

**THE PORT OF GREATER CINCINNATI DEVELOPMENT AUTHORITY BOARD MEETING  
THURSDAY, SEPTEMBER 6, 2001  
TechSolve Business Park**

I. CALL TO ORDER

Jack Rouse called the September meeting of the Port of Greater Cincinnati Development Authority to order at 7:38 a.m.

II. BOARD MEMBERS PRESENT:

Bailey, Clifford  
Corathers, Robin  
Fonner, John  
George, Louis  
Humes, Tom  
Kearney, Eric  
Martin, Greg  
Miller, Norm  
Muller, Paul  
Reid, Janet  
Rouse, Jack  
Siebenburgen, David  
Vehr, Nick

ABSENT:

Byrd, Stephanie  
Hale, Joe  
Kull, Ron  
Love, Steve  
Otto, Charlotte

STAFF:

O'Hara, Annette  
Satzger, Kim  
Sharp, Tim

GUESTS:

Bibby, John	W. Bernard Kyles & Co.
Coyle, Tim	Squire, Sanders & Dempsey
DeCourcy, Debra	DPPR
Dober, Phil	Arthur Andersen
Kyles, Wylie	W. Bernard Kyles & Co., Inc.
Osborne, Kevin	Cincinnati Post
Phillips, Bonnie	City of Cincinnati - Environment Management
Ratterman, Ed	City of Cincinnati - Economic Development
Regala, Ron	City of Cincinnati - Economic Development
Richardson, Bob	City of Cincinnati - City Architect
Williams, John	Gonzalez, Saggio & Harlan

### III. APPROVAL OF MINUTES

**MOTION:** Nick Vehr moved that the minutes of the Monday, June 25, 2001 board meeting be approved. Paul Muller seconded the motion. The motion was unanimously carried.

### IV. ORDER OF BUSINESS

#### A. Organizational Update

**Tim Sharp**

Tim Sharp introduced interim staff member Annette O'Hara. She has been a tremendous asset with regard to office administration and has been managing the developer database for The Banks project. It now contains 200 interested parties. Jack Rouse mentioned that there has been a good deal of interest from small, minority, and women owned businesses. These businesses have also been incorporated into the data base.

Tim Sharp mentioned that Michio Murakishi, a graduate student at the University Of Cincinnati School Of Planning, is interning for the Port Authority and is helping with mapping and research.

Mr. Sharp outlined a number of activities with which the Port Authority has been involved since the last Board meeting. The Brownfield Strategic Plan has been completed and submitted to both the City of Cincinnati and Hamilton County as per our enabling legislation.

Tim stated that the Port Authority has been actively involved with the drafting and passage of House Bill 3 (\$200 million of Clean Ohio Fund for Brownfields). The next step is to appoint a Clean Ohio Council. Nick Vehr asked if KMK Consulting is continuing to represent the Port Authority with regard to state legislation. Tim Sharp said that KMK's contract ends September 14, 2001.

In late July, the Port Authority received four proposals for the Kemper Road development. These proposals were reviewed by the Kemper Road Review Working Group.

The Pre-submission Conference (in July) in response to The Banks RFQ was well attended. During July and August, the Port Authority had numerous phone calls and meetings with developers interested in The Banks project. The Port Authority received 12 responses to The Banks RFQ by the August 31, 2001 deadline.

Phil Dober of Arthur Andersen gave the financial report, stating that the Port Authority has a balance of \$560,000 as of July 31, 2001. Phil Dober then introduced Wiley Kyles of W. Bernard Kyles & Co. and said that his firm will perform interim payroll services for the Port Authority. Eric Kearney voiced concern about the difference between \$7,000 for Arthur Andersen and \$2,000 for Kyles and said that, though happy that a partnering arrangement has been formed, he would like to see it become more equitable in terms of the breadth and quality of work given to the Kyles firm. Tim Sharp responded that these are interim arrangements and that the partnership would be built over time and responsibilities adjusted accordingly. Each firm provides separate services, and each has a contract through January 2002.

There was further discussion of this issue with Clifford Bailey expressing concern that this partnership is not as substantial as originally hoped. Paul Muller wanted to know if these firms have partnered before and was there potential for them to work together in the future. John Fonner expressed appreciation to Eric Kearney for raising the issue and assured everyone of the Port Authority's commitment to do the right thing.

**MOTION:** Paul Muller made a motion to adopt a resolution to hire W. Bernard Kyles & Co. for interim payroll services. Nick Vehr seconded the motion. The motion was unanimously carried.

**MOTION:** Nick Vehr made a motion to adopt a resolution to extend Arthur Andersen's agreement for interim accounting services. Greg Martin seconded the motion. The motion was unanimously carried.

**B. Legal Services**

**Tim Sharp**

Tim Sharp reminded the Board that John Williams's firm (Gonzalez, Saggio, and Harlan) will partner with Squire, Sanders & Dempsey and will be the interim lead general counsel for the Port Authority.

**MOTION:** Greg Martin made a motion to adopt a resolution to extend Squire, Sanders & Dempsey's agreement for interim legal services. David Siebenburgen seconded the motion. The motion was unanimously carried.

**MOTION:** David Siebenburgen made a motion to adopt a resolution to hire Gonzalez, Saggio, and Harlan for interim legal services. Nick Vehr seconded the motion. The motion was unanimously carried.

**C. Communication Services**

**Jack Rouse**

Due to the Port Authority's recent Brownfield and Banks development activities, Jack Rouse informed the Board that Dan Pinger and Associates has been retained for interim communication services. Tim Sharp introduced Debbie DeCoursey, a representative of the Dan Pinger firm.

Nick Vehr stated that he is affiliated with Dan Pinger and Associates; and therefore, did not (nor will he in the future) participate in decisions relating to the hiring of Dan Pinger and Associates.

**D. Search Committee**

**Jack Rouse**

Jack Rouse stated that interviews have taken place and will continue. He is pleased with Kittleman & Associates' work.

Greg Martin said that the process is going very well. He expressed the need to find the right person for a start-up operation. Jack Rouse said that the field of people being considered is varied and impressive. The schedule was originally six months. However, the Search Committee has been thorough in its approach and therefore the search timeline has been extended.

Tom Humes said that the interim staff has done a good job but may need additional resources to handle the work load. Janet Reid asked if we need additional help now and how do we go about obtaining. Jack Rouse explained that the Port Authority has been conservative in spending but will probably need more help and should move forward with looking for additional interim staff support.

**E. Brownfields Update**

**John Fonner**

John Fonner thanked Robin Corathers and Tom Humes for their help and participation in the *Strategic Vision for Brownfield Redevelopment* planning process. He also indicated that there is tremendous interest in the Brownfields mission from all Board members. He thanked the Board for its support.

Robin Corathers credited Kim Satzger for her work on the document and congratulated the Brownfield Community Advisory Committee for its work.

John Fonner said the *Strategic Vision for Brownfield Redevelopment* was presented to the City of Cincinnati's Community Development Committee on September 4, 2001. The Community Development Committee approved the plan and has forwarded it to City of Cincinnati Council. He expects approval by City Council today. The strategic vision is under review by Hamilton County.

John Fonner explained that the strategic vision is a two-step process. The first step was to frame the vision for brownfield redevelopment in Hamilton County. The second step is to define the implementation strategies. The Brownfield Community Advisory Committee (BCAC) will meet in October to begin work on the second step.

The Kemper Road Request for Proposals (RFP) process was as follows:

- RFP was released in May 2001 and reviewed with developers in July.
- Four responses were received on July 30, 2001.
- Presentations were made by developers to the Kemper Road Review Working Group on August 20, 2001.
- August 30, 2001, the BCAC to review the recommendation of the Working Group.

The BCAC recommends that the Port Authority enter into "preferred developer" negotiations with Neyer Properties, Inc. for the redevelopment of 3603 East Kemper Road.

Tim Sharp said that the Neyer proposal was the most financially advantageous to the Port Authority and that they were ready to start work on the property. He also said that Neyer has a strong track record on economic inclusion (25-30% participation in the past).

There was discussion to clarify that Neyer Properties is not associated with County Commissioner Tom Neyer.

Eric Kearney said that the minutes should note that there is no connection.

Mr. Kearney then asked who would lead in developer negotiations. Tim Sharp said that he will be the lead and will be supported by legal and financial counsel.

Paul Muller stated that the process was an excellent process.

**MOTION:** Nick Vehr made a motion to adopt a resolution authorizing staff to enter into negotiations with Neyer Properties for the redevelopment of 3603 East Kemper Road. Clifford Bailey seconded the motion. The motion carried unanimously.

There was further discussion about what information should be discussed while negotiations are taking place and what information must be disclosed. Tim Coyle of Squire, Sanders & Dempsey said that the Port Authority, according to the Ohio Revised Code, is exempted from disclosing some types of information - financial information in particular.

Jack Rouse asked Nick Vehr to address the issue of campaign contributions. Nick Vehr explained that there is no legal prohibition of Port Authority Board Members making contributions to Hamilton County Commissioner and/or Cincinnati City Council candidates but that the Board may make policy recommendations regarding this issue. He suggested that the Board recommend that its members not make contributions to the above mentioned candidates to avoid the appearance of impropriety.

**MOTION:** A motion was offered by Nick Vehr that the Board adopt a policy that its members not make contributions to candidates for Hamilton County Commission or Cincinnati City Council.

Lou George expressed concern about making any recommendation officially because it might call into question the motives of those who do choose to make contributions. He suggested that just discussing the issue would be enough to make Board members sensitive to the issues.

Nick Vehr withdrew the motion.

Tom Humes said that a note should be sent to Board members stating that the issue was discussed. Nick Vehr said that he would work with Tim Sharp on such a letter.

#### **F. The Banks Update**

**Tom Humes**

Tom Humes said that the Port Authority had received a phenomenal response to The Banks Request for Qualifications (RFQ) and that the quality of the teams is very impressive. Twelve teams submitted responses and represented both local and national firms. Three teams were interested in the North of Third Area of the project. Nine teams were interested in all or portions of the total project area.

Tom Humes reviewed all the teams as summarized on the handout provided to each board member. He reminded the Board that the RFQ stated that development teams could be augmented by the Port Authority. He then explained that the development team submittals will be reviewed by a selection team. The selection team will listen to development team presentations. Following these presentations, a number of teams will be selected to submit detailed proposals in response to a Request for Proposals.

Tom Humes said that both the City of Cincinnati and Hamilton County have renewed commitment to The Banks project. Hamilton County has renewed its commitment to fund parking garages for the project, though the county does not have the money today and does not know when they will have it.

Norm Miller reminded everyone that Phase II of the project is dependent on Phase I and that it is important for board members to be ambassadors for The Banks project.

Jack Rouse said that the Port Authority would participate in the Urban Land Institute Conference in Boston.

V. ADJOURNMENT

**MOTION:** Nick Vehr made a motion to adjourn the meeting at 9:48 a.m. David Siebenburgen seconded the motion. The motion was unanimously carried.

Respectfully submitted,

Kimberly A. Satzger  
Assistant Secretary