



City of Cincinnati

801 Plum Street
Cincinnati, OH 45202

Agenda - Final-revised

Budget and Finance Committee

Chairperson David Mann
Vice Chair Chris Seelbach
Councilmember Steve Goodin
Councilmember Jan-Michele Kearney
Councilmember Liz Keating
Councilmember Greg Landsman
Councilmember Betsy Sundermann
Councilmember Wendell Young

Monday, June 14, 2021

1:00 PM

Council Chambers, Room 300

ROLL CALL

AGENDA

General Items

1. [202102204](#) REPORT, dated 6/14/2021, submitted by Paula Boggs Muething, City Manager, regarding Department of Finance Report for the Month Ended April 30, 2021

Sponsors: City Manager
Attachments: [Transmittal](#)
[Attachments](#)
2. [202102138](#) RESOLUTION, submitted by Councilmember Goodin from Andrew W. Garth, City Solicitor, URGING the Ohio Senate to remove or otherwise defect the amendment in the budget bill that retroactively mandates municipalities comply with refund requests from employees who did not work at their principal place of employment between March 9, 2020 and December 31, 2021.

Sponsors: Goodin
Attachments: [Transmittal - Goodin](#)
[Resolution - Goodin](#)
3. [202102133](#) ORDINANCE submitted by Paula Boggs Muething, City Manager, on 6/9/2021, AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in an amount up to \$165,000 from the State of Ohio Department of Public Safety, Office of Criminal Justice Services, to fund a Traffic Safety Resource Prosecutor assigned to the Ohio Department of Public Safety, which position will provide training, education, and technical support to traffic crimes prosecutors and law enforcement agencies throughout the State of Ohio, and work to develop a coordinated statewide, multidisciplinary planned approach to the

prosecution of impaired driving and other traffic crimes in Ohio; and AUTHORIZING the Finance Director to deposit the grant funds received by the City of Cincinnati into Law Enforcement Grant Fund 368, Project Account No. 22TSRP.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

4. [202102134](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 6/9/2021, ESTABLISHING new capital improvement program project account no. 980x203x212004, "Inwood Park Playground Equipment," for the purpose of providing resources for playground equipment at Inwood Park; and AUTHORIZING the City Manager to transfer and appropriate the amount of \$142,438.85 from Fund No. 430, "Parks Private Endowments," to newly established capital improvement program project account no. 980x203x212004, "Inwood Park Playground Equipment," for the purpose of providing playground equipment at Inwood Park.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

5. [202102136](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 6/9/2021, AUTHORIZING the City Manager to apply for, accept, and appropriate a grant of up to \$13,597,701.60 from the Department of Homeland Security, Federal Emergency Management Agency, FY 2020 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program (Assistance Listing 97.083) to fully fund the salary and benefits of up to 40 recruits for the Cincinnati Fire Department for three years; further AUTHORIZING the Finance Director to receive and deposit the grant funds into Fire Grants Fund 472.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

6. [202102143](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 6/9/2021, AUTHORIZING the transfer of the sum of \$230,010 within General Fund 050, from and to various operating accounts of the General Fund according to the attached Schedule of Transfer, for the purpose of realigning and providing funds for the ongoing needs of City departments; and AUTHORIZING the transfer of the sum of \$226,386 within the various Restricted Funds, from and to various operating accounts and the unappropriated surplus of the respective Restricted Funds according to the attached Schedule of Transfer, for the purpose of realigning and providing funds for the ongoing needs of City departments.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment](#)

7. [202102146](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 6/9/2021, AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in an amount of \$3,000 from Interact for Health for the purpose of providing support for printing and mailing of educational materials related to COVID-19 vaccinations and addressing vaccine disparities in vulnerable Cincinnati communities; and AUTHORIZING the Finance Director to deposit the grant funds into Public Health Research Fund 350.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

8. [202102148](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 6/9/2021, AUTHORIZING the payment of \$14,281.40 from the Office of Environment and Sustainability's General Fund non-personnel operating budget account no. 050x104x5000x7289 as a moral obligation to Cascade Engineering for charges owed for recycling cart maintenance services provided in August 2019.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

9. [202102153](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 6/9/2021, MODIFYING Title VII, "General Regulations," of the Cincinnati Municipal Code by amending Section 723-16, "Sidewalk Vending," of Chapter 723, "Streets and Sidewalks, Use Regulations," to establish a new sidewalk vending district in proximity to TQL Stadium in the West neighborhood.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

10. [202102154](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 6/9/2021, APPROVING AND AUTHORIZING the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with Moerlein Mansion, LLC, thereby authorizing a 12-year tax exemption for 100% of the value of improvements made to real property located at 18 Mulberry Street in the Mt. Auburn neighborhood of Cincinnati, in connection with the remodeling of the existing building into approximately 6,722 square feet of residential space consisting of 9 residential units, at a total construction cost of approximately \$471,208.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Exhibit A](#)

11. [202102156](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 6/9/2021, AUTHORIZING the City Manager to vacate approximately 0.8573 acres of the public right-of-way designated as Gest Street; AUTHORIZING the City Manager to execute a First Amendment to Amended and Restated Lease Agreement with CBT Partners, LLC pursuant to which the City will add approximately 0.8573 acres of the vacated portion of Gest Street and approximately 0.6112 acres of public right-of-way designated as Baymiller Street to an existing lease of approximately 35 acres of City-owned land located south of West Mehring Way and east of the Mill Creek in the Queensgate neighborhood; and AUTHORIZING the City Manager to execute a Grant of Easement in favor of CBT Partners, LLC and Mehring Investors, LLC, pursuant to which the City will grant an aerial encroachment easement to permit an aerial conveyor above and across the West Mehring Way public right-of-way, in order to facilitate the redevelopment and safe and efficient use of the City's leased property by CBT Partners, LLC.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Exhibit A](#)
[Exhibit B](#)

12. [202102157](#) ORDINANCE submitted by Paula Boggs Muething, City Manager, on 6/9/2021, AMENDING Ordinance No. 6-2020 to increase the amount of principal forgiveness assistance the City Manager or her designee is authorized to apply for, accept and appropriate from the Ohio Environmental Protection Agency Water Supply Revolving Loan Account from the previously authorized amount of \$1,000,000 to the approximate amount of \$2,000,000.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

13. [202102158](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 6/9/2021, PROVIDING for the appropriation of funds and authorization of expenditures from General Fund 050 in the amount of \$440,788,700 for the fiscal year beginning July 1, 2021 and ending June 30, 2022, reflecting a portion of the Recommended FY 2022 General Fund Operating Budget totaling \$441,113,700, per the attached Schedule of Appropriation, in order to provide for the current expenses and other expenses of the City of Cincinnati; AUTHORIZING the

transfer of the sum of \$3,466,118 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Bond Retirement Fund 151 for the purpose of paying the City's FY 2022 General Fund debt service obligations related to the Ohio Police and Fire Pension Fund in the amount of \$2,526,858 and the Early Retirement Incentive Program (ERIP) in the amount of \$939,260; AUTHORIZING the transfer of the sum of \$16,568,110 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Cincinnati Health District Fund 416 for the purpose of providing for the FY 2022 General Fund Operating Budget portion of the expenses of the Cincinnati Health Department; AUTHORIZING the transfer and appropriation of the sum of \$150,000 from the unappropriated surplus of General Fund 050 to the Citizens Jobs Fund 308 Department of Recreation personnel operating budget account no. 308x199x7100 for the purpose of providing funding for youth employment opportunities; APPROVING the recommendation of the Mayor for an increase in the compensation of City Manager Paula Boggs Muething effective June 27, 2021; REVISING the Classification and Salary Range Schedule for all employment classifications in Divisions 0, 5, 7 (LAW), 8, and 9 of Chapter 307 of the Cincinnati Municipal Code to establish the new Classification and Salary Range Schedule for said classifications and to provide for a cost-of-living adjustment of 2.0% effective June 27, 2021; and further ESTABLISHING the annual inflationary amount applied to the fees charged for services related to permitting and property maintenance by the Department of Buildings and Inspections at 1.23% and instituting a new 1.0% training surcharge.

Sponsors:

City Manager

Attachments:[FY 2022 General Fund Operating Budget OrdTrans](#)[ORD - FY 2022 General Fund Operating Budget](#)[General Fund Appropriation Schedule Part I](#)[General Fund Appropriation Schedule Part II RevExp Final](#)[Exhibit A](#)[Exhibit B](#)**Budget Motions**

14. [202102165](#) MOTION, dated 6/7/2021, submitted by Councilmember Goodin, WE MOVE that the City set aside funds in the Fiscal Year 2021 budget to repair and/or upgrade the following the city roadways, including the provision of traffic calming devices and better grading to prevent accidents: Warsaw Avenue (Kroger crosswalk), Rockdale Avenue (Rockdale Academy), Harrison Avenue (2200 block), Hamilton Avenue (Hamilton & Lingo), Virginia Avenue & Kirby Avenue, and Route 50/River Road (Sayler Park). (STATEMENT ATTACHED)

Sponsors:

Goodin

Attachments: [Motion - Goodin](#)

15. [202102140](#) MOTION, submitted by Councilmembers Goodin and Kearney, WE MOVE that City include a capital request of \$250,000 in the FY 2022-2023 biennial budget to Women Helping Women to support their Domestic Violence Enhancement Response Team (DVERT) program.

Sponsors: Goodin and Kearney

Attachments: [Motion](#)

16. [202102110](#) MOTION, submitted by Councilmembers Kearney, Goodin and Vice Mayor Smitherman, WE MOVE that Cincinnati City Council allocate \$500,000 from the Capital budget to The Playhouse in the Park to assist with the \$49.5 million project to replace the aging Marx Theatre with a modern, inclusive facility that will welcome our diverse citizens to Eden Park and the Mount Adams neighborhood. This new facility will ensure that future generations of Cincinnatians will enjoy the same level of artistry that they have come to expect from the Playhouse, as this important Cincinnati institution reaches out to new audiences and communities. (STATEMENT ATTACHED).

Sponsors: Kearney, Goodin and Smitherman

Attachments: [Motion](#)

17. [202102164](#) MOTION, submitted by Councilmember Keating and Kearney, WE MOVE that the city includes a capital request of \$2,250,000 for the Boys and Girls Club in the Villages at Roll Hill. (STATEMENT ATTACHED).

Sponsors: Keating and Kearney

Attachments: [Motion](#)

18. [202102163](#) MOTION, submitted by Councilmembers Keating and Goodin, WE MOVE that city includes a capital request of \$4,000,000 for the extension of the Mill Creek Trail and the Ohio River Trail from Lunken Airport to Friendship Park along the Oasis Rail Corridor. This request would be split into \$2,000,000 in FY 2022, and \$2,000,000 in FY 2023. The Ohio River trail would receive \$1,500,000 each year, totaling \$3,000,000, while the Mill Creek Trail would receive \$500,000 each year, totaling \$1,000,000. (STATEMENT ATTACHED)

Sponsors: Keating and Goodin

Attachments: [Motion](#)

19. [202102096](#) MOTION, submitted by Councilmember Mann, I MOVE that the fiscal year 2022 budget include \$1 million for preservation of the First Lutheran Church Bell Tower in Over the Rhine immediately adjacent to Washington Park. (STATEMENT ATTACHED).

Sponsors: Mann

Attachments: [Motion](#)

20. [202102064](#) REPORT, dated 6/9/2021, submitted by Paula Boggs Muething, City

Manager, regarding HOCC Academy as part of the Community Police Partnering Center. (See Doc. #202100867)

Sponsors: City Manager

Attachments: [Report](#)

21. [202102182](#) MOTION, dated 6/8/2021, submitted by Councilmember Goodin and Vice Mayor Smitherman, WE MOVE the Administration include a capital request of \$90,000 in the FY 2022-2023 biennial budget to Caracole to modify its office space to adapt to COVID-safe regulations (STATEMENT ATTACHED)

Sponsors: Goodin and Smitherman

Attachments: [Motion - Goodin](#)

22. [202102213](#) MOTION, dated 06-08-2021, submitted by Councilmembers Seelbach, Young, Kearney, WE MOVE that the City Administration increase the funding of the Pedestrian Safety Program by \$746,000 to a total of \$1,500,000 for the purpose of completing critical and needed pedestrian safety projects throughout the City of Cincinnati to continue the City's commitment to the Vision Zero program goal of having no pedestrian fatalities through engineering, enforcement & education initiatives. WE FURTHER MOVE that the Administration consider multi-year capital projects where full funding is not needed until FY2023 as a potential source for these funds.

Sponsors: Seelbach, Young and Keating

Attachments: [MOTION](#)

23. [202102220](#) MOTION, dated 6/10/2021, submitted by Councilmember Mann, I MOVE that the City provides \$40,000 additional funding to the Millcreek Valley Conservancy District. (STATEMENT ATTACHED).

Sponsors: Mann

Attachments: [MOTION - MANN - Millcreek](#)

24. [202102222](#) MOTION, submitted by Councilmember Goodin, WE MOVE that \$20 million in capital funds from the FY2022 budget be allocated for the construction of a new Cincinnati Police Department District Five headquarters in a location to be determined within the geographical boundaries of the districts.

Sponsors: Goodin

Attachments: [MOTION](#)

25. [202102228](#) MOTION, submitted by Councilmember Keating, WE MOVE that \$200,000 of the capital budget is allocated to UC Health to assist in funding their Emergency Medical Service Canopy: Goodman Street. (STATEMENT ATTACHED)

Sponsors: Keating

Attachments: [MOTION - KEATING - UC Health](#)

26. [202102229](#) MOTION, dated 06-03-2021, submitted by Councilmembers Seelbach, Young, Kearney and Landsman, WE MOVE that the City Administration review documentation of Playhouse in the Park's expenses to upgrade a nearby decades-old public Cincinnati Water Main serving Mt. Adams to determine if the expenses are legally eligible for reimbursement from the Water Main Replacement program of the GCWW. WE FURTHER MOVE that if the expenses are eligible and are confirmed to have served a public purpose, that Playhouse in the Park be reimbursed for all eligible costs associated with replacement of the Mt. Adams Water Main.

Sponsors: Seelbach, Young, Kearney and Landsman

Attachments: [Motion](#)

27. [202102230](#) MOTION, submitted by Councilmember Keating, WE MOVE that \$20,000 of the operating budget be allocated to fund two HACKATHONS (organized by Cintrifuse and 1819). These hackathons would work as competitive events, ran by the aforementioned organizations, to find deficiencies in the city and ways to save the city money and resources. As public officials it is our responsibility to ensure Cincinnati's tax dollars are being used as efficiently as possible, bringing in organizations that specialize in efficiency will help us achieve that mission. Corporations utilize both Cintrifuse and 1819 (both Cincinnati based) to find efficiencies within their companies and Cincinnati, as a city, should utilize them as well.

Sponsors: Keating

Attachments: [MOTION](#)

28. [202102231](#) MOTION, submitted by Councilmember Goodin, WE MOVE that \$200,000 in capital funds from the FY2022-2023 budget be allocated to PAR-Projects in Northside.

Sponsors: Goodin

Attachments: [MOTION](#)

29. [202102232](#) MOTION, submitted by Councilmember Mann, I MOVE that the City implement the Greater Cincinnati Water Works plan for rate increases for the first year only, pending further analysis and discussion. (STATEMENT ATTACHED)

Sponsors: Mann

Attachments: [Motion 202102232](#)

30. [202102233](#) MOTION, submitted by Councilmembers Seelbach, Young and Kearney, WE MOVE that the City Administration provide funding of \$250,000 to DVERT program, restoring funding used on the successful FY21 pilot program and considering these funds for FY22 and beyond to be a continuing program and not a one-time use. WE FURTHER MOVE that the Administration consider PVA, savings from hirings that occur mid-year.

Sponsors: Seelbach, Young and Kearney

Attachments: [MOTION](#)

31. [202102240](#) MOTION, submitted by Councilmember Kearney, WE MOVE for City Council to allocate \$50,000 from the operating budget to Collective Empowerment Group Cincinnati, Inc. CEG Cincinnati is a non-profit organization of small businesses and churches. Its mission is to empower business owners by providing mentorship, fellowship, tools, and networking opportunities, as well as emergency microloans. CEG provides workshops on topics such as personal and business finances, and currently is working to bring to Cincinnati a branch of an African American owned bank.

Sponsors: Kearney

Attachments: [MOTION](#)

32. [202102243](#) MOTION, dated 6/11/2021, submitted by Councilmember Kearney, WE MOVE for City Council to allocate the additional amount \$154,055. From the operating budget to Keep Cincinnati Beautiful's Environmental Services Program with the goal of more effectively deterring and preventing illegal dumping, which will better the health and safety of our communities. (STATEMENT ATTACHED).

Sponsors: Kearney

Attachments: [Motion](#)
[Attachment](#)

33. [202102244](#) MOTION, submitted by Councilmember Kearney, WE MOVE that City Council allocate \$1,000,000 to assist with the funding gap for the creation of the Robert O'Neal Multicultural Arts Center ("ROMAC") at the Regal Cinema and adjacent sites in the West End neighborhood. The ROMAC will be a center for performing and visual arts education and programming for the West End community and for the entire City of Cincinnati. (STATEMENT ATTACHED)

Sponsors: Kearney

Attachments: [MOTION](#)

34. [202102246](#) MOTION, dated 06-11-2021, submitted by Councilmember Landsman Seelbach and Kearney, WE HEREBY MOVE that additional funding is appropriated as described below, in Cincinnati's fiscal year 2021-2022 budget. (BALANCE OF MOTION ON FILE) (STATEMENT ATTACHED)

Sponsors: Landsman, Seelbach and Kearney

Attachments: [Motion](#)

35. [202102247](#) MOTION, dated 6/11/2021, submitted by Councilmember Kearney, WE MOVE that City Council allocate \$200,000 from the capital budget to CincyNice to assist with the purchase and renovation of structures in Walnut Hills that are located adjacent to the Gilbert Avenue rear

performance and activity space. The expansion of the community space will allow for innovative programming and activities that promote multi-ethnic arts and culture in support of Cincinnati's diverse artists, neighborhoods and future economic growth. (STATEMENT ATTACHED)

Sponsors: Kearney

Attachments: [Motion - CincyNice](#)
[Attachment - CincyNice](#)

36. [202102248](#) MOTION, submitted by Councilmember Kearney, WE MOVE that City Council allocate \$350,000 from the capital budget to the non-profit organization, The Mark, created by the community of Evanston, to assist with the stabilization and purchase of the St Mark Church structure, 3500 Montgomery Road in Evanston. The edifice will be used by community resource groups and as community space for cultural, artistic, and neighborhood events. (STATEMENT ATTACHED)

Sponsors: Kearney

Attachments: [Motion](#)

37. [202102249](#) MOTION, submitted by Councilmember Kearney, WE MOVE that City Council allocate \$185,000 from the capital budget to Uptown Consortium to advance design and development for the Innovation Greenway in the northeast quadrant of the Uptown Consortium Corridor. (STATEMENT ATTACHED).

Sponsors: Kearney

Attachments: [Motion - Uptown Consortium](#)
[Attachment - Uptown Consortium](#)

38. [202102251](#) MOTION, submitted by Councilmember Keating, Our police officers experience countless traumas in their line of work. While the Cincinnati Police Department (CPD) is working to develop a better and more comprehensive Officer Mental Health and Wellness Program, they are lacking the funding. WE MOVE that the City Administration includes \$125,000 of the operating budget to establish an Officer Health and Wellness Program within the CPD. (STATEMENT ATTACHED)

Sponsors: Keating, Sundermann and Kearney

Attachments: [MOTION](#)

39. [202102253](#) MOTION, dated 6/11/2021, submitted by Councilmember Kearney, WE MOVE for City Council to allocate \$200,000 from the capital budget to Professional Artistic Research (PAR) to help finalize the acquisition of 15,000 square feet of industrial mixed-use property in the Northside neighborhood, in order to help their black-led, community arts & education organization foster new relationships and build racial equity. (STATEMENT ATTACHED)

Sponsors: Kearney

Attachments: [Motion - PAR](#)
 [Attachment - PAR](#)

40. [202102254](#) MOTION, dated 6/11/2021, submitted by Councilmember Kearney, WE MOVE for City Council to allocate \$2,000,000 from the capital budget to preserve and rehabilitate the King Records building in Evanston. (STATEMENT ATTACHED).

Sponsors: Kearney

Attachments: [Motion](#)

41. [202102255](#) MOTION, submitted by Councilmember Kearney, WE MOVE that Cincinnati City Council allocate \$900,000 from the capital budget to The Cincinnati Children's Hospital Medical Center for the purpose of expanding the College Hill campus in order to address the behavioral health needs of children in the community. (STATEMENT ATTACHED)

Sponsors: Kearney

Attachments: [MOTION](#)

42. [202102256](#) MOTION, dated 6/11/2021, submitted by Councilmember Kearney, WE MOVE for City Council to allocate \$250,000 from the capital budget to the Pendleton Heritage Center (PHC) in the East End to complete the renovation work. PHC is a volunteer-managed community and event venue facility which has served as a social and recreational space for both Black and Appalachian Cincinnatians for generations. The facility preserves the history, culture, and architecture of the area through cultural engagement and educational programming and offers affordable rental space for events and offices. (STATEMENT ATTACHED).

Sponsors: Kearney

Attachments: [Motion - Pendleton Heritage Center](#)
 [Attachment - Pendleton Heritage Center](#)

43. [202102257](#) MOTION, submitted by Councilmember Kearney, WE MOVE that City Council allocate \$1,000,000 to assist with the renovation of the iconic Imperial Theatre in the Mohawk neighborhood. The Imperial Theatre was built in 1913 and has been vacant for years. Its renovation will invigorate the economically depressed Mohawk neighborhood, provide an affordable performance and rehearsal venue for artists and organizations throughout the city, and create jobs. Several organizations, such as the University of Cincinnati College Conservatory of Music, recently used the Imperial Theatre to stage virtual performances. The Imperial Theatre is "a stage for all reasons". (STATEMENT ATTACHED)

Sponsors: Kearney

Attachments: [MOTION](#)

44. [202102260](#) MOTION, dated 6/11/2021, submitted by Councilmember Sundermann,

WE MOVE the Administration draft an ordinance to provide \$208,000 to the CCROW (Cincinnati Citizens Respect Our Wellness) program. The CCROW witness support program provides a variety of services including court-related services, social services and referrals to counseling services designed to meet the needs of witnesses and their loved ones. The source of this funding should be a portion of closeout funds from the Fiscal Year 2021 budget. (STATEMENT ATTACHED).

Sponsors: Sundermann

Attachments: [Motion](#)

45. [202102261](#) MOTION, dated 6/11/2021, submitted by Councilmember Goodin, WE MOVE that \$100,000 in capital funds from the FY2022-2023 budget be allocated to The Children's Home to support its Job Readiness workforce development program. (STATEMENT ATTACHED).

Sponsors: Goodin

Attachments: [Motion](#)

Budget Ordinances

46. [202102132](#) ORDINANCE submitted by Paula Boggs Muething, City Manager, on 6/9/2021, REPEALING AND REORDAINING the provisions of Chapter 401, "Water Works," Section 401-76, "Service Charges," Section 401-77, "Water Commodity Charges," Section 401-78, "Charges for Fire Protection Services," Section 401-81, "Charges to Political Subdivisions," and Section 401-89, "Direct Fire Protection Charges" of the Cincinnati Municipal Code for the purpose of revising the rates for water and related services furnished by the Greater Cincinnati Water Works, consistent with annual water rate increase of 3.75% in 2022 and 5.55% in each of 2023 through 2026.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

47. [202102137](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 6/9/2021, PROVIDING for the appropriation of funds and authorization of expenditures from the General Fund 050 in the amount of \$325,000 as leveraged support for the African American Chamber of Commerce for the fiscal year beginning July 1, 2021, and ending June 30, 2022, reflecting a portion of the Recommended FY 2022 General Fund Operating Budget totaling \$441,113,700, per the attached Schedule of Appropriation, in order to provide for the current expenses and other expenses of the City of Cincinnati.

Sponsors: City Manager

Attachments: [Transmittal](#)
 [Ordinance](#)
 [Attachment](#)

48. [202102147](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 6/9/2021, APPROVING a \$5,035,472 operations and maintenance budget for the Cincinnati Bell Connector for fiscal year 2022; AUTHORIZING the appropriation of \$5,035,472 from Fund 455, "Streetcar Operations," for the Cincinnati Bell Connector requirements including, for fiscal year 2022, the City of Cincinnati's direct contribution toward the Cincinnati Bell Connector's operating shortfall.

Sponsors: City Manager

Attachments: [Transmittal](#)
 [Ordinance](#)
 [EXHIBIT A](#)
 [EXHIBIT B](#)

49. [202102151](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 6/9/2021, PROVIDING for the appropriation for the current expenses and other expenditures of the Restricted Revenue Funds of the City of Cincinnati in the total amount of \$497,788,710, specifically from the Water Works Fund; the Parking System Facilities Fund; the Convention Center Fund; the General Aviation Fund; the Municipal Golf Fund; the Stormwater Management Fund; the Bond Retirement Fund; the Street Construction, Maintenance and Repair Fund; the Income Tax-Infrastructure Fund; the Parking Meter Fund; the Municipal Motor Vehicle License Tax Fund; the Sawyer Point Fund; the Recreation Special Activities Fund; the Cincinnati Riverfront Park Fund; the Hazard Abatement Fund; the Bond Hill Roselawn Stabilization & Revitalization Operations Fund; the 9-1-1 Cell Phone Fees Fund; the Safe and Clean Fund; the Community Health Center Activities Fund; the Cincinnati Health District Fund; the Cincinnati Area Geographic Information System (CAGIS) Fund; and the County Law Enforcement Applied Regionally (CLEAR) Fund for operating requirements, capital outlay, and debt service for the fiscal year beginning July 1, 2021 and ending June 30, 2022; AUTHORIZING the transfer of the sum of \$13,190 from the unappropriated surplus of the Convention Center Fund to the unappropriated surplus of the Bond Retirement Fund for the purpose of paying the City's FY 2022 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for the purpose of energy improvements; AUTHORIZING the transfer of the sum of \$900 from the unappropriated surplus of the General Aviation Fund to the unappropriated surplus of the Bond Retirement Fund for the purpose of paying the City's FY 2022 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for the purpose of energy improvements; AUTHORIZING the

transfer of the sum of \$109,920 from the unappropriated surplus of the Street Construction, Maintenance and Repair Fund to the unappropriated surplus of the Bond Retirement Fund for the purpose of paying the City's FY 2022 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for the purpose of energy improvements in the amount of \$62,410 and the Early Retirement Incentive Program in the amount of \$47,510; AUTHORIZING the transfer of the sum of \$872,800 from the unappropriated surplus of the Income Tax-Infrastructure Fund to the unappropriated surplus of the Bond Retirement Fund for the purpose of paying the City's FY 2022 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds in the amount of \$684,870 and the Early Retirement Incentive Program in the amount of \$187,930; AUTHORIZING the transfer of the sum of \$38,560 from the unappropriated surplus of the Municipal Motor Vehicle License Tax Fund to the unappropriated surplus of the Bond Retirement Fund for the purpose of paying the City's FY 2022 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds in the amount of \$3,735 and the Early Retirement Incentive Program in the amount of \$34,825; AUTHORIZING the transfer of the sum of \$19,430 from the unappropriated surplus of the County Law Enforcement Applied Regionally (CLEAR) Fund to the unappropriated surplus of the Bond Retirement Fund for the purpose of paying the City's FY 2022 General Fund Debt Service obligations related to bonds issued to fund the Early Retirement Incentive Program; AUTHORIZING the transfer of the sum of \$200,000 from the unappropriated surplus of General Aviation Fund 104 to reserve account no. 104x3444, "FAA/ODOT Local Match - Reserve for Capital Projects," for the purpose of holding resources needed to fulfill local match requirements for future capital improvements financed with FAA/ODOT Airport Grants awarded to Lunken Airport; and AUTHORIZING the transfer of the sum of \$50,000 from the unappropriated surplus of the Parking System Facilities Fund to reserve account no. 102x3441, "U-Square Garage - Reserve for Capital Projects," the transfer of the sum of \$20,000 from the unappropriated surplus of the Parking System Facilities Fund to reserve account no. 102x3442, "VP3 Garage - Reserve for Capital Projects," and the transfer of the sum of \$20,000 from the unappropriated surplus of the Parking System Facilities Fund to reserve account no. 102x3443, "Hampton Inn Garage - Reserve for Capital Projects," for the purpose of making contractually obligated payments for repairs for each identified garage.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Schedule](#)

50. [202102152](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City

Manager, on 6/9/2021, AUTHORIZING the transfer and appropriation of the sum of \$5,397,500 from various restricted and special revenue funds to various capital improvement project accounts in Capital Projects Fund 980 according to Schedule A attached hereto, and by this reference made a part hereof, for the purpose of continuing and completing certain capital improvement projects listed in Schedule A; AUTHORIZING the transfer and appropriation of the sum of \$30,000,000 from the unappropriated surplus of Water Works Fund 101 to Water Works Capital Improvement Fund 756, for the purpose of continuing funding for the current Capital Improvement Program, which includes new water mains, water main replacements, treatment plant improvements, system development, tanks, pumping stations, and private development; AUTHORIZING the use and expenditure of \$67,000,000 for Greater Cincinnati Water Works Capital Improvements; AUTHORIZING the transfer and appropriation of the sum of \$4,200,000 from the unappropriated surplus of Water Works Fund 101 to Private Lead Service Line Replacement Fund 312 for the purpose of private lead service line replacement; AUTHORIZING the City Manager to accept and appropriate resources in the amount of \$123,500 from the Metropolitan Sewer District Fund to various capital improvement project accounts, including \$47,000 to capital improvement program project account no. 980x091x220903, "Enterprise Networks Enhancements"; \$48,000 to capital improvement program project account no. 980x091x220902, "Information and Cyber Security Enhancements"; and \$28,500 to capital improvement program project account no. 980x091x220913, "Telephone System Upgrades"; and further DECLARING the capital improvement program project Strategic Housing Initiatives Program (SHIP) to be for a public purpose.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment](#)

51. [202102175](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 6/9/2021, APPROVING AND ADOPTING a Capital Improvement Program and Budget for Fiscal Year 2022, transferring and appropriating taxes and other revenue and existing funds for the purpose of carrying out certain parts of the Capital Improvement Program, and providing for the transfer and appropriation of notes to be issued and to be repaid from the lease proceeds of the Cincinnati Southern Railway to other parts of said Capital Improvement Program; AUTHORIZING the transfer and return to source Funds 757, 758, and 762 the sum of \$4,000,000 from various existing General Capital Budget capital improvement program project accounts in accordance with the attached Schedule of Transfer; AUTHORIZING the transfer and appropriation of the sum of \$1,500,000 to various existing General Capital Budget capital improvement program project accounts in

accordance with the attached Schedule of Transfer; AUTHORIZING the transfer and appropriation of the sum of \$2,500,000, to be raised by the issuance of bonds by the City of Cincinnati, to various existing General Capital Budget capital improvement program project accounts in accordance with the attached Schedule of Transfer; Authorizing the transfer and appropriation of resources from various existing funds to various project accounts; and further DECLARING certain projects to be for a public purpose, all for the purpose of carrying out the Capital Improvement Program.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Schedules](#)

52. [202102085](#) ORDINANCE, submitted by Councilmember Sundermann from Andrew Garth, City Solicitor, ESTABLISHING certain policies and conditions regarding the application of residential Community Reinvestment Area real property tax abatements for homes in The Sanctuary at River Green subdivision in the California neighborhood of Cincinnati, notwithstanding Ordinance No. 370-2020.

Sponsors: Sundermann

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment A](#)

ADJOURNMENT

June 14, 2021

TO: Mayor and Members of City Council

202102204

FROM: Paula Boggs Muething, City Manager

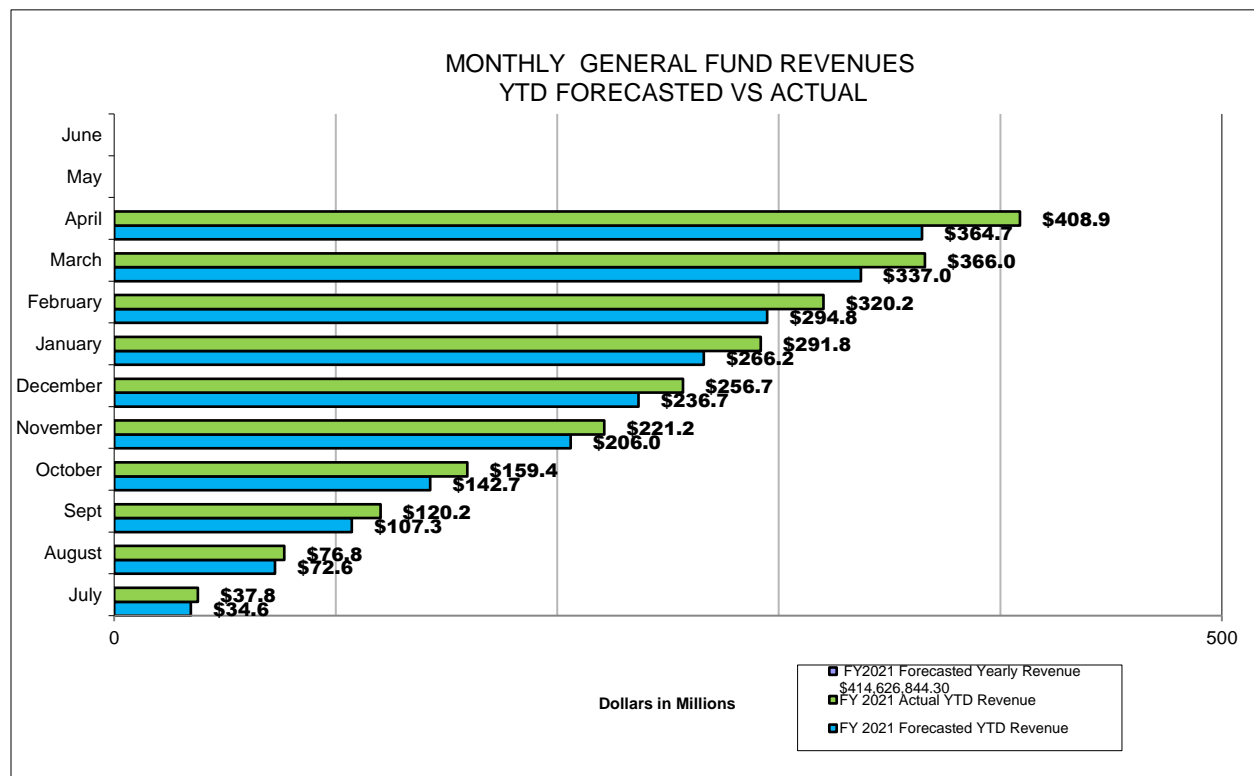
SUBJECT: Department of Finance Report for the Month Ended April 30, 2021

***APRIL 2021
MONTHLY FINANCIAL REPORTS***

The following report provides an update on the City of Cincinnati's financial condition as of the month ending April 30, 2021. Variances are based on current year estimates and prior year activity in attached schedules.

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

The chart below portrays the performance of actual revenue collected against the forecasted revenue collected through April 30, 2021 and shows that actual revenue of \$409 million was above forecasted revenue of \$365 million by \$44 million.



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

GENERAL FUND REVENUE SOURCES		
	FAVORABLE VARIANCE	(UNFAVORABLE) VARIANCE
General Property Tax	\$3,752,981	
City Income Tax	\$45,614,797	
Admission Tax		(\$1,458,382)
Short Term Rental		
Excise Tax	\$305,799	
Licenses & Permits		(\$1,256,319)
Fines, Forfeitures, & Penalties		(\$1,948,484)
Investment Income	\$281,227	
Local Government	\$761,849	
Casino	\$2,228,109	
Police		(\$438,305)
Buildings and Inspections	\$560,180	
Fire	\$599,422	
Parking Meter		(\$1,896,830)
Other		(\$2,848,240)
	\$54,104,364	(\$9,846,560)
Difference	\$44,257,804	

General Fund (favorable variance) is \$44.2 million above the amount forecasted thru April in the FY 2021 Budget. What follows is an explanation of significant variances of individual General Fund revenue components.

General Property Tax (favorable variance) is \$3.8 million above the forecasted amount. The City received the final settlement for FY2021 in April. Revenue is greater than projected as a result of higher assessed property values utilized by the County Auditor.

Income Tax (favorable variance) is \$45.6 million above the forecasted amount. The work from home exception due to the pandemic has been challenged in the courts. If the courts rule in favor of the plaintiff, a large portion of these revenues would need to be refunded. The Income Tax component represents 71% of the total General Fund percentage. The Administration continues to evaluate the continued trend of employees working from home and the effect it will have on income tax revenue into the future.

Admission Tax (unfavorable variance) is \$1.5 million below estimate. Most venues that generate admission tax have been closed or open with very limited capacity most of the fiscal year due to the pandemic. While additional venues are starting to open with limited capacity, the estimate in this revenue category will still not be met for the fiscal year.

License & Permits (unfavorable variance) is down \$1.3 million. The Beer and Liquor

Tax permit application and payment deadline was extended by the State due to the pandemic. The delayed first quarter payment should be received in FY 2022; therefore, this category will stay below the estimate this year. General Building and Heating & Ventilating permits are slightly behind estimates as well.

Fines, Forfeitures & Penalties (unfavorable variance) is down \$1.9 million. Parking fines make up most of the revenue in this category, and parking fines continue to be significantly below estimate. As the pandemic continues, the demand for parking remains below normal around the City and will result in this estimate not being met for the fiscal year.

Local Government (favorable variance) is \$762k above the forecasted amount. The favorable variance is the result of increased revenue collection from the State of Ohio General Revenue tax sources.

Casino (favorable variance) is up \$2.2 million. Despite the pandemic and limited capacity, the casino revenues continue to exceed estimates.

Buildings and Inspections (favorable variance) is up \$560k. This favorable variance is due to collections related to elevator inspections which are billed one time a year.

Fire (favorable variance) is \$599k above the forecasted amount. The Fire Department enlisted an outside vendor to improve their billing and collection processes. The positive results of that show with this favorable variance. The estimates are based on historical collections and will take some time to level out with the new processes.

Parking Meter (unfavorable variance) is \$1.9 million below estimate. The unfavorable variance is due to reduced economic activity as a result of the COVID-19 pandemic.

Other (unfavorable variance) is \$2.8 million below forecast. This category is made up of many small sources of revenue that fluctuate from time to time. Finance will continue to monitor these various revenue sources.

Restricted Funds:

Convention Center (unfavorable) is down \$5 million. Many conventions cancelled this fiscal year due to the COVID-19 pandemic. The convention center has hosted some smaller events; however, the estimate in this revenue category will still not be met for the fiscal year.

Municipal Golf (favorable variance) is up \$2.2 million. The Cincinnati Recreation Commission has experienced an increase in the utilization of the golf courses as people are looking for outside activities during the pandemic, resulting in increased revenue.

Parking Meter (unfavorable variance) is down \$549k. Parking Meter revenue is not meeting estimates due to reduced economic activity as a result of the COVID-19 pandemic.

Sawyer Point (unfavorable variance) is down \$297k. The unfavorable variance is due to less economic activity at the park as a result of the pandemic restrictions.

Recreation Special (unfavorable variance) is down \$3.2 million. The Cincinnati Recreation Commission has experienced a reduction in revenue due to the cancellation of recreation center programs as a result of the pandemic.

Hazard Abatement (unfavorable variance) is down \$811K. The Vacant Buildings Maintenance License revenue is down due to the number of license waivers requested during

the pandemic. In addition, Vacant Foreclosure License revenue is below estimate as a result of the reduced number of foreclosures being processed during the pandemic.

Submitted herewith are the following Department of Finance reports:

1. Comparative Statement of Revenue (Actual, Forecast and Prior Year) as of April 30, 2021.
2. Audit of the City Treasurer's Report for the month ended March 31, 2021.
3. Statement of Balances in the various funds as of April 30, 2021.

By approval of this report, City Council appropriates the revenues received in the various restricted funds on the attached Statement of Balances and as stated in greater detail on the records maintained by the Department of Finance, Division of Accounts & Audits. Such revenues are to be expended in accordance with the purposes for which the funds were established.

c: Christopher A. Bigham, Assistant City Manager
Karen Alder, Finance Director

Attachments

Date: June 4, 2021

To: Councilmember Steven Goodin
From: Andrew W. Garth, City Solicitor *AWG*
Subject: **Resolution – Opposing Income Tax Refund Mandate**

Transmitted herewith is a resolution captioned as follows:

URGING the Ohio Senate to remove or otherwise defeat the amendment in the budget bill that retroactively mandates municipalities comply with refund requests from employees who did not work at their principal place of employment between March 9, 2020 and December 31, 2021.

AWG/CMZ/(lnk)
Attachment
340589

RESOLUTION NO. _____ - 2021

URGING the Ohio Senate to remove or otherwise defeat the amendment in the budget bill that retroactively mandates municipalities comply with refund requests from employees who did not work at their principal place of employment between March 9, 2020 and December 31, 2021.

WHEREAS, on March 9, 2020, the Ohio Senate adopted a provision to the two-year spending bill that temporarily froze the municipal income tax withholding procedures for non-resident workers until December 30, 2021; and

WHEREAS, on June 2, 2021, the Ohio Senate Finance Committee released its proposed changes to the \$75 billion state operating budget bill, adding language which would retroactively mandate municipalities to pay refund requests made by employees who, if not for the pandemic, would be working at their principal place of employment; and

WHEREAS, municipalities across the state are horrified and expressed their opposition to this approach as the legislation will have potentially devastating consequences to the ability of Ohio cities and villages to function; and

WHEREAS, the passage of this provision would have a devastating and immediate impact upon the City of Cincinnati budget; now, therefore,

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

Section 1. That the Mayor and this Council hereby call upon the Ohio Senate Finance Committee to remove this amendment in the temporary application of the municipal income tax withholding procedure as it will have devastating consequences to Ohio's cities and villages.

Section 2. That this resolution be spread upon the minutes of Council.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

Submitted by Councilmember Goodin

June 9, 2021

To: Mayor and Members of City Council

202102133

From: Paula Boggs Muething, City Manager

Subject: Ordinance – FY 2022 State General Traffic Safety Grant

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in an amount up to \$165,000 from the State of Ohio Department of Public Safety, Office of Criminal Justice Services, to fund a Traffic Safety Resource Prosecutor assigned to the Ohio Department of Public Safety, which position will provide training, education, and technical support to traffic crimes prosecutors and law enforcement agencies throughout the State of Ohio, and work to develop a coordinated statewide, multidisciplinary planned approach to the prosecution of impaired driving and other traffic crimes in Ohio; and **AUTHORIZING** the Finance Director to deposit the grant funds received by the City of Cincinnati into Law Enforcement Grant Fund 368, Project Account No. 22TSRP.

This Ordinance would authorize the City Manager to apply for, accept, and appropriate a grant for up to the amount of to \$165,000.00 from the State of Ohio, Department of Public Safety, Office of Criminal Justice Services for the purpose of funding the Traffic Safety Resource Prosecutor (TSRP) for the federal fiscal year 2022. This position will provide training, education, and technical support to traffic crimes prosecutors and law enforcement agencies throughout the State of Ohio. The TSRP will develop for the Ohio Traffic Safety Office (OTSO), a coordinated statewide multidisciplinary planned approach to the prosecution of impaired driving and other traffic crimes in Ohio.

This Ordinance will also authorize the Finance Director to deposit the grant funds into Fund 368, Project Code: 22TSRP. The grant application deadline is June 7, 2021. As a result, the Cincinnati Police Department will have applied for this grant prior to this Ordinance receiving approval from the City Council. Should this Ordinance not be approved, the grant funding will not be accepted. The grant does not require matching funds, nor would add any additional FTEs. Per the award condition, this TSRP has been assigned by ODPS and the sub-contract term will be from 10/01/2021 through 09/30/2022.

This Ordinance is in accordance with the Live goal to “Create a more livable community” as described on page 156 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Christopher A. Bigham, Assistant City Manager
Karen Alder, Finance Director

Attachment





City of Cincinnati
An Ordinance No. _____

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-2021

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in an amount up to \$165,000 from the State of Ohio Department of Public Safety, Office of Criminal Justice Services, to fund a Traffic Safety Resource Prosecutor assigned to the Ohio Department of Public Safety, which position will provide training, education, and technical support to traffic crimes prosecutors and law enforcement agencies throughout the State of Ohio, and work to develop a coordinated statewide, multidisciplinary planned approach to the prosecution of impaired driving and other traffic crimes in Ohio; and **AUTHORIZING** the Finance Director to deposit the grant funds received by the City of Cincinnati into Law Enforcement Grant Fund 368, Project Account No. 22TSRP.

WHEREAS, a grant is available from the Ohio Department of Public Safety ("ODPS"), Office of Criminal Justice Services in an amount up to \$165,000; and

WHEREAS, the grant will provide continued funding for the Traffic Safety Resource Prosecutor position with ODPS for the fiscal year 2022, which position will provide support and training to the City and the region; and

WHEREAS, the Traffic Safety Resource Prosecutor serves as a training and educational resource for public agencies in the region, but is not a lawyer for the City and cannot provide legal advice to City departments; and

WHEREAS, per the conditions of the grant award, the Traffic Safety Resource Prosecutor will be assigned by the ODPS as a sub-contractor with a term from October 1, 2021 to September 30, 2022; and

WHEREAS, the grant does not require matching funds; and

WHEREAS, there are no new FTEs associated with this grant; and

WHEREAS, the grant application deadline is June 7, 2021, and the Cincinnati Police Department will apply before this date, but funding will not be accepted unless acceptance is approved by City Council; and

WHEREAS, this ordinance is in accordance with the "Live" goal to "Create a more livable community" as described on page 156 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to apply for, accept, and appropriate a grant in an amount up to \$165,000 from the State of Ohio Department of Public Safety, Office of Criminal Justice Services, to fund a Traffic Safety Resource Prosecutor assigned to the Ohio Department of Public Safety, which position will provide training, education, and technical support to traffic crimes prosecutors and law enforcement agencies throughout the State of Ohio, and work to develop a coordinated statewide, multidisciplinary planned approach to the prosecution of impaired driving and other traffic crimes in Ohio.

Section 2. That the Finance Director is hereby authorized to deposit the grant funds received by the City of Cincinnati into Law Enforcement Grant Fund 368, Project Account No. 22TSRP.

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 hereof.

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

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

June 9, 2021

To: Mayor and Members of City Council

202102134

From: Paula Boggs Muething, City Manager

**Subject: Emergency Ordinance – Resources for Inwood Park
Playground Equipment**

Attached is an Emergency Ordinance captioned:

ESTABLISHING new capital improvement program project account no. 980x203x212004, "Inwood Park Playground Equipment," for the purpose of providing resources for playground equipment at Inwood Park; and **AUTHORIZING** the City Manager to transfer and appropriate the amount of \$142,438.85 from Fund No. 430, "Parks Private Endowments," to newly established capital improvement program project account no. 980x203x212004, "Inwood Park Playground Equipment," for the purpose of providing playground equipment at Inwood Park.

This Emergency Ordinance establishes new capital improvement program project account no. 980x203x212004, "Inwood Park Playground Equipment." This Emergency Ordinance also authorizes the City Manager to transfer and appropriate the amount of \$142,438.85 from Fund No. 430, "Parks Private Endowments," to newly established capital improvement program project account no. 980x203x212004, "Inwood Park Playground Equipment," for the purpose of providing playground equipment at Inwood Park.

On January 27, 2021, the City Council passed Ordinance No. 0024-2021, which authorized the Administration to accept this donation to Parks Private Endowment Fund 430. These resources should be transferred into a capital improvement program project account to be expensed.

This Emergency Ordinance is in accordance with the "Live" goal to "Build a robust public life" and strategy to "Develop and maintain inviting and engaging public spaces that encourage social interaction between different types of people," as described on pages 147 – 152 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to accept this donation within the timeframe necessary for construction to begin in June 2021.

The Administration recommends passage of this Emergency Ordinance.

cc: Christopher A. Bigham, Assistant City Manager
Karen Alder, Finance Director

Attachment



EMERGENCY

LES

- 2021

ESTABLISHING new capital improvement program project account no. 980x203x212004, “Inwood Park Playground Equipment,” for the purpose of providing resources for playground equipment at Inwood Park; and **AUTHORIZING** the City Manager to transfer and appropriate the amount of \$142,438.85 from Fund No. 430, “Parks Private Endowments,” to newly established capital improvement program project account no. 980x203x212004, “Inwood Park Playground Equipment,” for the purpose of providing playground equipment at Inwood Park.

WHEREAS, on January 27, 2021, City Council passed Ordinance No. 0024-2021, which authorized the Administration to accept a donation from the Cincinnati Park Board Commissioner’s Fund for the purpose of reimbursing the City for Inwood Park playground equipment; and

WHEREAS, the donated resources should be transferred into newly established capital improvement program project account no. 980x203x212004, “Inwood Park Playground Equipment,” to be expensed; and

WHEREAS, this ordinance is in accordance with the “Live” goal to “Build a robust public life” and strategy to “Develop and maintain inviting and engaging public spaces that encourage social interaction between different types of people,” as described on pages 147 – 152 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the sum of \$142,438.85 is hereby transferred and appropriated from Fund No. 430, “Parks Private Endowments,” to newly established capital improvement program project account no. 980x203x212004, “Inwood Park Playground Equipment,” for the purpose of providing playground equipment at Inwood Park.

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

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 accept this donation within the timeframe necessary for construction to begin in June 2021.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

June 9, 2021

To: Mayor and Members of City Council 202102136

From: Paula Boggs Muething, City Manager

Subject: **Emergency Ordinance – FY 2020 Staffing for Adequate Fire and Emergency Response (SAFER) Grant**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant of up to \$13,597,701.60 from the Department of Homeland Security, Federal Emergency Management Agency, FY 2020 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program (Assistance Listing 97.083) to fully fund the salary and benefits of up to 40 recruits for the Cincinnati Fire Department for three years; further **AUTHORIZING** the Finance Director to receive and deposit the grant funds into Fire Grants Fund 472.

Approval of this Emergency Ordinance authorizes the City Manager to apply for, accept, and appropriate a grant of up to \$13,597,701.60 from the Department of Homeland Security, Federal Emergency Management Agency, FY 2020 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program (Assistance Listing 97.083) to fully fund the salary and benefits of up to 40 recruits for the Cincinnati Fire Department for three years. Approval of this Emergency Ordinance further authorizes the Finance Director to receive and deposit the grant funds into Fire Grants Fund 472.

This grant does not require matching funds. However, the grant will not fund the purchase of non-personnel expenses for the recruit class, including uniforms, personal protective equipment (PPE), psychological testing, books, and other ancillary items needed to train and outfit the class, totaling up to \$601,130. Funding to support the non-personnel expenditures is included in the Recommended FY 2022 Budget.

There are 40.0 FTE associated with the grant. However, the authorized budgeted sworn strength will not be exceeded.

The Cincinnati Fire Department has already applied for the grant to meet the March 12, 2021 deadline but will not accept funding without City Council approval.

This Emergency Ordinance is in accordance with the “Live” goal to “create a more livable community” as described on page 156 of Plan Cincinnati (2012).

The reason for the emergency is the need to ensure acceptance of the grant within 30 days of the award, as required by the grant.

The Administration recommends passage of this Emergency Ordinance.

cc: Christopher A. Bigham, Assistant City Manager
Karen Alder, Finance Director

Attachment



EMERGENCY

KMB

- 2021

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant of up to \$13,597,701.60 from the Department of Homeland Security, Federal Emergency Management Agency, FY 2020 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program (Assistance Listing 97.083) to fully fund the salary and benefits of up to 40 recruits for the Cincinnati Fire Department for three years; and further **AUTHORIZING** the Finance Director to receive and deposit the grant funds into Fire Grants Fund 472.

WHEREAS, there is a grant available in the approximate amount of \$13,597,701.60 from the Department of Homeland Security, Federal Emergency Management Agency, FY 2020 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program (Assistance Listing 97.083), which will be used to fully fund the salary and benefits of up to 40 recruits in the Cincinnati Fire Department for three years; and

WHEREAS, the grant will provide resources for a new recruit class resulting in up to 40 additional FTEs but will not result in the authorized budgeted sworn strength being exceeded; and

WHEREAS, the grant will provide 100% of the salary and fringe benefit costs of the new recruit class for three years, without requiring matching funds; and

WHEREAS, the grant will not fund the purchase of non-personnel expenses for the recruit class, including uniforms, personal protective equipment, psychological testing, books, and other ancillary items needed to train and outfit the class, totaling up to \$601,130; and

WHEREAS, funding to support the non-personnel expenditures is included in the Recommended FY 2022 Budget; and

WHEREAS, the Cincinnati Fire Department has already applied for the grant to meet the March 12, 2021 deadline, but will not accept funding without City Council approval; and

WHEREAS, this ordinance is in accord with the “Live” goal to “Create a more livable community” as described on page 156 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to apply for, accept, and appropriate a grant in an amount up to \$13,597,701.60 from the Department of Homeland Security, Federal Emergency Management Agency FY 2020 Staffing for Adequate Fire and Emergency Response

Grant Program to fully fund the salary and benefits of up to 40 recruits in the Cincinnati Fire Department for three years.

Section 2. That the Finance Director is authorized to receive and deposit the grant funds into Fire Grants Fund 472.

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 hereof.

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the need to ensure acceptance of the grant within 30 days of the award, as required by the grant.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

June 9, 2021

To: Mayor and Members of the City Council 202102143

From: Paula Boggs Muething, City Manager

Subject: **Emergency Ordinance – FY 2021 All Funds Mid-Year Operating Budget Adjustment**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the transfer of the sum of \$230,010 within General Fund 050, from and to various operating accounts of the General Fund according to the attached Schedule of Transfer, for the purpose of realigning and providing funds for the ongoing needs of City departments; and **AUTHORIZING** the transfer of the sum of \$226,386 within the various Restricted Funds, from and to various operating accounts and the unappropriated surplus of the respective Restricted Funds according to the attached Schedule of Transfer, for the purpose of realigning and providing funds for the ongoing needs of City departments.

Approval of this Emergency Ordinance authorizes the transfer of the sum of \$230,010 within the General Fund 050, from and to various operating account of the General Fund according to the attached Schedule of Transfer for the purpose of realigning and providing funds for the ongoing needs of City departments. Approval of this Emergency Ordinance further authorizes the transfer of the sum of \$226,386 within various Restricted Funds according to the attached Schedule of Transfer for the purpose of realigning and providing funds for the ongoing needs of City departments.

The attached Emergency Ordinance balances the City's General Fund and various Restricted Funds' operating budget accounts for FY 2021. The accounts are balanced by transferring appropriations within and between various departments in various funds. Ordinance Nos. 0179-2021 and 0161-2021, the General Fund and the Restricted Funds Final Adjustment Ordinance (FAO) respectively, assumed certain savings and needs that have since changed for several departments. An explanation of the shortfalls that have arisen since the Final Adjustment Ordinances are outlined below.

GENERAL FUND TRANSFERS WITHIN CURRENT APPROPRIATIONS

A total of \$168,010 will be transferred within current appropriations in order to offset various anticipated needs.

City Council – \$2,500

Non-personnel savings in Councilmember Young's office will be transferred to offset a personnel need in the same office.

City Manager's Office – \$25,000

A transfer of \$25,000 in non-personnel savings from the Office of Budget & Evaluation will be used to offset a non-personnel need in the City's Manager Office for a Citicable camera. This will ensure broadcasts of public meetings can continue uninterrupted.

Cincinnati Fire Department – \$17,000

A total of \$17,000 in non-personnel telephone resources will be transferred between agencies to re-align appropriations with anticipated expenditures.

Non-Departmental Accounts – \$123,510

Lump Sum Payment account savings will be transferred to address a \$98,510 need in Workers' Compensation Insurance. Lump Sum Payment account savings will also be used to offset a \$25,000 need in the Police and Fire Fighters' Insurance account for additional death benefits payments.

GENERAL FUND TRANSFERS RESULTING IN A SUPPLEMENTAL APPROPRIATION

Three departments require supplemental appropriations totaling \$62,000. These needs will be offset by expenditure savings generated by one other city department and a non-departmental account.

City Council – \$2,000

Previously, the City Council was not included in the year-end accrual accounting process. With the change in the pay cycle for City Councilmembers from monthly to bi-weekly, this budget is now subject to this process and a one-time personnel adjustment of \$2,000 is necessary to accommodate this transition.

Department of Community and Economic Development – \$50,000

The FY 2020 leveraged support contract for the Chamber of Commerce – Immigrant Center Partnership (COMPASS) was not executed. An additional \$50,000 in non-personnel resources is required to meet this leveraged support commitment.

Department of Economic Inclusion – \$10,000

The department has a \$10,000 personnel need due to unanticipated retroactive pay.

RESTRICTED FUNDS TRANSFERS WITHIN CURRENT APPROPRIATIONS**Department of Public Services – \$168,174**

The Department of Public Services (DPS) has a \$100,000 personnel need in Street Construction, Maintenance, and Repair Fund 301 due to lower than expected reimbursements. This need will be offset by non-personnel savings in the same fund. DPS has an additional personnel need of \$68,174 in Income Tax-Infrastructure Fund 302, which will be offset by non-personnel savings in the same fund.

RESTRICTED FUNDS TRANSFERS RESULTING IN A SUPPLEMENTAL APPROPRIATION

Non-Departmental Accounts – \$58,212

A total of \$43,760 will be transferred from the unappropriated surplus of various Restricted Funds in order to address needs arising from Workers' Compensation Insurance payments due to the State of Ohio. An additional \$14,452 will be transferred from the unappropriated surplus of the Public Employee Assistance Program (PEAP) Fund 420 to address a non-personnel need resulting from higher than anticipated General Fund Overhead expenses.

The reason for the emergency is the immediate need to allow for the continuation of uninterrupted services through the end of the fiscal year.

The Administration recommends passage of this Emergency Ordinance.

cc: Christopher A. Bigham, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

City of Cincinnati

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An Ordinance No. _____ - 2021

AUTHORIZING the transfer of the sum of \$230,010 within General Fund 050, from and to various operating accounts of the General Fund according to the attached Schedule of Transfer, for the purpose of realigning and providing funds for the ongoing needs of City departments; and **AUTHORIZING** the transfer of the sum of \$226,386 within the various Restricted Funds, from and to various operating accounts and the unappropriated surplus of the respective Restricted Funds according to the attached Schedule of Transfer, for the purpose of realigning and providing funds for the ongoing needs of City departments.

WHEREAS, a need has arisen since the beginning of Fiscal Year 2021 to transfer various sums according to the attached Schedule of Transfer in order to realign and provide funds 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 the sum of \$230,010 existing within General Fund 050 is hereby transferred within said fund according to the attached Schedule of Transfer for the purpose of realigning certain operating accounts and for providing funds for the ongoing needs of City departments.

Section 2. That the sum of \$226,386 existing within the various Restricted Funds is hereby transferred within said funds according to the attached Schedule of Transfer for the purpose of realigning certain operating accounts and for providing funds for the ongoing needs of City departments.

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

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 allow for the continuation of uninterrupted services through the end of the fiscal year.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

SCHEDULE OF TRANSFER

FY 2021 ALL FUNDS MID-YEAR ADJUSTMENT ORDINANCE

Fund 050 General Fund

REDUCTIONS					INCREASES				
	Fund	Agency	Appropriation Unit	\$ Amount		Fund	Agency	Appropriation Unit	\$ Amount
TRANSFERS WITHIN APPROPRIATIONS					TRANSFERS WITHIN APPROPRIATIONS				
SOURCE ACCOUNTS					USE ACCOUNTS				
CITY COUNCIL					CITY COUNCIL				
COUNCILMEMBER WENDAL YOUNG	050	017	7200	2,500	COUNCILMEMBER WENDAL YOUNG	050	017	7100	2,500
CITY MANAGER'S OFFICE					CITY MANAGER'S OFFICE				
BUDGET & EVALUATION	050	102	7200	25,000	OFFICE OF THE CITY MANAGER	050	101	7200	25,000
CINCINNATI FIRE DEPARTMENT					CINCINNATI FIRE DEPARTMENT				
NON-RESPONSE	050	272	7200	17,000	RESPONSE	050	271	7200	17,000
NON-DEPARTMENTAL ACCOUNTS					NON-DEPARTMENTAL ACCOUNTS				
LUMP SUM PAYMENTS	050	924	7100	123,510	WORKERS' COMPENSATION INSURANCE	050	921	7500	98,510
					POLICE AND FIRE FIGHTERS' INSURANCE	050	922	7400	25,000
Subtotal Transfers Within Appropriations				168,010	Subtotal Transfers Within Appropriations				168,010
SUPPLEMENTAL APPROPRIATIONS					SUPPLEMENTAL APPROPRIATIONS				
SOURCE ACCOUNTS					USE ACCOUNTS				
CITY MANAGER'S OFFICE					CITY COUNCIL				
BUDGET & EVALUATION	050	102	7200	40,000	CITY COUNCIL MEMBERS - PAYROLL AND FRINGES	050	019	7100	2,000
NON-DEPARTMENTAL ACCOUNTS					DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT				
LUMP SUM PAYMENTS	050	924	7100	22,000	HOUSING DIVISION	050	162	7400	50,000
					DEPARTMENT OF ECONOMIC INCLUSION				
					CONTRACT COMPLIANCE	050	281	7100	10,000
Subtotal Supplemental Appropriations				62,000	Subtotal Supplemental Appropriations				62,000
TOTAL FUND 050 REDUCTIONS				230,010	TOTAL FUND 050 INCREASES				230,010

SCHEDULE OF TRANSFER

FY 2021 ALL FUNDS MID-YEAR ADJUSTMENT ORDINANCE									
Fund 102 Parking System Facilities									
REDUCTIONS				INCREASES					
	Fund	Agency	Appropriation Unit	\$ Amount		Fund	Agency	Appropriation Unit	\$ Amount
SUPPLEMENTAL APPROPRIATIONS					SUPPLEMENTAL APPROPRIATIONS				
SOURCE ACCOUNTS					USE ACCOUNTS				
NON-DEPARTMENTAL ACCOUNTS					NON-DEPARTMENTAL ACCOUNTS				
Unappropriated Surplus	102			116	WORKERS' COMPENSATION INSURANCE	102	921	7500	116
Subtotal Supplemental Appropriations				116	Subtotal Supplemental Appropriations				116
TOTAL FUND REDUCTIONS				116	TOTAL FUND INCREASES				

SCHEDULE OF TRANSFER

FY 2021 ALL FUNDS MID-YEAR ADJUSTMENT ORDINANCE

Fund 107 Stormwater Management

<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				NON-DEPARTMENTAL ACCOUNTS			
Unappropriated Surplus	107		1,127	WORKERS' COMPENSATION INSURANCE	107	921	7500 1,127
Subtotal Supplemental Appropriations			1,127	Subtotal Supplemental Appropriations			1,127
TOTAL FUND REDUCTIONS			1,127	TOTAL FUND INCREASES			1,127

SCHEDULE OF TRANSFER

FY 2021 ALL FUNDS MID-YEAR ADJUSTMENT ORDINANCE

Fund 205 Fuel System

REDUCTIONS			Appropriation		INCREASES			Appropriation	
	Fund	Agency	Unit	\$ Amount		Fund	Agency	Unit	\$ Amount
SUPPLEMENTAL APPROPRIATIONS					SUPPLEMENTAL APPROPRIATIONS				
SOURCE ACCOUNTS					USE ACCOUNTS				
NON-DEPARTMENTAL ACCOUNTS					NON-DEPARTMENTAL ACCOUNTS				
	</								

SCHEDULE OF TRANSFER

FY 2021 ALL FUNDS MID-YEAR ADJUSTMENT ORDINANCE

Fund 209 Property Management

REDUCTIONS				INCREASES			
	Fund	Agency	Appropriation Unit \$ Amount		Fund	Agency	Appropriation Unit \$ Amount
SUPPLEMENTAL APPROPRIATIONS				SUPPLEMENTAL APPROPRIATIONS			
SOURCE ACCOUNTS				USE ACCOUNTS			
NON-DEPARTMENTAL ACCOUNTS				NON-DEPARTMENTAL ACCOUNTS			
Unappropriated Surplus	209		837	WORKERS' COMPENSATION INSURANCE	209	921	7500 837
Subtotal Supplemental Appropriations			837	Subtotal Supplemental Appropriations			837
TOTAL FUND REDUCTIONS			837	TOTAL FUND INCREASES			837

SCHEDULE OF TRANSFER

FY 2021 ALL FUNDS MID-YEAR ADJUSTMENT ORDINANCE

Fund 301 Street Construction, Maintenance, and Repair

<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 PUBLIC SERVICES					DEPARTMENT OF PUBLIC SERVICES				
TRANSPORTATION AND ROAD OPERATIONS	301	252	7300	57,194	TRANSPORTATION AND ROAD OPERATIONS	301	252	7100	100,000
NEIGHBORHOOD OPERATIONS	301	253	7300	42,806					
Subtotal Transfers Within Appropriations				100,000	Subtotal Transfers Within Appropriations				100,000
TOTAL FUND REDUCTIONS				100,000	TOTAL FUND INCREASES				100,000

SCHEDULE OF TRANSFER

FY 2021 ALL FUNDS MID-YEAR ADJUSTMENT ORDINANCE

Fund 302 Income Tax-Infrastructure 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				
DEPARTMENT OF PUBLIC SERVICES					DEPARTMENT OF PUBLIC SERVICES				
TRANSPORTATION AND ROAD OPERATIONS	302	252	7200	55,138	TRANSPORTATION AND ROAD OPERATIONS	302	252	7100	34,424
TRANSPORTATION AND ROAD OPERATIONS	302	252	7300	13,036	CITY FACILITY MANAGEMENT	302	255	7100	33,750
Subtotal Transfers Within Appropriations				68,174	Subtotal Transfers Within Appropriations				68,174
TOTAL FUND REDUCTIONS				68,174	TOTAL FUND INCREASES				68,174

SCHEDULE OF TRANSFER

FY 2021 ALL FUNDS MID-YEAR ADJUSTMENT ORDINANCE

Fund 318 Sawyer Point

REDUCTIONS				INCREASES			
Fund	Agency	Appropriation Unit	\$ Amount	Fund	Agency	Appropriation Unit	\$ Amount
SUPPLEMENTAL APPROPRIATIONS				SUPPLEMENTAL APPROPRIATIONS			
SOURCE ACCOUNTS				USE ACCOUNTS			
NON-DEPARTMENTAL ACCOUNTS				NON-DEPARTMENTAL ACCOUNTS			
				WORKERS' COMPENSATION INSURANCE	318	921	7500
Unappropriated Surplus	318		477				477
Subtotal Supplemental Appropriations			477	Subtotal Supplemental Appropriations			477
TOTAL FUND REDUCTIONS			477	TOTAL FUND INCREASES			477

SCHEDULE OF TRANSFER

FY 2021 ALL FUNDS MID-YEAR ADJUSTMENT ORDINANCE

Fund 323 Recreation Special Activities

REDUCTIONS				INCREASES			
	Fund	Agency	Appropriation Unit \$ Amount		Fund	Agency	Appropriation Unit \$ Amount
SUPPLEMENTAL APPROPRIATIONS				SUPPLEMENTAL APPROPRIATIONS			
SOURCE ACCOUNTS				USE ACCOUNTS			
NON-DEPARTMENTAL ACCOUNTS				NON-DEPARTMENTAL ACCOUNTS			
Unappropriated Surplus	323		4,877	WORKERS' COMPENSATION INSURANCE	323	921	7500 4,877
Subtotal Supplemental Appropriations			4,877	Subtotal Supplemental Appropriations			4,877
TOTAL FUND REDUCTIONS			4,877	TOTAL FUND INCREASES			4,877

SCHEDULE OF TRANSFER

FY 2021 ALL FUNDS MID-YEAR ADJUSTMENT ORDINANCE

Fund 329 Cincinnati Riverfront Park

REDUCTIONS				INCREASES			
	Fund	Agency	Appropriation Unit \$ Amount		Fund	Agency	Appropriation Unit \$ Amount
SUPPLEMENTAL APPROPRIATIONS				SUPPLEMENTAL APPROPRIATIONS			
SOURCE ACCOUNTS				USE ACCOUNTS			
NON-DEPARTMENTAL ACCOUNTS				NON-DEPARTMENTAL ACCOUNTS			
Unappropriated Surplus	329		669	WORKERS' COMPENSATION INSURANCE	329	921	7500 669
Subtotal Supplemental Appropriations			669	Subtotal Supplemental Appropriations			669
TOTAL FUND REDUCTIONS			669	TOTAL FUND INCREASES			669

SCHEDULE OF TRANSFER

FY 2021 ALL FUNDS MID-YEAR ADJUSTMENT ORDINANCE

Fund 330 Park Lodge/Pavilion Deposits

REDUCTIONS				INCREASES			
	Fund	Agency	Appropriation Unit \$ Amount		Fund	Agency	Appropriation Unit \$ Amount
SUPPLEMENTAL APPROPRIATIONS				SUPPLEMENTAL APPROPRIATIONS			
SOURCE ACCOUNTS				USE ACCOUNTS			
NON-DEPARTMENTAL ACCOUNTS				NON-DEPARTMENTAL ACCOUNTS			
Unappropriated Surplus	330		4,374	WORKERS' COMPENSATION INSURANCE	330	921	7500 4,374
Subtotal Supplemental Appropriations			4,374	Subtotal Supplemental Appropriations			4,374
TOTAL FUND REDUCTIONS			4,374	TOTAL FUND INCREASES			4,374

SCHEDULE OF TRANSFER

FY 2021 ALL FUNDS MID-YEAR ADJUSTMENT ORDINANCE

Fund 349 Urban Renewal Debt Retirement

<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				NON-DEPARTMENTAL ACCOUNTS			
Unappropriated Surplus	349		204	WORKERS' COMPENSATION INSURANCE	349	921	7500 204
Subtotal Supplemental Appropriations			204	Subtotal Supplemental Appropriations			204
TOTAL FUND REDUCTIONS			204	TOTAL FUND INCREASES			204

SCHEDULE OF TRANSFER

FY 2021 ALL FUNDS MID-YEAR ADJUSTMENT ORDINANCE

Fund 416 Cincinnati Health District

<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				NON-DEPARTMENTAL ACCOUNTS			
Unappropriated Surplus	416		12,046	WORKERS' COMPENSATION INSURANCE	416	921	7500 12,046
Subtotal Supplemental Appropriations			12,046	Subtotal Supplemental Appropriations			12,046
TOTAL FUND REDUCTIONS			12,046	TOTAL FUND INCREASES			12,046

SCHEDULE OF TRANSFER

FY 2021 ALL FUNDS MID-YEAR ADJUSTMENT ORDINANCE

Fund 420 Public Employee Assistance Program

REDUCTIONS				INCREASES			
Fund	Agency	Appropriation Unit	\$ Amount	Fund	Agency	Appropriation Unit	\$ Amount
SUPPLEMENTAL APPROPRIATIONS				SUPPLEMENTAL APPROPRIATIONS			
SOURCE ACCOUNTS				USE ACCOUNTS			
NON-DEPARTMENTAL ACCOUNTS				NON-DEPARTMENTAL ACCOUNTS			
				WORKERS' COMPENSATION INSURANCE	420	921	7500
Unappropriated Surplus	420		17,572	GENERAL FUND OVERHEAD	420	944	7200
				Subtotal Supplemental Appropriations			17,572
			17,572				
Subtotal Supplemental Appropriations			17,572	Subtotal Supplemental Appropriations			17,572
TOTAL FUND REDUCTIONS			17,572	TOTAL FUND INCREASES			17,572

SCHEDULE OF TRANSFER

FY 2021 ALL FUNDS MID-YEAR ADJUSTMENT ORDINANCE

Fund 446 Health Network

<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				NON-DEPARTMENTAL ACCOUNTS			
Unappropriated Surplus	446		9,286	WORKERS' COMPENSATION INSURANCE	446	921	7500 9,286
Subtotal Supplemental Appropriations			9,286	Subtotal Supplemental Appropriations			9,286
TOTAL FUND REDUCTIONS			9,286	TOTAL FUND INCREASES			9,286

SCHEDULE OF TRANSFER

FY 2021 ALL FUNDS MID-YEAR ADJUSTMENT ORDINANCE

Fund 702 Enterprise Technology Solutions

<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				NON-DEPARTMENTAL ACCOUNTS			
Unappropriated Surplus	702		5,080	WORKERS' COMPENSATION INSURANCE	702	921	5,080
Subtotal Supplemental Appropriations			5,080	Subtotal Supplemental Appropriations			5,080
TOTAL FUND REDUCTIONS			5,080	TOTAL FUND INCREASES			5,080

SCHEDULE OF TRANSFER

FY 2021 ALL FUNDS MID-YEAR ADJUSTMENT ORDINANCE

Fund 711 Risk Management

REDUCTIONS				INCREASES			
	Fund	Agency	Appropriation Unit \$ Amount		Fund	Agency	Appropriation Unit \$ Amount
SUPPLEMENTAL APPROPRIATIONS				SUPPLEMENTAL APPROPRIATIONS			
SOURCE ACCOUNTS				USE ACCOUNTS			
NON-DEPARTMENTAL ACCOUNTS				NON-DEPARTMENTAL ACCOUNTS			
Unappropriated Surplus	711		97	WORKERS' COMPENSATION INSURANCE	711	921	7500 97
Subtotal Supplemental Appropriations			97	Subtotal Supplemental Appropriations			97
TOTAL FUND REDUCTIONS			97	TOTAL FUND INCREASES			97

SCHEDULE OF TRANSFER

FY 2021 ALL FUNDS MID-YEAR 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				
CITY COUNCIL					CITY COUNCIL				
COUNCILMEMBER WENDAL YOUNG	050	017	7200	2,500	COUNCILMEMBER WENDAL YOUNG	050	017	7100	2,500
CITY MANAGER'S OFFICE					CITY MANAGER'S OFFICE				
BUDGET & EVALUATION	050	102	7200	25,000	OFFICE OF THE CITY MANAGER	050	101	7200	25,000
CINCINNATI FIRE DEPARTMENT					CINCINNATI FIRE DEPARTMENT				
NON-RESPONSE	050	272	7200	17,000	RESPONSE	050	271	7200	17,000
NON-DEPARTMENTAL ACCOUNTS					NON-DEPARTMENTAL ACCOUNTS				
LUMP SUM PAYMENTS	050	924	7100	123,510	WORKERS' COMPENSATION INSURANCE	050	921	7500	98,510
					POLICE AND FIRE FIGHTERS' INSURANCE	050	922	7400	25,000
Subtotal Transfers Within Appropriations				168,010	Subtotal Transfers Within Appropriations				168,010
SUPPLEMENTAL APPROPRIATIONS					SUPPLEMENTAL APPROPRIATIONS				
SOURCE ACCOUNTS					USE ACCOUNTS				
CITY MANAGER'S OFFICE					CITY COUNCIL				
BUDGET & EVALUATION	050	102	7200	40,000	CITY COUNCIL MEMBERS - PAYROLL AND FRINGES	050	019	7100	2,000
NON-DEPARTMENTAL ACCOUNTS					DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT				
LUMP SUM PAYMENTS	050	924	7100	22,000	HOUSING DIVISION	050	162	7400	50,000
					DEPARTMENT OF ECONOMIC INCLUSION				
Subtotal Supplemental Appropriations				62,000	CONTRACT COMPLIANCE	050	281	7100	10,000
					Subtotal Supplemental Appropriations				62,000
TOTAL FUND 050 REDUCTIONS				230,010	TOTAL FUND 050 INCREASES				230,010

SCHEDULE OF TRANSFER

FY 2021 ALL FUNDS MID-YEAR ADJUSTMENT ORDINANCE

Fund 102 Parking System Facilities

REDUCTIONS				Appropriation		INCREASES				Appropriation	
	Fund	Agency	Unit	\$ Amount		Fund	Agency	Unit	\$ Amount		
SUPPLEMENTAL APPROPRIATIONS					SUPPLEMENTAL APPROPRIATIONS						
SOURCE ACCOUNTS					USE ACCOUNTS						
NON-DEPARTMENTAL ACCOUNTS					NON-DEPARTMENTAL ACCOUNTS						
Unappropriated Surplus		102		116	WORKERS' COMPENSATION INSURANCE	102	921	7500	116		
Subtotal Supplemental Appropriations				116	Subtotal Supplemental Appropriations				116		
TOTAL FUND REDUCTIONS					116	TOTAL FUND INCREASES				116	

SCHEDULE OF TRANSFER

FY 2021 ALL FUNDS MID-YEAR ADJUSTMENT ORDINANCE

Fund 107 Stormwater Management

<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				NON-DEPARTMENTAL ACCOUNTS			
Unappropriated Surplus	107		1,127	WORKERS' COMPENSATION INSURANCE	107	921	7500 1,127
Subtotal Supplemental Appropriations			1,127	Subtotal Supplemental Appropriations			1,127
TOTAL FUND REDUCTIONS				TOTAL FUND INCREASES			
			1,127				1,127

SCHEDULE OF TRANSFER

FY 2021 ALL FUNDS MID-YEAR ADJUSTMENT ORDINANCE

Fund 205 Fuel System

<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				NON-DEPARTMENTAL ACCOUNTS			
Unappropriated Surplus	205		1,450	WORKERS' COMPENSATION INSURANCE	205	921	7500 1,450
Subtotal Supplemental Appropriations			1,450	Subtotal Supplemental Appropriations			1,450
TOTAL FUND REDUCTIONS				TOTAL FUND INCREASES			
			1,450				1,450

SCHEDULE OF TRANSFER

FY 2021 ALL FUNDS MID-YEAR ADJUSTMENT ORDINANCE

Fund 209 Property Management

<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				NON-DEPARTMENTAL ACCOUNTS			
Unappropriated Surplus	209		837	WORKERS' COMPENSATION INSURANCE	209	921	7500 837
Subtotal Supplemental Appropriations			837	Subtotal Supplemental Appropriations			837
TOTAL FUND REDUCTIONS			837	TOTAL FUND INCREASES			837

SCHEDULE OF TRANSFER

FY 2021 ALL FUNDS MID-YEAR ADJUSTMENT ORDINANCE

Fund 301 Street Construction, Maintenance, and Repair

<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 PUBLIC SERVICES					DEPARTMENT OF PUBLIC SERVICES				
TRANSPORTATION AND ROAD OPERATIONS	301	252	7300	57,194	TRANSPORTATION AND ROAD OPERATIONS	301	252	7100	100,000
NEIGHBORHOOD OPERATIONS	301	253	7300	42,806					
Subtotal Transfers Within Appropriations				100,000	Subtotal Transfers Within Appropriations				100,000
TOTAL FUND REDUCTIONS				100,000	TOTAL FUND INCREASES				100,000

SCHEDULE OF TRANSFER

FY 2021 ALL FUNDS MID-YEAR ADJUSTMENT ORDINANCE

Fund 302 Income Tax-Infrastructure 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				
DEPARTMENT OF PUBLIC SERVICES					DEPARTMENT OF PUBLIC SERVICES				
TRANSPORTATION AND ROAD OPERATIONS	302	252	7200	55,138	TRANSPORTATION AND ROAD OPERATIONS	302	252	7100	34,424
TRANSPORTATION AND ROAD OPERATIONS	302	252	7300	13,036	CITY FACILITY MANAGEMENT	302	255	7100	33,750
Subtotal Transfers Within Appropriations				68,174	Subtotal Transfers Within Appropriations				68,174
TOTAL FUND REDUCTIONS				68,174	TOTAL FUND INCREASES				68,174

SCHEDULE OF TRANSFER

FY 2021 ALL FUNDS MID-YEAR ADJUSTMENT ORDINANCE

Fund 318 Sawyer Point

<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				NON-DEPARTMENTAL ACCOUNTS			
Unappropriated Surplus	318		477	WORKERS' COMPENSATION INSURANCE	318	921	7500 477
Subtotal Supplemental Appropriations			477	Subtotal Supplemental Appropriations			477
TOTAL FUND REDUCTIONS				477	TOTAL FUND INCREASES		
					477		

SCHEDULE OF TRANSFER

FY 2021 ALL FUNDS MID-YEAR ADJUSTMENT ORDINANCE

Fund 323 Recreation Special Activities

<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				NON-DEPARTMENTAL ACCOUNTS			
Unappropriated Surplus		323	4,877	WORKERS' COMPENSATION INSURANCE	323	921	7500
Subtotal Supplemental Appropriations			4,877	Subtotal Supplemental Appropriations			4,877
TOTAL FUND REDUCTIONS			4,877	TOTAL FUND INCREASES			4,877

SCHEDULE OF TRANSFER

FY 2021 ALL FUNDS MID-YEAR 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				NON-DEPARTMENTAL ACCOUNTS			
Unappropriated Surplus	329		669	WORKERS' COMPENSATION INSURANCE	329	921	7500 669
Subtotal Supplemental Appropriations			669	Subtotal Supplemental Appropriations			669
TOTAL FUND REDUCTIONS				669	TOTAL FUND INCREASES		
					669		

SCHEDULE OF TRANSFER

FY 2021 ALL FUNDS MID-YEAR ADJUSTMENT ORDINANCE

Fund 330 Park Lodge/Pavilion Deposits

<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				NON-DEPARTMENTAL ACCOUNTS			
Unappropriated Surplus	330		4,374	WORKERS' COMPENSATION INSURANCE	330	921	7500 4,374
Subtotal Supplemental Appropriations			4,374	Subtotal Supplemental Appropriations			4,374
TOTAL FUND REDUCTIONS				4,374	TOTAL FUND INCREASES		
					4,374		

SCHEDULE OF TRANSFER

FY 2021 ALL FUNDS MID-YEAR ADJUSTMENT ORDINANCE

Fund 349 Urban Renewal Debt Retirement

<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				NON-DEPARTMENTAL ACCOUNTS			
Unappropriated Surplus	349		204	WORKERS' COMPENSATION INSURANCE	349	921	7500 204
Subtotal Supplemental Appropriations			204	Subtotal Supplemental Appropriations			204
TOTAL FUND REDUCTIONS				204	TOTAL FUND INCREASES		
					204		

SCHEDULE OF TRANSFER

FY 2021 ALL FUNDS MID-YEAR ADJUSTMENT ORDINANCE

Fund 416 Cincinnati Health District

<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				NON-DEPARTMENTAL ACCOUNTS			
Unappropriated Surplus	416		12,046	WORKERS' COMPENSATION INSURANCE	416	921	7500 12,046
Subtotal Supplemental Appropriations			12,046	Subtotal Supplemental Appropriations			12,046
TOTAL FUND REDUCTIONS				TOTAL FUND INCREASES			
			12,046				12,046

SCHEDULE OF TRANSFER

FY 2021 ALL FUNDS MID-YEAR ADJUSTMENT ORDINANCE

Fund 420 Public Employee Assistance Program

<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				NON-DEPARTMENTAL ACCOUNTS			
Unappropriated Surplus	420		17,572	WORKERS' COMPENSATION INSURANCE	420	921	7500 3,120
				GENERAL FUND OVERHEAD	420	944	7200 14,452
Subtotal Supplemental Appropriations			17,572	Subtotal Supplemental Appropriations			17,572
TOTAL FUND REDUCTIONS			17,572	TOTAL FUND INCREASES			17,572

SCHEDULE OF TRANSFER

FY 2021 ALL FUNDS MID-YEAR ADJUSTMENT ORDINANCE

Fund 446 Health Network

<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				NON-DEPARTMENTAL ACCOUNTS			
Unappropriated Surplus	446		9,286	WORKERS' COMPENSATION INSURANCE	446	921	7500 9,286
Subtotal Supplemental Appropriations			9,286	Subtotal Supplemental Appropriations			9,286
TOTAL FUND REDUCTIONS				TOTAL FUND INCREASES			
			9,286				9,286

SCHEDULE OF TRANSFER

FY 2021 ALL FUNDS MID-YEAR ADJUSTMENT ORDINANCE

Fund 702 Enterprise Technology Solutions

<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				NON-DEPARTMENTAL ACCOUNTS			
Unappropriated Surplus	702		5,080	WORKERS' COMPENSATION INSURANCE	702	921	7500 5,080
Subtotal Supplemental Appropriations			5,080	Subtotal Supplemental Appropriations			5,080
TOTAL FUND REDUCTIONS				TOTAL FUND INCREASES			
			5,080				5,080

SCHEDULE OF TRANSFER

FY 2021 ALL FUNDS MID-YEAR ADJUSTMENT ORDINANCE

Fund 711 Risk Management

<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				NON-DEPARTMENTAL ACCOUNTS			
Unappropriated Surplus	711		97	WORKERS' COMPENSATION INSURANCE	711	921	7500 97
Subtotal Supplemental Appropriations			97	Subtotal Supplemental Appropriations			97
TOTAL FUND REDUCTIONS				97	TOTAL FUND INCREASES		
					97		

June 9, 2021

To: Mayor and Members of City Council 202102146

From: Paula Boggs Muething, City Manager

Subject: **Emergency Ordinance – Interact for Health COVID-19 Vaccination Support Grant**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in an amount of \$3,000 from Interact for Health for the purpose of providing support for printing and mailing of educational materials related to COVID-19 vaccinations and addressing vaccine disparities in vulnerable Cincinnati communities; and **AUTHORIZING** the Finance Director to deposit the grant funds into Public Health Research Fund 350.

This Emergency Ordinance would authorize the City Manager to apply for, accept and appropriate a grant in the amount of \$3,000 from Interact for Health for the purpose of providing support for printing and mailing of educational materials related to COVID-19 vaccinations and addressing vaccine disparities in vulnerable Cincinnati communities.

No additional FTE are associated with this grant, and matching funds are not required.

This Emergency Ordinance would also authorize the Finance Director to deposit the grant funds into Public Health Research Fund 350.

This Emergency Ordinance is in accordance with the Sustain goal to “Become a healthier Cincinnati” as described on page 181 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to accept grant funds to cover expenses related to the prevention and control of COVID-19 cases.

The Administration recommends passage of this Emergency Ordinance.

cc: Christopher A. Bigham, Assistant City Manager
Karen Alder, Finance Director

Attachment



EMERGENCY

KMB

- 2021

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in an amount of \$3,000 from Interact for Health for the purpose of providing support for printing and mailing of educational materials related to COVID-19 vaccinations and addressing vaccine disparities in vulnerable Cincinnati communities; and **AUTHORIZING** the Finance Director to deposit the grant funds into Public Health Research Fund 350.

WHEREAS, there is a grant available from Interact for Health that will support the City's plans, through the City of Cincinnati Health Department ("CHD"), to deploy educational materials related to COVID-19 vaccinations and address vaccine disparities in vulnerable Cincinnati communities; and

WHEREAS, this grant does not require matching funds, and there are no new FTEs associated with this grant; and

WHEREAS, the CHD applied for this grant as the application deadline was May 25, 2021, but will not accept any funds without approval of Council; and

WHEREAS, this ordinance is in accordance with the "Sustain" goal to "Become a healthier Cincinnati," as described on page 181 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is hereby authorized to apply for, accept, and appropriate a grant in an amount of \$3,000 from Interact for Health for the purpose of providing support for printing and mailing of educational materials related to COVID-19 vaccinations and addressing vaccine disparities in vulnerable Cincinnati communities.

Section 2. That the Finance Director is hereby authorized to receive and deposit the grant funds into Public Health Research Fund 350.

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

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to accept grant funds to cover expenses related to the prevention and control of COVID-19 cases.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

June 9, 2021

To: Mayor and Members of City Council 202102148

From: Paula Boggs Muething, City Manager

Subject: Emergency Ordinance – Moral Obligation Payment to Cascade Engineering

Attached is an Emergency Ordinance captioned:

AUTHORIZING the payment of \$14,281.40 from the Office of Environment and Sustainability's General Fund non-personnel operating budget account no. 050x104x5000x7289 as a moral obligation to Cascade Engineering for charges owed for recycling cart maintenance services provided in August 2019.

Approval of this Emergency Ordinance authorizes the payment of \$14,281.40 from the Office of Environment and Sustainability's General Fund non-personnel operating budget account no. 050x104x5000x7289 as a moral obligation to Cascade Engineering for charges owed for recycling cart maintenance services provided in August 2019. Sufficient funds are available to make this payment.

Cascade Engineering conducted an account audit in March of 2021 and found that the City of Cincinnati had not paid Invoice #30444725 in the amount of \$14,281.40 for cart maintenance services provided in August 2019. Because this invoice is from a prior year, a moral obligation ordinance is required to pay Cascade Engineering.

The reason for the emergency is the immediate need to pay Cascade Engineering for services provided in August 2019.

The Administration recommends passage of this Emergency Ordinance.

cc: Christopher A. Bigham, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

CFG

- 2021

AUTHORIZING the payment of \$14,281.40 from the Office of Environment and Sustainability's General Fund non-personnel operating budget account no. 050x104x5000x7289 as a moral obligation to Cascade Engineering for charges owed for recycling cart maintenance services provided in August 2019.

WHEREAS, Cascade Engineering conducted an account audit in March 2021 and found that the City of Cincinnati had not paid Invoice #30444725 in the amount of \$14,281.40 for cart maintenance services provided in August 2019; and

WHEREAS, the invoice is from a prior fiscal year and cannot be paid with current year appropriations, necessitating payment as a moral obligation; and

WHEREAS, sufficient funds are available from the Office of Environment and Sustainability's General Fund non-personnel operating budget account no. 050x104x5000x7289 to pay Cascade Engineering's Invoice #30444725; and

WHEREAS, City Council desires to provide payment for such services in the amount of \$14,281.40; now, therefore,

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

Section 1. That the Finance Director is authorized to make a payment of \$14,281.40 from the Office of Environment and Sustainability's General Fund non-personnel operating budget account no. 050x104x5000x7289 to Cascade Engineering as a moral obligation of the City of Cincinnati for charges owed for recycling cart maintenance services provided in August 2019.

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

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 Cascade Engineering for services provided in August 2019.

Passed: _____, 2021

Mayor John Cranley

Attest: _____
Clerk

Date: June 9, 2021

To: Mayor and Members of City Council 202102153

From: Paula Boggs Muething, City Manager

Subject: **EMERGENCY ORDINANCE - ESTABLISHMENT OF FC CINCINNATI
SIDEWALK VENDING ZONE**

Attached is an emergency ordinance captioned as follows:

MODIFYING Title VII, "General Regulations," of the Cincinnati Municipal Code by amending Section 723-16, "Sidewalk Vending," of Chapter 723, "Streets and Sidewalks, Use Regulations," to establish a new sidewalk vending district in proximity to TQL Stadium in the West neighborhood.

Approval of this emergency ordinance authorizes the establishment of a new sidewalk vending zone in the vicinity the TQL FC Cincinnati Stadium, keeping with precedence of sidewalk vending zones around high traffic areas.

This zone is located within both the West End and Over-the-Rhine neighborhoods.

The reason for the emergency is to have the zone in place for the 2021 FC Cincinnati season.

The Administration recommends passage of the attached emergency ordinance.

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

EMERGENCY

City of Cincinnati

JRS

BWL

An Ordinance No. _____

- 2021

MODIFYING Title VII, "General Regulations," of the Cincinnati Municipal Code by amending Section 723-16, "Sidewalk Vending," of Chapter 723, "Streets and Sidewalks, Use Regulations," to establish a new sidewalk vending district in proximity to TQL Stadium in the West End neighborhood.

WHEREAS, revocable street privileges are the primary tool used by the City to provide sidewalk vendors access to the public right-of-way and to manage those vendors' occupancy of the public right-of-way; and

WHEREAS, Cincinnati Municipal Code Section 723-16, "Sidewalk Vending," establishes a process whereby the City Manager may grant revocable street privileges to sidewalk vendors, allowing them to establish merchandise and food vending locations on City sidewalks within sidewalk vending districts; and

WHEREAS, in order to support the City's sidewalk vendors and to expand access to sidewalk vending across the City, the Council wishes to establish a new sidewalk vending district in proximity to FC Cincinnati's new TQL Stadium; now therefore,

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

Section 1. That Section 723-16, "Sidewalk Vending," of Chapter 723, "Streets and Sidewalks, Use Regulations," of the Cincinnati Municipal Code is hereby amended to read as follows:

Sec. 723-16. - Sidewalk Vending.

- (a) Sidewalk Vending Program. The city manager or his or her designee is authorized to grant revocable street privileges for the placement of sidewalk vending locations in accordance with this section. This section governs merchandise and food vending on the sidewalks in the City's right-of-way. Mobile food vending within city streets is governed by Sections 723-41 through 723-50 of the Cincinnati Municipal Code.
- (b) Sidewalk Vending Rules and Regulations. The city manager is authorized to establish rules and regulations for the orderly and efficient administration of this chapter, including but not limited to rules governing application fees, vending practices, displays at vending locations, equipment and materials, health and safety standards, and authorized hours of operation. Changes to the rules and regulations must be approved by the city manager.

(c) Vending Districts. The following sidewalk vending districts are the only areas in which individual sidewalk vending locations may be established by the city manager or his or her designee. Peddlers and itinerant vendors authorized to operate under Chapter 839 of the Cincinnati Municipal Code are prohibited from operating in these sidewalk vending districts, as stated in Section 839-13 of the Cincinnati Municipal Code.

1. The “Downtown Vending District” shall be defined as follows: the area within the public right-of-way within the bounds beginning at the intersection of the north property line of East Central Parkway and the east property line of Eggleston Avenue as projected northeastwardly; thence southeastwardly along the projected east property line, the actual east property line and the projected east property line of Eggleston Avenue to the south city corporate limit; thence west along the south city corporate limit to the west property line of Central Avenue as projected southwardly to the city corporate limit; thence northwardly along the west property line of projected Central Avenue and the actual west property line of Central Avenue to the north property line of West Court Street; thence eastwardly along the north property line of West Court Street to the west property line of Plum Street; thence northwardly along the west property line of Plum Street to the projected north property line of West Central Parkway; thence east along the projected and actual north property line of Central Parkway; continuing eastwardly along the north property line of East Central Parkway to the point of beginning.
2. The “Liberty/Dalton Street Vending District” shall be defined as the area within the public right-of-way beginning at a point being the intersection of the west right-of-way line of Dalton Street and the north right-of-way line of Flint Street. Thence north along the west right-of-way line of Dalton Street to the point of intersection with the south right-of-way line of Findlay Street. Thence east along the south right-of-way line of Findlay Street to the point of intersection with the east right-of-way line of Dalton Street. Thence south along the east right-of-way line of Dalton Street to the point of intersection with the north right-of-way line of Flint Street. Thence west along the north right-of-way line of Flint Street to the point of intersection with the west right-of-way line of Dalton Street, being the point and place of beginning.
3. The “Short Vine Vending District” shall be defined as the area beginning at a point being the intersection of the north right-of-way line of Corry Street and the east right-of-way line of Vine Street. Thence north along the east right-of-way line of Vine Street to the point of intersection with the south right-of-way line of Martin Luther King Jr. Drive. Thence west along the south right-of-way line of Martin Luther King Jr. Drive to the point of intersection with the west right-of-way line of Vine Street. Thence south along the west right-of-way line of Vine Street to the point of intersection with the north right-of-way line of Corry Street. Thence

east along the north right-of-way line of Corry Street to the east right-of-way line of Vine Street, being the point and place of beginning.

4. The "University Hospital Vending District" shall be defined as the area beginning at a point being the intersection of the south right-of-way line of Piedmont Avenue and the west right-of-way line of Eden Avenue. Thence north along the west right-of-way line of Eden Avenue to the point of intersection with the north right-of-way line of Bethesda Avenue. Thence east along the north right-of-way line of Bethesda Avenue to the point of intersection with the northeast right-of-way line of Elland Avenue. Thence southeast and east along that right-of-way line and that right-of-way line extended to the east right-of-way line of Burnet Avenue. Thence south along the east right-of-way line of Burnet Avenue to the point of intersection with the south right-of-way line extended of Piedmont Avenue. Thence west along the south right-of-way line extended and the right-of-way line of Piedmont Avenue to the point of intersection with the west right-of-way of Eden Avenue, being the point and place of beginning.

5. The "FC Cincinnati Vending District" shall be defined as follows: the area within the public right-of-way within the bounds beginning at the intersection of the north property line of West Liberty Street and the west property line of John Street as projected easterly; thence to the east property line of Elm Street projected southerly to the south property line of West Liberty Street then projecting westerly along the south property line of West Liberty Street to the east property line of Central Parkway; thence projected southerly on the east property line of Central Parkway to the south property line of Charles Street; thence projecting westerly along the south property line of Charles Street to the west property line of Central Avenue; thence projecting northerly along the west property line of Central Avenue to the south property line of Ezzard Charles Drive; thence projecting westerly to the west property line of John Street; thence projecting northwesterly to the north property line of West Liberty Street.

(d) Vending Locations. The city manager or his or her designee may designate sites within the defined vending districts for either food vending or merchandise vending and shall identify approved sites by maps, approximate address, or both. Additional sites may be requested in writing by persons interested in vending at specific locations which have not been designated for vending of the type proposed in the request. The city manager or his or her designee shall exercise sole discretion in determining the appropriateness of the requested location and shall notify the applicant in writing of the decision.

(e) Temporary Locations. Temporary locations within the vending districts established in subsection (c) of this section for use in relocating sidewalk

vendors from special event areas or for handling short-term (under seven days) demand for vending locations prompted by special events, holidays, sports championships, and other such occurrences, may be established and withdrawn by the city manager or his or her designee at any time.

- (f) Applications for Sidewalk Vending Locations. Persons desiring to obtain a revocable street privilege for a vending location shall submit an application on a form to be provided by the city manager or his or her designee. The city manager or his or her designee is authorized to charge a non-refundable application fee to be determined by the city manager.
- (g) Assignment of Vending Locations. Vending revocable street privileges for sidewalk vending locations will be awarded in accordance with the following:
 - 1. Each year, vendors with existing sidewalk vending locations may retain up to eight of their vending locations, upon provision of written notice to the city.
 - 2. New vending locations, and newly open vending locations not retained by a vendor, are to be awarded on a first come, first served basis.
 - 3. Applications for new or newly available vending locations shall be considered and awarded, in the order in which they are received, only to qualified applicants who submit proper and complete applications.
 - 4. Existing vendors seeking to retain one or more (up to eight) of their vending locations, and applicants seeking a new vending location, all must submit their applications within the deadlines for each step of the process. The application periods and deadlines shall be established in the rules and regulations governing the sidewalk vending program.
 - 5. In a given year, if deemed necessary because of high demand for new vending locations, the city manager or his or her designee may implement another method for awarding new locations, including but not limited to a lottery or another random drawing method, to ensure fairness both to existing vendors and new vendors.
 - 6. The provisions of this subsection (g) do not change the revocability of vending revocable street privileges addressed in subsection (h) of this section and in Chapter 718 of the Cincinnati Municipal Code.
- (h) Vending Revocable Street Privilege. The city manager or his designee shall issue a vending revocable street privilege for each vending location awarded upon payment of the required fee set forth in the rules and regulations for the sidewalk vending program. Vending revocable street privileges for vending locations issued pursuant to this chapter are also governed by Chapter 718 of the Cincinnati Municipal Code and are revocable at any time as set forth in Chapter 718. In the event of revocation not caused by any act or omission of

the vendor, the city shall make good faith efforts to accommodate the vendor by identifying an alternative vending location, or, if no alternative locations are available, the city will refund a prorated amount of the annual fee for the vending revocable street privilege based on the number of months of the year that the vendor had the vending revocable street privilege.

- (i) Vending During Special Events. When city council passes an ordinance in connection with a special event which temporarily prohibits vending in a specified area within any vending district except that which is authorized by the special event sponsor, and such area includes established sidewalk vending locations, or when, as a result of lawful construction or demolition or a significant change in the use of the street or sidewalk space in the vending district, it is necessary to eliminate an established vending site, the city manager or his or her designee may designate a temporary alternative sidewalk vending location within one of the defined vending districts established in subsection (c) of this section. The city manager or his or her designee shall designate temporary locations for sidewalk vending on an as-needed basis. The location of such temporary sites shall be at the sole discretion of the city manager or his or her designee.

Section 2. That existing Section 723-16, "Sidewalk Vending," is hereby repealed.

Section 3. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the provisions of this ordinance.

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 a new sidewalk vending district in proximity to FC Cincinnati's TQL Stadium.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

Additions indicated by underline; Deletions indicated by strikethrough.

June 9, 2021

To: Mayor and Members of City Council

202102154

From: Paula Boggs Muething, City Manager

Subject: **CRA TAX EXEMPTION AGREEMENT FOR MOERLEIN
MANSION, LLC**

Attached is an Emergency Ordinance captioned as follows:

APPROVING AND AUTHORIZING the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with Moerlein Mansion, LLC, thereby authorizing a 12-year tax exemption for 100% of the value of improvements made to real property located at 18 Mulberry Street in the Mt. Auburn neighborhood of Cincinnati, in connection with the remodeling of the existing building into approximately 6,722 square feet of residential space consisting of 9 residential units, at a total construction cost of approximately \$471,208.

BACKGROUND/CURRENT CONDITIONS

Moerlein Mansion, LLC owns and intends to renovate the residential property located at 18 Mulberry Street in Mt. Auburn, east of Vine Street and Loth Street. The property is the former home of Christian Moerlein. Moerlein Mansion, LLC purchased the property from the Hamilton County Land Reutilization Corporation (the Port) in May of 2021. The Port put approximately \$183,000 in to stabilize the building, but substantial renovation work is still necessary to make the building habitable.

DEVELOPER INFORMATION

Moerlein Mansion, LLC is a limited liability corporation operated by Michael Basch, Stuart Naeny, and Allison Dilbone. Mr. Basch has completed three (3) other renovations in Over-the-Rhine, totaling 13 units. Mr. Naeny has more than eight (8) years of small business leadership and ownership experience through the Pedal Wagon. Ms. Dilbone has worked in finance leadership roles in local banking and marketing firms.

PROJECT DESCRIPTION

The Developer is proposing the renovation of the vacant two-and-a-half story, 6,722 square foot historic property located at 18 Mulberry Street to include nine (9) market-rate residential rental units naturally affordable to households not exceeding 80% of the Area Median Income (AMI), consisting of four (4) studio units, four (4) one-bedroom units, and one (1) two-bedroom unit. Rents per month will be approximately \$725-\$795 for the studios, \$990-\$1,100 for the one-bedrooms, and \$1,595 for the two-bedroom. Total project cost is estimated to be \$713,583, with hard construction cost estimated to be \$471,208. The project is estimated to take eight (8) months to complete and is anticipated to create 28 temporary construction jobs with a total payroll of \$277,685. Following project completion, it is anticipated that one (1) part-time permanent job will be created (.25 FTE) with an annual payroll of \$10,250.

PROPOSED INCENTIVE

DCED is recommending a 12-year, net 52% CRA tax exemption. The exemption applies only to the increase in improvement value attributed to the renovation.

Pursuant to the Commercial CRA policy established by City Council, this project is located in the Mt. Auburn Neighborhood VTICA Area and is therefore subject to analysis based on financial gap analysis, LEED certification level, and Neighborhood VTICA contribution. The project merits a 12-year, net 52% CRA Tax Abatement based on the following criteria:

- Rents are priced at affordable rates that do not exceed 80% of the AMI
- Project has low cash flow the first several years
- Developer return is low the first several years

SUMMARY	
Incentive Value	
Annual Net Abatement (Savings to Developer)	\$4,550
Total Term Net Abatement (Savings to Developer)	\$54,601
City's Portion of Property Taxes Forgone	\$13,552
Public Benefit	
CPS PILOT	
Annual CPS Pilot	\$2,888
Total Term CPS PILOT	\$34,651
VTICA	
Annual VTICA	\$1,313
Total Term VTICA PILOT	\$15,750
Income Tax (Max)	\$5,546

New Permanent Jobs	.25
Total Public Benefit (CPS PILOT/VTICA PILOT/Income Tax)	\$55,947
Total Public Benefit ROI	\$1.02
City's ROI	\$1.57

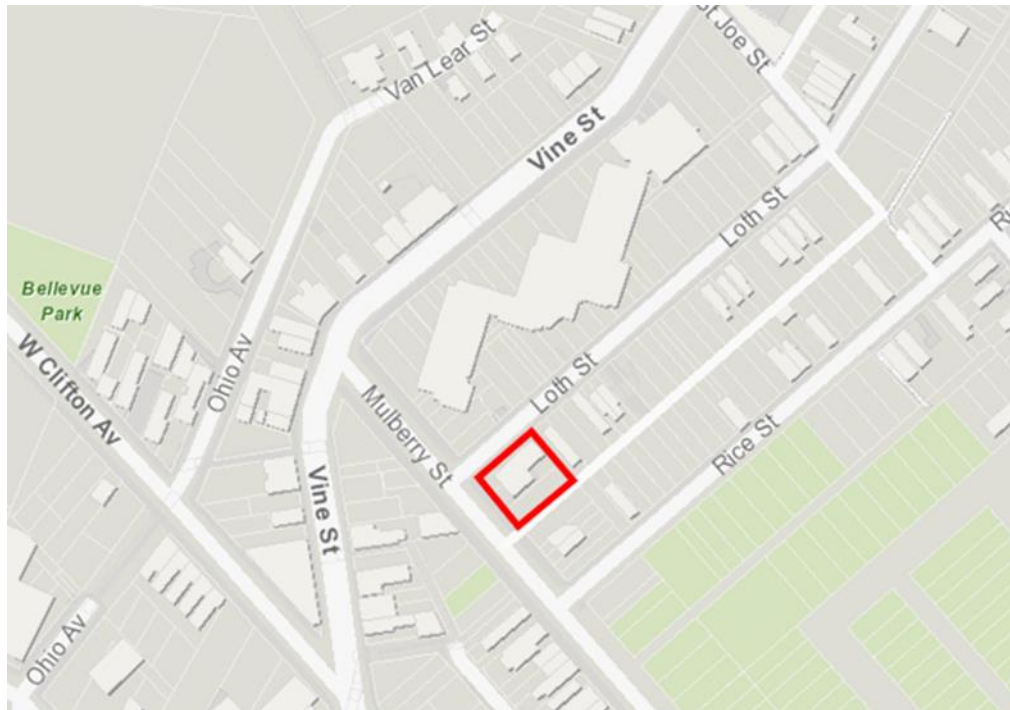
RECOMMENDATION

The Administration recommends approval of this Emergency Ordinance. The Moerlein Mansion is consistent with *Plan Cincinnati* under the Sustain Initiative with the goal to preserve our natural and built environment as described more particularly on pages 197 and 198 of the Plan by activating property that has long been vacant in the Mt. Auburn neighborhood.

Attachment: A. Property location and photographs

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

Attachment A: Location and Photographs



Property Location



18 Mulberry Street

EMERGENCY

City of Cincinnati

JML

AWB

An Ordinance No. _____

- 2021

APPROVING AND AUTHORIZING the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with Moerlein Mansion, LLC, thereby authorizing a 12-year tax exemption for 100% of the value of improvements made to real property located at 18 Mulberry Street in the Mt. Auburn neighborhood of Cincinnati, in connection with the remodeling of the existing building into approximately 6,722 square feet of residential space consisting of 9 residential units, at a total construction cost of approximately \$471,208.

WHEREAS, to encourage the development of real property and the acquisition of personal property, the Council of the City of Cincinnati by Ordinance No. 274-2017 passed on September 27, 2017, designated the area within the corporate boundaries of the City of Cincinnati as a "Community Reinvestment Area" pursuant to Ohio Revised Code ("ORC") Sections 3735.65 through 3735.70 (the "Statute"); and

WHEREAS, Ordinance No. 275-2017 passed by this Council on September 27, 2017, as amended by Ordinance No. 339-2018, passed by this Council on October 31, 2018, sets forth certain additional policies, conditions and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area; and

WHEREAS, effective October 23, 2017, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute; and

WHEREAS, Moerlein Mansion, LLC (the "Company") desires to remodel an existing building located on real property at 18 Mulberry Street located within the corporate boundaries of the City of Cincinnati into approximately 6,722 square feet of residential space consisting of 9 residential units (the "Improvements"), provided that the appropriate development incentives are available to support the economic viability of the Improvements; and

WHEREAS, to provide an appropriate development incentive for the Improvements, the City Manager has recommended a *Community Reinvestment Area Tax Exemption Agreement*, in substantially the form of Attachment A to this ordinance, to authorize a real property tax exemption for the Improvements in accordance with the Statute; and

WHEREAS, the property is located within the Cincinnati City School District; and

WHEREAS, the Board of Education of the Cincinnati City School District (the "Board of Education"), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020 (as may be amended, the "Board of Education Agreement"), has approved exemptions of up to

100% of Community Reinvestment Area projects, waived advance notice and the right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects; and

WHEREAS, pursuant to the Board of Education Agreement, the Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to 33% of the exempt real property taxes; and

WHEREAS, the Company has represented that it has entered into (or will enter into) a voluntary tax incentive contribution agreement with a third-party organization for amounts equal to 15% of the exempt real property taxes, which funds shall be committed by the third-party organization to facilitate permanent improvements and neighborhood services furthering redevelopment in the neighborhood of the Improvements and to support affordable housing on a City-wide basis; and

WHEREAS, the Improvements do not involve relocation of part or all of the Company's operations from another county or municipal corporation in Ohio or, if there is relocation, notice has been given per ORC Section 3735.673; now, therefore,

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

Section 1. That Council approves a *Community Reinvestment Area Tax Exemption Agreement* with Moerlein Mansion, LLC (the "Agreement"), thereby authorizing a 12-year tax exemption for 100% of the assessed value of improvements to be made to real property located at 18 Mulberry Street in Cincinnati, as calculated by the Hamilton County Auditor, in connection with the remodeling of the existing building into approximately 6,722 square feet of residential space consisting of 9 residential units, to be completed at a total construction cost of approximately \$471,208.

Section 2. That Council authorizes the City Manager:

- (i) to execute the Agreement on behalf of the City in substantially the form of Attachment A to this ordinance; and
- (ii) to forward on behalf of Council a copy of the Agreement, within fifteen (15) days after execution, to the Director of the Ohio Development Services Agency in accordance with Ohio Revised Code Section 3735.671(F); and
- (iii) to submit on behalf of Council annual reports on the Agreement to the Director of the Ohio Development Services Agency and to the Board of Education of the Cincinnati City School District, in accordance with Ohio Revised Code Section 3735.672; and

- (iv) to take all necessary and proper actions to fulfill the City's obligations under the Agreement.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to allow the remodeling described in this ordinance and the corresponding revitalization of the City of Cincinnati and the benefits to the City's economic welfare to begin at the earliest possible time.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

Attachment A to Ordinance

CRA Tax Exemption Agreement

SEE ATTACHED

Community Reinvestment Area Tax Exemption Agreement

This Community Reinvestment Area Tax Exemption Agreement (this "Agreement") is made and entered into as of the Effective Date (as defined on the signature page hereof) by and between the CITY OF CINCINNATI, an Ohio municipal corporation (the "City"), and MOERLEIN MANSION, LLC, an Ohio limited liability company (the "Company").

Recitals:

- A. The City, through the adoption of Ordinance No. 274-2017 on September 27, 2017, designated the entire City of Cincinnati as a Community Reinvestment Area to encourage the development of real property and the acquisition of personal property in that area, pursuant to Ohio Revised Code Sections 3735.65 through 3735.70 (the "Statute").
- B. In accordance with the Statute, the Ohio Director of Development has forwarded to the City the Director's determination dated October 23, 2017, stating that the findings contained in Ordinance No. 274-2017 are valid and that the entire City is a Community Reinvestment Area under the Statute. By such determination, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute.
- C. The Council of the City of Cincinnati has also passed Ordinance No. 275-2017 as of September 27, 2017, as amended by Ordinance No. 339-2018 passed on October 31, 2018 (the "Commercial Policy Ordinance"), which sets forth certain additional policies, conditions and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area.
- D. The Company is the sole owner of certain real property within the City, located at 18 Mulberry Street, Cincinnati, Ohio 45202 (the "Property"), as further described in Exhibit A (Legal Description of Property) hereto. Notwithstanding the foregoing, the Property shall not include any residential condominiums being developed in connection with the Project (as defined below) (the "Excluded Property"), and the Company acknowledges and agrees that the City's Community Reinvestment Area program entails separate applications by the owner of any residential condominium units included within the Project. For the avoidance of doubt, the Excluded Property shall not be exempt under this Agreement; however, this provision shall not be deemed to prohibit any owners from time to time of any Excluded Property from separately applying for a tax abatement in accordance with applicable law.
- E. The Company has proposed the remodeling of a building located on the Property, within the boundaries of the City of Cincinnati, as more fully described in Section 1 herein (the "Project"); provided that the appropriate development incentives are available to support the economic viability of the Project.
- F. The Statute provides that if any part of a project is to be used for commercial or industrial purposes, including projects containing four or more dwelling units, in order to be eligible for tax exemption the City and the Company must enter into an agreement pursuant to Ohio Revised Code Section 3735.671 prior to commencement of construction or remodeling.
- G. The City, having appropriate authority under the Statute for this type of project, agrees (as provided herein and subject to all conditions herein) to provide the Company with the tax exemption incentives stated herein, available under the Statute, for development of the Project.
- H. The Company has submitted to the City an application for this tax exemption agreement (the "Application"), a copy of which is attached hereto as Exhibit B, has remitted with the Application

(i) the City application fee of One Thousand Two Hundred Fifty Dollars (\$1,250) made payable to the City and (ii) in accordance with Ohio Revised Code Section 3735.672(C), the state application fee of Seven Hundred Fifty Dollars (\$750) made payable to the Ohio Development Services Agency ("ODSA"), to be forwarded to the ODSA with an executed copy of this Agreement.

- I. The Director of the City's Department of Community and Economic Development has recommended approval of the Application on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities and improve the economic climate of the City.
- J. The Board of Education of the Cincinnati City School District (the "Board of Education"), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020, has approved exemptions of up to one hundred percent (100%) of Community Reinvestment Area projects, waived advance notice and right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects.
- K. The Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to thirty-three percent (33%) of the full amount of exempt real property taxes that would have been paid to Hamilton County if this Agreement were not in effect (the "Board of Education Agreement").
- L. The Company represents and warrants to the City that the Company and its major tenants, if any, do not intend to relocate part or all of their operations to the City from another county or municipal corporation in the State of Ohio (the "State").
- M. The Company represents that within the past five (5) years neither the Company, any related member of the Company, nor any entity to which the Company is a successor has discontinued operations at a project site in the State during the term of a property tax exemption agreement (under Ohio Revised Code Section 3735.671, 5709.62, 5709.63 or 5709.632) applicable to that site, and the Company acknowledges that misrepresentation hereunder will result in voiding of this Agreement.
- N. The Company represents and warrants to the City that the Company is not subject to an Enterprise Zone Agreement with the City of Cincinnati for the Property or the Project.
- O. The Company acknowledges that the Mt. Auburn neighborhood is a rising neighborhood in need of resources for development, neighborhood improvements, amenities, and organizations oriented towards neighborhood services. The Company anticipates that future development, improvements, amenities and organizations will contribute to the quality and vitality of the neighborhood, therefore increasing the value of the Property and directly and indirectly contributing to the Project's success. The Project's success, in turn, will benefit the neighborhood. Although this feedback effect will promote the revitalization and redevelopment of the City, it could also impact the affordability of property in the area. Therefore, in support of the Mt. Auburn neighborhood and with the intention of preserving and improving the availability of quality, reliable affordable housing on a City-wide basis, as a material inducement to the City to enter into this Agreement, the Company hereby represents to the City that it will enter into a voluntary tax incentive contribution agreement ("VTICA") with a City-designated third-party non-profit administrative organization (the "Third-Party Administrator") to contribute to the Third-Party Administrator an amount equal to fifteen percent (15%) of the real property taxes that would have been payable on the abated property but for the City-authorized tax abatement (the "VTICA Contribution"). Half of such VTICA Contribution is to be committed by the Third-Party Administrator to facilitate permanent improvements and neighborhood services furthering urban redevelopment in the Mt. Auburn neighborhood and the other half of such VTICA Contribution is to be committed by the Third-Party Administrator in supporting quality affordable housing on a City-wide basis. The Company hereby represents and warrants that it will pay the VTICA Contribution for the full term of the abatement.

P. This Agreement has been authorized by Ordinance No. _____-2021, passed by Cincinnati City Council on _____, 2021.

Q. In determining to recommend and authorize this Agreement, the Department of Community and Economic Development and City Council, respectively, have acted in material reliance on the Company's representations in the Application and herein regarding the Project including, but not limited to, representations relating to the number of jobs to be created and/or retained by the Company, the Board of Education Agreement, the VTICA Contribution, and the Project's effect in promoting the general welfare of the people of Cincinnati by, for example, encouraging the development of real property located in the Community Reinvestment Area and thereby promoting economic growth and vitality in Cincinnati.

NOW, THEREFORE, pursuant to Ohio Revised Code Section 3735.67(A) and in conformity with the format required under Ohio Revised Code Section 3735.671, in consideration of the mutual covenants contained herein and the benefit to be derived by the parties from the execution hereof, the parties agree as follows:

Section 1. Project. Upon issuance of the necessary zoning and building approvals, the Company agrees to remodel the existing building on the Property into approximately 6,722 square feet of residential space consisting of nine (9) residential units (the "Improvements") at an estimated aggregate cost of \$471,208.00 to commence after the execution of this Agreement and to be completed no later than March 31, 2022; *provided*, however, that the Director of the Department of Community and Economic Development (the "Housing Officer") may, in his discretion, extend such deadline for a period of up to 12 months by written notice if, in the Director's judgment, the Company is proceeding in good faith towards completion. The remodeling shall be in compliance with applicable building code requirements and zoning regulations. In addition to the foregoing, (A) the Project shall comply with the Americans with Disabilities Act, together with any and all regulations or other binding directives promulgated pursuant thereto (collectively, the "**ADA**"), and (B) if (i) any building(s) within the Project is subject to the accessibility requirements of the ADA (e.g., by constituting a "place of public accommodation" or another category of structure to which the ADA is applicable) and (ii) such building(s) is not already required to meet the Contractual Minimum Accessibility Requirements (as defined below) pursuant to the ADA, applicable building code requirements, or by any other legal requirement, then the Company shall cause such building(s) to comply with the Contractual Minimum Accessibility Requirements in addition to any requirements pursuant to the ADA and the applicable building code or legal requirement. As used herein, "**Contractual Minimum Accessibility Requirements**" means that a building shall, at a minimum, include (1) at least one point of entry (as used in the ADA), accessible from a public right of way, with respect to which all architectural barriers (as used in the ADA) to entry have been eliminated, and (2) if such accessible point of entry is not a building's primary point of entry, conspicuous signage directing persons to such accessible point of entry.

Section 2. Real Property Tax Exemption. Subject to the satisfaction of the conditions set forth in this Agreement, the City approves exemption from real property taxation, pursuant to and to the fullest extent authorized by the Statute, of 100% of the amount by which the Improvements increase the assessed value of the Property as determined by the Hamilton County Auditor, for a period of 12 years, provided that the Company shall have entered into the Board of Education Agreement. Within 120 days after completion of the Project (unless otherwise extended in writing by the City's Housing Officer), the Company must file the appropriate application for tax exemption with the City's Housing Officer. The Company is solely responsible to take this action. Upon receipt of the application for tax exemption, the City will proceed with the exemption authorized by this Agreement. In accordance with Ohio Revised Code Section 3735.67, the exemption is conditioned on verification by the Housing Officer of (A) the completion of remodeling, (B) the cost of remodeling, (C) the facts asserted in the application for exemption, and (E) if a remodeled structure is a structure of historical or architectural significance as designated by the City, state or federal government, that the appropriateness of the remodeling has been certified in writing by the appropriate agency. If the required verification is made, the Housing Officer will forward the exemption application to the Hamilton County Auditor with the necessary certification by the

Housing Officer. Subject to the conditions set forth in this Agreement, the exemption commences the first tax year for which the Improvements would first be taxable were the Improvements not exempted from taxation. The dates provided in this paragraph refer to tax years in which the subject property is assessed, as opposed to years in which taxes are billed. No exemption shall commence after tax year 2022 nor extend beyond the earlier of (i) tax year 2033 or (ii) the end of the twelfth (12th) year of exemption.

Section 3. Use; Maintenance; Inspections. The Company shall use the Property solely for the purposes described in Section 1 hereof and shall properly maintain and repair the Property throughout the period of tax exemption authorized herein. The Company authorizes the Housing Officer, or the Housing Officer's designees, to enter upon the Property as reasonably required to perform property inspections in accordance with Ohio Revised Code Section 3735.68.

Section 4. Compliance with Board of Education Agreement. As a condition of the tax exemption authorized under this Agreement, the Company agrees to enter into and comply with its obligation under the Board of Education Agreement.

Section 5. Duty of Company to Pay Taxes. As required by Ohio Revised Code Section 3735.671(C)(2), the Company shall pay such real property taxes as are not exempted under this Agreement and are charged against the Property and shall file all tax reports and returns as required by law. If the Company fails to pay such taxes or file such returns and reports, exemptions from taxation granted or authorized under this Agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and continuing thereafter.

Section 6. Company Certifications Regarding Non-Delinquency of Tax Obligations. As required by Ohio Revised Code Section 3735.671(C)(3), the Company certifies that at the time this Agreement is executed, the Company does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State, and does not owe delinquent taxes for which the Company is liable under Ohio Revised Code Chapters 5733, 5735, 5739, 5741, 5743, 5747 or 5753, or if such delinquent taxes are owed, the Company currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State or an agent or instrumentality thereof, has filed a petition in bankruptcy under 101, et seq., or such a petition has been filed against the Company. For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

Section 7. Covenant of Satisfaction of Tax and Other Obligations. In accordance with Ohio Revised Code Section 9.66, (A) the Company affirmatively covenants that it does not owe: (i) any delinquent taxes to the State or to a political subdivision of the State; (ii) any moneys to the State or a State agency for the administration or enforcement of any environmental laws of the State; or (iii) any other moneys to the State, a State agency or a political subdivision of the State that are past due, regardless of whether the amounts owed are being contested in a court of law or not; (B) the Company authorizes the City and/or the State to inspect the personal financial statements of the Company, including tax records and other similar information not ordinarily open to public inspection; and (C) the Company authorizes the Ohio Environmental Protection Agency and the Ohio Department of Taxation to release information to the City and or other State departments in connection with the above statements. As provided by statute, a knowingly false statement under this section may be prosecuted as a first degree misdemeanor under Ohio Revised Code Section 2921.13, may render the Company ineligible for any future economic development assistance from the State or any political subdivision of the State, and will result in the City requiring the Company's repayment of any assistance provided by the City in connection with the Project.

Section 8. City Cooperation. As required by Ohio Revised Code Section 3735.671(C)(4), upon specific request from the Company, the City shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

Section 9. Continuation of Exemptions. As provided in Ohio Revised Code Section 3735.671(C)(5), if for any reason the City revokes the designation of the City of Cincinnati as a Community Reinvestment Area, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless the Company materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation authorized pursuant to this Agreement.

Section 10. City Not Liable. The Company acknowledges that the exemption authorized in this Agreement is subject to approval and implementation by the appropriate state and/or county taxing authorities. The Company acknowledges that the City does not give any guarantee or assurance that the exemption approved in this Agreement will be so approved, and the Company agrees that in no event shall the Company seek to hold the City liable in any way in the event such exemption is not granted or implemented.

Section 11. Small Business Enterprise Program.¹

A. Compliance with Small Business Enterprise Program. The policy of the City is that a fair share of contracts be awarded to Small Business Enterprises (as such term is defined in Cincinnati Municipal Code ("CMC") Section 323-1-S, "SBEs"). Pursuant to CMC Section 323-11, the City's annual goal for SBE participation shall be thirty percent (30%) of the City's total dollars spent for construction (as such term is defined in CMC Section 323-1-C4), supplies (as such term is defined in CMC Section 323-1-S5), services (as such term is defined in CMC Section 323-1-S) and professional services (as such term is defined in CMC Section 323-1-P2). Accordingly, the Company shall use its best efforts and take affirmative steps to achieve the City's goal of voluntarily meeting thirty percent (30%) SBE participation. A list of SBEs may be obtained from the City's Department of Economic Inclusion. The Company may refer interested firms to the City's Department of Economic Inclusion for review and possible certification as an SBE. The Company shall comply with the provisions of CMC Chapter 323, including without limitation taking at least the following affirmative steps:

- (i) Including qualified SBEs on solicitation lists.
- (ii) Assuring that SBEs are solicited whenever they are potential sources.

The Company must advertise, on at least two separate occasions, both in local minority publications and in other local newspapers of general circulation, invitations to SBEs to provide services, to supply materials, or to bid on construction contracts, as applicable.

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

(iv) If any subcontracts are to be let, the Company shall require the prime contractor (if different from the Company) to take the above affirmative steps.

(v) Prior to the commencement of work under any subcontracts, the Company shall provide to the City a list of such subcontractors, including information as to the dollar amount of the subcontracts and such other information as may be requested by the City. The Company shall update the report monthly.

(vi) The Company shall periodically document its best efforts and affirmative steps to meet the above SBE participation goals by submitting such information as may be requested from time to time by the City.

B. Remedies for Noncompliance with Small Business Enterprise Program. Failure of the Company or its contractors and subcontractors to take the affirmative steps specified above, to provide fair and equal opportunity to SBEs, or to provide technical assistance to SBEs as may be necessary to reach SBE participation as set out in CMC Chapter 323 may be construed by the City as failure of the Company to use its best efforts, and, in addition to other remedies under this Agreement, may be a cause for the City to file suit in Common Pleas Court to

¹ Note: this section will be revised prior to execution due to programmatic changes being implemented by the Department of Community and Economic Development as a result of recent legislation passed by City Council.

enforce specific performance of the terms of this Section. The provisions of CMC Section 323-99 are hereby incorporated by reference into this Agreement.

Section 12. Jobs. The Company represents that, as of the date of the execution of this Agreement, the Company has no existing employment at the Property or in the State.

Section 13. Job Creation and Retention.

A. Jobs to be Created by Company. The Company agrees to use its best efforts to create (i) 28 full-time temporary construction jobs at the Property in connection with the Project, and (ii) 1 part-time permanent job. In the case of the construction jobs, the job creation and retention period shall be concurrent with remodeling, and in the case of the other jobs described herein, the job creation period shall begin upon completion of remodeling and shall end three (3) years thereafter.

B. Company's Estimated Payroll Increase. The Company's increase in the number of employees will result in approximately (i) \$277,685 of additional annual payroll prior to the completion of the Project with respect to the full-time temporary construction jobs, and (ii) \$10,250 in additional payroll with respect to the part-time permanent job.

C. Community Reinvestment Area Employment. The Company shall (i) adopt hiring practices to ensure that at least twenty-five percent (25%) of the new employees shall be residents of the City of Cincinnati and (ii) give preference to residents of the City relative to residents of the State who do not reside in the City when hiring new employees under this Agreement.

D. Posting Available Employment Opportunities. To the extent allowable by law, the Company shall use its best efforts to post available employment opportunities within the Company's organization or the organization of any subcontractor working with the Company with the Ohio Means Jobs Center, 1916 Central Parkway, Cincinnati, Ohio 45214-2305, through its Employer Services Unit Manager at 513-746-7200.

Section 14. Equal Employment Opportunity. This Agreement is subject to the City's Equal Employment Opportunity Program contained in CMC Chapter 325. The Equal Employment Opportunity Clause in CMC Section 325-9 is incorporated by reference in this Agreement. The term "Company" is substituted for "Contractor" throughout CMC Section 325-9 in the context of this Agreement.

Section 15. Compliance with Immigration and Nationality Act. In the performance of its obligations under this Agreement, the Company agrees to comply with the provisions of the Immigration and Nationality Act codified at 8 U.S.C. §§ 1324a(a)(1)(A) and (a)(2). Any noncompliance with such provisions shall be solely determined by either the federal agencies authorized to enforce the Immigration and Nationality Act or the U.S. Attorney General, in accordance with Executive Order 12989 of the U.S. President dated February 13, 1996, and as amended by Executive Order 13465 of the U.S. President dated June 6, 2008.

Section 16. Default. As provided in Ohio Revised Code Section 3735.671(C)(6), if the Company materially fails to fulfill its obligations under this Agreement, or if the City determines that the certification as to delinquent taxes required by this Agreement (Section 6 hereof) or the covenant of satisfaction of tax and other obligations (Section 7 hereof) is fraudulent, the City may terminate or modify the exemptions from taxation granted or authorized under this Agreement and may require the repayment by the Company of the amount of taxes that would have been payable had the Improvements not been exempted from taxation pursuant to this Agreement. A modification of exemption may be in the form of reduction in the number of years that eligible property is exempt and/or a reduction in the exemption percentage. The City shall provide written notice to the Company prior to finding the Company in default under this section. The notice shall provide the Company with not less than thirty (30) days to cure the default prior to City termination or modification of the exemptions under this Agreement. The City may

extend the cure period as reasonably necessary under the circumstances. In the event of such termination or modification, the City is authorized to so notify the appropriate taxing authorities in order to effect the termination or modification. If repayment of previously exempt taxes is required by the City under this Section, such amount shall be paid as directed by the City within thirty (30) days of written demand. The City may secure repayment of such taxes by a lien on the Property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property. Amounts due and not paid when due under this Section 16 shall bear interest at the rate specified in Ohio Revised Code Section 1343.03(A) (as in effect on the date of the City's payment demand).

Section 17. Annual Review and Report. As required by Ohio Revised Code Sections 3735.671(C)(7) and 5709.85, the Company shall provide to the City's Tax Incentive Review Council (or to the City Manager if so requested by the City) any information reasonably required by the Council or the City Manager to evaluate the Company's compliance with this Agreement, including returns filed pursuant to Ohio Revised Code Section 5711.02 if requested by the Council or City Manager. The performance of the Company's obligations stated in this Agreement shall be subject to annual review by the City's Tax Incentive Review Council (the "Annual Review and Report"). The Company shall submit information for the Annual Review and Report to the City no later than March 1 of each year.

Section 18. Revocation.

A. **Generally.** Pursuant to Ohio Revised Code Section 3735.68, the housing officer shall make annual inspections of the properties within the community reinvestment area upon which are located structures or remodeling for which an exemption has been granted under Ohio Revised Code Section 3735.67. If the housing officer finds that the property has not been properly maintained or repaired due to the neglect of the Company, the housing officer may revoke the exemption at any time after the first year of exemption. If the Company has materially failed to fulfill its obligations under this Agreement, or if the owner is determined to have violated division (E) of that section (see Section 18(B) of this Agreement), City Council, subject to the terms of the agreement, may revoke the exemption at any time after the first year of exemption. The housing officer or City Council shall notify the county auditor and the Company that the tax exemption no longer applies. If the housing officer or legislative authority revokes a tax exemption, the housing officer shall send a report of the revocation to the community reinvestment area housing council and to the tax incentive review council established pursuant to section 3735.69 or 5709.85 of the Revised Code, containing a statement of the findings as to the maintenance and repair of the property, failure to fulfill obligations under the written agreement, or violation of division (E) of Ohio Revised Code Section 3735.671, and the reason for revoking the exemption.

B. **Prior Statutory Violations.** The Company represents and warrants to the City that it is not prohibited by Ohio Revised Code Section 3735.671(E) from entering into this Agreement. As required by Ohio Revised Code Section 3735.671(C)(9), exemptions from taxation granted or authorized under this Agreement shall be revoked if it is determined that the Company, any successor to the Company or any related member (as those terms are defined in division (E) of Ohio Revised Code Section 3735.671) has violated the prohibition against entering into this Agreement under division (E) of Ohio Revised Code Section 3735.671 or under Ohio Revised Code Sections 5709.62 or 5709.63 prior to the time prescribed by that division or either of those sections.

Section 19. False Statements; Penalties; Material Representations.

A. **Generally.** As required in connection with Ohio Revised Code Section 9.66(C), the Company affirmatively covenants that it has made no false statements to the State or the City in the process of obtaining approval for this Agreement. If any representative of the Company has knowingly made a false statement to the State or the City to obtain approval for this

Agreement, or if the Company fails to provide any information expressly required under the Application, the Company shall be required to immediately return all benefits received under this Agreement (by payment of the amount of taxes exempted hereunder, paid as directed by the City within thirty (30) days of written demand) and the Company shall be ineligible for any future economic development assistance from the State, any State agency or any political subdivision of the State pursuant to Ohio Revised Code Section 9.66(C)(1). Amounts due and not paid under this Section 19 shall bear interest at the rate of twelve percent (12%) per year. Any person who provides a false statement to secure economic development assistance (as defined in Ohio Revised Code Section 9.66) may be guilty of falsification, a misdemeanor of the first degree, pursuant to Ohio Revised Code Section 2921.13(F)(1), which is punishable by fine of not more than One Thousand Dollars (\$1,000) and/or a term of imprisonment of not more than six (6) months.

B. Material Representations – Board of Education Agreement and VTICA. The Parties acknowledge and agree that a material failure by the Company to comply with its representations concerning the Board of Education Agreement or VTICA Contribution shall constitute an event of default for purposes of Section 16 (Default) and the basis for revocation under Section 18 (Revocation). Subject to the terms of the VTICA, if the VTICA is unenforceable for reasons of infeasibility or otherwise, the Company shall enter into alternative arrangements providing for the economic equivalent of the VTICA Contribution. Such arrangements may include, but are not limited to, providing for the economic equivalent of the VTICA Contribution through formation of a special improvement district. For purposes of this Section 19.B, alternative arrangements must result in services substantially similar to those that would have been supported through the VTICA and at a value that is the economic equivalent of the VTICA Contribution, which value shall not be required to exceed the VTICA Contribution amount that would have been payable by the Company. Any determination of infeasibility or mechanism for providing alternative arrangements is subject to approval by the City at its sole discretion. Nothing in this Section 19.B shall operate to limit the City's enforcement authority under this Agreement including, without limitation, Section 16, Section 18, and Section 19.A.

Section 20. Conflict of Interest. The Company covenants that, to the Company's knowledge, no employee of the City has any personal interest, direct or indirect, in any matters pertaining to the Project, and the Company agrees to take appropriate steps to prevent any employee of the City from obtaining any such interest throughout the term of this Agreement.

Section 21. Annual Fee. As authorized by Ohio Revised Code Section 3735.671(D), the Company shall pay an annual fee of Five Hundred Dollars (\$500) or one percent (1%) of the annual taxes exempted under this Agreement, whichever is greater, but not to exceed Two Thousand, Five Hundred Dollars (\$2,500) per annum. This fee is due with submission of the information for Annual Review and Report by March 1 of each year.

Section 22. Discontinued Operations. As provided in Ohio Revised Code Section 3735.671(E), if, prior to the expiration of the term of this Agreement, the Company discontinues operations at the Project so that the Property is no longer being used for the purposes described in Section 1 hereof, then the Company, its successors, and any related member shall not enter into an agreement under Ohio Revised Code Sections 3735.671, 5709.62, 5709.63 or 5709.632, and no legislative authority shall enter into such an agreement with the Company, its successors or any related member prior to the expiration of five (5) years after the discontinuation of operations. As used in this Section 22, "successors" and "related member" shall have the meanings set forth in Ohio Revised Code Section 3735.671(E).

Section 23. Notices. Unless otherwise specified herein, each party shall address written notices, demands and communications in connection with this Agreement to the other party as follows (or to such other address as is communicated in accordance with this Section):

To the City:

City of Cincinnati
Attention: Director of the Department of Community and Economic Development
Centennial Plaza Two, Suite 700
805 Central Avenue
Cincinnati, Ohio 45202

To the Company:

Moerlein Mansion, LLC
8718 Sturbridge Dr.
Cincinnati, Ohio 45236
Attn: Stuart Naeny, Member

If the Company sends a notice to the City alleging that the City is in default under this Agreement, the Company shall simultaneously send a copy of such notice to: City Solicitor, City of Cincinnati, 801 Plum Street, Room 214, Cincinnati, OH 45202.

Section 24. Acknowledgment of City Participation. The Company agrees to acknowledge the support of the City on construction signs, project and exhibition signage, and any publicity such as that appearing on the internet, television, cable television, radio, or in the press or any other printed media. In identifying the City as a Project partner, the Company shall use either the phrase "Project Assistance by the City of Cincinnati" or a City of Cincinnati logotype or other form of acknowledgement that has been approved in advance in writing by the City.

Section 25. Entire Agreement. This Agreement and the Exhibits attached hereto constitute the entire agreement between the City and the Company with respect to the subject matter herein, superseding any prior or contemporaneous agreement with respect thereto.

Section 26. Governing Law. This Agreement is entered into and is to be performed in the State. The City and the Company agree that the law of the State of Ohio shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and shall govern the interpretation of this Agreement.

Section 27. Waiver. The City's waiver of any breach by the Company of any provision of this Agreement shall not constitute or operate as a waiver by the City of any other breach of such provision or of any other provisions, nor shall any failure or delay by the City to enforce any provision hereof operate as a waiver of such provision or of any other provision.

Section 28. Severability. This Agreement shall be severable; if any part or parts of this Agreement shall for any reason be held invalid or unenforceable by a court of competent jurisdiction, all remaining parts shall remain binding and in full force and effect.

Section 29. Amendment. This Agreement may be modified or amended only by a written agreement duly executed by the parties hereto or their representatives.

Section 30. Non-Assignment. As required by Ohio Revised Code Section 3735.671(C)(8), this Agreement is not transferable or assignable by the Company without the express written approval of the City Manager of the City. If the Company has entered into a Board of Education Agreement or VTICA in connection with the Property, the City shall not approve the assignment of this Agreement unless the assignee has assumed the Company's remaining obligations under the Board of Education Agreement and VTICA, as applicable. Failure to assign or otherwise perform the Company's obligations under the Board of Education Agreement or VTICA upon transfer of the Property during the term of the tax abatement authorized by this Agreement shall be basis for revocation of the tax exemption under Section 18.

Section 31. Recording. At its election, the City may record this Agreement at the City's expense in the Hamilton County Recorder's Office.

Section 32. Legislative Action Required. As provided in Ohio Revised Code Section 3735.671(C)(10), the Company and the City acknowledge that this Agreement must be approved by formal action of the City Council of the City as a condition for this Agreement to take effect. Notwithstanding anything to the contrary herein, this Agreement shall take effect after the later of the date of such approval or the final date of execution of this Agreement by all parties.

Section 33. Additional Representations and Warranties of Company. The Company represents and warrants that (a) it is duly organized and existing and it has full power and authority to take, and has taken, all action necessary to execute and deliver this Agreement and any other documents required or permitted to be executed or delivered by it in connection with this Agreement, and to fulfill its obligations hereunder; (b) no notices to, or consents, authorizations or approvals of, any person are required (other than any already given or obtained) for its due execution, delivery and performance of this Agreement; and (c) this Agreement has been duly executed and delivered by it and constitutes the legal, valid and binding obligation of the Company.

Section 34. Certification as to Non-Debarment. The Company represents that neither it nor any of its principals is presently debarred by any federal, state, or local government agency. In completing the Project, the Company shall not solicit bids from any contractors or subcontractors who are identified as being debarred by any federal, state, or local government agency. If the Company or any of its principals becomes debarred by any federal, state, or local government agency during the term of this Agreement, the company shall be considered in default under this Agreement.

Section 35. Appeals. Pursuant to Ohio Revised Code Section 3735.70, a person aggrieved under the Statute or this Agreement may appeal to the community reinvestment area housing council, which shall have the authority to overrule any decision of a housing officer. Appeals may be taken from a decision of the council to the court of common pleas of the county where the area is located.

Section 36. Wage Enforcement.

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

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

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

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

manager or his or her designee and, within 30 days of an Adverse Determination or Complaint of Wage Theft or Payroll Fraud, shall provide an "Amended Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee.

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

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

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

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

Section 37. Legal Requirements. In completing and operating the Project, the Company shall comply with all applicable statutes, ordinances, regulations, and rules of the government of the United States, State of Ohio, County of Hamilton, and City of Cincinnati.

Section 38. Counterparts and Electronic Signatures. This Agreement may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original but all of which together shall constitute one and the same instrument. This Agreement may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

Remainder of this page intentionally left blank. Signature page follows.

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

CITY OF CINCINNATI,
an Ohio municipal corporation

MOERLEIN MANSION, LLC,
an Ohio limited liability company

By: _____
Paula Boggs Muething, City Manager

Date: _____, 2021

By: _____

Printed Name: _____

Title: _____

Date: _____, 2021

Authorized by resolution dated _____

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

Exhibit A to CRA Agreement

LEGAL DESCRIPTION OF PROPERTY

Property Address: 18 Mulberry Street, Cincinnati, Ohio 45208

Auditor's Parcel ID: 094-0004-0079-00

Situated in the County of Hamilton, City of Cincinnati, and State of Ohio, being Lots 4, 5, and 6 of Eden B. Reeder's Subdivision recorded in Deed Book 91, Page 266, Hamilton County, Ohio Records, and being situated at the northeast corner of Mulberry and Loth Streets. Said Lots being each 30 feet front on Mulberry Street and extending northwardly on lines parallel with Loth Street 100 feet and being situated in Block 61 of said Eden B. Reeder's Subdivision.

Exhibit B to CRA Agreement
APPLICATION FOR TAX EXEMPTION

TO BE ATTACHED

Community Reinvestment Area Tax Exemption Agreement

This Community Reinvestment Area Tax Exemption Agreement (this "Agreement") is made and entered into as of the Effective Date (as defined on the signature page hereof) by and between the CITY OF CINCINNATI, an Ohio municipal corporation (the "City"), and MOERLEIN MANSION, LLC, an Ohio limited liability company (the "Company").

Recitals:

- A. The City, through the adoption of Ordinance No. 274-2017 on September 27, 2017, designated the entire City of Cincinnati as a Community Reinvestment Area to encourage the development of real property and the acquisition of personal property in that area, pursuant to Ohio Revised Code Sections 3735.65 through 3735.70 (the "Statute").
- B. In accordance with the Statute, the Ohio Director of Development has forwarded to the City the Director's determination dated October 23, 2017, stating that the findings contained in Ordinance No. 274-2017 are valid and that the entire City is a Community Reinvestment Area under the Statute. By such determination, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute.
- C. The Council of the City of Cincinnati has also passed Ordinance No. 275-2017 as of September 27, 2017, as amended by Ordinance No. 339-2018 passed on October 31, 2018 (the "Commercial Policy Ordinance"), which sets forth certain additional policies, conditions and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area.
- D. The Company is the sole owner of certain real property within the City, located at 18 Mulberry Street, Cincinnati, Ohio 45202 (the "Property"), as further described in Exhibit A (Legal Description of Property) hereto. Notwithstanding the foregoing, the Property shall not include any residential condominiums being developed in connection with the Project (as defined below) (the "Excluded Property"), and the Company acknowledges and agrees that the City's Community Reinvestment Area program entails separate applications by the owner of any residential condominium units included within the Project. For the avoidance of doubt, the Excluded Property shall not be exempt under this Agreement; however, this provision shall not be deemed to prohibit any owners from time to time of any Excluded Property from separately applying for a tax abatement in accordance with applicable law.
- E. The Company has proposed the remodeling of a building located on the Property, within the boundaries of the City of Cincinnati, as more fully described in Section 1 herein (the "Project"); provided that the appropriate development incentives are available to support the economic viability of the Project.
- F. The Statute provides that if any part of a project is to be used for commercial or industrial purposes, including projects containing four or more dwelling units, in order to be eligible for tax exemption the City and the Company must enter into an agreement pursuant to Ohio Revised Code Section 3735.671 prior to commencement of construction or remodeling.
- G. The City, having appropriate authority under the Statute for this type of project, agrees (as provided herein and subject to all conditions herein) to provide the Company with the tax exemption incentives stated herein, available under the Statute, for development of the Project.
- H. The Company has submitted to the City an application for this tax exemption agreement (the "Application"), a copy of which is attached hereto as Exhibit B, has remitted with the Application

(i) the City application fee of One Thousand Two Hundred Fifty Dollars (\$1,250) made payable to the City and (ii) in accordance with Ohio Revised Code Section 3735.672(C), the state application fee of Seven Hundred Fifty Dollars (\$750) made payable to the Ohio Development Services Agency ("ODSA"), to be forwarded to the ODSA with an executed copy of this Agreement.

- I. The Director of the City's Department of Community and Economic Development has recommended approval of the Application on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities and improve the economic climate of the City.
- J. The Board of Education of the Cincinnati City School District (the "Board of Education"), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020, has approved exemptions of up to one hundred percent (100%) of Community Reinvestment Area projects, waived advance notice and right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects.
- K. The Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to thirty-three percent (33%) of the full amount of exempt real property taxes that would have been paid to Hamilton County if this Agreement were not in effect (the "Board of Education Agreement").
- L. The Company represents and warrants to the City that the Company and its major tenants, if any, do not intend to relocate part or all of their operations to the City from another county or municipal corporation in the State of Ohio (the "State").
- M. The Company represents that within the past five (5) years neither the Company, any related member of the Company, nor any entity to which the Company is a successor has discontinued operations at a project site in the State during the term of a property tax exemption agreement (under Ohio Revised Code Section 3735.671, 5709.62, 5709.63 or 5709.632) applicable to that site, and the Company acknowledges that misrepresentation hereunder will result in voiding of this Agreement.
- N. The Company represents and warrants to the City that the Company is not subject to an Enterprise Zone Agreement with the City of Cincinnati for the Property or the Project.
- O. The Company acknowledges that the Mt. Auburn neighborhood is a rising neighborhood in need of resources for development, neighborhood improvements, amenities, and organizations oriented towards neighborhood services. The Company anticipates that future development, improvements, amenities and organizations will contribute to the quality and vitality of the neighborhood, therefore increasing the value of the Property and directly and indirectly contributing to the Project's success. The Project's success, in turn, will benefit the neighborhood. Although this feedback effect will promote the revitalization and redevelopment of the City, it could also impact the affordability of property in the area. Therefore, in support of the Mt. Auburn neighborhood and with the intention of preserving and improving the availability of quality, reliable affordable housing on a City-wide basis, as a material inducement to the City to enter into this Agreement, the Company hereby represents to the City that it will enter into a voluntary tax incentive contribution agreement ("VTICA") with a City-designated third-party non-profit administrative organization (the "Third-Party Administrator") to contribute to the Third-Party Administrator an amount equal to fifteen percent (15%) of the real property taxes that would have been payable on the abated property but for the City-authorized tax abatement (the "VTICA Contribution"). Half of such VTICA Contribution is to be committed by the Third-Party Administrator to facilitate permanent improvements and neighborhood services furthering urban redevelopment in the Mt. Auburn neighborhood and the other half of such VTICA Contribution is to be committed by the Third-Party Administrator in supporting quality affordable housing on a City-wide basis. The Company hereby represents and warrants that it will pay the VTICA Contribution for the full term of the abatement.

P. This Agreement has been authorized by Ordinance No. _____-2021, passed by Cincinnati City Council on _____, 2021.

Q. In determining to recommend and authorize this Agreement, the Department of Community and Economic Development and City Council, respectively, have acted in material reliance on the Company's representations in the Application and herein regarding the Project including, but not limited to, representations relating to the number of jobs to be created and/or retained by the Company, the Board of Education Agreement, the VTICA Contribution, and the Project's effect in promoting the general welfare of the people of Cincinnati by, for example, encouraging the development of real property located in the Community Reinvestment Area and thereby promoting economic growth and vitality in Cincinnati.

NOW, THEREFORE, pursuant to Ohio Revised Code Section 3735.67(A) and in conformity with the format required under Ohio Revised Code Section 3735.671, in consideration of the mutual covenants contained herein and the benefit to be derived by the parties from the execution hereof, the parties agree as follows:

Section 1. Project. Upon issuance of the necessary zoning and building approvals, the Company agrees to remodel the existing building on the Property into approximately 6,722 square feet of residential space consisting of nine (9) residential units (the "Improvements") at an estimated aggregate cost of \$471,208.00 to commence after the execution of this Agreement and to be completed no later than March 31, 2022; *provided*, however, that the Director of the Department of Community and Economic Development (the "Housing Officer") may, in his discretion, extend such deadline for a period of up to 12 months by written notice if, in the Director's judgment, the Company is proceeding in good faith towards completion. The remodeling shall be in compliance with applicable building code requirements and zoning regulations. In addition to the foregoing, (A) the Project shall comply with the Americans with Disabilities Act, together with any and all regulations or other binding directives promulgated pursuant thereto (collectively, the "**ADA**"), and (B) if (i) any building(s) within the Project is subject to the accessibility requirements of the ADA (e.g., by constituting a "place of public accommodation" or another category of structure to which the ADA is applicable) and (ii) such building(s) is not already required to meet the Contractual Minimum Accessibility Requirements (as defined below) pursuant to the ADA, applicable building code requirements, or by any other legal requirement, then the Company shall cause such building(s) to comply with the Contractual Minimum Accessibility Requirements in addition to any requirements pursuant to the ADA and the applicable building code or legal requirement. As used herein, "**Contractual Minimum Accessibility Requirements**" means that a building shall, at a minimum, include (1) at least one point of entry (as used in the ADA), accessible from a public right of way, with respect to which all architectural barriers (as used in the ADA) to entry have been eliminated, and (2) if such accessible point of entry is not a building's primary point of entry, conspicuous signage directing persons to such accessible point of entry.

Section 2. Real Property Tax Exemption. Subject to the satisfaction of the conditions set forth in this Agreement, the City approves exemption from real property taxation, pursuant to and to the fullest extent authorized by the Statute, of 100% of the amount by which the Improvements increase the assessed value of the Property as determined by the Hamilton County Auditor, for a period of 12 years, provided that the Company shall have entered into the Board of Education Agreement. Within 120 days after completion of the Project (unless otherwise extended in writing by the City's Housing Officer), the Company must file the appropriate application for tax exemption with the City's Housing Officer. The Company is solely responsible to take this action. Upon receipt of the application for tax exemption, the City will proceed with the exemption authorized by this Agreement. In accordance with Ohio Revised Code Section 3735.67, the exemption is conditioned on verification by the Housing Officer of (A) the completion of remodeling, (B) the cost of remodeling, (C) the facts asserted in the application for exemption, and (E) if a remodeled structure is a structure of historical or architectural significance as designated by the City, state or federal government, that the appropriateness of the remodeling has been certified in writing by the appropriate agency. If the required verification is made, the Housing Officer will forward the exemption application to the Hamilton County Auditor with the necessary certification by the

Housing Officer. Subject to the conditions set forth in this Agreement, the exemption commences the first tax year for which the Improvements would first be taxable were the Improvements not exempted from taxation. The dates provided in this paragraph refer to tax years in which the subject property is assessed, as opposed to years in which taxes are billed. No exemption shall commence after tax year 2022 nor extend beyond the earlier of (i) tax year 2033 or (ii) the end of the twelfth (12th) year of exemption.

Section 3. Use; Maintenance; Inspections. The Company shall use the Property solely for the purposes described in Section 1 hereof and shall properly maintain and repair the Property throughout the period of tax exemption authorized herein. The Company authorizes the Housing Officer, or the Housing Officer's designees, to enter upon the Property as reasonably required to perform property inspections in accordance with Ohio Revised Code Section 3735.68.

Section 4. Compliance with Board of Education Agreement. As a condition of the tax exemption authorized under this Agreement, the Company agrees to enter into and comply with its obligation under the Board of Education Agreement.

Section 5. Duty of Company to Pay Taxes. As required by Ohio Revised Code Section 3735.671(C)(2), the Company shall pay such real property taxes as are not exempted under this Agreement and are charged against the Property and shall file all tax reports and returns as required by law. If the Company fails to pay such taxes or file such returns and reports, exemptions from taxation granted or authorized under this Agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and continuing thereafter.

Section 6. Company Certifications Regarding Non-Delinquency of Tax Obligations. As required by Ohio Revised Code Section 3735.671(C)(3), the Company certifies that at the time this Agreement is executed, the Company does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State, and does not owe delinquent taxes for which the Company is liable under Ohio Revised Code Chapters 5733, 5735, 5739, 5741, 5743, 5747 or 5753, or if such delinquent taxes are owed, the Company currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State or an agent or instrumentality thereof, has filed a petition in bankruptcy under 101, et seq., or such a petition has been filed against the Company. For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

Section 7. Covenant of Satisfaction of Tax and Other Obligations. In accordance with Ohio Revised Code Section 9.66, (A) the Company affirmatively covenants that it does not owe: (i) any delinquent taxes to the State or to a political subdivision of the State; (ii) any moneys to the State or a State agency for the administration or enforcement of any environmental laws of the State; or (iii) any other moneys to the State, a State agency or a political subdivision of the State that are past due, regardless of whether the amounts owed are being contested in a court of law or not; (B) the Company authorizes the City and/or the State to inspect the personal financial statements of the Company, including tax records and other similar information not ordinarily open to public inspection; and (C) the Company authorizes the Ohio Environmental Protection Agency and the Ohio Department of Taxation to release information to the City and or other State departments in connection with the above statements. As provided by statute, a knowingly false statement under this section may be prosecuted as a first degree misdemeanor under Ohio Revised Code Section 2921.13, may render the Company ineligible for any future economic development assistance from the State or any political subdivision of the State, and will result in the City requiring the Company's repayment of any assistance provided by the City in connection with the Project.

Section 8. City Cooperation. As required by Ohio Revised Code Section 3735.671(C)(4), upon specific request from the Company, the City shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

Section 9. Continuation of Exemptions. As provided in Ohio Revised Code Section 3735.671(C)(5), if for any reason the City revokes the designation of the City of Cincinnati as a Community Reinvestment Area, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless the Company materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation authorized pursuant to this Agreement.

Section 10. City Not Liable. The Company acknowledges that the exemption authorized in this Agreement is subject to approval and implementation by the appropriate state and/or county taxing authorities. The Company acknowledges that the City does not give any guarantee or assurance that the exemption approved in this Agreement will be so approved, and the Company agrees that in no event shall the Company seek to hold the City liable in any way in the event such exemption is not granted or implemented.

Section 11. Small Business Enterprise Program.¹

A. Compliance with Small Business Enterprise Program. The policy of the City is that a fair share of contracts be awarded to Small Business Enterprises (as such term is defined in Cincinnati Municipal Code ("CMC") Section 323-1-S, "SBEs"). Pursuant to CMC Section 323-11, the City's annual goal for SBE participation shall be thirty percent (30%) of the City's total dollars spent for construction (as such term is defined in CMC Section 323-1-C4), supplies (as such term is defined in CMC Section 323-1-S5), services (as such term is defined in CMC Section 323-1-S) and professional services (as such term is defined in CMC Section 323-1-P2). Accordingly, the Company shall use its best efforts and take affirmative steps to achieve the City's goal of voluntarily meeting thirty percent (30%) SBE participation. A list of SBEs may be obtained from the City's Department of Economic Inclusion. The Company may refer interested firms to the City's Department of Economic Inclusion for review and possible certification as an SBE. The Company shall comply with the provisions of CMC Chapter 323, including without limitation taking at least the following affirmative steps:

- (i) Including qualified SBEs on solicitation lists.
- (ii) Assuring that SBEs are solicited whenever they are potential sources. The Company must advertise, on at least two separate occasions, both in local minority publications and in other local newspapers of general circulation, invitations to SBEs to provide services, to supply materials, or to bid on construction contracts, as applicable.
- (iii) When economically feasible, dividing total requirements into small tasks or quantities so as to permit maximum SBE participation.
- (iv) If any subcontracts are to be let, the Company shall require the prime contractor (if different from the Company) to take the above affirmative steps.
- (v) Prior to the commencement of work under any subcontracts, the Company shall provide to the City a list of such subcontractors, including information as to the dollar amount of the subcontracts and such other information as may be requested by the City. The Company shall update the report monthly.
- (vi) The Company shall periodically document its best efforts and affirmative steps to meet the above SBE participation goals by submitting such information as may be requested from time to time by the City.

B. Remedies for Noncompliance with Small Business Enterprise Program. Failure of the Company or its contractors and subcontractors to take the affirmative steps specified above, to provide fair and equal opportunity to SBEs, or to provide technical assistance to SBEs as may be necessary to reach SBE participation as set out in CMC Chapter 323 may be construed by the City as failure of the Company to use its best efforts, and, in addition to other remedies under this Agreement, may be a cause for the City to file suit in Common Pleas Court to

¹ Note: this section will be revised prior to execution due to programmatic changes being implemented by the Department of Community and Economic Development as a result of recent legislation passed by City Council.

enforce specific performance of the terms of this Section. The provisions of CMC Section 323-99 are hereby incorporated by reference into this Agreement.

Section 12. Jobs. The Company represents that, as of the date of the execution of this Agreement, the Company has no existing employment at the Property or in the State.

Section 13. Job Creation and Retention.

A. Jobs to be Created by Company. The Company agrees to use its best efforts to create (i) 28 full-time temporary construction jobs at the Property in connection with the Project, and (ii) 1 part-time permanent job. In the case of the construction jobs, the job creation and retention period shall be concurrent with remodeling, and in the case of the other jobs described herein, the job creation period shall begin upon completion of remodeling and shall end three (3) years thereafter.

B. Company's Estimated Payroll Increase. The Company's increase in the number of employees will result in approximately (i) \$277,685 of additional annual payroll prior to the completion of the Project with respect to the full-time temporary construction jobs, and (ii) \$10,250 in additional payroll with respect to the part-time permanent job.

C. Community Reinvestment Area Employment. The Company shall (i) adopt hiring practices to ensure that at least twenty-five percent (25%) of the new employees shall be residents of the City of Cincinnati and (ii) give preference to residents of the City relative to residents of the State who do not reside in the City when hiring new employees under this Agreement.

D. Posting Available Employment Opportunities. To the extent allowable by law, the Company shall use its best efforts to post available employment opportunities within the Company's organization or the organization of any subcontractor working with the Company with the Ohio Means Jobs Center, 1916 Central Parkway, Cincinnati, Ohio 45214-2305, through its Employer Services Unit Manager at 513-746-7200.

Section 14. Equal Employment Opportunity. This Agreement is subject to the City's Equal Employment Opportunity Program contained in CMC Chapter 325. The Equal Employment Opportunity Clause in CMC Section 325-9 is incorporated by reference in this Agreement. The term "Company" is substituted for "Contractor" throughout CMC Section 325-9 in the context of this Agreement.

Section 15. Compliance with Immigration and Nationality Act. In the performance of its obligations under this Agreement, the Company agrees to comply with the provisions of the Immigration and Nationality Act codified at 8 U.S.C. §§ 1324a(a)(1)(A) and (a)(2). Any noncompliance with such provisions shall be solely determined by either the federal agencies authorized to enforce the Immigration and Nationality Act or the U.S. Attorney General, in accordance with Executive Order 12989 of the U.S. President dated February 13, 1996, and as amended by Executive Order 13465 of the U.S. President dated June 6, 2008.

Section 16. Default. As provided in Ohio Revised Code Section 3735.671(C)(6), if the Company materially fails to fulfill its obligations under this Agreement, or if the City determines that the certification as to delinquent taxes required by this Agreement (Section 6 hereof) or the covenant of satisfaction of tax and other obligations (Section 7 hereof) is fraudulent, the City may terminate or modify the exemptions from taxation granted or authorized under this Agreement and may require the repayment by the Company of the amount of taxes that would have been payable had the Improvements not been exempted from taxation pursuant to this Agreement. A modification of exemption may be in the form of reduction in the number of years that eligible property is exempt and/or a reduction in the exemption percentage. The City shall provide written notice to the Company prior to finding the Company in default under this section. The notice shall provide the Company with not less than thirty (30) days to cure the default prior to City termination or modification of the exemptions under this Agreement. The City may

extend the cure period as reasonably necessary under the circumstances. In the event of such termination or modification, the City is authorized to so notify the appropriate taxing authorities in order to effect the termination or modification. If repayment of previously exempt taxes is required by the City under this Section, such amount shall be paid as directed by the City within thirty (30) days of written demand. The City may secure repayment of such taxes by a lien on the Property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property. Amounts due and not paid when due under this Section 16 shall bear interest at the rate specified in Ohio Revised Code Section 1343.03(A) (as in effect on the date of the City's payment demand).

Section 17. Annual Review and Report. As required by Ohio Revised Code Sections 3735.671(C)(7) and 5709.85, the Company shall provide to the City's Tax Incentive Review Council (or to the City Manager if so requested by the City) any information reasonably required by the Council or the City Manager to evaluate the Company's compliance with this Agreement, including returns filed pursuant to Ohio Revised Code Section 5711.02 if requested by the Council or City Manager. The performance of the Company's obligations stated in this Agreement shall be subject to annual review by the City's Tax Incentive Review Council (the "Annual Review and Report"). The Company shall submit information for the Annual Review and Report to the City no later than March 1 of each year.

Section 18. Revocation.

A. Generally. Pursuant to Ohio Revised Code Section 3735.68, the housing officer shall make annual inspections of the properties within the community reinvestment area upon which are located structures or remodeling for which an exemption has been granted under Ohio Revised Code Section 3735.67. If the housing officer finds that the property has not been properly maintained or repaired due to the neglect of the Company, the housing officer may revoke the exemption at any time after the first year of exemption. If the Company has materially failed to fulfill its obligations under this Agreement, or if the owner is determined to have violated division (E) of that section (see Section 18(B) of this Agreement), City Council, subject to the terms of the agreement, may revoke the exemption at any time after the first year of exemption. The housing officer or City Council shall notify the county auditor and the Company that the tax exemption no longer applies. If the housing officer or legislative authority revokes a tax exemption, the housing officer shall send a report of the revocation to the community reinvestment area housing council and to the tax incentive review council established pursuant to section 3735.69 or 5709.85 of the Revised Code, containing a statement of the findings as to the maintenance and repair of the property, failure to fulfill obligations under the written agreement, or violation of division (E) of Ohio Revised Code Section 3735.671, and the reason for revoking the exemption.

B. Prior Statutory Violations. The Company represents and warrants to the City that it is not prohibited by Ohio Revised Code Section 3735.671(E) from entering into this Agreement. As required by Ohio Revised Code Section 3735.671(C)(9), exemptions from taxation granted or authorized under this Agreement shall be revoked if it is determined that the Company, any successor to the Company or any related member (as those terms are defined in division (E) of Ohio Revised Code Section 3735.671) has violated the prohibition against entering into this Agreement under division (E) of Ohio Revised Code Section 3735.671 or under Ohio Revised Code Sections 5709.62 or 5709.63 prior to the time prescribed by that division or either of those sections.

Section 19. False Statements; Penalties; Material Representations.

A. Generally. As required in connection with Ohio Revised Code Section 9.66(C), the Company affirmatively covenants that it has made no false statements to the State or the City in the process of obtaining approval for this Agreement. If any representative of the Company has knowingly made a false statement to the State or the City to obtain approval for this

Agreement, or if the Company fails to provide any information expressly required under the Application, the Company shall be required to immediately return all benefits received under this Agreement (by payment of the amount of taxes exempted hereunder, paid as directed by the City within thirty (30) days of written demand) and the Company shall be ineligible for any future economic development assistance from the State, any State agency or any political subdivision of the State pursuant to Ohio Revised Code Section 9.66(C)(1). Amounts due and not paid under this Section 19 shall bear interest at the rate of twelve percent (12%) per year. Any person who provides a false statement to secure economic development assistance (as defined in Ohio Revised Code Section 9.66) may be guilty of falsification, a misdemeanor of the first degree, pursuant to Ohio Revised Code Section 2921.13(F)(1), which is punishable by fine of not more than One Thousand Dollars (\$1,000) and/or a term of imprisonment of not more than six (6) months.

B. Material Representations – Board of Education Agreement and VTICA. The Parties acknowledge and agree that a material failure by the Company to comply with its representations concerning the Board of Education Agreement or VTICA Contribution shall constitute an event of default for purposes of Section 16 (Default) and the basis for revocation under Section 18 (Revocation). Subject to the terms of the VTICA, if the VTICA is unenforceable for reasons of infeasibility or otherwise, the Company shall enter into alternative arrangements providing for the economic equivalent of the VTICA Contribution. Such arrangements may include, but are not limited to, providing for the economic equivalent of the VTICA Contribution through formation of a special improvement district. For purposes of this Section 19.B, alternative arrangements must result in services substantially similar to those that would have been supported through the VTICA and at a value that is the economic equivalent of the VTICA Contribution, which value shall not be required to exceed the VTICA Contribution amount that would have been payable by the Company. Any determination of infeasibility or mechanism for providing alternative arrangements is subject to approval by the City at its sole discretion. Nothing in this Section 19.B shall operate to limit the City's enforcement authority under this Agreement including, without limitation, Section 16, Section 18, and Section 19.A.

Section 20. Conflict of Interest. The Company covenants that, to the Company's knowledge, no employee of the City has any personal interest, direct or indirect, in any matters pertaining to the Project, and the Company agrees to take appropriate steps to prevent any employee of the City from obtaining any such interest throughout the term of this Agreement.

Section 21. Annual Fee. As authorized by Ohio Revised Code Section 3735.671(D), the Company shall pay an annual fee of Five Hundred Dollars (\$500) or one percent (1%) of the annual taxes exempted under this Agreement, whichever is greater, but not to exceed Two Thousand, Five Hundred Dollars (\$2,500) per annum. This fee is due with submission of the information for Annual Review and Report by March 1 of each year.

Section 22. Discontinued Operations. As provided in Ohio Revised Code Section 3735.671(E), if, prior to the expiration of the term of this Agreement, the Company discontinues operations at the Project so that the Property is no longer being used for the purposes described in Section 1 hereof, then the Company, its successors, and any related member shall not enter into an agreement under Ohio Revised Code Sections 3735.671, 5709.62, 5709.63 or 5709.632, and no legislative authority shall enter into such an agreement with the Company, its successors or any related member prior to the expiration of five (5) years after the discontinuation of operations. As used in this Section 22, "successors" and "related member" shall have the meanings set forth in Ohio Revised Code Section 3735.671(E).

Section 23. Notices. Unless otherwise specified herein, each party shall address written notices, demands and communications in connection with this Agreement to the other party as follows (or to such other address as is communicated in accordance with this Section):

To the City:

City of Cincinnati
Attention: Director of the Department of Community and Economic Development
Centennial Plaza Two, Suite 700
805 Central Avenue
Cincinnati, Ohio 45202

To the Company:

Moerlein Mansion, LLC
8718 Sturbridge Dr.
Cincinnati, Ohio 45236
Attn: Stuart Naeny, Member

If the Company sends a notice to the City alleging that the City is in default under this Agreement, the Company shall simultaneously send a copy of such notice to: City Solicitor, City of Cincinnati, 801 Plum Street, Room 214, Cincinnati, OH 45202.

Section 24. Acknowledgment of City Participation. The Company agrees to acknowledge the support of the City on construction signs, project and exhibition signage, and any publicity such as that appearing on the internet, television, cable television, radio, or in the press or any other printed media. In identifying the City as a Project partner, the Company shall use either the phrase "Project Assistance by the City of Cincinnati" or a City of Cincinnati logotype or other form of acknowledgement that has been approved in advance in writing by the City.

Section 25. Entire Agreement. This Agreement and the Exhibits attached hereto constitute the entire agreement between the City and the Company with respect to the subject matter herein, superseding any prior or contemporaneous agreement with respect thereto.

Section 26. Governing Law. This Agreement is entered into and is to be performed in the State. The City and the Company agree that the law of the State of Ohio shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and shall govern the interpretation of this Agreement.

Section 27. Waiver. The City's waiver of any breach by the Company of any provision of this Agreement shall not constitute or operate as a waiver by the City of any other breach of such provision or of any other provisions, nor shall any failure or delay by the City to enforce any provision hereof operate as a waiver of such provision or of any other provision.

Section 28. Severability. This Agreement shall be severable; if any part or parts of this Agreement shall for any reason be held invalid or unenforceable by a court of competent jurisdiction, all remaining parts shall remain binding and in full force and effect.

Section 29. Amendment. This Agreement may be modified or amended only by a written agreement duly executed by the parties hereto or their representatives.

Section 30. Non-Assignment. As required by Ohio Revised Code Section 3735.671(C)(8), this Agreement is not transferable or assignable by the Company without the express written approval of the City Manager of the City. If the Company has entered into a Board of Education Agreement or VTICA in connection with the Property, the City shall not approve the assignment of this Agreement unless the assignee has assumed the Company's remaining obligations under the Board of Education Agreement and VTICA, as applicable. Failure to assign or otherwise perform the Company's obligations under the Board of Education Agreement or VTICA upon transfer of the Property during the term of the tax abatement authorized by this Agreement shall be basis for revocation of the tax exemption under Section 18.

Section 31. Recording. At its election, the City may record this Agreement at the City's expense in the Hamilton County Recorder's Office.

Section 32. Legislative Action Required. As provided in Ohio Revised Code Section 3735.671(C)(10), the Company and the City acknowledge that this Agreement must be approved by formal action of the City Council of the City as a condition for this Agreement to take effect. Notwithstanding anything to the contrary herein, this Agreement shall take effect after the later of the date of such approval or the final date of execution of this Agreement by all parties.

Section 33. Additional Representations and Warranties of Company. The Company represents and warrants that (a) it is duly organized and existing and it has full power and authority to take, and has taken, all action necessary to execute and deliver this Agreement and any other documents required or permitted to be executed or delivered by it in connection with this Agreement, and to fulfill its obligations hereunder; (b) no notices to, or consents, authorizations or approvals of, any person are required (other than any already given or obtained) for its due execution, delivery and performance of this Agreement; and (c) this Agreement has been duly executed and delivered by it and constitutes the legal, valid and binding obligation of the Company.

Section 34. Certification as to Non-Debarment. The Company represents that neither it nor any of its principals is presently debarred by any federal, state, or local government agency. In completing the Project, the Company shall not solicit bids from any contractors or subcontractors who are identified as being debarred by any federal, state, or local government agency. If the Company or any of its principals becomes debarred by any federal, state, or local government agency during the term of this Agreement, the company shall be considered in default under this Agreement.

Section 35. Appeals. Pursuant to Ohio Revised Code Section 3735.70, a person aggrieved under the Statute or this Agreement may appeal to the community reinvestment area housing council, which shall have the authority to overrule any decision of a housing officer. Appeals may be taken from a decision of the council to the court of common pleas of the county where the area is located.

Section 36. Wage Enforcement.

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

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

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

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

manager or his or her designee and, within 30 days of an Adverse Determination or Complaint of Wage Theft or Payroll Fraud, shall provide an "Amended Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee.

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

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

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

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

Section 37. Legal Requirements. In completing and operating the Project, the Company shall comply with all applicable statutes, ordinances, regulations, and rules of the government of the United States, State of Ohio, County of Hamilton, and City of Cincinnati.

Section 38. Counterparts and Electronic Signatures. This Agreement may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original but all of which together shall constitute one and the same instrument. This Agreement may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

Remainder of this page intentionally left blank. Signature page follows.

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

CITY OF CINCINNATI,
an Ohio municipal corporation

MOERLEIN MANSION, LLC,
an Ohio limited liability company

By: _____
Paula Boggs Muething, City Manager

Date: _____, 2021

By: _____

Printed Name: _____

Title: _____

Date: _____, 2021

Authorized by resolution dated _____

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

Exhibit A to CRA Agreement

LEGAL DESCRIPTION OF PROPERTY

Property Address: 18 Mulberry Street, Cincinnati, Ohio 45208

Auditor's Parcel ID: 094-0004-0079-00

Situated in the County of Hamilton, City of Cincinnati, and State of Ohio, being Lots 4, 5, and 6 of Eden B. Reeder's Subdivision recorded in Deed Book 91, Page 266, Hamilton County, Ohio Records, and being situated at the northeast corner of Mulberry and Loth Streets. Said Lots being each 30 feet front on Mulberry Street and extending northwardly on lines parallel with Loth Street 100 feet and being situated in Block 61 of said Eden B. Reeder's Subdivision.

Exhibit B to CRA Agreement
APPLICATION FOR TAX EXEMPTION

TO BE ATTACHED

June 9, 2021

To: Mayor and Members of City Council

202102156

From: Paula Boggs Muething, City Manager

Subject: **VACATION AND LEASE OF A 0.8573-ACRE PORTION OF GEST STREET AND LEASE OF A 0.6112-ACRE PORTION OF BAYMILLER STREET TO CBT PARTNERS, LLC; ENCROACHMENT EASEMENT FOR CBT PARTNERS, LLC AND MEHRING INVESTORS, LLC**

Attached is an Emergency Ordinance captioned as follows:

AUTHORIZING the City Manager to vacate approximately 0.8573 acres of the public right-of-way designated as Gest Street; **AUTHORIZING** the City Manager to execute a *First Amendment to Amended and Restated Lease Agreement* with CBT Partners, LLC pursuant to which the City will add approximately 0.8573 acres of the vacated portion of Gest Street and approximately 0.6112 acres of public right-of-way designated as Baymiller Street to an existing lease of approximately 35 acres of City-owned land located south of West Mehring Way and east of the Mill Creek in the Queensgate neighborhood; and **AUTHORIZING** the City Manager to execute a *Grant of Easement* in favor of CBT Partners, LLC and Mehring Investors, LLC, pursuant to which the City will grant an aerial encroachment easement to permit an aerial conveyor above and across the West Mehring Way public right-of-way, in order to facilitate the redevelopment and safe and efficient use of the City's leased property by CBT Partners, LLC.

BACKGROUND/CURRENT CONDITIONS

On June 18, 2020, the City and CBT Partners, LLC executed an *Amended and Restated Lease Agreement* for City-owned properties located south of Mehring Way and east of the Mill Creek in the Queensgate neighborhood.

The 0.8573-acre portion of Gest Street and the 0.6112-acre portion of Baymiller Street divide property that the Company leases from the City. The portion of Gest Street is to be vacated and consolidated with the adjacent parcels for the Company's existing

Vacation & Lease of Portion of Gest Street; Lease of Portion of Baymiller Street;
Encroachment Easement
CBT Partners, LLC and Mehring Investors, LLC

Page 2 of 3

operations. Baymiller cannot be vacated due to subsurface infrastructure; however, it will be leased to the Company for their existing operations.

The Company has also requested an aerial encroachment easement in order to construct an aerial conveyor above and across a portion of West Mehring Way.

DEVELOPER INFORMATION

Cincinnati Bulk Terminals and its partners in River Trading Company have over 100 years of experience building and operating intermodal transportation facilities throughout the Midwest.

PROJECT DESCRIPTION

The Company plans to construct approximately 50,000-100,000 square feet of improvements, including warehousing and material handling infrastructure and an enclosed conveyor on the property. The project is estimated to cost \$9 million (\$8 million in hard costs). Through the project, the Company will retain 65 employees (\$4.3 million in payroll) and create 10 new PTEs (\$550,000 in payroll).

PROPOSED INCENTIVE

DCED recommends:

1. The vacation and lease of a portion of Gest Street and the lease of a portion of Baymiller Street for Fair Market Rental Value determined by appraisal to be approximately \$6,235 per year.
 - The Fair Market Rental Value of the portion of Gest Street was determined to be approximately \$3,640 per year.
 - The Fair Market Rental Value of the portion of Baymiller Street was determined to be approximately \$2,595 per year.
2. Granting the Encroachment Easement for Fair Market Value, which was determined by appraisal to be \$8,250.

City Planning Commission approved the proposed vacation, leases, and encroachment easement on December 18, 2020.

The Department of City Planning hosted a public engagement meeting on the proposed vacation and leases on May 11, 2021. No concerns about the proposed project were expressed.

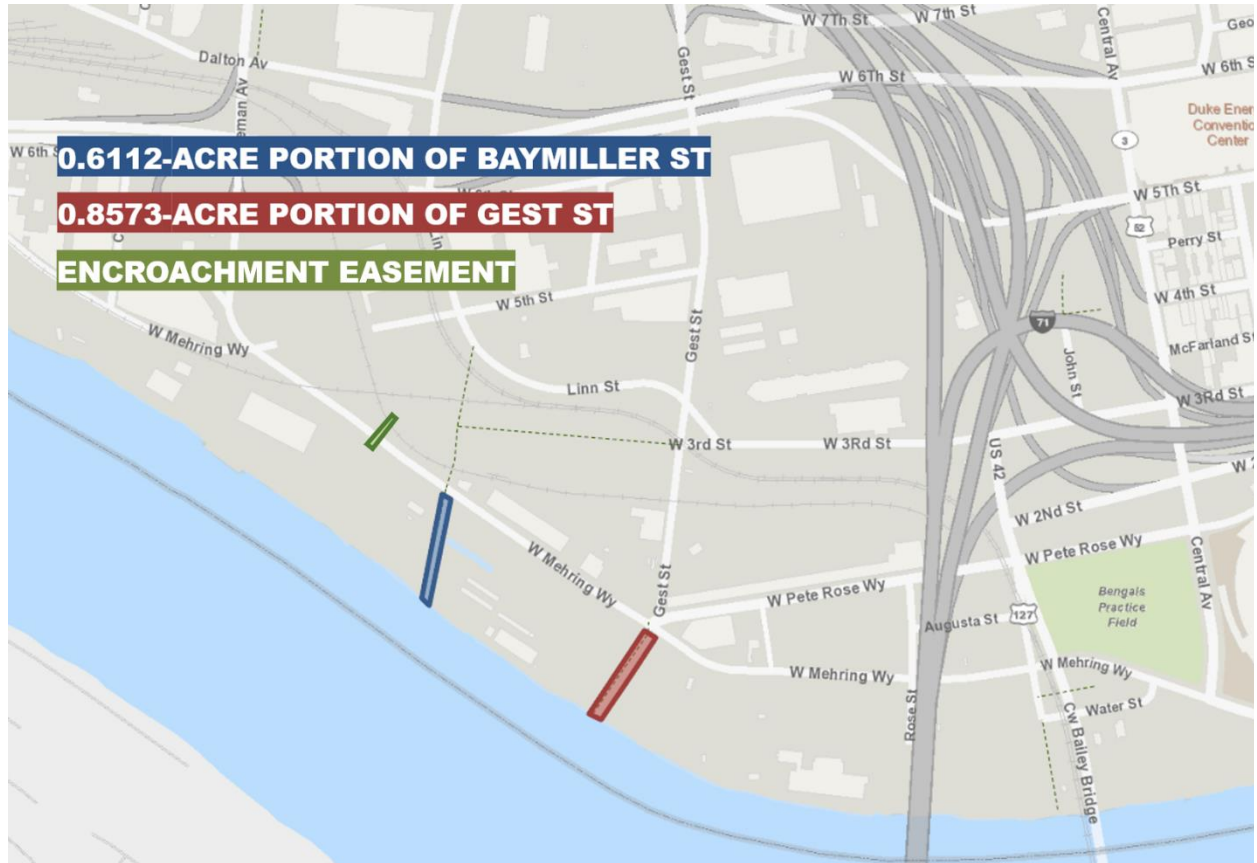
RECOMMENDATION

The Administration recommends approval of this Emergency Ordinance.

Attachment: A. Property location and photographs

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

Attachment A: Location and Photographs



Property Location

CHM
AWB

City of Cincinnati
An Ordinance No. _____ - 2021

AUTHORIZING the City Manager to vacate approximately 0.8573 acres of the public right-of-way designated as Gest Street; **AUTHORIZING** the City Manager to execute a *First Amendment to Amended and Restated Lease Agreement* with CBT Partners, LLC pursuant to which the City will add approximately 0.8573 acres of the vacated portion of Gest Street and approximately 0.6112 acres of public right-of-way designated as Baymiller Street to an existing lease of approximately 35 acres of City-owned land located south of West Mehring Way and east of the Mill Creek in the Queensgate neighborhood; and **AUTHORIZING** the City Manager to execute a *Grant of Easement* in favor of CBT Partners, LLC and Mehring Investors, LLC, pursuant to which the City will grant an aerial encroachment easement to permit an aerial conveyor above and across the West Mehring Way public right-of-way, in order to facilitate the redevelopment and safe and efficient use of the City's leased property by CBT Partners, LLC.

WHEREAS, pursuant to an *Amended and Restated Lease Agreement* dated June 18, 2020 (the "Lease"), the City leases approximately 35 acres of City-owned land located east of the Mill Creek and south of Mehring Way in the Queensgate neighborhood (the "Leased Property") to CBT Partners, LLC, an Ohio limited liability company ("CBT") for a 40-year term; and

WHEREAS, the City owns the following real property generally located east of the Mill Creek: (i) approximately 0.8573 acres of unimproved public right-of-way designated as Gest Street (the "Gest Street Property"); (ii) approximately 0.6112 acres of unimproved public right-of-way designated as Baymiller Street (the "Baymiller Street Property"); and (iii) improved public right-of-way designated as West Mehring Way abutting portions of the Leased Property, which properties are under the management of the Department of Transportation and Engineering ("DOT"); and

WHEREAS, the City's Law Department has certified that the City owns all the abutting property to the Gest Street Property, and the City Manager, in consultation with DOT, recommends that Council vacate the Gest Street Property, finding there is good cause for the vacation of the Gest Street Property, and that such vacation will not be detrimental to the general interest; and

WHEREAS, the City and CBT seek to amend the Lease to incorporate the Gest Street Property and the Baymiller Street Property therein, as more particularly detailed in the *First Amendment to Amended and Restated Lease Agreement* attached to this ordinance as Attachment A and incorporated herein by reference; and

WHEREAS, CBT desires to construct an elevated conveyor above and across the West Mehring Way public right-of-way and has requested an aerial encroachment easement from the

City, as more particularly depicted and described in the *Grant of Easement* attached to this ordinance as Attachment B and incorporated herein by reference; and

WHEREAS, pursuant to Cincinnati Municipal Code Section 331-1, the City may lease or encumber real property if it is not needed for municipal purposes for the duration of the lease term and the lease or encumbrance is not adverse to the City's retained interest in the real property; and

WHEREAS, the City Manager, in consultation with DOTE, has determined that (i) the Gest Street Property is not needed for vehicular or pedestrian access or any other municipal purpose for the duration of the Lease, (ii) the above-grade portion of the Baymiller Street Property is not needed for vehicular or pedestrian access or any other municipal purpose for the duration of the Lease, (iii) leasing the Gest Street Property and the Baymiller Street Property to CBT is not adverse to the City's retained interest in said City-owned property, (iv) granting the aerial encroachment easement to CBT is not adverse to the City's retained interest in the West Mehring Way public right-of-way, and (v) granting the aerial encroachment easement will not have an adverse effect on the usability or accessibility of any existing public right-of-way facilities; and

WHEREAS, the City's Real Estate Services Division has determined by appraisal that the fair market rental value of the Gest Street Property is approximately \$3,640 per year, the fair market rental value of the Baymiller Street Property is approximately \$2,595 per year, and the fair market value of the easement is approximately \$8,250, which figures CBT has agreed to pay; and

WHEREAS, Section 13 of Article VIII of the Ohio Constitution provides that, to create or preserve jobs and employment opportunities and to improve the economic welfare of the people of the State, it is a public interest and proper public purpose for the State or its political subdivisions to sell, lease, exchange, or otherwise dispose of property within the State of Ohio for industry, commerce, distribution, and research; and

WHEREAS, pursuant to Cincinnati Municipal Code Section 331-5, Council may authorize the lease or encumbrance of City-owned property without competitive bidding in those cases in which it determines that it is in the best interest of the City; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the vacation of the Gest Street Property, the lease of the Gest Street Property, the lease of the Baymiller Street Property, and the aerial encroachment easement at its meeting on December 18, 2020; 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 do all things necessary to vacate 0.8573 acres of real property designated as a portion of the Gest Street public right-of-

way. The portion of Gest Street to be vacated is more particularly described as follows, (the “Gest Street Property”):

Situated in Section 23, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, being part Gest Street, formally known as Mill Street, as shown on Yeatman and Anderson’s Subdivision as recorded in Deed Book 39, Page 554 of the Hamilton County Recorder’s Office and being more particularly described as follows: BEGINNING at a set iron pin in the east line of Gest Street, said iron pin being South 33°49’46” West, 25.00 feet from the northwest corner of Lot 50 of Yeatman and Anderson’s Subdivision and at the intersection of south line of Mehring Way with the east line of Gest Street; Thence along said east line, South 33°49’46” West, 621.63 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder’s Office, passing a set iron pin at 355.00 feet; Thence along said low water mark, North 57°39’48” West, 60.02 feet to the west line of Gest Street; Thence along said west line, North 33°49’46” East, 623.19 feet to a set iron pin, passing a set iron pin at 263.19 feet; Thence leaving said west line, South 56°10’14” East, 60.00 feet to the POINT OF BEGINNING. CONTAINING 0.8573 ACRES. Being part of Gest Street, formerly known as Mill Street, of Yeatman and Anderson’s Subdivision as recorded in Deed Book 39, Page 554 of the Hamilton County Recorder’s Office.

Section 2. That the City Manager is hereby authorized to execute the *First Amendment to Amended and Restated Lease Agreement* with CBT Partners, LLC, an Ohio limited liability company (“CBT”), in substantially the form attached to this ordinance as Attachment A (the “First Amendment”), which First Amendment amends that certain *Amended and Restated Lease Agreement*, dated June 18, 2020, between the City and CBT (the “Lease”) by incorporating into the Lease the Gest Street Property and approximately 0.6112 acres of unimproved real property comprising a portion of the Baymiller Street public right-of-way (the “Baymiller Street Property”).

Section 3. That the City Manager is hereby authorized to execute a *Grant of Easement* in favor of CBT, in substantially the form attached to this ordinance as Attachment B and incorporated by reference herein, pursuant to which the City of Cincinnati will grant to CBT and Mehring Investors, LLC, an Ohio limited liability company, an aerial encroachment easement to construct, operate, and maintain an elevated conveyor above and across portions of the West Mehring Way public right-of-way (the “Encroachment Easement”).

Section 4. That Council finds (i) that there is good cause to vacate the Gest Street Property, that such vacation will not be detrimental to the general interest, and the Gest Street Property is not needed for any municipal purpose for the duration of the Lease; (ii) that the above grade portion of the Baymiller Street Property is not needed for vehicular or pedestrian access or any other municipal purpose for the duration of the Lease; (iii) that leasing the Gest Street Property and the Baymiller Street Property to CBT is not adverse to the City’s retained interest in said City-owned properties; (iv) that granting the Encroachment Easement to CBT and Mehring Investors, LLC is not adverse to the City’s retained interest in the West Mehring Way public right-of-way; and (v) that granting the Encroachment Easement will not have an adverse effect on the usability or accessibility of any existing public right-of-way facilities.

Section 5. That eliminating competitive bidding in connection with the City’s lease of the Gest Street Property and lease of the Baymiller Street Property is in the best interest of the City because as a practical matter, no one other than CBT, a long-term leasehold tenant of the properties that abut and surround the Gest Street Property and the Baymiller Street Property, would have any interest in leasing said City-owned properties and assuming responsibility for the maintenance and care thereof. That eliminating competitive bidding in connection with the City’s grant of the Encroachment Easement is in the best interest of the City because as a

practical matter, no one other than CBT and Mehring Investors, LLC, a long-term leasehold tenant and the owner of property on the north and south sides of the West Mehring Way public right-of-way, would have any use for the Encroachment Easement.

Section 6. That the City's Real Estate Services Division has determined by appraisal that the fair market rental value of the Gest Street Property is approximately \$3,640 per year, the fair market rental value of the Baymiller Street Property is approximately \$2,595 per year, and the fair market value of the Encroachment Easement is approximately \$8,250, which figures CBT has agreed to pay.

Section 7. That the proceeds from the *Grant of Easement* shall be deposited into Property Management Fund 209 to pay the fees for services provided by the City's Real Estate Services Division in connection with the *Grant of Easement*, and that the City's Finance Director is hereby authorized to deposit amounts in excess thereof related to the *Grant of Easement*, if any, into Miscellaneous Permanent Improvement Fund 757.

Section 8. That the City's Finance Director is authorized to transfer and appropriate such excess funds from Miscellaneous Permanent Improvement Fund 757 into Capital Improvement Program Project Account No. 980x233xYY2306, "Street Improvements," in which "YY" represents the last two digits of the fiscal year in which the closing occurs and the proceeds are received, referencing the latter fiscal year if the events occur in different fiscal years.

Section 9. That proceeds from the lease of the Gest Street Property and the Baymiller Street Property shall be deposited into Property Management Fund 209 to pay the fees for services provided by the City's Real Estate Services Division in connection with the First Amendment, and that the City's Finance Director is hereby authorized to deposit amounts in excess thereof into Urban Development Property Operations Fund 317.

Section 10. That, pursuant to Ohio Revised Code Section 723.041, any affected public utility shall be deemed to have a permanent easement in the Gest Street Property for the purpose of maintaining, operating, renewing, reconstructing, and removing its utility facilities and for purposes of access to said facilities.

Section 11. That Council authorizes the proper City officials to take all necessary and proper actions as they deem necessary or appropriate to fulfill the terms of this ordinance and the transactions described herein, including without limitation, executing any and all plats, deeds, leases, closing documents, agreements, amendments, memorandums of lease, and other instruments otherwise described in or required to fulfill the terms of the transactions described herein.

Section 12. That the City Solicitor shall cause an authenticated copy of this ordinance to be duly recorded in the land records of Hamilton County, Ohio.

Section 13. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

ATTACHMENT A

FIRST AMENDMENT TO AMENDED AND RESTATED LEASE AGREEMENT

(Addition of portions of vacated Gest Street and unvacated Baymiller Street to Lease Area)

This First Amendment to Amended and Restated Lease Agreement (this "**Amendment**") is made and entered into on the Effective Date (as defined on the signature page hereof) by and between the **City of Cincinnati**, an Ohio municipal corporation, the address of which is 801 Plum Street, Cincinnati, OH 45202 (the "**City**"), and **CBT Partners, LLC**, an Ohio limited liability company, the address of which is 895 Mehring Way, Cincinnati, Ohio 45202 ("**Tenant**").

Recitals:

A. The City and Tenant are parties to an *Amended and Restated Lease Agreement* dated June 18, 2020 (the "**Lease**"), pursuant to which Tenant leases certain City-owned properties located south of Mehring Way and east of the Mill Creek in Cincinnati, as more particularly described on Exhibit A (Lease Area) (the "**Lease Area**"), which Lease Area is under the management and control of the City's Department of Community and Economic Development ("**DCED**"). Capitalized terms used herein but not defined herein shall have the meanings ascribed to them in the Lease.

B. The City owns approximately 0.8573 acres of property formerly designated as public right of way, commonly known as Gest Street, as more particularly depicted on Exhibit B (Legal Description – Gest Street) hereto (the "**Gest Street Property**"). Cincinnati City Council vacated the Gest Street Property as public right of way by Ordinance No. [] – 2021 on [], 2021.

C. The City owns approximately 0.6112 acres of property designated as public right of way, commonly known as Baymiller Street, as more particularly depicted on Exhibit C (Legal Description– Baymiller Street) hereto (the "**Baymiller Street Property**", and together with the Gest Street Property, the "**Lease Area Expansion Property**"), which Lease Area Expansion Property is under the management of the City's Department of Transportation and Engineering ("**DOT**").

D. Tenant desires to amend the Lease to add the Lease Area Expansion Property to the Lease to expand Tenant's business operations, as determined solely by the Tenant, provided that such use is in accordance with all applicable laws and such operations do not damage the Lease Area Expansion Property in such a manner that Tenant cannot comply with the maintenance and other obligations contained in the Lease.

E. The City is agreeable to lease to Tenant the Lease Area Expansion Property finding that it is in the vital and best interests of the City and the health, safety, and welfare of its residents, and in accordance with the public purposes and provisions of applicable federal, state and local laws and requirements.

F. The City Manager, in consultation with DOT, has determined that (i) the Baymiller Street Property, above grade, is not needed for vehicular or pedestrian purposes or any other municipal purpose for the duration of the Lease, (ii) the Gest Street Property is not needed for any municipal purpose for the duration of the Lease, and (iii) leasing the Lease Area Expansion Property to Tenant is not adverse to the City's retained interest in the Lease Area Expansion Property.

G. The City's Real Estate Services Division has determined by appraisal that the fair market rental value of the Gest Street Property is approximately **\$3,640** per year, approximately **\$2,595** per year for the Baymiller Street Property, resulting in an aggregate fair market rental value of approximately **\$6,235** per year for the Lease Area Expansion Property, which value Tenant has agreed to pay.

H. The City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the lease of the Lease Area Expansion Property at its meeting on December 18, 2020.

I. Cincinnati City Council authorized the City's execution of the Lease by Ordinance No. 518-2019, passed December 18, 2019. Cincinnati City Council authorized the City's execution of this Amendment by Ordinance No. [____]-2021, passed [____], 2021.

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

1. **Grant.** The City does hereby lease the Lease Area Expansion Property to Tenant, and Tenant does hereby lease the Lease Area Expansion Property from the City, on the terms and conditions set forth in the Lease, as hereby amended. The rights herein granted to Tenant are subject and subordinate to any and all existing covenants, easements, restrictions and other matters of record affecting the Lease Area Expansion Property as of the Effective Date. The City makes no representations or warranties to Tenant concerning the physical condition of the Lease Area Expansion Property or the condition of the City's title to the Lease Area Expansion Property and, on the Effective Date (defined below), Tenant shall accept the Lease Area Expansion Property in "as is" condition.

2. **Exhibit A-1.** Exhibit A (Legal Description) to the Lease is hereby amended by deleting Exhibit A to the Lease and substituting in its place Exhibit A-1 (Legal Description of Lease Area as Amended) attached hereto. All references within the Lease to Exhibit A shall be read to refer to Exhibit A-1 on and after the Effective Date. Any reference in the Lease to the Property shall be deemed to include all of the real property described in Exhibit A-1, including but not limited to the Lease Area Expansion Property, as applicable.

3. **Rent.** Section 3 of the Lease entitled "Rent" is hereby amended and restated in its entirety to read as follows:

3. **Rent.**

(A) **Rent.** Tenant shall pay an annual rent of \$396,235 in four quarterly payments of \$99,058.75 each for the first five years of the Term (the "**Base Rent**"). Base Rent for the first year of the Term shall be prorated with the Existing Leases. The Base Rent shall increase at the end of the fifth year of the Term and every five years thereafter by a percentage equal to the percentage increase of the Consumer Price Index for All Urban Consumers published by the U.S. Department of Labor ("**CPI**") with respect to such five year period (the "**Adjusted Rent**" together with Base Rent, collectively, "**Rent**"). In no event shall there be a reduction of Rent as a result of changes to CPI. Rent shall be paid in advance on June 1, September 1, December 1, and March 1 of each year of the Term.

(B) **Late Payment.** If any payment owed by Tenant hereunder is not received by the City within five (5) days after the due date, Tenant shall pay the City a late charge equal to five percent (5%) of the amount past due, together with interest on the past due amount, until paid, at an annual rate of ten percent. If the Term of this Lease is terminated for any reason prior to the end of any given quarter for which Rent has been paid, the City shall not be required to refund any portion of the prepaid Rent for such period. All payments shall be made by check payable to the "City of Cincinnati-Treasurer" and mailed to: City of Cincinnati, 801 Plum Street, Cincinnati, Ohio 45202, Attention: Real Estate, or to such other address as the City may from time to time designate in writing.

4. Additional Conditions from City's Coordinated Report (CR #42-2020). Tenant acknowledges that it has received a copy of and must satisfy any and all conditions set forth in, the City Coordinated Report #42-2020, as such conditions apply to the Lease Area Expansion Property, including without limitation the following:

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

(i) MSDGC access shall be maintained at all times for the operations and maintenance of MSDGC sewers and structures within right-of-way ("ROW"), ROW, and outside ROW areas within or near the proposed construction area. This includes MSDGC Combined Sewer Overflow structures and their outfalls to the Ohio River (CSO 435 and CSO 436 -Four (4) located near the proposed construction area. MSDGC will need to be notified prior to the start of project construction activities to coordinate MSDGC CSO inspection and maintenance activities and any scheduled sewer maintenance activities.

(ii) Several sewers exist in the area. Permanent easements shall be reserved for sewers existing within ROW planned to be vacated, centered over the existing sewer. Easement width will need to be determined at a later date. Note, an additional 3' clearance on either side of the permanent easement will be required, along with other MSDGC restrictions, as outlined per MSDGC Rules and Regulation Section 207. No structure which can interfere with the access to the public sewer or can exert loading upon a public sewer will be allowed per MSDGC Rules and Regulation Section 206.

(iii) A MSDGC Excavation/Fill permit as well as bond will be necessary for any construction, construction traffic, earthwork, or any other construction activity over existing sewers and within the project's construction area prior to construction. Additional requirements will be established by the permit (such as verification and usage of existing or abandoned building services to sewers through dye testing, pre- and post- construction CCTVing, etc) depending on the final project plan. No additional loading may be exerted on existing MSDGC sewers as the result of structures being proposed and geotechnical/structural design calculations will be required for MSDGC review.

(iv) Project plans should be submitted to MSDGC through the utility review process during the Project's planning and design phases. Comments provided herein in response to this CR herein do not necessarily constitute a utility, design, or permit review. Contact MSDUtilityReview@cincinnati-oh.gov for existing combined or sanitary sewer information. Additionally: [a] Minimum clearance from existing ground surfaces to any proposed overhead structure is 13.5'. At locations where proposed overhead structures cross over existing MSDGC sewers and structures, sections of proposed overhead structure and conveyor system should be designed as removable to address sewer maintenance or repair activities necessitating excavation and shoring activities, and [b] drawings should show in plan and profile the relation of proposed overhead structures, columns, foundations, footers, piers, pile caps, or piles and any other permanent structure proposed with dimensions and elevations in relation to existing sewers.

(B) Greater Cincinnati Water Works:

(i) Tenant must protect and maintain the integrity of the public water main, fire hydrant and water service branch located on, under, and across the Baymiller Street Property.

(ii) No building, structure or improvement of any kind shall be made to the Property which will interfere with access to or operation of the existing water main located on, under, and across the Baymiller Street Property. The City of Cincinnati, Ohio shall not be responsible to any present or future tenants of the Property or present or future holders of rights

of ingress and egress over the Baymiller Street Property for reason of entering for constructing, maintaining or replacing the water mains. Further, the City of Cincinnati, Ohio shall not be responsible to any present or future tenants of the Property or future holders of rights of ingress and egress over the Baymiller Street Property for any damages which result from disruption or denial of said rights of ingress and egress or other rights of access by reason of entering for constructing, maintaining, or replacing the water main. No grade changes of any kind over any part of the full width profile of the Baymiller Street Property are permitted at any time so not to impact any present or future Greater Cincinnati Water Works operations. The full width of the Baymiller Street Property must be accessible to the Water Works at all times for future maintenance and operation purposes. Any damage to the existing 6" water main, public fire hydrant or the active water service branch, as a result of the construction within the Baymiller Street Property, would be repaired at project expense and at no cost to the Greater Cincinnati Water Works. The petitioner's contractor must contact OUPS to have the water main field located and marked. Any questions regarding the OUPS requested should be directed to Greater Cincinnati Water Works.

(C) **Duke Energy:**

(i) Duke Energy Land Services has an overhead 138 KV and 69KV transmission conductor all along the Property. Duke Energy Land Services must maintain access to such facilities at all times.

(ii) Duke Energy Gas has IP main along Mehring Way and the Gest Street Property, and Duke Energy Gas must maintain access to such facilities at all times.

(D) **Cincinnati Bell Telephone:** All existing underground telephone facilities at the Property must remain in place, in service, and able to be accessed. Any damage to such facilities or any work done to relocate such facilities as a result of the construction of the Improvements or the Lease shall be done at Tenant's sole cost and expense.

(E) **Department of Transportation and Engineering:**

(i) Access must be given to all utilities, Fire, Police and emergency equipment at all times.

(ii) No permanent removal, or construction of any permanent structure or utility may take place in the right-of-way without written permission from the City or utility company, and shall be consistent with drawings approved by DOTE.

(iii) [intentionally omitted]

(iv) [intentionally omitted]

(v) [intentionally omitted]

(vi) [intentionally omitted]

(vii) [intentionally omitted]

(viii) All barriers must be removed at the end or termination of the lease and the right of way restored to its original condition.

(ix) The City reserves the right to revoke the lease of the Baymiller Street Property for any municipal purpose.

(x) Gates shall be used if the Baymiller Street Property is to be closed to

general pedestrian traffic. Plans must be submitted to and approved by DOTE showing the location of the gates in relation to street fixtures and right-of-way line. Manufacturer's details of the gates and locking mechanism, provided with key locking from the outside and "panic" hardware on the inside, must be included with the plans.

(xi) A DOTE street opening permit, obtained by a DOTE licensed street contractor, is required for all private improvements in the public right-of-way. All improvements in the public right-of-way must be built to City standards, policies and guidelines. Application for permits may be made at Room 425, City Hall, 801 Plum Street.

(xii) Tenant shall supply the City, annually, a copy of its General Commercial Liability Insurance policy showing the City named as "additional insured".

5. Ratification. All terms of the Lease not amended hereby or not inconsistent herewith shall remain in full force and effect, and the Lease, as amended hereby, is hereby ratified by the parties.

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

Exhibit A – *Legal Description of Original Lease Area*

Exhibit A-1 – *Legal Description of Lease Area as Amended*

Exhibit B – *Legal Description Gest Street*

Exhibit C – *Legal Description Baymiller Street*

[*Intentional Blank Space; Signature Pages Follow*]

CITY OF CINCINNATI,
an Ohio municipal corporation

By: _____

Printed name: _____

Title: _____

Date: _____, 2021

STATE OF OHIO)
) SS:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me on the ____ day of _____, 2021, by _____, the _____ of the City of Cincinnati, an Ohio municipal corporation, on behalf of and for the municipal corporation. This is an acknowledgement. No oath or affirmation was administered to the signer with regard to notarial act certified hereby.

Notary Public

My commission expires: _____

Recommended By:

Markiea Carter, Director
Department of Community and Economic Development

Approved By:

John Brazina, Director
Department of Transportation and Engineering

Approved as to Form:

Assistant City Solicitor

Certified Date: _____
Fund/Code: _____
Amount: _____
By: _____
Karen Alder, City Finance Director

EXHIBIT A
to
First Amendment to Amended and Restated Lease Agreement

LEGAL DESCRIPTION OF ORIGINAL LEASE AREA

I. Parcel I

Description for: 10.2092 Acre Parcel
Location: City of Cincinnati, Ohio

Situated in Section 23, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, being all of Lots 1-7 of Culbertson Park Subdivision (west of Baymiller Street) as recorded in Deed Book V2, Page 3 of the Hamilton County Recorder's Office and being more particularly described as follows:

BEGINNING at the northeast corner of Lot 1 Culbertson Park Subdivision and at the intersection of south line of Mehring Way and the west line of Baymiller Street;

Thence along the west line of Baymiller Street, South 11°22'16" West, 691.13 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 27.06 feet and at 42.06 feet;

Thence along said low water mark the following three (3) courses:

1. North 52°38'07" West, 132.70 feet,
2. North 53°54'20" West, 532.79 feet,
3. North 56°38'41" West, 180.73 feet to the southeast corner of lands conveyed to Cincinnati Bulk Terminals, LLC as recorded in Official Record 12085, Page 1238;

Thence along the east line of Cincinnati Bulk Terminals, LLC, North 33°37'59" East, 587.93 feet to a set MAG nail at the northeast corner of Cincinnati Bulk Terminals, passing a set iron pin at 237.93 feet

Thence along the north line of Cincinnati Bulk Terminals the following three (3) courses:

1. North 52°20'17" West, 115.29 feet to a set MAG nail,
2. North 54°33'29" West, 31.68 feet to a set MAG nail,
3. North 69°41'51" West, 65.09 feet to a set MAG nail at the south east corner of the Baltimore and Ohio Rail Road;

Thence along the east line of the Baltimore and Ohio Railroad, North 33°37'59" East, 28.88 feet to a set iron pin in the aforementioned south line of the Mehring Way;

Thence along said south line, South 56°22'01" East, 230.46 feet to a set iron pin AND South 56°10'14" East, 563.17 feet to the **POINT OF BEGINNING**.

CONTAINING 10.2092 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on March 27, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on March 27 2020.

Being all of those lands conveyed to the City of Cincinnati in Deed Book 212, Page 588, Deed Book 1051, Page 183, Official Record 6432, Page 3205, and Official Record 9099, Page 6041. Further Identified as Auditors Parcels 138—0006-0010, 0012 thru 0030, 0201, 0214, 0236, 0240, 0241 and 0244.

II. Parcel II

Description for: 1.3483 Acre Parcel
Location: City of Cincinnati, Ohio

Situated in Section 23, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, being all of Lots 50-52 of Yeatman and Anderson's Subdivision as recorded in Deed Book 39, Page 554 of the Hamilton County Recorder's Office and being more particularly described as follows:

BEGINNING at the northwest corner of Lot 50 of Yeatman and Anderson's Subdivision and at the intersection of south line of Mehring Way and the East line of Gest Street;

Thence along the south line of Mehring Way, South 56°10'14" East, 91.00 feet to the northeast corner of Lot 52 of Yeatman and Anderson's Subdivision;

Thence leaving said south line along the east line of said lot 52, South 33°49'46" West, 644.20 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 25.00 feet and at 380.00 feet;

Thence along said low water mark, North 57°39'48" West, 91.03 feet the aforementioned east line of Gest Street;

Thence leaving said low water mark along the east line of Gest Street, North 33°49'46" East, 646.57 feet to the **POINT OF BEGINNING**, passing a set iron pin at 266.57 and at 621.57 feet.

CONTAINING 1.3483 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on March 27, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on March 27 2020

Being all of those lands conveyed to the City of Cincinnati in Official Record 6432, Page 3205 of the Hamilton County Recorder's Office. Further Identified Auditors Parcels 137-0002-0141 thru 0143.

III. Parcel III

Description for: 13.3723 Acre Parcel
Location: City of Cincinnati, Ohio

Situated in Section 23, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, being all of Lots 40-49 of Yeatman and Anderson's Subdivision as recorded in Deed Book 39, Page 554 and being all of Lots 1-9 of Culbertson Park Subdivision as recorded in Deed Book V2, Page 3 of the Hamilton County Recorder's Office and being more particularly described as follows:

BEGINNING at the northwest corner of Lot 9 of Culbertson Park Subdivision and at the intersection of south line of Mehring Way and the east line of Baymiller Street;

Thence along the south line of Mehring Way, South 56°10'14" East, 1033.94 feet to the northeast corner of Lot 49 of Yeatman & Anderson's Subdivision and at the intersection of the south line of Mehring Way and the west line of Gest Street;

Thence leaving said south line along said west line of Gest Street, South 33°49'46" West, 648.19 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 25.00 feet and at 385.00 feet;

Thence along said low water mark the following three courses:

1. North 57°39'48" West, 91.85 feet,
2. North 55°31'35" West, 647.09 feet,
3. North 52°38'07" West, 29.99 feet to the aforementioned east line of Baymiller Street;

Thence along the east line of Baymiller, North 11°22'16" East, 694.10 feet to the **POINT OF BEGINNING**, passing a set iron pin at 264.10 and at 667.05 feet.

CONTAINING 13.3723 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on March 27, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on March 27 2020.

Being all of those lands conveyed to the City of Cincinnati in Deed Book 212, Page 588, Deed Book 212, Page 590, Deed Book 1051, Page 183, Deed Book 3362, Page 769, Deed Book 3452, Page 585, Deed Book 3973, Page 314, Official Record 6432, Page 3205, Official Record 6696, Page 397, Official Record 6937, Page 2359, Official Record 8281, Page 1774 and Official Record 8679, Page 3417 of the Hamilton County Recorder's Office. Further Identified Auditors Parcels 137-0002-0103 thru 0140, 0152 thru 0154 and 0156.

IV. Parcel IV

Description for: 5.9983 Acre Parcel

Location: City of Cincinnati, Ohio

Situated in Section 23, 24, 29 and 30, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, and being more particularly described as follows:

COMMENCING at a point in the north line of lands conveyed to the Port of Cincinnati as recorded in Official Record 13178, Page 1750 of the Hamilton County Recorder's Office and at the intersection of the south line of Mehring Way and the west line of vacated Harriet Street; Thence along south line of Mehring Way the following six (6) courses: 1) North 07°07'47" East, 17.65 feet, 2) North 57°14'13" West, 83.14 feet, 3) South 07°07'47" West, 6.51 feet, 4) North 57°08'13" West, 66.52 feet, 5) North 71°32'13" West, 1042.94 feet, 5) North 58°52'07" West, 5.34 feet; Thence leaving said south line South 15°24' 45" West, 24.37 feet to a point in the east line of Cincinnati Southern Railroad Company; Thence leaving said east line North 64°17'03" West, 55.90 feet to a set iron pin in the west line of Cincinnati Southern Railroad Company and the **POINT OF BEGINNING**;

Thence along said west line, South 15°24'45" West, 378.23 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 150.00 feet;

Thence along said low water mark the following three (3) courses:

1. North 69°24'02" West, 186.37 feet,
2. North 75°55'57" West, 443.45 feet,
3. North 82°10'53" West, 38.10 feet to the southeast corner of lands conveyed to River Container Concepts as recorded in Official Record 11848, Page 1498 of the Hamilton County Recorder's Office;

Thence leaving said south line along the east line of River Container Concepts, North 11°33'40" East, 322.95 feet AND North 18°31'40" East, 87.38 feet to the south line of the Baltimore & Ohio Railroad;

Thence along the south line of the Baltimore & Ohio Railroad, South 71°54'15" East, 679.87 feet to a set iron pin, passing a set iron pin at 102.00 feet AND South 64°17'03" East, 4.59 feet to the **POINT OF BEGINNING**.

CONTAINING 5.9983 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on March 27, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on March 27 2020.

Being all of those lands conveyed to the City of Cincinnati in Deed Book 147, Page 6, Deed Book 140, Page 3 and Deed Book 1900, Page 155 of the Hamilton County Recorder's Office. Further Identified as Auditors Parcels 141-0006-0014, 0023, and 0034.

V. Parcel V

Description for: 2.6732 Acre Parcel
Location: City of Cincinnati, Ohio

Situated in Section 23, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, and being more particularly described as follows:

COMMENCING at the intersection of the south line of Mehring Way and the south line of vacated West Fifth Street extended, thence South 33°37' 59" West, 103.57 feet to a set iron pin at the northwest corner of lands conveyed to Cincinnati Bulk Terminals, LLC as recorded in Official Record 12085, Page 1238 of the Hamilton County Recorder's Office and the **POINT OF BEGINNING**;

Thence along the west line of Cincinnati Bulk Terminals, LLC, South 33°37'59" West, 519.04 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 250.00 feet;

Thence along said low water mark, North 56°37'26" West, 117.68 feet to the south east corner of lands conveyed to CBT Acquisition, LLC as recorded in Official Record 9113, Page 5228;

Thence along the east line of CBT Acquisition, LLC, North 06°48'01" East, 511.63 feet to a set cross notch at the north east corner of CBT Acquisition, LLC and in the south line of the Baltimore & Ohio Railroad, passing a set iron pin at 306.63 feet;

Thence along the south line of the Baltimore & Ohio Railroad along a curve non-tangent to previous course deflecting to the left having a radius of 3887.00 feet, an arc length of 354.40 feet, central angle of 05°13'26", the chord of said arc bears South 66°36'52" East, 354.28 feet to the **POINT OF BEGINNING**.

CONTAINING 2.6732 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on March 27, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on March 27 2020.

Being all of those lands conveyed to the City of Cincinnati in Deed Book 212, Page 588, and Deed Book 1051, Page 183 of the Hamilton County Recorder's Office. Further Identified as Auditors Parcels 138-0004-0270, 0278 and 0281.

VI. Parcel VI

Description for: 9.2421 Acre Parcel
Location: City of Cincinnati, Ohio

Situated in Section 23 and 24, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, being part of Lots 21-29 of Israel Ludlow Subdivision as recorded in Deed Book R2, Page 9 of the Hamilton County Recorder's Office and being more particularly described as follows:

BEGINNING a set cross notch at the intersection of the south line of Mehring Way with the west line of vacate Harriet Street and in the north line of lands conveyed to the Port of Cincinnati as recorded in Official Record 13178, Page 1750;

Thence along said north line the following three (3) courses:

1. North 59°17'19" West, 81.79 feet to a set iron pin,
2. North 66°34'49" West, 65.23 feet to a set iron pin,
3. North 71°32'13" West, 127.91 feet to a set iron pin in at the northwest corner of Port of Cincinnati

Thence along the west line of Port of Cincinnati, South 07°07'47" West, 501.41 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 200.00 feet;

Thence along said low water mark the following four (4) courses:

1. North 61°58'39" West, 356.46 feet,
2. North 64°57'10" West, 218.51 feet,
3. North 63°15'23" West, 190.93 feet,
4. North 69°24'02" West, 211.77 feet;

Thence leaving said low water mark, North 15°24'47" East, 372.51 feet, to a set iron pin in the south line the Baltimore & Ohio Railroad, passing a set iron pin at 242.51 feet;

Thence along the south and east line of the Baltimore & Ohio Railroad, South 71°32'13" East, 242.83 feet to a set iron pin AND North 07°07'47" East, 25.51 feet to a set iron pin in the aforementioned south line of Mehring Way;

Thence along said south line, South 71°32'13" East, 129.52 feet to a set iron pin in the west line of the Baltimore & Ohio Railroad;

Thence along the west, south and east lines of Baltimore & Ohio Railroad the following three (3) courses:

1. South 07°07'47" West, 25.51 feet to a set iron pin,
2. South 71°32'13" East, 259.04 feet to a set iron pin,
3. North 07°07'47" East, 25.51 feet to a set iron pin in the aforementioned south line of Mehring Way;

Thence along said south line the following five (5) courses:

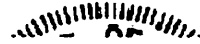
1. South 71°32'13" East, 389.69 feet to a set iron pin,
2. South 57°08'13" East, 66.52 feet to set iron pin,
3. North 07°07'47" East, 6.51 feet to a set iron pin,
4. South 57°14'13" East, 83.14 feet to a set cross notch,
5. South 07°07'47" West, 17.65 feet to the **POINT OF BEGINNING**

CONTAINING 9.2421 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on March 27, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on March 27 2020.

Being all of those lands conveyed to the City of Cincinnati in Deed Book 212, Page 588, Deed Book 1051, Page 183, Deed Book 2219, Page 587, Registered Land Document 60695 (RL Cert 14910) and Official Record 9688, Page 3066 of the Hamilton County Recorder's Office. Further Identified as part of Auditors Parcels 140-0003-00120, 0123, 0124, 0131-0133, 0154, 0162 and 0163.



VII. Parcel VII

Description for: 3.0133 Acre Parcel

Location: City of Cincinnati, Ohio

Situated in Section 23, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, and being more particularly described as follows:

COMMENCING at point in the north line of lands conveyed to Port of Cincinnati as recorded in Official Record 13178, Page 1750 of the Hamilton County Recorder's Office and at the intersection of the south line of Mehring Way and the east line of vacated Harriet Street; Thence along south line of Mehring Way, South 57°04'25" East, 88.18 feet to a set cross notch and the **POINT OF BEGINNING**;

Thence along said south line, South 57°04'25" East, 50.49 feet to a set cross notch AND South 60°42'49" East, 158.21 feet to a set cross notch in the west line of the Baltimore & Ohio Railroad;

Thence along the west and south line of Baltimore & Ohio Railroad the following three (3) courses:

1. South 06°48'01" West, 15.19 feet to a set cross notch,
2. South 58°48'17" East, 138.57 feet to a set cross notch,
3. along a curve non-tangent to previous course deflecting to the left having a radius of 3887.00 feet, an arc length of 276.97 feet, central angle of 04°04'58" the chord of said arc bears South 60°57'16" East, 276.92 feet to a set cross notch at the northwest corner of lands conveyed to CBT Acquisitions, LLC as recorded in Official Record 9113, Page 5228;

Thence South 06°48'01" West, 507.42 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 198.00 feet;

Thence along said low water mark, North 60°35'18" West, 277.65 feet to the southeast corner of lands conveyed to GMS Acquisition Corp., LLC as recorded in Official Record 9687, Page 447;

Thence along the east line of GMS Acquisition Corp., LLC, North 06°48'01" East, 499.53 feet to a set cross notch at the north east corner of said GMS Acquisition Corp., LLC, passing a set iron pin at 342.53 feet;

Thence along the north line of said GMS Acquisition Corp., LLC along a curve non-tangent to previous course deflecting to the right having a radius of 1161.28 feet, an arc length of 83.93 feet, central angle of 04°08'28", the chord of said arc bears North 57°53'19" West, 83.91 feet to a set cross notch AND North 55°49'06" West, 272.37 feet to the **POINT OF BEGINNING**.

CONTAINING 3.0133 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on March 27, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on March 27 2020.

Being all of those lands conveyed to the City of Cincinnati in Deed Book 212, Page 588, Deed Book 1051, Page 183, Deed Book 2441, Page 572, Deed Book 2219, Page 627 and Deed Book 2441, Page 241 of the Hamilton County Recorder's Office. Further Identified as Auditors Parcels 140-0001-0003 and 0186 thru 0188 and Parcels 138-0004-0277 and 0282.

EXHIBIT A-1

to

First Amendment to Amended and Restated Lease Agreement

LEGAL DESCRIPTION OF LEASE AREA AS AMENDED

I. Parcel I

Description for: 10.2092 Acre Parcel

Location: City of Cincinnati, Ohio

Situated in Section 23, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, being all of Lots 1-7 of Culbertson Park Subdivision (west of Baymiller Street) as recorded in Deed Book V2, Page 3 of the Hamilton County Recorder's Office and being more particularly described as follows:

BEGINNING at the northeast corner of Lot 1 Culbertson Park Subdivision and at the intersection of south line of Mehring Way and the west line of Baymiller Street;

Thence along the west line of Baymiller Street, South 11°22'16" West, 691.13 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 27.06 feet and at 42.06 feet;

Thence along said low water mark the following three (3) courses:

1. North 52°38'07" West, 132.70 feet,
2. North 53°54'20" West, 532.79 feet,
3. North 56°38'41" West, 180.73 feet to the southeast corner of lands conveyed to Cincinnati Bulk Terminals, LLC as recorded in Official Record 12085, Page 1238;

Thence along the east line of Cincinnati Bulk Terminals, LLC, North 33°37'59" East, 587.93 feet to a set MAG nail at the northeast corner of Cincinnati Bulk Terminals, passing a set iron pin at 237.93 feet

Thence along the north line of Cincinnati Bulk Terminals the following three (3) courses:

1. North 52°20'17" West, 115.29 feet to a set MAG nail,
2. North 54°33'29" West, 31.68 feet to a set MAG nail,
3. North 69°41'51" West, 65.09 feet to a set MAG nail at the south east corner of the Baltimore and Ohio Rail Road;

Thence along the east line of the Baltimore and Ohio Railroad, North 33°37'59" East, 28.88 feet to a set iron pin in the aforementioned south line of the Mehring Way;

Thence along said south line, South 56°22'01" East, 230.46 feet to a set iron pin AND South 56°10'14" East, 563.17 feet to the **POINT OF BEGINNING**.

CONTAINING 10.2092 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on March 27, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on March 27 2020.

Being all of those lands conveyed to the City of Cincinnati in Deed Book 212, Page 588, Deed Book 1051, Page 183, Official Record 6432, Page 3205, and Official Record 9099, Page 6041. Further Identified as Auditors Parcels 138—0006-0010, 0012 thru 0030, 0201, 0214, 0236, 0240, 0241 and 0244.

II. Parcel II

Description for: 1.3483 Acre Parcel
Location: City of Cincinnati, Ohio

Situated in Section 23, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, being all of Lots 50-52 of Yeatman and Anderson's Subdivision as recorded in Deed Book 39, Page 554 of the Hamilton County Recorder's Office and being more particularly described as follows:

BEGINNING at the northwest corner of Lot 50 of Yeatman and Anderson's Subdivision and at the intersection of south line of Mehring Way and the East line of Gest Street;

Thence along the south line of Mehring Way, South 56°10'14" East, 91.00 feet to the northeast corner of Lot 52 of Yeatman and Anderson's Subdivision;

Thence leaving said south line along the east line of said lot 52, South 33°49'46" West, 644.20 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 25.00 feet and at 380.00 feet;

Thence along said low water mark, North 57°39'48" West, 91.03 feet the aforementioned east line of Gest Street;

Thence leaving said low water mark along the east line of Gest Street, North 33°49'46" East, 646.57 feet to the **POINT OF BEGINNING**, passing a set iron pin at 266.57 and at 621.57 feet.

CONTAINING 1.3483 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on March 27, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on March 27 2020

Being all of those lands conveyed to the City of Cincinnati in Official Record 6432, Page 3205 of the Hamilton County Recorder's Office. Further Identified Auditors Parcels 137-0002-0141 thru 0143.

III. Parcel III

Description for: 13.3723 Acre Parcel
Location: City of Cincinnati, Ohio

Situated in Section 23, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, being all of Lots 40-49 of Yeatman and Anderson's Subdivision as recorded in Deed Book 39, Page 554 and being all of Lots 1-9 of Culbertson Park Subdivision as recorded in Deed Book V2, Page 3 of the Hamilton County Recorder's Office and being more particularly described as follows:

BEGINNING at the northwest corner of Lot 9 of Culbertson Park Subdivision and at the intersection of south line of Mehring Way and the east line of Baymiller Street;

Thence along the south line of Mehring Way, South 56°10'14" East, 1033.94 feet to the northeast corner of Lot 49 of Yeatman & Anderson's Subdivision and at the intersection of the south line of Mehring Way and the west line of Gest Street;

Thence leaving said south line along said west line of Gest Street, South 33°49'46" West, 648.19 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 25.00 feet and at 385.00 feet;

Thence along said low water mark the following three courses:

1. North 57°39'48" West, 91.85 feet,
2. North 55°31'35" West, 647.09 feet,
3. North 52°38'07" West, 29.99 feet to the aforementioned east line of Baymiller Street;

Thence along the east line of Baymiller, North 11°22'16" East, 694.10 feet to the POINT OF BEGINNING, passing a set iron pin at 264.10 and at 667.05 feet.

CONTAINING 13.3723 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on March 27, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on March 27 2020.

Being all of those lands conveyed to the City of Cincinnati in Deed Book 212, Page 588, Deed Book 212, Page 590, Deed Book 1051, Page 183, Deed Book 3362, Page 769, Deed Book 3452, Page 585, Deed Book 3973, Page 314, Official Record 6432, Page 3205, Official Record 6696, Page 397, Official Record 6937, Page 2359, Official Record 8281, Page 1774 and Official Record 8679, Page 3417 of the Hamilton County Recorder's Office. Further Identified Auditors Parcels 137-0002-0103 thru 0140, 0152 thru 0154 and 0156.

IV. Parcel IV

Description for: 5.9983 Acre Parcel
Location: City of Cincinnati, Ohio

Situated in Section 23, 24, 29 and 30, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, and being more particularly described as follows:

COMMENCING at a point in the north line of lands conveyed to the Port of Cincinnati as recorded in Official Record 13178, Page 1750 of the Hamilton County Recorder's Office and at the intersection of the south line of Mehring Way and the west line of vacated Harriet Street; Thence along south line of Mehring Way the following six (6) courses: 1) North 07°07'47" East, 17.65 feet, 2) North 57°14'13" West, 83.14 feet, 3) South 07°07'47" West, 6.51 feet, 4) North 57°08'13" West, 66.52 feet, 5) North 71°32'13" West, 1042.94 feet, 5) North 58°52'07" West, 5.34 feet; Thence leaving said south line South 15°24'45" West, 24.37 feet to a point in the east line of Cincinnati Southern Railroad Company; Thence leaving said east line North 64°17'03" West, 55.90 feet to a set iron pin in the west line of Cincinnati Southern Railroad Company and the **POINT OF BEGINNING**;

Thence along said west line, South 15°24'45" West, 378.23 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 150.00 feet;

Thence along said low water mark the following three (3) courses:

1. North 69°24'02" West, 186.37 feet,
2. North 75°55'57" West, 443.45 feet,
3. North 82°10'53" West, 38.10 feet to the southeast corner of lands conveyed to River Container Concepts as recorded in Official Record 11848, Page 1498 of the Hamilton County Recorder's Office;

Thence leaving said south line along the east line of River Container Concepts, North 11°33'40" East, 322.95 feet AND North 18°31'40" East, 87.38 feet to the south line of the Baltimore & Ohio Railroad;

Thence along the south line of the Baltimore & Ohio Railroad, South 71°54'15" East, 679.87 feet to a set iron pin, passing a set iron pin at 102.00 feet AND South 64°17'03" East, 4.59 feet to the **POINT OF BEGINNING**.

CONTAINING 5.9983 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on March 27, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on March 27 2020.

Being all of those lands conveyed to the City of Cincinnati in Deed Book 147, Page 6, Deed Book 140, Page 3 and Deed Book 1900, Page 155 of the Hamilton County Recorder's Office. Further Identified as Auditors Parcels 141-0006-0014, 0023, and 0034.

V. Parcel V

Description for: 2.6732 Acre Parcel
Location: City of Cincinnati, Ohio

Situated in Section 23, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, and being more particularly described as follows:

COMMENCING at the intersection of the south line of Mehring Way and the south line of vacated West Fifth Street extended, thence South 33°37' 59" West, 103.57 feet to a set iron pin at the northwest corner of lands conveyed to Cincinnati Bulk Terminals, LLC as recorded in Official Record 12085, Page 1238 of the Hamilton County Recorder's Office and the **POINT OF BEGINNING**;

Thence along the west line of Cincinnati Bulk Terminals, LLC, South 33°37'59" West, 519.04 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 250.00 feet;

Thence along said low water mark, North 56°37'26" West, 117.68 feet to the south east corner of lands conveyed to CBT Acquisition, LLC as recorded in Official Record 9113, Page 5228;

Thence along the east line of CBT Acquisition, LLC, North 06°48'01" East, 511.63 feet to a set cross notch at the north east corner of CBT Acquisition, LLC and in the south line of the Baltimore & Ohio Railroad, passing a set iron pin at 306.63 feet;

Thence along the south line of the Baltimore & Ohio Railroad along a curve non-tangent to previous course deflecting to the left having a radius of 3887.00 feet, an arc length of 354.40 feet, central angle of 05°13'26", the chord of said arc bears South 66°36'52" East, 354.28 feet to the **POINT OF BEGINNING**.

CONTAINING 2.6732 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on March 27, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on March 27 2020.

Being all of those lands conveyed to the City of Cincinnati in Deed Book 212, Page 588, and Deed Book 1051, Page 183 of the Hamilton County Recorder's Office. Further Identified as Auditors Parcels 138-0004-0270, 0278 and 0281.

VI. Parcel VI

Description for: 9.2421 Acre Parcel
Location: City of Cincinnati, Ohio

Situated in Section 23 and 24, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, being part of Lots 21-29 of Israel Ludlow Subdivision as recorded in Deed Book R2, Page 9 of the Hamilton County Recorder's Office and being more particularly described as follows:

BEGINNING a set cross notch at the intersection of the south line of Mehring Way with the west line of vacate Harriet Street and in the north line of lands conveyed to the Port of Cincinnati as recorded in Official Record 13178, Page 1750;

Thence along said north line the following three (3) courses:

1. North 59°17'19" West, 81.79 feet to a set iron pin,
2. North 66°34'49" West, 65.23 feet to a set iron pin,
3. North 71°32'13" West, 127.91 feet to a set iron pin in at the northwest corner of Port of Cincinnati

Thence along the west line of Port of Cincinnati, South 07°07'47" West, 501.41 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 200.00 feet;

Thence along said low water mark the following four (4) courses:

1. North 61°58'39" West, 356.46 feet,
2. North 64°57'10" West, 218.51 feet,
3. North 63°15'23" West, 190.93 feet,
4. North 69°24'02" West, 211.77 feet;

Thence leaving said low water mark, North 15°24'47" East, 372.51 feet, to a set iron pin in the south line the Baltimore & Ohio Railroad, passing a set iron pin at 242.51 feet;

Thence along the south and east line of the Baltimore & Ohio Railroad, South 71°32'13" East, 242.83 feet to a set iron pin AND North 07°07'47" East, 25.51 feet to a set iron pin in the aforementioned south line of Mehring Way;

Thence along said south line, South 71°32'13" East, 129.52 feet to a set iron pin in the west line of the Baltimore & Ohio Railroad;

Thence along the west, south and east lines of Baltimore & Ohio Railroad the following three (3) courses:

1. South 07°07'47" West, 25.51 feet to a set iron pin,
2. South 71°32'13" East, 259.04 feet to a set iron pin,
3. North 07°07'47" East, 25.51 feet to a set iron pin in the aforementioned south line of Mehring Way;

Thence along said south line the following five (5) courses:

1. South 71°32'13" East, 389.69 feet to a set iron pin,
2. South 57°08'13" East, 66.52 feet to set iron pin,
3. North 07°07'47" East, 6.51 feet to a set iron pin,
4. South 57°14'13" East, 83.14 feet to a set cross notch,
5. South 07°07'47" West, 17.65 feet to the **POINT OF BEGINNING**

CONTAINING 9.2421 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on March 27, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on March 27 2020.

Being all of those lands conveyed to the City of Cincinnati in Deed Book 212, Page 588, Deed Book 1051, Page 183, Deed Book 2219, Page 587, Registered Land Document 60695 (RL Cert 14910) and Official Record 9688, Page 3066 of the Hamilton County Recorder's Office. Further Identified as part of Auditors Parcels 140-0003-00120, 0123, 0124, 0131-0133, 0154, 0162 and 0163.



VII. Parcel VII

Description for: 3.0133 Acre Parcel

Location: City of Cincinnati, Ohio

Situated in Section 23, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, and being more particularly described as follows:

COMMENCING at point in the north line of lands conveyed to Port of Cincinnati as recorded in Official Record 13178, Page 1750 of the Hamilton County Recorder's Office and at the intersection of the south line of Mehring Way and the east line of vacated Harriet Street; Thence along south line of Mehring Way, South 57°04'25" East, 88.18 feet to a set cross notch and the **POINT OF BEGINNING**;

Thence along said south line, South 57°04'25" East, 50.49 feet to a set cross notch AND South 60°42'49" East, 158.21 feet to a set cross notch in the west line of the Baltimore & Ohio Railroad;

Thence along the west and south line of Baltimore & Ohio Railroad the following three (3) courses:

1. South 06°48'01" West, 15.19 feet to a set cross notch,
2. South 58°48'17" East, 138.57 feet to a set cross notch,
3. along a curve non-tangent to previous course deflecting to the left having a radius of 3887.00 feet, an arc length of 276.97 feet, central angle of 04°04'58" the chord of said arc bears South 60°57'16" East, 276.92 feet to a set cross notch at the northwest corner of lands conveyed to CBT Acquisitions, LLC as recorded in Official Record 9113, Page 5228;

Thence South 06°48'01" West, 507.42 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 198.00 feet;

Thence along said low water mark, North 60°35'18" West, 277.65 feet to the southeast corner of lands conveyed to GMS Acquisition Corp., LLC as recorded in Official Record 9687, Page 447;

Thence along the east line of GMS Acquisition Corp., LLC, North 06°48'01" East, 499.53 feet to a set cross notch at the north east corner of said GMS Acquisition Corp., LLC, passing a set iron pin at 342.53 feet;

Thence along the north line of said GMS Acquisition Corp., LLC along a curve non-tangent to previous course deflecting to the right having a radius of 1161.28 feet, an arc length of 83.93 feet, central angle of 04°08'28", the chord of said arc bears North 57°53'19" West, 83.91 feet to a set cross notch AND North 55°49'06" West, 272.37 feet to the **POINT OF BEGINNING**.

CONTAINING 3.0133 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on March 27, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on March 27 2020.

Being all of those lands conveyed to the City of Cincinnati in Deed Book 212, Page 588, Deed Book 1051, Page 183, Deed Book 2441, Page 572, Deed Book 2219, Page 627 and Deed Book 2441, Page 241 of the Hamilton County Recorder's Office. Further Identified as Auditors Parcels 140-0001-0003 and 0186 thru 0188 and Parcels 138-0004-0277 and 0282.

VIII. Parcel VIII

Situated in Section 23, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, being part Gest Street, formally known as Mill Street, as shown on Yeatman and Anderson's Subdivision as recorded in Deed Book 39, Page 554 of the Hamilton County Recorder's Office and being more particularly described as follows:

BEGINNING at a set iron pin in the east line of Gest Street, said iron pin being South 33°49'46" West, 25.00 feet from the northwest corner of Lot 50 of Yeatman and Anderson's Subdivision and at the intersection of south line of Mehring Way with the east line of Gest Street;

Thence along said east line, South 33°49'46" West, 621.63 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 826 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 355.00 feet;

Thence along said low water mark, North 57°39'48" West, 60.02 feet to the west line of Gest Street;

Thence along said west line, North 33°49'46" East, 623.19 feet to a set iron pin, passing a set iron pin at 263.19 feet;

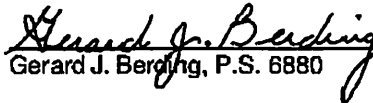
Thence leaving said west line, South 56°10'14" East, 60.00 feet to the **POINT OF BEGINNING**.

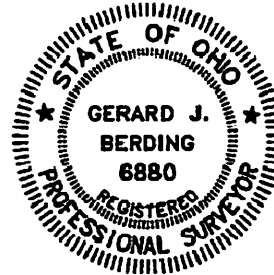
CONTAINING 0.8573 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on April 1, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on April 1, 2020

Being part of Gest Street, formerly known as Mill Street, of Yeatman and Anderson's Subdivision as recorded in Deed Book 39, Page 554 of the Hamilton County Recorder's Office.

 April 1, 2020
Gerard J. Berding, P.S. 6880 Date



IX. Parcel IX

Situated in Section 23, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, being part of Baymiller Street, formerly known as Wood Street, of Culbertson Park Subdivision as recorded in Deed Book V2, Page 3 of the Hamilton County Recorder's Office and being more particularly described as follows:

BEGINNING at a set iron pin in the west line of Baymiller Street, said iron pin being South 11°22'16" West, 27.06 feet from the northeast corner of Lot 1 Culbertson Park Subdivision and the intersection of the south line of Mehring Way and the west line of Baymiller Street;

Thence leaving said west line, South 56°11'02" East, 43.28 feet to set iron pin in the east line of Baymiller Street;

Thence along the east line of Baymiller Street, South 11°22'16" West, 667.05 to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 402.95 feet;

Thence along said low water mark, North 52°38'07" West, 44.50 feet to the aforementioned west line of Baymiller Street;

Thence along said west line, North 11°22'16" East, 664.07 feet to the **POINT OF BEGINNING**, passing a set iron pin at 269.07 feet

CONTAINING 0.6112 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on April 1, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on April 1, 2020.

Being part of Baymiller Street, formerly known as Wood Street, of Culbertson Park Subdivision as recorded in Deed Book V2, Page 3 of the Hamilton County Recorder's Office.

Gerard J. Berding April 1, 2020
Gerard J. Berding, P.S. 6880 Date

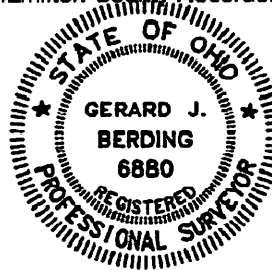


Exhibit B
to
First Amendment to Amended and Restated Lease

LEGAL DESCRIPTION GEST STREET

Situated in Section 23, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, being part Gest Street, formally known as Mill Street, as shown on Yeatman and Anderson's Subdivision as recorded in Deed Book 39, Page 554 of the Hamilton County Recorder's Office and being more particularly described as follows:

BEGINNING at a set iron pin in the east line of Gest Street, said iron pin being South 33°49'46" West, 25.00 feet from the northwest corner of Lot 50 of Yeatman and Anderson's Subdivision and at the intersection of south line of Mehring Way with the east line of Gest Street;

Thence along said east line, South 33°49'46" West, 621.63 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 355.00 feet;

Thence along said low water mark, North 57°39'48" West, 60.02 feet to the west line of Gest Street;

Thence along said west line, North 33°49'46" East, 623.19 feet to a set iron pin, passing a set iron pin at 263.19 feet;

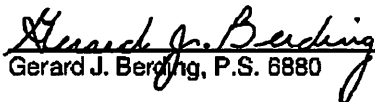
Thence leaving said west line, South 56°10'14" East, 60.00 feet to the **POINT OF BEGINNING**.

CONTAINING 0.8573 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on April 1, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on April 1, 2020

Being part of Gest Street, formerly known as Mill Street, of Yeatman and Anderson's Subdivision as recorded in Deed Book 39, Page 554 of the Hamilton County Recorder's Office.

 April 1, 2020
Gerard J. Berding, P.S. 6880 Date

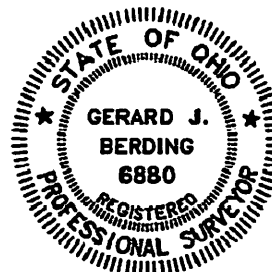


Exhibit C
to
First Amendment to Amended and Restated Lease

LEGAL DESCRIPTION BAYMILLER STREET

Situated in Section 23, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, being part of Baymiller Street, formerly known as Wood Street, of Culbertson Park Subdivision as recorded in Deed Book V2, Page 3 of the Hamilton County Recorder's Office and being more particularly described as follows:

BEGINNING at a set iron pin in the west line of Baymiller Street, said iron pin being South 11°22'16" West, 27.06 feet from the northeast corner of Lot 1 Culbertson Park Subdivision and the intersection of the south line of Mehring Way and the west line of Baymiller Street;

Thence leaving said west line, South 56°11'02" East, 43.28 feet to set iron pin in the east line of Baymiller Street;

Thence along the east line of Baymiller Street, South 11°22'16" West, 667.05 to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 402.95 feet;

Thence along said low water mark, North 52°38'07" West, 44.50 feet to the aforementioned west line of Baymiller Street;

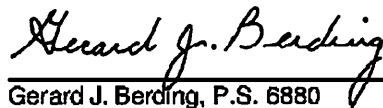
Thence along said west line, North 11°22'16" East, 664.07 feet to the **POINT OF BEGINNING**, passing a set iron pin at 269.07 feet

CONTAINING 0.6112 ACRES. Together with and subject to all easements of record.

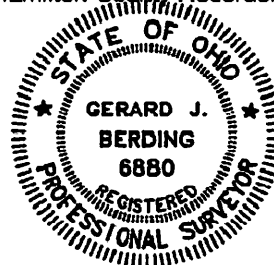
Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on April 1, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on April 1, 2020.

Being part of Baymiller Street, formerly known as Wood Street, of Culbertson Park Subdivision as recorded in Deed Book V2, Page 3 of the Hamilton County Recorder's Office.


Gerard J. Berding, P.S. 6880

April 1, 2020
Date



ATTACHMENT B

[SPACE ABOVE FOR RECORDER'S USE]

GRANT OF ENCROACHMENT EASEMENT

(aerial encroachment over and across Mehring Way)

This Grant of Encroachment Easement is granted as of the Effective Date (as defined on the signature page hereof) by the **CITY OF CINCINNATI**, an Ohio municipal corporation, 801 Plum Street, Cincinnati, OH 45202 (the "**City**"), in favor of (i) **CBT Partners, LLC**, an Ohio limited liability company ("**CBT**"), and (ii) **Mehring Investors, LLC**, an Ohio limited liability company ("**MI**"), the address for each of which is 895 Mehring Way, Cincinnati, Ohio 45203 (CBT and MI are each individually and collectively, "**Grantee**").

Recitals:

A. By virtue of a certain *Amended and Restated Lease Agreement* dated June 18, 2020 (as amended, the "**Lease**"), CBT leases from the City certain real property generally located south of Mehring Way and east of Mill Creek, as more particularly described on Exhibit A (Legal Description – Benefitted Property) and depicted on Exhibit B (Survey Plat) hereto (the "**CBT Property**"); and MI owns certain real property generally located north of Mehring Way, as more particularly described on Exhibit A as the "**MI Property**" (collectively, the CBT Property and MI Property is the "**Benefitted Property**").

B. The City owns the adjoining Mehring Way public right-of-way, which is under the management and control of the City's Department of Transportation and Engineering ("**DOTE**").

C. Grantee has requested the City to grant an aerial encroachment easement to construct an improvement that will encroach over and across a portion of the Mehring Way right-of-way, namely, an aerial conveyor (the "**Improvement**").

D. The City Manager, in consultation with DOTE, has determined that (i) the encroachment easement will not have an adverse effect on the City's retained interest in the Mehring Way public right-of-way, and (ii) granting the easement will not have an adverse effect on the usability or accessibility of any existing West Mehring Way public right-of-way facilities.

E. The City's Real Estate Services Division has determined that the fair market value of the encroachment easement, as determined by appraisal, is \$8,250, which has been deposited with the Real Estate Services Division.

F. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the encroachment easement at its meeting on December 18, 2020.

G. Cincinnati City Council approved the encroachment easement by Ordinance No. ____-2021, passed on ____, 2021.

NOW THEREFORE, the parties do hereby agree as follows:

1. Grant of Encroachment Easement. The City does hereby grant to Grantee, on the terms and conditions set forth herein, as an appurtenance to and for the benefit of the Benefitted Property, a non-exclusive aerial encroachment easement to construct, maintain, operate, repair, reconstruct, replace, and remove the Improvement over and across the Mehring Way public right-of-way, as more particularly depicted on Exhibit C (Easement Plat) hereto (the "**Aerial Conveyor Easement**" or "**Aerial Conveyor Easement Area**", as applicable). Grantee shall not make any modifications to the Improvement without the City's prior written consent. Notwithstanding anything herein to the contrary, the Aerial Conveyor Easement shall automatically terminate upon (i) the complete demolition of the Improvement's support structure, except if such demolition is merely a temporary step in rebuilding the support structure as a result of a casualty or otherwise; (ii) any permanent alteration by Grantee that entails the elimination of the Improvement within the Aerial Conveyor Easement Area such that the Aerial Conveyor Easement would be rendered unnecessary; (iii) upon written notice from the City, if the City determines that it needs the Aerial Conveyor Easement Area, or any portion thereof for a municipal purpose, including, without limitation to the implementation of Americans with Disabilities Act ("**ADA**") regulations compliance or accessibility standards; (iv) or upon written notice from the City if the City determines that the Improvement is creating a public safety issue, such as noncompliance with ADA accessibility regulations, contributing to adverse impacts on the usability or accessibility of any public right-of-way facilities.

2. Construction, Maintenance, and Repairs.

(A) The Improvement shall be constructed and maintained in accordance with the plans and specifications approved by DOTE, and in accordance with applicable code standards. Once installed, Grantee shall not make any enlargements or other modifications to the Improvement without DOTE's prior written consent.

(B) The parties hereby acknowledge that a portion of the Improvements within the Aerial Conveyor Easement Area crosses the centerline of Mehring Way. As a material inducement for the City to grant to Grantee the Aerial Encroachment Easement, Grantee shall provide the City with an attorney's certificate of title certifying the names of all abutters to the Aerial Conveyor Easement Area, and the consent of those abutters in a form acceptable to the City. Notwithstanding the foregoing, Grantee shall defend (with counsel acceptable to the City, in the City's sole and absolute discretion), indemnify, and hold the City harmless from and against any and all claims, actions, losses, costs (including, without limitation, attorneys' fees), liability and damages suffered or incurred by, or asserted against, the City arising from this *Grant of Encroachment Easement*, including, without limitation to, the construction, maintenance, repair, use, or other activities associated with the Improvement.

(C) Following installation, at no cost to the City, Grantee shall maintain the Improvement in a continuous state of good and safe condition and repair. Grantee acknowledges that there may be existing easements, utility lines, and related facilities in the vicinity of the Aerial Encroachment Easement Area ("**Third-Party Utility Lines**"). In connection with Grantee's construction, maintenance, repair, and use of the Improvement, Grantee shall not interfere with the access of utility companies to maintain and repair the Third-Party Utility Lines and shall, at Grantee's expense, promptly repair any and all damage to Third-Party Utility Lines caused by Grantee, their agents, employees, contractors, subcontractors, tenants, licensees, or invitees. Any relocation of Third-Party Utility Lines necessitated by the construction, maintenance, or repair of the Improvement under this instrument shall be handled entirely at Grantee's expense. All activities undertaken by Grantee under this instrument shall be in compliance with all applicable codes, laws, and other governmental standards, policies, guidelines and requirements

3. Insurance; Indemnification. At all times during which Grantee is undertaking construction activities within the Aerial Conveyor Easement Area, and in addition to whatever other insurance and bond requirements as the City may from time to time require, Grantee shall maintain or cause to be maintained a policy of Commercial General Liability insurance, with an insurance company reasonably acceptable to the City and naming the City as an additional insured, in an amount not less than \$1,000,000 per occurrence, combined single limit/\$1,000,000 aggregate, or in such greater amount as the City may from time to time require. Grantee shall furnish to the City a certificate of insurance evidencing such insurance upon the City's request and, in any event, prior to undertaking any construction activities within the Aerial Conveyor Easement Area. Grantee hereby waives all claims and rights of recovery against the City, and on behalf of Grantee's insurers, rights of subrogation, in connection with any damage to the Improvement, no matter how caused. Grantee shall defend (with counsel reasonably acceptable to the City), indemnify, and hold the City harmless from and against any and all claims, actions, losses, costs (including without limitation reasonable attorneys fees), liability and damages suffered or incurred by, or asserted against, the City in connection with the construction, maintenance, repair or other matters associated with the Improvement.

4. Covenants Running with the Land. The provisions hereof shall run with the land and shall be binding upon and inure to the benefit of the City and Grantee and Grantee's successors-in-interest with respect to the Benefitted Property.

5. Coordinated Report Conditions (CR #42-2020). The following additional conditions shall apply:

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

(i) MSDGC access shall be maintained at all times for the operations and maintenance of MSDGC sewers and structures within right-of-way within or near the proposed Improvement. MSDGC will need to be notified prior to the start of any construction activities to coordinate MSDGC CSO inspection and maintenance activities and any scheduled sewer maintenance activities.

(ii) A MSDGC Excavation/Fill permit as well as bond will be necessary for any construction, construction traffic, earthwork, or any other construction activity over existing sewers and within the project's construction area prior to construction. Additional requirements will be established by the permit (such as verification and usage of existing or abandoned building services to sewers through dye testing, pre- and post- construction CCTVing, etc) depending on the final project plan. No additional loading may be exerted on existing MSDGC sewers as the result of structures being proposed and geotechnical/structural design calculations will be required for MSDGC review.

(iii) Project plans should be submitted to MSDGC through the utility review process during the Project's planning and design phases. Comments provided herein in response to this CR herein do not necessarily constitute a utility, design, or permit review. Contact MSDUtilityReview@cincinnati-oh.gov for existing combined or sanitary sewer information. Additionally: [a] Minimum clearance from existing ground surfaces to any proposed overhead structure is 13.5.' At locations where proposed overhead structures cross over existing MSDGC sewers and structures, sections of proposed overhead structure and conveyor system should be designed as removable to address sewer maintenance or repair activities necessitating excavation and shoring activities, and [b] drawings should show in plan and profile the relation of proposed overhead structures, columns, foundations, footers, piers, pile caps, or piles and any other permanent structure proposed with dimensions and elevations in relation to existing sewers.

(B) Greater Cincinnati Water Works: [intentionally omitted]

(C) Duke Energy:

(i) Duke Energy Land Services has an overhead 138 KV and 69KV transmission conductor all along the CBT Property. Duke Energy Land Services must maintain access to such facilities at all times.

(ii) Duke Energy Gas has IP main along Mehring Way, and Duke Energy Gas must maintain access to such facilities at all times.

(D) Cincinnati Bell Telephone: All existing underground telephone facilities at the CBT Property and Mehring Way must remain in place, in service, and able to be accessed. Any damage to such facilities or any work done to relocate such facilities as a result of the construction of the Improvements shall be done at Grantee's sole cost and expense.

(E) Department of Public Services: Grantee shall install signage delineating the height of the Improvement above the roadway. Such signage should be placed clearly for viewing during inclement weather using reflective paint and should be displayed on both sides of the Improvement itself and posted on signage at a reasonable distance along the roadside. Illumination of the signage is not required but preferred so drivers utilizing the roadway see the obstacle.

(F) Department of Transportation and Engineering:

(i) No permanent removal, or construction of any permanent structure or utility may take place in the right-of-way without written permission from the City or utility company, and shall be consistent with drawings approved by DOTE.

(ii) The Improvement shall be designed in accordance with the AASHTO Manual of Bridge Design, current addition. Detailed drawings and design calculations, signed and sealed by a professional engineer in the State of Ohio, need to be submitted and approved by City Structures.

(iii) Grantee is responsible for maintenance of the pavement, curb, and sidewalk.

(iv) DOTE's preferred minimum clearance under the Improvement and over the roadway shall be 18 feet.

(v) All supports related to the Improvement shall be constructed outside the right-of-way.

(vi) Grantee shall perform an annual structural inspection of the Improvement in accordance with National Bridge Inspection Standards and the Ohio Department of Transportation Manual of Bridge Inspection. A copy of such report shall be filed with the City Department of Transportation within 30 days of the date of inspection.

(vii) [intentionally omitted].

(viii) A DOTE street opening permit, obtained by a DOTE licensed street contractor, is required for all private improvements in the public right-of-way. All improvements in the public right-of-way must be built to City standards, policies and guidelines. Application for permits may be made at Room 425, City Hall, 801 Plum Street.

(ix) Grantee shall supply the City, annually, a copy of its General Commercial Liability Insurance policy showing the City named as "additional insured".

6. Exhibits. The following exhibits are attached hereto and made a part hereof:
Exhibit A – *Legal Description - Benefitted Property*
Exhibit B – *Survey Plat*
Exhibit C – *Easement Plat*

Executed by the parties on the respective date of acknowledgement listed below, effective as the later of such dates (the "**Effective Date**").

CITY OF CINCINNATI

By: _____

Printed Name: _____

Title: _____

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021 by _____, the _____ of the City of Cincinnati, an Ohio municipal corporation, on behalf of the municipal corporation. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

Notary Public
My commission expires: _____

Approved by:

John S. Brazina, Director
Department of Transportation and Engineering

Approved as to Form by:

Assistant City Solicitor

[CBT Signature Page Follows]

ACCEPTED AND AGREED TO BY:

CBT Partners, LLC,
an Ohio limited liability company

By: _____

Printed Name: _____

Title: _____

Date: _____, 2021

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021 by _____, the _____ of **CBT Partners, LLC**, an Ohio limited liability company, on behalf of the company. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

Notary Public
My commission expires: _____

[*MI Signature Page Follows*]

Mehring Investors, LLC,
an Ohio limited liability company

By: _____

Printed Name: _____

Title: _____

Date: _____, 2021

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021 by _____, the _____ of **Mehring Investors, LLC**, an Ohio limited liability company, on behalf of the company. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

Notary Public
My commission expires: _____

This instrument prepared by:
City of Cincinnati Law Department
801 Plum Street, Suite 214
Cincinnati, OH 45202

EXHIBIT A

to Grant of Encroachment Easement

LEGAL DESCRIPTION - BENEFITTED PROPERTY

CBT Property

Description for: 10.2092 Acre Parcel
Location: City of Cincinnati, Ohio

Situated in Section 23, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, being all of Lots 1-7 of Culbertson Park Subdivision (west of Baymiller Street) as recorded in Deed Book V2, Page 3 of the Hamilton County Recorder's Office and being more particularly described as follows:

BEGINNING at the northeast corner of Lot 1 Culbertson Park Subdivision and at the intersection of south line of Mehring Way and the west line of Baymiller Street;

Thence along the west line of Baymiller Street, South 11°22'16" West, 691.13 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 27.06 feet and at 42.06 feet;

Thence along said low water mark the following three (3) courses:

1. North 52°38'07" West, 132.70 feet,
2. North 53°54'20" West, 532.79 feet,
3. North 56°38'41" West, 180.73 feet to the southeast corner of lands conveyed to Cincinnati Bulk Terminals, LLC as recorded in Official Record 12085, Page 1238;

Thence along the east line of Cincinnati Bulk Terminals, LLC, North 33°37'59" East, 587.93 feet to a set MAG nail at the northeast corner of Cincinnati Bulk Terminals, passing a set iron pin at 237.93 feet

Thence along the north line of Cincinnati Bulk Terminals the following three (3) courses:

1. North 52°20'17" West, 115.29 feet to a set MAG nail,
2. North 54°33'29" West, 31.68 feet to a set MAG nail,
3. North 69°41'51" West, 65.09 feet to a set MAG nail at the south east corner of the Baltimore and Ohio Rail Road;

Thence along the east line of the Baltimore and Ohio Railroad, North 33°37'59" East, 28.88 feet to a set iron pin in the aforementioned south line of the Mehring Way;

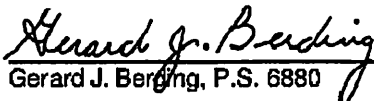
Thence along said south line, South 56°22'01" East, 230.46 feet to a set iron pin AND South 56°10'14" East, 563.17 feet to the **POINT OF BEGINNING**.

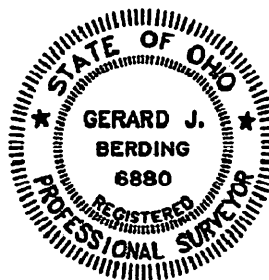
CONTAINING 10.2092 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on March 27, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on March 27 2020.

Being all of those lands conveyed to the City of Cincinnati in Deed Book 212, Page 588, Deed Book 1051, Page 183, Official Record 6432, Page 3205, and Official Record 9099, Page 6041. Further Identified as Auditors Parcels 137—0006-0010, 0012 thru 0030, 0201, 0214, 0236, 0240, 0241 and 0244.

 March 27, 2020
Gerard J. Berding, P.S. 6880 Date



MI Property

Situated in Section 23, Town 4, Fractional Range 1. City Cincinnati, Hamilton County, Ohio and being more particularly described as follows:

BEGINNING at a set iron pin of the southwest terminus of Baymiller Street said pin being South 11° 17' 02' West, 228.86 feet from the intersection of the south right of way line of Avery Street and the west right of way line of Baymiller Street;

Thence along the south line of Baymiller Street South 78° 42' 58" East, 66.00 feet to a set iron pin at the southeast terminus of Baymiller Street and the southwest corner of lands conveyed to CSX Transportation in Official Record 6976, Page M47 of the Hamilton County Recorder's Office:

Thence along the south line of CSX Transportation, South 85° 15' 22" East, 314.54 feet to a set iron pin;

Thence leaving said south line of CSX Transportation along a new division line, South 07° 01' 35" West, 289.76 feet to a set iron pin in the north line of Central Railroad Co. of Indiana;

Thence along the north line of sold Central Railroad Co. of Indiana the following seven (7) courses:

1. North 80° 10' 38" West, 12.26 feet to a set iron pin,
2. North 78° 32' 54" West, 218.01 feet to a set iron pin,
3. along a curve non-tangent to previous course deflecting to the right having a radius of 672.27 feet, an arc length of 98.86 feet, central angle of 08° 25' 31", the chord of so said arc bears North 76° 41' 22" West, 98.77 feet to a set iron pin,
4. North 72° 01' 17" West, 43.69 feet to a set iron pin,

5. along a curve non-tangent to previous course deflecting to the right having a radius of 541.00 feet, an arc length of 126.28 feet, central angle of 13° 22' 25", the chord of said arc bears North 63° 35' 07" West, 125.99 feet to a set iron pin,
6. along a curve deflecting to the right having a radius of 407.00', an arc length of 286.94 feet, central angle of 40° 23' 37", the chord of said arc bears North 37° 43' 33" West, 281.03 feet to a set iron pin,
7. North 16° 53' 43" West, 25.80 feet to a set iron pin;

Thence leaving said line of Central Railroad Co. of Indiana along a new division line, South 85° 15' 34" East, 55.00 feet to a set iron pin in the west line of Pier 66 of Baltimore & Ohio Railroad as recorded in Deed Book 3987, Page 594;

Thence along the lines of said Pier 66 the following three (3) courses:

1. South 38° 49' 02" East, 13.26 feet to a set iron pin,
2. North 51° 10' 58" East, 6.50 feet to a set iron pin,
3. North 38° 49' 02" West, 7.08 feet to a set iron pin.

Thence along a new division line, South 85° 15' 34" East, 66.80 feet to a set iron pin in the west line of Pier 67 of Baltimore & Ohio Railroad as recorded in Deed Book 3987, Page 594;

Thence along the lines of said Pier 67 the following three (3) courses:

1. South 60° 55' 51" East, 18.03 feet to a set iron pin,
2. North 29° 04' 09" East, 5.00 feet to a set iron pin,
3. North 60° 55' 51" West, 6.97 feet to a set iron pin;

Thence along a new division line, South 85° 15' 34" East, 30.69 feet to a set iron pin in the west line of Pier 68 of Baltimore & Ohio Railroad as recorded in Deed Book 3587, Page 594;

Thence along the lines of said Pier 68 the following three (3) courses:

1. South 04° 39' 55" West, 6.16 feet to a set iron pin,
2. South 85° 20' 05" East, 4.83 feet to a set iron pin,
3. North 04° 39' 55" East, 6.16 feet to a set iron pin;

Thence along a new division line, South 85° 15' 34" East, 34.07 feet to a set iron pin in the west line of Pier 69 of Baltimore & Ohio Railroad as recorded in Deed Book 3987, Page 594;

Thence along the west line of said Pier 69 the following three (3) courses:

1. South 05° 20' 28" West, 6.11 feet to a set iron pin,
2. South 84° 39' 32" East, 4.83 feet to a set iron pin,
3. North 05° 20' 28" East, 6.17 feet to a set iron pin,

Thence along a new division line, South 85° 15' 34" East, 31.24 feet to a set iron pin in the west line or lands conveyed to Baltimore & Ohio Railroad as recorded in Deed Book 3987, Page 594;

Thence along the lines of the Baltimore & Ohio Railroad the following three (3) courses:

1. South 11° 17' 02" West, 33.35 feet to a set iron pin,
2. South 79° 34' 58" East, 71.34 feet to a set iron pin,
3. North 11° 17' 02" East, 8.20 feet POINT OF BEGINNING.

CONTAINING 3.6039 Acres, more or less.

The above described parcel being part of Hamilton County Auditor's Parcel 138-0006-0032 as conveyed to Queensgate South Realty, LLC, as recorded in Official Record 11003, Page 484 of the Hamilton County Recorder's Office.

The bearings are based on State Plane Coordinate System, Ohio South Zone (NAD83).

All set iron pins are 5/8" x 30" in size with cap, stamped "G J BERDING SURVEYING INC."

PPN: 138-006-0286

EXHIBIT B

to Grant of Encroachment Easement

Survey Plat

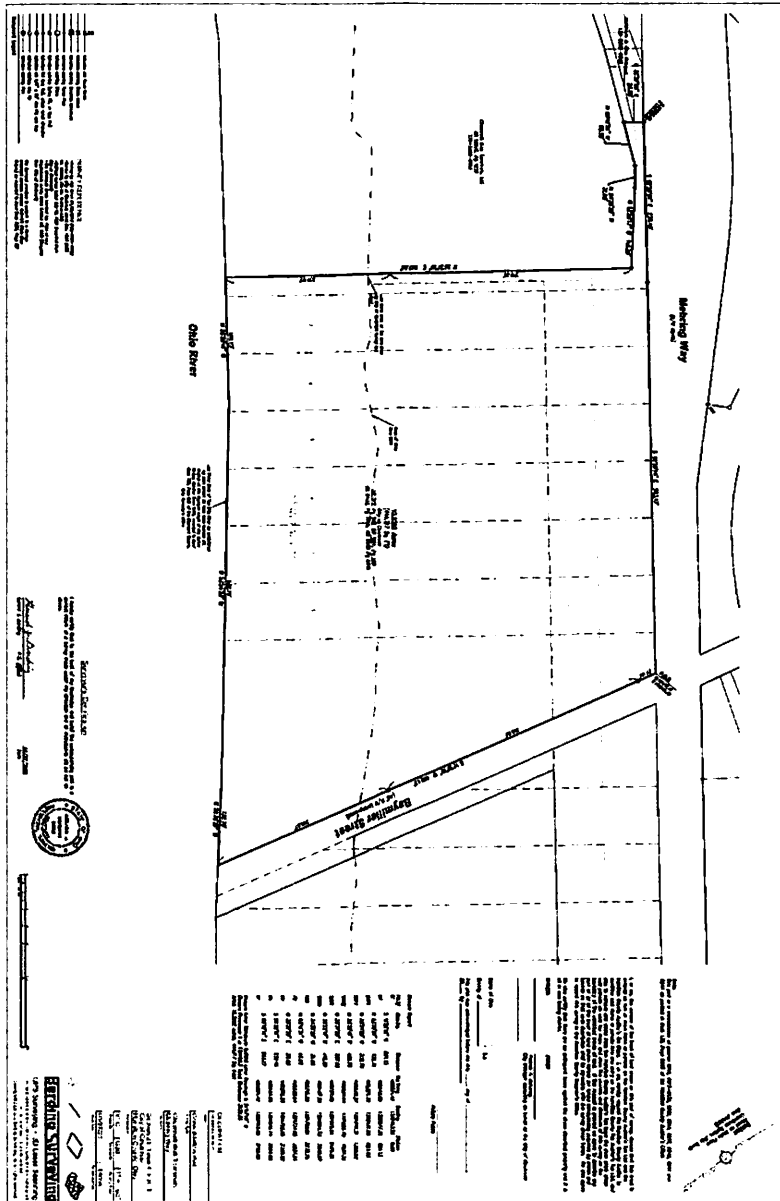
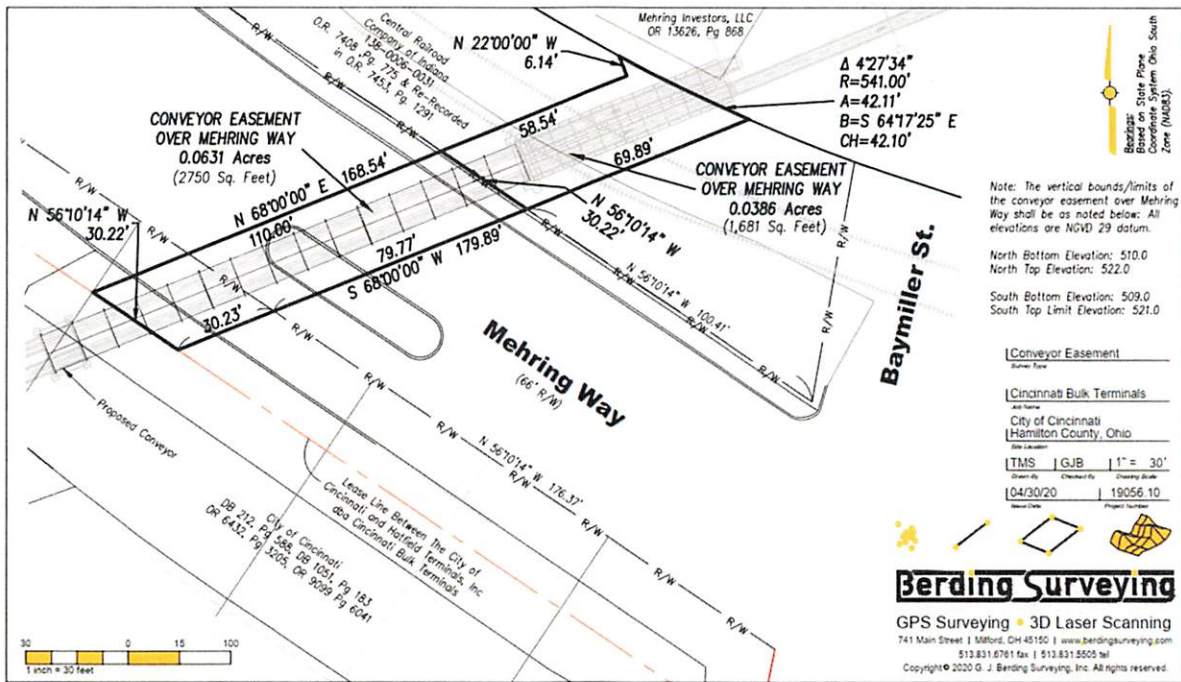


EXHIBIT C

to Grant of Encroachment Easement

Easement Plat



FIRST AMENDMENT TO AMENDED AND RESTATED LEASE AGREEMENT

(Addition of portions of vacated Gest Street and unvacated Baymiller Street to Lease Area)

This First Amendment to Amended and Restated Lease Agreement (this “**Amendment**”) is made and entered into on the Effective Date (as defined on the signature page hereof) by and between the **City of Cincinnati**, an Ohio municipal corporation, the address of which is 801 Plum Street, Cincinnati, OH 45202 (the “**City**”), and **CBT Partners, LLC**, an Ohio limited liability company, the address of which is 895 Mehring Way, Cincinnati, Ohio 45202 (“**Tenant**”).

Recitals:

A. The City and Tenant are parties to an *Amended and Restated Lease Agreement* dated June 18, 2020 (the “**Lease**”), pursuant to which Tenant leases certain City-owned properties located south of Mehring Way and east of the Mill Creek in Cincinnati, as more particularly described on Exhibit A (Lease Area) (the “**Lease Area**”), which Lease Area is under the management and control of the City’s Department of Community and Economic Development (“**DCED**”). Capitalized terms used herein but not defined herein shall have the meanings ascribed to them in the Lease.

B. The City owns approximately 0.8573 acres of property formerly designated as public right of way, commonly known as Gest Street, as more particularly depicted on Exhibit B (Legal Description – Gest Street) hereto (the “**Gest Street Property**”). Cincinnati City Council vacated the Gest Street Property as public right of way by Ordinance No. [_____] – 2021 on [_____] , 2021.

C. The City owns approximately 0.6112 acres of property designated as public right of way, commonly known as Baymiller Street, as more particularly depicted on Exhibit C (Legal Description– Baymiller Street) hereto (the “**Baymiller Street Property**”, and together with the Gest Street Property, the “**Lease Area Expansion Property**”), which Lease Area Expansion Property is under the management of the City’s Department of Transportation and Engineering (“**DOTE**”).

D. Tenant desires to amend the Lease to add the Lease Area Expansion Property to the Lease to expand Tenant’s business operations, as determined solely by the Tenant, provided that such use is in accordance with all applicable laws and such operations do not damage the Lease Area Expansion Property in such a manner that Tenant cannot comply with the maintenance and other obligations contained in the Lease.

E. The City is agreeable to lease to Tenant the Lease Area Expansion Property finding that it is in the vital and best interests of the City and the health, safety, and welfare of its residents, and in accordance with the public purposes and provisions of applicable federal, state and local laws and requirements.

F. The City Manager, in consultation with DOTE, has determined that (i) the Baymiller Street Property, above grade, is not needed for vehicular or pedestrian purposes or any other municipal purpose for the duration of the Lease, (ii) the Gest Street Property is not needed for any municipal purpose for the duration of the Lease, and (iii) leasing the Lease Area Expansion Property to Tenant is not adverse to the City’s retained interest in the Lease Area Expansion Property.

G. The City’s Real Estate Services Division has determined by appraisal that the fair market rental value of the Gest Street Property is approximately **\$3,640** per year, approximately **\$2,595** per year for the Baymiller Street Property, resulting in an aggregate fair market rental value of approximately **\$6,235** per year for the Lease Area Expansion Property, which value Tenant has agreed to pay.

H. The City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the lease of the Lease Area Expansion Property at its meeting on December 18, 2020.

I. Cincinnati City Council authorized the City's execution of the Lease by Ordinance No. 518-2019, passed December 18, 2019. Cincinnati City Council authorized the City's execution of this Amendment by Ordinance No. [____]-2021, passed [____], 2021.

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

1. **Grant.** The City does hereby lease the Lease Area Expansion Property to Tenant, and Tenant does hereby lease the Lease Area Expansion Property from the City, on the terms and conditions set forth in the Lease, as hereby amended. The rights herein granted to Tenant are subject and subordinate to any and all existing covenants, easements, restrictions and other matters of record affecting the Lease Area Expansion Property as of the Effective Date. The City makes no representations or warranties to Tenant concerning the physical condition of the Lease Area Expansion Property or the condition of the City's title to the Lease Area Expansion Property and, on the Effective Date (defined below), Tenant shall accept the Lease Area Expansion Property in "as is" condition.

2. **Exhibit A-1.** Exhibit A (*Legal Description*) to the Lease is hereby amended by deleting Exhibit A to the Lease and substituting in its place Exhibit A-1 (*Legal Description of Lease Area as Amended*) attached hereto. All references within the Lease to Exhibit A shall be read to refer to Exhibit A-1 on and after the Effective Date. Any reference in the Lease to the Property shall be deemed to include all of the real property described in Exhibit A-1, including but not limited to the Lease Area Expansion Property, as applicable.

3. **Rent.** Section 3 of the Lease entitled "Rent" is hereby amended and restated in its entirety to read as follows:

3. **Rent.**

(A) **Rent.** Tenant shall pay an annual rent of \$396,235 in four quarterly payments of \$99,058.75 each for the first five years of the Term (the "**Base Rent**"). Base Rent for the first year of the Term shall be prorated with the Existing Leases. The Base Rent shall increase at the end of the fifth year of the Term and every five years thereafter by a percentage equal to the percentage increase of the Consumer Price Index for All Urban Consumers published by the U.S. Department of Labor ("**CPI**") with respect to such five year period (the "**Adjusted Rent**" together with Base Rent, collectively, "**Rent**"). In no event shall there be a reduction of Rent as a result of changes to CPI. Rent shall be paid in advance on June 1, September 1, December 1, and March 1 of each year of the Term.

(B) **Late Payment.** If any payment owed by Tenant hereunder is not received by the City within five (5) days after the due date, Tenant shall pay the City a late charge equal to five percent (5%) of the amount past due, together with interest on the past due amount, until paid, at an annual rate of ten percent. If the Term of this Lease is terminated for any reason prior to the end of any given quarter for which Rent has been paid, the City shall not be required to refund any portion of the prepaid Rent for such period. All payments shall be made by check payable to the "City of Cincinnati-Treasurer" and mailed to: City of Cincinnati, 801 Plum Street, Cincinnati, Ohio 45202, Attention: Real Estate, or to such other address as the City may from time to time designate in writing.

4. Additional Conditions from City's Coordinated Report (CR #42-2020). Tenant acknowledges that it has received a copy of and must satisfy any and all conditions set forth in, the City Coordinated Report #42-2020, as such conditions apply to the Lease Area Expansion Property, including without limitation the following:

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

(i) MSDGC access shall be maintained at all times for the operations and maintenance of MSDGC sewers and structures within right-of-way ("**ROW**"), ROW, and outside ROW areas within or near the proposed construction area. This includes MSDGC Combined Sewer Overflow structures and their outfalls to the Ohio River (CSO 435 and CSO 436 -Four (4) located near the proposed construction area. MSDGC will need to be notified prior to the start of project construction activities to coordinate MSDGC CSO inspection and maintenance activities and any scheduled sewer maintenance activities.

(ii) Several sewers exist in the area. Permanent easements shall be reserved for sewers existing within ROW planned to be vacated, centered over the existing sewer. Easement width will need to be determined at a later date. Note, an additional 3' clearance on either side of the permanent easement will be required, along with other MSDGC restrictions, as outlined per MSDGC Rules and Regulation Section 207. No structure which can interfere with the access to the public sewer or can exert loading upon a public sewer will be allowed per MSDGC Rules and Regulation Section 206.

(iii) A MSDGC Excavation/Fill permit as well as bond will be necessary for any construction, construction traffic, earthwork, or any other construction activity over existing sewers and within the project's construction area prior to construction. Additional requirements will be established by the permit (such as verification and usage of existing or abandoned building services to sewers through dye testing, pre- and post- construction CCTVing, etc) depending on the final project plan. No additional loading may be exerted on existing MSDGC sewers as the result of structures being proposed and geotechnical/structural design calculations will be required for MSDGC review.

(iv) Project plans should be submitted to MSDGC through the utility review process during the Project's planning and design phases. Comments provided herein in response to this CR herein do not necessarily constitute a utility, design, or permit review. Contact MSDUtilityReview@cincinnati-oh.gov for existing combined or sanitary sewer information. Additionally: [a] Minimum clearance from existing ground surfaces to any proposed overhead structure is 13.5.' At locations where proposed overhead structures cross over existing MSDGC sewers and structures, sections of proposed overhead structure and conveyor system should be designed as removable to address sewer maintenance or repair activities necessitating excavation and shoring activities, and [b] drawings should show in plan and profile the relation of proposed overhead structures, columns, foundations, footers, piers, pile caps, or piles and any other permanent structure proposed with dimensions and elevations in relation to existing sewers.

(B) **Greater Cincinnati Water Works:**

(i) Tenant must protect and maintain the integrity of the public water main, fire hydrant and water service branch located on, under, and across the Baymiller Street Property.

(ii) No building, structure or improvement of any kind shall be made to the Property which will interfere with access to or operation of the existing water main located on, under, and across the Baymiller Street Property. The City of Cincinnati, Ohio shall not be responsible to any present or future tenants of the Property or present or future holders of rights

of ingress and egress over the Baymiller Street Property for reason of entering for constructing, maintaining or replacing the water mains. Further, the City of Cincinnati, Ohio shall not be responsible to any present or future tenants of the Property or future holders of rights of ingress and egress over the Baymiller Street Property for any damages which result from disruption or denial of said rights of ingress and egress or other rights of access by reason of entering for constructing, maintaining, or replacing the water main. No grade changes of any kind over any part of the full width profile of the Baymiller Street Property are permitted at any time so not to impact any present or future Greater Cincinnati Water Works operations. The full width of the Baymiller Street Property must be accessible to the Water Works at all times for future maintenance and operation purposes. Any damage to the existing 6" water main, public fire hydrant or the active water service branch, as a result of the construction within the Baymiller Street Property, would be repaired at project expense and at no cost to the Greater Cincinnati Water Works. The petitioner's contractor must contact OUPS to have the water main field located and marked. Any questions regarding the OUPS requested should be directed to Greater Cincinnati Water Works.

(C) **Duke Energy:**

(i) Duke Energy Land Services has an overhead 138 KV and 69KV transmission conductor all along the Property. Duke Energy Land Services must maintain access to such facilities at all times.

(ii) Duke Energy Gas has IP main along Mehring Way and the Gest Street Property, and Duke Energy Gas must maintain access to such facilities at all times.

(D) **Cincinnati Bell Telephone:** All existing underground telephone facilities at the Property must remain in place, in service, and able to be accessed. Any damage to such facilities or any work done to relocate such facilities as a result of the construction of the Improvements or the Lease shall be done at Tenant's sole cost and expense.

(E) **Department of Transportation and Engineering:**

(i) Access must be given to all utilities, Fire, Police and emergency equipment at all times.

(ii) No permanent removal, or construction of any permanent structure or utility may take place in the right-of-way without written permission from the City or utility company, and shall be consistent with drawings approved by DOTE.

(iii) [intentionally omitted]

(iv) [intentionally omitted]

(v) [intentionally omitted]

(vi) [intentionally omitted]

(vii) [intentionally omitted]

(viii) All barriers must be removed at the end or termination of the lease and the right of way restored to its original condition.

(ix) The City reserves the right to revoke the lease of the Baymiller Street Property for any municipal purpose.

(x) Gates shall be used if the Baymiller Street Property is to be closed to

general pedestrian traffic. Plans must be submitted to and approved by DOTE showing the location of the gates in relation to street fixtures and right-of-way line. Manufacturer's details of the gates and locking mechanism, provided with key locking from the outside and "panic" hardware on the inside, must be included with the plans.

(xi) A DOTE street opening permit, obtained by a DOTE licensed street contractor, is required for all private improvements in the public right-of-way. All improvements in the public right-of-way must be built to City standards, policies and guidelines. Application for permits may be made at Room 425, City Hall, 801 Plum Street.

(xii) Tenant shall supply the City, annually, a copy of its General Commercial Liability Insurance policy showing the City named as "additional insured".

5. Ratification. All terms of the Lease not amended hereby or not inconsistent herewith shall remain in full force and effect, and the Lease, as amended hereby, is hereby ratified by the parties.

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

Exhibit A – *Legal Description of Original Lease Area*

Exhibit A-1 – *Legal Description of Lease Area as Amended*

Exhibit B – *Legal Description Gest Street*

Exhibit C – *Legal Description Baymiller Street*

[*Intentional Blank Space; Signature Pages Follow*]

CITY OF CINCINNATI,
an Ohio municipal corporation

By: _____

Printed name: _____

Title: _____

Date: _____, 2021

STATE OF OHIO)
) SS:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me on the ____ day of _____, 2021, by _____, the _____ of the City of Cincinnati, an Ohio municipal corporation, on behalf of and for the municipal corporation. This is an acknowledgement. No oath or affirmation was administered to the signer with regard to notarial act certified hereby.

Notary Public

My commission expires: _____

Recommended By:

Markiea Carter, Director
Department of Community and Economic Development

Approved By:

John Brazina, Director
Department of Transportation and Engineering

Approved as to Form:

Assistant City Solicitor

Certified Date: _____
Fund/Code: _____
Amount: _____
By: _____
Karen Alder, City Finance Director

EXHIBIT A
to
First Amendment to Amended and Restated Lease Agreement

LEGAL DESCRIPTION OF ORIGINAL LEASE AREA

I. Parcel I

Description for: 10.2092 Acre Parcel
Location: City of Cincinnati, Ohio

Situated in Section 23, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, being all of Lots 1-7 of Culbertson Park Subdivision (west of Baymiller Street) as recorded in Deed Book V2, Page 3 of the Hamilton County Recorder's Office and being more particularly described as follows:

BEGINNING at the northeast corner of Lot 1 Culbertson Park Subdivision and at the intersection of south line of Mehring Way and the west line of Baymiller Street;

Thence along the west line of Baymiller Street, South 11°22'16" West, 691.13 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 27.06 feet and at 42.06 feet;

Thence along said low water mark the following three (3) courses:

1. North 52°38'07" West, 132.70 feet,
2. North 53°54'20" West, 532.79 feet,
3. North 56°38'41" West, 180.73 feet to the southeast corner of lands conveyed to Cincinnati Bulk Terminals, LLC as recorded in Official Record 12085, Page 1238;

Thence along the east line of Cincinnati Bulk Terminals, LLC, North 33°37'59" East, 587.93 feet to a set MAG nail at the northeast corner of Cincinnati Bulk Terminals, passing a set iron pin at 237.93 feet

Thence along the north line of Cincinnati Bulk Terminals the following three (3) courses:

1. North 52°20'17" West, 115.29 feet to a set MAG nail,
2. North 54°33'29" West, 31.68 feet to a set MAG nail,
3. North 69°41'51" West, 65.09 feet to a set MAG nail at the south east corner of the Baltimore and Ohio Rail Road;

Thence along the east line of the Baltimore and Ohio Railroad, North 33°37'59" East, 28.88 feet to a set iron pin in the aforementioned south line of the Mehring Way;

Thence along said south line, South 56°22'01" East, 230.46 feet to a set iron pin AND South 56°10'14" East, 563.17 feet to the **POINT OF BEGINNING**.

CONTAINING 10.2092 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on March 27, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on March 27 2020.

Being all of those lands conveyed to the City of Cincinnati in Deed Book 212, Page 588, Deed Book 1051, Page 183, Official Record 6432, Page 3205, and Official Record 9099, Page 6041. Further Identified as Auditors Parcels 138—0006-0010, 0012 thru 0030, 0201, 0214, 0236, 0240, 0241 and 0244.

II. Parcel II

Description for: 1.3483 Acre Parcel

Location: City of Cincinnati, Ohio

Situated in Section 23, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, being all of Lots 50-52 of Yeatman and Anderson's Subdivision as recorded in Deed Book 39, Page 554 of the Hamilton County Recorder's Office and being more particularly described as follows:

BEGINNING at the northwest corner of Lot 50 of Yeatman and Anderson's Subdivision and at the intersection of south line of Mehring Way and the East line of Gest Street;

Thence along the south line of Mehring Way, South 56°10'14" East, 91.00 feet to the northeast corner of Lot 52 of Yeatman and Anderson's Subdivision;

Thence leaving said south line along the east line of said lot 52, South 33°49'46" West, 644.20 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 25.00 feet and at 380.00 feet;

Thence along said low water mark, North 57°39'48" West, 91.03 feet the aforementioned east line of Gest Street;

Thence leaving said low water mark along the east line of Gest Street, North 33°49'46" East, 646.57 feet to the **POINT OF BEGINNING**, passing a set iron pin at 266.57 and at 621.57 feet.

CONTAINING 1.3483 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on March 27, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on March 27 2020

Being all of those lands conveyed to the City of Cincinnati in Official Record 6432, Page 3205 of the Hamilton County Recorder's Office. Further Identified Auditors Parcels 137-0002-0141 thru 0143.

III. Parcel III

Description for: 13.3723 Acre Parcel

Location: City of Cincinnati, Ohio

Situated in Section 23, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, being all of Lots 40-49 of Yeatman and Anderson's Subdivision as recorded in Deed Book 39, Page 554 and being all of Lots 1-9 of Culbertson Park Subdivision as recorded in Deed Book V2, Page 3 of the Hamilton County Recorder's Office and being more particularly described as follows:

BEGINNING at the northwest corner of Lot 9 of Culbertson Park Subdivision and at the intersection of south line of Mehring Way and the east line of Baymiller Street;

Thence along the south line of Mehring Way, South 56°10'14" East, 1033.94 feet to the northeast corner of Lot 49 of Yeatman & Anderson's Subdivision and at the intersection of the south line of Mehring Way and the west line of Gest Street;

Thence leaving said south line along said west line of Gest Street, South 33°49'46" West, 648.19 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 25.00 feet and at 385.00 feet;

Thence along said low water mark the following three courses:

1. North 57°39'48" West, 91.85 feet,
2. North 55°31'35" West, 647.09 feet,
3. North 52°38'07" West, 29.99 feet to the aforementioned east line of Baymiller Street;

Thence along the east line of Baymiller, North 11°22'16" East, 694.10 feet to the **POINT OF BEGINNING**, passing a set iron pin at 264.10 and at 667.05 feet.

CONTAINING 13.3723 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on March 27, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on March 27 2020.

Being all of those lands conveyed to the City of Cincinnati in Deed Book 212, Page 588, Deed Book 212, Page 590, Deed Book 1051, Page 183, Deed Book 3362, Page 769, Deed Book 3452, Page 585, Deed Book 3973, Page 314, Official Record 6432, Page 3205, Official Record 6696, Page 397, Official Record 6937, Page 2359, Official Record 8281, Page 1774 and Official Record 8679, Page 3417 of the Hamilton County Recorder's Office. Further Identified Auditors Parcels 137-0002-0103 thru 0140, 0152 thru 0154 and 0156.

IV. Parcel IV

Description for: 5.9983 Acre Parcel

Location: City of Cincinnati, Ohio

Situated in Section 23, 24, 29 and 30, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, and being more particularly described as follows:

COMMENCING at a point in the north line of lands conveyed to the Port of Cincinnati as recorded in Official Record 13178, Page 1750 of the Hamilton County Recorder's Office and at the intersection of the south line of Mehring Way and the west line of vacated Harriet Street; Thence along south line of Mehring Way the following six (6) courses: 1) North 07°07'47" East, 17.65 feet, 2) North 57°14'13" West, 83.14 feet, 3) South 07°07'47" West, 6.51 feet, 4) North 57°08'13" West, 66.52 feet, 5) North 71°32'13" West, 1042.94 feet, 5) North 58°52'07" West, 5.34 feet; Thence leaving said south line South 15°24' 45" West, 24.37 feet to a point in the east line of Cincinnati Southern Railroad Company; Thence leaving said east line North 64°17'03" West, 55.90 feet to a set iron pin in the west line of Cincinnati Southern Railroad Company and the **POINT OF BEGINNING**;

Thence along said west line, South 15°24'45" West, 378.23 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 150.00 feet;

Thence along said low water mark the following three (3) courses:

1. North 69°24'02" West, 186.37 feet,
2. North 75°55'57" West, 443.45 feet,
3. North 82°10'53" West, 38.10 feet to the southeast corner of lands conveyed to River Container Concepts as recorded in Official Record 11848, Page 1498 of the Hamilton County Recorder's Office;

Thence leaving said south line along the east line of River Container Concepts, North 11°33'40" East, 322.95 feet AND North 18°31'40" East, 87.38 feet to the south line of the Baltimore & Ohio Railroad;

Thence along the south line of the Baltimore & Ohio Railroad, South 71°54'15" East, 679.87 feet to a set iron pin, passing a set iron pin at 102.00 feet AND South 64°17'03" East, 4.59 feet to the **POINT OF BEGINNING**.

CONTAINING 5.9983 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on March 27, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on March 27 2020.

Being all of those lands conveyed to the City of Cincinnati in Deed Book 147, Page 6, Deed Book 140, Page 3 and Deed Book 1900, Page 155 of the Hamilton County Recorder's Office. Further Identified as Auditors Parcels 141-0006-0014, 0023, and 0034.

V. Parcel V

Description for: 2.6732 Acre Parcel
Location: City of Cincinnati, Ohio

Situated in Section 23, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, and being more particularly described as follows:

COMMENCING at the intersection of the south line of Mehring Way and the south line of vacated West Fifth Street extended, thence South 33°37' 59" West, 103.57 feet to a set iron pin at the northwest corner of lands conveyed to Cincinnati Bulk Terminals, LLC as recorded in Official Record 12085, Page 1238 of the Hamilton County Recorder's Office and the **POINT OF BEGINNING**;

Thence along the west line of Cincinnati Bulk Terminals, LLC, South 33°37'59" West, 519.04 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 250.00 feet;

Thence along said low water mark, North 56°37'26" West, 117.68 feet to the south east corner of lands conveyed to CBT Acquisition, LLC as recorded in Official Record 9113, Page 5228;

Thence along the east line of CBT Acquisition, LLC, North 06°48'01" East, 511.63 feet to a set cross notch at the north east corner of CBT Acquisition, LLC and in the south line of the Baltimore & Ohio Railroad, passing a set iron pin at 306.63 feet;

Thence along the south line of the Baltimore & Ohio Railroad along a curve non-tangent to previous course deflecting to the left having a radius of 3887.00 feet, an arc length of 354.40 feet, central angle of 05°13'26", the chord of said arc bears South 66°36'52" East, 354.28 feet to the **POINT OF BEGINNING**.

CONTAINING 2.6732 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on March 27, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on March 27 2020.

Being all of those lands conveyed to the City of Cincinnati in Deed Book 212, Page 588, and Deed Book 1051, Page 183 of the Hamilton County Recorder's Office. Further Identified as Auditors Parcels 138-0004-0270, 0278 and 0281.

VI. Parcel VI

Description for: 9.2421 Acre Parcel

Location: City of Cincinnati, Ohio

Situated in Section 23 and 24, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, being part of Lots 21-29 of Israel Ludlow Subdivision as recorded in Deed Book R2, Page 9 of the Hamilton County Recorder's Office and being more particularly described as follows:

BEGINNING a set cross notch at the intersection of the south line of Mehring Way with the west line of vacate Harriet Street and in the north line of lands conveyed to the Port of Cincinnati as recorded in Official Record 13178, Page 1750;

Thence along said north line the following three (3) courses:

1. North 59°17'19" West, 81.79 feet to a set iron pin,
2. North 66°34'49" West, 65.23 feet to a set iron pin,
3. North 71°32'13" West, 127.91 feet to a set iron pin in at the northwest corner of Port of Cincinnati

Thence along the west line of Port of Cincinnati, South 07°07'47" West, 501.41 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 200.00 feet;

Thence along said low water mark the following four (4) courses:

1. North 61°58'39" West, 356.46 feet,
2. North 64°57'10" West, 218.51 feet,
3. North 63°15'23" West, 190.93 feet,
4. North 69°24'02" West, 211.77 feet;

Thence leaving said low water mark, North 15°24'47" East, 372.51 feet, to a set iron pine in the south line the Baltimore & Ohio Railroad, passing a set iron pin at 242.51 feet;

Thence along the south and east line of the Baltimore & Ohio Railroad, South 71°32'13" East, 242.83 feet to a set iron pin AND North 07°07'47" East, 25.51 feet to a set iron pin in the aforementioned south line of Mehring Way;

Thence along said south line, South 71°32'13" East, 129.52 feet to a set iron pin in the west line of the Baltimore & Ohio Railroad;

Thence along the west, south and east lines of Baltimore & Ohio Railroad the following three (3) courses:

1. South 07°07'47" West, 25.51 feet to a set iron pin,
2. South 71°32'13" East, 259.04 feet to a set iron pin,
3. North 07°07'47" East, 25.51 feet to a set iron pin in the aforementioned south line of Mehring Way;

Thence along said south line the following five (5) courses:

1. South 71°32'13" East, 389.69 feet to a set iron pin,
2. South 57°08'13" East, 66.52 feet to set iron pin,
3. North 07°07'47" East, 6.51 feet to a set iron pin,
4. South 57°14'13" East, 83.14 feet to a set cross notch,
5. South 07°07'47" West, 17.65 feet to the **POINT OF BEGINNING**

CONTAINING 9.2421 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on March 27, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on March 27 2020.

Being all of those lands conveyed to the City of Cincinnati in Deed Book 212, Page 588, Deed Book 1051, Page 183, Deed Book 2219, Page 587, Registered Land Document 60695 (RL Cert 14910) and Official Record 9688, Page 3066 of the Hamilton County Recorder's Office. Further Identified as part of Auditors Parcels 140-0003-00120, 0123, 0124, 0131-0133, 0154, 0162 and 0163.



VII. Parcel VII

Description for: 3.0133 Acre Parcel

Location: City of Cincinnati, Ohio

Situated in Section 23, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, and being more particularly described as follows:

COMMENCING at point in the north line of lands conveyed to Port of Cincinnati as recorded in Official Record 13178, Page 1750 of the Hamilton County Recorder's Office and at the intersection of the south line of Mehring Way and the east line of vacated Harriet Street; Thence along south line of Mehring Way, South 57°04'25" East, 88.18 feet to a set cross notch and the **POINT OF BEGINNING**;

Thence along said south line, South 57°04'25" East, 50.49 feet to a set cross notch AND South 60°42'49" East, 158.21 feet to a set cross notch in the west line of the Baltimore & Ohio Railroad;

Thence along the west and south line of Baltimore & Ohio Railroad the following three (3) courses:

1. South 06°48'01" West, 15.19 feet to a set cross notch,
2. South 58°48'17" East, 138.57 feet to a set cross notch,
3. along a curve non-tangent to previous course deflecting to the left having a radius of 3887.00 feet, an arc length of 276.97 feet, central angle of 04°04'58" the chord of said arc bears South 60°57'16" East, 276.92 feet to a set cross notch at the northwest corner of lands conveyed to CBT Acquisitions, LLC as recorded in Official Record 9113, Page 5228;

Thence South 06°48'01" West, 507.42 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 198.00 feet;

Thence along said low water mark, North 60°35'18" West, 277.65 feet to the southeast corner of lands conveyed to GMS Acquisition Corp., LLC as recorded in Official Record 9687, Page 447;

Thence along the east line of GMS Acquisition Corp., LLC, North 06°48'01" East, 499.53 feet to a set cross notch at the north east corner of said GMS Acquisition Corp., LLC, passing a set iron pin at 342.53 feet;

Thence along the north line of said GMS Acquisition Corp., LLC along a curve non-tangent to previous course deflecting to the right having a radius of 1161.28 feet, an arc length of 83.93 feet, central angle of 04°08'28", the chord of said arc bears North 57°53'19" West, 83.91 feet to a set cross notch AND North 55°49'06" West, 272.37 feet to the **POINT OF BEGINNING**.

CONTAINING 3.0133 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on March 27, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on March 27 2020.

Being all of those lands conveyed to the City of Cincinnati in Deed Book 212, Page 588, Deed Book 1051, Page 183, Deed Book 2441, Page 572, Deed Book 2219, Page 627 and Deed Book 2441, Page 241 of the Hamilton County Recorder's Office. Further Identified as Auditors Parcels 140-0001-0003 and 0186 thru 0188 and Parcels 138-0004-0277 and 0282.

EXHIBIT A-1

to

First Amendment to Amended and Restated Lease Agreement

LEGAL DESCRIPTION OF LEASE AREA AS AMENDED

I. Parcel I

Description for: 10.2092 Acre Parcel

Location: City of Cincinnati, Ohio

Situated in Section 23, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, being all of Lots 1-7 of Culbertson Park Subdivision (west of Baymiller Street) as recorded in Deed Book V2, Page 3 of the Hamilton County Recorder's Office and being more particularly described as follows:

BEGINNING at the northeast corner of Lot 1 Culbertson Park Subdivision and at the intersection of south line of Mehring Way and the west line of Baymiller Street;

Thence along the west line of Baymiller Street, South 11°22'16" West, 691.13 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 27.06 feet and at 42.06 feet;

Thence along said low water mark the following three (3) courses:

1. North 52°38'07" West, 132.70 feet,
2. North 53°54'20" West, 532.79 feet,
3. North 56°38'41" West, 180.73 feet to the southeast corner of lands conveyed to Cincinnati Bulk Terminals, LLC as recorded in Official Record 12085, Page 1238;

Thence along the east line of Cincinnati Bulk Terminals, LLC, North 33°37'59" East, 587.93 feet to a set MAG nail at the northeast corner of Cincinnati Bulk Terminals, passing a set iron pin at 237.93 feet

Thence along the north line of Cincinnati Bulk Terminals the following three (3) courses:

1. North 52°20'17" West, 115.29 feet to a set MAG nail,
2. North 54°33'29" West, 31.68 feet to a set MAG nail,
3. North 69°41'51" West, 65.09 feet to a set MAG nail at the south east corner of the Baltimore and Ohio Rail Road;

Thence along the east line of the Baltimore and Ohio Railroad, North 33°37'59" East, 28.88 feet to a set iron pin in the aforementioned south line of the Mehring Way;

Thence along said south line, South 56°22'01" East, 230.46 feet to a set iron pin AND South 56°10'14" East, 563.17 feet to the **POINT OF BEGINNING**.

CONTAINING 10.2092 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on March 27, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on March 27 2020.

Being all of those lands conveyed to the City of Cincinnati in Deed Book 212, Page 588, Deed Book 1051, Page 183, Official Record 6432, Page 3205, and Official Record 9099, Page 6041. Further Identified as Auditors Parcels 138—0006-0010, 0012 thru 0030, 0201, 0214, 0236, 0240, 0241 and 0244.

II. Parcel II

Description for: 1.3483 Acre Parcel

Location: City of Cincinnati, Ohio

Situated in Section 23, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, being all of Lots 50-52 of Yeatman and Anderson's Subdivision as recorded in Deed Book 39, Page 554 of the Hamilton County Recorder's Office and being more particularly described as follows:

BEGINNING at the northwest corner of Lot 50 of Yeatman and Anderson's Subdivision and at the intersection of south line of Mehring Way and the East line of Gest Street;

Thence along the south line of Mehring Way, South 56°10'14" East, 91.00 feet to the northeast corner of Lot 52 of Yeatman and Anderson's Subdivision;

Thence leaving said south line along the east line of said lot 52, South 33°49'46" West, 644.20 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 25.00 feet and at 380.00 feet;

Thence along said low water mark, North 57°39'48" West, 91.03 feet the aforementioned east line of Gest Street;

Thence leaving said low water mark along the east line of Gest Street, North 33°49'46" East, 646.57 feet to the **POINT OF BEGINNING**, passing a set iron pin at 266.57 and at 621.57 feet.

CONTAINING 1.3483 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on March 27, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on March 27 2020

Being all of those lands conveyed to the City of Cincinnati in Official Record 6432, Page 3205 of the Hamilton County Recorder's Office. Further Identified Auditors Parcels 137-0002-0141 thru 0143.

III. Parcel III

Description for: 13.3723 Acre Parcel

Location: City of Cincinnati, Ohio

Situated in Section 23, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, being all of Lots 40-49 of Yeatman and Anderson's Subdivision as recorded in Deed Book 39, Page 554 and being all of Lots 1-9 of Culbertson Park Subdivision as recorded in Deed Book V2, Page 3 of the Hamilton County Recorder's Office and being more particularly described as follows:

BEGINNING at the northwest corner of Lot 9 of Culbertson Park Subdivision and at the intersection of south line of Mehring Way and the east line of Baymiller Street;

Thence along the south line of Mehring Way, South 56°10'14" East, 1033.94 feet to the northeast corner of Lot 49 of Yeatman & Anderson's Subdivision and at the intersection of the south line of Mehring Way and the west line of Gest Street;

Thence leaving said south line along said west line of Gest Street, South 33°49'46" West, 648.19 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 25.00 feet and at 385.00 feet;

Thence along said low water mark the following three courses:

1. North 57°39'48" West, 91.85 feet,
2. North 55°31'35" West, 647.09 feet,
3. North 52°38'07" West, 29.99 feet to the aforementioned east line of Baymiller Street;

Thence along the east line of Baymiller, North 11°22'16" East, 694.10 feet to the **POINT OF BEGINNING**, passing a set iron pin at 264.10 and at 667.05 feet.

CONTAINING 13.3723 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on March 27, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on March 27 2020.

Being all of those lands conveyed to the City of Cincinnati in Deed Book 212, Page 588, Deed Book 212, Page 590, Deed Book 1051, Page 183, Deed Book 3362, Page 769, Deed Book 3452, Page 585, Deed Book 3973, Page 314, Official Record 6432, Page 3205, Official Record 6696, Page 397, Official Record 6937, Page 2359, Official Record 8281, Page 1774 and Official Record 8679, Page 3417 of the Hamilton County Recorder's Office. Further Identified Auditors Parcels 137-0002-0103 thru 0140, 0152 thru 0154 and 0156.

IV. Parcel IV

Description for: 5.9983 Acre Parcel

Location: City of Cincinnati, Ohio

Situated in Section 23, 24, 29 and 30, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, and being more particularly described as follows:

COMMENCING at a point in the north line of lands conveyed to the Port of Cincinnati as recorded in Official Record 13178, Page 1750 of the Hamilton County Recorder's Office and at the intersection of the south line of Mehring Way and the west line of vacated Harriet Street; Thence along south line of Mehring Way the following six (6) courses: 1) North 07°07'47" East, 17.65 feet, 2) North 57°14'13" West, 83.14 feet, 3) South 07°07'47" West, 6.51 feet, 4) North 57°08'13" West, 66.52 feet, 5) North 71°32'13" West, 1042.94 feet, 5) North 58°52'07" West, 5.34 feet; Thence leaving said south line South 15°24' 45" West, 24.37 feet to a point in the east line of Cincinnati Southern Railroad Company; Thence leaving said east line North 64°17'03" West, 55.90 feet to a set iron pin in the west line of Cincinnati Southern Railroad Company and the **POINT OF BEGINNING**;

Thence along said west line, South 15°24'45" West, 378.23 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 150.00 feet;

Thence along said low water mark the following three (3) courses:

1. North 69°24'02" West, 186.37 feet,
2. North 75°55'57" West, 443.45 feet,
3. North 82°10'53" West, 38.10 feet to the southeast corner of lands conveyed to River Container Concepts as recorded in Official Record 11848, Page 1498 of the Hamilton County Recorder's Office;

Thence leaving said south line along the east line of River Container Concepts, North 11°33'40" East, 322.95 feet AND North 18°31'40" East, 87.38 feet to the south line of the Baltimore & Ohio Railroad;

Thence along the south line of the Baltimore & Ohio Railroad, South 71°54'15" East, 679.87 feet to a set iron pin, passing a set iron pin at 102.00 feet AND South 64°17'03" East, 4.59 feet to the **POINT OF BEGINNING**.

CONTAINING 5.9983 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on March 27, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on March 27 2020.

Being all of those lands conveyed to the City of Cincinnati in Deed Book 147, Page 6, Deed Book 140, Page 3 and Deed Book 1900, Page 155 of the Hamilton County Recorder's Office. Further Identified as Auditors Parcels 141-0006-0014, 0023, and 0034.

V. Parcel V

Description for: 2.6732 Acre Parcel
Location: City of Cincinnati, Ohio

Situated in Section 23, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, and being more particularly described as follows:

COMMENCING at the intersection of the south line of Mehring Way and the south line of vacated West Fifth Street extended, thence South 33°37' 59" West, 103.57 feet to a set iron pin at the northwest corner of lands conveyed to Cincinnati Bulk Terminals, LLC as recorded in Official Record 12085, Page 1238 of the Hamilton County Recorder's Office and the **POINT OF BEGINNING**;

Thence along the west line of Cincinnati Bulk Terminals, LLC, South 33°37'59" West, 519.04 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 250.00 feet;

Thence along said low water mark, North 56°37'26" West, 117.68 feet to the south east corner of lands conveyed to CBT Acquisition, LLC as recorded in Official Record 9113, Page 5228;

Thence along the east line of CBT Acquisition, LLC, North 06°48'01" East, 511.63 feet to a set cross notch at the north east corner of CBT Acquisition, LLC and in the south line of the Baltimore & Ohio Railroad, passing a set iron pin at 306.63 feet;

Thence along the south line of the Baltimore & Ohio Railroad along a curve non-tangent to previous course deflecting to the left having a radius of 3887.00 feet, an arc length of 354.40 feet, central angle of 05°13'26", the chord of said arc bears South 66°36'52" East, 354.28 feet to the **POINT OF BEGINNING**.

CONTAINING 2.6732 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on March 27, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on March 27 2020.

Being all of those lands conveyed to the City of Cincinnati in Deed Book 212, Page 588, and Deed Book 1051, Page 183 of the Hamilton County Recorder's Office. Further Identified as Auditors Parcels 138-0004-0270, 0278 and 0281.

VI. Parcel VI

Description for: 9.2421 Acre Parcel
Location: City of Cincinnati, Ohio

Situated in Section 23 and 24, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, being part of Lots 21-29 of Israel Ludlow Subdivision as recorded in Deed Book R2, Page 9 of the Hamilton County Recorder's Office and being more particularly described as follows:

BEGINNING a set cross notch at the intersection of the south line of Mehring Way with the west line of vacate Harriet Street and in the north line of lands conveyed to the Port of Cincinnati as recorded in Official Record 13178, Page 1750;

Thence along said north line the following three (3) courses:

1. North 59°17'19" West, 81.79 feet to a set iron pin,
2. North 66°34'49" West, 65.23 feet to a set iron pin,
3. North 71°32'13" West, 127.91 feet to a set iron pin in at the northwest corner of Port of Cincinnati

Thence along the west line of Port of Cincinnati, South 07°07'47" West, 501.41 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 200.00 feet;

Thence along said low water mark the following four (4) courses:

1. North 61°58'39" West, 356.46 feet,
2. North 64°57'10" West, 218.51 feet,
3. North 63°15'23" West, 190.93 feet,
4. North 69°24'02" West, 211.77 feet;

Thence leaving said low water mark, North 15°24'47" East, 372.51 feet, to a set iron pine in the south line the Baltimore & Ohio Railroad, passing a set iron pin at 242.51 feet;

Thence along the south and east line of the Baltimore & Ohio Railroad, South 71°32'13" East, 242.83 feet to a set iron pin AND North 07°07'47" East, 25.51 feet to a set iron pin in the aforementioned south line of Mehring Way;

Thence along said south line, South 71°32'13" East, 129.52 feet to a set iron pin in the west line of the Baltimore & Ohio Railroad;

Thence along the west, south and east lines of Baltimore & Ohio Railroad the following three (3) courses:

1. South 07°07'47" West, 25.51 feet to a set iron pin,
2. South 71°32'13" East, 259.04 feet to a set iron pin,
3. North 07°07'47" East, 25.51 feet to a set iron pin in the aforementioned south line of Mehring Way;

Thence along said south line the following five (5) courses:

1. South 71°32'13" East, 389.69 feet to a set iron pin,
2. South 57°08'13" East, 66.52 feet to set iron pin,
3. North 07°07'47" East, 6.51 feet to a set iron pin,
4. South 57°14'13" East, 83.14 feet to a set cross notch,
5. South 07°07'47" West, 17.65 feet to the **POINT OF BEGINNING**

CONTAINING 9.2421 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on March 27, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on March 27 2020.

Being all of those lands conveyed to the City of Cincinnati in Deed Book 212, Page 588, Deed Book 1051, Page 183, Deed Book 2219, Page 587, Registered Land Document 60695 (RL Cert 14910) and Official Record 9688, Page 3066 of the Hamilton County Recorder's Office. Further Identified as part of Auditors Parcels 140-0003-00120, 0123, 0124, 0131-0133, 0154, 0162 and 0163.



VII. Parcel VII

Description for: 3.0133 Acre Parcel

Location: City of Cincinnati, Ohio

Situated in Section 23, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, and being more particularly described as follows:

COMMENCING at point in the north line of lands conveyed to Port of Cincinnati as recorded in Official Record 13178, Page 1750 of the Hamilton County Recorder's Office and at the intersection of the south line of Mehring Way and the east line of vacated Harriet Street; Thence along south line of Mehring Way, South 57°04'25" East, 88.18 feet to a set cross notch and the **POINT OF BEGINNING**;

Thence along said south line, South 57°04'25" East, 50.49 feet to a set cross notch AND South 60°42'49" East, 158.21 feet to a set cross notch in the west line of the Baltimore & Ohio Railroad;

Thence along the west and south line of Baltimore & Ohio Railroad the following three (3) courses:

1. South 06°48'01" West, 15.19 feet to a set cross notch,
2. South 58°48'17" East, 138.57 feet to a set cross notch,
3. along a curve non-tangent to previous course deflecting to the left having a radius of 3887.00 feet, an arc length of 276.97 feet, central angle of 04°04'58" the chord of said arc bears South 60°57'16" East, 276.92 feet to a set cross notch at the northwest corner of lands conveyed to CBT Acquisitions, LLC as recorded in Official Record 9113, Page 5228;

Thence South 06°48'01" West, 507.42 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 198.00 feet;

Thence along said low water mark, North 60°35'18" West, 277.65 feet to the southeast corner of lands conveyed to GMS Acquisition Corp., LLC as recorded in Official Record 9687, Page 447;

Thence along the east line of GMS Acquisition Corp., LLC, North 06°48'01" East, 499.53 feet to a set cross notch at the north east corner of said GMS Acquisition Corp., LLC, passing a set iron pin at 342.53 feet;

Thence along the north line of said GMS Acquisition Corp., LLC along a curve non-tangent to previous course deflecting to the right having a radius of 1161.28 feet, an arc length of 83.93 feet, central angle of 04°08'28", the chord of said arc bears North 57°53'19" West, 83.91 feet to a set cross notch AND North 55°49'06" West, 272.37 feet to the **POINT OF BEGINNING**.

CONTAINING 3.0133 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on March 27, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on March 27 2020.

Being all of those lands conveyed to the City of Cincinnati in Deed Book 212, Page 588, Deed Book 1051, Page 183, Deed Book 2441, Page 572, Deed Book 2219, Page 627 and Deed Book 2441, Page 241 of the Hamilton County Recorder's Office. Further Identified as Auditors Parcels 140-0001-0003 and 0186 thru 0188 and Parcels 138-0004-0277 and 0282.

VIII. Parcel VIII

Situated in Section 23, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, being part Gest Street, formally known as Mill Street, as shown on Yeatman and Anderson's Subdivision as recorded in Deed Book 39, Page 554 of the Hamilton County Recorder's Office and being more particularly described as follows:

BEGINNING at a set iron pin in the east line of Gest Street, said iron pin being South 33°49'46" West, 25.00 feet from the northwest corner of Lot 50 of Yeatman and Anderson's Subdivision and at the intersection of south line of Mehring Way with the east line of Gest Street;

Thence along said east line, South 33°49'46" West, 621.63 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 355.00 feet;

Thence along said low water mark, North 57°39'48" West, 60.02 feet to the west line of Gest Street;

Thence along said west line, North 33°49'46" East, 623.19 feet to a set iron pin, passing a set iron pin at 263.19 feet;

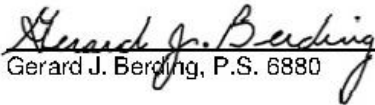
Thence leaving said west line, South 56°10'14" East, 60.00 feet to the **POINT OF BEGINNING**.

CONTAINING 0.8573 ACRES. Together with and subject to all easements of record.

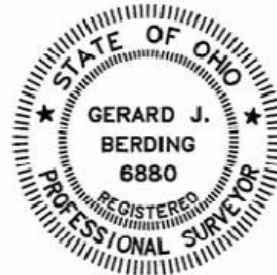
Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on April 1, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on April 1, 2020

Being part of Gest Street, formerly known as Mill Street, of Yeatman and Anderson's Subdivision as recorded in Deed Book 39, Page 554 of the Hamilton County Recorder's Office.


Gerard J. Berding, P.S. 6880

April 1, 2020
Date



IX. Parcel IX

Situated in Section 23, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, being part of Baymiller Street, formerly known as Wood Street, of Culbertson Park Subdivision as recorded in Deed Book V2, Page 3 of the Hamilton County Recorder's Office and being more particularly described as follows:

BEGINNING at a set iron pin in the west line of Baymiller Street, said iron pin being South 11°22'16" West, 27.06 feet from the northeast corner of Lot 1 Culbertson Park Subdivision and the intersection of the south line of Mehring Way and the west line of Baymiller Street;

Thence leaving said west line, South 56°11'02" East, 43.28 feet to set iron pin in the east line of Baymiller Street;

Thence along the east line of Baymiller Street, South 11°22'16" West, 667.05 to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 402.95 feet;

Thence along said low water mark, North 52°38'07" West, 44.50 feet to the aforementioned west line of Baymiller Street;

Thence along said west line, North 11°22'16" East, 664.07 feet to the **POINT OF BEGINNING**, passing a set iron pin at 269.07 feet

CONTAINING 0.6112 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on April 1, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on April 1, 2020.

Being part of Baymiller Street, formerly known as Wood Street, of Culbertson Park Subdivision as recorded in Deed Book V2, Page 3 of the Hamilton County Recorder's Office.

Gerard J. Berding April 1, 2020
Gerard J. Berding, P.S. 6880 Date

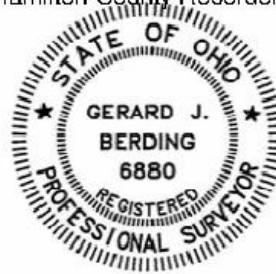


Exhibit B
to
First Amendment to Amended and Restated Lease

LEGAL DESCRIPTION GEST STREET

Situated in Section 23, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, being part Gest Street, formally known as Mill Street, as shown on Yeatman and Anderson's Subdivision as recorded in Deed Book 39, Page 554 of the Hamilton County Recorder's Office and being more particularly described as follows:

BEGINNING at a set iron pin in the east line of Gest Street, said iron pin being South 33°49'46" West, 25.00 feet from the northwest corner of Lot 50 of Yeatman and Anderson's Subdivision and at the intersection of south line of Mehring Way with the east line of Gest Street;

Thence along said east line, South 33°49'46" West, 621.63 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 355.00 feet;

Thence along said low water mark, North 57°39'48" West, 60.02 feet to the west line of Gest Street;

Thence along said west line, North 33°49'46" East, 623.19 feet to a set iron pin, passing a set iron pin at 263.19 feet;

Thence leaving said west line, South 56°10'14" East, 60.00 feet to the **POINT OF BEGINNING**.

CONTAINING 0.8573 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on April 1, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on April 1, 2020

Being part of Gest Street, formerly known as Mill Street, of Yeatman and Anderson's Subdivision as recorded in Deed Book 39, Page 554 of the Hamilton County Recorder's Office.

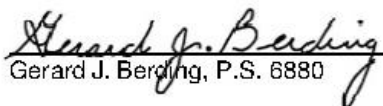
 April 1, 2020
Gerard J. Berding, P.S. 6880 Date



Exhibit C
to
First Amendment to Amended and Restated Lease

LEGAL DESCRIPTION BAYMILLER STREET

Situated in Section 23, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, being part of Baymiller Street, formerly known as Wood Street, of Culbertson Park Subdivision as recorded in Deed Book V2, Page 3 of the Hamilton County Recorder's Office and being more particularly described as follows:

BEGINNING at a set iron pin in the west line of Baymiller Street, said iron pin being South 11°22'16" West, 27.06 feet from the northeast corner of Lot 1 Culbertson Park Subdivision and the intersection of the south line of Mehring Way and the west line of Baymiller Street;

Thence leaving said west line, South 56°11'02" East, 43.28 feet to set iron pin in the east line of Baymiller Street;

Thence along the east line of Baymiller Street, South 11°22'16" West, 667.05 to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 402.95 feet;

Thence along said low water mark, North 52°38'07" West, 44.50 feet to the aforementioned west line of Baymiller Street;

Thence along said west line, North 11°22'16" East, 664.07 feet to the **POINT OF BEGINNING**, passing a set iron pin at 269.07 feet

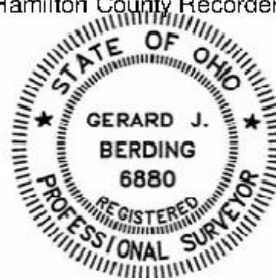
CONTAINING 0.6112 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on April 1, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on April 1, 2020.

Being part of Baymiller Street, formerly known as Wood Street, of Culbertson Park Subdivision as recorded in Deed Book V2, Page 3 of the Hamilton County Recorder's Office.


Gerard J. Berding, P.S. 6880
April 1, 2020
Date



[SPACE ABOVE FOR RECORDER'S USE]

GRANT OF ENCROACHMENT EASEMENT

(aerial encroachment over and across Mehring Way)

This Grant of Encroachment Easement is granted as of the Effective Date (as defined on the signature page hereof) by the **CITY OF CINCINNATI**, an Ohio municipal corporation, 801 Plum Street, Cincinnati, OH 45202 (the "**City**"), in favor of (i) **CBT Partners, LLC**, an Ohio limited liability company ("**CBT**"), and (ii) **Mehring Investors, LLC**, an Ohio limited liability company ("**MI**"), the address for each of which is 895 Mehring Way, Cincinnati, Ohio 45203 (CBT and MI are each individually and collectively, "**Grantee**").

Recitals:

A. By virtue of a certain *Amended and Restated Lease Agreement* dated June 18, 2020 (as amended, the "**Lease**"), CBT leases from the City certain real property generally located south of Mehring Way and east of Mill Creek, as more particularly described on Exhibit A (Legal Description – Benefitted Property) and depicted on Exhibit B (Survey Plat) hereto (the "**CBT Property**"); and MI owns certain real property generally located north of Mehring Way, as more particularly described on Exhibit A as the "**MI Property**" (collectively, the CBT Property and MI Property is the "**Benefitted Property**").

B. The City owns the adjoining Mehring Way public right-of-way, which is under the management and control of the City's Department of Transportation and Engineering ("**DOTE**").

C. Grantee has requested the City to grant an aerial encroachment easement to construct an improvement that will encroach over and across a portion of the Mehring Way right-of-way, namely, an aerial conveyor (the "**Improvement**").

D. The City Manager, in consultation with DOTE, has determined that (i) the encroachment easement will not have an adverse effect on the City's retained interest in the Mehring Way public right-of-way, and (ii) granting the easement will not have an adverse effect on the usability or accessibility of any existing West Mehring Way public right-of-way facilities.

E. The City's Real Estate Services Division has determined that the fair market value of the encroachment easement, as determined by appraisal, is \$8,250, which has been deposited with the Real Estate Services Division.

F. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the encroachment easement at its meeting on December 18, 2020.

G. Cincinnati City Council approved the encroachment easement by Ordinance No. ____-2021, passed on _____, 2021.

NOW THEREFORE, the parties do hereby agree as follows:

1. Grant of Encroachment Easement. The City does hereby grant to Grantee, on the terms and conditions set forth herein, as an appurtenance to and for the benefit of the Benefitted Property, a non-exclusive aerial encroachment easement to construct, maintain, operate, repair, reconstruct, replace, and remove the Improvement over and across the Mehring Way public right-of-way, as more particularly depicted on Exhibit C (Easement Plat) hereto (the “**Aerial Conveyor Easement**” or “**Aerial Conveyor Easement Area**”, as applicable). Grantee shall not make any modifications to the Improvement without the City’s prior written consent. Notwithstanding anything herein to the contrary, the Aerial Conveyor Easement shall automatically terminate upon (i) the complete demolition of the Improvement’s support structure, except if such demolition is merely a temporary step in rebuilding the support structure as a result of a casualty or otherwise; (ii) any permanent alteration by Grantee that entails the elimination of the Improvement within the Aerial Conveyor Easement Area such that the Aerial Conveyor Easement would be rendered unnecessary; (iii) upon written notice from the City, if the City determines that it needs the Aerial Conveyor Easement Area, or any portion thereof for a municipal purpose, including, without limitation to the implementation of Americans with Disabilities Act (“**ADA**”) regulations compliance or accessibility standards; (iv) or upon written notice from the City if the City determines that the Improvement is creating a public safety issue, such as noncompliance with ADA accessibility regulations, contributing to adverse impacts on the usability or accessibility of any public right-of-way facilities.

2. Construction, Maintenance, and Repairs.

(A) The Improvement shall be constructed and maintained in accordance with the plans and specifications approved by DOTE, and in accordance with applicable code standards. Once installed, Grantee shall not make any enlargements or other modifications to the Improvement without DOTE’s prior written consent.

(B) The parties hereby acknowledge that a portion of the Improvements within the Aerial Conveyor Easement Area crosses the centerline of Mehring Way. As a material inducement for the City to grant to Grantee the Aerial Encroachment Easement, Grantee shall provide the City with an attorney’s certificate of title certifying the names of all abutters to the Aerial Conveyor Easement Area, and the consent of those abutters in a form acceptable to the City. Notwithstanding the foregoing, Grantee shall defend (with counsel acceptable to the City, in the City’s sole and absolute discretion), indemnify, and hold the City harmless from and against any and all claims, actions, losses, costs (including, without limitation, attorneys’ fees), liability and damages suffered or incurred by, or asserted against, the City arising from this *Grant of Encroachment Easement*, including, without limitation to, the construction, maintenance, repair, use, or other activities associated with the Improvement.

(C) Following installation, at no cost to the City, Grantee shall maintain the Improvement in a continuous state of good and safe condition and repair. Grantee acknowledges that there may be existing easements, utility lines, and related facilities in the vicinity of the Aerial Encroachment Easement Area (“**Third-Party Utility Lines**”). In connection with Grantee’s construction, maintenance, repair, and use of the Improvement, Grantee shall not interfere with the access of utility companies to maintain and repair the Third-Party Utility Lines and shall, at Grantee’s expense, promptly repair any and all damage to Third-Party Utility Lines caused by Grantee, their agents, employees, contractors, subcontractors, tenants, licensees, or invitees. Any relocation of Third-Party Utility Lines necessitated by the construction, maintenance, or repair of the Improvement under this instrument shall be handled entirely at Grantee’s expense. All activities undertaken by Grantee under this instrument shall be in compliance with all applicable codes, laws, and other governmental standards, policies, guidelines and requirements

3. Insurance; Indemnification. At all times during which Grantee is undertaking construction activities within the Aerial Conveyor Easement Area, and in addition to whatever other insurance and bond requirements as the City may from time to time require, Grantee shall maintain or cause to be maintained a policy of Commercial General Liability insurance, with an insurance company reasonably acceptable to the City and naming the City as an additional insured, in an amount not less than \$1,000,000 per occurrence, combined single limit/\$1,000,000 aggregate, or in such greater amount as the City may from time to time require. Grantee shall furnish to the City a certificate of insurance evidencing such insurance upon the City's request and, in any event, prior to undertaking any construction activities within the Aerial Conveyor Easement Area. Grantee hereby waives all claims and rights of recovery against the City, and on behalf of Grantee's insurers, rights of subrogation, in connection with any damage to the Improvement, no matter how caused. Grantee shall defend (with counsel reasonably acceptable to the City), indemnify, and hold the City harmless from and against any and all claims, actions, losses, costs (including without limitation reasonable attorneys fees), liability and damages suffered or incurred by, or asserted against, the City in connection with the construction, maintenance, repair or other matters associated with the Improvement.

4. Covenants Running with the Land. The provisions hereof shall run with the land and shall be binding upon and inure to the benefit of the City and Grantee and Grantee's successors-in-interest with respect to the Benefitted Property.

5. Coordinated Report Conditions (CR #42-2020). The following additional conditions shall apply:

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

(i) MSDGC access shall be maintained at all times for the operations and maintenance of MSDGC sewers and structures within right-of-way within or near the proposed Improvement. MSDGC will need to be notified prior to the start of any construction activities to coordinate MSDGC CSO inspection and maintenance activities and any scheduled sewer maintenance activities.

(ii) A MSDGC Excavation/Fill permit as well as bond will be necessary for any construction, construction traffic, earthwork, or any other construction activity over existing sewers and within the project's construction area prior to construction. Additional requirements will be established by the permit (such as verification and usage of existing or abandoned building services to sewers through dye testing, pre- and post- construction CCTVing, etc) depending on the final project plan. No additional loading may be exerted on existing MSDGC sewers as the result of structures being proposed and geotechnical/structural design calculations will be required for MSDGC review.

(iii) Project plans should be submitted to MSDGC through the utility review process during the Project's planning and design phases. Comments provided herein in response to this CR herein do not necessarily constitute a utility, design, or permit review. Contact MSDUtilityReview@cincinnati-oh.gov for existing combined or sanitary sewer information. Additionally: [a] Minimum clearance from existing ground surfaces to any proposed overhead structure is 13.5.' At locations where proposed overhead structures cross over existing MSDGC sewers and structures, sections of proposed overhead structure and conveyor system should be designed as removable to address sewer maintenance or repair activities necessitating excavation and shoring activities, and [b] drawings should show in plan and profile the relation of proposed overhead structures, columns, foundations, footers, piers, pile caps, or piles and any other permanent structure proposed with dimensions and elevations in relation to existing sewers.

(B) Greater Cincinnati Water Works: [intentionally omitted]

(C) Duke Energy:

(i) Duke Energy Land Services has an overhead 138 KV and 69KV transmission conductor all along the CBT Property. Duke Energy Land Services must maintain access to such facilities at all times.

(ii) Duke Energy Gas has IP main along Mehring Way, and Duke Energy Gas must maintain access to such facilities at all times.

(D) Cincinnati Bell Telephone: All existing underground telephone facilities at the CBT Property and Mehring Way must remain in place, in service, and able to be accessed. Any damage to such facilities or any work done to relocate such facilities as a result of the construction of the Improvements shall be done at Grantee's sole cost and expense.

(E) Department of Public Services: Grantee shall install signage delineating the height of the Improvement above the roadway. Such signage should be placed clearly for viewing during inclement weather using reflective paint and should be displayed on both sides of the Improvement itself and posted on signage at a reasonable distance along the roadside. Illumination of the signage is not required but preferred so drivers utilizing the roadway see the obstacle.

(F) Department of Transportation and Engineering:

(i) No permanent removal, or construction of any permanent structure or utility may take place in the right-of-way without written permission from the City or utility company, and shall be consistent with drawings approved by DOTE.

(ii) The Improvement shall be designed in accordance with the AASHTO Manual of Bridge Design, current addition. Detailed drawings and design calculations, signed and sealed by a professional engineer in the State of Ohio, need to be submitted and approved by City Structures.

(iii) Grantee is responsible for maintenance of the pavement, curb, and sidewalk.

(iv) DOTE's preferred minimum clearance under the Improvement and over the roadway shall be 18 feet.

(v) All supports related to the Improvement shall be constructed outside the right-of-way.

(vi) Grantee shall perform an annual structural inspection of the Improvement in accordance with National Bridge Inspection Standards and the Ohio Department of Transportation Manual of Bridge Inspection. A copy of such report shall be filed with the City Department of Transportation within 30 days of the date of inspection.

(vii) [intentionally omitted].

(viii) A DOTE street opening permit, obtained by a DOTE licensed street contractor, is required for all private improvements in the public right-of-way. All improvements in the public right-of-way must be built to City standards, policies and guidelines. Application for permits may be made at Room 425, City Hall, 801 Plum Street.

(ix) Grantee shall supply the City, annually, a copy of its General Commercial Liability Insurance policy showing the City named as "additional insured".

6. Exhibits. The following exhibits are attached hereto and made a part hereof:
Exhibit A – *Legal Description - Benefitted Property*
Exhibit B – *Survey Plat*
Exhibit C – *Easement Plat*

Executed by the parties on the respective date of acknowledgement listed below, effective as the later of such dates (the “**Effective Date**”).

CITY OF CINCINNATI

By: _____

Printed Name: _____

Title: _____

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021 by _____, the _____ of the City of Cincinnati, an Ohio municipal corporation, on behalf of the municipal corporation. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

Notary Public
My commission expires: _____

Approved by:

John S. Brazina, Director
Department of Transportation and Engineering

Approved as to Form by:

Assistant City Solicitor

[CBT Signature Page Follows]

ACCEPTED AND AGREED TO BY:

CBT Partners, LLC,
an Ohio limited liability company

By: _____

Printed Name: _____

Title: _____

Date: _____, 2021

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021 by _____, the _____ of **CBT Partners, LLC**, an Ohio limited liability company, on behalf of the company. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

Notary Public
My commission expires: _____

[*MI Signature Page Follows*]

Mehring Investors, LLC,
an Ohio limited liability company

By: _____

Printed Name: _____

Title: _____

Date: _____, 2021

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021 by _____, the _____ of **Mehring Investors, LLC**, an Ohio limited liability company, on behalf of the company. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

Notary Public
My commission expires: _____

This instrument prepared by:
City of Cincinnati Law Department
801 Plum Street, Suite 214
Cincinnati, OH 45202

EXHIBIT A

to Grant of Encroachment Easement

LEGAL DESCRIPTION - BENEFITTED PROPERTY

CBT Property

Description for: 10.2092 Acre Parcel

Location: City of Cincinnati, Ohio

Situated in Section 23, Town 4, Fractional Range 1, City of Cincinnati, Hamilton County, State of Ohio, being all of Lots 1-7 of Culbertson Park Subdivision (west of Baymiller Street) as recorded in Deed Book V2, Page 3 of the Hamilton County Recorder's Office and being more particularly described as follows:

BEGINNING at the northeast corner of Lot 1 Culbertson Park Subdivision and at the intersection of south line of Mehring Way and the west line of Baymiller Street;

Thence along the west line of Baymiller Street, South 11°22'16" West, 691.13 feet to the low water mark of the Ohio River as established by Joint Exhibit 30 from Case Number 27, Original of The Supreme Court of the United States, October Term 1984, recorded in Deed Book 720, Page 626 of the Clermont County, Ohio Recorder's Office, passing a set iron pin at 27.06 feet and at 42.06 feet;

Thence along said low water mark the following three (3) courses:

1. North 52°38'07" West, 132.70 feet,
2. North 53°54'20" West, 532.79 feet,
3. North 56°38'41" West, 180.73 feet to the southeast corner of lands conveyed to Cincinnati Bulk Terminals, LLC as recorded in Official Record 12085, Page 1238;

Thence along the east line of Cincinnati Bulk Terminals, LLC, North 33°37'59" East, 587.93 feet to a set MAG nail at the northeast corner of Cincinnati Bulk Terminals, passing a set iron pin at 237.93 feet

Thence along the north line of Cincinnati Bulk Terminals the following three (3) courses:

1. North 52°20'17" West, 115.29 feet to a set MAG nail,
2. North 54°33'29" West, 31.68 feet to a set MAG nail,
3. North 69°41'51" West, 65.09 feet to a set MAG nail at the south east corner of the Baltimore and Ohio Rail Road;

Thence along the east line of the Baltimore and Ohio Railroad, North 33°37'59" East, 28.88 feet to a set iron pin in the aforementioned south line of the Mehring Way;

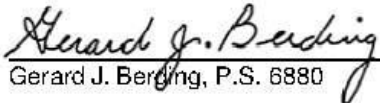
Thence along said south line, South 56°22'01" East, 230.46 feet to a set iron pin AND South 56°10'14" East, 563.17 feet to the **POINT OF BEGINNING**.

CONTAINING 10.2092 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Prepared by G.J. BERDING SURVEYING, INC. on March 27, 2020. Based on a Consolidation Plat prepared by G.J. BERDING SURVEYING, INC. on March 27 2020.

Being all of those lands conveyed to the City of Cincinnati in Deed Book 212, Page 588, Deed Book 1051, Page 183, Official Record 6432, Page 3205, and Official Record 9099, Page 6041. Further Identified as Auditors Parcels 137—0006-0010, 0012 thru 0030, 0201, 0214, 0236, 0240, 0241 and 0244.


Gerard J. Berding, P.S. 6880

March 27, 2020
Date



MI Property

Situated in Section 23, Town 4, Fractional Range 1. City Cincinnati, Hamilton County, Ohio and being more particularly described as follows:

BEGINNING at a set iron pin of the southwest terminus of Baymiller Street said pin being South 11° 17' 02" West, 228.86 feet from the intersection of the south right of way line of Avery Street and the west right of way line of Baymiller Street;

Thence along the south line of Baymiller Street South 78° 42' 58" East, 66.00 feet to a set iron pin at the southeast terminus of Baymiller Street and the southwest corner of lands conveyed to CSX Transportation in Official Record 6976, Page M47 of the Hamilton County Recorder's Office:

Thence along the south line of CSX Transportation, South 85° 15' 22" East, 314.54 feet to a set iron pin;

Thence leaving said south line of CSX Transportation along a new division line, South 07° 01' 35" West, 289.76 feet to a set iron pin in the north line of Central Railroad Co. of Indiana;

Thence along the north line of sold Central Railroad Co. of Indiana the following seven (7) courses:

1. North 80° 10' 38" West, 12.26 feet to a set iron pin,
2. North 78° 32' 54" West, 218.01 feet to a set iron pin,
3. along a curve non-tangent to previous course deflecting to the right having a radius of 672.27 feet, an arc length of 98.86 feet, central angle of 08° 25' 31", the chord of so said arc bears North 76° 41' 22" West, 98.77 feet to a set iron pin,
4. North 72° 01' 17" West, 43.69 feet to a set iron pin,

5. along a curve non-tangent to previous course deflecting to the right having a radius of 541.00 feet, an arc length of 126.28 feet, central angle of $13^{\circ} 22' 25''$, the chord of said arc bears North $63^{\circ} 35' 07''$ West, 125.99 feet to a set iron pin,
6. along a curve deflecting to the right having a radius of 407.00', an arc length of 286.94 feet, central angle of $40^{\circ} 23' 37''$, the chord of said arc bears North $37^{\circ} 43' 33''$ West, 281.03 feet to a set iron pin,
7. North $16^{\circ} 53' 43''$ West, 25.80 feet to a set iron pin;

Thence leaving said line of Central Railroad Co. of Indiana along a new division line, South $85^{\circ} 15' 34''$ East, 55.00 feet to a set iron pin in the west line of Pier 66 of Baltimore & Ohio Railroad as recorded in Deed Book 3987, Page 594;

The along the lines of said Pier 66 the following three (3) courses:

1. South $38^{\circ} 49' 02''$ East, 13.26 feet to a set iron pin,
2. North $51^{\circ} 10' 58''$ East, 6.50 feet to a set iron pin,
3. North $38^{\circ} 49' 02''$ West, 7.08 feet to a set iron pin.

Thence along a new division line, South $85^{\circ} 15' 34''$ East, 66.80 feet to a set iron pin in the west line of Pier 67 of Baltimore & Ohio Railroad as recorded in Deed Book 3987, Page 594;

Thence along the lines of said Pier 67 the following three (3) courses:

1. South $60^{\circ} 55' 51''$ East, 18.03 feet to a set iron pin,
2. North $29^{\circ} 04' 09''$ East. 5.00 feet to o set iron pin,
3. North $60^{\circ} 55' 51''$ West. 6.97 feet to a set iron pin;

Thence along a new division line, South $85^{\circ} 15' 34''$ East, 30.69 feet to a set iron pin in the west line of Pier 68 of Baltimore & Ohio Railroad as recorded in Deed Book 3587, Page 594;

Thence along the lines of said Pier 68 the following three (3) courses:

1. South $04^{\circ} 39' 55''$ West, 6.16 feet to a set iron pin,
2. South $85^{\circ} 20' 05''$ East, 4.83 feet to a set iron pin,
3. North $04^{\circ} 39' 55''$ East, 6 16 feet to a set iron pin;

Thence along a new division line, South $85^{\circ} 15' 34''$ East, 34.07 feet to o set iron pin in me west line of Pier 69 of Baltimore & Ohio Railroad as recorded in Deed Book 3987, Page 594;

Thence along the west line of said Pier 69 the following three (3) courses:

1. South $05^{\circ} 20' 28''$ West, 6.11 feet to a set iron pin,
2. South $84^{\circ} 39' 32''$ East, 4.83 feet to a set iron pin,
3. North $05^{\circ} 20' 28''$ East, 6.17 feet to a set iron pin,

Thence along a new division line, South $85^{\circ} 15' 34''$ East, 31.24 feet to a set iron pin in the west line or lands conveyed to Baltimore & Ohio Railroad as recorded in Deed Book 3987, Page 594;

Thence along the lines of the Baltimore & Ohio Railroad the following three (3) courses:

1. South $11^{\circ} 17' 02''$ West, 33.35 feet to a set iron pin,
2. South $79^{\circ} 34' 58''$ East, 71.34 feet to a set iron pin,
3. North $11^{\circ} 17' 02'$ East, 8.20 feet POINT OP BEGINNING.

CONTAINING 3.6039 Acres, more or less.

The above described parcel being part of Hamilton County Auditor's Parcel 138-0006-0032 as conveyed to Queensgate South Realty, LLC, as recorded in Official Record 11003, Page 484 of the Hamilton County Recorder's Office.

The bearings are based on State Plane Coordinate System, Ohio South Zone (NAD83).

All set iron pins are 5/8" x 30" in size with cap, stamped "G J BERDING SURVEYING INC."

PPN: 138-006-0286

EXHIBIT B

to Grant of Encroachment Easement

Survey Plat

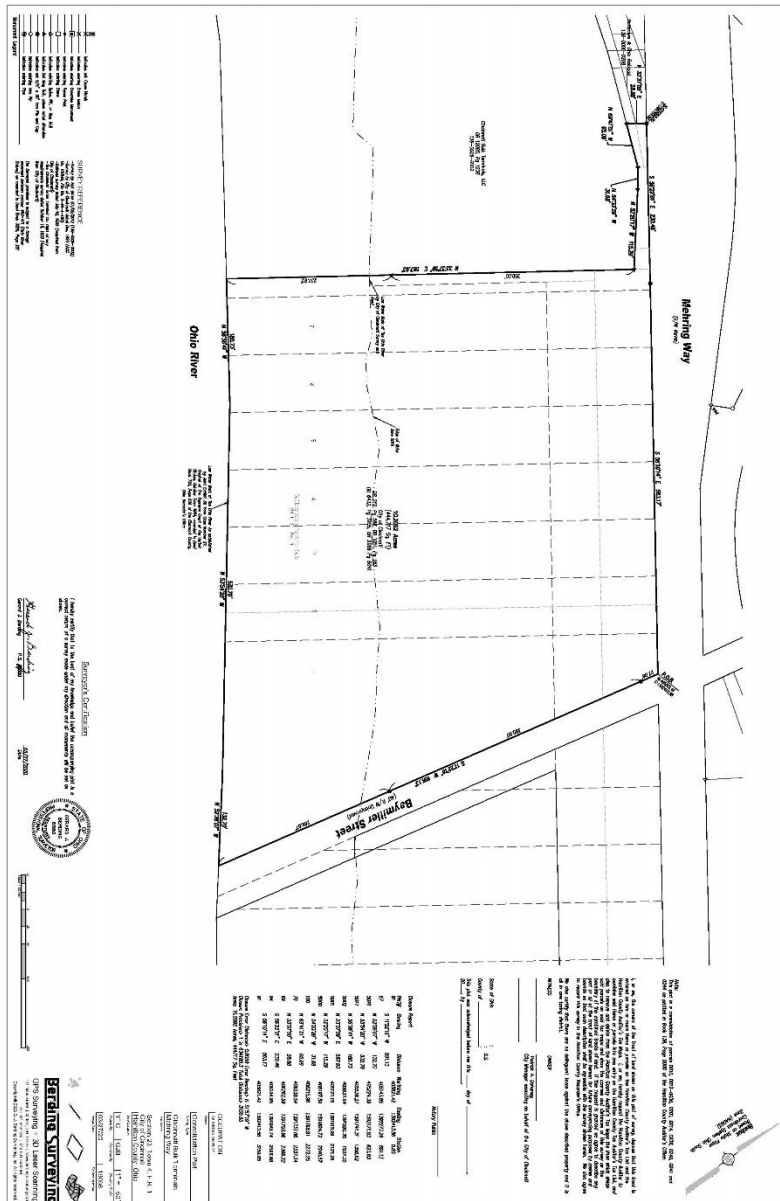
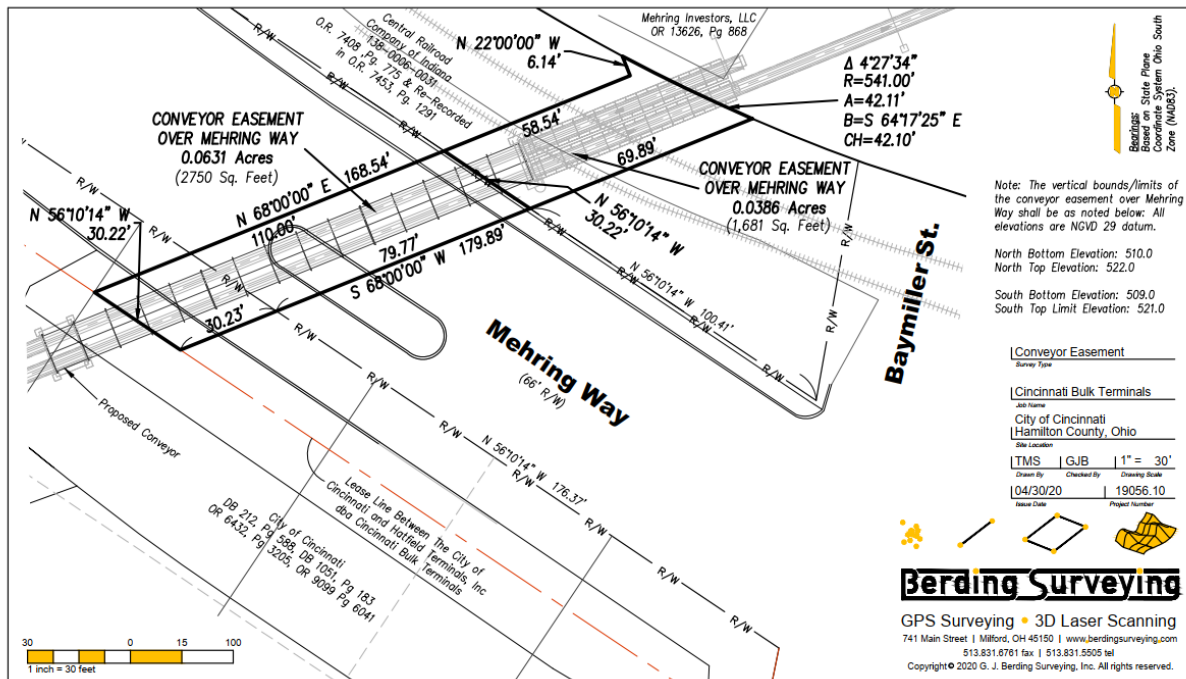


EXHIBIT C

to Grant of Encroachment Easement

Easement Plat



June 9, 2021

To: Mayor and Members of City Council 202102157

From: Paula Boggs Muething, City Manager

Subject: Ordinance – Amending Ordinance No. 6-2020 to Increase Ohio EPA Principal Forgiveness Funding to assist Low-Income Property Owners with the cost of Private Lead Service Line Replacement performed by the City.

Attached is an Ordinance captioned:

Amending Ordinance No. 6-2020 to increase the amount of principal forgiveness assistance the City Manager or her designee is authorized to apply for, accept and appropriate from the Ohio Environmental Protection Agency Water Supply Revolving Loan Account from the previously authorized amount of \$1,000,000 to the approximate amount of \$2,000,000.

On January 8, 2020, Council approved Ordinance No. 6-2020 authorizing the City Manager to apply for, accept, and appropriate up to \$1,000,000 in Water Supply Revolving Loan Account (“WSRLA”) principal forgiveness assistance from the Ohio Environmental Protection Agency (“OEPA”) for the purpose of assisting disadvantaged homeowners with private lead service line replacement costs. OEPA has invited the City to apply for an additional \$1,000,000 in funding for this activity, for a total of \$2,000,000.

The Administration recommends passage of this Ordinance.

CBB by psc

cc: Cathy B. Bailey, Executive Director/Greater Cincinnati Water Works

AEY
BWB

City of Cincinnati

An Ordinance No. _____ - 2021

AMENDING Ordinance No. 6-2020 to increase the amount of principal forgiveness assistance the City Manager or her designee is authorized to apply for, accept, and appropriate from the Ohio Environmental Protection Agency Water Supply Revolving Loan Account from the previously authorized amount of \$1,000,000 to the approximate amount of \$2,000,000.

WHEREAS, on January 8, 2020, Council approved Ordinance No. 6-2020 authorizing the City Manager to apply for, accept, and appropriate up to \$1,000,000 in Water Supply Revolving Loan Account ("WSRLA") principal forgiveness assistance from the Ohio Environmental Protection Agency ("OEPA") for the purpose of assisting disadvantaged homeowners with private lead service line replacement costs; and

WHEREAS, OEPA has indicated that it is willing to provide the City an additional \$1,000,000, for a total of \$2,000,000, in WSLRA principal forgiveness assistance to reduce the cost of private lead service line replacement for qualified, low-income residential property owners; and

WHEREAS, Ordinance No. 6-2020 must be amended to increase the assistance amount that the City can accept so OEPA can provide additional WSRLA; now, therefore,

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

Section 1. That Ordinance No. 6-2020, approved by Council on January 8, 2020, is hereby amended as follows:

Section 1. That the City Manager or ~~his-her~~ designee is hereby authorized to apply for, accept, and appropriate an amount up to ~~\$1,000,000~~ \$2,000,000 in Water Supply Revolving Loan Account principal forgiveness assistance from the Ohio Environmental Protection Agency for the purpose of assisting disadvantaged homeowners with private lead service line replacement costs.

Section 2. That all terms of Ordinance No. 6-2020 not amended by this ordinance shall remain in full force and effect.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

Deletions are struck through. Additions are underlined.

June 9, 2021

To: Mayor and Members of City Council 202102158

From: Paula Boggs Muething, City Manager

Subject: **Emergency Ordinance – FY 2022 General Fund Operating Budget**

Attached is an Emergency Ordinance captioned:

PROVIDING for the appropriation of funds and authorization of expenditures from General Fund 050 in the amount of \$440,788,700 for the fiscal year beginning July 1, 2021 and ending June 30, 2022, reflecting a portion of the Recommended FY 2022 General Fund Operating Budget totaling \$441,113,700, per the attached Schedule of Appropriation, in order to provide for the current expenses and other expenses of the City of Cincinnati; **AUTHORIZING** the transfer of the sum of \$3,466,118 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Bond Retirement Fund 151 for the purpose of paying the City's FY 2022 General Fund debt service obligations related to the Ohio Police and Fire Pension Fund in the amount of \$2,526,858 and the Early Retirement Incentive Program (ERIP) in the amount of \$939,260; **AUTHORIZING** the transfer of the sum of \$16,568,110 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Cincinnati Health District Fund 416 for the purpose of providing for the FY 2022 General Fund Operating Budget portion of the expenses of the Cincinnati Health Department; **AUTHORIZING** the transfer and appropriation of the sum of \$150,000 from the unappropriated surplus of General Fund 050 to the Citizens Jobs Fund 308 Department of Recreation personnel operating budget account no. 308x199x7100 for the purpose of providing funding for youth employment opportunities; **APPROVING** the recommendation of the Mayor for an increase in the compensation of City Manager Paula Boggs Muething effective June 27, 2021; **REVISING** the Classification and Salary Range Schedule for all employment classifications in Divisions 0, 5, 7 (LAW), 8, and 9 of Chapter 307 of the Cincinnati Municipal Code to establish the new Classification and Salary Range Schedule for said classifications and to provide for a cost-of-living adjustment of 2.0% effective June 27, 2021; and further **ESTABLISHING** the annual inflationary amount applied to the fees charged for services related to permitting and property maintenance by the Department of Buildings and Inspections at 1.23% and instituting a new 1.0% training surcharge.

There are several changes reflected in this Emergency Ordinance from the Recommended FY 2022 General Fund Operating Budget:

- Responsibility and funding for managing Economic Development related leveraged support items is being transferred from the Department of Economic

Inclusion (DEI) to the Department of Community and Economic Development (DCED). The table below outlines these changes:

Item	From	To	FY 2022	FY 2023
African American Chamber of Commerce	Economic Inclusion	Community & Economic Development	325,000	325,000
CincyTech	Economic Inclusion	Community & Economic Development	250,000	250,000
Cintrifuse	Economic Inclusion	Community & Economic Development	250,000	250,000
Hillman Accelerator	Economic Inclusion	Community & Economic Development	100,000	100,000
MORTAR	Economic Inclusion	Community & Economic Development	65,000	65,000
Total			990,000	990,000

- Responsibility and funding for the leveraged support amount for Invest in Neighborhoods (IIN) is being transferred from the City Manager's Office to the Department of Community and Economic Development. This will align the leveraged support with the funds that IIN will receive to manage the leveraged support funding for the Neighborhood Community Councils in order to streamline the contracting process.

Item	From	To	FY 2022	FY 2023
Invest in Neighborhoods	City Manager's Office	Community & Economic Development	50,000	50,000
Total			50,000	50,000

- Additional leveraged support funding will be provided in the amount of \$8,000 as City Hall Small Business Support. The non-departmental lump sum payment account will be reduced by \$8,000 to offset this increase.
- For FY 2022, the Department of City Planning was to provide administrative support to the Department of Economic Inclusion in the amount of \$32,770 which was budgeted as a reimbursement with DEI having the expense and Planning receiving the reimbursement. That arrangement will not be moving forward, and the planned reimbursement will not happen. As such, the appropriation for City Planning is increasing by \$32,770 and DEI's appropriation is being reduced by that same amount.

The reason for the emergency is to ensure that necessary funding is in place prior to the beginning of Fiscal Year 2022, which begins on July 1, 2021, for the current expenses and other expenses of the City of Cincinnati.

The Administration recommends passage of this Emergency Ordinance.

cc: Christopher A. Bigham, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

CMZ

- 2021

PROVIDING for the appropriation of funds and authorization of expenditures from General Fund 050 in the amount of \$440,788,700 for the fiscal year beginning July 1, 2021 and ending June 30, 2022, reflecting a portion of the Recommended FY 2022 General Fund Operating Budget totaling \$441,113,700, per the attached Schedule of Appropriation, in order to provide for the current expenses and other expenses of the City of Cincinnati; **AUTHORIZING** the transfer of the sum of \$3,466,118 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Bond Retirement Fund 151 for the purpose of paying the City's FY 2022 General Fund debt service obligations related to the Ohio Police and Fire Pension Fund in the amount of \$2,526,858 and the Early Retirement Incentive Program (ERIP) in the amount of \$939,260; **AUTHORIZING** the transfer of the sum of \$16,568,110 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Cincinnati Health District Fund 416 for the purpose of providing for the FY 2022 General Fund Operating Budget portion of the expenses of the Cincinnati Health Department; **AUTHORIZING** the transfer and appropriation of the sum of \$150,000 from the unappropriated surplus of General Fund 050 to the Citizens Jobs Fund 308 Department of Recreation personnel operating budget account no. 308x199x7100 for the purpose of providing funding for youth employment opportunities; **APPROVING** the recommendation of the Mayor for an increase in the compensation of City Manager Paula Boggs Muething effective June 27, 2021; **REVISING** the Classification and Salary Range Schedule for all employment classifications in Divisions 0, 5, 7 (LAW), 8, and 9 of Chapter 307 of the Cincinnati Municipal Code to establish the new Classification and Salary Range Schedule for said classifications and to provide for a cost-of-living adjustment of 2.0% effective June 27, 2021; and further **ESTABLISHING** the annual inflationary amount applied to the fees charged for services related to permitting and property maintenance by the Department of Buildings and Inspections at 1.23% and instituting a new 1.0% training surcharge.

WHEREAS, in order to provide for the usual daily operations of various departments of the City of Cincinnati, Ohio, during the fiscal year beginning July 1, 2021 and ending June 30, 2022, financed from the General Fund, it is necessary that funds be appropriated for the purposes hereinafter set forth; and

WHEREAS, due to the COVID-19 pandemic, one-time resources in the amount of \$67,500,000 from American Rescue Plan (ARP) stimulus funds is available to reimburse expenses or provide revenue replacement for the FY 2022 General Fund Operating Budget; and

WHEREAS, the Mayor and City Council are committed to providing high quality local government services for the people of Cincinnati, and they are supported in such efforts by the City Manager of the City of Cincinnati; and

WHEREAS, the Mayor has recommended a 5.0% increase in compensation for the City Manager effective June 27, 2021 and, pursuant to Article IV, Section 1 of the Charter, City Council must authorize the increase to the City Manager's compensation; and

WHEREAS, the Recommended FY 2022 General Fund Operating Budget includes a cost-of-living adjustment for Non-Represented Employees in Divisions 0, 5, 7 (LAW), 8, and 9 at the rate of 2.0%; and

WHEREAS, Ordinance No. 0152-2017, passed June 21, 2017, authorized the Department of Buildings and Inspections to collect fees for services related to permitting and property maintenance, according to an established fee schedule, in order to augment the department's ability to ensure the safety and maintenance of buildings, to provide enhanced services, and to improve its technology infrastructure; and

WHEREAS, consistent with the Recommended FY 2022 General Fund Operating Budget, it is necessary to adjust the fees charged by the Department of Buildings and Inspections by 1.23% based on the annual consumer price index cost-of-living adjustment for calendar year 2020, to ensure that the fees charged reasonably account for increased costs of service delivery due to inflationary increases and continue to allow the department to accomplish the purposes intended; and

WHEREAS, consistent with the Recommended FY 2022 General Fund Operating Budget, it is necessary to assess a new 1.0% training surcharge to allow the Department of Buildings and Inspections to improve its training of staff to enhance the department's delivery of services; now, therefore,

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

Section 1. That, in order to provide for the current expenses and other expenses of the City of Cincinnati from the General Fund during the fiscal year beginning July 1, 2021 and ending June 30, 2022, there is appropriated out of the monies in the treasury, or any accruing revenues of the City available for such purposes, the sum of \$440,788,700 as set forth in the attached Schedule of Appropriation, Schedule 1, for the purposes therein indicated.

Section 2. That the sum of \$3,466,118 is hereby transferred from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Bond Retirement Fund 151 for the purpose of paying the City's FY 2022 General Fund debt service obligations related to the Ohio Police and Fire Pension Fund in the amount of \$2,526,858 and related to the Early Retirement Incentive Program (ERIP) in the amount of \$939,260.

Section 3. That the sum of \$16,568,110 is hereby transferred from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Cincinnati Health District Fund 416 for the purpose of providing for the FY 2022 General Fund Operating Budget portion of the expenses of the Cincinnati Health Department.

Section 4. That the sum of \$150,000 is hereby transferred and appropriated from the unappropriated surplus of General Fund 050 to the Citizens Jobs Fund 308 Department of Recreation personnel operating budget account no. 308x199x7100 for the purpose of providing funding for youth employment opportunities.

Section 5. That, as proposed by the Mayor, City Council hereby authorizes a 5.0% increase to \$10,197.34 bi-weekly and to \$265,130.90 annually for the salary of City Manager Paula Boggs Muething, effective June 27, 2021. The City Manager benefits and exceptions authorized by Council in Ordinance No. 0337-2020 remain in effect and unmodified except that the 5.0% salary increase authorized herein shall, beginning on June 27, 2021, supersede the salary level formerly set forth Section 3 of Ordinance No. 0337-2020.

Section 6. That certain existing sections of Chapter 307 of the Cincinnati Municipal Code regarding the compensation schedules of employees in Divisions 0, 5, 7 (LAW), 8, and 9 are hereby repealed.

Section 7. That in place of the sections of Chapter 307 of the Cincinnati Municipal Code repealed in Section 8 hereof, new compensation schedules are hereby ordained for employees in Divisions 0, 5, 7 (LAW), 8, and 9, as indicated on the Non-Represented Salary Schedule, attached hereto as Exhibit A, and by this reference made a part hereof. The new compensation schedules for each classification in Divisions 0, 5, 7 (LAW), 8, and 9 have been determined by increasing current rates by 2.0%.

Section 8. That the Department of Buildings and Inspections fee schedule related to property permitting and maintenance, which Council authorized in Ordinance No. 0152-2017, is hereby repealed and replaced by the fee schedule attached hereto as Exhibit B, and by this reference made a part hereof. The new fee schedule has been determined by increasing the current fees by 1.23% for FY 2022, based on the annual consumer price index cost-of-living adjustment based on calendar year 2020 inflation and includes a newly established 1.0% training surcharge.

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

Section 10. That the effective date of Sections 5 through 7 of this ordinance shall be June 27, 2021.

Section 11. That the effective date of Sections 1 through 4 and Section 8 of this ordinance shall be July 1, 2021.

Section 12. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is to ensure that necessary funding is in place prior to the beginning of Fiscal Year 2022, which begins on July 1, 2021, for the current expenses and other expenses of the City of Cincinnati.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

**SCHEDULE OF APPROPRIATION
FY 2022 GENERAL FUND OPERATING BUDGET**

SCHEDULE 1. That there be appropriated from the General Fund (050) for the fiscal year 2022, the sums set forth in the columns designated '7100, 7500 Salaries and Benefits, Non-Personnel 7200-7400, Properties 7600, Debt 7700' and 'Total Appropriation':

Department and Agency	Fund	Agency	Salaries and Benefits 7100, 7500	Non-Personnel 7200-7400	Properties 7600	Debt Service 7700	Total Appropriation
City Council							
Councilmember G. Landsman	050	011	122,690	4,940			127,630
Interim Councilmember L. Keating	050	012	122,690	4,940			127,630
Councilmember D. Mann	050	015	122,690	4,940			127,630
Councilmember C. Seelbach	050	016	122,690	4,940			127,630
Councilmember W. Young	050	017	122,690	4,940			127,630
City Councilmembers	050	019	1,064,640				1,064,640
Councilmember C. Smitherman	050	024	122,690	4,940			127,630
Interim Councilmember S. Goodin	050	026	122,690	4,940			127,630
Councilmember B. Sundermann	050	028	122,690	4,940			127,630
Councilmember J-M Kearney	050	029	122,690	4,940			127,630
City Council Total			2,168,850	44,460			2,213,310
Office of the Mayor							
Office Of The Mayor	050	031	891,810	16,410			908,220
Clerk of Council							
Office Of The Clerk Of Council	050	041	529,010	144,530			673,540
Enterprise Technology Solutions							
Enterprise Technology Solutions	050	091	5,497,660	651,700			6,149,360
City Manager							
City Manager's Office	050	101	3,053,400	9,099,070			12,152,470
Office Of Budget & Evaluation	050	102	856,290	75,710			932,000
Emergency Communications Center	050	103	12,914,720	160,440			13,075,160
Office Of Environment and Sustainability	050	104	747,980	1,772,230			2,520,210
Office Of Procurement	050	107	984,960	216,010			1,200,970
Performance and Data Analytics	050	108	1,290,780	90,800			1,381,580
Internal Audit	050	109	458,570	13,880			472,450
City Manager Total			20,306,700	11,428,140			31,734,840
Law							
Law - Civil	050	111	4,622,370	518,700			5,141,070
Law - Administrative Hearings & Prosecution	050	112	3,462,390	135,970			3,598,360
Law Total			8,084,760	654,670			8,739,430

Department and Agency	Fund	Agency	Salaries and Benefits 7100, 7500	Non-Personnel 7200-7400	Properties 7600	Debt Service 7700	Total Appropriation
Human Resources							
Human Resources	050	121	2,177,170	395,960			2,573,130
Finance							
Office of The Director	050	131	334,990	19,910			354,900
Accounts and Audits	050	133	1,563,240	119,320			1,682,560
Treasury	050	134	953,710	274,350			1,228,060
Risk Management	050	135		583,770			583,770
Income Tax	050	136	3,044,060	370,450			3,414,510
Finance Total			5,896,000	1,367,800			7,263,800
Community & Economic Development							
Director's Office and Administration	050	161	496,050	1,197,110			1,693,160
Housing Division	050	162	87,750	650,050			737,800
Economic Development and Major/Special Projects Division	050	164	788,910	591,360			1,380,270
Community & Economic Development Total			1,372,710	2,438,520			3,811,230
City Planning							
City Planning	050	171	501,240	40,580			541,820
Citizen Complaint Authority							
Citizen Complaint Authority	050	181	886,040	54,040			940,080
Recreation							
West Region	050	191	2,750,850	467,390			3,218,240
East Region	050	192	2,039,030	391,860			2,430,890
Central Region	050	193	2,665,610	509,880			3,175,490
Maintenance	050	194	2,436,470	1,016,840			3,453,310
Athletics	050	197	2,724,540	407,450			3,131,990
Support Services	050	199	2,412,000	173,170	25,600		2,610,770
Recreation Total			15,028,500	2,966,590	25,600		18,020,690
Parks							
Office of The Director	050	201	554,720	-			554,720
Operations and Facility Management	050	202	3,719,050	2,670,810			6,389,860
Administration and Program Services	050	203	1,650,770	659,370			2,310,140
Parks Total			5,924,540	3,330,180			9,254,720
Buildings & Inspections							
Buildings & Inspections, Licenses & Permits	050	211	7,457,700	807,580			8,265,280
Property Maintenance Code Enforcement	050	212	1,987,040	348,730			2,335,770
Buildings & Inspections Total			9,444,740	1,156,310			10,601,050

Department and Agency	Fund	Agency	Salaries and Benefits 7100, 7500	Non-Personnel 7200-7400	Properties 7600	Debt Service 7700	Total Appropriation
Police							
Patrol Bureau	050	222	102,091,920	6,131,960			108,223,880
Investigations Bureau	050	225	18,789,830	2,086,570			20,876,400
Support Bureau	050	226	17,293,700	4,122,970			21,416,670
Administration Bureau	050	227	11,335,300	4,151,140			15,486,440
Police Total			149,510,750	16,492,640			166,003,390
Transportation & Engineering							
Office of The Director	050	231	436,120	80,400			516,520
Transportation Planning	050	232	53,610	15,470			69,080
Engineering	050	233	158,100	1,700			159,800
Traffic Engineering	050	239	-	1,962,990			1,962,990
Transportation & Engineering Total			647,830	2,060,560			2,708,390
Public Services							
Office of The Director	050	251	988,660	97,300			1,085,960
Neighborhood Operations	050	253	6,247,670	4,974,400			11,222,070
City Facility Management	050	255	98,430	3,290,750			3,389,180
Fleet Services	050	256	173,650	1,030			174,680
Public Services Total			7,508,410	8,363,480			15,871,890
Fire							
Fire - Response	050	271	109,526,190	8,828,480			118,354,670
Fire - Support Services	050	272	14,896,780	1,548,520			16,445,300
Fire Total			124,422,970	10,377,000			134,799,970
Economic Inclusion							
Economic Inclusion	050	281	898,200	148,120			1,046,320

Department and Agency	Fund	Agency	Salaries and Benefits 7100, 7500	Non-Personnel 7200-7400	Properties 7600	Debt Service 7700	Total Appropriation
Non-Departmental Accounts							
Contribution to City Pension	050	911	939,250				939,250
Public Employees Assistance Program (PEAP)	050	919	337,000				337,000
Workers' Compensation Insurance	050	921	3,971,250				3,971,250
Police & Fire Fighters' Insurance	050	922		313,000			313,000
State Unemployment Compensation	050	923	386,510				386,510
Lump Sum Payments	050	924	886,110				886,110
Audit And Examiner's Fees	050	941		450,000			450,000
Hamilton County Treasurer & Auditor Fees	050	942		500,000			500,000
General Fund Overhead	050	944		83,270			83,270
Election Expense	050	946		451,000			451,000
Judgments Against The City	050	951		900,000			900,000
Enterprise Software and Licenses	050	952		6,331,640			6,331,640
Memberships & Publications	050	953		264,370			264,370
Other City Obligations	050	959		178,760			178,760
Downtown Special Improvement District	050	963		110,880			110,880
The Port (Greater Cincinnati Redevelopment Authority)	050	968		700,000			700,000
Property Investment Reimbursement Agreements (PIRAs)	050	969		30,480			30,480
Reserve for Contingencies	050	990		100,000			100,000
Non-Departmental Accounts Total			6,520,120	10,413,400			16,933,520
Total General Fund			368,218,010	72,545,090	25,600	-	440,788,700

Estimated receipts, surplus, and expenditures of the General Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

<u>RECEIPTS AND SURPLUS</u>	<u>AMOUNT</u>	<u>EXPENDITURES & BALANCES</u>	<u>AMOUNT</u>
Taxes		Total Salary and Benefits.....	\$368,218,010
Real and Tangible Property	\$28,988,000		
City Earnings	\$277,139,731		
Other Taxes	\$4,359,948		
Total Taxes.....	<u>\$310,487,679</u>		
		Other Expenses	
Other Receipts		Departmental	\$62,131,690
Licenses and Permits	\$21,031,492	Non-Departmental	\$10,313,400
Courts and Use of Money and Property	\$8,553,006	Reserve for Contingencies	\$100,000
Revenue from Other Agencies	\$12,285,587		
Charges for Current Service	\$30,101,966	Properties	\$25,600
Casino Revenue	\$8,000,000		
Miscellaneous Revenue	<u>\$70,838,195</u>	Debt Service	<u>\$0</u>
Total Other Receipts.....	<u>\$150,810,246</u>	Total Other Expenses, Properties, and Debt.....	<u>\$72,570,690</u>
TOTAL RECEIPTS.....	\$461,297,925	TOTAL EXPENDITURES.....	\$440,788,700
TRANSFERS IN	\$0	TRANSFERS OUT.....	\$20,184,228
Estimated Balance July 1, 2021	<u>\$14,332,730</u>	Estimated Balance June 30, 2022	<u>\$14,657,727</u>
TOTAL RECEIPTS AND SURPLUS	<u><u>\$475,630,655</u></u>	TOTAL EXPENDITURES AND BALANCE	<u><u>\$475,630,655</u></u>

Exhibit A: Non-Represented Salary Schedule with 2.0% Cost-of-Living Adjustment (COLA)

CMC Section	Division	Grade	Title	Existing Minimum	Existing Maximum	New Minimum	New Maximum
				Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate
307-001	D0	001	Administrative Specialist	24.82652358	37.74414528	25.32305405	38.49902819
307-008	D0	008	Administrative Technician	18.80342970	28.58714424	19.17949829	29.15888712
307-009	D0	009	Investigator	29.56421040	44.77538574	30.15549461	45.67089345
307-013	D0	013	Senior Administrative Spclst	29.45094348	44.77538574	30.03996235	45.67089345
307-042	D0	042	Computer Programmer/Analyst	19.53973710	26.90622096	19.93053184	27.44434538
307-043	D0	043	Senior Comptr Programmer/Anlys	29.45094348	44.77538574	30.03996235	45.67089345
307-058	D0	058	Community Dvlpmnt & Plan Anal-EXM	24.82652358	37.74414528	25.32305405	38.49902819
307-066	D0	066	Development Officer	24.82652358	34.18611396	25.32305405	34.86983624
307-080	D0	080	Graphic Designer	24.82652358	37.74414528	25.32305405	38.49902819
307-089	D0	089	Human Resources Analyst	24.82652358	37.74414528	25.32305405	38.49902819
307-092	D0	092	Internal Auditor	24.82652358	37.74414528	25.32305405	38.49902819
307-094	D0	094	Management Analyst	24.82652358	37.74414528	25.32305405	38.49902819
307-146	D0	146	Comm Econ Development Analyst	19.47559338	37.74414528	19.86510525	38.49902819
307-148	D0	148	Comm Econ Develop Sr Analyst	24.10202166	44.77538574	24.58406209	45.67089345
307-149	D0	149	Senior Human Resources Analyst	29.45137698	44.77538574	30.04040452	45.67089345
307-150	D0	150	Senior Internal Auditor	29.45137698	44.77538574	30.04040452	45.67089345
307-151	D0	151	Supvr of Prk/Rec Maint & Const	29.45137698	44.77538574	30.04040452	45.67089345
307-152	D0	152	Senior City Planner	29.45137698	44.77538574	30.04040452	45.67089345
307-154	D0	154	Senior CommDev & Plan Anl-EXM	29.45137698	44.77538574	30.04040452	45.67089345
307-156	D0	156	Senior Development Officer	29.45137698	44.77538574	30.04040452	45.67089345
307-162	D0	162	Human Resources Info Sys Anal	29.44740000	44.77800000	30.03634800	45.67356000
307-177	D0	177	Senior Management Analyst	29.45137698	44.77538574	30.04040452	45.67089345
307-190	D0	190	Zoning Hearing Examiner	43.70540880	59.00230800	44.57951698	60.18235416
307-200	D0	200	Dietitian	22.11305940	30.44968158	22.55532059	31.05867521
307-219	D0	219	PEAP Coordinator	42.61334400	59.29482700	43.46561088	60.48072354
307-220	D0	220	Psychologist	29.83731744	41.08598862	30.43406379	41.90770839
307-228	D0	228	Assistant Dental Director	29.45137698	40.55454006	30.04040452	41.36563086
307-248	D0	248	Physician Assistant	31.17421818	41.89553202	31.79770254	42.73344266
307-258	D0	258	Accountant	24.82652358	37.74414528	25.32305405	38.49902819
307-265	D0	265	City Planner	24.82652358	37.74414528	25.32305405	38.49902819
307-271	D0	271	Physical Therapist	23.27519640	32.04995040	23.74070033	32.69094941
307-299	D0	299	Asst Health Laboratory Mgr	29.45137698	40.55454006	30.04040452	41.36563086
307-322	D0	322	Recycling Operations Tech	17.72000000	23.63000000	18.07440000	24.10260000
307-323	D0	323	Training Coordinator	29.45137698	44.77538574	30.04040452	45.67089345
307-336	D0	336	Housing Services Coordinator	20.40769200	21.12019200	20.81584584	21.54259584
307-438	D0	438	Supervisor of Building Permits	24.43841970	33.65170128	24.92718809	34.32473531
307-443	D0	443	Zoning Supervisor	27.90975102	38.43172932	28.46794604	39.20036391
307-575	D0	575	Development Officer 4	31.76057130	44.77538574	32.39578273	45.67089345
307-763	D0	763	Security Supervisor	18.80342970	25.89232362	19.17949829	26.41017009
307-824	D0	824	Information Technology Coor	19.53973710	26.90622096	19.93053184	27.44434538
307-826	D0	826	Emergency Comm Asst Mgr	29.45094246	44.77538574	30.03996131	45.67089345
307-864	D0	864	Landscape Architect	25.21354014	34.71904458	25.71781094	35.41342547
307-963	D0	963	Park Planner	31.76057130	43.73429928	32.39578273	44.60898527
307-004	D5	004	ETS Director	53.33104680	80.43141660	54.39766774	82.04004493
307-012	D5	012	Director of Communications	44.46170514	63.28103562	45.35093924	64.54665633
307-014	D5	014	Executive Mgr of Police Relatns	44.17742298	59.63964582	45.06097144	60.83243874
307-016	D5	016	Assistant to the City Manger	40.97436900	59.29482666	41.79385638	60.48072319
307-019	D5	019	Assistant Safety Director	44.17743420	59.63953260	45.06098288	60.83232325
307-020	D5	020	City Manager	121.39693200	154.30826628	123.82487064	157.39443161
307-022	D5	022	CommDev & Planning Director	53.33104680	71.99691726	54.39766774	73.43685561
307-032	D5	032	Deputy City Manager	62.31258948	84.12199692	63.55884127	85.80443686
307-033	D5	033	Environmental Programs Manager	46.52324142	63.28103562	47.45370625	64.54665633
307-040	D5	040	Budget Director	53.33104884	74.15680194	54.39766982	75.63993798
307-059	D5	059	Dir of Perform & Data Analytic	53.33104680	80.43141660	54.39766774	82.04004493
307-074	D5	074	CCA Director	53.33104680	74.15680194	54.39766774	75.63993798
307-075	D5	075	Cntrct Cmp & Adm Hrng Off	40.97436900	55.31539254	41.79385638	56.42170039
307-108	D5	108	Assistant Finance Director	48.96959310	67.76551764	49.94898496	69.12082799
307-114	D5	114	Director of Economic Inclusion	58.93357020	74.15680194	60.11224160	75.63993798
307-115	D5	115	Finance Director	53.33104680	80.43141660	54.39766774	82.04004493

Exhibit A: Non-Represented Salary Schedule with 2.0% Cost-of-Living Adjustment (COLA)

CMC Section	Division	Grade	Title	Existing Minimum	Existing Maximum	New Minimum	New Maximum
				Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate
307-120	D5	120	Retirement Director	53.33104680	74.15680194	54.39766774	75.63993798
307-153	D5	153	Dep Dir Perf & Data Analytics	46.06253190	62.65448940	46.98378254	63.90757919
307-155	D5	155	Human Resources Director	53.33104680	74.15680194	54.39766774	75.63993798
307-158	D5	158	Asst Human Resources Director	44.17743420	59.63953260	45.06098288	60.83232325
307-170	D5	170	City Solicitor	62.31258948	96.35417862	63.55884127	98.28126219
307-204	D5	204	Assistant Health Commissioner	46.52324142	62.80637148	47.45370625	64.06249891
307-205	D5	205	Health Commissioner	62.31267720	96.35417862	63.55893074	98.28126219
307-365	D5	365	Fire Chief	62.31259152	85.03252440	63.55884335	86.73317489
307-389	D5	389	Police Chief	62.31259152	85.03252440	63.55884335	86.73317489
307-446	D5	446	Buildings & Inspections Dir	63.95579622	80.43141660	65.23491214	82.04004493
307-450	D5	450	Asst Building & Insp Director	38.46789036	51.93165270	39.23724817	52.97028575
307-490	D5	490	City Planning Director	53.33104680	74.15680194	54.39766774	75.63993798
307-525	D5	525	Deputy Public Works Director	46.52324142	67.76551764	47.45370625	69.12082799
307-527	D5	527	Deputy Sewers Director	46.52324142	62.80637046	47.45370625	64.06249787
307-530	D5	530	Sewers Director	53.33104680	80.43141660	54.39766774	82.04004493
307-534	D5	534	Dep Dir of Economic Inclusion	46.52315676	63.28103562	47.45361990	64.54665633
307-535	D5	535	Deputy Director	46.52305272	67.76551764	47.45351377	69.12082799
307-554	D5	554	Asst Neighborhood Svcs Directr	38.46789036	51.93165270	39.23724817	52.97028575
307-556	D5	556	Deputy CommDev & Planning Dir	46.52324142	62.80637250	47.45370625	64.06249995
307-559	D5	559	Assistant Recreation Director	42.89205672	63.28103562	43.74989785	64.54665633
307-560	D5	560	Recreation Director	53.33104680	80.43141660	54.39766774	82.04004493
307-735	D5	735	Water Works Director	64.91513274	80.43141660	66.21343539	82.04004493
307-828	D5	828	Emergency Comm Center Director	53.33104782	80.43141864	54.39766878	82.04004701
307-865	D5	865	Parks Director	56.93230980	80.43141660	58.07095600	82.04004493
307-888	D5	888	Public Services Director	53.33104680	80.43141660	54.39766774	82.04004493
307-891	D5	891	Assistant City Manager	62.31259050	96.35417862	63.55884231	98.28126219
307-970	D5	970	Transportation & Eng Director	53.33104680	80.43141660	54.39766774	82.04004493
307-981	D5	981	Employment & Training Manager	46.52324142	62.80637046	47.45370625	64.06249787
307-982	D5	982	Director of Water and Sewers	67.72511850	101.83561374	69.07962087	103.87232601
307-984	D5	984	Director Community & Econ Dev	58.93357020	74.15680194	60.11224160	75.63993798
307-985	D5	985	Deputy Dir Community & Econ De	46.52324142	67.76545236	47.45370625	69.12076141
307-989	D5	989	Deputy Director Water & Sewers	50.98667370	67.76551764	52.00640717	69.12082799
307-991	D5	991	Executive Project Director	55.04683164	98.43428808	56.14776827	100.40297384
307-997	D5	997	Economic Development Director	53.33104680	71.99691726	54.39766774	73.43685561
307-157	LAW	157	Chief Counsel	43.13155680	77.23275780	43.99418794	78.77741296
307-166	LAW	166	Assistant City Solicitor	24.82652460	44.84482632	25.32305509	45.74172285
307-167	LAW	167	Senior Asst City Solicitor	29.26125000	70.02692292	29.84647500	71.42746138
307-169	LAW	169	Deputy City Solicitor	53.85098058	84.70689654	54.92800019	86.40103447
307-186	LAW	186	Support Services Manager	29.45094144	40.55453700	30.03996027	41.36562774
307-187	LAW	187	Law Chief of Staff	53.85098058	84.70689654	54.92800019	86.40103447
307-188	LAW	188	Real Estate Manager	40.00660320	59.29482666	40.80673526	60.48072319
307-191	LAW	191	Asst to the City Solicitor	28.87347252	44.84482632	29.45094197	45.74172285
307-193	LAW	193	Support Services Specialist	18.43473234	37.74414732	18.80342699	38.49903027
307-217	LAW	217	Legal Assistant	18.43473234	37.74414732	18.80342699	38.49903027
307-223	LAW	223	Chief Appraiser	35.29335150	51.32241384	35.99921853	52.34886212
307-224	LAW	224	Real Estate Specialist	24.82652460	34.18611090	25.32305509	34.86983312
307-225	LAW	225	Senior Real Estate Specialist	31.76057232	44.84482632	32.39578377	45.74172285
307-930	LAW	930	Law Clerk	11.25950154	18.83580450	11.48469157	19.21252059
307-931	LAW	931	Administrative Hearing Officer	29.90454564	70.02692292	30.50263655	71.42746138
307-998	LAW	998	Spvg Real Estate Specialist	35.29335048	47.64601764	35.99921749	48.59893799
307-015	D8	015	Regional Computer Center Mgr	53.85097854	72.69882618	54.92799811	74.15280270
307-041	D8	041	Supervising Management Analyst	35.29334946	51.32241384	35.99921645	52.34886212
307-045	D8	045	Info Technology Asst Manager	37.81923156	55.30862076	38.57561619	56.41479318
307-046	D8	046	Information Technology Manager	42.72653622	59.29482666	43.58106694	60.48072319
307-078	D8	078	Chief Investigator	35.29334946	51.32241384	35.99921645	52.34886212
307-109	D8	109	Airport Manager	37.81923156	55.30862076	38.57561619	56.41479318
307-110	D8	110	Division Manager	42.72616086	59.29482666	43.58068408	60.48072319
307-113	D8	113	Risk Manager	37.81923156	51.05596536	38.57561619	52.07708467
307-131	D8	131	Supvg Environ/Safety Spec	35.29334946	51.32241384	35.99921645	52.34886212

Exhibit A: Non-Represented Salary Schedule with 2.0% Cost-of-Living Adjustment (COLA)

CMC Section	Division	Grade	Title	Existing Minimum	Existing Maximum	New Minimum	New Maximum
				Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate
307-134	D8	134	Asst Commercial Svcs Supt	33.40029066	45.09039132	34.06829647	45.99219915
307-135	D8	135	Commercial Services Supt	42.72653622	59.29482666	43.58106694	60.48072319
307-141	D8	141	Supervising Buyer	35.29334946	51.32241384	35.99921645	52.34886212
307-145	D8	145	City Purchasing Agent	37.81923156	51.05596536	38.57561619	52.07708467
307-159	D8	159	Supvg Human Resources Analyst	35.29334946	51.32241384	35.99921645	52.34886212
307-160	D8	160	Police Academy Manager	40.00640226	54.00891738	40.80653031	55.08909573
307-168	D8	168	Asst Treatment Superintendent	37.81923156	55.30862076	38.57561619	56.41479318
307-178	D8	178	Medical Director	74.63762178	105.53639202	76.13037422	107.64711986
307-185	D8	185	Supvg Comm Dev & Plang Anl-EXM	35.29334946	51.32241384	35.99921645	52.34886212
307-201	D8	201	Occupational/Safety Hlth Coord	42.61334274	59.29482666	43.46560959	60.48072319
307-202	D8	202	Public Wks Opr Asst Supt	37.81923156	51.05596536	38.57561619	52.07708467
307-208	D8	208	City Architect	43.70540982	63.28103562	44.57951802	64.54665633
307-216	D8	216	Principal Engineer	40.18017048	55.30862076	40.98377389	56.41479318
307-218	D8	218	Envrnmntl/Solid Wst Prgrams Crd	40.00660626	55.30862076	40.80673839	56.41479318
307-227	D8	227	Dental Director	83.12395956	99.65517198	84.78643875	101.64827542
307-231	D8	231	Parks/Rec Superintendent	41.48246670	59.29482666	42.31211603	60.48072319
307-233	D8	233	Pharmacy Director	56.94493230	68.22115470	58.08383095	69.58557779
307-236	D8	236	Supervising Real Property Spec	35.29334946	51.32241384	35.99921645	52.34886212
307-237	D8	237	Public Information Officer	31.45310862	48.75509322	32.08217079	49.73019508
307-242	D8	242	Health Programs Manager	35.29334946	51.32241384	35.99921645	52.34886212
307-249	D8	249	Public Health Practitioner	66.68953698	90.03087528	68.02332772	91.83149279
307-252	D8	252	Dentist	69.20410626	88.69310244	70.58818839	90.46696449
307-253	D8	253	Public Wks Opr Superintendent	42.72653622	59.29482666	43.58106694	60.48072319
307-254	D8	254	Supervising Accountant	35.29334946	51.32241384	35.99921645	52.34886212
307-255	D8	255	Supervising Architect	35.29334946	51.32241384	35.99921645	52.34886212
307-256	D8	256	Treatment Superintendent	42.72653622	59.29482666	43.58106694	60.48072319
307-257	D8	257	Public Wrks/Utilities Supt	42.72653622	59.29482666	43.58106694	60.48072319
307-259	D8	259	Environmental Services Directr	33.40029066	47.83448202	34.06829647	48.79117166
307-260	D8	260	Regional Comp Ctr Asst Mgr	45.94452912	62.02511166	46.86341970	63.26561389
307-261	D8	261	Public Health Internist	66.68953698	90.03087528	68.02332772	91.83149279
307-262	D8	262	Public Health Pediatrician	66.68953698	90.03087528	68.02332772	91.83149279
307-263	D8	263	Public Health Physician	66.68953698	90.03087528	68.02332772	91.83149279
307-282	D8	282	Nursing Director	42.72653622	59.29482666	43.58106694	60.48072319
307-286	D8	286	Supervising Chemist	35.29334946	51.32241384	35.99921645	52.34886212
307-300	D8	300	Health Laboratory Director	33.40029066	45.09039132	34.06829647	45.99219915
307-304	D8	304	Treatment Supervisor	35.29334946	51.32241384	35.99921645	52.34886212
307-307	D8	307	Supervising Epidemiologist	35.42909412	51.32241384	36.13767600	52.34886212
307-308	D8	308	Pension Fund Manager	51.12436350	69.01818372	52.14685077	70.39854739
307-321	D8	321	Finance Manager	45.94452912	63.28103562	46.86341970	64.54665633
307-435	D8	435	Supervising Inspector	34.78825974	47.83448202	35.48402493	48.79117166
307-486	D8	486	Supervising City Planner	35.29334946	51.32241384	35.99921645	52.34886212
307-487	D8	487	Urban Conservator	35.29334946	51.32241384	35.99921645	52.34886212
307-509	D8	509	Geotechnical Engineer	35.29334946	51.32241384	35.99921645	52.34886212
307-515	D8	515	Supervising Engineer	35.29334946	51.32241384	35.99921645	52.34886212
307-518	D8	518	Principal Architect	40.18017048	55.30862076	40.98377389	56.41479318
307-519	D8	519	City Engineer	47.65755996	63.28103562	48.61071116	64.54665633
307-529	D8	529	Supvg Bldg Plans Exam Code Anl	35.29334946	51.32241384	35.99921645	52.34886212
307-531	D8	531	City Traffic Engineer	43.70540982	63.28103562	44.57951802	64.54665633
307-539	D8	539	Water Works Chief Engineer	43.70540982	59.29482666	44.57951802	60.48072319
307-540	D8	540	Facilities Maintenance Manager	37.81923156	51.05596536	38.57561619	52.07708467
307-541	D8	541	Asst Facilities Mntnce Manager	33.40029066	47.83448202	34.06829647	48.79117166
307-542	D8	542	Facilities Manager	42.72653622	59.29482666	43.58106694	60.48072319
307-544	D8	544	Sewers Chief Engineer	43.70540982	59.29482666	44.57951802	60.48072319
307-551	D8	551	Supvg Parks/Recreation Cordntr	35.29334946	51.32241384	35.99921645	52.34886212
307-558	D8	558	Supervisor of Golf	35.29334946	51.32241384	35.99921645	52.34886212
307-576	D8	576	Development Manager	35.29334946	51.32241384	35.99921645	52.34886212
307-646	D8	646	Traffic Services Manager	35.29334946	47.64602070	35.99921645	48.59894111
307-683	D8	683	City Stormwater Management Eng	43.70540982	59.29482666	44.57951802	60.48072319
307-685	D8	685	Asst Fleet Services Manager	33.40029066	47.83448202	34.06829647	48.79117166

Exhibit A: Non-Represented Salary Schedule with 2.0% Cost-of-Living Adjustment (COLA)

CMC Section	Division	Grade	Title	Existing Minimum	Existing Maximum	New Minimum	New Maximum
				Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate
307-686	D8	686	Fleet Services Manager	40.00660626	54.00891738	40.80673839	55.08909573
307-692	D8	692	Parking Superintendent	40.00660626	55.30862076	40.80673839	56.41479318
307-710	D8	710	Wastewater Collection Supt	42.72653622	57.68082354	43.58106694	58.83444001
307-729	D8	729	Industrial Waste Superintendnt	42.72653622	57.68082354	43.58106694	58.83444001
307-764	D8	764	Asst Water Distribution Supt	33.40029066	45.09039132	34.06829647	45.99219915
307-765	D8	765	Water Distribution Supt	42.72653622	57.68082354	43.58106694	58.83444001
307-822	D8	822	Emergency Response Coordinator	35.29334946	47.64602070	35.99921645	48.59894111
307-827	D8	827	Emergency Communications Mgr	40.80652698	55.08909534	41.62265752	56.19087725
307-880	D8	880	Printing Services & Stores Mgr	33.40029066	47.83448202	34.06829647	48.79117166
307-948	D8	948	Asst Convention Center Manager	33.40029066	45.09039132	34.06829647	45.99219915
307-950	D8	950	Convention Center Manager	40.00660626	54.00891738	40.80673839	55.08909573
307-983	D8	983	Employment & Training Supv.	35.29334946	51.32241384	35.99921645	52.34886212
307-986	D8	986	Optometrist	59.20019922	76.11445224	60.38420320	77.63674128
307-999	D8	999	Internal Audit Manager	37.81923258	55.30862076	38.57561723	56.41479318
307-023	D9	023	Council Assistant	11.25950154	54.92084940	11.48469157	56.01926639
307-024	D9	024	Chief Deputy Clerk of Council	31.82465688	47.63514138	32.46115002	48.58784421
307-025	D9	025	Clerk of Council	40.66896060	53.91089028	41.48233981	54.98910809
307-035	D9	035	Deputy Clerk	16.72203300	28.99090614	17.05647366	29.57072426
307-036	D9	036	Assistant Chief Deputy Clerk	25.37298756	35.07837528	25.88044731	35.77994279

EXHIBIT B



**CITY OF CINCINNATI
DEPARTMENT OF BUILDINGS AND INSPECTIONS
FEE SCHEDULE**

Effective - July 01, 2021
per Ordinance No.

PAGE 1 OF 5

BUILDING PERMIT FEES				APPLICATION EXTENSION	
NEW CONSTRUCTION - ADDITION - ALTERATION - REPAIR				RCO Applications	\$127.00
FIRE PROTECTION - RETAINING WALLS - SITE IMPROVEMENT				OBC Applications	\$189.00
Project Valuation	Permits without plans	RCO Project with plans*	OBC Project with plans	ZONING RELATED SERVICES	
\$ 2,000.00	\$ 84.00	\$ 137.00	\$ 269.00	Certificate of Appropriateness	\$119.00
\$ 3,000.00	\$ 109.00	\$ 137.00	\$ 269.00	Zoning Certificate of Compliance	\$119.00
\$ 4,000.00	\$ 137.00	\$ 137.00	\$ 269.00	Zoning Verification Letter	\$119.00
\$ 5,000.00	\$ 162.00	\$ 162.00	\$ 269.00	DeMinimus Variance/Minor Use Permits (FBC)	\$235.00
\$ 6,000.00	\$ 185.00	\$ 185.00	\$ 269.00	RESIDENTIAL CERTIFICATE OF OCCUPANCY/INSPECTION	
\$ 7,000.00	\$ 205.00	\$ 205.00	\$ 269.00	RCO Certificates (first dwelling unit)	\$50.00
\$ 8,000.00	\$ 225.00	\$ 225.00	\$ 269.00	Each additional unit	\$13.00
\$ 9,000.00	\$ 250.00	\$ 250.00	\$ 269.00	OBC Certificates (first dwelling unit)	\$69.00
\$ 10,000.00	\$ 269.00	\$ 269.00	\$ 269.00	Each additional unit	\$14.00
\$ 11,000.00	\$ 285.00	\$ 285.00	\$ 285.00	Maximum fee	\$159.00
\$ 12,000.00	\$ 304.00	\$ 304.00	\$ 304.00	NON-RESIDENTIAL & RESIDENTIAL W/O DWELLING UNITS	
\$ 13,000.00	\$ 319.00	\$ 319.00	\$ 319.00	RCO and OBC Certificates (first 5000 sqft)	\$134.00
\$ 14,000.00	\$ 336.00	\$ 336.00	\$ 336.00	Each additional 5000 sqft	\$15.00
\$ 15,000.00	\$ 354.00	\$ 354.00	\$ 354.00	Maximum fee	\$453.00
\$ 16,000.00	\$ 371.00	\$ 371.00	\$ 371.00	TIME LIMITED CERTIFICATE OF OCCUPANCY	
\$ 17,000.00	\$ 388.00	\$ 388.00	\$ 388.00	5% of building permit fee for first three months plus 5% of building permit fee for each additional month thereafter.	Minimum fee \$101.00
\$ 18,000.00	\$ 406.00	\$ 406.00	\$ 406.00	Maximum fee	\$650.00
\$ 19,000.00	\$ 423.00	\$ 423.00	\$ 423.00	ENGINEERING CHANGE (changes to plans following permit issuance)	
\$ 20,000.00	\$ 441.00	\$ 441.00	\$ 441.00	Processing fee	\$56.00
\$ 21,000.00	\$ 458.00	\$ 458.00	\$ 458.00	Approval fee	\$81.00
\$ 22,000.00	\$ 472.00	\$ 472.00	\$ 472.00	REVISION FEE (including revisions to plan and revisions to engineering changes)	
\$ 23,000.00	\$ 492.00	\$ 492.00	\$ 492.00	RCO Permits	\$69.00
\$ 24,000.00	\$ 509.00	\$ 509.00	\$ 509.00	OBC Permits	\$198.00
\$ 25,000.00	\$ 525.00	\$ 525.00	\$ 525.00	RE-INSPECTION FEE	
\$ 26,000.00	\$ 540.00	\$ 540.00	\$ 540.00	Per inspection following second failed inspection	\$134.00
\$ 27,000.00	\$ 551.00	\$ 551.00	\$ 551.00	INVESTIGATION FEE (for projects commenced without a permit)	
\$ 28,000.00	\$ 565.00	\$ 565.00	\$ 565.00	The inspection fee is equal to the applicable permit fee and is charged in addition to the permit fee.	Maximum fee \$1,362.00
\$ 29,000.00	\$ 578.00	\$ 578.00	\$ 578.00	PERMIT REFUNDS	
\$ 30,000.00	\$ 592.00	\$ 592.00	\$ 592.00	One half of a fully paid permit fee is refundable if work has not begun under the permit and the refund is requested prior to permit expiration. All other refunds are subject to approval in the discretion of the director of buildings and inspections and may only be issued for good cause shown.	
\$ 31,000.00	\$ 606.00	\$ 606.00	\$ 606.00	PERMIT RENEWAL	
\$ 32,000.00	\$ 618.00	\$ 618.00	\$ 618.00	Prior to their expiration, permits may be renewed for one-half of the original permit fee.	Minimum fee \$66.00
\$ 33,000.00	\$ 630.00	\$ 630.00	\$ 630.00	Maximum fee	\$541.00
\$ 34,000.00	\$ 644.00	\$ 644.00	\$ 644.00	SCANNING FEES	
\$ 35,000.00	\$ 657.00	\$ 657.00	\$ 657.00	Sheets greater than 8 1/2" X 11"	\$10.00 /SHEET
\$ 36,000.00	\$ 671.00	\$ 671.00	\$ 671.00	Sheets no larger than 8 1/2" X 11"	\$3.00 /SHEET
\$ 37,000.00	\$ 685.00	\$ 685.00	\$ 685.00	TENTS	
\$ 38,000.00	\$ 697.00	\$ 697.00	\$ 697.00	Per 10,000 sqft per month	\$134.00
\$ 39,000.00	\$ 709.00	\$ 709.00	\$ 709.00	REVIEW BY APPOINTMENT	
\$ 40,000.00	\$ 723.00	\$ 723.00	\$ 723.00	RCO Applications	\$96.00
\$ 41,000.00	\$ 737.00	\$ 737.00	\$ 737.00	OBC Applications	\$521.00
\$ 42,000.00	\$ 751.00	\$ 751.00	\$ 751.00	PERMIT PROCESSING FEE	
\$ 43,000.00	\$ 763.00	\$ 763.00	\$ 763.00	All permits applications are assessed a one time non-refundable fee that is due at the time of application.	
\$ 44,000.00	\$ 778.00	\$ 778.00	\$ 778.00	RCO Applications	\$37.00
\$ 45,000.00	\$ 790.00	\$ 790.00	\$ 790.00	OBC Applications	\$106.00
\$ 46,000.00	\$ 802.00	\$ 802.00	\$ 802.00	This fee does not apply to plumbing and HVAC repair/replacement applications not requiring plans.	
\$ 47,000.00	\$ 814.00	\$ 814.00	\$ 814.00		
\$ 48,000.00	\$ 829.00	\$ 829.00	\$ 829.00		
\$ 49,000.00	\$ 843.00	\$ 843.00	\$ 843.00		
\$ 50,000.00	\$ 856.00	\$ 856.00	\$ 856.00		

FOR ALL VALUATIONS OVER \$50,000 = \$856 + \$9.31 x (VALUATION/\$1,000)

Project Area and Valuation Calculations For All Permits

- Project area and valuation is rounded up to nearest increment.
- Project valuations shall be evaluated using applicants' estimated value of improvements and costs of construction published by the Engineering News-Record except as follows:
 - Retaining Walls: Portions of walls greater than 5' in height above grade shall be valued at \$373/lnft and portions of walls less than 5' in height above grade shall be valued at \$251/lnft.

Scheduled Fees are Subject to Additional Surcharges As Indicated

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

*RCO refers throughout to the Residential Code of Ohio
**OBC refers throughout to the Ohio Building Code

Premium Services - The fee is in addition to the regular permit fee and any other fees that may accrue	
RCO AFTER HOURS AND WEEKEND PLANS EXAMINATION	\$96 per application plus (\$127+PE rate)/HR
OBC AFTER HOURS AND WEEKEND PLANS EXAMINATION	\$547 per application plus (\$134+PE rate)/HR
EXPRESS PLAN EXAMINATION***	\$650 per application plus \$1039/HR
SAME DAY PERMIT ISSUANCE FOLLOWING APPROVAL FROM ALL AGENCIES	\$327 per application
SAME DAY INSPECTIONS	\$198 per inspection plus inspector rate/HR
AFTER HOURS AND WEEKEND INSPECTIONS	\$101 per inspection plus inspector rate/HR
FEES FOR PHASED PERMITTING	\$198 per phase
COMMERCIAL COURTESY INSPECTION	\$292 per inspection

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



CITY OF CINCINNATI
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HVAC FEE SCHEDULE*			PLUMBING FEES			WRECKING FEES		EXCAVATION/FILL FEES
Estimated Valuation	OBC Projects without plans and new RCO installations	OBC Projects with plans	Number of Fixtures	Replace Fixture Fee	New Fixture Fee	Wrecking Area (x1000sqft)	Building Demo Fee	Excavation and Fill Area (X1000cy)
			1	\$ 53.00	\$ 76.00	1	\$ 85.00	\$ 188.00
\$ 2,000.00	\$ 81.00	\$ 276.00	2	\$ 77.00	\$ 100.00	2	\$ 130.00	\$ 242.00
\$ 3,000.00	\$ 120.00	\$ 276.00	3	\$ 101.00	\$ 124.00	3	\$ 175.00	\$ 296.00
\$ 4,000.00	\$ 159.00	\$ 276.00	4	\$ 125.00	\$ 148.00	4	\$ 220.00	\$ 350.00
\$ 5,000.00	\$ 198.00	\$ 276.00	5	\$ 149.00	\$ 172.00	5	\$ 265.00	\$ 404.00
\$ 6,000.00	\$ 230.00	\$ 276.00	6	\$ 173.00	\$ 196.00	6	\$ 310.00	\$ 458.00
\$ 7,000.00	\$ 263.00	\$ 276.00	7	\$ 197.00	\$ 220.00	7	\$ 355.00	\$ 512.00
\$ 8,000.00	\$ 296.00	\$ 310.00	8	\$ 221.00	\$ 244.00	8	\$ 400.00	\$ 566.00
\$ 9,000.00	\$ 327.00	\$ 345.00	9	\$ 245.00	\$ 268.00	9	\$ 445.00	\$ 620.00
\$ 10,000.00	\$ 361.00	\$ 378.00	10	\$ 269.00	\$ 292.00	10	\$ 490.00	\$ 674.00
\$ 11,000.00	\$ 385.00	\$ 407.00	11	\$ 293.00	\$ 316.00	11	\$ 535.00	\$ 728.00
\$ 12,000.00	\$ 414.00	\$ 434.00	12	\$ 317.00	\$ 340.00	12	\$ 580.00	\$ 782.00
\$ 13,000.00	\$ 441.00	\$ 462.00	13	\$ 341.00	\$ 364.00	13	\$ 625.00	\$ 836.00
\$ 14,000.00	\$ 467.00	\$ 490.00	14	\$ 365.00	\$ 388.00	14	\$ 670.00	\$ 890.00
\$ 15,000.00	\$ 495.00	\$ 521.00	15	\$ 389.00	\$ 412.00	15	\$ 715.00	\$ 944.00
\$ 16,000.00	\$ 524.00	\$ 550.00	16	\$ 413.00	\$ 436.00	16	\$ 760.00	\$ 998.00
\$ 17,000.00	\$ 550.00	\$ 579.00	17	\$ 437.00	\$ 460.00	17	\$ 805.00	\$ 1,052.00
\$ 18,000.00	\$ 578.00	\$ 607.00	18	\$ 461.00	\$ 484.00	18	\$ 850.00	\$ 1,106.00
\$ 19,000.00	\$ 606.00	\$ 636.00	19	\$ 485.00	\$ 508.00	19	\$ 895.00	\$ 1,160.00
\$ 20,000.00	\$ 632.00	\$ 664.00	20	\$ 509.00	\$ 532.00	20	\$ 940.00	\$ 1,214.00
\$ 21,000.00	\$ 658.00	\$ 693.00	21	\$ 533.00	\$ 556.00	21	\$ 985.00	\$ 1,268.00
\$ 22,000.00	\$ 686.00	\$ 719.00	22	\$ 557.00	\$ 580.00	22	\$ 1,030.00	\$ 1,322.00
\$ 23,000.00	\$ 713.00	\$ 750.00	23	\$ 581.00	\$ 604.00	23	\$ 1,075.00	\$ 1,376.00
\$ 24,000.00	\$ 739.00	\$ 778.00	24	\$ 605.00	\$ 628.00	24	\$ 1,120.00	\$ 1,430.00
\$ 25,000.00	\$ 766.00	\$ 804.00	25	\$ 629.00	\$ 652.00	25	\$ 1,165.00	\$ 1,484.00
\$ 26,000.00	\$ 788.00	\$ 829.00	26	\$ 653.00	\$ 676.00	26	\$ 1,210.00	\$ 1,538.00
\$ 27,000.00	\$ 810.00	\$ 850.00	27	\$ 677.00	\$ 700.00	27	\$ 1,255.00	\$ 1,592.00
\$ 28,000.00	\$ 834.00	\$ 876.00	28	\$ 701.00	\$ 724.00	28	\$ 1,300.00	\$ 1,646.00
\$ 29,000.00	\$ 854.00	\$ 896.00	29	\$ 725.00	\$ 748.00	29	\$ 1,345.00	\$ 1,700.00
\$ 30,000.00	\$ 877.00	\$ 921.00	30	\$ 749.00	\$ 772.00	30	\$ 1,390.00	\$ 1,754.00
\$ 31,000.00	\$ 898.00	\$ 943.00	31	\$ 773.00	\$ 796.00	31	\$ 1,435.00	\$ 1,808.00
\$ 32,000.00	\$ 921.00	\$ 966.00	32	\$ 797.00	\$ 820.00	32	\$ 1,480.00	\$ 1,862.00
\$ 33,000.00	\$ 943.00	\$ 992.00	33	\$ 821.00	\$ 844.00	33	\$ 1,525.00	\$ 1,916.00
\$ 34,000.00	\$ 965.00	\$ 1,014.00	34	\$ 845.00	\$ 868.00	34	\$ 1,570.00	\$ 1,970.00
\$ 35,000.00	\$ 985.00	\$ 1,035.00	35	\$ 869.00	\$ 892.00	35	\$ 1,615.00	\$ 2,024.00
\$ 36,000.00	\$ 1,008.00	\$ 1,058.00	36	\$ 893.00	\$ 916.00	36	\$ 1,660.00	\$ 2,078.00
\$ 37,000.00	\$ 1,030.00	\$ 1,082.00	37	\$ 917.00	\$ 940.00	37	\$ 1,705.00	\$ 2,132.00
\$ 38,000.00	\$ 1,051.00	\$ 1,105.00	38	\$ 941.00	\$ 964.00	38	\$ 1,750.00	\$ 2,186.00
\$ 39,000.00	\$ 1,075.00	\$ 1,130.00	39	\$ 965.00	\$ 988.00	39	\$ 1,795.00	\$ 2,240.00
\$ 40,000.00	\$ 1,097.00	\$ 1,152.00	40	\$ 989.00	\$ 1,012.00	40	\$ 1,840.00	\$ 2,294.00
\$ 41,000.00	\$ 1,119.00	\$ 1,177.00	41	\$ 1,013.00	\$ 1,036.00	41	\$ 1,885.00	\$ 2,348.00
\$ 42,000.00	\$ 1,140.00	\$ 1,196.00	42	\$ 1,037.00	\$ 1,060.00	42	\$ 1,930.00	\$ 2,402.00
\$ 43,000.00	\$ 1,162.00	\$ 1,220.00	43	\$ 1,061.00	\$ 1,084.00	43	\$ 1,975.00	\$ 2,456.00
\$ 44,000.00	\$ 1,184.00	\$ 1,243.00	44	\$ 1,085.00	\$ 1,108.00	44	\$ 2,020.00	\$ 2,510.00
\$ 45,000.00	\$ 1,205.00	\$ 1,267.00	45	\$ 1,109.00	\$ 1,132.00	45	\$ 2,065.00	\$ 2,564.00
\$ 46,000.00	\$ 1,228.00	\$ 1,289.00	46	\$ 1,133.00	\$ 1,156.00	46	\$ 2,110.00	\$ 2,618.00
\$ 47,000.00	\$ 1,249.00	\$ 1,313.00	47	\$ 1,157.00	\$ 1,180.00	47	\$ 2,155.00	\$ 2,672.00
\$ 48,000.00	\$ 1,273.00	\$ 1,336.00	48	\$ 1,181.00	\$ 1,204.00	48	\$ 2,200.00	\$ 2,726.00
\$ 49,000.00	\$ 1,293.00	\$ 1,359.00	49	\$ 1,205.00	\$ 1,228.00	49	\$ 2,245.00	\$ 2,780.00
\$ 50,000.00	\$ 1,318.00	\$ 1,383.00	50	\$ 1,229.00	\$ 1,252.00	50	\$ 2,290.00	\$ 2,834.00
HVAC FEE SCHEDULE (Valuations>\$50,000)			PLUMBING FEE SCHEDULE			WRECKING FEES		E/F FEE SCHEDULE
\$50,001 TO \$100,000 = \$1383 + \$17.68/\$1000			Each additional fixture			\$ 24.00		First 100 cy \$134
\$100,001 TO \$500,000 = \$2267 + \$14.96/\$1000						\$45		Each additional 1000cy \$54
\$500,001 OR MORE = \$8251 + \$13.61/\$1000								

*HVAC Replacement in RCO Projects	
REPLACE EQUIPMENT/CONNECT TO AN EXISTING BRANCH UNIT	
\$93 FOR THE FIRST UNIT + \$36 EACH ADDITIONAL UNIT	
ADD EQUIPMENT CONNECTION TO NEW BRANCH CIRCUIT	
\$72 FOR THE FIRST UNIT + \$36 EACH ADDITIONAL UNIT	
COMBINATION OF ABOVE	
\$93 FOR THE FIRST UNIT + \$36 FOR EACH ADDITIONAL UNIT	



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Elevator Permit Fees	
NEW CONSTRUCTION - ADD - ALT - REPAIRS	
Estimated Valuation	Permit Fee
\$2,000.00	\$ 84.00
\$3,000.00	\$ 109.00
\$4,000.00	\$ 137.00
\$5,000.00	\$ 162.00
\$6,000.00	\$ 185.00
\$7,000.00	\$ 205.00
\$8,000.00	\$ 225.00
\$9,000.00	\$ 250.00
\$10,000.00	\$ 269.00
\$11,000.00	\$ 285.00
\$12,000.00	\$ 304.00
\$13,000.00	\$ 319.00
\$14,000.00	\$ 336.00
\$15,000.00	\$ 354.00
\$16,000.00	\$ 371.00
\$17,000.00	\$ 388.00
\$18,000.00	\$ 406.00
\$19,000.00	\$ 423.00
\$20,000.00	\$ 441.00
\$21,000.00	\$ 458.00
\$22,000.00	\$ 472.00
\$23,000.00	\$ 492.00
\$24,000.00	\$ 509.00
\$25,000.00	\$ 525.00
\$26,000.00	\$ 540.00
\$27,000.00	\$ 551.00
\$28,000.00	\$ 565.00
\$29,000.00	\$ 578.00
\$30,000.00	\$ 592.00
\$31,000.00	\$ 606.00
\$32,000.00	\$ 618.00
\$33,000.00	\$ 630.00
\$34,000.00	\$ 644.00
\$35,000.00	\$ 657.00
\$36,000.00	\$ 671.00
\$37,000.00	\$ 685.00
\$38,000.00	\$ 697.00
\$39,000.00	\$ 709.00
\$40,000.00	\$ 723.00
\$41,000.00	\$ 737.00
\$42,000.00	\$ 751.00
\$43,000.00	\$ 763.00
\$44,000.00	\$ 778.00
\$45,000.00	\$ 790.00
\$46,000.00	\$ 802.00
\$47,000.00	\$ 814.00
\$48,000.00	\$ 829.00
\$49,000.00	\$ 843.00
\$50,000.00	\$ 856.00
FOR ALL VALUATIONS OVER \$50,000 = \$856 + \$9.31 x (VALUATION/\$1,000)	

Fee Schedule Certificates of Operation	
Floor	Yearly Total
1 THRU 5	\$ 220.00
6	\$ 245.00
7	\$ 270.00
8	\$ 295.00
9	\$ 320.00
10	\$ 345.00
11	\$ 370.00
12	\$ 395.00
13	\$ 420.00
14	\$ 445.00
15	\$ 470.00
16	\$ 495.00
17	\$ 520.00
18	\$ 545.00
19	\$ 570.00
20	\$ 595.00
21	\$ 620.00
22	\$ 645.00
23	\$ 670.00
24	\$ 695.00
25	\$ 720.00
26	\$ 745.00
27	\$ 770.00
28	\$ 795.00
29	\$ 820.00
30	\$ 845.00
31	\$ 870.00
32	\$ 895.00
33	\$ 920.00
34	\$ 945.00
35	\$ 970.00
36	\$ 995.00
37	\$ 1,020.00
38	\$ 1,045.00
39	\$ 1,070.00
40	\$ 1,095.00
41	\$ 1,120.00
42	\$ 1,145.00
43	\$ 1,170.00
44	\$ 1,195.00
45	\$ 1,220.00
46	\$ 1,245.00
47	\$ 1,270.00
Additional floors = \$25 per floor	
Escalators	\$ 307.00
Ash Hoists	\$ 81.00
Manlift	\$ 160.00
Special Purpose Elevator	\$ 184.00
Sidewalk Lifts	\$ 93.00
Stairway Chair Lifts	\$ 68.00
Dumbwaiters (Cart Lift)	\$ 81.00
Moving Walk	\$ 307.00
Pallet Lift	\$ 81.00
Stage Lift	\$ 232.00
Material Lift	\$ 81.00
Wheel Chair Lifts	\$ 68.00
LULA	\$ 88.00
Processing Fees - Commercial	\$ 106.00
Processing Fees - Residential	\$ 37.00
Safety Test Reports	\$ 34.00
Reinspection Fee (after first failed inspection)	\$ 72.00
Seal Out of Service	\$ 73.00
Late Fee	\$ 27.00



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



**CITY OF CINCINNATI
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Property Maintenance Fees

Periodic Inspection Fee For Compliance w/Conditions Of Approval	\$292.00
Façade Examination Report Review Fee	\$116.00
Fire Escape Examination Report Review Fee	\$116.00
Director Determinations for VBML Waiver and Fee Deductions	\$143.00

Quarterly Code Enforcement Monitoring Fee	Days in Non-Compliance	Quarterly Fees
	61-150	\$37.00
	151-240	\$52.00
	241-330	\$68.00
	331-420	\$84.00
	421-510	\$99.00
	511-600	\$114.00
	601-690	\$130.00
	691-780	\$145.00
	781 or >	\$166.00



202102165

Steven P. Goodin
Councilmember

June 7, 2021

MOTION

WE MOVE that the City set aside funds in the Fiscal Year 2021 budget to repair and/or upgrade the following the city roadways, including the provision of traffic calming devices and better grading to prevent accidents:

- Warsaw Avenue (Kroger crosswalk)
- Rockdale Avenue (Rockdale Academy)
- Harrison Avenue (2200 block)
- Hamilton Avenue (Hamilton & Lingo)
- Virginia Avenue & Kirby Avenue
- Route 50/River Road (Sayler Park)


Councilmember Steven Goodin

STATEMENT

Council offices constantly receive inquiries from constituents regarding incidents that frequently occur on streets with inadequate public safety structures. Select roads (listed above) experience high volumes of traffic incidents due to speeding violations. The Department of Transportation Engineering supports issues of this nature through their Neighborhood Street Calming and Vision Zero Program if such streets meet the program's criteria. Other roadways, such as Route 50/River Road in Sayler Park, need significant maintenance repairs of road grading that stress daily commuter vehicles and cannot be supported under the street calming programs. Given the high level of concern, we ask that the listed streets are prioritized in the City's budget to be funded for appropriate repairs and/or upgrades.

COMMITTEES

Budget & Finance • Economic Growth & Zoning • Law & Public Safety



Steven P. Goodin
Councilmember

June 4, 2021

MOTION

WE MOVE the City include a capital request of \$250,000 in the FY 2022-2023 biennial budget to Women Helping Women to support their Domestic Violence Enhancement Response Team (DVERT) program.

Councilmember Steven Goodin

City of Cincinnati



801 Plum Street, Suite 346-A
Cincinnati, Ohio 45202

Phone (513) 352 5205
Email Jan.Michele.Kearney@
cincinnati-oh.gov
Web www.cincinnati-oh.gov

20210210

Jan-Michele Lemon Kearney
Councilmember

June 2, 2021

MOTION

WE MOVE that Cincinnati City Council allocate \$500,000 from the Capital budget to The Playhouse in the Park to assist with the \$49.5 million project to replace the aging Marx Theatre with a modern, inclusive facility that will welcome our diverse citizens to Eden Park and the Mount Adams neighborhood. This new facility will ensure that future generations of Cincinnatians will enjoy the same level of artistry that they have come to expect from the Playhouse, as this important Cincinnati institution reaches out to new audiences and communities.

Jan-Michele Lemon Kearney

STATEMENT

The Playhouse is a city-owned facility. Playhouse maintains it, and pays the city \$85,500 per year in rent. Moreover, the Playhouse is a vital economic driver of the Mount Adams business district and crucial to the fabric of its unique residential neighborhood.

The one-time investment of \$500,000 from the City of Cincinnati adds to the \$2.2 million from the State of Ohio that has been contributed as part of the past two capital budget cycles.

CAL → Budget & Finance
J-MK

011-0130

City of Cincinnati



801 Plum Street, Suite 346A
Cincinnati, Ohio 45202

Phone: 513.552.5280
Email: liz.keating@cityofcincinnati.org
Web: www.cityofcincinnati.org

202102164

Liz Keating

Councilmember

Motion

WE MOVE that the city includes a capital request of \$2,250,000 for the Boys and Girls Club in the Villages at Roll Hill.

Councilmember Liz Keating

Councilmember Jan-Michele Kearney

Statement

The Boys and Girls Club of Greater Cincinnati (BGCGC) works to enable young people, especially those who need us most, to reach their full potential as productive, caring, responsible citizens. The BGCGC operates in schools, at tutoring centers and within their youth and teen centers across the Greater Cincinnati Area. BGCGC is seeking to build a new center, in the neighborhood of The Villages at Roll Hill. The only community center in The Villages at Roll Hill is too small to host any major programming and there is no center dedicated for teens or youth.

In 2018 Council previously set aside \$750,000 for this project but the total cost is \$3,000,000. The ask of \$2,250,000 is a one-time capital ask to help them meet their needed \$3,000,000 in order to fund the building of this center. The BGCGC will be responsible for the operations and programming of this facility.

COMMITTEES

Member: Budget & Finance • Economic Growth & Zoning • Law & Public Safety



BOYS & GIRLS CLUBS
OF GREATER CINCINNATI

GREAT FUTURES START HERE.

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Dudley S. Taft

June 4, 2021

Dear Council,

The Boys & Girls Clubs of Greater Cincinnati (BGCGC) has long recognized the need for youth development programming at the Villages at Roll Hill. BGCGC has been committed to Roll Hill for over a decade, serving students at the elementary school, but the need in that community is greater than our current capacity allows. BGCGC desires to expand our efforts in that neighborhood, to serve more elementary school aged children and to add teens, ultimately deepening our impact by comprehensively serving youth ages 5-18.

To accomplish this, BGCGC needs to secure the funding to construct a new facility at Roll Hill. Once funding is secured to construct the facility, BGCGC is committed to continuing our long relationship with the Roll Hill community and operating a full-scale Boys & Girls Club program there.

While complete funding for the Roll Hill Boys & Girls Club project has not yet been acquired, BGCGC is hopeful that through City of Cincinnati funding and other targeted fundraising efforts a facility can be built. Once constructed, BGCGC has the resources and intent to operate a comprehensive Boys & Girls Club at the Villages at Roll Hill.

Sincerely,

William M. Bresser
Chief Operating Officer
Boys & Girls Clubs of Greater Cincinnati

617
MM

[illegible][illegible][illegible]

the 1990s, the number of people in the world who are illiterate has increased from 400 million to 600 million. The number of illiterate people in the world is expected to reach 700 million by the year 2000. The number of illiterate people in the world is expected to reach 800 million by the year 2010. The number of illiterate people in the world is expected to reach 900 million by the year 2020. The number of illiterate people in the world is expected to reach 1 billion by the year 2030. The number of illiterate people in the world is expected to reach 1.1 billion by the year 2040. The number of illiterate people in the world is expected to reach 1.2 billion by the year 2050. The number of illiterate people in the world is expected to reach 1.3 billion by the year 2060. The number of illiterate people in the world is expected to reach 1.4 billion by the year 2070. The number of illiterate people in the world is expected to reach 1.5 billion by the year 2080. The number of illiterate people in the world is expected to reach 1.6 billion by the year 2090. The number of illiterate people in the world is expected to reach 1.7 billion by the year 2100.



202102163

Liz Keating
Councilmember

Motion

WE MOVE that city includes a capital request of \$4,000,000 for the extension of the Mill Creek Trail and the Ohio River Trail from Lunken Airport to Friendship Park along the Oasis Rail Corridor. This request would be split into \$2,000,000 in FY 2022, and \$2,000,000 in FY 2023. The Ohio River trail would receive \$1,500,000 each year, totaling \$3,000,000, while the Mill Creek Trail would receive \$500,000 each year, totaling \$1,000,000.

Councilmember Liz Keating



Liz Keating
Councilmember

Statement

Access to trails is a talent attraction tool, a catalyst for economic development, and will drive tourism to our region. Importantly, access to trails is also critical to creating a more sustainable, equitable, and healthy transportation system. Building these trails will spur economic development opportunities, generate local tourism spending, and improve property values. This investment will also connect neighborhoods, enhance active transportation options, and improve public health.

Specifically, the Oasis trail is the most important connection in the Ohio to Erie trail connecting Cincinnati to Cleveland via trails. That tourism and day-traveler attraction is huge.

Funding CROWN - specifically the 4-mile gap in the Oasis trail and making a down payment on the Mill Creek Trail - ensures that the City is well positioned to complete the entire 34-mile trail loop that provides access to more than 50 communities. This will leverage \$6M in private dollars and serve as a match for additional state and federal grants as well.

After over a decade of work, the City of Cincinnati, Great Parks of Hamilton County, Southwest Ohio Regional Transit Authority (SORTA), and Indiana and Ohio Railroad Company recently signed a term sheet to allow for the Ohio River Trail to be built in the Oasis rail corridor from Lunken Airport to Theodore M. Berry International Friendship Park.

The Ohio River Trail is a key corridor in the plan for the CROWN (Cincinnati Riding or Walking Network), which is a bold vision to create a 34-mile multi-use trail loop around Cincinnati. When complete, the CROWN will connect 356,000 residents in 54 communities within 1 mile of the trail. This gap in the Ohio River Trail is the last 4.5 miles needed to connect the 78-mile Little Miami Scenic Trail and 326-mile Ohio to Erie Trail to downtown Cincinnati.

City of Cincinnati



801 Plum Street, Suite 349
Cincinnati, Ohio 45202

Phone (513) 352-4610
Email david.mann@cincinnati-oh.gov
Web www.cincinnati-oh.gov

David S. Mann
Councilmember

June 1, 2021

I move that the fiscal year 2022 budget include \$1 million for preservation of the First Lutheran Church Bell Tower in Over the Rhine immediately adjacent to Washington Park.


Councilmember David Mann

Statement:

The total funding necessary for this project is around \$3 million. About two thirds of the money has been raised, including the participation of over 200 households, several foundations, the First Lutheran Church, and Federal Historic Tax Credits.

As our City continues to enhance OTR, it has an obligation to preserving its priceless heritage. Preserving the Bell Tower of First Lutheran Church is essential to maintain our historical character.

Following a request from First Lutheran Church to assess the Tower, the City Building Department performed an inspection which concluded that the Tower was not safe.

As a result, since November 2020, the Tower has been under an emergency demolition order which drastically limits the ability to raise additional funds for its preservation.

City of Cincinnati



801 Plum Street, Suite 349
Cincinnati, Ohio 45202

Phone (513) 352-4610
Email david.mann@cincinnati-oh.gov
Web www.cincinnati-oh.gov

David S. Mann
Councilmember

Restoration of this Bell Tower is necessary to not only preserve this important cultural icon, but also to create an accessible building for all members of the community. Loss of the Bell Tower will have a tremendously negative impact on the beauty of Washington Park.

June 9, 2021

TO: Mayor and Members of City Council **202102064**
FROM: Paula Boggs Muething, City Manager
SUBJECT: Report – HOCC Academy as Part of the Community Police Partnering Center

REFERENCE DOCUMENT #202100867

City Council adopted at its session on March 10, 2021 the following Motion:

MOTION, submitted by Councilmember Sundermann, Kearney, Goodin, Keating and Vice Mayor Smitherman, WE MOVE that the Administration provide a report on funding options for an Urban League of Greater Southwestern Ohio pilot youth mentoring program - HOPE, OPPORTUNITY, CHOICES AND CONSEQUENCES (H.O.C.C.) ACADEMY - for the upcoming summer to be part of the currently city-funded Community Police Partnering Center.

Below are options for funding this youth mentoring program:

Included as part of the Approved FY 2021 Budget Update, the operating budget for the Cincinnati Initiative to Reduce Violence (CIRV) included a “Strategic Opportunities Fund” for which the Hope, Opportunity, Choices And Consequences (H.O.C.C.) Academy would potentially qualify. The goal of this fund is to support the implementation of evidence based programming or best practices in support of the CIRV mission to reduce violence. The requested budget for CIRV for the FY 2022-2023 Biennial Operating Budget also includes funds for this purpose.

A second option would be to include the Hope, Opportunity, Choices And Consequences (H.O.C.C.) Academy in the City’s annual youth employment budget. Existing funds for the summer of 2021 have already been allocated, so an additional appropriation would be necessary to fund the pilot program.

The Administration looks forward to working with the City Council to potentially fund this pilot program.

cc: Christopher A. Bigham, Assistant City Manager



202102182

Steven P. Goodin
Councilmember

June 8, 2021

MOTION

WE MOVE the Administration include a capital request of \$90,000 in the FY 2022-2023 biennial budget to Caracole to modify its office space to adapt to COVID-safe regulations.

Councilmember Steven Goodin

STATEMENT

Caracole is a Cincinnati agency that provides prevention, housing and care for those affected by HIV/AIDS since 1987. Over the past 14 months since the pandemic began, the demand for their services has increased as harm reduction options and access to care has been hard to come by for people living with HIV. Here in Southwest Ohio, we have seen an increase in the number of people testing positive for HIV as our region fights two public health crises: COVID-19 and the opioid epidemic.


These funds would be used to modify its office space to adapt to COVID-safe regulations and bring more staff and clients back into the office to continue quality care. Office modifications include HVAC units, barriers, and room expansion to allow our staff and clients to be as safe as possible as our organization grows and takes on the challenges in front of us as Ohio recovers.

MOTION

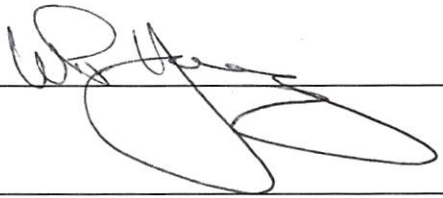
June 8, 2021

We MOVE that the City Administration increase the funding of the Pedestrian Safety Program by \$746,000 to a total of \$1,500,000 for the purpose of completing critical and needed pedestrian safety projects throughout the City of Cincinnati to continue the City's commitment to the Vision Zero program goal of having no pedestrian fatalities through engineering, enforcement & education initiatives.

We FURTHER MOVE that the Administration consider multi-year capital projects where full funding is not needed until FY2023 as a potential source for these funds.



Michelle L. Kear



City of Cincinnati



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David S. Mann
Councilmember

June 10, 2021

I move that the City provides \$40,000 additional funding to the Millcreek Valley Conservancy District


Councilmember David Mann

Statement:

The Millcreek Valley Conservancy District (MVCD) is transitioning away from its dependence on the Army Corps of Engineer (ACE.) ACE is leaving the responsibility of Capital and Maintenance of the Millcreek to the local governments. MVCD is in the preparation phase to create a revenue source to perform the work.

It will take approximately another year to have this funding source in place. Meanwhile MVCD has some obligation it needs to fulfill.

It is worth noting that without source of either permanent or temporary (FY 2022) funding, the MVCD will be in default and the Maintenance and Capital needs of the Millcreek will then become the responsibility of local governments, including the City of Cincinnati.



Steven P. Goodin
Councilmember

202102222

June 10, 2021

MOTION

WE MOVE that \$20 million in capital funds from the FY2022 budget be allocated for the construction of a new Cincinnati Police Department District Five headquarters in a location to be determined within the geographical boundaries of the districts.

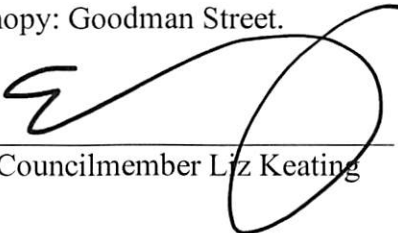
Councilmember Steven Goodin



Liz Keating
Councilmember

Motion

WE MOVE that \$200,000 of the capital budget is allocated to UC Health to assist in funding their Emergency Medical Service Canopy: Goodman Street.



Councilmember Liz Keating

Statement

UC Health is requesting a total of \$2.8 million in city funding (via the City of Cincinnati's American Rescue Plan Allocation and the City of Cincinnati's Capital Budget) for the build out of an EMS Canopy/Mass Decontamination Capability Bay for our city and region's first responders. They will also use a portion of this space as ready capability for mass decontamination, which currently does not exist in our region. The first round of American Rescue Plan Allocation gave UC Health \$1,000,000 towards this goal. We are asking for \$200,000 of the FY 2022 and FY 2023 Capital Budget go towards closing the \$1,800,000 gap left.

The UC Medical Center is the region's only Level I Trauma Center, Burn Center, and a Comprehensive Stroke Center. The UC Medical Center provides care for over 70,000 visits annually including 11,000 hospital transfers. UC Health is the community's recognized leader in emergency preparedness and response, their emergency care is an essential community asset, especially in the era of catastrophes and mass casualties.

UC Health has embarked on a historic \$250 million transformation of the Clifton campus, starting with the renovation and expansion of the UC Medical Center Emergency Department. As part of the \$60 million Emergency Department expansion, they've incorporated lessons learned and best practices from recent infectious disease outbreaks, mass casualty incidents, and other high-profile emergencies in order to design a state-of-the-art facility able to respond to any foreseeable community crisis.

With support from the City of Cincinnati in redirecting traffic on Goodman and Highland Avenues, they are building a multi-lane, covered, pass-through style EMS drop-off point located directly in front of the trauma resuscitation space.

This project ensures that our city's first responders – police, fire/EMS – have a best-in-class access point for the highest level of trauma and critical care.

202102229

MOTION

June 3, 2021

We MOVE that the City Administration review documentation of Playhouse in the Park's expenses to upgrade a nearby decades-old public Cincinnati Water Main serving Mt. Adams to determine if the expenses are legally eligible for reimbursement from the Water Main Replacement program of the GCWW.

We FURTHER MOVE that if the expenses are eligible and are confirmed to have served a public purpose, that Playhouse in the Park be reimbursed for all eligible costs associated with replacement of the Mt. Adams Water Main.


Jan-Michele Lemon Kearney





Liz Keating
Councilmember

Motion

WE MOVE that \$20,000 of the operating budget be allocated to fund two HACKATHONS (organized by Cintrifuse and 1819). These hackathons would work as competitive events, ran by the aforementioned organizations, to find deficiencies in the city and ways to save the city money and resources. As public officials it is our responsibility to ensure Cincinnati's tax dollars are being used as efficiently as possible, bringing in organizations that specialize in efficiency will help us achieve that mission. Corporations utilize both Cintrifuse and 1819 (both Cincinnati based) to find efficiencies within their companies and Cincinnati, as a city, should utilize them as well.



Councilmember Liz Keating



Steven P. Goodin
Councilmember

202102231

June 10, 2021

MOTION

WE MOVE that \$200,000 in capital funds from the FY2022-2023 budget be allocated to PAR-Projects in Northside.

Councilmember Steven Goodin

City of Cincinnati



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202102232

David S. Mann
Councilmember

June 11, 2021

I move that the City implement the Greater Cincinnati Water Works plan for rate increases for the first year only, pending further analysis and discussion.


Councilmember David Mann

Statement:

Water bills have become a bigger item in everyone's budget. We should move with caution in approving annual increases of 5.55% per year for four years into the future – 2022, 2023, 2024 and 2025. We must make sure we are satisfied with the case advanced by the administration in support of this proposed increases.

Obviously, we should proceed with the proposed program to eliminate lead service lines throughout the system. Lead poisoning creates permanent damage to our children.

But the analysis given to council does not lay out what part of the proposed rate increase is for the lead service line replacement program and what part is for other needs. These other needs may create the opportunity for a more reasonable level of rate increases if we proceed with a little less speed.

202102233

MOTION

June 8, 2021

We MOVE that the City Administration provide funding of \$250,000 to the DVERT program, restoring funding used on the successful FY21 pilot program and considering these funds for FY22 and beyond to be a continuing program and not a one-time use.

We FURTHER MOVE that the Administration consider PVA, savings from hirings that occur mid-year.


Jen Middleton-Kearney



City of Cincinnati



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Jan-Michele Lemon Kearney
Councilmember

202102240

June 11, 2021

MOTION

WE MOVE for City Council to allocate \$50,000 from the operating budget to Collective Empowerment Group Cincinnati, Inc. CEG Cincinnati is a non-profit organization of small businesses and churches. Its mission is to empower business owners by providing mentorship, fellowship, tools and networking opportunities, as well as emergency microloans. CEG provides workshops on topics such as personal and business finances, and currently is working to bring to Cincinnati a branch of an African American owned bank.

Councilmember Jan-Michele Lemon Kearney

Councilmember Steven Goodin

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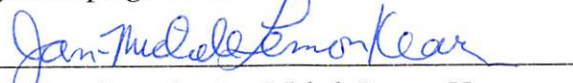


Jan-Michele Lemon Kearney
Councilmember

June 11, 2021

MOTION

WE MOVE for City Council to allocate the additional amount of \$154,055 from the operating budget to Keep Cincinnati Beautiful's Environmental Services Program with the goal of more effectively deterring and preventing illegal dumping, which will better the health and safety of our communities.


Councilmember Jan-Michele Lemon Kearney

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STATEMENT

Keep Cincinnati Beautiful (KCB) is a longtime partner of the City of Cincinnati, working to address the litter and blight that can plague our neighborhoods. KCB collaborates with the City's Department of Public Services (DPS) to remediate tire and illegal dumping, an issue that disproportionately impacts lower-income neighborhoods even though the majority of dumpers are not City of Cincinnati residents, according to data from DPS. Illegal dumping is not only financially costly to address, but it also is a health hazard to residents. Dumping sites are composed of materials that can lead to or worsen airborne illnesses and respiratory conditions.

KCB's Environmental Services Program Manager, whose salary is funded by the City of Cincinnati, identifies dumping hot spots as well as monitors and installs cameras at these sites. As a result of monitoring sites, KCB annually, on average, turns over evidence to authorities for approximately 100 cases of illegal dumping, which equates to a maximum of \$2.5 million of potential revenue for the City.

To expand the reach of the Environmental Services Program, KCB needs to increase the number of cameras they install and monitor, upgrade their technological infrastructure, add an additional vehicle, and hire a second full-time employee. With these enhancements, KCB can more effectively deter and combat tire and illegal dumping in our communities.

PROPOSAL

**FROM: KEEP CINCINNATI BEAUTIFUL, INC.
JEFF HARRIS, BOARD CHAIR
JONATHAN ADEE, EXECUTIVE DIRECTOR**

**TO: CINCINNATI CITY COUNCIL, BUDGET & FINANCE COMMITTEE
DAVID MANN, CHAIR
CINCINNATI CITY COUNCIL, NEIGHBORHOODS COMMITTEE
JAN-MICHELE LEMON-KEARNEY, CHAIR**

DATE: 20 APRIL 2021

RE: STIMULUS FUNDING, ENVIRONMENTAL SERVICES PROGRAM

Keep Cincinnati Beautiful is a leveraged partner of the City of Cincinnati. Established in 1978 as Clean Cincinnati, KCB is a private 501(c)3 organization headquartered in the Department of Public Services Administration building. KCB works closely with DPS on such issues as litter and blight, developing public green spaces throughout Cincinnati's 52 neighborhoods, and addressing more institutional elements of litter to include tire dumping and illegal dumping. The Department of Public Services Neighborhood Operations Division responds to approximately 20 illegal dump sites per month. They have indicated that the direct and indirect costs of remediating a dump site are \$10,000 per site per month. This equates to a \$2,400,000 expense for the City of Cincinnati. Hamilton County, through its Recycling and Solid Waste District, established an Environmental Crimes Unit, with a deputy working in conjunction with KCB across the County, including within the City. Additionally, KCB continues to work with the Neighborhood Liaison Unit (NLU) to provide evidence of environmental criminal activity.

The Department of Public Services, in conjunction with Mayor Cranley's ObLITteRate Task Force, worked with Cincinnati City Council and the City Administration to make the public aware of this issue and steps that can be taken to address it. DPS data shows that illegal dumping is disproportionately located in lower-income neighborhoods serving families and communities of color. In addition to the economic costs associated with illegal dumping, data from the Office of Performance Data and Analytics shows that

environmental crimes and violent crimes are clustered together. Furthermore, illegal dumping is largely composed of materials that are incubators of airborne illness and exacerbators of respiratory conditions. Discarded tires, which are a large component of illegal dump sites, are havens for mosquitoes and are demonstrated to be positively correlated with childhood disease.

Issues of illegal dumping are known to the Community Councils of the City of Cincinnati. KCB has been contacted by numerous Community Councils and neighborhood advocacy groups, and works with them to identify dumping hot spots and communicate surveillance opportunities. The City of Cincinnati provides salary funding to a full-time Environmental Services Program Manager. Alistair Probst, in this capacity, identifies locations most likely to be hot spots for illegal dumping, and installs, monitors, and services trail cameras to provide evidence of illegal dumping that is then turned over to law enforcement for investigation, arrest, and prosecution. On average, Alistair provides video surveillance evidence to law enforcement of close to 100 illegal dumping criminals a year. It should be pointed out that the vast majority of these dumpers are not City of Cincinnati residents. Many of the dumpers discard the contents of rental units upon eviction to conserve costs. Others are sub-contractors who discard construction materials illegally as it costs roughly \$350 per construction job to dispose of materials properly. Once again, they are attempting to conserve costs. There are also common characteristics to a typical dump site. Typically they are along longer, narrower streets in low-income neighborhoods with minimal occupied housing. These characteristics make it difficult to detect with any legal degree of certainty criminal activity since cameras are only able to show a limited scope.

According to existing Cincinnati City Ordinance, illegal dumping is punishable by up to \$25,000 per occurrence. DPS erected signs with KCB's assistance to inform the public and potential criminals of the consequences of illegal dumping. KCB currently installs, services, monitors, and provides evidence of up to 30+ separate sites throughout the City of Cincinnati. As mentioned, KCB turns over actionable evidence for around 100 cases within an average year. At a maximum fine of \$25,000 per occurrence, this

equates to potential restitution revenue of \$2.5 million annually, essentially covering the costs of illegal dumping which are currently borne by City taxpayers.

Since DPS continues to remediate ten dump sites per month, it is clear that the response to illegal dumping has been insufficient to date. KCB's Environmental Services Program Manager is also tasked with operating the City's Greenspace Program. He is able to devote no more than 20 hours per week to camera service, installation, monitoring, and work with law enforcement. KCB currently operates 25 of these cameras. Each camera costs \$600-\$700 per unit. The cards and batteries in each unit need to be changed out frequently, as they are motion sensor based, and animal and other non-criminal activity triggers the camera. Cameras also exist throughout the City, and KCB has only one vehicle capable of transporting a ladder. That vehicle must be allocated among all of KCB's programming, including Environmental Education, Great American Cleanup, and the Future Blooms Program.

Keep Cincinnati Beautiful has as part of its Board approved strategic plan program growth in Environmental Services. What must be done to effectively deter illegal dumping within the City? A multi-prong strategy is necessary.

1. KCB needs additional investment to provide for a second person in the Environmental Services Program. This individual would be allocated full-time to installing cameras, servicing cameras, accumulating evidence, and assisting law enforcement in bringing these individuals and companies to justice.
2. KCB needs to develop a relationship with University of Cincinnati's Criminal Justice Program to provide a steady allocation of co-op students to assist in these activities as a real-world experience in reducing crime within the City. Keep Cincinnati Beautiful has reached out to UC for this co-op program, but we are limited in that currently we are able to offer only unpaid internship opportunities.
3. KCB needs to install, service, and monitor more cameras. Dump sites tend to relocate periodically to stay one step of detection. Some of the cameras are readily visible in order to act as a crime prevention measure. Others are hidden to aid in the

detection of criminal activity. Currently KCB has an inventory of 25 cameras. With sufficient eyes on the cameras and a sufficient pipeline to law enforcement, and, ultimately, the judicial system, the City would be best served by a total of 70 cameras placed strategically throughout the City with the input of neighborhood advocacy groups and OPDA.

4. KCB needs the technological infrastructure to conduct surveillance and provide video evidence for law enforcement. A technology upgrade would allow KCB to adequately utilize additional cameras.

5. KCB needs to be able to respond to camera installation and service needs. Our existing fleet of vehicles consists of one truck that is utilized across all KCB programs and one van more than twenty years old which is utilized exclusively by our Future Blooms Program. An additional vehicle with ladder transport capability will enable us to be responsive to constituent needs.

6. Although KCB provides adequate support to practically eliminate the direct economic costs of illegal dumping to the City, very little restitution comes back to the Department of Public Services. There have not been any instances where persons convicted of illegal dumping have had to pay anywhere near the \$25,000 maximum allowed. Typically offenders are ordered court costs, community service, and perhaps are ordered to clean up the sites. We need access to judges administering these sentences to provide adequate education not only on the costs of illegal dumping but also the consequences to health and safety.

It is clear from the voices of community councils and neighborhood advocacy groups that illegal dumping is on the minds of Cincinnatians. It is clear from the neighborhoods most affected that illegal dumping is a form of environmental injustice. An investment in KCB's Environmental Services Program is just the kind of investment contemplated by this form of funding to provide a great return on investment of taxpayer funds and a commitment to the health and safety of all Cincinnatians.

Keep Cincinnati Beautiful
Environmental Services Program Budget Table

Camera Equipment	Grant Dollars
25 Surveillance Camera (1x purchase)	\$11,500
25 Camera Security Enclosure (1x purchase)	\$1,250
25 Cable Lock (1x purchase)	\$750
25 Padlock (1x purchase)	\$500
50 Memory Cards (1x purchase)	\$750
25 Rechargeable Batteries/Charger (1x purchase)	\$2,500
1 Ladder (1x purchase)	\$300
<i>Annual Equipment Maintenance/Replacement</i>	\$600
Total:	\$18,150
Vehicle	
Vehicle (1x purchase)	\$45,000
Bed Liner (1x purchase)	\$600
Safety Lights (1x purchase)	\$1,800
Vehicle Wrap (1x purchase)	\$2,500
<i>Annual Maintenance</i>	\$1,000
Total:	\$50,900
Personnel	
<i>Employee (40 hrs. per week)</i>	\$50,000
<i>Intern (3 semesters)</i>	\$7,000
<i>Annual Administration</i>	\$8,550
Total:	\$65,550
Technology	
Computer (1x purchase)	\$2,500
Monitors (1x purchase)	\$600
SD Reader (1x purchase)	\$60
<i>Annual Microsoft Office/Adobe</i>	\$75
<i>Annual Cell Phone Stipend</i>	\$420
Total:	\$3,655
Marketing	
<i>Annual KCB Outerwear</i>	\$300
Vehicle Wrap (1x purchase)	\$2,500
<i>Annual Brochure</i>	\$500
<i>Annual DPS Truck Campaign</i>	\$5,000
<i>Annual Design Services</i>	\$2,500
Total:	\$10,800
Event Resources	
<i>Annual Event Services (dumpster blitz etc.)</i>	\$5,000
Total:	\$5,000

Totals:	\$154,055



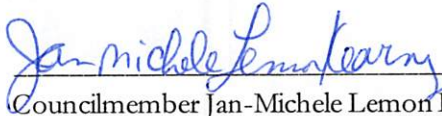
Jan-Michele Lemon Kearney
Councilmember

202102244

June 11, 2021

MOTION

WE MOVE that City Council allocate \$1,000,000 to assist with the funding gap for the creation of the Robert O'Neal Multicultural Arts Center ("ROMAC") at the Regal Cinema and adjacent sites in the West End neighborhood. The ROMAC will be a center for performing and visual arts education and programming for the West End community and for the entire City of Cincinnati.


Councilmember Jan-Michele Lemon Kearney

Councilmember Wendell Young

STATEMENT

The closure of the popular Arts Consortium in the West End neighborhood left a void for the education and performance of music, dance, theatre, poetry performances, and exhibits in the West End, as well as a community space for community events. The ROMAC at the old Regal Cinema not only fills the void left by the Arts Consortium but celebrates through its namesake the tireless community work and contributions of legendary contemporary artist Mr. Robert O'Neal. Mr. O'Neal for whom ROMAC is named, believed all of us are creative and everyone has the ability to create and appreciate art. He lived his life advocating for others using his art to stir change and bring communities together. ROMAC will be the headquarters of community history for BIPOC (black, indigenous, and people of color) and will give voice to the art of BIPOC.

Robert O'Neal
Cincinnati Artist and Activist (1940 -2018)

Born in northern Kentucky, Robert O'Neal spent most of his life in Cincinnati, Ohio. At an early age his creative skills were cultivated under the tutelage of his older sister Loretta. In his junior year at Withrow High School O'Neal received a scholarship to attend the Cincinnati Art Academy during his summer break. He later graduated from the Gebhardt Commercial Arts School. Married to his wife Julia for 48 years, they raised four children. Influenced by his love for the creative process, his daughter Toilynn O'Neal Turner followed in his foot-steps pursuing a career in the arts holding administrative positions at the Cincinnati Art Museum, the Arts Consortium and Saint Ursula Academy. Robert O'Neal is an amazing talent whose visual reference is rooted in the urban issues of Cincinnati's most challenging neighborhoods. The cultural movements of the 1960s led O'Neal to establish himself as a community activist and artist.

O'Neal organized the United Self Expressionists, a group of local artists known as US. They created a body of works reflecting the experiences surrounding their community. During the 1960s, the Model Cities Program, an element of the Johnson Administration's War on Poverty, originated in response to urban concerns. O'Neal became head of the Culture and Recreation Task Force of the Model Cities Program in Cincinnati. This project led to the creation of the Arts Consortium of Cincinnati in the West End, an organization that cultivated hundreds of African American artists and educated the youth of the inner-city. O'Neal held the honorary title of Over-the-Rhine Mayor serving as an advocate for the homeless. For most of his life he suffered from Rheumatoid Arthritis which led to his participation in a March on Washington for disability rights. Years later he served on the Disabilities Advisory Committee for the Ohio Arts Council.

His teaching career included stints at the Arts and Humanities Resource Center where he worked with senior citizens, the Very Special Arts Ohio Program and the Cincinnati Recreation Commission. In line with his passion for grassroots initiatives, O'Neal also assisted in the founding of WAIF Community Radio. In 1994 he was honored by Applause Magazine Image Makers and was one of 25 African American artists featured at the prestigious Clossons Gallery in downtown Cincinnati.

Robert O'Neal was known as the "Master Face Painter." He perfected the art of face painting beyond heart, stars and rainbows to putting actual masterpieces on the faces of children and adults. His creative repertoire earned him a taste of local celebrity at tri-state festivals.

City of Cincinnati



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Greg Landsman
Councilmember

202102246

June 11, 2021

MOTION

We hereby move that additional funding is appropriated as described below, in Cincinnati's fiscal year 2021-2022 budget.

Operating

Black and Brown Artist Fund – \$75,000

Domestic Violence Enhanced Response Team (DVERT) – \$250,000

Citizens Complaint Authority (CCA) – \$490,000

The Children's Home – \$100,000

Capital

Pedestrian Safety Program (Vision Zero) – \$750,000

Street Calming Projects – \$600,000

Caracole – \$90,000

Contemporary Arts Center (CAC) – \$350,000

We further move that the administration consider Position Vacancy Allowance (PCs) as the primary source of funding for these appropriations. Additional funding sources should include the fund balances from operating and capital projects, and other recommended sources from the administration.

STATEMENT

We should include the additional funding for the critical projects, initiatives, and programs above.

Programs like the **Black and Brown Artists fund** — wherein we partner with ArtWorks to support local creative talent — and organizations like the **Contemporary Arts Center**, help nurture Cincinnati's vibrant culture, and make us a better, more empathetic place.

City of Cincinnati



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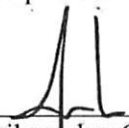
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Greg Landsman
Councilmember

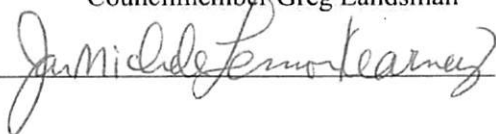
While we are making great strides in our pedestrian safety initiatives, in large part to the advocacy of Vision Zero, as of 2020, we still had the 2nd highest number of crashes in any city in Ohio, the #1 crash rate per population, and the highest crash density per square mile. Thirty-three of Ohio's most dangerous intersections are in Greater Cincinnati. It's a children and families issue, it's a disability issue, it's an equity issue, and it's a community issue. We should budget a significantly higher amount for **pedestrian safety and street calming projects**.

A city that cannot work to guarantee the safety of its residents is a city that can not thrive. We should work to ensure safety and security in Cincinnati are guaranteed for all — no matter race, gender, class, disability, or sexuality. With domestic violence having risen rapidly during the onset of the COVID-19 pandemic, it is crucial that we fully fund one of our most successful public safety projects: **DVERT**. Furthermore, we should consider these funds for FY22 and beyond to be a continuing program, and not for one-time use. We should also fully fund the **Citizens Complaint Authority**, in acknowledgment of the importance of accountability and transparency in public safety, and a re-commitment to a cornerstone of the Collaborative Agreement.

Organizations like **Caracole** — who care for and empower Cincinnati residents living with AIDS through outreach, prevention, and housing support — and **The Children's Home** — who help to advance work experiences and opportunities for young adults with mental and behavioral health conditions — are the *heart* of our city. We should guarantee they have the funding to continue to execute their important services.


Councilmember Greg Landsman


Councilmember Chris Seelbach



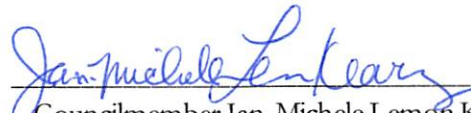


Jan-Michele Lemon Kearney
Councilmember

June 11, 2021

MOTION

WE MOVE that City Council allocate \$200,000 from the capital budget to CincyNice to assist with the purchase and renovation of structures in Walnut Hills that are located adjacent to the Gilbert Avenue rear performance and activity space. The expansion of the community space will allow for innovative programming and activities that promote multi-ethnic arts and culture in support of Cincinnati's diverse artists, neighborhoods and future economic growth.


Councilmember Jan-Michele Lemon Kearney

STATEMENT

CincyNice is a Black-led and woman-led community engagement collective with a mission to create more welcoming spaces and uplifting platforms in Cincinnati. Coming out of the pandemic, their focus is to offer a new Cincinnati way of life driven by a culture of collaboration, uninhibited joy, and bold action. Since launching in 2019, CincyNice has partnered with 100+ local Black artists and organizations, cleaned up and created an outdoor community space in Walnut Hills complete with a stage area, and sponsored events with artists and small businesses.

See attached supporting documents.

[External Email] Cincy Nice: Community Voices In Support of Our Recovery Vision

Billy Thomas <williamthomasii@gmail.com>

Tue 5/11/2021 3:58 PM

To: Cincy Nice <cincynice@gmail.com>

 2 attachments (2 MB)

ARP FUNDING_CINCY NICE COMMUNITY SUPPORT.pdf; image001.jpg;

External Email Communication

Dear Members of the Budget & Finance Committee,

Thank you again for the opportunity to testify this afternoon regarding our recovery strategies focused on directly invested in and uplifting black-led ideas, creativity, and programming.

We didn't want to take up too much of your time today, but did want to pass along some of the many community voices, including from the Walnut Hills Area Council and Model Group, that have risen up in support of our vision.

Their statements are attached.

On behalf of the community we serve, we look forward to collaborating with the City and thank you for reviewing and considering our American Rescue Plan Act proposal.

Thank you again for the opportunity to share our vision for a more creative, more joyful, and more equitable future Cincinnati.

Sincerely,

Your friends at Cincy Nice (Billy, Destinee and Pxvce)



--

William Thomas II

williamthomasii@gmail.com

513-238-0493

COMMUNITY VOICES IN SUPPORT OF CINCY NICE'S VISION & PROPOSAL

CINCY NICE

“FROM THE COMMUNITY”

True to their mission, Cincy Nice is bringing more joy, arts, community and collaboration to our city. We have been working with them in Walnut Hills and have been inspired by the work they are doing in 5 Points Alley and what it can mean for quality of life for Walnut Hills residents, local and regional artists, and continuing the momentum of a diverse artistic and entrepreneurial ecosystem at Peebles Corner. Walnut Hills is experiencing an amazing renaissance and having Cincy Nice at the table will help ensure it includes “A funky, cool permanent cultural hub filled with great people & lots of activations, programming, space for hosting, collaborating, creating... and more!”.

Steve Smith, Principal, Model Group

“FROM THE COMMUNITY”

Cincy Nice has been a breath of fresh air for the often insulated arts and cultural community in Cincinnati. They have provided programs that center civic engagement, community, and access both before and during a very difficult time in our collective history. They have planted seeds, that with the right support, could evolve to have as much an impact as organizations like Artworks have on our city's people and reputation. I believe they and more specifically the work they do will be a key contributor to our city's ability to retain our best citizens and attract the talent necessary to be viewed as a cultural center in the Midwest.

- Eli Meiners, Senior Museum Director, 21c Cincinnati

“FROM THE COMMUNITY”

Cincy Nice has been an invaluable partner in Walnut Hills. Thanks to their energy and expertise, Five Points Alley has been reactivated. Their ability to curate collaborative, creative, and community-minded events is unparalleled. Walnut Hills Redevelopment Foundation looks forward to continuing and deepening our partnership.

**- Samantha Reeves, Executive Director,
Walnut Hills Redevelopment Foundation**

“FROM THE COMMUNITY”



April 9, 2021

Dear City of Cincinnati Council Members,

I want to express my support of Cincy Nice Social House as a board member of the Asian American Cultural Association of Cincinnati (AACAC) and as a Contributing Editor with Asianati.com.

As you know, Cincy Nice Social House has quickly become a force in building and celebrating community within the City. Banner events such as *Our Tables*, *Stay Nice*, and *Soul Plates* have demonstrated both their vision and execution in creating spaces that are diverse, collaborative, and inviting. It is because of these attributes that AACAC and Asianati.com have sought to partner with them. They have currently made possible a small pop-up space at 5 Points Alley together with the Walnut Hills Redevelopment Foundation (WHRF) that AACAC is utilizing as part of Asian American Pacific Heritage Month in May. We are also partnering with Cincy Nice to host an activation for the 2021 Asian Food Fest at the Banks.

I believe in Cincy Nice's vision for a permanent cultural hub in the culturally-rich neighborhood of Walnut Hills. When discussing their plans, it is evident how passionate they are about the neighborhood and how aware they are of the needs of the communities that share Walnut Hills.

I am excited about the ongoing partnership between AACAC, Asianati.com and Cincy Nice and hope that the City of Cincinnati would affirm and materially support their work in Walnut Hills.

Sincerely,

JP Leong
Board Member - Asian American Cultural Association of Cincinnati
Contributing Editor - Asianati.com

About the Asian American Cultural Association of Cincinnati

AACAC is an Asian-led 501c3 with a vision to make Cincinnati a more diverse and inclusive city by centering Asian-American

“FROM THE COMMUNITY”

PLAY

***-Kathryne Gardette, Walnut Hills resident, small
business owner and neighborhood advocate***

*(footage capture during Culture Forum hosted by
Cincy Nice, 4.27.2021)*

“FROM THE COMMUNITY”



April 12, 2021

To Whom it May Concern,

It is with great pleasure that I write this letter of recommendation for the organization, Cincy Nice. This spring I had the opportunity to get to know Cincy Nice through their creative programming and exhibition, *Soul Plates*. Through this initiative, the organization managed a series of four programs in which they provided pay what you can meals from a variety of cultures. They also curated and organized an exhibition housing a number of local artists. Not only was it a pleasure to work with Cincy Nice, but they were organized with their budget, maintained all necessary deadlines, and had great connections with the community at large. *Soul Plates* with Cincy Nice became both one of my favorite events to organize, as well as one of my favorite events to attend within the past year.

It is my opinion that Cincy Nice would be a wonderful candidate for any arts related funding. Made up of a number of creatives, the team had the potential to transform the way our art and culture is represented and valued. I have already seen them bring more joy, arts, and connection to our city and know that they are full of ideas to continue down this path. Cincy Nice represents to me a promise of connection, the opportunity for people to learn about one another, and a growth of the arts community here in Cincinnati.

It is with the utmost confidence that I write this recommendation for Cincy Nice. They bring positive energy, commitment, and enthusiasm to everything that they do. Please do not hesitate to contact me with any further questions.

Sincerely,

Beth Boswell
Teen and Adult Programs Manager
bboswell@cincycac.org // 513.345.8409
Loius & Richard Rosenthal Center for Contemporary Art
44 East Sixth Street
Cincinnati, Ohio 45202

“FROM THE COMMUNITY”

I'm not sure where our region would be if it weren't for the Cincy Nice team. The energy, cultural relevance and artistic interventions that they have built and led has transformed for many what it means to be a Cincinnati and who is welcome at the table when it comes to setting the course for the future. Their active approach to creating a happy and welcoming city has and will continue to transform the streets, districts and neighborhoods that make up Cincinnati and I think make the region one of the most diverse, creative and active places in the country.

- Kevin Wright, Co-Founder & Principal, Yard & Company

“FROM THE COMMUNITY”

Cincy Nice are: Innovators, Disruptors, Visionary, Inclusive, Transformative, Connectors, Facilitators, Risk Takers, Problem Solvers, Dreamers and Creators.

I have had the joy of being invited to the table with the brilliant team that has created Cincy Nice. I have watched them grow from an idea into an organization that supports and celebrates local BIPOC artists, thinkers and creators. They recreate spaces into open, exciting and dynamic gathering hubs that welcomes all to engage and learn with them.

From Cincy Nice's beginnings at BLINK 2019, as "the Place", (a happening, a community dwelling for conversation and connection) to Our Tables, creating an authentic, safe and welcoming place to have a powerful conversation during a difficult isolating time in our world to helping first time voters understand their voice matters and they are an important part of our city's future to recreate the Five Points Alley into a vibrant space for music and community gatherings.

I have reached out to the team at Cincy Nice to elevate what I am doing as part of the Cincinnati art community. They have passion, intelligence, artistry and a love of our community that we as a city need to support. They are a young organization that has the chutzpah to make important changes in our city's present and future.

Cincy Nice is an artist collective in the truest meaning of the word.

I am so proud to call them friends and collaborators. As decisions are being made regarding funding, Cincy Nice should be on the top of that list.

- Pam Kravetz, Artist & Educator

“FROM THE COMMUNITY”

One word... community. Speaking from experience as a producer with Cincy Nice, I share some similar ideals to their overall mission. I'm here to be part of multiple movements, to break down barriers and bring people together. Cincy Nice is helping bridge that gap in a city divided. Reader, I urge you to take a look at the footage from the Our Tables event here. Please reflect on the conversations you see and the people eagerly looking for accessible outlets to engage in a prosperous way.

- Jordan Tuss, Founder of The Fridge Cincy

(which launched as a pilot at the More Free 2020 HQ, Cincy Nice's voter engagement initiative)

“FROM THE COMMUNITY”



URBAN CONSULATE
CINCINNATI

April 9, 2021

To City of Cincinnati Council Members:

It is our pleasure to write in support of Cincy Nice's vision to activate a cultural hub in Walnut Hills with diverse cultural & community programming. Their demonstrated record of convening creative visionaries to help us shape the future of Cincinnati is an asset to our city.

In July 2020, it was our honor to feature their work in Urban Consulate's cross-city exchange event, *We Built This*, featuring city-builders and changemakers from New York, Philadelphia, Detroit, Memphis & Cincinnati. Our cross-city audience was impressed with their *Our Tables* project to bring people together safely outdoors during a public health crisis and racial reckoning. And we appreciated their GOTV campaign leading into the 2020 election.

Urban Consulate brings people together to share ideas for better cities. Since 2016, we have hosted hundreds of conversations in Detroit, Philadelphia, New Orleans, Austin, Chicagoland and Cincinnati to invite people to imagine how to build more just & equitable communities. In 2019, we launched monthly community dialogues in Cincinnati with The Mercantile Library, Afrochine & Haile Foundation. Cincy Nice co-founders Destinee Thomas and Will Thomas offered valuable input and support for the launch.

We look forward to working in partnership as they grow their impact in the city.

Sincerely,

Naimah Bilal, Megan Trischler, JP Leong & Sulin Ngo
Urban Consulate Cincinnati
UrbanConsulate.com/Cincinnati
[@urbanconsulate](https://www.instagram.com/urbanconsulate)

“FROM THE COMMUNITY”

Cincy Nice has quickly engaged and endeared a large contingent of the creative and culturally curious Cincinnati populous. Their programming and pop ups are fun, inclusive, poignant, and timely. They are exactly what we need more of in Cincinnati as our city grows, heals, and moves towards equitable prosperity.

Cal Cullen, Executive Director, Wave Pool Gallery

“FROM THE COMMUNITY”

We were honored to be selected to participate in the Cincy Nice's Soul Plates event. We felt it was a well curated, and safe event during these trying times. Cincy Nice's passion and vision to bring all cultures and communities from our beautiful city together is in my opinion exactly what we need. We look forward to participating and helping with all future events by Cincy Nice to continue to connect all of Cincinnati's communities together.

- Danny Yant, Partner, Lang Thang Group (Pho Lang Thang, Quan Hapa, Hi-Mark, Lang Thang Coffee)



Jan-Michele Lemon Kearney
Councilmember

MOTION

WE MOVE that City Council allocate \$350,000 from the capital budget to the non-profit organization, The Mark, created by the community of Evanston, to assist with the stabilization and purchase of the St. Mark Church structure, 3500 Montgomery Road in Evanston. The edifice will be used by community resource groups and as a community space for cultural, artistic, and neighborhood events.

Councilmember Jan-Michele Lemon Kearney

_____	_____
_____	_____
_____	_____
_____	_____

STATEMENT

The Mark is a 501(c)(3) created by residents of Evanston to purchase and then transform the St. Mark Church building into a cultural, artistic, and neighborhood hub with tenant stakeholders that will attract members and clientele from throughout Greater Cincinnati. The Mark Board of Directors has requested \$350,000 to assist with physical stabilization of the building for a total of \$350,000. St. Mark Church was built more than 115 years ago but has not been in use since the church's last service in 2010. The Evanston Community Council completed a 10-year plan for 2019-2029 to enhance the Evanston neighborhood. The preservation and reactivation of the St. Mark Church building is a top priority in the plan. The structure includes 35,682 square feet of activity space and will be used as a community center to benefit the neighborhood and the region. The Mark will solicit a combination of public and private funding to assist with further renovation.



Jan-Michele Lemon Kearney
Councilmember

MOTION

WE MOVE that City Council allocate \$185,000 from the capital budget to Uptown Consortium to advance design and development for the Innovation Greenway in the northeast quadrant of the Uptown Consortium Corridor.

Councilmember Jan-Michele Lemon Kearney

_____	_____
_____	_____
_____	_____
_____	_____

STATEMENT

The planning and design of the Innovation Greenway combines foundational planning and design around urban design, transportation, community development and is a transformative project that supports economic, business and community growth. UCI has been working with its consultant – Sasaki – to master plan and design the entire NE quadrant and its central park-like spine called the Innovation Greenway. The Innovation Greenway is a green network that runs north and south through the center of the NE Quadrant, adjacent to the planned Node mixed-use development. The Innovation Greenway weaves together active and passive open spaces, ecological functions such as re-use of stormwater runoff for enhanced landscape elements, creating a unique district character that links development areas, planned bikeway paths and connections. It is an adaptable and programmable space for the broader Uptown community, and specifically the LIC neighborhood of Avondale. It creates a collaborative common ground that is both educational, ecologically responsible and will become the heart of the district. UCI has presented the plans at the various stages of design completion to the Avondale community, which has received broad support from its stakeholders and residents.



Innovation Greenway
Uptown Innovation Corridor at MLK/Reading Road
April 2, 2021

The Uptown Consortium, Inc. (UCI) is requesting \$645,000 to advance design and development for the Innovation Greenway in the northeast quadrant of the Uptown Innovation Corridor. The planning and design of the Innovation Greenway combines foundational planning and design around urban design, transportation, community development and is a transformative project that supports economic, business and community growth.

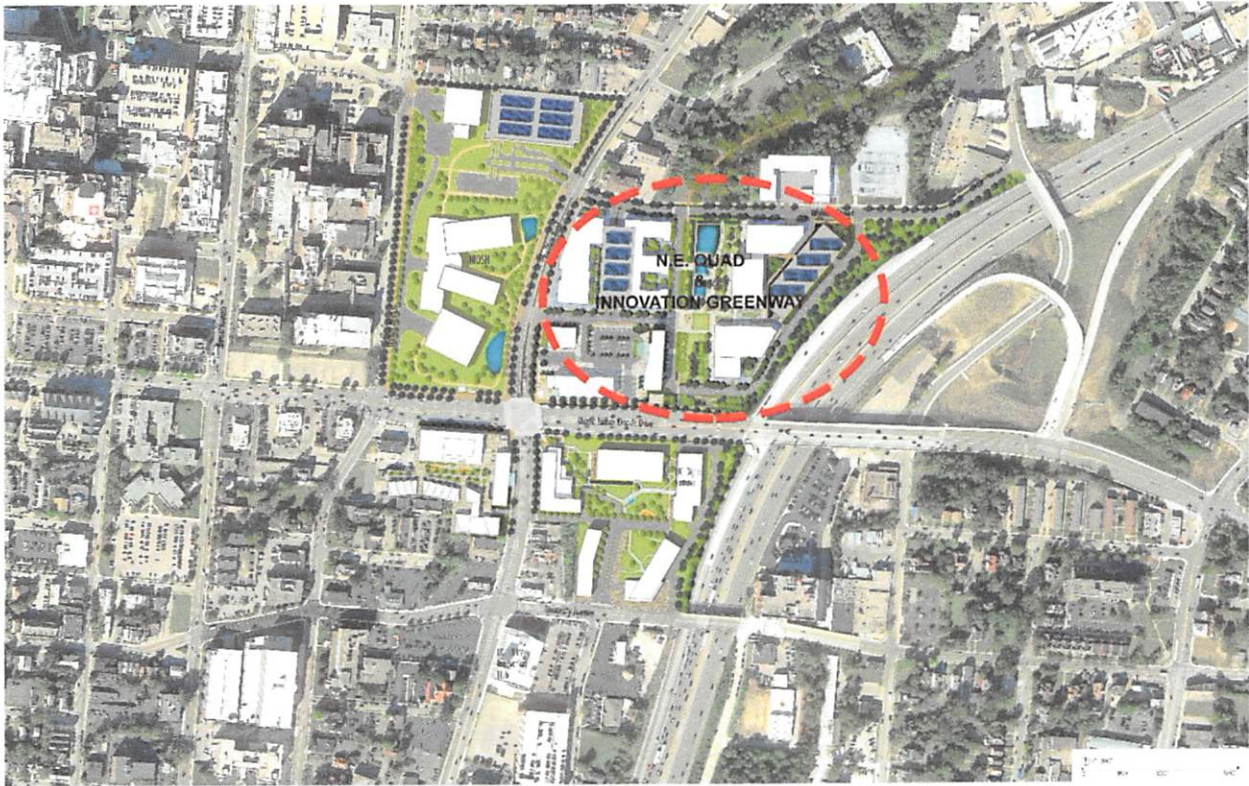
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UCI has presented the plans at the various stages of design completion to the Avondale community, which has received broad support from its stakeholders and residents.

Design Components Budget

Pre-Schematic Design:	\$185,000
Schematic P1A & 2A:	\$170,000
Design Development	
Phases 1A & 2A:	<u>\$290,000</u>
Total Innovation Greenway :	\$645,000

Innovation Greenway Location



Innovation Greenway Rendering

WATER FEATURE - OVERLOOK



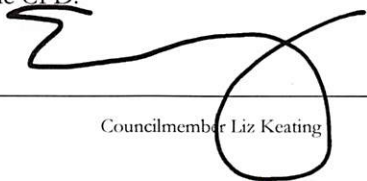


Liz Keating
Councilmember

202102251

Motion


Our police officers experience countless traumas in their line of work. While the Cincinnati Police Department (CPD) is working to develop a better and more comprehensive Officer Mental Health and Wellness Program, they are lacking the funding. WE MOVE that the city administration includes \$125,000 of the operating budget to establish an Officer Health and Wellness program within the CPD.



Councilmember Liz Keating



Councilmember Betsy Sundermann



Councilmember Jan-Michele Kearney

Statement

CPD has taken many steps to develop a better Health and Wellness Program within the department including research about department needs and research into the steps taken by other departments across the United States. CPD would benefit from having a dedicated Officer Mental Health and Wellness program in order to be more productive and develop better overall health and wellness solutions. Receiving \$125,000 would assist in the funding of this program and help promote overall wellness for Law Enforcement Officers.

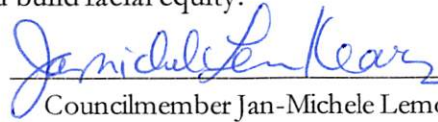


Jan-Michele Lemon Kearney
Councilmember

June 11, 2021

MOTION

WE MOVE for City Council to allocate \$200,000 from the capital budget to Professional Artistic Research (PAR) to help finalize the acquisition of 15,000 square feet of industrial mixed-use property in the Northside neighborhood, in order to help their black-led, community arts & education organization foster new relationships and build racial equity.


Councilmember Jan-Michele Lemon Kearney

_____	_____
_____	_____
_____	_____
_____	_____

STATEMENT

See attached statement from PAR founder, Jonathan Sears.



Professional Artistic Research Projects

1662 Hoffner Street
Cincinnati, OH 45223

T: 513.394.6564
E: connect@parprojects.org

www.parprojects.com

April 28, 2021

Office of Council Member
Jan-Michele Lemon Kearney
801 Plum Street, Suite 356-A
Cincinnati, OH 45202

To Whom It May Concern:

Professional Artistic Research (PAR-) Projects is requesting \$100,000 of support from The City of Cincinnati to help finalize the acquisition of 15,000 square feet of industrial mixed-use property in the Northside neighborhood, in order to help their black-led, community arts & education organization foster new relationships and build racial equity — the latter being a city goal and a named goal of the American Rescue Plan.

History of Cincinnati Supporting Capital Projects

Since creating its first public event, PAR-Projects has enjoyed seeing and/or learning about the many times The City of Cincinnati has invested in projects led by fellow community centers and community-based initiatives. Those that have specifically touched partners of PAR- have included \$50,000 to Kennedy Heights Arts Center (2006); \$250,000 to Clifton Cultural Arts Center (2009); and more recently \$500,000 to NEST in 2018 to acquire Northside property for the redevelopment of the old Save-A-Lot building on Apple Street. And while each of these projects are amazing and fully supported by PAR-Projects, they all lack a single thing — diverse and/or minority leadership.

History of PAR-Projects Building Equity For Others

Since the “official” beginning of the organization (2010), PAR-Projects has activated vacant buildings, abandoned parcels of property, and empty storefronts with a goal of allowing creativity to shed light onto places that could use a little more love and attention. This has provided new and exciting opportunities for our community to make ongoing connections and expand their personal revenue streams. But it has also lead to building-owners finding new tenants, and property owners attracting the eyes of local developers.

Most notably, in 2011, via a (then) 20 year land lease, the PAR-Projects team activated the former Myron Johnson Lumber Yard at the corner of Hamilton Ave. & Blue Rock — a City of Cincinnati-owned parcel that had sat vacant for over 20 years — to create The Factory Square Fine Arts Festival. This was supposed to be the start of a 20 year journey for PAR-Projects, but instead led to the attraction of 20+ new developers, a land lease cancellation, and the \$15,000,000 development of The Gantry Apartments, which opened in our wake back in 2015. And while this created another resilience test for PAR-, it also further demonstrates the economic value creativity can provide for a community.

How support will help others growth & educate

While funding from The City of Cincinnati will help PAR-Projects finalize the purchase of property — helping to build racial equity in our rapidly-developing community — it will also provide below-market rental spaces for local non-profits, including Revolution Dance Theatre and Cincinnati Music Accelerator — both also black led organizations.

Essentially, instead of finding ways to occupy all of this new space, PAR- has decided to dedicate two thirds of it to others, to support the growth of a collaborative community & education hub. Each of the non-profits joining the movement specialize in their own practice. So on the same campus, children (and adults) of all ages will be able to learn classical dance, music production, animation, wood working, and graphic design, with more to come — creating overlapping opportunities for community growth.

By supporting this effort, The City of Cincinnati has a unique opportunity to help lift the burden of a 10 year mortgage, support the growth & education of a community, build racial equity, and show appreciation for a black-led organization helping others succeed.

Thank you for your consideration.

Respectfully,



Jonathan Sears, MFA
Executive Director
Professional Artistic
Research Projects



Jan-Michele Lemon Kearney
Councilmember

June 11, 2021

MOTION

WE MOVE for City Council to allocate \$2,000,000 from the capital budget to preserve and rehabilitate the King Records building in Evanston.


Councilmember Jan-Michele Lemon Kearney

_____	_____
_____	_____
_____	_____
_____	_____

STATEMENT

King Records was founded by Syd Nathan in 1943 with the assistance of Howard Kessle. During its tenure, the record label left a large impact on the music industry and helped shape American popular culture, including placing 461 records of various genres on the charts. King Records served as a recording place for rock & roll, country, and rhythm & blues musicians; these artists include James Brown, Jackie Wilson, the 5 Royales, and Homer & Jethro.

In addition to being a musical trailblazer, King Records was also a leader in civil rights: It was one of Cincinnati's first integrated companies and the first integrated national record label at the executive level.

The funding will be used to restore the historic complex located on Brewster Avenue in Evanston, which was designated as a historic landmark by City Council in 2015.



Jan-Michele Lemon Kearney
Councilmember

June 11, 2021

MOTION

WE MOVE that Cincinnati City Council allocate \$900,000 from the Capital budget to The Cincinnati Children's Hospital Medical Center for the purpose of expanding the College Hill campus in order to address the behavioral health needs of children in the community.

Councilmember Jan-Michele Lemon Kearney

STATEMENT

Cincinnati Children's recognizes the behavioral health needs of children in our community are among the highest priority for both our institution and the community. As a result, the Cincinnati Children's Board of Trustees in January 2020 approved a capital appropriation to double down on our investment at our College Hill Campus. Capital expenditures will be used to:

- Provide private rooms for 100% of patients. The current facility requires about half of all patients to share rooms—and the lack of privacy is a hindrance to patient recovery. With added space for private rooms, family members will have more privacy for visits, be able to spend the night and be able to better prepare for their child's transition home.
- Dedicated areas for therapy, including group, speech, occupational and recreational—all of which currently take place in shared spaces. Providing more private rooms and more common areas means that if a patient's behavior escalates, we can keep programming going and minimize disruptions for other patients.
- While other providers are cutting back or eliminating behavioral health services and beds, Cincinnati Children's is investing to make the care better.



Why Pediatric Mental Health Is a Wise Investment

The Facts about Pediatric Behavioral Health:

- Nationally, 1 in 5 children experience a mental health condition each year.
- 50% of mental illnesses begin in childhood before the age of 14.
- There are 10 child psychiatrists per 100,000 kids and teens. It is estimated the country needs 47 child psychiatrists per 100,000.

When children are mentally, emotionally, and behaviorally stable, they do better in school and are more likely to avoid risky behaviors. Investing in pediatric behavioral health can have a profound impact on a city and their citizens. A city cannot be considered thriving and economically healthy unless children's needs, both physical and mental, are prioritized and met.

The COVID pandemic has had a lasting impact on pediatric behavioral health and has caused a significant toll on our nation's children.

- From April to October 2020 there has been a **24% increase** in emergency room visits to hospitals for children between the ages of 5 and 11 years old.
- From April to October 2020 there has been a **31% increase** in emergency room visits to hospitals for teens between the ages of 12 and 17.

Children in Cincinnati have not been immune.

- **Nearly 8,000 mental health crisis assessments have come through our Emergency Departments and Bridge Clinic**, a separate evaluation and care coordination space providing immediate care in a calm, quiet environment.
- Cincinnati Children's has been the mainstay for behavioral health care in our community for generations. When other providers and hospitals left the business, Cincinnati Children's expanded and has remained the stable provider the community counts on.
- Cincinnati Children's is the largest inpatient mental health provider of any children's hospital in the country with 100 inpatient beds and 30 specialized residential treatment beds at our College Hill facility.
- While the largest, the demand and need for these beds continues to exceed supply with children and adolescents often waiting in medical beds at Burnet Ave. main campus for a College Hill inpatient bed to become available.

The Request:

Cincinnati Children's recognizes the behavioral health needs of children in our community are among the highest priority for both our institution and the community. As a result, the Cincinnati Children's Board of Trustees in January 2020 approved a capital appropriation to double down on our investment at our College Hill Campus. Capital expenditures will be used to:

- Provide private rooms for 100% of patients. The current facility requires about half of all patients to share rooms—and the lack of privacy is a hindrance to patient recovery. With added

space for private rooms, family members will have more privacy for visits, be able to spend the night and be able to better prepare for their child's transition home.

- Dedicated areas for therapy, including group, speech, occupational and recreational—all of which currently take place in shared spaces. Providing more private rooms and more common areas means that if a patient's behavior escalates, we can keep programming going and minimize disruptions for other patients.
- While other providers are cutting back or eliminating behavioral health services and beds, Cincinnati Children's is investing to make the care better.

Cincinnati Children's would like to request support from the City of Cincinnati through the American Recovery Act to bring evidenced based practices in a state-of-the-art facility on our College Hill campus while engaging parents and families on their journey to secure appropriate behavioral healthcare. An investment in College Hill Cincinnati Children's campus will have lasting impact to generations of Cincinnati families and provide the piece of mind that the best care in the country is right here at home in their own city.

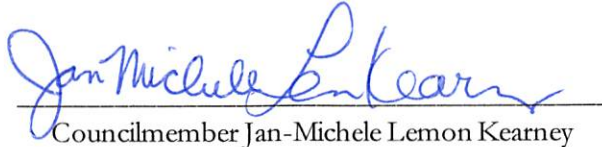


Jan-Michele Lemon Kearney
Councilmember

June 11, 2021

MOTION

WE MOVE for City Council to allocate \$250,000 from the capital budget to the Pendleton Heritage Center (PHC) in the East End to complete the renovation work. PHC is a volunteer-managed community and event venue facility which has served as a social and recreational space for both Black and Appalachian Cincinnatians for generations. The facility preserves the history, culture, and architecture of the area through cultural engagement and educational programming and offers affordable rental space for events and offices.


Councilmember Jan-Michele Lemon Kearney

STATEMENT

The Pendleton Heritage Center (PHC) is a volunteer-managed community and event venue facility located on 2760 Riverside Drive. The facility preserves the history, culture, and architecture of the area through cultural engagement and educational programming and offers affordable rental space for events and offices. PHC, which is a recommended site for the National Register for Historic Places, has a deep connection to the industrial history of the East End. Furthermore, the building has historically served as a social and recreational space for both Black and Appalachian Cincinnatians.

The pandemic has greatly impacted PHC because of the loss of its primary source of income—event rentals. This lack of income has resulted in PHC having to delay the maintenance of the building, which has not been updated since the late 1990s despite the need for major renovations. During the pandemic, PHC volunteers have donated their labor and funds to update the building including patching the roof, repairing the HVAC system, and painting the interior. PHC was unable to acquire Paycheck Protection Program (PPP) loans and related funds because PHC is a 100% volunteer-managed organization with no formal staff.

PHC has requested funding to assist this organization with necessary renovation work, including ADA improvements.

**Pendleton Heritage Center
2760 Riverside Drive
Renovation Funding Request**

The Pendleton Heritage Center (PHC), a recommended site for the National Register for Historic Places, is a community facility that intersects both the steamboat (Fulton) and railroad (Pendleton) industrial history in the East End. The building also served as the centerpiece of recreation and social activities for Black Cincinnatians living in the neighborhood. In the 1990's the building was transformed into a social, educational and civic center, a safe place for displaced Appalachian and African American residents to gather socially, while maintaining their connection to the community.

During the global pandemic event venue spaces were forced to close their doors indefinitely, including the Pendleton Heritage Center. Event rentals are the primary source of income for the Pendleton. This major loss of income negatively impacted the finances, maintenance, and operations of the Pendleton Heritage Center. The organization, which is 100 percent volunteer managed, has operated on a very minimal budget for some time. The loss of income as an event space has resulted in the delayed maintenance of the building, as all available funds, donations and rent from the coffee shop, are used for basic operational expenses, such as utilities, insurance, etc.

As Covid restrictions are lifted the Pendleton Board members are using this time to reactivate, rehabilitated and reorganize. The building requires major renovations, there have been no updates since the late 1990s. Volunteers are donating time and funds to address minor repairs and updates, including patching the roof, repairing the HVAC and interior painting. These minor updates will allow for limited use of the Pendleton, as pandemic restrictions ease, during the summer to begin hosting small events.

The Pendleton Board is in the process of developing a fundraising plan for capital improvements and to establish a building and maintenance fund. The goal is to update the facility for the new covid normal, ADA improvements and the 21st Century. We are estimating the overall project's cost to be \$1,000,000. The Board is working with Eric Hunn of Hunn Construction for quotes for interior and exterior renovation estimates.

The PHC Board is seeking funding from the City's implementation and allocation of funds from the American Rescue Plan – Local Fiscal Recovery Funds. As a volunteer managed organization, the PHC is not eligible for other Covid-19 relief related funds such as PPP, because there is no formal staff. Having access to these funds will allow PHC to, in addition to the necessary renovations, establish an ongoing building maintenance fund and update the basic technology infrastructure.

This renovation project proposal preserves the architecture, history, and culture of the Pendleton Heritage Center in East End, while continuing to provide affordable event and office space, cultural engagement and education programs that contribute to local area tourism.

Estimated Project Budget*

Pendleton Heritage Center Property

1	Site Planning/Inspection/Prep	\$100,000.00
2	Architectural Millwork & Construction	\$540,000.00
3	Permitting Electrical & Structural	\$50,000.00
4	Electrical /HVAC	\$50,000.00
5	Project/Construction Management	\$50,000.00
6	Landscape	\$5,000.00
7	Signage	\$5,000.00
8	Parking Lot & Sidewalk Renovation	\$100,000.00
9	Building and Maintenance fund	\$100,000.00
10	Technology	\$ 10,000.00
	Total (estimated)	\$1,000,000.00

* Note: All figures provided are rough estimates

Pendleton Heritage Center – Existing Conditions

Building Exterior





Building Interior



City of Cincinnati



801 Plum Street, Suite 346-A
Cincinnati, Ohio 45202

Phone (513) 352-5205
Email Jan-Michele.Kearney@
cincinnati-oh.gov
Web www.cincinnati-oh.gov

Jan-Michele Lemon Kearney
Councilmember

202102257

June 11, 2021

MOTION

WE MOVE that City Council allocate \$1,000,000 to assist with the renovation of the iconic Imperial Theatre in the Mohawk neighborhood. The Imperial Theatre was built in 1913 and has been vacant for years. Its renovation will invigorate the economically depressed Mohawk neighborhood, provide an affordable performance and rehearsal venue for artists and organizations throughout the city, and create jobs. Several organizations, such as the University of Cincinnati College Conservatory of Music, recently used the Imperial Theatre to stage virtual performances. The Imperial Theatre is “a stage for all reasons.”

Councilmember Jan-Michele Lemon Kearney

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_____	_____

STATEMENT

Julie Fay, who has developed 42 properties in the OTR and Mohawk neighborhoods, purchased the Imperial Theatre as well as a multi-family adjacent to the theatre. She renovated the multi-family to provide affordable housing for artists. She invested her own funds into stabilizing the Imperial Theatre, including a roof replacement to stop the ongoing water damage. Artistic groups such as students from the University of Cincinnati College Conservatory of Music and several local performance organizations, recently used the Imperial Theatre to stage and film virtual performances. Once renovated, the Imperial Theatre will serve as a catalyst for positive change in this economically depressed area of Cincinnati.



Betsy Sundermann
Cincinnati City Councilmember

June 11, 2021

MOTION

WE MOVE the Administration draft an ordinance to provide \$208,000 to the CCROW (Cincinnati Citizens Respect Our Witnesses) program. The CCROW witness support program provides a variety of services including court-related services, social services, and referrals to counseling services designed to meet the needs of witnesses and their loved ones. The source of this funding should be a portion of closeout funds from the Fiscal Year 2021 budget.

These funds will be used for three things: upgrading fingerprint identification software, adding additional part-time help, and funding a mentoring program for youth victims and witnesses.

\$148,000 will be for upgrading the fingerprinting identification software, which will help to identify both cold case and new perpetrators. It will provide enough funding for this service for the next 5 years.

\$40,000 of the funding will allow for part-time assistance, as CCROW has found themselves to be understaffed; an additional part-time staff member will help them to remain proactive. This staff member will be used for district cases to accompany witnesses to court. They will also help victims to obtain compensation for therapy and court expenses, as well as providing general support for victims and witnesses.

\$20,000 will be used for providing mentoring services for youth survivors and witnesses to help deter them from becoming perpetrators or victims in the future. This population is particularly susceptible to trauma that can cause long-term negative mental and emotional effects as well as increase the likelihood that the individual becomes a perpetrator or victim in the future. This mentoring will help them to heal from their experience and to stop people from becoming perpetrators before they do.

Funding for these three areas will help CCROW to bring justice to families by using new technology and additional assistance to provide the appropriate resources in the areas of comfort and assistance for families as well as the ability to solve cold cases and new cases. These victims and witnesses need our support.

In recent years, it has become a priority to the public and to the Cincinnati Police Department that social workers be incorporated into police work to aid those affected by crimes in a multitude of ways. CCROW has repeatedly demonstrated their efficacy in providing support for the most vulnerable members of our community, and this funding will assist them in doing so.

Betsy Sundermann

Betsy Sundermann

City of Cincinnati



801 Plum Street, Suite 354
Cincinnati, Ohio 45202

Phone (513) 352-5243
Email steven.goodin@cincinnati-oh.gov
Web www.cincinnati-oh.gov

Steven P. Goodin
Councilmember

June 11, 2021

MOTION

WE MOVE that \$100,000 in capital funds from the FY2022-2023 budget be allocated to The Children's Home to support its Job Readiness workforce development program.



Councilmember Steven Goodin

_____	_____
_____	_____
_____	_____
_____	_____

STATEMENT

The Children's Home (TCH) is committed to advancing work experiences and opportunities for high schoolers and graduates in addition to other young adults from the community who have mental and behavioral health conditions that may present a barrier into the workforce. Through the Job Readiness program, TCH aims to support, educate, and develop youth job and life skills (in and out of the classroom) and provide work experiences that lead to "permanent" positions. With the City's support, TCH would be able to sustain employment and dedicate costs to equipment, materials, transportation, marketing and development. The city previously funded the project at the \$100,000.

COMMITTEES

Budget & Finance • Economic Growth & Zoning • Law & Public Safety

June 9, 2021

202102132

To: Mayor and Members of City Council

From: Paula Boggs Muething, City Manager

Subject: Ordinance – Setting Water Service Rates for 2022-2026

Attached is an Ordinance captioned:

REPEALING AND REORDAINING the provisions of Chapter 401, “Water Works,” Section 401-76, “Service Charges,” Section 401-77, “Water Commodity Charges,” Section 401-78, “Charges for Fire Protection Services,” Section 401-81, “Charges to Political Subdivisions,” and Section 401-89, “Direct Fire Protection Charges” of the Cincinnati Municipal Code for the purpose of revising the rates for water and related services furnished by the Greater Cincinnati Water Works, consistent with annual water rate increase of 3.75% in 2022 and 5.55% in each of 2023 through 2026.

Approval of this Ordinance will set the water rates for calendar years 2022 through 2026 to reflect an increase of 3.75% increase in water-related rates for 2022 and a 5.55% increase in each of 2023, 2024, 2025, and 2026. This translates to an average increase in the monthly water charge for a single-family residential account of \$1.21 in 2022 and \$1.83 to \$2.16 in 2023 through 2026 over the prior year.

The revenue generated by the rates will ensure that the Greater Cincinnati Water Works continues to address its mission of providing customers and the community with a plentiful supply of high-quality water, support environmental sustainability, and deliver excellent services in a financially responsible manner, including:

- *Excellent Service Delivery*—Planned implementation of Advanced Metering Infrastructure that will provide more detailed and accurate water usage information to customers and the City to help identify leaks, reduce waste, and provide more accurate billing
- *Safety and Growing Economic Opportunities*—Replacing and upgrading aging water main infrastructure to meet the changing uses of new development and address fire safety needs, as well as meet the Smale Commission’s recommended annual replacement of 1% of system infrastructure
- *Thriving Neighborhoods*—Ensure system wide compliance with Safe Drinking Water Act requirements, including meeting new lead and copper rule requirements, as well as ensuring that high quality drinking water is affordable to all

- *Fiscal Sustainability*--Addressing bond rating agency comments so that GCWW can continue to secure AAA bond ratings and obtain low cost for infrastructure finance

This Ordinance is in accordance with the "Sustain" initiative goals/strategies to "Become a Healthier Cincinnati" and "Create a Healthy Environment and Reduce Energy Consumption" as well as to "Manage Financial Resources" and "Spend Public Funds More Strategically" as described on page 182 and 200 of Plan Cincinnati.

The Administration recommends passage of this Ordinance.

CBB by psc

cc: Cathy B. Bailey, Executive Director/Greater Cincinnati Water Works

City of Cincinnati
An Ordinance No. _____

AEY

- 2021

AWB

REPEALING AND REORDAINING the provisions of Chapter 401, “Water Works,” Section 401-76, “Service Charges,” Section 401-77, “Water Commodity Charges,” Section 401-78, “Charges for Fire Protection Services,” Section 401-81, “Charges to Political Subdivisions,” and Section 401-89, “Direct Fire Protection Charges” of the Cincinnati Municipal Code for the purpose of revising the rates for water and related services furnished by the Greater Cincinnati Water Works, consistent with annual water rate increases of 3.75% in 2022 and 5.55% in each of 2023 through 2026.

WHEREAS, the City Administration has recommended to Council the adoption of a 3.75% increase in water rates for 2022 and a 5.55% increase in each of 2023, 2024, 2025, and 2026 for the Greater Cincinnati Water Works (“GCWW”) to provide for the annual replacement of 1% of system infrastructure per the Smale Commission recommendations, enhanced customer service and leak detection through advanced metering infrastructure, meeting updated requirements of the U.S. Environmental Protection Agency Lead and Copper rule, and addressing issues of water affordability; and

WHEREAS, this multi-year rate increase is necessary to support GCWW’s multi-year bond issue for FY 2022 through FY 2026, which bond issue will take advantage of the currently favorable bond market while refunding existing debt and issuing new debt; and

WHEREAS, the multi-year rate increases and bond issue will result in substantial financing cost savings to GCWW and allow Cincinnati’s water rates to remain substantially below industry averages; now, therefore,

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

Section 1. That existing Section 401-76, “Service Charges,” is hereby repealed and reordained as follows:

Sec. 401-76. - Service Charges.

Each water supply service shall be subject to a monthly service charge. The service charge shall be based on the size of the water meter.

This section shall apply to each water meter used, but shall not apply to water supply services subject to Section 401-81 or Section 401-82.

For the availability of water service, the service charge applicable to accounts inside the City of Cincinnati for each year from 2022 through 2026 shall be as follows:

Meter Size (inches)	2021	2022	2023	2024	2025	2026
½	6.54	6.79	7.16	7.56	7.98	8.42
¾	7.82	8.11	8.56	9.04	9.54	10.07
1	9.64	10.00	10.56	11.14	11.76	12.41
1½	24.33	25.24	26.64	28.12	29.68	31.33
2	31.03	32.19	33.98	35.87	37.86	39.96
3	68.03	70.58	74.50	78.63	83.00	87.60
4	130.32	135.21	142.71	150.63	158.99	167.82
6	261.24	271.04	286.08	301.96	318.71	336.40
8	381.46	395.76	417.73	440.91	465.38	491.21
10	533.73	553.74	584.48	616.92	651.16	687.29
12	638.22	662.15	698.90	737.69	778.63	821.85

The service charges in the above table shall be effective from January 1 through December 31 of each of the above listed years.

The service charges for accounts outside of the City of Cincinnati shall be established pursuant to Section 401-75.

Section 2. That existing Section 401-77, "Water Commodity Charges," is hereby repealed and reordained as follows:

Sec. 401-77. - Water Commodity Charges.

For water used, the water commodity charges per 100 cubic feet (CCF) used applicable to accounts inside the City of Cincinnati shall be as follows:

	2021	2022	2023	2024	2025	2026
First 20 CCF/month	3.00	3.11	3.29	3.47	3.66	3.86
Next 580 CCF/month	2.52	2.61	2.76	2.91	3.07	3.25
Over 600 CCF/month	2.25	2.33	2.46	2.60	2.75	2.90

The water commodity charges in the above table shall be effective from January 1 through December 31 of each of the above listed years.

The water commodity charges for accounts outside of the City of Cincinnati shall be established pursuant to Section 401-75.

Effective January 1, 2012, for water used through a temporary meter as set forth in Section 401-61 of the Municipal Code, the water commodity charge rate per 100 cubic

feet (CCF) used shall be 150% of the water commodity charge listed in the table above for the first 20 CCF per month.

Section 3. That Section 401-78, "Charges for Fire Protection Services," is hereby repealed and reordained as follows:

Sec. 401-78. - Charges for Fire Protection Services.

Each fire service branch serving private premises shall be subject to a fire protection service charge based on the size of the service branch at the water main per Section 401-117. This section shall not apply to fire protection services subject to Sections 401-82 and 401-83.

The fire protection service charge per month shall be as follows:

Branch Size (inches)	2021	2022	2023	2024	2025	2026
2" & Under	18.58	19.28	20.35	21.48	22.67	23.93
3"	23.84	24.73	26.11	27.56	29.09	30.70
4"	28.20	29.26	30.88	32.60	34.40	36.31
6"	65.08	67.52	71.27	75.22	79.40	83.80
8"	91.90	95.35	100.64	106.22	112.12	118.34
10"	110.89	115.05	121.43	128.17	135.29	142.80

The fire protection service charges in the above table shall be effective from January 1 through December 31 of each of the above listed years.

The fire protection service charges for accounts outside of the City of Cincinnati shall be established pursuant to Section 401-75.

Section 4. That Section 401-81, "Charges to Political Subdivisions," is hereby repealed and reordained as follows:

Sec. 401-81. - Charges to Political Subdivisions.

The water commodity charge rates per hundred cubic feet for water used by political subdivisions, other than those whose contracts with the City of Cincinnati specify rates, shall be as follows:

	2021	2022	2023	2024	2025	2026
Winter	3.15	3.27	3.45	3.64	3.84	4.06
Summer	3.75	3.89	4.11	4.33	4.58	4.83

The charges to political subdivisions in the above table shall be effective from January 1 through December 31 of each of the above listed years.

There shall be no service charges for water used under this section.

Section 5. That Section 401-89, "Direct Fire Protection Charges," is hereby repealed and reordained as follows:

Sec. 401-89. –Fire Hydrant Repair and Replacement Charges.

Each water supply service within the City of Cincinnati shall be subject to a fire hydrant repair and replacement charge, which shall be based on the size of the water meter.

The monthly fire hydrant repair and replacement charges shall be as follows:

Meter Size (inches)	2021	2022	2023	2024	2025	2026
⅝	0.65	0.67	0.71	0.75	0.79	0.84
¾	0.98	1.02	1.07	1.13	1.20	1.26
1	1.43	1.48	1.57	1.65	1.74	1.84
1½	2.74	2.84	3.00	3.17	3.34	3.53
2	4.04	4.19	4.42	4.67	4.93	5.20
3	9.79	10.16	10.72	11.32	11.94	12.61
4	16.31	16.92	17.86	18.85	19.90	21.00
6	32.63	33.85	35.73	37.72	39.81	42.02
8	48.93	50.76	53.58	56.56	59.70	63.01
10	65.24	67.69	71.44	75.41	79.59	84.01
12	75.03	77.84	82.16	86.72	91.54	96.62

The fire hydrant repair and replacement charges in the above table shall be effective from January 1 through December 31 of each of the above listed years.

Section 6. That the proper City officials are authorized to carry out the terms of Sections 1 through 5 herein.

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

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

June 9, 2021

To: Mayor and Members of City Council 202102137

From: Paula Boggs Muething, City Manager

Subject: **Emergency Ordinance – FY 2022 General Fund Appropriation for the African American Chamber of Commerce**

Attached is an Emergency Ordinance captioned:

PROVIDING for the appropriation of funds and authorization of expenditures from the General Fund 050 in the amount of \$325,000 as leveraged support for the African American Chamber of Commerce for the fiscal year beginning July 1, 2021, and ending June 30, 2022, reflecting a portion of the Recommended FY 2022 General Fund Operating Budget totaling \$441,113,700, per the attached Schedule of Appropriation, in order to provide for the current expenses and other expenses of the City of Cincinnati.

This Emergency Ordinance would provide leveraged support funding for the African American Chamber of Commerce in the amount of \$325,000 as included in the Recommended FY 2022 General Fund Operating Budget according to the attached Schedule of Appropriation.

The reason for the emergency is ensure that necessary funding is in place prior to the beginning of Fiscal Year 2022, which begins on July 1, 2021, for the current expenses and other expenses of the City of Cincinnati including leveraged support for the African American Chamber of Commerce.

The Administration recommends passage of this Emergency Ordinance.

cc: Christopher A. Bigham, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

City of Cincinnati

AKS

BWL

An Ordinance No. _____

- 2021

PROVIDING for the appropriation of funds and authorization of expenditures from General Fund 050 in the amount of \$325,000 as leveraged support for the African American Chamber of Commerce for the fiscal year beginning July 1, 2021 and ending June 30, 2022, reflecting a portion of the Recommended FY 2022 General Fund Operating Budget totaling \$441,113,700, per the attached Schedule of Appropriation, in order to provide for the current expenses and other expenses of the City of Cincinnati.

WHEREAS, it is necessary in order to provide for the usual daily operations of various departments of the City of Cincinnati, Ohio, during the fiscal year beginning July 1, 2021 and ending June 30, 2022, which operations are financed from the General Fund, that funds be appropriated for the purposes hereinafter set forth; and

WHEREAS, leveraged support funding in the amount of \$325,000 is being provided to the African American Chamber of Commerce as part of the Recommended FY 2022 General Fund Operating Budget; and

WHEREAS, the leveraged support funding will be appropriated to the Department of Community and Economic Development operating budget account no. 050x161x7400; now, therefore,

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

Section 1. That, in order to provide for the current expenses and other expenses of the City of Cincinnati from the General Fund during the fiscal year beginning July 1, 2021 and ending June 30, 2022, there is appropriated out of the monies in the treasury, or any accruing revenues of the City available for such purposes, the sum of \$325,000 as set forth in the attached Schedule of Appropriation, Schedule 1, for the purpose of providing leveraged support funding for the African American Chamber of Commerce.

Section 2. That the appropriate City officials are hereby authorized to do all things necessary and proper to implement Section 1 of this ordinance.

Section 3. That the effective date of this ordinance shall be July 1, 2021.

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is to ensure that necessary funding is in place prior to the beginning of Fiscal Year 2022, which begins on July 1, 2021, for the current expenses and other expenses of the City of Cincinnati including leveraged support for the African American Chamber of Commerce.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

**SCHEDULE OF APPROPRIATION (AFRICAN AMERICAN CHAMBER OF COMMERCE LEVERAGED SUPPORT)
FY 2022 GENERAL FUND OPERATING BUDGET**

SCHEDULE 1. That there be appropriated from the General Fund (050) for the fiscal year 2022, the sums set forth in the columns designated '7100, 7500 Salaries and Benefits, Non-Personnel 7200-7400, Properties 7600, Debt 7700' and 'Total Appropriation':

Agency	Fund	Agency	Salaries and Benefits 7100, 7500	Non-Personnel 7200-7400	Properties 7600	Debt Service 7700	Total Appropriation
Community & Economic Development							
Economic Development and Major/Special Projects Division	050	161		325,000			325,000
Total General Fund			-	325,000	-	-	325,000

**SCHEDULE OF APPROPRIATION (AFRICAN AMERICAN CHAMBER OF COMMERCE LEVERAGED SUPPORT)
FY 2022 GENERAL FUND OPERATING BUDGET**

SCHEDULE 1. That there be appropriated from the General Fund (050) for the fiscal year 2022, the sums set forth in the columns designated '7100, 7500 Salaries and Benefits, Non-Personnel 7200-7400, Properties 7600, Debt 7700' and 'Total Appropriation':

Agency	Fund	Agency	Salaries and	Non-Personnel	Properties	Debt	Total
			Benefits	7200-7400	7600	Service	Appropriation
			7100, 7500			7700	
Community & Economic Development							
Economic Development and Major/Special Projects Division	050	161		325,000			325,000
Total General Fund			-	325,000	-	-	325,000

June 9, 2021

To: Mayor and Members of City Council 202102147

From: Paula Boggs Muething, City Manager

Subject: Emergency Ordinance – FY 2022 Streetcar Operations Fund Budget

Attached is an Emergency Ordinance captioned:

APPROVING a \$5,035,472 operations and maintenance budget for the Cincinnati Bell Connector for fiscal year 2022; **AUTHORIZING** the appropriation of \$5,035,472 from Fund 455, “Streetcar Operations,” for the Cincinnati Bell Connector requirements including, for fiscal year 2022, the City of Cincinnati’s direct contribution toward the Cincinnati Bell Connector’s operating shortfall.

Approval of this Emergency Ordinance for the FY 2022 Streetcar Operations Budget, authorizes a total streetcar operations and maintenance budget of \$5,035,472 for FY 2022, as set forth in Exhibit A.

Additionally, the Emergency Ordinance establishes the appropriation of \$5,035,472 within Streetcar Operations Fund 455, in accordance with the attached Schedule of Appropriation as set forth in Exhibit B.

The reason for the emergency is the immediate need to authorize streetcar funding in FY 2022 to operate and maintain the Cincinnati Bell Connector.

cc: Christopher A. Bigham, Assistant City Manager
Karen Alder, Finance Director
John Brazina, Director of the Department of Transportation and Engineering
Travis Jeric, Streetcar Director

Attachments

EMERGENCY

City of Cincinnati

KKF

AWB

An Ordinance No. _____

- 2021

APPROVING a \$5,035,472 operations and maintenance budget for the Cincinnati Bell Connector for fiscal year 2022; and **AUTHORIZING** the appropriation of \$5,035,472 from Fund 455, "Streetcar Operations," for the Cincinnati Bell Connector requirements including, for fiscal year 2022, the City of Cincinnati's direct contribution toward the Cincinnati Bell Connector's operating shortfall.

WHEREAS, the estimated total budget to operate and maintain the Cincinnati Bell Connector and underlying capital assets in good working order during fiscal year 2022 ("FY 2022") is approximately \$5,035,472, inclusive of direct City costs; and

WHEREAS, due to Cincinnati Bell Connector operating shortfalls, the Carol Ann and Ralph V. Haile, Jr. U.S. Bank Foundation will donate to the City an estimated \$900,000 in FY 2022 according to the terms of the Haile Streetcar Funding Agreement; and

WHEREAS, the combined total of the City's contribution, Federal Transit Administration Formula Funds, Coronavirus Response and Relief Supplemental Appropriations Act funding, American Rescue Plan funding, streetcar revenue (fares, naming rights, and advertising revenue), the Haile Foundation Guaranty payment, and Voluntary Tax Incentive Contribution Agreement payments is anticipated to be sufficient to cover the total estimated cost of the Cincinnati Bell Connector Budget for FY 2022; now, therefore,

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

Section 1. That Council authorizes a total streetcar budget of \$5,035,472 for fiscal year 2022 ("FY 2022") set forth in Exhibit A to this ordinance.

Section 2. That Council hereby authorizes the appropriation for the current expenses and other expenditures of the City in the total amount of the sum of \$5,035,472 from Fund 455, "Streetcar Operations," in accordance with the Schedule of Appropriation attached as Exhibit B to this ordinance, for the costs of operating and maintaining the Cincinnati Bell Connector during FY 2022.

Section 3. That the proper City officials are hereby authorized to take all appropriate actions to carry out this ordinance including, but not limited to, the appropriations authorized herein. The City Manager is further authorized to amend or otherwise modify streetcar contracts to the extent needed to provide for the maintenance and operation of the streetcar system within the approved budget during FY 2022.

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 authorize streetcar funding in FY 2022 to operate and maintain the Cincinnati Bell Connector.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

City of Cincinnati
Fund 455 Streetcar Operations Fund Projection
For Fiscal Year 2022

	FY 2021 Approved Budget	FY 2022 Recommended
Beginning Balance Fund 455	\$ 883,091	\$ 1,102,017
Streetcar Revenue:		
Streetcar Fare Box	\$ -	\$ -
Advertising/Naming Rights	\$ 337,636	\$ 226,569
FTA Formula Funds	\$ 200,000	\$ 198,492
Total Streetcar Revenue	\$ 537,636	\$ 425,061
Other Sources:		
City Contribution	\$ 934,000	\$ 1,500,000
City Contribution CARES Funding	\$ 556,610	\$ -
City Contribution CRRSAA Funds		\$ 416,533
City Contribution ARP Funds		\$ 747,188
Parking Citations	\$ -	\$ -
VTICA	\$ 505,000	\$ 650,000
Haile Foundation	\$ 900,000	\$ 900,000
General Fund Transfer In	\$ 1,760,000	\$ -
Total Other Revenue Sources	\$ 4,655,610	\$ 4,213,721
Total Sources	\$ 5,193,246	\$ 4,638,782
Estimated Operating Costs:		
TransDev Contract: O&M	\$ 3,626,000	\$ 3,658,538
Safety & Security	\$ 100,500	\$ 100,500
SORTA Shared Services	\$ 172,000	\$ 172,000
SORTA OVERHEAD	\$ -	\$ -
Total Operations Costs	\$ 3,898,500	\$ 3,931,038
City Direct Costs	\$ 485,000	\$ 497,000
Chief Safety Officer	\$ 138,200	\$ 140,000
City Electrical Maintenance Workers	\$ 178,000	\$ 180,000
City Legal Costs	\$ 120,700	\$ 121,000
City Overhead and Workers Comp	\$ 64,920	\$ 68,000
City Parking Enforcement	\$ 89,000	\$ 98,434
Total City Costs	\$ 1,075,820	\$ 1,104,434
Total Expenditures	\$ 4,974,320	\$ 5,035,472
Surplus (Deficit)	\$ 218,926	\$ (396,690)
Projected Year End Fund 455 Balance	\$ 1,102,017	\$ 705,328
Fund Balance as % of Revenue	21%	15%

Notes:

Haile Foundation Support is \$900K/yr for 10 years per contract

City Pledged \$1.5M from meter revenue (201400196)

VTICA estimates are updated based on revised projections as of 5/28/21

OKI Provided the City with CRRSAA and ARP Grant estimates for FY 2022

Exhibit B

**SCHEDULE OF APPROPRIATION
FY 2022 STREETCAR OPERATIONS FUND OPERATING BUDGET**

SCHEDULE 1. That there be appropriated from the Streetcar Operations Fund (455) for the Fiscal Year 2022, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

<u>Department</u>	<u>Fund</u>	<u>Agency</u>	<u>Salaries and Benefits 7100 and 7500</u>	<u>Non-Personnel 7200-7400</u>	<u>Properties 7600</u>	<u>Debt Service 7700</u>	<u>Total Appropriation</u>
Law							
Law - Civil	455	111	121,000				121,000
Transportation & Engineering							
Streetcar Operations	455	236	548,434	4,118,038			4,666,472
Traffic Services	455	238	180,000				180,000
Non Departmental Accounts							
Workers' Compensation	455	921	9,000				9,000
General Fund Overhead	455	944		59,000			59,000
Total Streetcar Operations Fund Appropriation			<u>858,434</u>	<u>4,177,038</u>	<u>0</u>	<u>0</u>	<u>5,035,472</u>

0

City of Cincinnati
Fund 455 Streetcar Operations Fund Projection
For Fiscal Year 2022

	FY 2021 Approved Budget	FY 2022 Recommended
Beginning Balance Fund 455	\$ 883,091	\$ 1,102,017
Streetcar Revenue:		
Streetcar Fare Box	\$ -	\$ -
Advertising/Naming Rights	\$ 337,636	\$ 226,569
FTA Formula Funds	\$ 200,000	\$ 198,492
Total Streetcar Revenue	\$ 537,636	\$ 425,061
Other Sources:		
City Contribution	\$ 934,000	\$ 1,500,000
City Contribution CARES Funding	\$ 556,610	\$ -
City Contribution CRRSAA Funds		\$ 416,533
City Contribution ARP Funds		\$ 747,188
Parking Citations	\$ -	\$ -
VTICA	\$ 505,000	\$ 650,000
Haile Foundation	\$ 900,000	\$ 900,000
General Fund Transfer In	\$ 1,760,000	\$ -
Total Other Revenue Sources	\$ 4,655,610	\$ 4,213,721
Total Sources	\$ 5,193,246	\$ 4,638,782
Estimated Operating Costs:		
TransDev Contract: O&M	\$ 3,626,000	\$ 3,658,538
Safety & Security	\$ 100,500	\$ 100,500
SORTA Shared Services	\$ 172,000	\$ 172,000
SORTA OVERHEAD	\$ -	\$ -
Total Operations Costs	\$ 3,898,500	\$ 3,931,038
City Direct Costs	\$ 485,000	\$ 497,000
Chief Safety Officer	\$ 138,200	\$ 140,000
City Electrical Maintenance Workers	\$ 178,000	\$ 180,000
City Legal Costs	\$ 120,700	\$ 121,000
City Overhead and Workers Comp	\$ 64,920	\$ 68,000
City Parking Enforcement	\$ 89,000	\$ 98,434
Total City Costs	\$ 1,075,820	\$ 1,104,434
Total Expenditures	\$ 4,974,320	\$ 5,035,472
Surplus (Deficit)	\$ 218,926	\$ (396,690)
Projected Year End Fund 455 Balance	\$ 1,102,017	\$ 705,328
Fund Balance as % of Revenue	21%	15%

Notes:

Haile Foundation Support is \$900K/yr for 10 years per contract

City Pledged \$1.5M from meter revenue (201400196)

VTICA estimates are updated based on revised projections as of 5/28/21

OKI Provided the City with CRRSAA and ARP Grant estimates for FY 2022

**SCHEDULE OF APPROPRIATION
FY 2022 STREETCAR OPERATIONS FUND OPERATING BUDGET**

SCHEDULE 1. That there be appropriated from the Streetcar Operations Fund (455) for the Fiscal Year 2022, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

<u>Department</u>	<u>Fund</u>	<u>Agency</u>	<u>Salaries and Benefits 7100 and 7500</u>	<u>Non-Personnel 7200-7400</u>	<u>Properties 7600</u>	<u>Debt Service 7700</u>	<u>Total Appropriation</u>
Law							
Law - Civil	455	111	121,000				121,000
Transportation & Engineering							
Streetcar Operations	455	236	548,434	4,118,038			4,666,472
Traffic Services	455	238	180,000				180,000
Non Departmental Accounts							
Workers' Compensation	455	921	9,000				9,000
General Fund Overhead	455	944		59,000			59,000
Total Streetcar Operations Fund Appropriation			858,434	4,177,038	0	0	5,035,472

0

June 9, 2021

To: Mayor and Members of City Council

202102151

From: Paula Boggs Muething, City Manager

Subject: Request for Emergency Ordinance – FY 2022 Restricted Funds Operating Budget

Attached is an Emergency Ordinance captioned:

PROVIDING for the appropriation for the current expenses and other expenditures of the Restricted Revenue Funds of the City of Cincinnati in the total amount of \$497,788,710, specifically from the Water Works Fund; the Parking System Facilities Fund; the Convention Center Fund; the General Aviation Fund; the Municipal Golf Fund; the Stormwater Management Fund; the Bond Retirement Fund; the Street Construction, Maintenance and Repair Fund; the Income Tax-Infrastructure Fund; the Parking Meter Fund; the Municipal Motor Vehicle License Tax Fund; the Sawyer Point Fund; the Recreation Special Activities Fund; the Cincinnati Riverfront Park Fund; the Hazard Abatement Fund; the Bond Hill Roselawn Stabilization & Revitalization Operations Fund; the 9-1-1 Cell Phone Fees Fund; the Safe and Clean Fund; the Community Health Center Activities Fund; the Cincinnati Health District Fund; the Cincinnati Area Geographic Information System (CAGIS) Fund; and the County Law Enforcement Applied Regionally (CLEAR) Fund for operating requirements, capital outlay, and debt service for the fiscal year beginning July 1, 2021 and ending June 30, 2022; **AUTHORIZING** the transfer of the sum of \$13,190 from the unappropriated surplus of the Convention Center Fund to the unappropriated surplus of the Bond Retirement Fund for the purpose of paying the City's FY 2022 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for the purpose of energy improvements; **AUTHORIZING** the transfer of the sum of \$900 from the unappropriated surplus of the General Aviation Fund to the unappropriated surplus of the Bond Retirement Fund for the purpose of paying the City's FY 2022 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for the purpose of energy improvements; **AUTHORIZING** the transfer of the sum of \$109,920 from the unappropriated surplus of the Street Construction, Maintenance and Repair Fund to the unappropriated surplus of the Bond Retirement Fund for the purpose of paying the City's FY 2022 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for the purpose of energy improvements in the amount of \$62,410 and the Early Retirement Incentive Program in the amount of \$47,510; **AUTHORIZING** the transfer of the sum of \$872,800 from the unappropriated surplus of the Income Tax-Infrastructure Fund to the unappropriated surplus of the Bond Retirement

Fund for the purpose of paying the City's FY 2022 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds in the amount of \$684,870 and the Early Retirement Incentive Program in the amount of \$187,930; AUTHORIZING the transfer of the sum of \$38,560 from the unappropriated surplus of the Municipal Motor Vehicle License Tax Fund to the unappropriated surplus of the Bond Retirement Fund for the purpose of paying the City's FY 2022 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds in the amount of \$3,735 and the Early Retirement Incentive Program in the amount of \$34,825; AUTHORIZING the transfer of the sum of \$19,430 from the unappropriated surplus of the County Law Enforcement Applied Regionally (CLEAR) Fund to the unappropriated surplus of the Bond Retirement Fund for the purpose of paying the City's FY 2022 General Fund Debt Service obligations related to bonds issued to fund the Early Retirement Incentive Program; AUTHORIZING the transfer of the sum of \$200,000 from the unappropriated surplus of General Aviation Fund 104 to reserve account no. 104x3444, "FAA/ODOT Local Match – Reserve for Capital Projects," for the purpose of holding resources needed to fulfill local match requirements for future capital improvements financed with FAA/ODOT Airport Grants awarded to Lunken Airport; and AUTHORIZING the transfer of the sum of \$50,000 from the unappropriated surplus of the Parking System Facilities Fund to reserve account no. 102x3441, "U-Square Garage – Reserve for Capital Projects," the transfer of the sum of \$20,000 from the unappropriated surplus of the Parking System Facilities Fund to reserve account no. 102x3442, "VP3 Garage – Reserve for Capital Projects," and the transfer of the sum of \$20,000 from the unappropriated surplus of the Parking System Facilities Fund to reserve account no. 102x3443, "Hampton Inn Garage – Reserve for Capital Projects," for the purpose of making contractually obligated payments for repairs for each identified garage.

There are two changes reflected in this Emergency Ordinance from the Recommended FY 2022 Restricted Funds Operating Budget:

- In Bond Hill Roselawn Stabilization & Revitalization Operations Fund 358, the full remaining balance in the fund will be appropriated in FY 2022. That is an appropriation increase of \$98,530 from \$151,470 to \$250,000. Once the funds are exhausted, the fund will be eliminated.
- In Cincinnati Health District Fund 416, the City Manager's Recommended FY 2022 Operating Budget relied on an expected fund balance of \$1,000,000 as a source for FY 2022. That fund balance was expected to be available due to reimbursements for COVID-19 vaccination expenses. However, due to the timing of those reimbursements, which are now expected to be received after July 1, 2021, those reimbursements will be treated as revenue in the fund received in FY 2022 for prior-year expenses. Thus, the revenue estimate for the fund is increasing by \$1,000,000 and fund balance will not be used as a source for the FY 2022 Operating Budget in that fund.

The reason for the emergency is the immediate need to provide for the current operating expenses of the City of Cincinnati to be consistent with the Fiscal Year 2022 Budget expenses of the City of Cincinnati prior to the beginning of Fiscal Year 2022 which begins on July 1, 2021.

The Administration recommends passage of this Emergency Ordinance.

cc: Christopher A. Bigham, Assistant City Manager
Karen Alder, Finance Director

Attachments

EMERGENCY

KMB

-2021

PROVIDING for the appropriation for the current expenses and other expenditures of the Restricted Revenue Funds of the City of Cincinnati in the total amount of \$497,788,710, specifically from the Water Works Fund; the Parking System Facilities Fund; the Convention Center Fund; the General Aviation Fund; the Municipal Golf Fund; the Stormwater Management Fund; the Bond Retirement Fund; the Street Construction, Maintenance and Repair Fund; the Income Tax-Infrastructure Fund; the Parking Meter Fund; the Municipal Motor Vehicle License Tax Fund; the Sawyer Point Fund; the Recreation Special Activities Fund; the Cincinnati Riverfront Park Fund; the Hazard Abatement Fund; the Bond Hill Roselawn Stabilization & Revitalization Operations Fund; the 9-1-1 Cell Phone Fees Fund; the Safe and Clean Fund; the Community Health Center Activities Fund; the Cincinnati Health District Fund; the Cincinnati Area Geographic Information System (CAGIS) Fund; and the County Law Enforcement Applied Regionally (CLEAR) Fund for operating requirements, capital outlay, and debt service for the fiscal year beginning July 1, 2021 and ending June 30, 2022; **AUTHORIZING** the transfer of the sum of \$13,190 from the unappropriated surplus of the Convention Center Fund to the unappropriated surplus of the Bond Retirement Fund for the purpose of paying the City's FY 2022 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for the purpose of energy improvements; **AUTHORIZING** the transfer of the sum of \$900 from the unappropriated surplus of the General Aviation Fund to the unappropriated surplus of the Bond Retirement Fund for the purpose of paying the City's FY 2022 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for the purpose of energy improvements; **AUTHORIZING** the transfer of the sum of \$109,920 from the unappropriated surplus of the Street Construction, Maintenance and Repair Fund to the unappropriated surplus of the Bond Retirement Fund for the purpose of paying the City's FY 2022 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for the purpose of energy improvements in the amount of \$62,410 and the Early Retirement Incentive Program in the amount of \$47,510; **AUTHORIZING** the transfer of the sum of \$872,800 from the unappropriated surplus of the Income Tax-Infrastructure Fund to the unappropriated surplus of the Bond Retirement Fund for the purpose of paying the City's FY 2022 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds in the amount of \$684,870 and the Early Retirement Incentive Program in the amount of \$187,930; **AUTHORIZING** the transfer of the sum of \$38,560 from the unappropriated surplus of the Municipal Motor Vehicle License Tax Fund to the unappropriated surplus of the Bond Retirement Fund for the purpose of paying the City's FY 2022 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds in the amount of \$3,735 and the Early Retirement Incentive Program in the amount of \$34,825; **AUTHORIZING** the transfer of the sum of \$19,430 from the unappropriated surplus of the County Law Enforcement Applied Regionally (CLEAR) Fund to the unappropriated surplus of the Bond Retirement Fund for the purpose of paying the City's FY 2022 General Fund Debt Service obligations related to bonds issued to fund the Early Retirement Incentive Program; **AUTHORIZING** the transfer of the sum of \$200,000 from the unappropriated surplus of General Aviation Fund 104 to reserve account no. 104x3444, "FAA/ODOT Local Match – Reserve for Capital Projects," for the purpose of

holding resources needed to fulfill local match requirements for future capital improvements financed with FAA/ODOT Airport Grants awarded to Lunken Airport; and AUTHORIZING the transfer of the sum of \$50,000 from the unappropriated surplus of the Parking System Facilities Fund to reserve account no. 102x3441, “U-Square Garage – Reserve for Capital Projects,” the transfer of the sum of \$20,000 from the unappropriated surplus of the Parking System Facilities Fund to reserve account no. 102x3442, “VP3 Garage – Reserve for Capital Projects,” and the transfer of the sum of \$20,000 from the unappropriated surplus of the Parking System Facilities Fund to reserve account no. 102x3443, “Hampton Inn Garage – Reserve for Capital Projects,” for the purpose of making contractually obligated payments for repairs for each identified garage.

WHEREAS, it is necessary for funds to be appropriated for the purposes hereinafter set forth, to provide for the usual daily operations of various departments of the City of Cincinnati, Ohio, financed from certain Restricted Revenue Funds during the fiscal year 2022; now, therefore,

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

Section 1. That, to provide for the current expenses and other expenditures of the Restricted Revenue Funds of the City of Cincinnati, specifically from the Water Works Fund; the Parking System Facilities Fund; the Convention Center Fund; the General Aviation Fund; the Municipal Golf Fund; the Stormwater Management Fund; the Bond Retirement Fund; the Street Construction, Maintenance and Repair Fund; the Income Tax-Infrastructure Fund; the Parking Meter Fund; the Municipal Motor Vehicle License Tax Fund; the Sawyer Point Fund; the Recreation Special Activities Fund; the Cincinnati Riverfront Park Fund; the Hazard Abatement Fund; the Bond Hill Roselawn Stabilization & Revitalization Operations Fund; the 9-1-1 Cell Phone Fees Fund; the Safe and Clean Fund; the Community Health Center Activities Fund; the Cincinnati Health District Fund; the Cincinnati Area Geographic Information System (CAGIS) Fund; and the County Law Enforcement Applied Regionally (CLEAR) Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022, there is hereby appropriated out of monies in the treasury, or any accruing revenues of the City available for such purposes, the amount of \$497,788,710, as set forth in the schedules attached hereto and incorporated herein for the purposes therein indicated.

Section 2. That the transfer of the sum of \$13,190 from the unappropriated surplus of the Convention Center Fund to the unappropriated surplus of the Bond Retirement Fund is hereby authorized for the purpose of paying the City's FY 2022 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for energy improvements.

Section 3. That the transfer of the sum of \$900 from the unappropriated surplus of the General Aviation Fund to the unappropriated surplus of the Bond Retirement Fund is hereby authorized for the purpose of paying the City's FY 2022 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for energy improvements.

Section 4. That the transfer of the sum of \$109,920 from the unappropriated surplus of the Street Construction, Maintenance and Repair Fund to the unappropriated surplus of the Bond Retirement Fund is hereby authorized for the purpose of paying the City's FY 2022 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for energy improvements in the amount of \$62,410 and the Early Retirement Incentive Program ("ERIP") in the amount of \$47,510.

Section 5. That the transfer of the sum of \$872,800 from the unappropriated surplus of the Income Tax-Infrastructure Fund to the unappropriated surplus of the Bond Retirement Fund is hereby authorized for the purpose of paying the City's FY 2022 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for energy improvements in the amount of \$684,870 and the ERIP in the amount of \$187,930.

Section 6. That the transfer of the sum of \$38,560 from the unappropriated surplus of the Municipal Motor Vehicle License Tax Fund to the unappropriated surplus of the Bond Retirement Fund is hereby authorized for the purpose of paying the City's FY 2022 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for energy improvements in the amount of \$3,735 and the ERIP in the amount of \$34,825.

Section 7. That the transfer of the sum of \$19,430 from the unappropriated surplus of the County Law Enforcement Applied Regionally (CLEAR) Fund to the unappropriated surplus of the Bond Retirement Fund is hereby authorized for the purpose of paying the City's FY 2022 General Fund Debt Service obligations related to bonds issued to fund the ERIP.

Section 8. That the transfer of the sum of \$200,000 from the unappropriated surplus of General Aviation Fund 104 to the "FAA/ODOT Local Match – Reserve for Capital Projects" reserve account 104x3444 is hereby authorized for the purpose of holding resources needed to fulfill local match requirements for future capital improvements financed with FAA/ODOT Grants awarded to Lunken Airport.

Section 9. That the transfer of the sum of \$50,000 from the unappropriated surplus of the Parking System Facilities Fund to the "U-Square Garage – Reserve for Capital Projects" reserve account 102x3441, the transfer of the sum of \$20,000 from the unappropriated surplus of the Parking System Facilities Fund to the "VP3 Garage – Reserve for Capital Projects" reserve account 102x3442, and the transfer of the sum of \$20,000 from the unappropriated surplus of the Parking System Facilities Fund to the "Hampton Inn Garage – Reserve for Capital Projects" reserve account 102x3443, all within Parking System Facilities Fund 102, is hereby authorized for the purpose of making contractually obligated payments for repairs for each identified garage.

Section 10. That any sums that shall be expended in accordance with the appropriations set forth in the attached schedules that are a proper charge against any other department or fund, or against any person, firm, or corporation, shall, if repaid within the period covered by such appropriations, be credited to the fund from which such payment was made, and be considered as reappropriated for such original purposes, provided that the net total of expenditures under any item of such appropriation shall not exceed the amount of such item.

Section 11. That the Finance Director of the City is authorized to draw her warrant upon the treasury of the City for the amounts appropriated and for the purposes stated in this ordinance, and upon receiving the proper certificates and vouchers therefore approved by the City Manager or her designee, or by City boards or commissions or other officers authorized by law to approve such certificates and vouchers or authorized by an ordinance or resolution of Council to make expenditures, provided that vouchers for payment out of any of the foregoing appropriations by order of a court decree shall be approved by the City Solicitor in addition to any other authority required by law.

Section 12. That Council does hereby authorize the City Manager and the proper board or officials to enter into any contract or contracts involving an expenditure of more than \$3,000 for any or all of the purposes herein provided, and that said board or officials shall execute said contracts in accordance with law, the Charter, and ordinances of the City of Cincinnati.

Section 13. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately, but in no event later than July 1, 2021. The reason for the emergency is the immediate need to provide for the current operating expenses of the City of Cincinnati to be consistent with the Fiscal Year 2022 Budget expenses of the City of Cincinnati prior to the beginning of Fiscal Year 2022 which begins on July 1, 2021.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

**SCHEDULE OF APPROPRIATION
FY 2022 WATER WORKS FUND OPERATING BUDGET**

SCHEDULE 1

That there be appropriated from the Water Works (101) for the Fiscal Year 2022, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

Department	Fund	Agency	Salaries and Benefits 7100 and 7500	Non-Personnel 7200-7400	Properties 7600	Debt Service 7700	Total Appropriation
Water Works							
Business Services	101	301	8,700,000	4,161,450			12,861,450
Commercial Services	101	302	8,629,690	4,931,080			13,560,770
Water Supply	101	303	12,744,540	12,910,950			25,655,490
Water Distribution	101	304	11,860,100	6,778,550			18,638,650
Water Quality and Treatment	101	305	4,230,380	5,755,590			9,985,970
Engineering	101	306	6,130,910	1,205,450			7,336,360
Information Technology	101	307	5,419,600	5,026,020			10,445,620
Water Works Debt Service	101	309				44,900,000	44,900,000
Water Works Total			57,715,220	40,769,090	0	44,900,000	143,384,310
Non-Departmental Accounts							
Contribution To City Pension	101	911	512,450			332,610	845,060
Public Employees Assistance Program (PEAP)	101	919	44,000				44,000
Workers' Compensation Insurance	101	921	686,890				686,890
General Fund Overhead	101	944		3,772,150			3,772,150
Non-Departmental Accounts Total			1,243,340	3,772,150	0	332,610	5,348,100
Total Water Works Fund Appropriation			58,958,560	44,541,240	0	45,232,610	148,732,410

SCHEDULE OF APPROPRIATION
FY 2022 PARKING SYSTEM FACILITIES FUND OPERATING BUDGET

SCHEDULE 2

That there be appropriated from the Parking System Facilities Fund (102) for the Fiscal Year 2022, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

Department	Fund	Agency	Salaries and Benefits 7100 and 7500	Non-Personnel 7200-7400	Properties 7600	Debt Service 7700	Total Appropriation
Finance							
Treasury	102	134	27,540	27,500			55,040
Enterprise Services							
Parking Facilities	102	248	457,760	4,771,770		2,184,090	7,413,620
Non-Departmental Accounts							
Contribution To City Pension	102	911	12,670			34,850	47,520
Public Employees Assistance Program (PEAP)	102	919	2,700				2,700
Workers' Compensation Insurance	102	921	7,020				7,020
General Fund Overhead	102	944		38,630			38,630
Cincinnati Music Hall	102	966		100,000			100,000
Non-Departmental Accounts Total			22,390	138,630	-	34,850	195,870
Total Parking System Facilities Fund Appropriation			507,690	4,937,900	0	2,218,940	7,664,530

**SCHEDULE OF APPROPRIATION
FY 2022 CONVENTION CENTER FUND OPERATING BUDGET**

SCHEDULE 3

That there be appropriated from the Convention Center Fund (103) for the Fiscal Year 2022, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

<u>Department</u>	<u>Fund</u>	<u>Agency</u>	<u>Salaries and Benefits 7100 and 7500</u>	<u>Non-Personnel 7200-7400</u>	<u>Properties 7600</u>	<u>Debt Service 7700</u>	<u>Total Appropriation</u>
Enterprise Services							
Duke Energy Center	103	243	109,760	9,259,090		306,320	9,675,170
Non-Departmental Accounts							
Reserve For Contingencies	103	990		300,000			300,000
Total Convention Center Fund Appropriation			109,760	9,559,090	0	306,320	9,975,170

**SCHEDULE OF APPROPRIATION
FY 2022 GENERAL AVIATION FUND OPERATING BUDGET**

SCHEDULE 4

That there be appropriated from the General Aviation Fund (104) for the Fiscal Year 2022, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

Department	Fund	Agency	Salaries and Benefits 7100 and 7500	Non-Personnel 7200-7400	Properties 7600	Debt Service 7700	Total Appropriation
Transportation & Engineering							
Aviation	104	234	1,226,150	850,390		51,270	2,127,810
Non-Departmental Accounts							
Contribution To City Pension	104	911	7,480				7,480
Public Employees Assistance Program (PEAP)	104	919	1,000				1,000
Workers' Compensation Insurance	104	921	13,870				13,870
General Fund Overhead	104	944		76,040			76,040
Non-Departmental Accounts Total			22,350	76,040	0	0	98,390
Total General Aviation Fund Appropriation			1,248,500	926,430	0	51,270	2,226,200

**SCHEDULE OF APPROPRIATION
FY 2022 MUNICIPAL GOLF FUND OPERATING BUDGET**

SCHEDULE 5

That there be appropriated from the Municipal Golf Fund (105) for the Fiscal Year 2022, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

Department	Fund	Agency	Salaries and Benefits 7100 and 7500	Non-Personnel 7200-7400	Properties 7600	Debt Service 7700	Total Appropriation
Recreation							
Golf	105	195	214,740	4,900,020		325,630	5,440,390
Support Services	105	199	80,270				80,270
Recreation Total			295,010	4,900,020	0	325,630	5,520,660
Non-Departmental Accounts							
Public Employees Assistance Program (PEAP)	105	919	300				300
Workers' Compensation Insurance	105	921	3,250				3,250
General Fund Overhead	105	944		17,590			17,590
Non-Departmental Accounts Total			3,550	17,590	0	0	21,140
Total Municipal Golf Fund Appropriation			298,560	4,917,610	0	325,630	5,541,800

**SCHEDULE OF APPROPRIATION
FY 2022 STORMWATER MANAGEMENT FUND OPERATING BUDGET**

SCHEDULE 6

That there be appropriated from the Stormwater Management Fund (107) for the Fiscal Year 2022, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

Department	Fund	Agency	Salaries and Benefits 7100 and 7500	Non-Personnel 7200-7400	Properties 7600	Debt Service 7700	Total Appropriation
City Manager							
Office of Environment and Sustainability	107	104		1,036,310			1,036,310
Recreation							
Maintenance	107	194	1,043,190				1,043,190
Parks							
Operations and Facility Management	107	202	1,918,890	16,130			1,935,020
Buildings & Inspections							
Property Maintenance Code Enforcement	107	212	840,650	532,020			1,372,670
Public Services							
Neighborhood Operations	107	253	4,987,110	2,382,550			7,369,660
Stormwater Management							
Stormwater Management Utility	107	311	4,154,910	6,261,660	190,000	1,691,190	12,297,760
Non-Departmental Accounts							
Contribution To City Pension	107	911	44,050			8,290	52,340
Public Employees Assistance Program (PEAP)	107	919	7,000				7,000
Workers' Compensation Insurance	107	921	152,290				152,290
General Fund Overhead	107	944		832,940			832,940
Non-Departmental Accounts Total			203,340	832,940	0	8,290	1,044,570
Total Stormwater Management Fund Appropriation			13,148,090	11,061,610	190,000	1,699,480	26,099,180

**SCHEDULE OF APPROPRIATION
FY 2022 BOND RETIREMENT FUND OPERATING BUDGET**

SCHEDULE 7

That there be appropriated from the Bond Retirement Fund (151) for the Fiscal Year 2022, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

Department	Fund	Agency	Salaries and Benefits 7100 and 7500	Non-Personnel 7200-7400	Properties 7600	Debt Service 7700	Total Appropriation
Finance							
Office of The Director	151	131	53,970				53,970
Treasury	151	134	367,540	3,436,380		180,341,590	184,145,510
Finance Total			421,510	3,436,380	0	180,341,590	184,199,480
Non-Departmental Accounts							
Public Employees Assistance Program (PEAP)	151	919	300				300
Workers' Compensation Insurance	151	921	4,010				4,010
Non-Departmental Accounts Total			4,310	0	0	0	4,310
Total Bond Retirement Fund Appropriation			425,820	3,436,380	0	180,341,590	184,203,790

SCHEDULE OF APPROPRIATION
FY 2022 STREET CONSTRUCTION, MAINTENANCE AND REPAIR FUND OPERATING BUDGET

SCHEDULE 8

That there be appropriated from the Street Construction, Maintenance and Repair Fund (301) for the Fiscal Year 2022, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

Department	Fund	Agency	Salaries and Benefits 7100 and 7500	Non-Personnel 7200-7400	Properties 7600	Debt Service 7700	Total Appropriation
Parks							
Operations and Facility Management	301	202	327,470	76,620			404,090
Transportation & Engineering							
Traffic Services	301	238	59,090	874,930			934,020
Traffic Engineering	301	239		484,560			484,560
Transportation & Engineering Total			59,090	1,359,490	0	0	1,418,580
Public Services							
Traffic And Road Operations	301	252	5,639,180	4,667,930			10,307,110
Neighborhood Operations	301	253	3,275,160	677,690			3,952,850
Public Services Total			8,914,340	5,345,620	0	0	14,259,960
Non-Departmental Accounts							
Contribution To City Pension	301	911	84,810				84,810
Public Employees Assistance Program (PEAP)	301	919	7,800				7,800
Workers' Compensation Insurance	301	921	105,960				105,960
Non-Departmental Accounts Total			198,570	0	0	0	198,570
Total Street Construction, Maintenance and Repair Fund Appropriation			9,499,470	6,781,730	0	0	16,281,200

**SCHEDULE OF APPROPRIATION
FY 2022 INCOME TAX-INFRASTRUCTURE FUND OPERATING BUDGET**

SCHEDULE 9

That there be appropriated from the Income Tax-Infrastructure Fund (302) for the Fiscal Year 2022, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

Department	Fund	Agency	Salaries and Benefits 7100 and 7500	Non-Personnel 7200-7400	Properties 7600	Debt Service 7700	Total Appropriation
Enterprise Technology Solutions							
Cincinnati Area Geographic Information System (CAGIS)	302	092		893,120			893,120
City Manager							
Office of Budget & Evaluation	302	102	189,540	6,220			195,760
Office of Procurement	302	107	246,910				246,910
City Manager Total			436,450	6,220	0	0	442,670
Law							
Law - Civil	302	111	106,010	6,820			112,830
Human Resources							
Human Resources	302	121	328,860				328,860
Finance							
Accounts and Audits	302	133	227,600	3,770			231,370
Recreation							
Maintenance	302	194	817,240	180,750			997,990
Parks							
Operations and Facility Management	302	202	1,636,260	11,650			1,647,910
Administration and Program Services	302	203	60,060				60,060
Parks Total			1,696,320	11,650	0	0	1,707,970
Buildings & Inspections							
Buildings & Inspections, Licenses & Permits	302	211	62,370				62,370
Transportation & Engineering							
Office of The Director	302	231	1,437,760	23,550			1,461,310
Transportation Planning	302	232	1,548,930	57,090			1,606,020
Engineering	302	233	1,970,740	720,800			2,691,540
Traffic Services	302	238	2,975,930	307,630	-		3,283,560
Traffic Engineering	302	239	1,920,220	155,060			2,075,280
Transportation & Engineering Total			9,853,580	1,264,130	0	0	11,117,710
Public Services							
Office of The Director	302	251	140,040	51,210			191,250
Traffic And Road Operations	302	252	377,610	544,900			922,510
City Facility Management	302	255	2,324,260	1,166,080			3,490,340
Public Services Total			2,841,910	1,762,190	0	0	4,604,100
Economic Inclusion							
Economic Inclusion	302	281	303,460				303,460
Non-Departmental Accounts							
Contribution To City Pension	302	911	100,730				100,730
Public Employees Assistance Program (PEAP)	302	919	14,000				14,000
Workers' Compensation Insurance	302	921	189,650				189,650
Lump Sum Payments	302	924	300,000				300,000
General Fund Overhead	302	944		1,043,020			1,043,020
Non-Departmental Accounts Total			604,380	1,043,020	0	0	1,647,400
Total Income Tax-Infrastructure Fund Appropriation			17,278,180	5,171,670	0	0	22,449,850

**SCHEDULE OF APPROPRIATION
FY 2022 PARKING METER FUND OPERATING BUDGET**

SCHEDULE 10

That there be appropriated from the Parking Meter Fund (303) for the Fiscal Year 2022, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

Department	Fund	Agency	Salaries and Benefits 7100 and 7500	Non-Personnel 7200-7400	Properties 7600	Debt Service 7700	Total Appropriation
Finance							
Treasury	303	134	26,320	18,000			44,320
Enterprise Services							
Parking Facilities	303	248	2,387,990	2,136,780			4,524,770
Non-Departmental Accounts							
Contribution To City Pension	303	911	31,930				31,930
Public Employees Assistance Program (PEAP)	303	919	2,300				2,300
Workers' Compensation Insurance	303	921	25,900				25,900
General Fund Overhead	303	944		144,430			144,430
Non-Departmental Accounts Total			60,130	144,430	0	0	204,560
Total Parking Meter Fund Appropriation			2,474,440	2,299,210	0	0	4,773,650

SCHEDULE OF APPROPRIATION
FY 2022 MUNICIPAL MOTOR VEHICLE LICENSE TAX FUND OPERATING BUDGET

SCHEDULE 11

That there be appropriated from the Municipal Motor Vehicle License Tax Fund (306) for the Fiscal Year 2022, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

Department	Fund	Agency	Salaries and Benefits 7100 and 7500	Non-Personnel 7200-7400	Properties 7600	Debt Service 7700	Total Appropriation
Transportation & Engineering							
Traffic Services	306	238	175,650	33,650			209,300
Public Services							
Traffic And Road Operations	306	252	1,965,640	1,425,130			3,390,770
Non-Departmental Accounts							
Contribution To City Pension	306	911	19,250				19,250
Public Employees Assistance Program (PEAP)	306	919	2,000				2,000
Workers' Compensation Insurance	306	921	24,460				24,460
General Fund Overhead	306	944		136,040			136,040
Non-Departmental Accounts Total			45,710	136,040	0	0	181,750
Total Municipal Motor Vehicle License Tax Fund Appropriation			2,187,000	1,594,820	0	0	3,781,820

**SCHEDULE OF APPROPRIATION
FY 2022 SAWYER POINT FUND OPERATING BUDGET**

SCHEDULE 12

That there be appropriated from the Sawyer Point Fund (318) for the Fiscal Year 2022, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

Department	Fund	Agency	Salaries and Benefits 7100 and 7500	Non-Personnel 7200-7400	Properties 7600	Debt Service 7700	Total Appropriation
Parks							
Operations and Facility Management	318	202	449,740	626,180			1,075,920
Administration and Program Services	318	203		31,000			31,000
Parks Total			449,740	657,180	0	0	1,106,920
Non-Departmental Accounts							
Public Employees Assistance Program (PEAP)	318	919	420				420
Workers' Compensation Insurance	318	921	10,470				10,470
General Fund Overhead	318	944		56,650			56,650
Non-Departmental Accounts Total			10,890	56,650	0	0	67,540
Total Sawyer Point Fund Appropriation			460,630	713,830	0	0	1,174,460

**SCHEDULE OF APPROPRIATION
FY 2022 RECREATION SPECIAL ACTIVITIES FUND OPERATING BUDGET**

SCHEDULE 13

That there be appropriated from the Recreation Special Activities Fund (323) for the Fiscal Year 2022, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

Department	Fund	Agency	Salaries and Benefits 7100 and 7500	Non-Personnel 7200-7400	Properties 7600	Debt Service 7700	Total Appropriation
Recreation							
West Region	323	191	933,460	230,840			1,164,300
East Region	323	192	1,168,530	269,910			1,438,440
Central Region	323	193	1,124,650	256,640			1,381,290
Athletics	323	197	435,020	550,980			986,000
Support Services	323	199	100,770	137,050	13,580		251,400
Recreation Total			3,762,430	1,445,420	13,580	0	5,221,430
Non-Departmental Accounts							
Public Employees Assistance Program (PEAP)	323	919	4,500				4,500
Workers' Compensation Insurance	323	921	69,710				69,710
General Fund Overhead	323	944		377,270			377,270
Non-Departmental Accounts Total			74,210	377,270	0	0	451,480
Total Recreation Special Activities Fund Appropriation			3,836,640	1,822,690	13,580	0	5,672,910

**SCHEDULE OF APPROPRIATION
FY 2022 CINCINNATI RIVERFRONT PARK FUND OPERATING BUDGET**

SCHEDULE 14

That there be appropriated from the Cincinnati Riverfront Park Fund (329) for the Fiscal Year 2022, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

Department	Fund	Agency	Salaries and Benefits 7100 and 7500	Non-Personnel 7200-7400	Properties 7600	Debt Service 7700	Total Appropriation
Parks							
Operations and Facility Management	329	202	1,136,590	360,590			1,497,180
Administration and Program Services	329	203		29,250			29,250
Parks Total			1,136,590	389,840	0	0	1,526,430
Non-Departmental Accounts							
Public Employees Assistance Program (PEAP)	329	919	100				100
Workers' Compensation Insurance	329	921	8,680				8,680
General Fund Overhead	329	944		46,970			46,970
Non-Departmental Accounts Total			8,780	46,970	0	0	55,750
Total Cincinnati Riverfront Park Fund Appropriation			1,145,370	436,810	0	0	1,582,180

**SCHEDULE OF APPROPRIATION
FY 2022 HAZARD ABATEMENT FUND OPERATING BUDGET**

SCHEDULE 15

That there be appropriated from the Hazard Abatement Fund (347) for the Fiscal Year 2022, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

<u>Department</u>	<u>Fund</u>	<u>Agency</u>	<u>Salaries and Benefits 7100 and 7500</u>	<u>Non-Personnel 7200-7400</u>	<u>Properties 7600</u>	<u>Debt Service 7700</u>	<u>Total Appropriation</u>
Buildings & Inspections							
Property Maintenance Code Enforcement	347	212	663,270	911,570			1,574,840
Total Hazard Abatement Fund Appropriation			663,270	911,570	0	0	1,574,840

SCHEDULE OF APPROPRIATION

FY 2022 BOND HILL ROSELAWN STABILIZATION & REVITALIZATION OPERATIONS FUND OPERATING BUDGET

SCHEDULE 16

That there be appropriated from the Bond Hill Roselawn Stabilization & Revitalization Operations Fund (358) for the Fiscal Year 2022, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

Department	Fund	Agency	Salaries and Benefits 7100 and 7500	Non-Personnel 7200-7400	Properties 7600	Debt Service 7700	Total Appropriation
Community & Economic Development							
Economic Development and Major/Special Projects Divisions	358	164		250,000			250,000
Total Bond Hill Stabilization & Revitalization Operations Fund Appropriation			0	250,000	0	0	250,000

SCHEDULE OF APPROPRIATION
FY 2022 9-1-1 CELL PHONE FEES FUND OPERATING BUDGET

SCHEDULE 17

That there be appropriated from the 9-1-1 Cell Phone Fees Fund (364) for the Fiscal Year 2022, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

<u>Department</u>	<u>Fund</u>	<u>Agency</u>	<u>Salaries and Benefits 7100 and 7500</u>	<u>Non-Personnel 7200-7400</u>	<u>Properties 7600</u>	<u>Debt Service 7700</u>	<u>Total Appropriation</u>
Enterprise Technology Solutions							
Enterprise Technology Solutions	364	091		20,420			20,420
City Manager							
Emergency Communications	364	103	970,010	619,340			1,589,350
Total 9-1-1 Cell Phone Fees Fund Appropriation			970,010	639,760	0	0	1,609,770

**SCHEDULE OF APPROPRIATION
FY 2022 SAFE AND CLEAN FUND OPERATING BUDGET**

SCHEDULE 18

That there be appropriated from the Safe and Clean Fund (377) for the Fiscal Year 2022, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

<u>Department</u>	<u>Fund</u>	<u>Agency</u>	<u>Salaries and Benefits 7100 and 7500</u>	<u>Non-Personnel 7200-7400</u>	<u>Properties 7600</u>	<u>Debt Service 7700</u>	<u>Total Appropriation</u>
Public Services							
Neighborhood Operations	377	253		51,520			51,520
Total Safe and Clean Fund Appropriation			<u>0</u>	<u>51,520</u>	<u>0</u>	<u>0</u>	<u>51,520</u>

SCHEDULE OF APPROPRIATION
FY 2022 COMMUNITY HEALTH CENTER ACTIVITIES FUND OPERATING BUDGET

SCHEDULE 19

That there be appropriated from the Community Health Center Activities Fund (395) for the Fiscal Year 2022, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

Department	Fund	Agency	Salaries and Benefits 7100 and 7500	Non-Personnel 7200-7400	Properties 7600	Debt Service 7700	Total Appropriation
Health							
Primary Health Care - Programs	395	264	315,670	2,910			318,580
Primary Health Care - Centers	395	265	9,549,960	6,324,280			15,874,240
School & Adolescent Health	395	266	7,207,290	1,120,010			8,327,300
Health Total			17,072,920	7,447,200	0	0	24,520,120
Non-Departmental Accounts							
Contribution To City Pension	395	911	110,710				110,710
Public Employees Assistance Program (PEAP)	395	919	13,000				13,000
Workers' Compensation Insurance	395	921	181,170				181,170
General Fund Overhead	395	944		1,000,720			1,000,720
Non-Departmental Accounts Total			304,880	1,000,720	0	0	1,305,600
Total Community Health Center Activities Fund Appropriation			17,377,800	8,447,920	0	0	25,825,720

**SCHEDULE OF APPROPRIATION
FY 2022 CINCINNATI HEALTH DISTRICT FUND OPERATING BUDGET**

SCHEDULE 20

That there be appropriated from the Cincinnati Health District Fund (416) for the Fiscal Year 2022, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

Department	Fund	Agency	Salaries and Benefits 7100 and 7500	Non-Personnel 7200-7400	Properties 7600	Debt Service 7700	Total Appropriation
Health							
Office Of The Commissioner	416	261	2,257,760	290,740	2,950		2,551,450
Technical Resources	416	262	2,337,190	476,120			2,813,310
Community Health Services	416	263	4,320,360	249,110			4,569,470
Primary Health Care - Programs	416	264	1,910,780	137,160			2,047,940
Primary Health Care - Centers	416	265	5,390,700	35,760			5,426,460
School & Adolescent Health	416	266	426,040	110,380			536,420
Health Total			16,642,830	1,299,270	2,950	0	17,945,050
Non-Departmental Accounts							
Workers' Compensation Insurance	416	921	210,300				210,300
Audit And Examiner's Fees	416	941		13,000			13,000
General Fund Overhead	416	944		14,760			14,760
Non-Departmental Accounts Total			210,300	27,760	0	0	238,060
Total Cincinnati Health District Fund Appropriation			16,853,130	1,327,030	2,950	0	18,183,110

SCHEDULE OF APPROPRIATION
FY 2022 CINCINNATI AREA GEOGRAPHIC INFORMATION SYSTEM (CAGIS) FUND OPERATING BUDGET

SCHEDULE 21

That there be appropriated from the Cincinnati Area Geographic Information System (CAGIS) Fund (449) for the Fiscal Year 2022, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

Department	Fund	Agency	Salaries and Benefits 7100 and 7500	Non-Personnel 7200-7400	Properties 7600	Debt Service 7700	Total Appropriation
Enterprise Technology Solutions							
Cincinnati Area Geographic Information System (CAGIS)	449	092	2,476,270	1,991,020			4,467,290
Non-Departmental Accounts							
Contribution To City Pension	449	911	30,850				30,850
Public Employees Assistance Program (PEAP)	449	919	2,200				2,200
Workers' Compensation Insurance	449	921	30,580				30,580
General Fund Overhead	449	944		165,510			165,510
Non-Departmental Accounts Total			63,630	165,510	0	0	229,140
Total Cincinnati Area Geographic Information System (CAGIS) Fund Appropriation			2,539,900	2,156,530	0	0	4,696,430

SCHEDULE OF APPROPRIATION
FY 2022 COUNTY LAW ENFORCEMENT APPLIED REGIONALLY (CLEAR) FUND OPERATING BUDGET

SCHEDULE 22

That there be appropriated from the County Law Enforcement Applied Regionally Fund (457) for the Fiscal Year 2022, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

Department	Fund	Agency	Salaries and Benefits 7100 and 7500	Non-Personnel 7200-7400	Properties 7600	Debt Service 7700	Total Appropriation
Enterprise Technology Solutions							
County Law Enforcement Applied Regionally (CLEAR)	457	093	1,939,190	3,323,050			5,262,240
Non-Departmental Accounts							
Contribution To City Pension	457	911	13,600				13,600
Public Employees Assistance Program (PEAP)	457	919	1,400				1,400
Workers' Compensation Insurance	457	921	25,100				25,100
General Fund Overhead	457	944		135,830			135,830
Non-Departmental Accounts Total			40,100	135,830	0	0	175,930
Total County Law Enforcement Applied Regionally (CLEAR) Fund Appropriation			1,979,290	3,458,880	0	0	5,438,170

Schedule 23

Estimated receipts, expenditures, and balances of the Restricted Revenue Funds for the fiscal year starting July 1, 2021 and ending June 30, 2022.

Resources and Beginning Balances		Expenditures and Ending Balances	
101 WATER WORKS FUND		101 WATER WORKS FUND	
Revenue.....	\$177,121,000	Expenditure.....	\$148,732,410
Transfers In.....	0	Transfers Out.....	\$34,349,000
Estimated Balance (7/1/21).....	\$96,785,080	Estimated Balance (6/30/22).....	\$90,824,670
102 PARKING SYSTEM FACILITIES FUND		102 PARKING SYSTEM FACILITIES FUND	
Revenue.....	\$4,850,000	Expenditure.....	\$7,664,530
Transfers In.....	0	Transfers Out.....	\$298,500
Estimated Balance (7/1/21).....	\$8,163,730	Estimated Balance (6/30/22).....	\$5,050,700
103 CONVENTION CENTER FUND		103 CONVENTION CENTER FUND	
Revenue.....	\$7,048,720	Expenditure.....	\$9,975,170
Transfers In.....	0	Transfers Out.....	\$243,190
Estimated Balance (7/1/21).....	\$5,780,520	Estimated Balance (6/30/22).....	\$2,610,880
104 GENERAL AVIATION FUND		104 GENERAL AVIATION FUND	
Revenue.....	\$1,957,360	Expenditure.....	\$2,226,200
Transfers In.....	0	Transfers Out.....	\$541,900
Estimated Balance (7/1/21).....	\$1,665,350	Estimated Balance (6/30/22).....	\$854,610
105 MUNICIPAL GOLF FUND		105 MUNICIPAL GOLF FUND	
Revenue.....	\$4,790,000	Expenditure.....	\$5,541,800
Transfers In.....	0	Transfers Out.....	0
Estimated Balance (7/1/21).....	\$1,883,790	Estimated Balance (6/30/22).....	\$1,131,990
107 STORMWATER MANAGEMENT FUND		107 STORMWATER MANAGEMENT FUND	
Revenue.....	\$26,500,000	Expenditure.....	\$26,099,180
Transfers In.....	0	Transfers Out.....	\$1,104,000
Estimated Balance (7/1/21).....	\$5,179,030	Estimated Balance (6/30/22).....	\$4,475,850
151 BOND RETIREMENT FUND		151 BOND RETIREMENT FUND	
Revenue.....	\$149,511,040	Expenditure.....	\$184,203,790
Transfers In.....	\$34,399,770	Transfers Out.....	\$28,581,200
Estimated Balance (7/1/21).....	\$69,784,850	Estimated Balance (6/30/22).....	\$40,910,670
301 STREET CONSTRUCTION MAINTENANCE & REPAIR FUND		301 STREET CONSTRUCTION MAINTENANCE & REPAIR FUND	
Revenue.....	\$15,568,120	Expenditure.....	\$16,281,200
Transfers In.....	0	Transfers Out.....	\$109,920
Estimated Balance (7/1/21).....	\$2,707,170	Estimated Balance (6/30/22).....	\$1,884,170

Resources and Beginning Balances

302 INCOME TAX-INFRASTRUCTURE FUND	
Revenue.....	\$19,386,330
Transfers In.....	0
Estimated Balance (7/1/21).....	\$5,493,970
303 PARKING METER FUND	
Revenue.....	\$4,950,000
Transfers In.....	0
Estimated Balance (7/1/21).....	\$1,845,000
306 MUNICIPAL MOTOR VEHICLE LICENSE TAX FUND	
Revenue.....	\$3,300,000
Transfers In.....	0
Estimated Balance (7/1/21).....	\$554,620
318 SAWYER POINT FUND	
Revenue.....	\$850,000
Transfers In.....	0
Estimated Balance (7/1/21).....	\$1,163,250
323 RECREATION SPECIAL ACTIVITIES FUND	
Revenue.....	\$5,450,000
Transfers In.....	0
Estimated Balance (7/1/21).....	\$3,530,690
329 CINCINNATI RIVERFRONT PARK FUND	
Revenue.....	\$1,062,000
Transfers In.....	0
Estimated Balance (7/1/21).....	\$4,033,500
347 HAZARD ABATEMENT FUND	
Revenue.....	\$1,429,380
Transfers In.....	0
Estimated Balance (7/1/21).....	\$1,920,300
358 BOND HILL ROSELAWN STABILIZATION & REVITALIZATION OPERATIONS FUND	
Revenue.....	\$0
Transfers In.....	0
Estimated Balance (7/1/21).....	\$250,000

Expenditures and Ending Balances

302 INCOME TAX-INFRASTRUCTURE FUND	
Expenditure.....	\$22,449,850
Transfers Out.....	\$872,800
Estimated Balance (6/30/22).....	\$1,557,650
303 PARKING METER FUND	
Expenditure.....	\$4,773,650
Transfers Out.....	0
Estimated Balance (6/30/22).....	\$2,021,350
306 MUNICIPAL MOTOR VEHICLE LICENSE TAX FUND	
Expenditure.....	\$3,781,820
Transfers Out.....	\$38,560
Estimated Balance (6/30/22).....	\$34,240
318 SAWYER POINT FUND	
Expenditure.....	\$1,174,460
Transfers Out.....	0
Estimated Balance (6/30/22).....	\$838,790
323 RECREATION SPECIAL ACTIVITIES FUND	
Expenditure.....	\$5,672,910
Transfers Out.....	0
Estimated Balance (6/30/22).....	\$3,307,780
329 CINCINNATI RIVERFRONT PARK FUND	
Expenditure.....	\$1,582,180
Transfers Out.....	0
Estimated Balance (6/30/22).....	\$3,513,320
347 HAZARD ABATEMENT FUND	
Expenditure.....	\$1,574,840
Transfers Out.....	0
Estimated Balance (6/30/22).....	\$1,774,840
358 BOND HILL ROSELAWN STABILIZATION & REVITALIZATION OPERATIONS FUND	
Expenditure.....	\$250,000
Transfers Out.....	0
Estimated Balance (6/30/22).....	\$0

Resources and Beginning Balances

364 9-1-1 CELL PHONE FEES FUND	
Revenue.....	\$1,300,000
Transfers In.....	0
Estimated Balance (7/1/21).....	\$418,070
377 SAFE AND CLEAN FUND	
Revenue.....	\$50,000
Transfers In.....	0
Estimated Balance (7/1/21).....	\$73,880
395 COMMUNITY HEALTH CENTER ACTIVITIES FUND	
Revenue.....	\$27,470,340
Transfers In.....	0
Estimated Balance (7/1/21).....	\$3,563,880
416 CINCINNATI HEALTH DISTRICT FUND	
Revenue.....	\$1,615,000
Transfers In.....	\$16,568,110
Estimated Balance (7/1/21).....	\$430,460
449 CINCINNATI AREA GEOGRAPHIC INFORMATION SYSTEM (CAGIS) FUND	
Revenue.....	\$4,469,740
Transfers In.....	0
Estimated Balance (7/1/21).....	\$1,892,600
457 COUNTY LAW ENFORCEMENT APPLIED REGIONALLY (CLEAR) FUND	
Revenue.....	\$5,263,990
Transfers In.....	0
Estimated Balance (7/1/21).....	\$939,550
TOTAL RECEIPTS.....	\$463,943,020
TRANSFERS IN.....	\$50,967,880
TOTAL BALANCES.....	\$218,059,290
TOTAL RECEIPTS & SURPLUS	\$732,970,190

Expenditures and Ending Balances

364 9-1-1 CELL PHONE FEES FUND	
Expenditure.....	\$1,609,770
Transfers Out.....	0
Estimated Balance (6/30/22).....	\$108,300
377 SAFE AND CLEAN FUND	
Expenditure.....	\$51,520
Transfers Out.....	0
Estimated Balance (6/30/22).....	\$72,360
395 COMMUNITY HEALTH CENTER ACTIVITIES FUND	
Expenditure.....	\$25,825,720
Transfers Out.....	0
Estimated Balance (6/30/22).....	\$5,208,500
416 CINCINNATI HEALTH DISTRICT FUND	
Expenditure.....	\$18,183,110
Transfers Out.....	0
Estimated Balance (6/30/22).....	\$430,460
449 CINCINNATI AREA GEOGRAPHIC INFORMATION SYSTEM (CAGIS) FUND	
Expenditure.....	\$4,696,430
Transfers Out.....	.
Estimated Balance (6/30/22).....	\$1,665,910
457 COUNTY LAW ENFORCEMENT APPLIED REGIONALLY (CLEAR) FUND	
Expenditure.....	\$5,438,170
Transfers Out.....	\$19,430
Estimated Balance (6/30/22).....	\$745,940
TOTAL EXPENDITURES.....	\$497,788,710
TRANSFERS OUT/TO RESERVES.....	\$66,158,500
ESTIMATED BALANCE.....	\$169,022,980
TOTAL EXPENDITURES & BALANCES	\$732,970,190

June 9, 2021

To: Mayor and Members of City Council 202102152

From: Paula Boggs Muething, City Manager

Subject: **Emergency Ordinance – FY 2022 Restricted Funds Capital Budget**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the transfer and appropriation of the sum of \$5,397,500 from various restricted and special revenue funds to various capital improvement project accounts in Capital Projects Fund 980 according to Schedule A attached hereto, and by this reference made a part hereof, for the purpose of continuing and completing certain capital improvement projects listed in Schedule A; **AUTHORIZING** the transfer and appropriation of the sum of \$30,000,000 from the unappropriated surplus of Water Works Fund 101 to Water Works Capital Improvement Fund 756, for the purpose of continuing funding for the current Capital Improvement Program, which includes new water mains, water main replacements, treatment plant improvements, system development, tanks, pumping stations, and private development; **AUTHORIZING** the use and expenditure of \$67,000,000 for Greater Cincinnati Water Works Capital Improvements; **AUTHORIZING** the transfer and appropriation of the sum of \$4,200,000 from the unappropriated surplus of Water Works Fund 101 to Private Lead Service Line Replacement Fund 312 for the purpose of private lead service line replacement; **AUTHORIZING** the City Manager to accept and appropriate resources in the amount of \$123,500 from the Metropolitan Sewer District Fund to various capital improvement project accounts, including \$47,000 to capital improvement program project account no. 980x091x220903, “Enterprise Networks Enhancements”; \$48,000 to capital improvement program project account no. 980x091x220902, “Information and Cyber Security Enhancements”; and \$28,500 to capital improvement program project account no. 980x091x220913, “Telephone System Upgrades”; and further **DECLARING** the capital improvement program project Strategic Housing Initiatives Program (SHIP) to be for a public purpose.

This Emergency Ordinance authorizes the funding of Restricted Funds Capital Budget projects in the amount of \$5,397,500 in the following restricted funds as described below:

1. Telecommunications Services Fund: The Radio Communications Equipment capital project budgeted at \$30,000 primarily provides for the maintenance of radio communications equipment.
2. Special Housing Permanent Improvement Fund: The Strategic Housing Initiatives Program (SHIP) capital project provides resources for strategic investment to housing projects throughout the City's neighborhoods. The program

will support the rehabilitation or new construction of market rate, workforce, and affordable rental and home ownership units as well as permanent supportive housing. The total allocation of \$500,000 funds the Strategic Housing Initiatives Program (SHIP).

3. General Aviation Fund: \$341,000 budgeted in this fund provides for capital improvements at Lunken Airport and various capital improvement projects administered by Enterprise Technology Solutions (ETS). Funding is provided for the Airport Infrastructure Improvements as well as Enterprise Network Enhancements and Information and Cyber Security Enhancements projects administered by ETS.
4. Convention Center Fund: Capital projects budgeted at \$230,000 provide for capital maintenance, building equipment, as well as furniture, fixtures, and other equipment.
5. Parking System Facilities Fund: \$208,500 is budgeted in this fund to provide resources for the Structural Maintenance & Repair capital project, which provides for structural maintenance and repairs at the City's parking facilities, and for various capital improvement projects administered by ETS. Funding is provided for the transfer of resources to the Enterprise Network Enhancements, Information and Cyber Security Enhancements, Radio Communications Equipment, and Telephone System Upgrades capital improvement projects.
6. Stormwater Management Fund: \$1,104,000 is budgeted in this fund to provide resources for the Linear Asset Condition Assessment and for various capital projects administered by ETS. Funding is provided for the transfer of resources to the Enterprise Network Enhancements, Information and Cyber Security Enhancements, and the Telephone System Upgrades projects.
7. Stormwater Improvement Bond Fund: Capital projects budgeted at \$2,835,000 provide for improvements to the Stormwater Management Utility. Budgeted capital projects include the Cincinnati Local Flood Protection Project, Linear Asset Condition Assessment, and the Stormwater Infrastructure Rehabilitation.
8. Water Works Fund: \$149,000 is budgeted in this fund to provide resources for various capital improvement projects administered by ETS. Funding is provided for the Enterprise Network Enhancements, Information and Cyber Security Enhancements, Radio Communications Equipment, and Telephone System Upgrades capital improvement projects.

This Emergency Ordinance also authorizes the transfer and appropriation of the sum of \$30,000,000 from the unappropriated surplus of Water Works Fund 101 to Water Works Capital Improvement Fund 756 for the purpose of continuing funding for the current Capital Improvement Program, which includes new water mains, water main replacements, treatment plant improvements, system development, tanks, pumping stations, and private development. This Emergency Ordinance further authorizes the use and expenditure of \$67,000,000 for Greater Cincinnati Water Works Capital Improvements.

In addition, this Emergency Ordinance authorizes the appropriation of the sum of \$4,200,000 from the unappropriated surplus of Water Works Fund 101 to Private Lead Service Line Replacement Fund 312 for the purpose of private lead service line replacement.

This Emergency Ordinance also declares that the Strategic Housing Initiatives Program (SHIP) serves a public purpose because the project will foster local improvements and investment and increase neighborhood vitality, and because the project has an estimated life or period of usefulness of five years or more.

The reason for the emergency is the need to have funding immediately in place to carry out the City's Fiscal Year 2022 Capital Improvement Program, which begins July 1, 2021.

The Administration recommends passage of this Emergency Ordinance.

cc: Christopher A. Bigham, Assistant City Manager
Karen Alder, Finance Director

Attachments

EMERGENCY

City of Cincinnati

CFG

AWB

An Ordinance No. _____

-2021

AUTHORIZING the transfer and appropriation of the sum of \$5,397,500 from various restricted and special revenue funds to various capital improvement project accounts in Capital Projects Fund 980 according to Schedule A attached hereto, and by this reference made a part hereof, for the purpose of continuing and completing certain capital improvement projects listed in Schedule A; **AUTHORIZING** the transfer and appropriation of the sum of \$30,000,000 from the unappropriated surplus of Water Works Fund 101 to Water Works Capital Improvement Fund 756, for the purpose of continuing funding for the current Capital Improvement Program, which includes new water mains, water main replacements, treatment plant improvements, system development, tanks, pumping stations, and private development; **AUTHORIZING** the use and expenditure of \$67,000,000 for Greater Cincinnati Water Works Capital Improvements; **AUTHORIZING** the transfer and appropriation of the sum of \$4,200,000 from the unappropriated surplus of Water Works Fund 101 to Private Lead Service Line Replacement Fund 312 for the purpose of private lead service line replacement; **AUTHORIZING** the City Manager to accept and appropriate resources in the amount of \$123,500 from the Metropolitan Sewer District to various capital improvement project accounts, including \$47,000 to capital improvement program project account no. 980x091x220903, "Enterprise Networks Enhancements"; \$48,000 to capital improvement program project account no. 980x091x220902, "Information and Cyber Security Enhancements"; and \$28,500 to capital improvement program project account no. 980x091x220913, "Telephone System Upgrades"; and further **DECLARING** the capital improvement program project Strategic Housing Initiatives Program (SHIP) to be for a public purpose.

WHEREAS, passage of this capital budget ordinance will allow the Administration to provide resources for the FY 2022 Capital Improvement Program, to provide resources for certain capital improvement program projects, and to transfer and appropriate certain funds; now, therefore,

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

Section 1. That the sum of \$5,397,500 is hereby transferred and appropriated from various restricted and special revenue funds to various capital improvement project accounts in Capital Projects Fund 980 according to Schedule A attached hereto, and by this reference made a part hereof, for the purpose of continuing and completing certain capital improvement projects listed in Schedule A.

Section 2. That the sum of \$30,000,000 is transferred and appropriated from the unappropriated surplus of Water Works Fund 101 to Water Works Capital Improvement Fund 756 for the purpose of continuing funding for the current Capital Improvement Program which includes new water mains, water main replacements, treatment plant improvements, system development, tanks, pumping stations, and private development.

Section 3. That the use and expenditure of the sum of \$67,000,000 is authorized for Greater Cincinnati Water Works Capital Improvements.

Section 4. That the sum of \$4,200,000 is transferred and appropriated from the unappropriated surplus of Water Works Fund 101 to Private Lead Service Line Replacement Fund 312 for the purpose of providing resources for private lead service line replacement.

Section 5. That the City Manager is authorized to accept and appropriate resources in the amount of \$123,500 from the Metropolitan Sewer District to various capital improvement project accounts, including \$47,000 to capital improvement program project account no. 980x091x220903, "Enterprise Networks Enhancements"; \$48,000 to capital improvement program project account no. 980x091x220902, "Information and Cyber Security Enhancements"; and \$28,500 to capital improvement program project account no. 980x091x220913, "Telephone System Upgrades."

Section 6. That the capital improvement program project Strategic Housing Initiatives Program (SHIP) is hereby declared to serve a public purpose because the project will foster local improvements and investment and increase neighborhood vitality and because this project has an estimated life or period of usefulness of five years or more.

Section 7. That Sections 1 through 6 hereof shall become effective as of July 1, 2021.

Section 8. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the need to have funding immediately in place to carry out the City's Fiscal Year 2022 Capital Improvement Program, which begins July 1, 2021.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

FY 2022 Restricted & Special Revenue Funds Capital Schedule of Transfer

Schedule A.
Page 1 of 2.

That the amounts set forth hereinafter totaling \$5,397,500 are hereby transferred and appropriated to the individual project accounts for the improvements listed hereinafter:

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM		PROJECT OR FUND TO BE TRANSFERRED TO		TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
	NUMBER:	DESCRIPTION	NUMBER:	DESCRIPTION	PRIOR	REVISED	
Enterprise Tech. Solutions 091	101	Water Works Fund	220903	Enterprise Networks Enhancements	306,000.00	350,000.00	44,000.00
	101	Water Works Fund	220902	Information and Cyber Security Enhancements	310,000.00	354,500.00	44,500.00
	101	Water Works Fund	220906	Radio Communications Equipment	690,000.00	728,000.00	38,000.00
	101	Water Works Fund	220913	Telephone System Upgrades	141,000.00	163,500.00	22,500.00
	102	Parking System Facilities Fund	220903	Enterprise Networks Enhancements	350,000.00	350,500.00	500.00
	102	Parking System Facilities Fund	220902	Information and Cyber Security Enhancements	354,500.00	355,000.00	500.00
	102	Parking System Facilities Fund	220906	Radio Communications Equipment	728,000.00	735,000.00	7,000.00
	102	Parking System Facilities Fund	220913	Telephone System Upgrades	163,500.00	164,000.00	500.00
	104	General Aviation Fund	220903	Enterprise Networks Enhancements	350,500.00	351,000.00	500.00
	104	General Aviation Fund	220902	Information and Cyber Security Enhancements	355,000.00	355,500.00	500.00
	107	Stormwater Management Fund	220903	Enterprise Networks Enhancements	351,000.00	355,000.00	4,000.00
	107	Stormwater Management Fund	220902	Information and Cyber Security Enhancements	355,500.00	359,500.00	4,000.00
	107	Stormwater Management Fund	220913	Telephone System Upgrades	164,000.00	165,000.00	1,000.00
	336	Telecommunications Services Fund	220906	Radio Communications Equipment	735,000.00	765,000.00	30,000.00

FY 2022 Restricted & Special Revenue Funds Capital Schedule of Transfer

Schedule A.
Page 2 of 2.

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM		PROJECT OR FUND TO BE TRANSFERRED TO		TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
	NUMBER:	DESCRIPTION	NUMBER:	DESCRIPTION	PRIOR	REVISED	
Comm. & Econ. Dev. Housing 162	761	Special Housing Permanent Improvement Fund	221602	Strategic Housing Initiatives Program (SHIP)	250,000.00	750,000.00	500,000.00
Transp. & Eng. General Aviation 234	104	General Aviation Fund	222332	Airport Infrastructure Improvements	0.00	340,000.00	340,000.00
Enterprise Services Convention Center 243	103	Convention Center Fund	222402	Furniture, Fixtures, and Equipment	0.00	10,000.00	10,000.00
	103	Convention Center Fund	222403	Building Equipment	0.00	150,000.00	150,000.00
	103	Convention Center Fund	222401	Capital Maintenance	0.00	70,000.00	70,000.00
Enterprise Services Parking 248	102	Parking System Facilities Fund	222406	Structural Maintenance & Repair	0.00	200,000.00	200,000.00
Stormwater Management 311	107	Stormwater Management Fund	224143	Linear Asset Condition Assessment	0.00	1,095,000.00	1,095,000.00
	846	Stormwater Improvement Bond Fund	224124	Cincinnati Local Flood Protection Project	0.00	330,000.00	330,000.00
	846	Stormwater Improvement Bond Fund	224143	Linear Asset Condition Assessment	1,095,000.00	1,200,000.00	105,000.00
	846	Stormwater Improvement Bond Fund	224137	Stormwater Infrastructure Rehabilitation	0.00	2,400,000.00	2,400,000.00

That the amounts set forth hereinafter totaling \$5,397,500 are hereby transferred and appropriated to the individual project accounts for the improvements listed hereinafter:

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM		PROJECT OR FUND TO BE TRANSFERRED TO		TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
	NUMBER:	DESCRIPTION	NUMBER:	DESCRIPTION	PRIOR	REVISED	
Enterprise Tech. Solutions 091	101	Water Works Fund	220903	Enterprise Networks Enhancements	306,000.00	350,000.00	44,000.00
	101	Water Works Fund	220902	Information and Cyber Security Enhancements	310,000.00	354,500.00	44,500.00
	101	Water Works Fund	220906	Radio Communications Equipment	690,000.00	728,000.00	38,000.00
	101	Water Works Fund	220913	Telephone System Upgrades	141,000.00	163,500.00	22,500.00
	102	Parking System Facilities Fund	220903	Enterprise Networks Enhancements	350,000.00	350,500.00	500.00
	102	Parking System Facilities Fund	220902	Information and Cyber Security Enhancements	354,500.00	355,000.00	500.00
	102	Parking System Facilities Fund	220906	Radio Communications Equipment	728,000.00	735,000.00	7,000.00
	102	Parking System Facilities Fund	220913	Telephone System Upgrades	163,500.00	164,000.00	500.00
	104	General Aviation Fund	220903	Enterprise Networks Enhancements	350,500.00	351,000.00	500.00
	104	General Aviation Fund	220902	Information and Cyber Security Enhancements	355,000.00	355,500.00	500.00
	107	Stormwater Management Fund	220903	Enterprise Networks Enhancements	351,000.00	355,000.00	4,000.00
	107	Stormwater Management Fund	220902	Information and Cyber Security Enhancements	355,500.00	359,500.00	4,000.00
	107	Stormwater Management Fund	220913	Telephone System Upgrades	164,000.00	165,000.00	1,000.00
	336	Telecommunications Services Fund	220906	Radio Communications Equipment	735,000.00	765,000.00	30,000.00

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM		PROJECT OR FUND TO BE TRANSFERRED TO		TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
	NUMBER:	DESCRIPTION	NUMBER:	DESCRIPTION	PRIOR	REVISED	
Comm. & Econ. Dev. Housing 162	761	Special Housing Permanent Improvement Fund	221602	Strategic Housing Initiatives Program (SHIP)	250,000.00	750,000.00	500,000.00
Transp. & Eng. General Aviation 234	104	General Aviation Fund	222332	Airport Infrastructure Improvements	0.00	340,000.00	340,000.00
Enterprise Services Convention Center 243	103	Convention Center Fund	222402	Furniture, Fixtures, and Equipment	0.00	10,000.00	10,000.00
	103	Convention Center Fund	222403	Building Equipment	0.00	150,000.00	150,000.00
	103	Convention Center Fund	222401	Capital Maintenance	0.00	70,000.00	70,000.00
Enterprise Services Parking 248	102	Parking System Facilities Fund	222406	Structural Maintenance & Repair	0.00	200,000.00	200,000.00
Stormwater Management 311	107	Stormwater Management Fund	224143	Linear Asset Condition Assessment	0.00	1,095,000.00	1,095,000.00
	846	Stormwater Improvement Bond Fund	224124	Cincinnati Local Flood Protection Project	0.00	330,000.00	330,000.00
	846	Stormwater Improvement Bond Fund	224143	Linear Asset Condition Assessment	1,095,000.00	1,200,000.00	105,000.00
	846	Stormwater Improvement Bond Fund	224137	Stormwater Infrastructure Rehabilitation	0.00	2,400,000.00	2,400,000.00

June 9, 2021

To: Mayor and Members of City Council 202102175

From: Paula Boggs Muething, City Manager

Subject: **Emergency Ordinance – FY 2022 General Capital Budget**

Attached is an Emergency Ordinance captioned:

APPROVING AND ADOPTING a Capital Improvement Program and Budget for Fiscal Year 2022, transferring and appropriating taxes and other revenue and existing funds for the purpose of carrying out certain parts of the Capital Improvement Program, and providing for the transfer and appropriation of notes to be issued and to be repaid from the lease proceeds of the Cincinnati Southern Railway to other parts of said Capital Improvement Program; **AUTHORIZING** the transfer and return to source Funds 757, 758, and 762 the sum of \$4,000,000 from various existing General Capital Budget capital improvement program project accounts in accordance with the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of the sum of \$1,500,000 to various existing General Capital Budget capital improvement program project accounts in accordance with the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of the sum of \$2,500,000, to be raised by the issuance of bonds by the City of Cincinnati, to various existing General Capital Budget capital improvement program project accounts in accordance with the attached Schedule of Transfer; Authorizing the transfer and appropriation of resources from various existing funds to various project accounts; and further **DECLARING** certain projects to be for a public purpose, all for the purpose of carrying out the Capital Improvement Program.

Approving and adopting the City Manager's Recommended FY 2022 General Capital Budget provides funding for the Fiscal Year 2022 General Capital Improvement Program Budget in the amount of \$83,640,000, effective July 1, 2021.

Sections 2 through 9 refer to the capital projects and their funding sources as outlined below:

1. Section 2 transfers and returns to source Funds 757, 758, and 762 the sum of \$4,000,000 from various existing General Capital Budget capital project accounts to provide resources for the FY 2022 Capital Improvement Program and various existing project accounts.

2. Section 3 transfers and appropriates the sum of \$1,500,000 to various existing project accounts.
3. Section 4 distributes \$2,500,000 from various FY 2022 bond resources to various existing capital project accounts.
4. Section 5 distributes \$2,500,000 in reprogrammed resources to new capital project accounts.
5. Section 6 distributes \$8,950,000 from income tax permanent improvement funds derived from the 0.15% portion of the City income tax.
6. Section 7 distributes \$49,050,000 from various FY 2022 bond resources.
7. Section 8 distributes \$22,890,000 from Southern Railway related resources.
8. Section 9 distributes \$250,000 from the Blue Ash Property sale proceeds.

This Emergency Ordinance also declares the following capital improvement program projects serve a public purpose: Affordable Housing Trust Funding – General Capital, Strategic Housing Initiatives Program (SHIP), Commercial & Industrial Public Improvements, Neighborhood Business District Improvements, Neighborhood Business Property Holding, Tax Incentive/Enterprise Zone, Hazard Abatement/Demolition Program, Retail/Commercial Opportunities, Community Development Focus District, Smale Riverfront Park, Convention Center Improvements, Findlay Market Improvements, and Community Facility Improvements – Art Museum. These projects will foster local improvements and investment and increase neighborhood vitality. Each project also has an estimated life or period of usefulness of five years or more.

There are several changes reflected in this Emergency Ordinance from the Recommended FY 2022 Capital Budget:

- Neighborhood Business District Improvements Program (NBDIP): The source of funding originally proposed in the City Manager’s Recommended Biennial Budget for Neighborhood Business District Public Improvements was Street Improvement Bonds. Use of this bond financing would require the scope of the NBDIP program to be limited to streetscape improvements and infrastructure owned by the City in the public right-of-way. In order to maximize the flexibility of the use of these funds, various existing project funding will be swapped so that cash capital resources will now be used to finance the standard Neighborhood Business District Improvements Program (NBDIP).
- Smale Riverfront Park: The capital improvement program project account, “Smale Riverfront Park” will be changed from the version originally included in the City Manager’s Recommended Biennial Budget to reflect a change in the scope of work

from stabilization of the riverbank at Smale Riverfront Park between the Roebling Bridge and Elm Street to a focus on construction of the extension on Lot 23.

The description of the project will be changed to the following: “This project will provide resources for construction of the Smale Riverfront Park extension on Lot 23 of the Banks.”

The purpose of the project will be changed to following: “The purpose of this project is to create an engaging public space at the Smale Riverfront Park that will encourage social interaction between different types of people.” In addition, the amount of \$100,000 previously reflected as part of the “Engineering” phase will be reflected as also included in the “Construction” phase for a total of \$1,500,000 allocation to the “Construction” phase.

Additionally, the source of funding for this project will be changed. Originally, this project was to be funded by property tax supported debt. It was determined that the project cannot be financed in this manner; so various existing project funding resources will be swapped to better align eligible resources with eligible uses, including Smale Riverfront Park.

The reason for the emergency is the need to have funding in place to carry out the City’s Fiscal Year 2022 Capital Improvement Program, which begins on July 1, 2021.

The Administration recommends passage of this Emergency Ordinance.

cc: Christopher A. Bigham, Assistant City Manager
Karen Alder, Finance Director

Attachments

EMERGENCY

AEP

- 2021

APPROVING AND ADOPTING a Capital Improvement Program and Budget for Fiscal Year 2022, transferring and appropriating taxes and other revenue and existing funds for the purpose of carrying out certain parts of the Capital Improvement Program, and providing for the transfer and appropriation of notes to be issued and to be repaid from the lease proceeds of the Cincinnati Southern Railway to other parts of said Capital Improvement Program; **AUTHORIZING** the transfer and return to source Funds 757, 758, and 762 the sum of \$4,000,000 from various existing General Capital Budget capital improvement program project accounts in accordance with the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of the sum of \$1,500,000 to various existing General Capital Budget capital improvement program project accounts in accordance with the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of the sum of \$2,500,000, to be raised by the issuance of bonds by the City of Cincinnati, to various existing General Capital Budget capital improvement program project accounts in accordance with the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of resources from various existing funds to various project accounts; and further **DECLARING** certain projects to be for a public purpose, all for the purpose of carrying out the Capital Improvement Program.

WHEREAS, it is necessary that Council approve the expenditure of funds in existence or in collection from certain capital improvements; and

WHEREAS, in order to present a comprehensive program, it is advisable to authorize the transfer and appropriation to certain capital improvement accounts of funds to be raised by the issuance of bonds of the City of Cincinnati and from the proceeds of the Cincinnati Southern Railway; now, therefore,

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

Section 1. That there is adopted and approved as the Capital Improvement Program and Budget for the fiscal year 2022 (FY 2022), the projects included in Sections 2 through 9 to be established and financed in the amounts and from the sources set forth therein.

Section 2. That the sum of \$4,000,000 is hereby transferred and returned to source Funds 757, 758, and 762 from various existing General Capital Budget capital improvement program project accounts for the purpose of decreasing existing capital improvement program project

accounts and providing resources for the FY 2022 Capital Improvement Program, according to Schedule A, Schedule of Transfer, attached hereto and by this reference made part hereof.

Section 3. That the sum of \$1,500,000 is transferred and appropriated to existing project accounts according to Schedule B, attached hereto and by this reference made a part hereof, for the improvements listed in Schedule B.

Section 4. That the sum of \$2,500,000 to be raised by the issuance of bonds by the City of Cincinnati is transferred and appropriated to existing project accounts according to Schedule C, attached hereto and by this reference made a part hereof, for the improvements listed in Schedule C.

Section 5. That the sum of \$2,500,000 available in various funds is transferred and appropriated via reprogramming to new capital improvement program project accounts according to Schedule D, attached hereto and by this reference made a part hereof, for the improvements listed in Schedule D.

Section 6. That the sum of \$8,950,000 from the 0.15% income tax is hereby transferred and appropriated to the individual project accounts listed in Schedule E, attached hereto and by this reference made a part hereof, for the improvements listed in Schedule E.

Section 7. That the sum of \$49,050,000 to be raised by the issuance of bonds by the City of Cincinnati is hereby transferred and appropriated according to Schedule F, attached hereto and by this reference made a part hereof, for the improvements listed in Schedule F.

Section 8. That the sum of \$22,890,000 to be raised by the issuance of notes and to be repaid from lease proceeds of the Cincinnati Southern Railway is hereby transferred and appropriated according to Schedule G, attached hereto and by this reference made a part hereof, for the improvements listed in Schedule G.

Section 9. That the sum of \$250,000 from the Blue Ash Property sale proceeds is hereby transferred and appropriated to the capital project account listed in Schedule H, attached hereto and by this reference made a part hereof, for the improvements listed in Schedule H.

Section 10. That the Affordable Housing Trust Funding – General Capital; Strategic Housing Initiatives Program (SHIP); Commercial & Industrial Public Improvements; Neighborhood Business District Improvements; Neighborhood Business Property Holding; Tax Incentive/Enterprise Zone; Hazard Abatement/Demolition Program; Retail/Commercial Opportunities; Community Development Focus District; Smale Riverfront Park; Convention Center Improvements; Findlay Market Improvements; and Community Facility Improvements – Art Museum capital improvement program projects are hereby declared to serve a public purpose because the projects will foster local improvements and investment and increase neighborhood vitality, and because each project has an estimated life or period of usefulness of five years or more.

Section 11. That no expenditure of money from project accounts shall be made, nor shall expenditures thereof be contracted for, unless the money therefore has been received by the City or is in the process of collection.

Section 12. That the Finance Director of the City is authorized to draw her warrant upon the Treasury of the City for the amounts appropriated and for the purposes stated in this ordinance, upon receiving the proper certificates and vouchers therefore approved by the City Manager or her designee, the appropriate board, or other officers authorized by law to approve the same, or upon receiving the proper certificates and vouchers therefore authorized by an ordinance or resolution of Council to make the expenditures, provided that vouchers for payment out of any of the foregoing appropriations by order of a court decree shall be approved by the City Solicitor in addition to any other authority required by law.

Section 13. That Council hereby authorizes the proper boards or officials to enter into any contract or contracts for any of the projects or parts thereof set forth in the Sections herein. Said board or official shall execute said contracts in accordance with all applicable law, including the charter and ordinances of the City of Cincinnati.

Section 14. That appropriations and allocations to the various projects remaining unexpended at the end of FY 2022 shall remain in the individual project accounts and may be expended at a later time, provided however, that money not required in a particular project account, as determined by City Council, shall be returned by the Finance Director to the fund from which it was originally transferred.

Section 15. That nothing in this ordinance shall be construed as intending to supersede or dispense with the procedures or acts required by state or federal laws or regulations relating to matters involving assessments or state or federal assistance projects.

Section 16. That Sections 1 through 15 hereof shall become effective as of July 1, 2021.

Section 17. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the need to have funding in place to carry out the City's Fiscal Year 2022 Capital Improvement Program, which begins July 1, 2021.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

That the amounts set forth hereinafter are hereby returned to source in the amount of \$4,000,000.00 to the individual funds listed hereinafter:

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM		PROJECT OR FUND TO BE TRANSFERRED TO		TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
	NUMBER:	DESCRIPTION	NUMBER:	DESCRIPTION	PRIOR	REVISED	
Ent. Tech. Solutions 091	190928	800 MHz Microwave Radio Network Replacement	757	Miscellaneous Permanent Improvement Fund	1,734,000.00	59,000.00	1,675,000.00
Com. & Econ Dev. Housing Dev. 162	181600	Neighborhood Market Rate Housing	758	Income Tax Permanent Improvement Fund	459,600.00	70,600.00	389,000.00
	181602	Core 4 Strategic Housing Notice of Funding Availability	762	Urban Redevelopment Tax Increment Equivalent Fund	500,000.00	147,200.00	352,800.00
	181602	Core 4 Strategic Housing Notice of Funding Availability	758	Income Tax Permanent Improvement Fund	147,200.00	0.00	147,200.00
	201644	Affordable Housing	758	Income Tax Permanent Improvement Fund	611,000.00	0.00	611,000.00
Public Services City Facility Mgt. 255	192525	Fire Training Facility	757	Miscellaneous Permanent Improvement Fund	10,000,000.00	9,175,000.00	825,000.00

That the amounts set forth hereinafter are hereby appropriated and allocated, reprogramming in the amount of \$1,500,000.00 to the individual prior year project accounts for the improvements listed hereinafter:

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM		PROJECT OR FUND TO BE TRANSFERRED TO		TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
	NUMBER:	DESCRIPTION	NUMBER:	DESCRIPTION	PRIOR	REVISED	
Com. & Econ Dev. Housing Dev. 162	757	Miscellaneous Permanent Improvement Fund	181600	Neighborhood Market Rate Housing	70,600.00	459,600.00	389,000.00
	757	Miscellaneous Permanent Improvement Fund	181602	Core 4 Strategic Housing Notice of Funding Availability	0.00	500,000.00	500,000.00
	757	Miscellaneous Permanent Improvement Fund	201644	Affordable Housing	0.00	611,000.00	611,000.00

That the amounts set forth hereinafter totaling \$2,500,000.00 to be raised by the issuance of bonds of the City of Cincinnati are hereby appropriated and allocated to the individual project accounts for the improvements listed hereinafter:

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM		PROJECT OR FUND TO BE TRANSFERRED TO		TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
	NUMBER:	DESCRIPTION	NUMBER:	DESCRIPTION	PRIOR	REVISED	
Ent. Tech. Solutions 091	864	Automotive & Other Equipment Bond Fund	190928	800 MHz Microwave Radio Network Replacement	59,000.00	1,734,000.00	1,675,000.00
Public Services City Facility Mgt. 255	861	Public Building Improvement Bond Fund	192525	Fire Training Facility	9,175,000.00	10,000,000.00	825,000.00

That the amounts set forth hereinafter are hereby appropriated and allocated, reprogramming in the amount of \$2,500,000.00 to the individual project accounts for the improvements listed hereinafter:

DEPT. DIVISION		PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION	PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION	TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
				PRIOR	REVISED	
Com. & Econ Dev. Economic Dev. 164	757	Miscellaneous Permanent Improvement Fund	221607 Neighborhood Business District Improvements	0.00	1,000,000.00	1,000,000.00
Parks Admin. & Program Services 203	762	Urban Redevelopment Tax Increment Equivalent Fund	222001 Smale Riverfront Park	0.00	352,800.00	352,800.00
	758	Income Tax Perm. Improvement Fund	222001 Smale Riverfront Park	0.00	1,147,200.00	1,147,200.00

That the amounts set forth hereinafter totaling \$8,950,000.00 from the 0.15% income tax are hereby appropriated and allocated to the individual project accounts for the improvements listed hereinafter:

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION		PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION		TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
					PRIOR	REVISED	
Ent. Tech. Solutions 091	758	Income Tax Perm. Improvement Fund	220902	Information and Cyber Security Enhancements	0.00	310,000.00	310,000.00
	758	Income Tax Perm. Improvement Fund	220903	Enterprise Networks Enhancements	0.00	306,000.00	306,000.00
	758	Income Tax Perm. Improvement Fund	220904	Cincinnati Financial System Upgrades	0.00	25,000.00	25,000.00
	758	Income Tax Perm. Improvement Fund	220908	Disaster Recovery / Business Continuity	0.00	70,000.00	70,000.00
	758	Income Tax Perm. Improvement Fund	220909	Digital Services Enhancements	0.00	33,000.00	33,000.00
	758	Income Tax Perm. Improvement Fund	220912	Data Center Infrastructure Replacement	0.00	61,000.00	61,000.00
	758	Income Tax Perm. Improvement Fund	220913	Telephone System Upgrades	0.00	3,500.00	3,500.00
	758	Income Tax Perm. Improvement Fund	220914	CHRIS Upgrades and Enhancements	0.00	25,000.00	25,000.00
	758	Income Tax Perm. Improvement Fund	220918	Lifecycle Asset Replacement	0.00	220,000.00	220,000.00
	758	Income Tax Perm. Improvement Fund	220919	Mobile Dispatch Computer Hardware	0.00	275,000.00	275,000.00
	758	Income Tax Perm. Improvement Fund	220921	Accela Upgrades	0.00	650,000.00	650,000.00
	758	Income Tax Perm. Improvement Fund	220922	City Website Closed Captioning	0.00	15,000.00	15,000.00
Ent. Tech. Solutions - CAGIS 092	758	Income Tax Perm. Improvement Fund	220905	CAGIS Infrastructure	0.00	61,500.00	61,500.00
City Manager Emergency Comm. 103	758	Income Tax Perm. Improvement Fund	221027	NICE System Replacement & Upgrade	0.00	550,500.00	550,500.00
	758	Income Tax Perm. Improvement Fund	221030	Emergency Protocols System Upgrade	0.00	450,500.00	450,500.00
City Manager OES 104	758	Income Tax Perm. Improvement Fund	221001	Regulatory Compliance & Energy Conservation	0.00	35,000.00	35,000.00
	758	Income Tax Perm. Improvement Fund	221002	Center Hill Gas & Leachate	0.00	85,000.00	85,000.00

DEPT. DIVISION		PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION	PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION	TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
				PRIOR	REVISED	
City Manager OES 104	758	Income Tax Perm. Improvement Fund	221012 Emergency Environmental Cleanup/UST	0.00	10,000.00	10,000.00
City Manager OP & DA 108	758	Income Tax Perm. Improvement Fund	221016 Enterprise Data Warehouse	0.00	32,000.00	32,000.00
Law Administration 111	758	Income Tax Perm. Improvement Fund	221104 Public Records and Discovery	0.00	50,000.00	50,000.00
Com. & Econ Dev. Housing Dev. 162	758	Income Tax Perm. Improvement Fund	221602 Strategic Housing Initiatives Program (SHIP)	0.00	250,000.00	250,000.00
	758	Income Tax Perm. Improvement Fund	221644 Affordable Housing Trust Funding - General Capital	0.00	250,000.00	250,000.00
Com. & Econ Dev. Economic Dev. 164	758	Income Tax Perm. Improvement Fund	221605 Tax Incentive/Enterprise Zone	0.00	102,000.00	102,000.00
	758	Income Tax Perm. Improvement Fund	221608 Neighborhood Business Property Holding	0.00	150,000.00	150,000.00
	758	Income Tax Perm. Improvement Fund	221609 Community Development Focus District	0.00	300,000.00	300,000.00
	758	Income Tax Perm. Improvement Fund	221610 Commercial & Industrial Public Improvements	0.00	300,000.00	300,000.00
	758	Income Tax Perm. Improvement Fund	221611 Retail/Commercial Opportunities	0.00	758,000.00	758,000.00
City Planning 171	758	Income Tax Perm. Improvement Fund	221700 Neighborhood Studies	0.00	49,000.00	49,000.00
Buildings & Inspections Code Enforcement 212	758	Income Tax Perm. Improvement Fund	222103 Hazard Abatement/Demolition Program	0.00	512,500.00	512,500.00
	758	Income Tax Perm. Improvement Fund	222108 BuildingBlocks Code Enforcement Interface	0.00	85,500.00	85,500.00
	758	Income Tax Perm. Improvement Fund	222109 Private Lot Abatement Program Equipment	0.00	20,000.00	20,000.00
Police Investigations 225	758	Income Tax Perm. Improvement Fund	222227 Latent Fingerprint Case Management and Training System	0.00	50,000.00	50,000.00
Transp. & Eng. Director 231	758	Income Tax Perm. Improvement Fund	222335 Information Systems Acquisition	0.00	81,000.00	81,000.00

DEPT. DIVISION		PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION	PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION	TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
				PRIOR	REVISED	
Transp. & Eng. Planning 232	758	Income Tax Perm. Improvement Fund	222313 Neighborhood Gateways/Greenways Imprvmnt	0.00	80,000.00	80,000.00
	758	Income Tax Perm. Improvement Fund	222320 OKI Corridor Studies	0.00	80,000.00	80,000.00
	758	Income Tax Perm. Improvement Fund	222336 Neighborhood Transportation Strategies	0.00	500,000.00	500,000.00
Transp. & Eng. Eng. 233	758	Income Tax Perm. Improvement Fund	222308 Street Rehabilitation	0.00	279,000.00	279,000.00
	758	Income Tax Perm. Improvement Fund	222310 SCIP Loan Repayment	0.00	394,500.00	394,500.00
	758	Income Tax Perm. Improvement Fund	222350 MLK/I-71 Interchange SIB Loan	0.00	138,500.00	138,500.00
Enterprise Services Convention Ctr. 243	758	Income Tax Perm. Improvement Fund	222419 Convention Center Improvements	0.00	500,000.00	500,000.00
Public Services City Facility Mgt. 255	758	Income Tax Perm. Improvement Fund	222504 Community Facility Improvements - Art Museum	0.00	200,000.00	200,000.00
	758	Income Tax Perm. Improvement Fund	222508 Obsolete Air Conditioning Systems Replacement	0.00	3,000.00	3,000.00
	758	Income Tax Perm. Improvement Fund	222521 Findlay Market Improvements	0.00	200,000.00	200,000.00
Health Comm. Health Services 263	758	Income Tax Perm. Improvement Fund	222601 Environmental Health Technology Improvements	0.00	399,000.00	399,000.00

That the amounts set forth hereinafter totaling \$49,050,000.00 to be raised by the issuance of bonds of the City of Cincinnati are hereby appropriated and allocated to the individual project accounts for the improvements listed hereinafter:

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION		PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION		TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
					PRIOR	REVISED	
Ent. Tech. Solutions 091	861	Public Building Improvement Bond Fund	220906	Radio Communications Equipment	0.00	690,000.00	690,000.00
	864	Automotive & Other Equipment Bond Fund	220910	Real Time Crime Center Camera Program	0.00	150,000.00	150,000.00
	864	Automotive & Other Equipment Bond Fund	220913	Telephone System Upgrades	3,500.00	141,000.00	137,500.00
	864	Automotive & Other Equipment Bond Fund	220920	Video Conference Room Equipment	0.00	50,000.00	50,000.00
City Manager Emergency Comm. 103	864	Automotive & Other Equipment Bond Fund	221031	Northern Kentucky Radio Interoperability	0.00	75,500.00	75,500.00
	864	Automotive & Other Equipment Bond Fund	221032	ECC Radios	0.00	90,000.00	90,000.00
City Manager OES 104	864	Automotive & Other Equipment Bond Fund	221005	Wheeled Recycling Cart Replacement	0.00	25,000.00	25,000.00
Law - Admin Hearings & Pros. 112	864	Automotive & Other Equipment Bond Fund	221108	Replace Audio Equipment for Public Hearings	0.00	15,000.00	15,000.00
Parks Admin. & Program Services 203	860	Parks and Recreation Improvement Bond Fund	222006	Sawyer Point Tennis Courts Improvement	0.00	250,000.00	250,000.00
	860	Parks and Recreation Improvement Bond Fund	222007	Park Trails Expansion	0.00	500,000.00	500,000.00
	860	Parks and Recreation Improvement Bond Fund	222008	Mt. Airy Trails Expansion	0.00	1,050,000.00	1,050,000.00
Police - Support 226	864	Automotive & Other Equipment Bond Fund	222200	NICE Recorder Upgrades	0.00	14,000.00	14,000.00
	864	Automotive & Other Equipment Bond Fund	222201	Police Mobile Digital Video (In-Car Camera) Storage	0.00	173,000.00	173,000.00
	864	Automotive & Other Equipment Bond Fund	222210	Police Equipment	0.00	113,000.00	113,000.00
Transp. & Eng. Planning 232	858	Street Improvement Bond Fund	222304	Path to the Taft Lighting Improvement	0.00	20,000.00	20,000.00
	858	Street Improvement Bond Fund	222305	Safety Improvements	0.00	124,000.00	124,000.00
	858	Street Improvement Bond Fund	222309	Paddock Road Safety Improvements	0.00	150,000.00	150,000.00

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION		PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION		TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
					PRIOR	REVISED	
Transp. & Eng. Planning 232	858	Street Improvement Bond Fund	222317	Saylor Park Street Sign Replacement	0.00	10,000.00	10,000.00
	858	Street Improvement Bond Fund	222331	Paddock Road Murals	0.00	10,000.00	10,000.00
	858	Street Improvement Bond Fund	222343	Downtown Infrast. Coord. & Implemtn	0.00	75,000.00	75,000.00
	858	Street Improvement Bond Fund	222349	Freedom Center Public Improvements	0.00	1,000,000.00	1,000,000.00
	858	Street Improvement Bond Fund	222354	Street Calming Program	0.00	400,000.00	400,000.00
	858	Street Improvement Bond Fund	222357	Bicycle Transportation Program	0.00	275,000.00	275,000.00
	858	Street Improvement Bond Fund	222358	Central Parkway Bicycle Facility Phase 2	0.00	2,790,000.00	2,790,000.00
	858	Street Improvement Bond Fund	222371	Wasson Way Trail	0.00	550,000.00	550,000.00
	858	Street Improvement Bond Fund	222383	Pedestrian Safety Improvements	0.00	754,000.00	754,000.00
Transp. & Eng. Eng. 233	858	Street Improvement Bond Fund	222301	Dutch Colony Drive Sidewalk	0.00	115,000.00	115,000.00
	858	Street Improvement Bond Fund	222303	Spot Infrastructure Replacement	0.00	370,000.00	370,000.00
	858	Street Improvement Bond Fund	222306	Street Improvements	0.00	641,000.00	641,000.00
	858	Street Improvement Bond Fund	222308	Street Rehabilitation	279,000.00	6,497,000.00	6,218,000.00
	858	Street Improvement Bond Fund	222322	West McMillan Street Sidewalk	0.00	500,000.00	500,000.00
	858	Street Improvement Bond Fund	222338	Bridge Rehabilitation Program	0.00	717,000.00	717,000.00
	858	Street Improvement Bond Fund	222339	Anderson Ferry Street Stabilization Hillside and River Road	0.00	300,000.00	300,000.00
	858	Street Improvement Bond Fund	222399	Western Hills Viaduct	0.00	13,250,000.00	13,250,000.00
	858	Street Improvement Bond Fund	222328	Duke Street Light Installation and Renovation	0.00	216,000.00	216,000.00
Transp. & Eng. Traffic Eng. 239	858	Street Improvement Bond Fund	222340	Street Light Infrastructure	0.00	755,000.00	755,000.00
	858	Street Improvement Bond Fund	222341	Computerized Traffic Signal System	0.00	300,000.00	300,000.00
	864	Automotive & Other Equipment Bond Fund	222413	Parking Meter Replacement	0.00	125,000.00	125,000.00
Enterprise Services Parking Facilities 248	864	Automotive & Other Equipment Bond Fund	222501	Collections/Cart Program	0.00	14,000.00	14,000.00
Public Services Neighborhood Operations 253	864	Automotive & Other Equipment Bond Fund	222506	Trash Receptacles	0.00	87,000.00	87,000.00

DEPT. DIVISION		PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION	PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION	TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
				PRIOR	REVISED	
Public Services City Facility Mgt. 255	861	Public Building Improvement Bond Fund	222508 Obsolete Air Conditioning Systems Replacement	3,000.00	603,000.00	600,000.00
	861	Public Building Improvement Bond Fund	222526 Fire Facility Upgrades	0.00	4,050,000.00	4,050,000.00
	864	Automotive & Other Equipment Bond Fund	222530 Quality of Life Relocation Furniture	0.00	100,000.00	100,000.00
	861	Public Building Improvement Bond Fund	222531 Police Facilities Renovation and Repairs	0.00	200,000.00	200,000.00
Public Services Fleet Svcs. 256	864	Automotive & Other Equipment Bond Fund	222505 Fleet Replacements	0.00	10,484,000.00	10,484,000.00
Fire - Response 271	864	Automotive & Other Equipment Bond Fund	222700 Firefighter PPE	0.00	216,000.00	216,000.00
Fire - Support Services 272	864	Automotive & Other Equipment Bond Fund	222704 Fire Equipment	0.00	247,000.00	247,000.00
	864	Automotive & Other Equipment Bond Fund	222720 Administrative Furniture and Equipment	0.00	54,000.00	54,000.00

That the amounts set forth hereinafter totaling \$22,890,000.00 to be raised by the issuance of notes and to be repaid from lease proceeds of the Cincinnati Southern Railway is hereby appropriated and allocated to the individual project accounts for the improvements listed hereinafter:

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM		PROJECT OR FUND TO BE TRANSFERRED TO		TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
	NUMBER:	DESCRIPTION	NUMBER:	DESCRIPTION	PRIOR	REVISED	
Recreation Administration 199	871	Recreation Improvement Bond Fund	221900	Outdoor Facilities Renovation	0.00	697,000.00	697,000.00
	871	Recreation Improvement Bond Fund	221901	Recreation Facilities Renovation	0.00	3,230,000.00	3,230,000.00
	871	Recreation Improvement Bond Fund	221902	Aquatics Facilities Renovation	0.00	457,000.00	457,000.00
	871	Recreation Improvement Bond Fund	221903	Athletics Facilities Renovation	0.00	450,000.00	450,000.00
	871	Recreation Improvement Bond Fund	221904	Compliance with ADA	0.00	101,000.00	101,000.00
Parks Admin. & Program Services 203	872	Parks Improvement Bond Fund	222000	Park Infrastructure Rehabilitation	0.00	2,055,000.00	2,055,000.00
Transp. & Eng. Planning 232	870	Street Improvement Bond Fund	222302	Sidewalk Repair Program	0.00	262,000.00	262,000.00
Transp. & Eng. Eng. 233	870	Street Improvement Bond Fund	222307	Pavement Management	0.00	300,000.00	300,000.00
	870	Street Improvement Bond Fund	222308	Street Rehabilitation	6,497,000.00	16,175,000.00	9,678,000.00
	870	Street Improvement Bond Fund	222312	Wall Stab. & Landslide Correction	0.00	700,000.00	700,000.00
	870	Street Improvement Bond Fund	222323	Kilbourne Stairway Rehabilitation	0.00	75,000.00	75,000.00
	870	Street Improvement Bond Fund	222342	Curb Ramps - Street Rehab	0.00	309,000.00	309,000.00
	870	Street Improvement Bond Fund	222377	Hillside Stairway Rehabilitation Program	0.00	410,000.00	410,000.00
Transp. & Eng. Traffic Eng. 239	870	Street Improvement Bond Fund	222300	Traffic Control Device Installation & Renovation	0.00	114,000.00	114,000.00
	870	Street Improvement Bond Fund	222318	Gas Street Light Repair and Replacement	0.00	168,000.00	168,000.00
	870	Street Improvement Bond Fund	222345	Traffic Signals Infrastructure	0.00	1,205,000.00	1,205,000.00
Public Services Traffic & Road 252	870	Street Improvement Bond Fund	222503	Sign Replacement	0.00	187,000.00	187,000.00

DEPT. DIVISION		PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION	PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION	TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
				PRIOR	REVISED	
Public Services City Facility Mgt. 255	873	Public Buildings Improvement Bond Fund	222500 City Facility Renovation and Repairs	0.00	2,367,000.00	2,367,000.00
Health Office of the Commissioner 261	873	Public Buildings Improvement Bond Fund	222600 Facilities Renovation and Repairs	0.00	125,000.00	125,000.00

That the amounts set forth hereinafter totaling \$250,000.00 from Miscellaneous Permanent Improvements Fund 757, are hereby appropriated and allocated to the individual project accounts for the improvements listed hereinafter:

DEPT. DIVISION		PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION		PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION	TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
					PRIOR	REVISED	
Com. & Econ Dev. Housing Dev. 162	757	Miscellaneous Permanent Improvement Fund	221644	Affordable Housing Trust Funding - General Capital	250,000.00	500,000.00	250,000.00

202102085
Date: May 24, 2021

To: Councilmember Betsy Sundermann
From: Andrew Garth, City Solicitor *AWG*
Subject: **Ordinance – Residential CRA The Sanctuary at River Green**

Transmitted herewith is an emergency ordinance captioned as follows:

ESTABLISHING certain policies and conditions regarding the application of residential Community Reinvestment Area real property tax abatements for homes in The Sanctuary at River Green subdivision in the California neighborhood of Cincinnati, notwithstanding Ordinance No. 370-2020.

AWG/KMG/(lnk)
Attachment
339074

City of Cincinnati

An Ordinance No. _____

KMG

AWB

- 2021

ESTABLISHING certain policies and conditions regarding the application of residential Community Reinvestment Area real property tax abatements for homes in The Sanctuary at River Green subdivision in the California neighborhood of Cincinnati, notwithstanding Ordinance No. 370-2020.

WHEREAS, Ordinance No. 274-2017, passed by this Council on September 27, 2017, as amended by Ordinance No. 166-2018, passed by this Council on June 27, 2018, designated the area within the corporate boundaries of the City of Cincinnati as a “Community Reinvestment Area” (“CRA”) pursuant to Ohio Revised Code (“ORC”) Sections 3735.65 through 3735.70 (the “Statute”); and

WHEREAS, effective October 23, 2017, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute; and

WHEREAS, Ordinance No. 276-2017, passed by this Council on September 27, 2017 (the “2017 Ordinance”), sets forth certain additional policies, conditions, and limitations regarding newly constructed or remodeled residential structures in the CRA; and

WHEREAS, Ordinance No. 370-2020, passed by this Council on November 12, 2020 (the “2020 Ordinance”), amends the 2017 Ordinance to (i) expand the definition of residential properties to include structures containing four dwelling units, and (ii) create additional caps on residential real property tax abatements and make certain other changes; and

WHEREAS, pursuant to an approval provided by City Planning Commission on July 7, 2017, Osterfeld Construction, Inc. (“Developer”) recently created a new subdivision for forty-four homes along Sanctuary Place in the Cincinnati neighborhood of California, which neighborhood has not seen new single-family construction in over ten years and is in need of additional development and economic stimulus, at a cost to Developer of \$3,800,000, and which property is more particularly described on Attachment A (the “Property”); and

WHEREAS, Developer installed and upgraded 2,130 linear feet of the existing public water main provided by Greater Cincinnati Water Works, at a cost to Developer of \$295,000, which upgrade now enables adequate firefighting for the entire California neighborhood; and

WHEREAS, Developer upgraded three blocks of existing Renslar Avenue in the California neighborhood, which included widening the road, improving drainage, and adding curbs, sidewalks and landscaping, at a cost to Developer of \$141,250; and

WHEREAS, Developer has built over 750' of new streets, complete with all utilities, at a cost of \$1,057,000 to Developer, which have been transferred to the City at no cost to the City; and

WHEREAS, Developer constructed and incurred the foregoing costs prior to the passage of the 2020 Ordinance as part of its significant investment in the California neighborhood; and

WHEREAS, the 2020 Ordinance is applicable to applications for tax exemption for residential improvements when the remodeling or construction commenced on and after January 1, 2022, as more particularly described therein; and

WHEREAS, in consideration for the significant public infrastructure improvements that Developer has made to the California neighborhood, Council desires to apply the terms and conditions of the 2017 Ordinance to residential real property tax abatement applications for any portion of the Property received by the City on or before January 1, 2026, notwithstanding the 2020 Ordinance; now, therefore,

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

Section 1. That this Council desires to apply the policies, terms, and conditions for residential real property tax abatements established pursuant to Ordinance No. 276-2017 to applications for residential real property tax abatements received by the City on or before January 1, 2026, related to any portion of the property described on Attachment A of this ordinance (the "Property").

Section 2. That this Council enacts Section 1 of this ordinance notwithstanding Ordinance No. 370-2020.

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

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

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

Attachment A
to Ordinance

Situated in Bennett Tompkins Military Survey No. 395, Anderson Township, City of Cincinnati, Hamilton County, Ohio, and being more particularly described as follows:

Being all of Lot Nos. 1 through, and including, Lot No. 44 of The Sanctuary at River Green Subdivision, Phase "I", as recorded in Plat Book 464, Pages 73 and 74, Hamilton County, Ohio Recorder's Office.