

PROCEEDING/MINUTES OF CITY COUNCIL

...January 24, 2019...

Council convened at 2:00 p.m., President Pro-Tem Tamaya Dennard, Presiding. Present were Councilmembers Landsman (In @ 2:04 p.m.), Mann, Murray, Pastor, Seelbach, Sittenfeld, and Young (In @ 2:05 p.m.).

Also in attendance were City Manager Patrick Duhaney, City Solicitor, Paula Boggs Muething and Clerk of Council Melissa Autry.

Council observed a moment of silence 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 Calendar and items presented By-Leaved were disposed of as follows:

Mayor John Cranley and Vice Mayor Smitherman were excused.

MAYOR CRANLEY

Item #: 201900107

ORDINANCE, (EMERGENCY) submitted by Mayor John Cranley, From Paula Boggs Muething, City Solicitor, on 1/23/2019, MODIFYING the provisions of Article IV, "Departments of Police and Fire," of the City of Cincinnati Administrative Code, by AMENDING Section 2-B, "School Crossing Guards" in order to authorize the Board of Education of the City School District of the City of Cincinnati to appoint school crossing guards, which authorization shall be in addition to the City Manager's existing authorization to appoint school crossing guards; and MODIFYING the provisions of Title V, "Traffic Code," of the Cincinnati Municipal Code by ORDAINING new Section 502-17 of Chapter 502, "General Provision," to clarify the powers that school crossing guards are able to exercise while performing their duties.

Status/Recommendations:

EDUCATION, INNOVATION & GROWTH COMMITTEE

Item #: 201900110

ORDINANCE, (EMERGENCY) submitted by Mayor John Cranley, from Paula Boggs Muething, City Solicitor on 1/23/2019, AUTHORIZING the appointment of volunteer school crossing guards in addition to those school crossing guards hired by the City of Cincinnati to increase the safety of students who must walk to and from school; and FURTHER AUTHORIZING the City of Cincinnati to permit the Board of Education of the City School District of the City of Cincinnati also to appoint volunteer school crossing guards.

Status/Recommendations:

EDUCATION, INNOVATION & GROWTH COMMITTEE

Item #: 201900111

REAPPOINTMENT, submitted by Mayor John Cranley, I hereby reappoint Susan Cranley to the Board of the Cincinnati Arts Association for a term of three years. This reappointment is submitted to City Council for its advice and consent pursuant to its Rules.

Status/Recommendations:

HOLD ONE WEEK PURSUANT TO RULE OF COUNCIL

Item #: 201900113

REAPPOINTMENT, submitted by Mayor John Cranley, I hereby reappoint Kate Schroder to the Cincinnati Board of Health for a term of three years. This reappointment is submitted to City Council for its advice and consent pursuant to its Rules.

Status/Recommendations:

HOLD ONE WEEK PURSUANT TO RULE OF COUNCIL

Item #: 201900114

REAPPOINTMENT, submitted from Mayor John Cranley, I hereby reappoint Dr. Philip Lichtenstein to the Cincinnati Board of Health for a term of three years. This reappointment is submitted to City Council for its advice and consent pursuant to its Rules.

Status/Recommendations:

HOLD ONE WEEK PURSUANT TO RULE OF COUNCIL

Item #: 201900115

REAPPOINTMENT, submitted by Mayor John Cranley, I hereby reappoint Councilman Greg Landsman to the Ohio Kentucky-Indiana Regional Council of Governments for a term of one year. This reappointment is submitted to City Council for its advice and consent pursuant to its Rules.

Status/Recommendations:

HOLD ONE WEEK PURSUANT TO RULE OF COUNCIL

MR. SITTENFELD

Item #: 201900103

ORDINANCE, submitted by Councilmember P.G. Sittenfeld, from Paula Boggs Muething, City Solicitor on 1/22/2019, AUTHORIZING the City Manager to execute a Lease Agreement with Cincinnati Area Senior Services, Inc., an Ohio non-profit corporation, pursuant to which the City of Cincinnati will lease to the tenant the property at 1722 Race Street in Over-the-Rhine for the operation of a senior center, for a term of up to 10 years, at base rent of \$0.00/year.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

CITY MANAGER

Item #: 201900030

ORDINANCE (EMERGENCY) submitted by Patrick A. Duhaney, City Manager, on 01/09/2019, AUTHORIZING the transfer of the sum of \$1,055,000 from the Cincinnati Parks Department Stormwater Management Fund personnel operating budget account no. 107x202x7100 to the Department of Public Services Stormwater Management Fund personnel operating budget account no. 107x253x7100 for the purpose of realigning resources needed for trash and litter pickup expenses; AUTHORIZING the transfer and return to source the sum of \$700,000 from the Department of Public Services Stormwater Management Fund personnel operating budget account no. 107x253x7100 to the unappropriated surplus of Stormwater Management Fund 107 for the purpose of reducing previously authorized funding for four new crews to provide trash and litter pickup services in the City as these crews did not start until January 1, 2019; AUTHORIZING the appropriation of \$100,000 from the unappropriated surplus of Income Tax-Infrastructure Fund 302 to the Lump Sum Payment non-departmental Income Tax-Infrastructure Fund operating budget account no. 302x924x7100 for the purpose of providing additional funds for lump sum payments incurred in FY 2019; AUTHORIZING the transfer of \$100,000 from the Emergency Communications Center General Fund personnel operating budget account no. 050x103x7100 to the Emergency Communications Center General Fund non-personnel operating budget account no. 050x103x7300 for the purpose of funding critical technology needs; AUTHORIZING the transfer of \$100,000 from the Emergency Communications Center 9-1-1 Cell Phone Fees Fund personnel operating budget account no. 364x103x7100 to the Emergency Communications Center 9-1-1 Cell Phone Fees Fund non-personnel operating budget account no. 364x103x7300 for the purpose of funding critical technology needs; AUTHORIZING the transfer of \$50,000 from the Law Department General Fund personnel operating budget account no. 050x111x7100 to the Law Department General Fund non-personnel operating budget account no. 050x111x7200 for a need in contractual services; AUTHORIZING the transfer of the sum of \$50,000 from the Department of Public Services Stormwater Management Fund personnel operating budget account no. 107x253x7100 to the Department of Public Services Stormwater Management Fund non-personnel operating budget account no. 107x253x7200 for the purpose of providing additional resources for the Private Lot Abatement Program (PLAP); and further AUTHORIZING the transfer and appropriation of \$393,000 from the balance sheet reserve account 050x2580, "Reserve for Weather Related Events, Other Emergency and One-Time Needs," to the Cincinnati Fire Department General Fund non-personnel operating budget account no. 050x272x7200 for the purpose of funding the equipment needs of Fiscal Year 2019 Fire recruit class.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201900087

ORDINANCE (EMERGENCY) submitted by Patrick A. Duhaney, City Manager, on 01/24/2019, APPROVING AND AUTHORIZING the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with Wooster Development, LLC, thereby authorizing a 12-year tax exemption for 100% of the value of improvements made to real property located at 5325 Wooster Road in the Linwood neighborhood of Cincinnati, in connection with the renovation of 5,800 square feet of office space and the addition of 12,184 square feet. of commercial space, at a total construction cost of approximately \$3,880,500.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201900096

ORDINANCE (EMERGENCY) submitted by Patrick A. Duhaney, City Manager, on 01/24/2019, AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in an amount up to \$97,500 from the State of Ohio Department of Public Safety, Office of Criminal Justice Services to fund a Traffic Safety Resource Prosecutor for 2019, who will provide training, education, and technical support to traffic crimes prosecutors and law enforcement agencies throughout the State of Ohio, and will work with the Ohio Traffic Safety Office to help develop a coordinated statewide, multidisciplinary planned approach to the prosecution of impaired driving and other traffic crimes in Ohio.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201900098

ORDINANCE (EMERGENCY) submitted by Patrick A. Duhaney, City Manager, on 01/24/2019, AUTHORIZING the City Manager to execute a Property Sale Agreement with Daniel Vance and Carmin Austin-Vance, for the sale of a 0.112-acre portion of City-owned property located at 681 Derby Avenue in the Spring Grove Village neighborhood of Cincinnati, for assimilation with the purchasers' adjoining property located at 687 Derby Avenue.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201900099

ORDINANCE submitted by Patrick A. Duhaney, City Manager, on 01/24/2019, AUTHORIZING the City Manager to execute a Grant of Aerial Encroachment Easements in favor of Condominium Holdings, LLC to create four aerial encroachment easements for bay windows that protrude over the W. 15th Street and Pleasant Street public rights-of-way adjacent to the grantee's building at 116 W. 15th Street in the Over-the-Rhine neighborhood of Cincinnati.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201900100

ORDINANCE (EMERGENCY) submitted by Patrick A. Duhaney, City Manager, on 01/24/2019, AUTHORIZING the City Manager to execute a Development Agreement with Charles Street Development Co., LLC pertaining to a mixed-use development project at 1118 Sycamore Street, in the Pendleton neighborhood of Cincinnati, containing residential rental units, street-level commercial space, and a parking garage, which provides for City assistance in the form of a partial rebate of service payments in lieu of taxes imposed in connection with a 30-year property tax exemption for the improvements pursuant to Ohio Revised Code Section 5709.41, subject to the passage by this Council of separate ordinance authorizing such tax exemption.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201900118

ORDINANCE (EMERGENCY) submitted by Patrick A. Duhaney, City Manager, on 1/24/2019, AUTHORIZING the City Manager to execute a Grant of Drainage Easement and No-Build Easement pursuant to which the City will grant to To Life, Ltd. a drainage easement and no-build easement over City-owned property adjacent to Red Bank Expressway, between Red Bank Road and Hetzel Street in the Madisonville neighborhood of Cincinnati, for the benefit of the grantee's adjoining property.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201900088

REPORT, dated 01/24/2019, submitted by Patrick A. Duhaney, City Manager, regarding finance reports for the month ended December 31, 2018.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201900090

REPORT, dated 01/24/2019, submitted by Patrick A. Duhaney, City Manager, regarding Special Event Permit Application for Heart Mini Marathon.

Status/Recommendations:

FILE

*** FILED

Item #: 201900091

REPORT, dated 01/24/2019, submitted by Patrick A. Duhaney, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Gobrand Inc. DBA Gopuff, 2139 Central Pkwy, Cincinnati, OH 45214. (#32935200020, New, C1, C2) [Objections: Department of Buildings & Inspections]

Status/Recommendations:

FILE

*** FILED

Item #: 201900092

REPORT, dated 01/24/2019, submitted by Patrick A. Duhaney, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Lonely Pine Steakhouse LLC DBA (None Listed), 6085 Montgomery Road, Cincinnati, OH 45213. (#05276809, New, D5J) [Objections: None]

Status/Recommendations:

FILE

*** FILED

CLERK OF COUNCIL

Item #: 201900104

REGISTRATION, submitted by the Clerk of Council from Legislative Agent Cresha M. Auck, Lobbyist/Public Policy, 5455 N. High Street, Columbus, Ohio 43214.

Status/Recommendations:

FILE

*** FILED

Item #: 201900105

REGISTRATION, submitted by the Clerk of Council from Legislative Agent Marilyn Hyland, Lobbyist, 7100 Drake Road, Cincinnati, Ohio 45243. (INDIANA & OHIO R R).

Status/Recommendations:

FILE

*** FILED

Item #: 201900106

REGISTRATION, submitted by the Clerk of Council from Legislative Agent Katherine Ott Zehnder, Civil Engineer, % 28 Liberty Ship Way, Suite 2815, Sausalito, CA 94965.

Status/Recommendations:

FILE

*** FILED

BUDGET AND FINANCE COMMITTEE

Item #: 201900059

ORDINANCE submitted by Patrick A. Duhaney, City Manager, on 01/16/2019, ACCEPTING and CONFIRMING the dedication of permanent easements to public use for the construction, maintenance, repair, and replacement of water mains and water main appurtenances in accordance with plats recorded in Plat Book 449, Pages 23-29, Hamilton County, Ohio Recorder's Office.

Status/Recommendations:

PASS

*** PASSED 0017-2019

MS. DENNARD	Y
MR. LANDSMAN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. PASTOR	Y
MR. SEELBACH	Y
MR. SITTENFELD	Y
MR. YOUNG	Y
MR. SMITHERMAN	A

Item #: 201900060

ORDINANCE submitted by Patrick A. Duhaney, City Manager, on 01/16/2019, ACCEPTING a permanent water main easement granted to the City of Cincinnati by Windwood Partners, LLC for the construction, maintenance and repair of water mains and appurtenances located near Windridge Drive in the Windwood Place Subdivision in the City of Madeira.

Status/Recommendations:

PASS

*** PASSED 0018-2019

MS. DENNARD	Y
MR. LANDSMAN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. PASTOR	Y
MR. SEELBACH	Y
MR. SITTENFELD	Y
MR. YOUNG	Y
MR. SMITHERMAN	A

Item #: 201900061

ORDINANCE (EMERGENCY) submitted by Patrick A. Duhaney, City Manager, on 01/14/2019, AUTHORIZING the payment of \$20,000 as a moral obligation to ArtWorks Cincinnati for the full payment for a community-based public art installation provided to the Cincinnati Police Department as part of the Place-Based Investigations of Violent Offender Territories program.

Status/Recommendations:

PASS EMERGENCY

*** PASSED EMERGENCY 0022-2019

MS. DENNARD	Y
MR. LANDSMAN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. PASTOR	Y
MR. SEELBACH	Y
MR. SITTENFELD	Y
MR. YOUNG	Y
MR. SMITHERMAN	A

Item #: 201900062

ORDINANCE submitted by Patrick A. Duhaney, City Manager, on 01/16/2019, AUTHORIZING the City Manager to apply for a grant in the amount of up to \$259,650 from the Clean Ohio Fund Green Space Conservation Program for the purpose of providing funding for the Bramble Park/Little Duck Creek Nature Preserve Restoration and Trails Project.

Status/Recommendations:

PASS

*** PASSED 0019-2019

MS. DENNARD	Y
MR. LANDSMAN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. PASTOR	Y
MR. SEELBACH	Y
MR. SITTENFELD	Y

MR. YOUNG Y
MR. SMITHERMAN A

Item #: 201900063

ORDINANCE submitted by Patrick A. Duhaney, City Manager, on 01/16/2019, AUTHORIZING the City Manager to apply for a grant in the amount of up to \$217,820 from the Ohio Department of Natural Resources Recreational Trails Program for the purpose of providing funding for the Bramble Park/Little Duck Creek Nature Preserve Restoration and Trails Project.

Status/Recommendations:

PASS

*** PASSED 0020-2019

MS. DENNARD Y
MR. LANDSMAN Y
MR. MANN Y
MS. MURRAY Y
MR. PASTOR Y
MR. SEELBACH Y
MR. SITTENFELD Y
MR. YOUNG Y
MR. SMITHERMAN A

Item #: 201900066

ORDINANCE (EMERGENCY) submitted by Patrick A. Duhaney, City Manager, on 01/16/2019, APPROVING AND AUTHORIZING the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge) with Supreme Bright Cincinnati, LLC, an affiliate of NewcrestImage, LLC, thereby authorizing a 15-year tax exemption for 100% of the value of improvements made to real property located at 105 E. 4th Street in Downtown Cincinnati, in connection with the remodeling of the existing building on the property into commercial space consisting of a hotel and a hotel and parking garage, which remodeling shall be completed in compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards or Living Building Challenge standards, at a total remodeling cost of approximately \$48,500,000.

Status/Recommendations:

PASS EMERGENCY

*** PASSED EMERGENCY 0023-2019

MS. DENNARD Y
MR. LANDSMAN Y
MR. MANN Y
MS. MURRAY Y
MR. PASTOR Y
MR. SEELBACH Y
MR. SITTENFELD Y
MR. YOUNG Y
MR. SMITHERMAN A

Item #: 201900067

ORDINANCE submitted by Patrick A. Duhaney, City Manager, on 01/16/2019, APPROVING AND AUTHORIZING the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with Seto Ventures, LLC, thereby authorizing a 9-year tax exemption for 100% of the value of improvements made to real property located at 4460 Orkney Avenue in the Oakley neighborhood of Cincinnati, in connection with the construction of a new building to include

approximately 1,100 square feet of commercial space, at a total construction cost of approximately \$1,500,000.

Status/Recommendations:

PASS

*** PASSED 0021-2019

MS. DENNARD	Y
MR. LANDSMAN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. PASTOR	Y
MR. SEELBACH	Y
MR. SITTENFELD	Y
MR. YOUNG	Y
MR. SMITHERMAN	A

Item #: 201900078

ORDINANCE, (EMERGENCY) submitted by Councilmember Dennard, from Paula Boggs Muething, City Solicitor on 1/15/2019, AUTHORIZING the City Manager to accept a donation in the amount of up to \$8,000 from Kroger for the purpose of providing resources to support the annual Girls in Government Days and Gals in Government Days; and further AUTHORIZING the City Manager to accept additional in-kind donations, including reusable grocery bags, food and Kroger gift cards from Kroger to support these events; and further AUTHORIZING the City Manager to accept an in-kind donation from the University of Cincinnati of the use of their 1819 Innovation Hub for the 2019 Gals in Government Day.

Status/Recommendations:

PASS EMERGENCY

*** PASSED EMERGENCY 0024-2019

MS. DENNARD	Y
MR. LANDSMAN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. PASTOR	Y
MR. SEELBACH	Y
MR. SITTENFELD	Y
MR. YOUNG	Y
MR. SMITHERMAN	A

ECONOMIC GROWTH & ZONING COMMITTEE

Item #: 201900007

ORDINANCE (EMERGENCY) submitted by Patrick A. Duhaney, City Manager, on 01/09/2019, ESTABLISHING Interim Development Control Overlay District No. 82, "MLK/I-71 Area," in the Walnut Hills neighborhood as an overlay district for a period of one year, pursuant to Chapter 1431, Interim Development Control Overlay District Regulations, of the Cincinnati Zoning Code. (Public Hearing was held on 1-23-2019)

Status/Recommendations:

PASS EMERGENCY

*** PASSED EMERGENCY 0026-2019

MS. DENNARD	Y
MR. LANDSMAN	Y
MR. MANN	Y
MS. MURRAY	Y

MR. PASTOR Y
MR. SEELBACH Y
MR. SITTENFELD Y
MR. YOUNG Y
MR. SMITHERMAN A

Item #: 201900010

ORDINANCE (EMERGENCY) submitted by Patrick A. Duhaney, City Manager, on 01/23/2019, EXTENDING Interim Development Control Overlay District No. 83, "Camp Washington Neighborhood Business District," over portions of the Camp Washington neighborhood as an overlay district for a period of up to nine months, pursuant to Chapter 1431, "Interim Development Control Overlay Districts," of the Cincinnati Zoning Code. (Public Hearing was held on 1-23-2019)

Status/Recommendations:

PASS EMERGENCY

*** PASSED EMERGENCY 0027-2019

MS. DENNARD Y
MR. LANDSMAN Y
MR. MANN Y
MS. MURRAY Y
MR. PASTOR Y
MR. SEELBACH Y
MR. SITTENFELD Y
MR. YOUNG Y
MR. SMITHERMAN A

Item #: 201900053

ORDINANCE submitted by Patrick A. Duhaney, City Manager, on 01/16/19, DEDICATING AND ACCEPTING the dedication, as public right-of-way, of a portion of the street known as Henderson Alley in the Central Business District of Cincinnati in accordance with the plat entitled Dedication Plat Parcel 79-4-174.

Status/Recommendations:

PASS

*** PASSED 0025-2019

MS. DENNARD Y
MR. LANDSMAN Y
MR. MANN Y
MS. MURRAY Y
MR. PASTOR Y
MR. SEELBACH Y
MR. SITTENFELD Y
MR. YOUNG Y
MR. SMITHERMAN A

MAJOR PROJECTS & SMART GOVERNMENT

Item #: 201900074

MOTION, submitted by Councilmember Pastor, please accept my resignation from the Major Projects and Smart Government.

Status/Recommendations:

ADOPT

*** ADOPTED

MS. DENNARD	Y
MR. LANDSMAN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. PASTOR	Y
MR. SEELBACH	Y
MR. SITTFELD	Y
MR. YOUNG	Y
MR. SMITHERMAN	A

Item #: 201900076

MOTION, submitted by Councilmembers Seelbach, Mann, Dennard, Young Landsman and Sittenfeld, WE MOVE that the Administration adopt automatic shut-off sink faucets as the standard for publicly accessible restrooms in all City owned facilities. WE FURTHER MOVE that as existing publicly accessible restroom facilities are renovated, existing faucets be replaced with auto-off faucets during renovations. Utility sinks and faucets used by city staff for healthy, safety & sanitation specific uses are exempt.

Status/Recommendations:

ADOPT

*** ADOPTED

MS. DENNARD	Y
MR. LANDSMAN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. PASTOR	Y
MR. SEELBACH	Y
MR. SITTFELD	Y
MR. YOUNG	Y
MR. SMITHERMAN	A

Item #: 201900089

MOTION submitted by Councilmember Landsman, please accept my resignation from the Economic Growth and Zoning Committee.

Status/Recommendations:

ADOPT

*** ADOPTED

MS. DENNARD	Y
MR. LANDSMAN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. PASTOR	Y
MR. SEELBACH	Y
MR. SITTFELD	Y
MR. YOUNG	Y
MR. SMITHERMAN	A

Item #: 201900102

ORDINANCE, submitted by Paula Boggs Muething, City Solicitor, on 01/18/2019, ESTABLISHING City Council's policy for streetcar operations during the Flying Pig Marathon; and NOTIFYING the Southwest Ohio Regional Transit Authority of the policy.

Status/Recommendations:

PASS

*** PASSED 0028-2019

MS. DENNARD	Y
MR. LANDSMAN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. PASTOR	Y
MR. SEELBACH	Y
MR. SITTFELD	Y
MR. YOUNG	Y
MR. SMITHERMAN	A