

PROCEEDINGS/MINUTES OF CITY COUNCIL

...December 9, 2015...

Council convened at 2:40 p.m., Mayor John Cranley Presiding. Present were Councilmembers Flynn, Mann, Murray, Seelbach, Simpson, Sittenfeld, Smitherman, Winburn and Young.

Also in attendance were City Manager Harry Black, Asst. City Solicitor Terry Nestor and Clerk of Council Melissa Autry.

Council observed a moment of silent prayer and recited the Pledge of Allegiance to the Flag.

There being no objection, Minutes of the previous session of Council were ordered Filed.

Items on the Council Calendar and items presented By-Leave were disposed of as follows:

MR. SEELBACH

Item #: 201501589  
ORDINANCE, submitted by Councilmember Chris Seelbach from Paula Boggs Muething, City Solicitor on 12/9/2015, ORDAINING new Chapter 769, "Sexual Orientation or Gender Identity Change Efforts," of Title VII, "General Regulations," of the Cincinnati Municipal Code. (VERSION B)

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Status/Recommendations:

PASSED

\*\*\* PASSED 0373-2015

MS. SIMPSON	Y
MR. SITTENFELD	Y
MR. SMITHERMAN	Y
MR. WINBURN	N
MR. YOUNG	Y
MR. FLYNN	Y
MR. MANN	Y
MS. MURRAY	N
MR. SEELBACH	Y

MS. SIMPSON

MR. YOUNG

Item #: 201501581  
MOTION, dated 11/30/2015 submitted by Councilmembers Simpson and Young, WE MOVE that the Administration consider the \$4,000,000.00 annually that is necessary to maintaining Cincinnati's Parks to be a top priority mega project when developing all biennial budgets beginning in the next budget development process. (STATEMENT ATTACHED)

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Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

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MR. SMITHERMAN

Item #: 201501584

MOTION, dated 12/7/2015 submitted by Councilmember Smitherman, I MOVE that the City Administration/City Manager review the security for City Hall and Centennial II Building and provide a report on the cost to improve. (STATEMENT ATTACHED)

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Status/Recommendations:

LAW & PUBLIC SAFETY COMMITTEE

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MR. WINBURN

Item #: 201501585

RESOLUTION, dated 11/2/2015 submitted by Councilmember Winburn, RECOGNIZING Aaron "The Hawk" Pryor and expressing the appreciation of the Mayor and the Council of the City of Cincinnati for his contributions to the City of Cincinnati, Cincinnati youth, and the martial art of boxing.

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Status/Recommendations:

PASS

\*\*\* PASSED 0059-2015

MS. SIMPSON Y

MR. SITTENFELD Y

MR. SMITHERMAN Y

MR. WINBURN Y

MR. YOUNG Y

MR. FLYNN Y

MR. MANN Y

MS. MURRAY Y

MR. SEELBACH Y

CITY MANAGER

Item #: 201501590

APPOINTMENT, dated 12/9/2015 submitted by Harry Black, City Manager recommending the appointment of Thomas D. Sundermann, M.B.A., to serve the remainder of the "Economist, Accounting or Financial Professional" member's unexpired term.

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Status/Recommendations:

HELD ONE WEEK PURSUANT TO RULE OF COUNCIL

\*\*\* HELD ONE WEEK

Item #: 201501536

ORDINANCE submitted by Harry Black, City Manager, on 12/2/2015, authorizing the City Manager to apply for an Ohio Diesel Emission Reduction Grant in an amount of up to \$640,000 from the Ohio Environmental Protection Agency for the purpose of replacing Fire Department Heavy Rescue Truck \$61710 with a new unit that operates with cleaner diesel and Green Star Idle Reduction Technology.

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Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

\*\*\* PASSED 0374-2015

MS. SIMPSON	Y
MR. SITTENFELD	Y
MR. SMITHERMAN	Y
MR. WINBURN	Y
MR. YOUNG	Y
MR. FLYNN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. SEELBACH	Y

Item #: 201501548

ORDINANCE submitted by Harry Black, City Manager, on 12/2/2015, authorizing the City Manager to apply for, accept, and appropriate a Preventive Health and Health Services Block Grant in the amount of \$125,000 from the Ohio Department of Health for the purpose of funding the Creating Healthy Communities Program, which promotes healthy lifestyles through empowerment strategies and collaborative efforts to reduce Hamilton County incidence rates for cardiovascular disease, cancer, and lung disease secondary to tobacco use.

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Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

\*\*\* PASSED 0375-2015

MS. SIMPSON	Y
MR. SITTENFELD	Y
MR. SMITHERMAN	Y
MR. WINBURN	Y
MR. YOUNG	Y
MR. FLYNN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. SEELBACH	Y

Item #: 201501557

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 12/2/2015, authorizing the City Manager to execute agreements in connection with the redevelopment of property controlled by real estate developer Neyer Properties, Inc. located in the Walnut Hills neighborhood of Cincinnati, namely: (i) a Development Agreement and Service Agreement with The Baldwin LLC pertaining to the redevelopment of property located at 655 Eden Park Drive; and (ii) a Property Swap and Development Agreement with 625 Eden Park Drive, LLC pertaining to the redevelopment of property located at 625 Eden Park Drive, including a property swap affecting adjacent property controlled by the Cincinnati Park Board.

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Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

\*\*\* PASSED EMERGENCY 0379-2015

MS. SIMPSON	Y
MR. SITTENFELD	Y
MR. SMITHERMAN	Y
MR. WINBURN	Y
MR. YOUNG	Y
MR. FLYNN	Y

MR. MANN Y  
MS. MURRAY Y  
MR. SEELBACH Y

Item #: 201501570

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 12/9/2015, authorizing the City Manager to apply for, accept, and appropriate an Immunization Action Plan 2016 Grant in the amount of \$289,831.78 from the State of Ohio, Ohio Department of Health, Division of Prevention and Health Promotion, Bureau of Infectious Diseases Immunization Action Plan grant program for the purpose of providing services to children who are under vaccinated, providing education and outreach to families, health providers, and the community, and providing assessment services to the public and private sector.

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Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

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Item #: 201501575

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 12/9/2015, establishing Interim Development Control Overlay District No. 79, Trenton Avenue and W. 8th Street, in the West Price Hill neighborhood as an overlay district for a period of three months, pursuant to Chapter 1431, Interim Development Control Overlay District Regulations, of the Cincinnati Zoning Code.

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Status/Recommendations:

NEIGHBORHOODS COMMITTEE

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Item #: 201501576

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 12/9/2015, authorizing the payment of \$9,795.10 as a moral obligation to Xavier University dba The Community Building Institute for services rendered to the City of Cincinnati for facility rental and associated charges related to the third annual Youth Summit.

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Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

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Item #: 201501591

ORDINANCE, submitted by Harry Black, City Manager on 12/9/2015, AUTHORIZING the establishment of new capital improvement program project account 980x211x162116, "Permit Center Equipment"; AUTHORIZING the transfer of and return to source Funds 758, 858, 861, and 870, the sum of \$1,448,237.13 from various General Capital Budget capital improvement program project accounts for the purpose of closing out or decreasing certain existing capital improvement program project accounts and providing resources for various capital improvement program project accounts as well as the Fiscal Year 2017 Capital Improvement Program, according to Section 1 of the attached Schedule of Transfer; AUTHORIZING the transfer of and return to source Funds 104 and 107

the sum of \$29,515.56 from various Restricted Funds capital improvement program project accounts for the purpose of closing out or decreasing certain existing capital improvement program project accounts and providing resources for the Fiscal Year 2017 Capital Improvement Program, according to Section 2 of the attached Schedule of Transfer; and further AUTHORIZING the transfer and appropriation of the sum of \$1,318,237.57 from the unappropriated surplus of General Funds 758, 858, and 870 to new or existing capital improvement program project accounts for the purpose of providing resources for certain capital improvement program project accounts, according to Section 3 of the attached Schedule of Transfer. (VERSION B)

\*\*\* Referred to Budget and Finance Committee

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

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Item #: 201501493

REPORT, dated 11/18/2015, submitted by Harry Black, City Manager, regarding compensation to the former City Manager. (SEE DOCUMENT #201501389 FOR ADOPTED MOTION)

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Status/Recommendations:

LAW & PUBLIC SAFETY COMMITTEE

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Item #: 201501566

REPORT, dated 12/9/2015, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of permit application for Mousa Market Inc. DBA Amir Mini Market, 549-553 Findlay Street. (#6201820, Transfer of Ownership, C1, C2) [Objections: None]

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Status/Recommendations:

FILE

\*\*\* FILED

Item #: 201501567

REPORT, dated 12/9/2015, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for United Dairy Farmers Inc. DBA United Dairy Farmers 109, 7111 Vine Street. (#91591990160, New, C1, C2) [Objections: None]

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Status/Recommendations:

FILE

\*\*\* FILED

Item #: 201501568

REPORT, dated 12/9/2015, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Al Taglio LLC DBA Taglio, 3531 Columbia Parkway. (#0143370, New, D5J) [Objections: None]

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Status/Recommendations:

FILE

\*\*\* FILED

Item #: 201501572  
REPORT, dated 12/9/2015, submitted by Harry Black, City Manager, regarding  
future streetcar funding. (SEE DOCUMENT #201500325 FOR ADOPTED MOTION)  
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Status/Recommendations:  
TRANSPORTATION & REGIONAL COOPERATION COMMITTEE  
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Item #: 201501573  
REPORT, dated 12/9/2015, submitted by Harry Black, City Manager, regarding  
Grocery Attraction Pilot Program.  
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Status/Recommendations:  
NEIGHBORHOODS COMMITTEE  
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BUDGET AND FINANCE COMMITTEE

Item #: 201501571  
MOTION, dated 11/30/2015, submitted by Councilmember Winburn, WE MOVE that  
Cincinnati City Council direct the City Manager to allocate permanent funding  
to the Martin Luther King, Jr. Coalition of Cincinnati for the planning and  
execution of the (City's) Annual Martin Luther King, Jr. Day Celebration in the  
amount of \$10,000 or a sum equal to the rental of Music Hall. (STATEMENT  
ATTACHED  
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Status/Recommendations:  
ADOPT  
\*\*\* ADOPTED  
MS. SIMPSON Y  
MR. SITTENFELD Y  
MR. SMITHERMAN Y  
MR. WINBURN Y  
MR. YOUNG Y  
MR. FLYNN Y  
MR. MANN Y  
MS. MURRAY Y  
MR. SEELBACH Y

Item #: 201501430  
ORDINANCE, submitted by Councilmember Chris Seelbach, from Paula Boggs  
Muething, City Solicitor on 10/23/2015, ORDAINING new Chapter 769, "Sexual  
Orientation or Gender Identity Change Efforts," of Title VII, "General  
Regulations," of the Cincinnati Municipal Code.  
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Status/Recommendations:  
PASS  
\*\*\* INDEFINITELY POSTPONED  
MS. SIMPSON Y  
MR. SITTENFELD Y

MR. SMITHERMAN	Y
MR. WINBURN	Y
MR. YOUNG	Y
MR. FLYNN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. SEELBACH	Y

Item #: 201501495

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 11/18/2015, modifying the provisions of Chapter 321, "Procurement and Disposal of Supplies, Services and Construction," by ORDAINING new Sections 321-1-E6, "Emerging Local Business Enterprise; ELBE," 321-1-M1, "Minority Business Enterprise; MBE," 321-1-P3, "Principal," 321-1-S3, "Small Local Business Enterprise; SLBE," 321-1-W, "Women Business Enterprise; WBE," 321-6, "Rules and Regulations," and 321-86, "Contract; Single Available Source," by AMENDING Sections 321-1-A1, "Announcement," 321-1-A2, "Award," 321-1-C, "City Purchasing Agent," 321-1-C3. "Construction," 321-1-C4, "Contract," 321-1-L, "Local Business," 321-1-L1, "Local SBE," 321-1-T, "Taxpayer in Good Standing," 321-5, "Procurement and Disposal Procedure Manual," 321-11, "Procurement; \$5,000 or Less," Sections 321-13, "Procurement; Supplies, Services and Construction in Excess of \$5,000.00 But Not Greater Than \$50,000.00," 321-15, "Procurement; Supplies, Services and Construction in Excess of \$50,000.00 But Not Greater Than \$250,000.00," 321-17, "Procurement; Supplies, Services and Construction in Excess of \$250,000.00," 321-21, "Bid; Competitive," 321-22, "Bid; Specifications," 321-23, "Bid; Form of Invitation to Bids," 321-25, "Bid; Surety," 321-37, "Bid; Award to Lowest and Best," 321-38, "Bid; Award to Local Business or Local SBE," 321-39, "Bid; Award on Equal Bids," 321-45, "Bid; Waiver of Bid Surety," 321-51, "Proposal; Competitive," 321-65, "Proposal; Award to Most Advantageous," 321-69, "Proposal; Surety," 321-81, "Contracts; Types," 321-83, "Contract; Multi-Term," 321-85, "Contract; Sole Source," 321-87, "Contract; Direct Award," 321-95, "Contract; Ohio Department of Administrative Service," 321-97, "Contracts; Ohio Departments, Divisions, Agencies, or Other Political Subdivisions," 321-98, "Contract; U.S. Communities Government Purchasing Alliance," 321-101, "Contract; General Services Administration," 321-111, "Construction; Labor and Materials," 321-113, "Construction; Separate Trade," 321-119, "Construction; Debarment for Violation of Prevailing Wage and Related Laws," 321-131, "Surety; Waiver of Bid and Performance Surety," 321-133, "Surety; Bid," 321-135, "Surety; Securing Performance of Contract," 321-137, "Surety; Amount," 321-141, "Disposal and Sale of Personal Property Under \$20,000," 321-143, "Disposal and Sale of Personal Property in Excess of \$20,000," 321-153, "Default; Further Bids or Proposals Refused," 321-159, "Non-Discrimination in Purchasing and Contracting," and 321-161, "Construction Employment Demographics" to conform with the provisions of recently enacted Chapter 324 and revised Chapter 323.

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Status/Recommendations:

PASS EMERGENCY

\*\*\* PASSED EMERGENCY 0376-2015

MS. SIMPSON	Y
MR. SITTENFELD	Y
MR. SMITHERMAN	Y
MR. WINBURN	Y
MR. YOUNG	Y
MR. FLYNN	N
MR. MANN	Y
MS. MURRAY	Y
MR. SEELBACH	Y

Item #: 201501505

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 11/18/2015, declaring the improvements to the real property located at 937 Windsor Street in the Walnut Hills neighborhood of Cincinnati, to be constructed pursuant to a certain Funding and Development Agreement among the City of Cincinnati, Windsor Renaissance, LLC, and New Windsor, LLC, to be a public purpose and exempt from real property taxation for a period of time.

\*\*\* 12/2/2015 council session this item was held one week. 12/9/2015 council session this item was held on the calendar.

Status/Recommendations:

PASS EMERGENCY

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Item #: 201501506

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 11/18/2015, authorizing the City Manager to make a direct award and enter into a contract with Motorola, Inc. in the amount of \$5,401,005.00 for the purpose of purchasing 1,546 APX radios and accessories for use by the Cincinnati Police Department.

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Status/Recommendations:

PASS EMERGENCY

\*\*\* PASSED EMERGENCY 0377-2015

MS. SIMPSON Y

MR. SITTENFELD Y

MR. SMITHERMAN Y

MR. WINBURN Y

MR. YOUNG Y

MR. FLYNN Y

MR. MANN Y

MS. MURRAY Y

MR. SEELBACH Y

Item #: 201501521

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 11/23/2015, PROVIDING for the City of Cincinnati, Ohio to enter into a master lease purchase agreement for the issuance of lease obligations in a principal amount not to exceed \$14,000,000 for the purpose of refunding all or a portion of its outstanding lease obligations issued pursuant to the equipment lease purchase agreement between the City of Cincinnati, Ohio and Motorola Solutions, Inc. and providing for a refunding savings threshold.

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Status/Recommendations:

PASS EMERGENCY

\*\*\* PASSED EMERGENCY 0378-2015

MS. SIMPSON Y

MR. SITTENFELD Y

MR. SMITHERMAN Y

MR. WINBURN Y

MR. YOUNG Y

MR. FLYNN Y

MR. MANN Y

MS. MURRAY Y

MR. SEELBACH Y

Item #: 201501564

ORDINANCE (EMERGENCY), dated 10/09/2015, submitted by Vice Mayor Mann, from Paula Boggs Muething, City Solicitor, APPROVING AND AUTHORIZING the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with CCM Realty Holding Co., LLC, thereby authorizing a 12-year tax exemption for 100% of the value of the improvements made to real property located at 319 Ludlow Avenue in the Clifton neighborhood of Cincinnati in connection with the remodeling of the building located on such property into a retail grocery space, which remodeling shall be completed at an aggregate cost of approximately \$1,063,000.

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Status/Recommendations:

PASS EMERGENCY

\*\*\* PASSED EMERGENCY 0380-2015

MS. SIMPSON	Y
MR. SITTENFELD	Y
MR. SMITHERMAN	Y
MR. WINBURN	Y
MR. YOUNG	Y
MR. FLYNN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. SEELBACH	Y

Item #: 201501577

ORDINANCE, (EMERGENCY) dated 12/9/2015, submitted by Councilmember Charlie Winburn, from Paula Boggs Muething, City Solicitor, AUTHORIZING the City Manager to take all necessary actions to comply with the terms of the Consent Decree and collaborative settlement agreement in Case No. 1:11-cv-0045, the Cincinnati Pension Collaborative, notwithstanding any contrary provisions of the Cincinnati Municipal Code ("CMC") or City ordinances, including CMC Chapter 203, "Employees' Retirement System," by the termination of the City of Cincinnati's 401(h) retiree health benefit trust account, reversion of funds in the account remaining, after satisfaction of all liabilities under the retiree health care plan as of December 31, 2015 to the City of Cincinnati, and the transfer by the City of \$220,000,000 of such funds into the Cincinnati Retirement System ("CRS") pension trust account with the remainder being transferred into the new CRS 115 trust account, which account has been established to provide for CRS retiree health care benefits as of January 1, 2016.

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Status/Recommendations:

PASS EMERGENCY

\*\*\* PASSED EMERGENCY 0381-2015

MS. SIMPSON	Y
MR. SITTENFELD	Y
MR. SMITHERMAN	Y
MR. WINBURN	Y
MR. YOUNG	Y
MR. FLYNN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. SEELBACH	Y

Item #: 201501580

ORDINANCE, (EMERGENCY) submitted by Mayor John Cranley from Paula Boggs, Muething, City Solicitor on 12/07/2015, AUTHORIZING the expenditure from the Miscellaneous Permanent Improvement Fund No. 757 of \$37,000.00 to purchase the property located at 4373 West Eighth Street in the neighborhood of West Price Hill in Cincinnati from Bayview Loan Servicing, LLC, a Delaware limited liability company, and the amount of \$500.00 to pay for the closing costs related to the purchase of the property.

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Status/Recommendations:

PASS EMERGENCY

*** PASSED EMERGENCY	0382-2015
MS. SIMPSON	Y
MR. SITTENFELD	Y
MR. SMITHERMAN	Y
MR. WINBURN	Y
MR. YOUNG	Y
MR. FLYNN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. SEELBACH	Y

Item #: 201501582

ORDINANCE, (EMERGENCY) submitted by Harry Black, City Manager, on 12/08/2015, amending the salary range schedules for the classifications of Police Chief and Fire Chief by amending existing Sections 389 and 365 of Division 5, Chapter 307 of the Cincinnati Municipal Code, in order to establish new salary range schedules for said classifications.

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Status/Recommendations:

PASS EMERGENCY

*** PASSED EMERGENCY	0383-2015
MS. SIMPSON	N
MR. SITTENFELD	N
MR. SMITHERMAN	Y
MR. WINBURN	Y
MR. YOUNG	N
MR. FLYNN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. SEELBACH	N

#### TRANSPORTATION & REGIONAL COOPERATION COMMITTEE

Item #: 201501429

ORDINANCE, (EMERGENCY) dated 10/26/2015 submitted by Paula Boggs Muething, City Solicitor, AMENDING Ordinance No. 119-2007 regarding the application of Community Reinvestment Area Tax Exemptions, as amended by Ordinance No. 134-2015, to create additional incentives for property owners in the Central Business District and Over-The-Rhine neighborhoods of Cincinnati to enter into voluntary tax incentive contribution agreements that support streetcar operations in those neighborhoods; and REPEALING Ordinance No. 134-2015, passed by Council on March 26, 2014. (B Version)

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Status/Recommendations:

PASS EMERGENCY

\*\*\* PASSED EMERGENCY 0384-2015  
MS. SIMPSON Y  
MR. SITTENFELD Y  
MR. SMITHERMAN N  
MR. WINBURN N  
MR. YOUNG Y  
MR. FLYNN Y  
MR. MANN Y  
MS. MURRAY Y  
MR. SEELBACH Y

Item #: 201501545  
REPORT, dated 12/2/2015, submitted by Harry Black, City Manager, regarding Cincinnati Streetcar - August 2015.

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Status/Recommendations:

APPROVE & FILE

\*\*\* APPROVED AND FILED

Item #: 201501592  
MOTION, submitted by Vice Mayor David Mann, Councilmembers Flynn, Seelbach, Sittenfeld, Young, Simpson and Mayor John Cranley, WE MOVE that the City Council tax incentive policy established by City Council on November 4, 2014, by Motion #201401368, by modified as follows: That City Council apply a policy in the neighborhoods of OTR and CBD that incentivizes applicants for real property tax abatements to contribute 15% of the real property taxes otherwise owed on tax abated improvements, which funds shall be reinvested by the property owner into streetcar operations that benefit the property owner and the surrounding community.

\*\*\* Referred to Budget and Finance Committee.

Status/Recommendations:

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