

**BOARD OF PARK COMMISSIONERS**  
**November 21, 2019**

**CALL TO ORDER**

A regular meeting of the Cincinnati Board of Park Commissioners was held on this day at 950 Eden Park Drive. Commissioners present: President Brad Lindner, Vice President Jim Goetz, Commissioner Susan Castellini, and Commissioner Kevin Flynn. President Lindner called the meeting to order at 9:03 A.M.

**Public Comments**

Rama Kasturi provided public comment regarding a book she published about Burnet Woods.

**Approval of Minutes**

Commissioner Castellini motioned for approval of the October 17, 2019 Meeting minutes. Vice President Goetz seconded. Motion passed by vote.

**VOLUNTEER RECOGNITION**

Andrea Schepmann presented the volunteer work of Ed and Mona Puckett to the Board. She described the integral work they have performed for the Krohn Conservatory and in other areas of the Parks system since 1996. She expressed special appreciation for the creative contributions of Mr. Puckett, who recently passed away.

Ms. Schepmann asked the Board to join staff in recognizing Mr. and Mrs. Puckett for the 24 years of volunteer service. Mrs. Puckett was present to accept the recognition. President Lindner thanked her for her commitment as a volunteer.

**NEW BUSINESS**

**Neyer Properties/Cincinnati Ballet**

Interim Director Kara Kish introduced the item and invited representatives from Neyer Properties and Cincinnati Ballet to present to the Board.

Commissioner Flynn recused himself from the discussion due to a potential conflict of interest.

Colleen Reynolds, Director of DSD Advisors representing the Cincinnati Ballet; Scott Altman, President and CEO of the Cincinnati Ballet; Chris Dobrozi, Neyer Properties; and Steve King, outside counsel representing the Cincinnati Ballet, were present to discuss the project and design concept.

Mr. Altman presented the project concept including drawings and plans for the new dance facility which more than doubles the Cincinnati Ballet's dance capacity, as well as the surrounding grounds and programs that are planned for the spaces.

Luke Blocher, City Law, outlined items the Board will be asked to act on in order for this project to move forward. Mr. Blocher provided brief background on the City's current agreement with Neyer Properties and the Ballet's requests of the City/Park Board, including terminating the repurchase option in the agreement.

Steve King explained the Ballet's timeline. Ms. Kish suggested a Special Meeting to accommodate the timeline. President Lindner expressed the Board's support of the project. Vice President Goetz mentioned the need to identify funding for the initial development for the park.

Commissioner Flynn reentered the meeting.

### **Music Venue Agreement**

Mr. Blocher summarized the current status of the agreement which would allow development of a music venue and park at the Banks. He explained agreements have mostly been reached by involved parties and legislative approvals have occurred. He explained the basics of Music Venue Agreement is the construction of the park and how the park and music venue interact.

Mr. Blocher explained the Park Board's role and obligations within the Music Venue Agreement, including the arrangement between the parks and the music venue and how the parties will interact under the agreement. He described main points including a mutual calendar system for events and a revenue-sharing model, the obligation for music venue producers to clean up after events, and an annual contribution for maintenance and capital upkeep costs for the park.

Vice President Goetz pointed out the future partnership agreement between Parks and the venue developer (CSO/MEMI) will supersede the Entertainment Venue Development Agreement being discussed presently.

Commissioner Castellini asked Mr. Blocher to speak to the CAM charge. He explained the City negotiated it will not oppose the venue developer being released from CAM charges at the Banks if other property owners approve it. Mrs. Castellini asked the reason behind the request to be released from the CAM charge. Mr. Goetz mentioned the reason they brought forward was their non-profit status and the City agreed to it because the venue developer agreed to pay Parks' estimated costs in lieu of CAM charges. Mr. Lindner asked if the annual payment from the venue developer is a flat fee or tied to revenue. Mr. Goetz explained the payment is based on a five-year estimate for ongoing annual maintenance and potential capital infrastructure repairs. He explained the amount is set for a five-year term, after which it will be renegotiated, and there is also potential for the amount to be reconsidered sooner but this is yet to be agreed upon. Commissioner Flynn expressed the importance of knowing what is included in the estimated costs.

Mr. Flynn expressed concern regarding the funding gap for the base park and the implication that Parks is responsible for filling it. Mr. Goetz explained Parks is only obligated to meet the requirements of the base park budgeted at \$2.9 million, for which funding is available. Commissioner Flynn expressed concern regarding the cost of elements of the base park, which could be above \$2.9 million. There was further discussion regarding the need to identify funding sources for essential elements beyond the \$2.9 million, and for elements that will provide a future cost savings if included in the initial base park.

Steve Schuckman added the cost of the base park is closer to \$5 million and explained which elements could be eliminated from the base park to reduce the cost. Mr. Lindner and Mr. Shuckman referenced changes to the estimated costs and elements of the base park since Parks' involvement in the Lot 23 development discussion. There was discussion regarding the actual cost of the base park and further opportunities for negotiating further funding sources outside of the Parks budget.

Mrs. Castellini asked what would happen to the project if the Park Board did not approve the agreement at this meeting. Mr. Blocher explained the corresponding ordinance passed by City Council is contingent on Park Board approval. There was further discussion regarding potential factors that could increase estimated costs.

Mr. Blocher explained the definition of and elements within "base park" is a Park Board decision with the obligation of at least \$2.9 million. He explained impacts on the project approvals are delayed and offered possible solutions for funding the base park, including analysis of essential elements and phasing the park construction. There was discussion regarding obligations of the Park Board in approving the agreement and the definition of "base park." Mr. Blocher clarified the contractual obligation for the Park Board to commit \$2.9 million to the base park and there is a moving definition of "base park." There was further discussion regarding potential funding sources within the Parks budget to fund the base park beyond \$2.9 million, as well as the contractual and legal obligations of the Park Board if they approved entering into the present agreement. Mr. Blocher clarified at the direction of the Park Board, language could be refined to indicate a \$2.9 million construction commitment with the ability to add to that cost as elected. Commissioner Flynn suggested the Park Board should not commit to spending \$2.9 million if this amount will not afford a base park and will thus commit Parks to further costs to complete the base park.

Mr. Lindner asked what elements would be included in the base park if only \$2.9 million was committed. Mr. Schuckman clarified it would be more structural than aesthetic, but would afford trees, grass, artificial turf, and concrete surfaces. He mentioned railings were necessary for safety and to operate the outdoor venue, which can only be installed in conjunction with granite caps on the wall. Cost estimates and the timeline for certification of funds and were discussed.

Mrs. Castellini asked Craig Sherman to speak to the costs. He explained staff is evaluating funding opportunities for this project within Park Board funds. Mrs. Castellini asked if Parks could provide funding upfront and reimburse itself as funds become available. Mr. Sherman verified it is possible, but language in the ordinance may need to be edited. Potential available funding sources within Parks, as well as other major funding priorities were discussed. Mrs. Castellini mentioned this park will be revenue-generating. She posited requesting a loan from the City for additional funding beyond the \$2.9 million and Mr. Blocher clarified that would be permitted legally. Mr. Flynn further emphasized the implied future commitment and additional cost of the Park Board if the agreement is authorized. Mr. Blocher emphasized this will remain a City-controlled process.

Mr. Flynn asked if the agreement is authorized, if further approval from the Park Board would be needed to spend any portion of the \$2.9 million. Mr. Blocher answered no further approvals would be necessary for procurement. Interim Director Kish asked if the agreement as written commits the Park Board to the music venue developer's expectations of the base park. Mr. Blocher clarified the language is limited around the commitments of "base park." He furthered, the obligation would be to maintain the park to allow for outdoor concerts and remain consistent with the exhibits in the agreement.

There was discussion regarding safety concerns if some design elements and safety features are not included in the base park.

Mr. Schuckman clarified the construction contract would be presented to the Park Board for approval before being executed. Mr. Flynn and Mr. Goetz expressed this additional authorization gives the Park Board more security and leverage for future discussions regarding additional funds and park design standards.

There was discussion regarding relaying the present discussion to the Mayor and City Manager's offices. It was suggested that ongoing meetings will serve as a platform for the Interim Director and Commissioners to continue defining terms of the agreement, as well as meeting records or a letter from the Park Board.

Commissioner Castellini motioned to approve the presented music venue agreement. Vice President Goetz seconded. Motion passed by vote.

Vice President Goetz informed the Board the Bengals have proposed to the Park Board the option to enter into discussions with them regarding designs for Lot 28. He expressed the Bengal's willingness to discuss contributions toward the development of the site. There was no opposition from the Board to continue these discussions.

#### **Approval of Contract: Michael McInturf Architects**

Mr. Schuckman presented the proposal to enter into contract with Michael McInturf Architects to develop schematic design drawings and the presented scope of services for the Urban Wilderness Center in Burnet Woods.

Commissioner Flynn asked if progress had been made regarding cost sharing with the Camping & Education Foundation. Ms. Kish answered a Board update on the rough scope of the partnership agreement funding is planned for the December meeting a concept for consideration is planned for March 2020. Mr. Flynn emphasized the importance of defining the funding partnership.

Vice President Goetz motioned to approve entering into the contract as recommended. Commissioner Castellini seconded. Motion passed by vote.

#### **Approval of Consultant Engagements**

Mr. Schuckman presented two consultant engagements for projects expected to exceed \$5,000. He summarized a work order for KZF to study and design changes to the Administration Building for staff needs, as well as a work order to extend the contract term with Human Nature for Lytle Park design services.

Commissioner Flynn motioned to approve the consultant engagements as presented. Commissioner Castellini seconded. Motion passed by vote.

#### **Expansion of Hopkins Park**

Mr. Schuckman presented the need for the Department of Transportation and Engineering (DOTE) to reconfigure an intersection at Hopkins Park, which will increase park space by 3,200 square feet. He explained DOTE will fund the expansion and there will be no negative impact to the park.

Vice President Goetz motioned to accept the staff recommendation to approve the project and impacts on the park as well as enter into an interdepartmental MOU with DOTE to set project conditions consistent with the presented report. Commissioner Flynn seconded. Motion passed by vote.

Commissioner Flynn asked if the Park Board had an inventory of all City-owned Park Board managed property. Mr. Schuckman answered yes, between the City's land records and Park Board's land records, it is clear which parcels are controlled by Parks. Mr. Goetz asked information regarding Parks-maintained infrastructure was shared with the contractor for the Facilities Study. Mr. Schuckman answered yes, infrastructure responsibilities are being studied including roadways, sidewalks, and sewers outside of the right-of-way.

### **Sinclair Contract Amendment**

Rocky Merz presented the amendment and associated scope of services to the existing Sinclair Media Contract, which will add digital services.

Vice President Goetz expressed he was not previously aware the existing contract was a two-year contract and does not recall the Board's authorization of the contract. He expressed the need for the contract to remain within the parameters of the established budget. Mr. Merz confirmed staff is working within the amount appropriated by the Park Board, and the contract would not exceed \$105,000. Merz confirmed, at Mrs. Castellini's request, the presented scope of services costs less than the previous.

Vice President Goetz motioned to approve the amendment to the Sinclair Media Contract as presented. Commissioner Castellini seconded. Motion passed by vote.

### **Urban Forestry Preventative Maintenance 2020-2024 Pruning Contracts**

Craig Sherman presented the Multiple Awards Contract for preventative maintenance tree pruning and removal for all public street trees over the next three years.

Commissioner Flynn asked why pruning activities seemed to occur more often in the Central Business District and Over the Rhine areas. Kurt Kastner, North Forester for Parks, explained neighborhood pruning and removal of danger trees is on a six-year cycle which rotates through the city. He further explained, any perceived increase of pruning in one area may be a result of requests or may be another service.

President Lindner asked how the process of new plantings works. Mr. Kastner explained it is now on a request basis, or if a tree is removed, staff advise the property owners to replace it. There was further discussion regarding Urban Forestry's planting and pruning practices. Mr. Flynn emphasized the importance of Urban Forestry services offering services equally throughout the city. Mr. Kastner expressed some services are available upon request. There was further discussion regarding pruning districts and the willingness of homeowners to replant trees.

Commissioner Flynn motioned to approve the staff recommendation as presented. Commissioner Castellini seconded. The motion passed by vote.

**DIRECTOR'S REPORTS/COMMENTS**

Interim Director Kish announced upcoming events, including the Krohn Holiday Show, Krohn tree lighting ceremony, and next CPAC meeting on December 10 at 5:30 P.M. at Krohn Conservatory. She mentioned the CPAC survey that was recently administered to collect feedback.

Ms. Kish updated the Board on the successful groundbreaking for Tom Jones Commons, and announced the project will go out to bid in December. She also announced the grand opening of Westwood Town Hall and groundbreaking of the Inwood Park playground.

Ms. Kish announced the Park Board FY 2019 Annual Report is complete and will be distributed at the December meeting.

**COMMISSIONER'S COMMENTS**

Vice President Goetz thanked Parks staff for their quick response in removing tagging from Dunore Park.

There were no further comments.

**EXECUTIVE SESSION**

President Lindner motioned to enter into Executive Session pursuant to Ohio Revised Code Section 121.22(G) to consider the employment of public employees. The motion passed by unanimous roll call vote. The Board adjourned into Executive Session at 11:54 A.M.

**ADJOURNMENT**

President Lindner announced the return to an open meeting.

Meeting adjourned at 12:04 P.M.

ATTEST:

  
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PRESIDENT

  
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ACTING DIRECTOR