



City of Toledo

One Government Center
Toledo, OH 43604

Agenda Review City Council

Tuesday, August 28, 2018

4:00 PM

Council Chambers

SPECIAL COUNCIL MEETING - AUGUST 21, 2018, 1:59 PM

[R-289-18](#)

Providing for the submission to the electors of the City of Toledo an amendment to the Charter of the City of Toledo creating a new Chapter XV "Regional Water Commission" providing for the formation of a Regional Water Commission, setting forth the composition of that Commission, establishing certain processes for selection of officers, conduct of Commission meetings and voting, and defining powers and duties of the Commission; and declaring an emergency.

Label: Regional Water Charter Amendment
Law
Dale Emch x2384

Attachments: [Letter from Mayor](#)
[Exhibit A](#)
[FINAL-REVISED Regional Water Commission Charter Amendr](#)

Legislative History

7/31/18	City Council	First Reading
8/14/18	City Council	held

[O-324-18](#)

Granting a Special Use Permit for a Solar Energy Facility for a site located at 1000 Jeep Parkway in the City of Toledo, Lucas County, Ohio; subject to certain conditions and waivers; declaring an emergency.

Body: SUMMARY & BACKGROUND:
By application (SUP-6007-18) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a Solar Energy

Facility for a site located at 1000 Jeep Parkway, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation. Ordinance 279-18, passed on July 17, 2018 waived the 30 day period between the Plan Commission hearing and the Zoning and Planning Committee.

On July 25, 2018, the Toledo City Plan Commission recommended approval for a Special Use Permit for a Solar Energy Facility for a site located at 1000 Jeep Parkway, in the City of Toledo, Lucas County, Ohio.

On August 13, 2018, Toledo City Council, Planning and Zoning Committee reviewed a Special Use Permit for a Solar Energy Facility for a site located at 1000 Jeep Parkway, City of Toledo, Lucas County, Ohio; and all other things required by law to be done, have been done.

Label: Zoning & Planning Committee

Attachments: [Plan Commission Report](#)

Legislative History

8/14/18	City Council	immediate consideration
8/14/18	City Council	emergency measure
8/14/18	City Council	pass
8/14/18	City Council	Suspend the rules

COUNCIL MEMBER SPANG PRESENTS:

[TMP-3088](#) **Recognize UT student athlete Janelle Noe.**

Label: Council Member Spang

SECOND READING ITEMS:

[O-288-18](#) **Authorizing the Mayor to disappropriate, appropriate and expend \$20,000 of Community Development Block Grant (CDBG) funds from the U.S. Department of**

Housing and Urban Development (HUD) for a contribution to YWCA Northwest Ohio for television and radio time for the No More video, Domestic Violence and Sexual Assault Campaign; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

The YWCA Northwest Ohio, fiscal agent of the local No More Domestic Violence and Sexual Assault Campaign, has requested funding to sustain the local No More campaign. This is a national and global program supporting local non-profits in their efforts to reduce domestic violence and sexual assault. The goal is to raise awareness about the seriousness of domestic violence and sexual assault, publicize community resources for both the victim and batterer, reduce stigma, and reduce the number of incidents of domestic violence and sexual assault in Toledo. Foremost is the commitment to save lives.

The YWCA Northwest Ohio has requested \$20,000 from the City to buy television and radio time to air the No More video. City Council desires to contribute to this most worthy cause.

Label: Councilman Riley

Legislative History

7/31/18	City Council	First Reading
8/14/18	City Council	amend
8/14/18	City Council	pass
8/14/18	City Council	emergency measure

[O-294-18](#)

Authorizing the Mayor to enter into a Real Estate Purchase Agreement with Uptown Place, LLC and to execute and deliver needed instruments for the sale and conveyance of certain city-owned real property at 336 14th Street in the City of Toledo, Lucas County, Ohio; waiving the competitive bidding and advertising provisions of TMC 187.19; authorizing the deposit of net sale proceeds; authorizing the Mayor to execute and deliver the needed instruments to release the mortgage in whole, on the Low-Income Housing Tax Credit

Project for the 52-unit multi-family rental housing complex called Uptown Arts Apartments; making certain findings with respect thereto; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

The City of Toledo is the fee simple owner of certain real property located at 336 14th Street in the City of Toledo, Lucas County, Ohio. The property consists of one parcel (TD 15-50317) and is approximately 0.8982 acres of land. The improvement on the real property is currently owned by Adams Street Limited Partnership, LLC. It is known as the Uptown Arts Apartments, which is a 52-unit affordable multi-family complex consisting of one-, two-, and three-bedroom garden and townhouse style apartments.

In order to facilitate the development of the complex in the early 2000s, the City entered into a 90 year ground lease agreement with Adams Street Limited Partnership, LLC and provided a HOME Investment Partnerships Program loan to assist in the financing of the project. In exchange for the HOME loan a certain number of units are required to be affordable for a period of time.

In addition to the City's assistance, the project was awarded Low-Income Housing Tax Credits. The Low-Income Housing Tax Credit program (LIHTC) is a public policy tool used to provide funding for the development of affordable housing. The federal government allows developers of particular affordable-housing projects to sell tax credits to investors to provide the capital necessary to build the project. In exchange for the LIHTC a certain number of units are required to be affordable for a period of time.

Adams Street Limited Partnership, LLC, the current owner of the improved property, intends to sell its interests to Uptown Place, LLC. The prospective buyer wishes to acquire the City's fee simple interest in order to obtain primary financing for the acquisition and redevelopment of the structure. The purchase price for the City's fee simple interest is \$10.00 (ten dollars).

Uptown Place, LLC, whose sole Member is Watermark Partners Fund IV, LLC owns approximately 1,000 multi-family units in the Toledo area. The purchaser intends to modernize the complex while keeping existing residents in place and adhering to the affordability requirements stipulated by the Ohio Housing Finance Agency and City of Toledo.

As part of the agreement to release the mortgage, the City of Toledo Department of Neighborhoods is requiring that five (5) of the units remain affordable to tenants earning less than or equal to 60% of Area Median Income (AMI). Rent restrictions will remain on the five units until December 31, 2022. The City's rent restrictions are in addition to those stipulated by OHFA, which are outlined in the attached Fourth Amendment.

Uptown Place, LLC's development proposal benefits the community by improving the quality of the neighborhood through comprehensive capital investments and protecting the existing residents either at or above the standards set by relevant housing authorities.

Label: DEBD 336 14th Street Property Sale
Development / Real Estate
WJ Burkett (x1692)
Revised

Attachments: [Watermark Partners](#)
[Exhibit A](#)
[OHFA Fourth Amendment](#)

Legislative History

7/31/18	City Council	First Reading
8/14/18	City Council	emergency measure
8/14/18	City Council	pass

[O-312-18](#)

Authorizing the Mayor to enter, execute and deliver a Real Estate Purchase Agreement and other needed instruments for the sale and conveyance of 2231, 2235, 2237, 2241 & 2243 Bakewell Street to Tracey K. Britt; authorizing the deposit of net sale proceeds;

making certain findings with respect thereto; waiving the notice and bidding provisions of T.M.C. 187.19; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

The City operates a Land Reutilization Program pursuant to Section 187.19(a) of the Toledo Municipal Code which authorizes the City to accept nonproductive land and dispose of same pursuant to Chapter 5722 of the Ohio Revised Code. The Department of Economic & Business Development oversees the review and processing of the program. Tracey K. Britt of 3920 Fairwood Drive, Sylvania, Ohio 43560, has approached the City with the desire to acquire the vacant landbank parcels at 2231, 2235, 2237, 2241 and 2243 Bakewell Street to create a park for the neighborhood kids to enjoy. The intent for the park would include a mini “Safety City” educational course, play area and benches for parents to watch their children at play. Ms. Britt is currently the Community Services Officer assigned to East Toledo and with a focus on sustainability the property would be improved using Crime Prevention Through Environmental Design (CPTED) principles. The negotiated sale price for each parcel is One Hundred and Fifty Dollars (\$150.00) plus recording and transfer fees.

Label: DEBD LBSale2231,2235,2237,2241&2243Bakewell/Britt
Development / Real Estate
WJ Burkett (x1692) cw/tk
July 16, 2018

Attachments: [Exhibit A & B](#)

Legislative History

8/14/18	City Council	Suspend the rules
8/14/18	City Council	emergency measure
8/14/18	City Council	pass

NEW ITEMS FROM CITY COUNCIL:

[TMP-3089](#)

Accepting the petition of Craig A. Thompson for special assessments for various special energy improvement projects in accordance with Chapters 1710 and 727 of the Ohio Revised Code; declaring the necessity of

proceeding with the special energy improvement projects and approving the plans and specifications therefor; stating the method for making the special assessments against the benefitted properties and the amount of such special assessments; and declaring an emergency.

Label: All Council Members

Attachments: [Exhibit A, B & C](#)
[Petition](#)
[Agreement](#)

[TMP-3090](#)

Determining to proceed with certain 308 Mont Royal Dr., Toledo, OH 43608 Special Energy Improvement Projects by way of special assessments in accordance with Chapters 1710 and 727 of the Ohio Revised Code; and declaring an emergency.

Label: All Council Members

Attachments: [Exhibit A, B & C](#)

[TMP-3091](#)

Levying special assessments for the 308 Mont Royal Dr, Toledo, OH 43608 Special Energy Improvement Project; and declaring an emergency.

Label: All Council Members

Attachments: [Exhibit A, B & C](#)

TOLEDO MUNICIPAL COURT:

[TMP-3092](#)

Authorizing an agreement with the Lucas County Board of Commissioners for provision of addiction diversion program services to Toledo Municipal Court through the Lucas County Correctional Treatment Services Program; authorizing the expenditure of \$516,457.00; waiving the requirements of TMC 187 and making certain findings with respect thereto; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

This Ordinance authorizes an agreement between Toledo Municipal Court and the Lucas County Board of County Commissioners for the provision of addiction diversion program services to criminal defendants in the Toledo Municipal Court. The Agreement is for a one-year term with an option to extend the agreement for an additional two years subject to the availability of funds.

Label: Addiction Diversion Program Services
Toledo Municipal Court
C. Lisa Falgiano (x1949)

[TMP-3093](#)

Authorizing an agreement with TASC of Northwest Ohio, Inc. for provision of drug and alcohol case management services to Toledo Municipal Court; authorizing the expenditure of \$87,875.00; waiving the requirements of TMC 187 and making certain findings with respect thereto; and declaring an emergency.

Body: SUMMARY & BACKGROUND:
This Ordinance authorizes an agreement between Toledo Municipal Court and TASC of Northwest Ohio, Inc. for the provision of drug and alcohol case management services for criminal defendants in the Toledo Municipal Court. The Agreement is for a one-year term with an option to extend the agreement for an additional two years subject to the availability of funds.

Label: Alcohol Case Management Services
Toledo Municipal Court
C. Lisa Falgiano (x1949)

DEPARTMENT OF FINANCE:

1. [TMP-3102](#) **Providing for the issuance and sale of \$1,385,000 of notes, in anticipation of the issuance of bonds, to pay costs of constructing and reconstructing sidewalks, including, where necessary, driveway aprons, between certain termini on certain designated streets; and declaring an emergency.**

Body: SUMMARY & BACKGROUND:
This ordinance authorizes the issuance of general obligation bond anticipation notes that the City plans to sell in October of 2018. The

amount received from the sale of the notes authorized by this ordinance will be used, together with other funds, to retire a prior sidewalk improvement note maturing on October 18, 2018 and to provide funding for a portion of the City's 2018 Sidewalk Program. With the issuance of these notes and the retirement of the prior note, the City's outstanding debt for sidewalk improvements will be increased by a net amount of \$110,000. This additional amount will affect debt limits. Pursuant to Ordinance No. 356-17 passed August 22, 2017, a note in anticipation of bonds in the amount of \$1,275,000 dated as of October 18, 2017, (the Outstanding Note) was issued for the purpose described in Section 1, which Outstanding Note is to mature on October 18, 2018.

This Council finds and determines that the City should retire the Outstanding Note with the proceeds of the Notes described in Section 3 and other funds available to the City and provide an additional \$560,000 for costs of the City's 2018 Sidewalk Program.

The Director of Finance as fiscal officer of this City has certified to this Council that the estimated life or period of usefulness of the improvements described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is twenty years, less the period in excess of twenty years during which notes are outstanding in anticipation thereof, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is October 21, 2034.

Label: Dept. of Finance

DEPARTMENT OF HUMAN RESOURCES:

2. [TMP-3103](#) **Authorizing the mayor to enter into an agreement with HealthScope Benefits, Inc. for the provision of Third Party Administrator Services related hospitalization, surgical-medical, major medical, and medical management services for the City of Toledo's covered employees for a period of three (3) years; and further authorizing the expenditure of funds; and declaring an emergency.**

Body: SUMMARY & BACKGROUND:

The City of Toledo's contract with HealthScope Benefits, Inc., the incumbent Third Party Administrator expires on September 30, 2018.

The City of Toledo's Human Resources Department sought competitive proposals in accordance with law and received eight (8) responsive proposals for third party administration services. The Human Resources Department reviewed each proposal, with consultation from representatives of the Law and Finance Departments, Risk Management and an external consultant, and determined that HealthScope Benefits, Inc. presented the best proposal. The Health Care Cost Containment Committee also recommended that the city continue with this provider. It is estimated that the administrative fee cost associated with this agreement will be approximately \$321,750, year one; \$347,490 year two; and \$373,230 year three.

Label: HealthScope Benefits
Human Resources
C.W. Brown (x1563)
(Revised)

Attachments: [Calvin W. Brown memo](#)
[Review Summary](#)

3. [TMP-3104](#)

Authorizing the mayor to enter into an agreement with FrontPath Health Coalition for the provision of preferred provider network services related to hospitalization, surgical-medical, major medical, and medical management for the city of Toledo's covered employees for a period of three (3) years; and further authorizing the expenditure of funds; and declaring an emergency.

Body: SUMMARY & BACKGROUND:
The city of Toledo's contract with FrontPath Health Coalition, the incumbent preferred provider organization, expires on September 30, 2018.

The city of Toledo's human resources department sought competitive proposals in accordance with law and received eight (8) responsive

proposals for a preferred provider organization. The human resources department reviewed each proposal, with consultation from representatives of the law and finance departments, risk management and an external consultant, and determined that FrontPath Health Coalition presented the lowest and best proposal. The Health Care Cost Containment Committee also recommended that the city continue with this provider. It is estimated that the administrative fee cost associated with this agreement will be approximately \$180,180 per year for three (3) years.

Label: FrontPath Health Coalition
Human Resources
C.W. Brown (x1563)
(Revised)

Attachments: [Calvin W. Brown memo](#)
[Review Summary](#)

DEPARTMENT OF POLICE OPERATIONS:

4. [TMP-3105](#) **Authorizing the mayor to enter into a School Resource Officer Program agreement with Toledo Public Schools and to accept and deposit \$217,265.03 into the General Fund in payment for services provided by Toledo Police Department; and declaring an emergency.**

Body: SUMMARY & BACKGROUND:
The Toledo Police Department has developed a successful School Resource Officer Program, which will assign 6 officers to certain Toledo Public Schools. The Toledo Public Schools has agreed to provide an amount of \$217,265.03 to continue funding the program for the 2018-2019 school years. That amount represents one-half the salary and benefits of the officers assigned to Toledo Public Schools for the nine month school year. TPS has paid one-half of the salaries since the 1999-2000 school years.

Label: TPS SRO 2018-2019 (\$217,265.03)
Toledo Police Department
Lt. James Brown (x3203)
(Revised)

5. [TMP-3106](#) **Authorizing the mayor to enter into a School Resource Officer Program agreement with the Washington Local Schools and to accept and deposit \$36,210.84 into the General Fund in payment for services provided by Toledo Police Department; and declaring an emergency.**

Body: SUMMARY & BACKGROUND:

The Toledo Police Department has developed a successful School Resource Officer Program, which assigns an officer to Washington Local Senior and Junior High Schools. Washington Local Schools has agreed to provide an amount of \$36,210.84 to continue funding the program for the 2018-2019 school years. That amount represents one-half the salary and benefits of the officer assigned to Washington Local Schools for the school year (nine months). Washington Local Schools has paid one-half of the salaries since the 1999-2000 school years.

Label: Washington Local Schools SRO 2018-2019 (\$36,210.84)
Toledo Police Department
Lt. James Brown (x3203)
(Revised)

6. [TMP-3107](#) **Authorizing the Mayor to enter into an agreement with Bio Clean Team Inc. for emergency decontamination services from a hazardous material incident; authorizing the expenditure of funds not to exceed \$10,610 from the General Fund; waiving the competitive bidding requirements of TMC Chapter 187; and declaring an emergency.**

Body: SUMMARY & BACKGROUND:

On July 25, 2018, Toledo Police Department officers responded to an overdose on Rolland Drive. During the incident, officers, their equipment and vehicles were contaminated with fentanyl. Several companies were contacted and only two had the capability to handle fentanyl. Of the two companies, Bio Clean was the only company that had the capability to do onsite decontamination. The other company was located south of Indianapolis and would require the City of Toledo to send the equipment to their facility in Indiana. Due to the immediate hazard to officers and the public, Bio Clean responded to

Toledo and conducted an immediate decontamination.

Label: Hazardous Material Decontamination
Toledo Police Department
Lt. James Brown (x3203)
Revised

Attachments: [TPD After-Action Report](#)

DEPARTMENT OF PUBLIC UTILITIES:

7. [TMP-3108](#) **Authorizing the mayor to enter into agreements, accept and deposit loan proceeds in an amount not to exceed \$2,560,810 from the Ohio EPA Water Pollution Control Loan Fund (WPCLF) into the Sanitary Sewer Replacement Loan Fund for the International Park Storage Basin Project; authorizing the appropriation and expenditure of \$2,560,810 from the Sanitary Sewer Replacement Fund; authorizing the appropriation and expenditure of \$20,000 from the Sanitary Sewer Replacement Fund for the payment of loan administration fees and miscellaneous project costs; authorizing various adjustments and transfers of expense to comply with the loan agreement; authorizing a dedicated source for repayment of said loan; authorizing the mayor to accept bids and enter into contracts; and declaring an emergency.**

Body: SUMMARY & BACKGROUND:
This ordinance authorizes the mayor to apply for, enter into agreements, accept and deposit up to a \$2,560,810 supplemental loan from the Ohio EPA WPCLF for the International Park Storage Basin Project. It further dedicates a source of funds for repayment of the loan, and appropriates \$20,000 to pay loan application fees and miscellaneous non-loan funded project costs. It authorizes the mayor to accept bids and enter into contracts for the project. The International Park Storage Basin project, as part of the Toledo Waterways Initiative, includes construction of a basin, a dewatering pump station, outfall, diversion structures and conveyance piping in order to meet the requirements of the city's Consent Decree. Differing

site conditions during tunneling operations have resulted in significant construction extras. Also, OEPA has approved the inclusion of the pavement reconstruction for the north half of Richard W. Boers Drive into the project's roadway restoration. In addition, the MLK bridge closure to install the 84" diameter pipe across Main Street was postponed to September 24, 2018 to ease the construction burden on local businesses, resulting in an extended contract duration and additional professional services. These items along with other necessary miscellaneous field adjustments have exhausted the original loan proceeds authorized by Ordinance 28-16 and caused the need for a supplemental loan to cover the additional costs. The Ohio EPA indicated that the existing WPCLF loan for this project could be amended to fund these additional construction costs.

Label: DPU082818InternationalParkStorageBasin
Toledo Waterways Initiative
Julie Cousino (x3671)
(Revised)

8. [TMP-3109](#)

Authorizing the mayor to enter into an agreement with PFM Solutions LLC. for the use of the Whitebirch™ Service Software and the Whitebirch Financial Modeling Platform in the Division of Utilities Administration for a period up to three years; waiving competitive bid requirements of TMC Chapter 187; authorizing the appropriation of \$52,084 from the Water Replacement Fund and \$52,084 from the Sewer Replacement Fund; authorizing the operating transfer of said funds to the Water Operating Fund and Sewer Operating Fund; authorizing the appropriation and expenditure of \$52,084 in the Water Operating Fund for Whitebirch implementation and subscription fees; authorizing the appropriation and expenditure of \$52,084 in the Sewer Operating Fund for Whitebirch implementation and subscription fees; authorizing the expenditure of \$50,000 for the annual subscription fee, subject to future appropriation; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

The Division of Utilities Administration currently utilizes a program now

called FuturePerfect for financial modeling. The cloud-based Whitebirch system would replace FuturePerfect and PFM would apply any unused subscription fee towards the use of Whitebirch. This form of financial modeling platform helps to design, build, manage, and validate projections with use of different scenarios. In the future Water and Sewer Operating Budgets, \$50,000 would be included for the annual access fee.

Label: DPU082818PFMWhitebirch
Utilities Administration
Ed Moore (x1845)
Revised

9. [TMP-3110](#)

Authorizing the mayor to execute a contract with Johnson Controls, Inc. and all documents necessary and proper for Automatic Meter Reading / Advanced Metering Infrastructure (AMR/AMI) and Leak Detection Project Development; authorizing the expenditure of \$350,000 from the Water Replacement Fund and authorizing the expenditure of \$350,000 from the Sewer Replacement Fund and authorizing the expenditure of same; and declaring an emergency.

Body: SUMMARY & BACKGROUND:
Bids for a performance contract for an Automated Meter Reading (AMR)/Advanced Metering Infrastructure (AMI) and Leak Detection System for the Division of Water Distribution have been received and Johnson Controls, Inc. (JCI) has been selected as the lowest and best bidder. The main objective of this project development contract is to develop a performance contract to modify the city's existing domestic water meter system to include the replacements of selected water meters, the implementation of Automated Meter Reading (AMR)/Advanced Metering Infrastructure (AMI), leak detection, and the interface to the existing Department of Public Utilities billing system. The project development will result in a detailed evaluation of a representative sample of the city's utility meters and meter data acquisition system (collectively "the system") to determine the efficiency of the system and to identify improvements and operational efficiency measures, procedures and other services provided by JCI in order to improve the system's infrastructure, reduce operating costs,

and provide real-time utility consumption and cost data. The results of this project development contract will be used as a guide for future implementation of the projects and water service expansions. This is necessary to maintain safe, reliable service.

Label: DPU082818AMR/AMIandLeakDetectionProjectDevelopment
Water Distribution
Abed Semaan (x1702)
Revised

10. [TMP-3111](#)

Authorizing the mayor to enter into a contract with Pollardwater for Leak Detection Equipment and Pipe Locators for the Division of Water Distribution; authorizing expenditures in an amount not to exceed \$86,225 from the Water Operating Fund; and declaring an emergency.

Body: SUMMARY & BACKGROUND:
This ordinance authorizes expenditures for the purchase of leak detection equipment and pipe locators. Bids have been received with Pollardwater having the lowest and best bid. Funding in the amount of \$86,225 for this purchase has been planned for in the 2018 Operating Budget. This equipment is necessary to maintain safe, reliable water service in the City of Toledo service area.

Label: DPU08282018LeakDetectionEquipmentandPipeLocators
Water Distribution
Christy Soncrant (x2826)
Revised

11. [TMP-3112](#)

Authorizing the appropriation of \$74,200 from the unappropriated balance of the Storm Water Replacement Fund; authorizing the operating transfer of \$74,200 to the Storm Water Operating Fund; authorizing the expenditure of \$74,200 from the Storm Water Operating Fund for supporting Phase II of the Nutrients Sources and Amounts Assessment Plan; waiving competitive proposal requirements of TMC Chapter 187; and declaring an emergency.

Body: SUMMARY & BACKGROUND:
The city of Toledo, Lucas County Commissioners and the Lucas

County Sustainability Commission would like to use a phased approach to identify, quantify, and reduce the impacts from nutrient sources potentially contributing to Harmful Algal Blooms (HABs) in the Western Lake Erie Basin. Strategy will be consistent with the USEPA's Nine Element Watershed Plan Requirements for Impaired Waters. EPA requires that nine elements be addressed in watershed plans funded with incremental Clean Water Act Section 319 funds and strongly recommends that they be included in all other watershed plans intended to address water quality impairments. This funding will provide the modeling that is necessary for the project.

This ordinance is for Phase II of the Nutrients Sources and Amounts Assessment and significantly impacts NW Ohio financially as it relates to clean drinking water and improved lake conditions which directly affect the fishing/tourism industry.

Label: DPU082818WLEBNSAA
Environmental Services
Jeanette Ball (x3951)
(Revised)

12. [TMP-3113](#)

Authorizing the director of law to proceed with the appropriation of a portion of the property located at 5074 Monroe Street, required for the Monroe Street Safety Improvement Project; authorizing the expenditure and payment to the Lucas County Clerk of Courts in the amount of \$31,413; and declaring an emergency.

Body: SUMMARY & BACKGROUND:
The city is proceeding with the construction of certain safety improvements along portions of Monroe Street, from Flanders Road to Secor Road. Some of the improvements to be constructed as part of this public improvement project will include reconstruction of Monroe Street roadway, construction center medians to restrict and limit left turns at certain areas, construction of designated turn lanes at certain intersections, and other necessary and related pedestrian walkway, utility and infrastructure improvements along Monroe Street between Flanders Road and Secor Road. The project will require the purchase of a total of 0.3408 acre of land, more or less, of which the

present road occupies 0.3088 acre of land, more or less, for a net take area of 0.0320 acre of land more or less, in fee, and also requiring the purchase of a temporary construction easement consisting of 0.0149 acre of land, more or less, across portions of the property located at 5074 Monroe Street (TD Parcel 22-12371). This appropriation is necessary because negotiations between the city of Toledo and the owner and/or other parties with interests in the subject property have failed. A copy of Resolution No. 266-18 has been served upon the title holder, as well as all other interested parties, via certified U.S. mail. It is the intent of the Division of Engineering Services to begin work related to the public improvement project as soon as possible upon the filing of the petition in Common Pleas Court, via “Quick Take” procedures. The funds necessary for this expenditure were anticipated and budgeted within the Franklin Park/Westfield Municipal Public Improvement Tax Increment Fund.

Label: DPU091118APPROPRIATE5074MONROE
DPU Admin for Engineering Services
Jamie Miller (x1409)
(Revised)

Attachments: [Exhibit A](#)

13. [TMP-3114](#) **Authorizing the director of law to proceed with the appropriation of a portion of the property located at 3188 S. Byrne Road, required for the S. Detroit and Byrne Roadway and Intersection Improvement Project; authorizing the expenditure and payment to the Lucas County Clerk of Courts in the amount of \$16,572; and declaring an emergency.**

Body: SUMMARY & BACKGROUND:
The city is proceeding with the reconstruction of S. Detroit Avenue from the Anthony Wayne Trail to Copland Boulevard. Some of the improvements to be constructed as part of this public improvement project will include a complete reconstruction of Detroit Avenue roadway pavement, the construction of a single lane roundabout at the intersection of Byrne Road, and other necessary and related pedestrian walkway, utility and infrastructure improvements along Detroit Avenue between the Anthony Wayne Trail and Copland Boulevard. The

project will require the purchase of .0529 acre of land, more or less, in fee, across a portion of the property located at 3188 S. Byrne Road (TD Parcel 10-19161). This appropriation is necessary because negotiations between the city of Toledo and the owner and/or other parties with interests in the subject property have failed. A copy of Resolution No. 290-18 has been served upon the title holder, as well as all other interested parties, via certified U.S. mail. It is the intent of the Division of Engineering Services to begin work related to the public improvement project as soon as possible upon the filing of the petition in Common Pleas Court, via “Quick Take” procedures. The funds necessary for this expenditure were anticipated and budgeted within Engineering Services Matches and Planning CIP Fund.

Label: DPU082818APPROPRIATE3188BYRNE
DPU Admin for Engineering Services
Jamie Miller (x1409)
(Revised)

Attachments: [Exhibit A](#)

14. [TMP-3115](#)

Authorizing the director of law to proceed with the appropriation of a portion of the property located at 4346 S. Detroit, required for the S. Detroit and Byrne Roadway and Intersection Improvement Project; authorizing the expenditure and payment to the Lucas County Clerk of Courts in the amount of \$111,637; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

The city is proceeding with the reconstruction of S. Detroit Avenue from the Anthony Wayne Trail to Copland Boulevard. Some of the improvements to be constructed as part of this public improvement project will include a complete reconstruction of Detroit Avenue roadway pavement, the construction of a single lane roundabout at the intersection of Byrne Road, and other necessary and related pedestrian walkway, utility and infrastructure improvements along Detroit Avenue between the Anthony Wayne Trail and Copland Boulevard. The project will require the purchase of a total of 0.0836 acre of land, more or less, of which the present road occupies 0.0141 acre of land, more or less, for a net take area of 0.0695 acre of land, more or less,

in fee, and also requiring the purchase of a temporary construction easement consisting of 0.0585 acre of land, more or less, across portions of the property located at 4346 S. Detroit (consisting of TD Parcels 07-08244 and 07-08217). This appropriation is necessary because negotiations between the City of Toledo and the owner and/or other parties with interests in the subject property have failed. A copy of Resolution No. 291-18 has been served upon the title holder, as well as all other interested parties, via certified U.S. mail. It is the intent of the Division of Engineering Services to begin work related to the public improvement project as soon as possible upon the filing of the petition in Common Pleas Court, via “Quick Take” procedures. The funds necessary for this expenditure were anticipated and budgeted within the Engineering Services Matches and Planning CIP Fund.

Label: DPU082818APPROPRIATE4346DETROIT
DPU Admin for Engineering Services
Jamie Miller (x1409)
(Revised)

Attachments: [Exhibit A](#)

DEPARTMENT OF PUBLIC SERVICE:

15. [TMP-3116](#) **Authorizing the expenditure of \$230,000 from the Capital Improvement Fund for the reconfiguration of the traffic signals on Huron Street from Adams Street to Cherry Street in order to accommodate a two-way traffic pattern; authorizing the Mayor to accept bids and award contracts for said purchases; and declaring an emergency.**

Body: SUMMARY & BACKGROUND:
The 2018 CIP Budget contains funding for the below listed projects to be undertaken by the Division of Transportation. To allow for timely project initiation, coordination, and execution of construction activities, it is necessary to proceed with authorization of expenditure of funds.

Label: DPS 2018 CIP Huron Street Two-Way Conversion \$230,000
Division of Transportation
John Cromly (x2290)/Paul Rasmusson (x7868)

Revised

16. [TMP-3117](#)

Authorizing the expenditure of \$176,000 from the Capital Improvement Fund for the reconfiguration of the traffic signal at Dorr and Hawley to accommodate the entrance to the new Mott Branch Library; authorizing the mayor to accept bids and award contracts for said purchases; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

The 2018 CIP Budget contains funding for the below listed projects to be undertaken by the division of transportation. To allow for timely project initiation, coordination, and execution of construction activities, it is necessary to proceed with authorization of expenditure of funds.

Label: DPS 2018 CIP Dorr and Hawley Traffic Signal \$176,000
Division of Transportation
John Cromly (x2290), Paul M. Rasmusson (x7868)
(Revised)

THE CLERK REPORTS:

[TMP-3094](#)

Declaring the intent to vacate Riverside drive located within the City of Toledo, Lucas County, Ohio; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

Petitioner has filed a request to vacate the full right-of-way, Riverside Drive, in the City of Toledo, Lucas County, Ohio.

Label: The Clerk Reports

COUNCIL PRESIDENT CHERRY, CHAIR, ZONING & PLANNING COMMITTEE, REPORTS AS APPROVED:

[TMP-3095](#)

Changing the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 2757 Gardengate Place, in the City of Toledo, Lucas County, Ohio; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

An application (Z-4003-18) for a proposed change in zoning for the

property located at 2757 Gardengate Place, Toledo, Ohio, was submitted to the Toledo City Plan Commission for its review and recommendation.

On July 12, 2018, the Toledo City Plan Commission recommended approval of the request for a zone change from “RD6” Duplex Residential to “RM12” Multi Dwelling Residential for the property located at 2757 Gardengate Place, Toledo, Ohio.

The City Council Zoning and Planning Committee on August 15, 2018, sent as approved the request for a zone change from “RD6” Duplex Residential to “RM12” Multi Dwelling Residential for the property located at 2757 Gardengate Place, Toledo, Ohio.

Label: Zoning & Planning Committee

Attachments: [Plan Commission Report](#)

[TMP-3096](#)

Granting an amendment to a Planned Unit Development for a Community Center for the site located at 2757 Gardengate place, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and waivers; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

An application (PUD-4004-18) for an amendment to a Planned Unit Development for the site located at 2757 Gardengate Place, in the City of Toledo, Lucas County, Ohio, was submitted to the Toledo City Plan Commission for its review and recommendation.

On July 12, 2018, the Toledo City Plan Commission recommended approval of the request for an amendment to a Planned Unit Development for the site located at 2757 Gardengate Place, in the City of Toledo, Lucas County, Ohio.

The City Council Zoning and Planning Committee on August 15, 2018, sent as approved the request for an amendment to a Planned Unit Development for the site located at 2757 Gardengate Place, in the City of Toledo, Lucas County, Ohio.

Label: Zoning & Planning Committee

Attachments: [Plan Commission Report](#)

[TMP-3097](#)

Changing the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 614 & 618 Washington Street and 14 N Erie Street, in the City of Toledo, Lucas County, Ohio; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

An application (Z-5005-18) for a proposed change in zoning for the property located at 614 & 618 Washington Street and 14 N Erie Street, Toledo, Ohio, was submitted to the Toledo City Plan Commission for its review and recommendation.

On July 12, 2018, the Toledo City Plan Commission recommended approval of the request for a zone change from “IL” Limited Industrial to “CD” Downtown Commercial for the property located at 614 & 618 Washington Street and 14 N Erie Street, Toledo, Ohio.

The City Council Zoning and Planning Committee on August 15, 2018, sent as approved the request for a zone change from “IL” Limited Industrial to “CD” Downtown Commercial for the property located at 614 & 618 Washington Street and 14 N Erie Street, Toledo, Ohio.

Label: Zoning & Planning Committee

Attachments: [Plan Commission Report](#)

[TMP-3098](#)

Granting a Special Use Permit for a Type A Family Day Care for a site located at 3104 Nebraska Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and waivers; declaring an emergency.

Body: SUMMARY & BACKGROUND:

By application (SUP-3003-18) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a Type A Family Day Care for a site located at 3104 Nebraska Avenue, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On July 12, 2018, the Toledo City Plan Commission recommended approval for a Special Use Permit for a Type A Family Day Care for a site located at 3104 Nebraska Avenue, in the City of Toledo, Lucas County, Ohio.

On August 15, 2018, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a Special Use Permit for a Type A Family Day Care for a site located at 3104 Nebraska Avenue, City of Toledo, Lucas County, Ohio; and all other things required by law to be done, have been done.

Label: Zoning & Planning Committee

Attachments: [Plan Commission Report](#)

[TMP-3099](#)

Changing the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 4112 Jackman Road, in the City of Toledo, Lucas County, Ohio; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

An application (Z-5006-18) for a proposed change in zoning for the property located at 4112 Jackman, Toledo, Ohio, was submitted to the Toledo City Plan Commission for its review and recommendation.

On July 12, 2018, the Toledo City Plan Commission recommended approval of the request for a zone change from “RD6” Duplex Residential to “POS” Parks and Open Space for the property located at 4112 Jackman Road, Toledo, Ohio.

The City Council Zoning and Planning Committee on August 15, 2018, sent as approved the request for a zone change from “RD6” Duplex Residential to “POS” Parks and Open Space for the property located at 4112 Jackman Road, Toledo, Ohio.

Label: Zoning & Planning Committee

Attachments: [Plan Commission Report](#)

[TMP-3100](#)

Amending Toledo Municipal Code, Part Eleven,

**Planning and Zoning, Chapters 1104, 1107 and 1116
for Special Use Permit (SUP) for Sweepstake Terminal
Cafes; and declaring an emergency.**

Body: SUMMARY & BACKGROUND:
Use Regulations

Currently the Zoning Code categorizes Sweepstake Terminal Cafes under the Indoor Sports and Recreation, Participant use category which is permitted by right within the Regional Commercial (CR), Downtown Commercial (CD), and Limited Industrial (IL) zoning districts. Other than complying with the appropriate zoning classification, there is little land use regulation on Sweepstake Terminal Cafes. As a result, the proposed Text Amendment will require Sweepstake Terminal Cafes to obtain a Special Use Permit and only locate in the CR zoning district. Additionally, new use regulations for Sweepstake Terminal Cafes would be enacted under TMC§1104.2500, including hours of operation and spacing requirements intended to enhance the existing licensing requirements.

As stated in TMC Part Seven: Business Regulation Code Chapter 736.03(a), a Sweepstake Terminal Cafe is required to obtain an annual license from the City of Toledo Department of Finance, Division of Taxation and Treasury. Included in TMC Part Seven is the regulation of Sweepstake Terminal Cafe locations. As listed in Chapter 736.06(a), no license shall be granted to a Sweepstake Terminal Cafe that is within 500 feet from the boundaries of a parcel of real estate having situated on it a school, public library, public playground.

The proposed Text Amendment applies additional spacing limitations on the locations of Sweepstake Terminal Cafes that is consistent with other commercial uses which have the potential to create negative secondary effects on surrounding property owners and/or neighborhood. The proposed spacing requirement is similar to the existing regulations for Convenience Stores and would require Sweepstake Terminal Cafes to be at least 2,000 feet from any existing establishment and 1,000 feet from any school, public park, public

library, licensed child day care center, or other use established specifically for the activities of minors.

Parking Requirements

The proposed Text Amendment will provide parking requirements for Sweepstake Terminal Cafes within TMC§1107.0300. Similar to other general commercial use types, the proposed text requires a minimum of one (1) off-street parking space per 300 square feet of floor area. Additionally, the proposed text will require the minimum number of bicycle parking slots on site to be one (1) space per ten (10) vehicle parking spaces.

Use Categories

Currently the Zoning Code categorizes Sweepstake Terminal Cafes under the Indoor Sports and Recreation, Participant use category. The proposed Text Amendment will provide a separate use category for Sweepstake Terminal Cafes within the Zoning Code under TMC§1116.0200. As stated in Chapter 736.02(a), a Sweepstake Terminal Cafes is defined as “Any business, establishment, room or place where four (4) or more entertainment devices are kept for use by the public or by persons other than the owner of the devices, where persons give anything of value to access the use of the computerized sweepstake terminal or the premises, and the person may be given anything of value by the operator, whether the giving occurs on or off the premise or at the same time or a later time”. For the purpose of clarity and consistency, the proposed use category will incorporate a similar definition for Sweepstake Terminal Cafes as listed in the Business Regulation Code with the distinction of including “game of chance” as a defining characteristic for entertainment devices.

Research of other Ohio Cities

Some cities across Ohio have amended their zoning codes to include language about land use activities associated with Sweepstake Terminal Cafes. In most cases, cities require Sweepstake Terminal

Cafes to be licensed. Cleveland, Cincinnati, Columbus and Dayton were surveyed for zoning regulations which pertain to Sweepstake Terminal Cafes. Several major cities have enacted zoning regulations specific to location of Sweepstake Terminal Cafes and similar uses. For example, the city of Cleveland subjects all Amusement, Recreation, Tattooing and Body Piercing Uses to a 500 foot spacing requirement from existing establishments and other specific land uses (i.e. public park, library, school, church, etc.). Additionally, the city of Columbus classifies Sweepstake Terminal Cafes as Amusement Arcades and requires compliance with the provisions of a Special Permit within the appropriate commercial zoning district.

Conclusion and Recommendation

The proposed text is intended to further define and apply use regulations pertaining to Sweepstake Terminal Cafes. Staff recommends approval of the proposed Text Amendment in order to correct an inconsistency in the Zoning Code where Sweepstake Terminal Cafes are not clearly defined or regulated. Furthermore, staff recommends approval of the request because it meets the challenge of a changing condition where Sweepstake Terminal Cafes have become more prevalent in the City of Toledo. A copy of the proposed Text Amendment language is attached as Exhibit "A".

On July 12, 2018 the Toledo City Plan Commission considered and recommended approval of the requested text amendment.

On August 14, 2018, Toledo City Council, Planning and Zoning Committee reviewed, and recommended approval of the requested text amendment.

Label: Zoning & Planning Committee

Attachments: [Plan Commission Report](#)

**COUNCIL PRESIDENT CHERRY, CHAIR, ZONING & PLANNING COMMITTEE,
REPORTS AS DISAPPROVED:**

[TMP-3101](#)

Changing the zoning maps attached to Part 11, Planning

and Zoning, Toledo Municipal Code, for the property located at 2746 W. Laskey Road, in the City of Toledo, Lucas County, Ohio; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

An application (Z-5003-18) for a proposed change in zoning for the property located at 2746 W Laskey Road, Toledo, Ohio, was submitted to the Toledo City Plan Commission for its review and recommendation.

On July 12, 2018, the Toledo City Plan Commission recommended disapproval of the request for a zone change from “RS6” Single Family Residential to “CN” Neighborhood Commercial for the property located at 2746 W Laskey Road, Toledo, Ohio.

The City Council Zoning and Planning Committee on August 15, 2018, sent as disapproved the request for a zone change from “RS6” Single Family Residential to “CN” Neighborhood Commercial for the property located at 2746 W Laskey Road, Toledo, Ohio.

Label: Zoning & Planning Committee

Attachments: [Plan Commission Report](#)

Toledo City Council supports the provisions of the Americans’ with Disabilities Act. If you need special accommodations, please call 48 hours prior to meeting time at (419) 245-1060.