	\$2,028.00
123	West Price Hill	4156 EIGHTH St	0179-0078-0318	\$4,323.36
124	West Price Hill	4163 EIGHTH St	0179-0078-0585	\$11,965.20
125	West Price Hill	4202 Eighth St	0179-0078-0341	\$730.08
126	West Price Hill	4215 EIGHTH St	0179-0079-0325	\$1,926.60
127	West Price Hill	4315 EIGHTH St	0179-0079-0074	\$534.00
128	West Price Hill	4321 EIGHTH St	0179-0079-0061	\$624.60
129	West Price Hill	4367 EIGHTH St	0179-0079-0054	\$1,928.40
130	West Price Hill	4375 EIGHTH St	0180-0A81-0057	\$507.00
131	West Price Hill	801 ROSEMONT Av	0179-0078-0176	\$1,142.40
132	West Price Hill	804 SUIRE Av	0179-0076-0096	\$811.20

May 8, 2024

TO: Mayor and Members of City Council
FROM: Sheryl M. M. Long, City Manager
SUBJECT: **Urban Forestry Program Assessment Equalization Board Recommendations**

202401315

At its session on April 17, 2024, Council passed the following item:

ORDINANCE (EMERGENCY), submitted by Sheryl M. M. Long, City Manager, on 4/10/2024, ESTABLISHING the 2025 Urban Forestry Program Assessment Equalization Board, appointing three members thereto, and setting the time and place for hearings.

Pursuant to the passage of this ordinance, an assessment equalization board was impaneled on April 30, 2024, to hear one objection to the 2025 assessment from a property owner with nine separate parcels (CSX Railroad). The Board agreed to maintain the current assessments as proposed for 2025 without adjustment, as follows:

Parcel Number	Recommended Assessment Amount for 2025
0360001020400	\$751.38
0500002026200	\$588.91
1620004000500	\$636.12
1900029000100	\$612.22
2010036000500	\$556.19
2050021010500	\$539.56
2050021012100	\$709.94
2440003004500	\$587.45
2450002010000	\$581.48

Ohio Revised Code Section 727.17 requires City Council to approve or disapprove the assessment equalization board’s recommendations as to this objection as part of a “Determining to Proceed” ordinance. The administration urges Council to approve the board’s recommendation so that the 2025 assessment can proceed in a timely manner. The total assessment for the 2025 Urban Forestry program is \$3.4 million.

cc: Jason Barron, Director of Parks *JB*

May 8, 2024

TO: Mayor and Members of City Council

202401295

FROM: Sheryl M. M. Long, City Manager

SUBJECT: **EMERGENCY ORDINANCE — 2025 Urban Forestry Special Assessment Determination**

Attached is an emergency ordinance captioned:

DETERMINING to proceed with a special assessment for the Urban Forestry Program for the calendar year 2025, 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 Urban Forestry assessment must be enacted by City Council every year to assure funding for street tree maintenance and planting. An ordinance must be approved by City Council to proceed with the street tree program in accordance with the resolution of necessity previously passed by City Council.

January 28, 2024, Council passed Resolution No. 14-2024 pursuant to Ohio Revised Code (O.R.C.) declaring the necessity of assessing \$0.31 per front foot for the control of blight and disease of shade trees within the public right-of-way. One objection was filed to the special assessment pursuant to O.R.C. Section 727.15. Council established an Assessment Equalization Board via Ordinance No. 0127-2024 to consider this objection. The objection was heard on April 30, 2024, and a report has been submitted to Council.

This transmittal is the second step of a three-step process to establish the special urban forestry assessment for the City of Cincinnati for 2025.

The Administration recommends the adoption of this emergency ordinance.

Attachment I – Emergency Ordinance

cc: Jason Barron, Director of Parks
C. Courtney, Division Manager Natural Resources
R. Hunt, Supervisor of Urban Forestry
H. Herta Fairbanks, CFO Parks

EMERGENCY

KKF

- 2024

DETERMINING to proceed with a special assessment for the Urban Forestry Program for the calendar year 2025 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 28, 2024, Council passed Resolution No. 14-2024 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 2025; and

WHEREAS, under Resolution 14-2024, 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, at least one property owner filed an objection to the special assessment against the owner(s)’ lot or property, pursuant to R.C. Section 727.15, and Council established an Assessment Equalization Board (“Board”) via Ordinance No. 127-2024 to consider the objections; and

WHEREAS, on April 30, 2024, the Board convened and heard the objections, the property owner did not appear, and based on the written objections and information from staff the Board recommended that the assessments for 2025 be maintained as proposed without adjustment; and

WHEREAS, the Board duly reported its findings, recommendations, and changes to Council, and Council agrees with the report and wishes to adopt the Board’s recommendation; 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 2025 as set out and approved in accordance with the provisions of Resolution No. 14-2024.

Section 2. That Council accepts and approves the report and recommendation of the Assessment Equalization Board.

Section 3. That Council approves and adopts the estimated assessments, as prepared and filed in the Office of the Clerk of Council.

Section 4. That no claim for damages has been filed pursuant to R.C. Section 727.18.

Section 5. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to pass this ordinance determining the need to proceed with the assessment before Council passes the levying ordinance required by statute by the deadline.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

April 8, 2024

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

202401302

Subject: Feasibility of Ault Park 4th of July Fireworks Continuity

Reference Document #202400916

The City Council at its session on March 27, 2024, referred the following item for review and report:

MOTION, submitted by Councilmembers Walsh, Kearney, and Owens, that the administration produces a report within thirty (30) days on the feasibility of assuming operations of the 4th of July fireworks celebration in Ault Park from the Ault Park Advisory Council (APAC), Hyde Park Neighborhood Council (HPNC), and Mt. Lookout Community Council (MLCC). This report should include background information on the history of the 4th of July fireworks celebration, the logistics of running the event including any support needed from other City departments, how much funding is necessary, and what is needed to make the event sustainable going forward. (BALANCE ON FILE IN THE CLERK'S OFFICE)

BACKGROUND

Cincinnati Parks appreciates the opportunity to have our parks and greenspaces throughout the city used for community events and was proud to host over 750 community events last year alone. These events fall into three main buckets:

- **Rentals.** Organizers rent space and pay for support services (staffing, electric, clean-up etc.). These could be large scale signature events such as Riverfest, Black Family Reunion, Oktoberfest, the Flying Pig Marathon, Pride, or smaller events like a 5K race or neighborhood picnic.
- **Partnered.** Parks works with community organizers to help produce free, family friendly events in our parks such as Springfest in Burnet Woods, Trailfest in Mt. Airy Forest, the Pumpkin Chuck in Stanbery Park, free yoga programs, and many, many others. As an event partner, Parks often provides one or more supportive services such as staffing, clean up, entertainment, event promotion, equipment, or electric at no charge.

- **Self-produced.** We also have very limited staffing and budget resources to produce a handful of events entirely in-house. Examples include the All-American Birthday Bash, Piatt Park acoustic lunches, or the Amped Up Concert series.

AULT PARK FIREWORKS

Since its inception over 50 years ago, the Ault Park 4th of July Fireworks has been organized and produced by the community, and Parks has served in a support role as an event partner. The event attracts approximately 5,000 visitors and takes place every 4th of July. It begins with a ceremonial flag raising at 6 PM, a festival atmosphere with live music and food trucks from 7-9 PM, and concludes with a fireworks display at 9 PM. The crowds typically clear out immediately following the fireworks show by 10 PM.

Community organizers provide overall event planning, administration, and execution, and a fundraising campaign to pay for the fireworks display, portable restrooms, stage set-up, volunteer recruitment, promotion/sponsor recognition, all city fees, and hiring police details.

City Participation

As a Partnered Event, Cincinnati Parks has been providing use of Ault Park at no charge. In recent years as the event has become more challenging for the community to organize and execute, Cincinnati Parks has provided increasing support to help keep the event going, including booking and paying for live music, temporary fencing, and staffing for event set up, execution, and clean up. The total recent amount contributed by Parks annually equals roughly \$3,700. Off-duty Cincinnati Police Officers are hired by the community, CFD inspects and receives a fee for firework safety, and the City receives permit fees paid equaling \$1,395.

City Costs	\$
Fire Inspection	500
Event Fees	895
Police Detail	3,738
Parks*	3,700
Total	8,833

*Paid by Parks

2024 CANCELLATION

In January, Cincinnati Parks was informed by event organizers they would no longer be able to produce the event (see attached). Aside from the administrative burden inherently placed on the volunteer organizers in planning, managing, and executing a large community event, there are two factors identified as particularly troublesome. The first factor is funding. The event relies on conducting a community fundraising campaign each year to pay for most of the event costs. Over the last few years, organizers became increasingly anxious about having to cover shortfalls in fundraising from existing organizational budgets.

The second factor relates to safety and security. Ault Park has wooded areas near the fireworks display and is a fairly confined space, making traffic flow and parking particularly challenging to manage. Right before the fireworks show, large numbers of guests flock to the park, and as soon as the fireworks end, everyone leaves en masse. The event has a few volunteers, but mostly relies on hiring off-duty Cincinnati Police Officers to provide security, safety, parking control, and traffic flow. In recent years, event organizers have struggled to get a full complement of needed officers to take the off-duty shifts even though adequate funding is available.

SUSTAINABILITY

Staff have identified 3 scenarios for the event to continue.

- 1) A consortium of community members come together to resume producing the event, effectively forming an Ault Parks Fireworks Organizing Committee, and Parks continues to work with them as a partner. Since the announcement of the cancellation, Parks has heard from some community members who have at least expressed interest in becoming involved. This is the most sustainable path forward because it is a continuation of past practice, which was so successful. This option ties long term sustainability to community and volunteer commitment.

- 2) Parks self-produces the event. As described above, Parks has limited ability to fully produce events; however, staff have analyzed what would be necessary and could take this on if additional resources were provided. Parks is not set up to organize community fundraising campaigns and would require City funding. The budget estimate below details the event needs should Parks assume control. Additionally, Parks would need assistance in securing enough off-duty Cincinnati Police Officers to manage traffic and ensure guest safety. For the event to be sustainable into the future, a budget line item and support in assuring an adequate number of off-duty officers are scheduled would be required every year. This option ties sustainability to an annual funding allocation from City Council and administrative support from the Cincinnati Police Department.

- 3) The community steps forward to take on the fundraising component and provides the funds to Cincinnati Parks who takes over producing the fireworks. Under this scenario, CPD support in assuring an adequate number of off-duty police officers are scheduled would still be required. This option ties sustainability to community fundraising, Parks staffing bandwidth, and administrative support from the Cincinnati Police Department.

2024 Estimate	\$
Fireworks Display	13,500
Portable Restrooms	2,000
Stage	2,500
City Stage Permit	345

Cincinnati Police Detail	5,000
Police Permit Fee	50
Fire Marshall Inspection	500
Live Music	2,500
Parks Staffing	4,100
Promotion/Sponsor Recognition	1,500
City Event Permit Fee	500
Total	32,495

EQUITY

For years, Cincinnati Parks has produced the All-American Birthday Bash at Sawyer Point. This event typically takes place on one of the closest Saturdays to the 4th of July and is intentionally centrally located, serving the entire community. This year’s event takes place on Saturday, June 29th and includes a car show, entertainment, food and drinks, and a fireworks display. Parks has also partnered with communities wishing to produce smaller neighborhood-based fireworks events at Inwood Park and others, but has not produced a show on the 4th targeting the broader community.

If Parks were to assume the Ault Park 4th of July Fireworks, this would de facto become the location for a City hosted and sponsored 4th of July event, though it does not necessarily cater to neighborhoods from throughout the city. In thinking through City sponsored event selection, consideration should be given to ensuring residents from across the city have the opportunity to participate.

CONCLUSION

The Ault Park 4th of July Fireworks is a rich and cherished Cincinnati tradition enjoyed by thousands each year. Cincinnati Parks welcomes the opportunity to participate in efforts to see the event continue for future generations to enjoy and stands ready to answer any additional questions about the event.

Attachment – Community Cancellation Letter

cc: Jason Barron, Parks Director



January 18, 2024

VIA ELECTRONIC MAIL

Kick Lee, Cincinnati Parks Commissioner (kickleecincyparks@gmail.com)
Jason Barron, Cincinnati Parks Director (jason.barron@cincinnati-oh.gov)
Lou Sand, Cincinnati Parks East Region Manager (lou.sand@cincinnati-oh.gov)

Dear Kick, Jason & Lou:

Ault Park Advisory Council (APAC), Hyde Park Neighborhood Council (HPNC), and Mt. Lookout Community Council (MLCC) are writing to inform Cincinnati Parks that, unfortunately, our organizations can no longer independently organize, fund and administer the 4th of July fireworks event in Ault Park.

Historically, the event has been organized by various groups of volunteers who have not always been associated with APAC, HPNC or MLCC. When the prior organizers slowed down, APAC assumed full responsibility for the event (with additional support from HPNC and MLCC) in an ambitious effort to save it. However, based on our experience in the past several years, we have made the decision that we can no longer “own” this event.

There are several compelling reasons for our position, including, but not limited to: (1) the safety of the attendees (we have experienced issues with attendees hopping over fences and getting too close to the explosives); (2) the efficiency of traffic into and out of Ault Park (and lack of police presence to control it); (3) the time required for sufficient community fundraising; and (4) the financial liability for any fundraising shortage. APAC, HPNC and MLCC are boards of volunteers who work full time and already dedicate a significant amount of their limited free time and energy to our respective operations. Unfortunately, we do not have the collective capacity to “own” an event of this scale, which continues to grow by the year.

The 4th of July fireworks event has been a cherished tradition in Ault Park for over 50 years, and we would love to find a way for it to continue. We have thoroughly discussed this matter and explored every option. Even with the collective support of APAC, HPNC and MLCC, we do not believe that we have the capacity to “own” this event.

We fully expect for the members of the Mt. Lookout, Hyde Park and other surrounding communities to express confusion, disappointment and frustration if, for the first time in 50+ years, there is no 4th of July fireworks event in Ault Park. Therefore, I am reaching out to each of you, as our key supporters and collaborators in Parks, in order to: (1) inform you of our decision; and (2) **collaborate on a strategy to communicate this news to the general public and to the past sponsors of the event.** This second item is important and time-sensitive, and we believe that it



would be helpful if we could schedule a time to discuss this issue together and coordinate a cohesive messaging strategy.

Please share your thoughts and availability when you can. As always, your time and attention is much appreciated. Thanks for everything you do.

Sincerely,

/s/ Jeffrey A. Levine
Jeffrey A. Levine, Esq.
President, Ault Park Advisory Council
JALevine@strausstroy.com
513-629-9425

/s/ Tommy McEvoy
Tommy McEvoy
President, Hyde Park Neighborhood Council
hpnepres@gmail.com

/s/ Mike Cheetham
Mike Cheetham
President, Mt. Lookout Community Council
mikecheetham@gmail.com



202401307

Mark Jeffreys
Councilmember

May 6, 2024

MOTION

Building A Diverse, Local Middle Class

To understand the make-up of the “boots on the ground” workforce in City projects, WE MOVE that, the Administration use aggregated certified payroll data over the past few years to report back to Council within sixty (60) days on:

- Overall percentage of minorities across all trades and projects.
- Overall percentage of women across all trades and projects.
- Breakdown of the percentages of workers who live in the City of Cincinnati vs the Greater Cincinnati area vs outside the region e.g. another state outside the Tri-State.
- Overall percentage of workers who are union vs non-union and how that compares for minorities and women.
- A recommendation by the Administration for how best, and at what frequency, to track progress on these results over time, and recommendation on goals for inclusion at the workforce level.

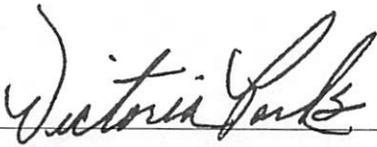
STATEMENT

The City of Cincinnati has set forth goals for inclusion of Minority/Woman-owned Business Enterprises (MWBE). These goals measure inclusion at the ownership level. However, we have not developed goals or tracked data for inclusion among workers to understand what percentage of minorities and women are actively working on jobs.

In order to set those goals, we need to understand a snapshot of the make-up of our workforce. The best way to measure that is through certified payroll – a database that includes any person who has worked on a city project that has Prevailing Wage. The certified payroll database includes measures for ethnicity & gender, residency of the worker, type of trade craft, union/non-union, etc.

Having this data will help City Council develop goals for boots on the ground workforce inclusion measures and track progress as initiatives such as Building Futures expands to include more minorities and women in the trades.


Councilmember Mark Jeffreys







Cal 5/8

DT

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May 8, 2024

TO: Mayor and Members of City Council 202401297
FROM: Sheryl M. M. Long, City Manager
SUBJECT: **ORDINANCE — 2025 Urban Forestry Special Assessment Determination**

Attached is an ordinance captioned:

LEVYING a special assessment for the Urban Forestry Program for the calendar year 2025, 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 Urban Forestry assessment must be enacted by City Council every year to assure funding for street tree maintenance and planting. An ordinance must be approved by City Council to proceed with the street tree program in accordance with the resolution of necessity previously passed by City Council.

January 28, 2024, Council passed Resolution No. 14-2024 pursuant to Ohio Revised Code (O.R.C.) declaring the necessity of assessing \$0.31 per front foot for the control of blight and disease of shade trees within the public right-of-way. One objection was filed to the special assessment pursuant to O.R.C. Section 727.15. Council established an Assessment Equalization Board via Ordinance No. 0127-2024 to consider this objection. The objection was heard on April 30, 2024, and a report has been submitted to Council.

This transmittal is the third and final step of a three-step process to establish the special urban forestry assessment for the City of Cincinnati for 2025.

The Administration recommends the adoption of this ordinance.

Attachment I – Ordinance

cc: Jason Barron, Director of Parks
C. Courtney, Division Manager Natural Resources
R. Hunt, Supervisor of Urban Forestry
H. Herta Fairbanks, CFO Parks

LEVYING a special assessment for the Urban Forestry Program for the calendar year 2025 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 28, 2024, Council passed Resolution No. 14-2024 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 2025; and

WHEREAS, under Resolution 14-2024, 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; and

WHEREAS, one property owner filed an objection to the special assessment against owner's lots or property, pursuant to R.C. Section 727.15, and Council established an Assessment Equalization Board ("Board") to consider this objection via Ordinance No. 127-2024; and

WHEREAS, on April 30, 2024, the Board convened and heard the objections and reported and recommended to Council that the assessments for 2025 shall be maintained as proposed without adjustment; and

WHEREAS, on _____, 2024, Council passed Ordinance No. ____-2024 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 2025; now, therefore,

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

Section 1. That there is 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 2025.

Section 2. That it is 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 2024, are paid.

Section 4. That the City Treasurer and the Clerk of Council are 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 2024, 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 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: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

May 8, 2024

To: Mayor and Members of City Council

202401298

From: Sheryl M. M. Long, City Manager

Subject: ORDINANCE – Graffiti Abatement Program

Attached is an ordinance captioned as follows:

ORDAINING new Chapter 751, “Graffiti Abatement,” of the Cincinnati Municipal Code, and **REPEALING** existing Chapter 751, “Graffiti Abatement,” to update the City’s updated Graffiti abatement program to align with existing abatement programs, including by providing for significant prior notice to a property owner in advance of City-led abatement efforts and identifying cost recovery mechanisms.

This ordinance is intended to provide an improved mechanism to mitigate graffiti within our neighborhoods.

The Administration recommends passage of the attached ordinance.

Over time, shifting responsibilities within the City Administration have rendered portions of the present Graffiti Abatement Chapter functionally obsolete.

cc: Art Dahlberg, Director, Buildings & Inspections

ORDAINING new Chapter 751, “Graffiti Abatement,” of the Cincinnati Municipal Code, and **REPEALING** existing Chapter 751, “Graffiti Abatement,” to update the City’s updated Graffiti abatement program to align with existing abatement programs, including by providing for significant prior notice to a property owner in advance of City-led abatement efforts and identifying cost recovery mechanisms.

WHEREAS, graffiti on private property lessens the value of adjacent properties and is inconsistent with the City of Cincinnati’s property maintenance goals; and

WHEREAS, graffiti on one property often results in additional graffiti on others unless it is quickly removed; and

WHEREAS, graffiti on vacant buildings is a hazardous condition that acts as a magnet for trespassing, littering, and other criminal activities; and

WHEREAS, unmanaged vacant buildings with graffiti negatively impact the quality of life of all residents; and

WHEREAS, state law authorizes the City to perform abatement of hazardous conditions and nuisances; and

WHEREAS, it is necessary for the City to take action when owners of vacant buildings fail to take appropriate steps to remove graffiti from their properties; and

WHEREAS, Council finds the modifications to the Cincinnati Municipal Code and the additional authorizations contained herein are in the interest of the general public’s health, safety, morals, and welfare; now, therefore,

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

Section 1. That new Chapter 751, “Graffiti Abatement,” of the Cincinnati Municipal Code is hereby ordained to read as follows:

CHAPTER 751 GRAFFITI ABATEMENT

Sec. 751-1. - Definitions.

For the purpose of this chapter the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and

words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

Sec. 751-1-A. - Abatement.

“Abatement” shall mean the removal of any conditions, in accordance with Section 751-4, that are the subject of a notice of violation pursuant to Section 751-3.1.

Sec. 751-1-G. - Graffiti.

“Graffiti” shall mean any inscription, word, figure, marking, or design that is marked, etched, scratched, drawn, or painted on any premises, including buildings, structures, fixtures, or other improvements, whether permanent or temporary, whether public or private, without the consent of the owner of the property, a person in control, or the property owner’s authorized agent, and that is visible from the public right-of-way or other public or quasi-public location within the city.

Sec. 751-1-N. - Nuisance Property.

“Nuisance property” shall mean property that is not being maintained consistent with the requirements of Chapter 751 and that the property owner or person in control has failed to bring into compliance with Section 751-2 within thirty days of receiving a notice of violation pursuant to 751-3.1.

Sec. 751-1-P. - Person in Control.

“Person in control” shall mean the owner of the freehold estate of the premises; a mortgagee or vendee in possession; a receiver; an executor; a trustee; and any person, public or private entity, lessee or holder of a lesser estate in the premises, and/or its duly authorized agent(s), with the authority to bring a building or premises into compliance with the provisions of this code, including, but not limited to, any mortgagee that has filed an action in foreclosure on the particular premises at issue, based on breach or default of a mortgage agreement, until title to the premises is transferred to a third party.

Sec. 751-1-P2. - Premises.

“Premises” shall mean the lot and structures situated thereon.

Sec. 751-2. - Duty to keep Premises free of Graffiti.

Every owner or person in control of any premises shall at all times maintain the premises free of graffiti.

Sec. 751-3.1. - Notice of Violation.

Whenever the city manager or the city manager’s designee determines that graffiti exists on a premises in violation of Section 751-2, the city manager or the city manager’s designee shall issue a notice to the owner or person in control of the premises that states the following:

- a. Graffiti is present on the premises in violation of Section 751-2;
- b. Within thirty days of receipt of the notice, the owner of person in control of the premises must either abate the graffiti or petition the city manager or city manager's designee for a written determination pursuant to Section 751-3.4;
- c. If the owner or person in control fails to abate the graffiti or petition the city manager or city manager's designee for a written determination within the above timeframe, the premises shall thereafter be deemed a nuisance property and subject to abatement by the city; and
- d. The cost of abatement of the graffiti by the city will be assessed in accordance with Section 751-5.

Sec. 751-3.2. - Service of Notice.

When the city manager or city manager's designee issues a notice pursuant to Section 751-3.1, service shall be made by both posting the notice in a conspicuous place on the premises and in one of the following ways:

- a. By personal delivery to the owner or person in control involved;
- b. By delivery at the residence or place of business of the owner or person in control involved; or
- c. By mail addressed to the owner or person in control at their place of residence or place of business.

Sec. 751-3.3. - Receipt of Notice.

For the purposes of this section, receipt of the notice shall mean any of the following:

- a. The date on which the issuing officer posted a copy of the notice on the premises;
- b. The date on which the issuing officer personally served the person being charged;
- c. The date on which the issuing officer delivered the notice at the residence or place of business of the owner or person in control involved; or
- d. Three days after the date on which the issuing officer mailed a copy of the notice.

Sec. 751-3.4. - Petition for Written Determination.

Any person who has a bona fide controversy with the interpretation, application, or enforcement of this chapter may petition the city manager or the city manager's designee for a written decision, order, or adjudication as follows:

- a. The petition shall be on forms prescribed by the city manager or the city manager's designee.
- b. The petition may not relate to a decision, order, or adjudication that is the subject of a past or pending administrative appeal or legal action.
- c. The city manager or the city manager's designee shall dispose of the petition based upon the petitioner's written submissions, applicable laws, publicly available materials, and an inspection of the subject property if necessary; provided, however, that the petitioner may be heard in person prior to final disposition of the petition by making the request in writing upon submission of the petition.
- d. If the city manager or the city manager's designee requests to inspect the subject property, the petitioner may refuse the request, but the refusal may serve as a basis for the denial of the petition.
- e. The city manager or the city manager's designee shall issue a final written determination on the petition within thirty days from the date of its submission, which determination shall constitute a final, appealable adjudication of the controversy described in the petition.

Sec. 751-4. - Abatement by Public Officers.

(1) If the owner or person in control of a premises in violation of Section 751-2 fails to comply with a notice of violation issued pursuant to Sec. 751-3.1, the premises shall be deemed a nuisance property, and the city manager or the city manager's designee may cause any graffiti on the premises to be abated, and may employ the necessary labor to perform the task.

(2) If the city manager or the city manager's designee abates graffiti pursuant to this section, they shall completely abate the graffiti in a manner that renders it inconspicuous.

(3) The city manager or the city manager's designee shall report all expenses involved in the abatement of such graffiti to council.

Sec. 751-5. - Cost as Lien on the Land and Personal Judgment Against Owners and Persons in Control.

When graffiti has been abated in accordance with Section 751-4, the cost thereof shall be a lien on such premises from the date such expenses are reported to council in accordance with Section 751-5. The clerk of council shall certify such cost to the county auditor to be placed upon the tax list and collected as other taxes are collected and returned to the city of Cincinnati in accordance with R.C. Section 715.26, 715.261, or 731.54. The cost of removal may also be recovered by means of a judgment against the owner or person in control of the property.

Sec. 751-6. - Rules and Regulations.

The city manager or the city manager's designee is authorized to promulgate rules and regulations to effectuate the provisions and purposes of this chapter, including without limitation,

the following: the implementation of a program enabling abatement by an authorized designee of the city, including determining the cost of authorized designee time and of abatement; and guidelines for color matching paint used in graffiti abatement with existing surfaces.

Section 2. That existing Chapter 751, "Graffiti Abatement," of the Cincinnati Municipal Code is hereby repealed.

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

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk