NEIGHBORHOODS COMMITTEE

Jeff Pastor, Chair
Wendell Young, Vice Chair
Amy Murray, Member
Christopher Smitherman, Member

Monday
December 9, 2019
11:00 A.M.
Council Chambers
Room 300

Kourtney Porter
Clerk to the Committee

Alex Peppers, City Planning
Samantha Brandenburg, Asst. City Solicitor

PRESENTATION

Training and Technical Assistance: Elizabeth Bartley, Invest In Neighborhoods

AGENDA

1-201901752 COMMUNICATION, submitted by Councilmember Mann from Barbra Druffel, regarding College Hill Gate Way.

2-201901715 MOTION, submitted by Councilmembers Sittenfeld and Young, WE MOVE that as the National Newspaper Publishers Association held its 2019 annual conference in Cincinnati and celebrated the legacy of Marjorie Parham, the City of Cincinnati shall also honor her-in collaboration with the Parham family, the Cincinnati Herald’s leadership and other community stakeholders-by dedicating a prominent right-of-way in her name. (STATEMENT ATTACHED)

3-201901798 MOTION, submitted by Vice Mayor Smitherman, WE MOVE the Department of Transportation Engineering (DOTE) provide a report regarding the feasibility of converting Hollister Street in Mt. Auburn from a one-way to a two-way street. Included in the report should be the type(s) of community engagement that took place with the 75 property owners on the street. It is our understanding 45 postcards were sent with 15 returned with 7 responding negatively. However, was there any other type of street engagement such as door-to-door contact, presentations at community council, etc., to determine what concerns, if any, the residents had about the conversion?

Subject: Subject : College Hill Gate Way

Subject : College Hill Gate Way,

Dear council people and Mayor Cranley,

I am writing you as a resident of Cincinnati and the neighborhood of College Hill. It is not first time I have done so, about this same concern. Hamilton Avenue is the Main Street that is our connector to the city, Hamilton avenue is frequently the site for accidents usually because of speeding or wet roads. The affect of these frequent accidents is that the stacked wall is in ruin in many sections of the street. This has created an extremely unsightly and degraded gateway for our neighborhood. The wall is not built well and has never held up even though it was built perhaps only 8 years or so.

A day does not go by where I do cringe with this view as I approach my home. Also I do wonder if this neglect would be tolerated in other neighborhoods?

Too, as a person who values being able to walk I have on numerous occasions walked to Northside on Hamilton Avenue, it is never pleasant walking on Hamilton Avenue, due to the speeding cars and that there is no barrier between the side walk and the street it is very unsafe feeling.

Perhaps if a guardrail were to be installed and the wall be repaired it would solve both of these problems.

Thanks you for your considerations, I would appreciate a response and the attention to this concern.

Sincerely
MOTION

WE MOVE that, as the National Newspaper Publishers Association held its 2019 annual conference in Cincinnati, and celebrated the legacy of Marjorie Parham, the City of Cincinnati shall also honor her – in collaboration with the Parham family, the Cincinnati Herald’s leadership, and other community stakeholders – by dedicating a prominent right-of-way in her name.

BACKGROUND

Marjorie Parham was born February 12, 1918 in Clermont County, Ohio. Throughout her life, she has strongly believed in the mission of black publications advocating for the rights of African Americans by telling their stories in print. After the tragic death of her husband Gerald Porter in 1963, Ms. Parham became the publisher of the Cincinnati Herald, where she continued the important mission of the paper. The Cincinnati Herald is an award-winning publication in Cincinnati and a critically important newspaper documenting Cincinnati’s present and history. Ms. Parham would become only the second African American to serve as a trustee of the University of Cincinnati, and has also chaired the Board of the National Afro-American Museum and Cultural Center in Wilberforce, Ohio. Ms. Parham was active in the Urban League and the American Red Cross, and was recognized by the Cincinnati Regional Chamber of Commerce in 2007 as a Great Living Cincinnatian.

Councilmember P.G. Sittenfeld

Councilmember Wendell Young
November 20, 2019

MOTION

WE MOVE the Department of Transportation Engineering (DOTE) provide a report regarding the feasibility of converting Hollister Street in Mt. Auburn from a one-way to a two-way street. Included in the report should be the type(s) of community engagement that took place with the 75 property owners on the street. It is our understanding 45 postcards were sent with 15 returned with 7 responding negatively. However, was there any other type of street engagement such as door-to-door contact, presentations at community council, etc., to determine what concerns, if any, the residents had about the conversion?

Christopher E. C. Smitherman
Cincinnati Vice Mayor
To: Mayor and Members of City Council

From: Patrick A. Duhaney, City Manager

Subject: EMERGENCY ORDINANCE – NEW SECTION 723-40, “STREET MURALS,” OF CHAPTER 723 OF THE CINCINNATI MUNICIPAL CODE

Attached is an ordinance captioned as follows:


The proposed legislation will allow painted street murals for the purpose of traffic calming, promoting public art, and encouraging community engagement in the City’s public spaces. Street murals are creative designs and depictions painted on portions of intersections or mid-block areas of streets. As the department responsible for the City’s public streets, the Department of Transportation and Engineering is authorized, by the proposed legislation, to administer the “Paint the Streets” program and issue licenses to community partners to install the street murals. However, the City will have no responsibility in installing, repairing or maintaining the street murals.

The City Planning Commission recommended the following on November 15, 2019 to City Council:


Motion to Approve: Mr. Eby

Ayes: Mr. Eby

Mr. Juech

Mr. Samad

Ms. Sesler

Mr. Smitherman

Mr. Stallworth

Seconded: Mr. Smitherman

The Administration recommends passage of the attached ordinance.

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

WHEREAS, street murals are creative designs or depictions painted on portions of intersections or mid-block areas of streets that promote traffic calming by contributing to a sense of place; and

WHEREAS, traffic calming is an important component of the City’s Vision Zero program, which is a strategy to eliminate all traffic-related deaths and serious injuries while simultaneously increasing safe, healthy, and equitable mobility for everyone; and

WHEREAS, street murals take advantage of the City’s most extensive public space—streets—by converting them into public art installations to bring more art into daily life and foster inclusive and vibrant communities; and

WHEREAS, street murals will be authorized upon the request of community partners, and the process of creating street murals will encourages their communities to collaborate to create art projects in their neighborhoods; and

WHEREAS, the street mural program will be authorized only on neighborhood residential streets and will include limitations to ensure safety, such as not using colors or shapes that could be perceived as traffic control indicators; and

WHEREAS, the City’s Department of Transportation and Engineering (“DOTE”), the department that is responsible for the City’s public streets, will administer the street mural program and will issue licenses to community partners to install street murals; and

WHEREAS, the City will issue licenses authorizing the creation of street murals that meet the City’s submission requirements and have been subject to design input or modifications from the City as necessary; and

WHEREAS, the City will own the street murals created under this program, will maintain complete control over the streets as necessary for public safety, and will require artists to relinquish their rights to the mural designs, so as to ensure that expression made through the street murals constitutes government speech; and

WHEREAS, DOTE has determined that street murals are not traffic control devices and that the Manual of Uniform Traffic Control Devices (“MUTCD”) does not directly apply to
street murals, and DOTE has further determined that street murals in appropriate locations that do not detract from, interfere with, or obscure official traffic control devices, are safe and will not unreasonably interfere with the use of streets; and

WHEREAS, the City Planning Commission, at its regularly scheduled meeting on November 15, 2019, approved the street mural program and recommended passage of this ordinance; and

WHEREAS, establishing a street mural program is in accordance with the first goal of the Live initiative area to “build a robust public life” as described on pages 149 to 155 of Plan Cincinnati (2012), as well as the first goal of the Collaborate initiative area to “work in synergy with the Cincinnati community” as described on pages 209 to 212 of the Plan; and

WHEREAS, Council finds that creating a street mural program will cause traffic calming, beautify the public right-of-way, enhance civic pride, and advance public health and wellness goals, and that issuance of licenses is the appropriate method to permit installation of public art projects in the right-of-way; now, therefore,

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

Section 1. That Section 723-40, “Street Murals,” of Chapter 723, “Streets and Sidewalks, Use Regulations,” of the Cincinnati Municipal Code is hereby ordained to read as follows:

Sec. 723-40. - Temporary Art: Street Murals.

(a) Authorization, Applications.

(1) The department of transportation and engineering may authorize the installation and maintenance of temporary street murals on residential streets following receipt of a complete application and payment of the applicable fee.

(2) Applications for the creation of street murals shall be made in the form and in the manner prescribed by the department of transportation and engineering, which may require the payment of a fee established to offset the department’s costs of administering the street mural program.

(3) Upon receipt of a complete application and the applicable fee, the department of transportation and engineering shall consider whether the application meets the general location, design, and materials criteria set forth herein and whether to approve or deny the application.

(4) The department of transportation and engineering may approve or deny an application within its sole discretion. The department shall notify an applicant in writing of its determination and shall include in the notification the specific reasons supporting the denial of an application.

(b) Standard Program Terms.
(1) All street murals shall comply with the general location, design, and material criteria set forth herein, unless otherwise authorized by the director of the department of transportation and engineering upon the director’s determination that variance from those requirements will not negatively impact public safety or unreasonably interfere with the use of the street.

(2) Successful applicants must execute a license agreement with the City that includes the following provisions:

(i) Transfer of ownership to the City of all rights in the mural, including a waiver of all applicable rights to the street mural under the federal Visual Artists Rights Act of 1990, 17 U.S.C. §§ 106A and 113(d).

(ii) Agreement by the applicant to accept responsibility for installing and maintaining an authorized street mural in accordance with the provisions of this section and any program standards, rules, and regulations established by the department of transportation and engineering.

(iii) An acknowledgment that the city will have no responsibility to repair or maintain the street mural, including if street repair, maintenance, or reconstruction, or utility work in the right-of-way negatively affects a street mural.

(iv) An acknowledgment that the street mural shall be temporary and subject to removal by the city, in part or in whole, at any time.

(3) Applicants may reapply for permits to re-paint an existing mural eighteen months after installation.

(c) General Location Criteria.

(1) Street murals shall not be located in pedestrian paths of travel and shall not impact existing street parking or traffic control indicators, such as crosswalks, lane lines, regulatory signs, etc.

(2) All proposed street mural locations must be safe. A street mural’s location and appearance shall not detract from, interfere with, or obscure official traffic control devices. No mural shall create a hazard to users of the right-of-way.

(3) Pavement at proposed location must be in good condition, and murals should not be installed in locations scheduled for resurfacing or utility work within three months of painting.

(d) Design and Materials Criteria.

(1) Designs may not include any shapes or colors that could be perceived as traffic control indicators or that could be mistaken for directions to the roadway user or pedestrian.
(2) Designs shall not include words, logos, advertisements, trademarked materials, or universally recognized symbols.

(3) Paint must be skid resistant and non-retro reflective.

(4) Paint materials must be non-toxic/non-corrosive, lead-free, and adhere to the surface in a manner so that they do not erode or shed into the stormwater system.

(e) Supplemental Design Standards, Rules, and Regulations. The department of transportation and engineering is authorized to create supplemental design standards, rules, and regulations as are necessary to carry out the intent and purpose of this section, to ensure public safety, and to maintain the use and function of public streets.

Section 2. That the Director of the Department of Transportation and Engineering (DOTE) is authorized to issue licenses for the installation of public art in the form of street murals, in accordance with Sections 723-39 and 723-40 of the Cincinnati Municipal Code, and that the proper City officials are hereby authorized to do all things necessary and proper to comply with the terms 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 authorize the public art program so that DOTE can proceed with taking necessary steps to implement it and respond to already pending requests.

Passed: ________________, 2019

John Cranley, Mayor

Attest: ________________________

Clerk

CITY PLANNING COMMISSION

November 15, 2019

APPROVED

DIRECTOR OF CITY PLANNING