

City of Toledo

One Government Center Toledo, OH 43604

Meeting Minutes City Council

Tuesday, May 22, 2018

4:00 PM

Council Chambers

CALL TO ORDER

Council met in regular session with Council President Cherry presiding.

Present: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

INVOCATION, PLEDGE OF ALLEGIANCE, & SINGING OF THE NATIONAL ANTHEM

The Council Meeting began with a moment of silence, which was followed by the entire audience reciting the Pledge of Allegiance to our Flag and the singing of the National Anthem by Caitlin Leslie.

COUNCILWOMAN HARPER PRESENTS:

R-178-18 Recognize Toledo Buffalo Soldiers Motorcycle Club.

The roll was called to dispense with the rule requiring that resolutions not be passed earlier than the next succeeding regular or special meeting of Council following its reading. The motion carried by the following vote:

Yea: 11 - Adams, Cherry, Delaney, Harper, Johnson, Komives,

Ludeman, Riley, Sykes, Ujvagi and Waniewski

Not Present: 1 - Spang

The roll was called to adopt the Resolution. The motion carried by the following vote:

Yea: 11 - Adams, Cherry, Delaney, Harper, Johnson, Komives,

Ludeman, Riley, Sykes, Ujvagi and Waniewski

Not Present: 1 - Spang

ITEM LIKELY TO BE RELIEVED OF BUDGET OVERSIGHT COMMITTEE:

O-504-17 Approving the Capital Improvement Budget for the years 2018

- 2022; authorizing the appropriation of \$18,719,757 for capital

project appropriations; and declaring an emergency.

Attachments: 2018 - 2022 CIP Plan

A motion was made by Council Member Cherry that this Ordinance be relieved of the Budget Oversight Committee. The motion carried by a unanimous vote.

A motion was made by Council President Cherry to amend to this ordinance to appropriate \$9,478,827 and Exhibits 5 year plan and A, B, C, & D. The motion carried by a unanimous vote.

A motion was made by Council Member Waniewski to amend the ordinance to appropriate \$11,263,827 & Exhibit D. The motion carried by a unanimous vote. The Amended ordinance was then Read by Title.

The roll was called for passage of the ordinance, as an emergency measure and the vote thereon was as follows:

Yea: 11 - Adams, Cherry, Delaney, Johnson, Komives, Ludeman,

Riley, Spang, Sykes, Ujvagi and Waniewski

Not Present: 1 - Harper

The roll was called to pass the Ordinance. The motion carried by the following vote:

Yea: 10 - Cherry, Delaney, Johnson, Komives, Ludeman, Spang,

Sykes, Ujvagi, Waniewski and Adams

Nay: 1 - Riley

Not Present: 1 - Harper

APPOINTMENTS FROM THE OFFICE OF THE MAYOR:

A-179-18 Appointment - Toledo-Lucas County Commission on

Disabilities

Attachments: Commission on Disabilities

The roll was called to confirm the Appointment. The motion carried by the following vote:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

A-180-18 Appointment - Toledo-Lucas County Commission on

Disabilities

Attachments: Commission on Disabilities

The roll was called to confirmed the Appointment. The motion carried by the following vote:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

COUNCILMAN SYKES PRESENTS:

R-177-18

Recognize UT Women's Basketball Head Coach Tricia Cullop

This Resolution was tabled.

COUNCIL MEMBER KOMIVES PRESENTS:

R-181-18

Recognizing Lucas County as a Bird-Friendly Community through Participation in the Ohio Lights Out Campaign.

The roll was called to dispense with the rule requiring that resolutions not be passed earlier than the next succeeding regular or special meeting of Council following its reading. The motion carried by the following vote:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

The roll was called to adopt the Resolution. The motion carried by the following vote:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

DEPARTMENT OF PUBLIC UTILITIES:

O-182-18

Authorizing the issuance and sale of Water System Revenue Bonds of the City for the purpose of paying costs of various capital improvements to the City's water supply, storage and distribution system in an aggregate principal amount not to exceed \$35,000,000; authorizing the execution of one or more Supplemental Indentures to supplement the Amended and Restated Trust Indenture securing outstanding water system revenue bonds of the City; authorizing the execution of one or

more bond purchase agreements and continuing disclosure agreements; authorizing the preparation and distribution of one or more preliminary official statements and final official statements; authorizing and approving related matters; and declaring an emergency.

This Ordinance received First Reading.

O-183-18

Authorizing the disappropriation of funds to facilitate the closure of various projects in the Water Improvement Fund, Water Replacement Fund, Sanitary Sewer Bond Fund, Sanitary Sewer Replacement Fund, Sanitary Sewer Replacement Loan Fund, Storm Water Utility Improvement Fund and Storm Water Utility Replacement Fund; and declaring an emergency.

The roll was called to dispense with the rule requiring that ordinances not be passed earlier than the next succeeding regular or special meeting of Council following its reading. The motion carried by the following vote:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

The roll was called for passage of the ordinance, as an emergency measure and the vote thereon was as follows:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

The roll was called to pass the Ordinance. The motion carried by the following vote:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

O-184-18

Authorizing the appropriation and expenditure in an amount not to exceed \$1,702,800 from the unappropriated balance of the Sewer Replacement Fund and \$877,200 from the unappropriated balance of the Storm Water Replacement fund and \$1,595,000 from the unappropriated balance of the Water Replacement Fund for the purchase of vehicles and equipment; authorizing the mayor to accept bids and enter into contracts; and declaring an emergency.

This Ordinance received First Reading.

O-185-18

Authorizing the appropriation and expenditure of \$2,000,000 from the Sewer Replacement Fund for the Replacement of Variable Frequency Drives (VFDs) at major pump stations; authorizing the mayor to accept engineering proposals and construction bids and to execute agreements, contracts, and purchase orders necessary to facilitate the design and construction of the Pump Station Variable Frequency Drive Replacement Projects, including the purchase of equipment, testing, permits and related professional services; and declaring an emergency.

The roll was called to dispense with the rule requiring that ordinances not be passed earlier than the next succeeding regular or special meeting of Council following its reading. The motion carried by the following vote::

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

The roll was called for passage of the ordinance, as an emergency measure and the vote thereon was as

follows:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

The roll was called to pass the Ordinance. The motion carried by the following vote:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

O-186-18

Authorizing the mayor to enter into and execute necessary cooperative grant agreements with the United States Environmental Protection Agency (U.S. EPA); authorizing the mayor to enter into a Memorandum of Agreement with the Toledo-Lucas County Port Authority, the Metropolitan Park District of the Toledo Area, and Lucas County Land Bank Reutilization Corporation; authorizing the mayor to accept and deposit grant proceeds into the Operation Grants Fund in the amount of \$600,000 for the purpose of completing environmental site assessment activities in the Toledo area; authorizing the Mayor to appropriate and expend grant proceeds of \$300,000 from the Operation Grants Fund (18 Hazardous Assessment Grant) and to appropriate and expend grant proceeds of \$300,000 from the Operation Grants Fund (18 Petroleum Assessment Grant) for the purpose of completing environmental assessment activities in the Toledo area; authorizing the mayor to accept bids and execute contracts related to environmental site assessment work; and declaring an emergency.

The roll was called to dispense with the rule requiring that ordinances not be passed earlier than the next succeeding regular or special meeting of Council following its reading. The motion carried by the

following vote:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

The roll was called for passage of the ordinance, as an emergency measure and the vote thereon was as follows:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

The roll was called to pass the Ordinance. The motion carried by the following vote:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

O-187-18

Authorizing the expenditure in an amount not to exceed \$12,159 from the Chemical Preparedness Trust Fund for the clean-up of a graphite spill in the 3300 block of Detroit Avenue on January 12, 2018 where the responsible party could not be located; and declaring an emergency.

The roll was called to dispense with the rule requiring that ordinances not be passed earlier than the next succeeding regular or special meeting of Council following its reading. The motion carried by the following vote:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

The roll was called for passage of the ordinance, as an emergency measure and the vote thereon was as follows:

The roll was called to pass the Ordinance. The motion carried by the following vote:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

<u>R-188-18</u> Providing for the rehabilitation of sidewalks and driveway approaches on various streets in the City of Toledo; and

declaring an emergency.

This Resolution received First Reading.

DEPARTMENT OF PUBLIC SERVICE:

Resolution in support of the city of Toledo application to the Ohio Department of Natural Resources Division of Watercraft

for the purpose of obtaining navigational aids in federal

navigable waters; and declaring an emergency.

The roll was called to dispense with the rule requiring that resolutions not be passed earlier than the next succeeding regular or special meeting of Council following its reading. The motion carried by the following vote: The roll was called to dispense with the rule requiring that ordinances not be passed earlier than the next succeeding regular or special meeting of Council following its reading. The motion carried by the following vote:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

The roll was called for adoption of the Resolution, as an emergency measure and the vote thereon was as follows

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

The roll was called to adopt the Resolution. The motion carried by the following vote:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

O-190-18

Authorizing the appropriation and expenditure not to exceed \$60,000 from the Golf Course Improvement Fund to make necessary repairs to the existing irrigation system; authorizing the Mayor to enter into a contract for the necessary repairs; and declaring an emergency.

The roll was called to dispense with the rule requiring that ordinances not be passed earlier than the next succeeding regular or special meeting of Council following its reading. The motion carried by the following vote:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

The roll was called to emergency measure the Ordinance. The motion carried by the following vote:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

The roll was called to pass the Ordinance. The motion carried by the following vote:

DEPARTMENT OF DEVELOPMENT:

O-191-18

Authorizing the Mayor to enter, execute and deliver a Real Estate Purchase Agreement and other needed instruments for the sale and conveyance of city-owned real property located at 4457 Lagrange Street to Modern Builders Supply; authorizing the deposit of net proceeds; making certain findings with respect thereto; waiving the notice and bidding provisions of T.M.C. 187.19; and declaring an emergency.

Attachments: Map

The roll was called to dispense with the rule requiring that ordinances not be passed earlier than the next succeeding regular or special meeting of Council following its reading. The motion carried by the following vote:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

The roll was called for passage of the ordinance, as an emergency measure and the vote thereon was as follows: The roll was called to emergency measure the Ordinance. The motion carried by the following vote:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

The roll was called to pass the Ordinance. The motion carried by the following vote:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

O-192-18

Authorizing the Mayor to enter, execute and deliver a Real Estate Purchase Agreement and other needed instruments for the sale and conveyance of 2304 Lawrence Avenue, 2306 Lawrence Avenue and 854 Virginia Street to Andrew C. Newby; 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.

Attachments: Exhibit A & B

The roll was called to dispense with the rule requiring that ordinances not be passed earlier than the next succeeding regular or special meeting of Council following its reading. The motion carried by the following vote:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

The roll was called for passage of the ordinance, as an emergency measure and the vote thereon was as follows:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

The roll was called to pass the Ordinance. The motion carried by the following vote:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

O-193-18 Authorizing the Mayor to execute and deliver needed

instruments to effectuate the sale and conveyance of certain City-owned real property located at 807 N Superior Street to 802 N. Huron Ventures, LLC and Holy Trinity Greek Orthodox Cathedral for the amount of \$150.00 each; authorizing the deposit of the net sale proceeds; waiving the competitive bidding provisions of T.M.C. 187; and declaring an emergency.

Attachments: Exhibit A

The roll was called to dispense with the rule requiring that ordinances not be passed earlier than the next succeeding regular or special meeting of Council following its reading. The motion carried by the following vote:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

The roll was called for passage of the ordinance, as an emergency measure and the vote thereon was as follows:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

The roll was called to pass the Ordinance. The motion carried by the following vote:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

DEPARTMENT OF POLICE OPERATIONS:

O-194-18

Authorizing the Mayor to accept a Criminal Justice Coordinating Council Grant in the amount of \$43,204.60; authorizing the deposit, appropriation and expenditure of the grant proceeds in the Operation Grants Fund; and declaring an

emergency.

The roll was called to dispense with the rule requiring that ordinances not be passed earlier than the next succeeding regular or special meeting of Council following its reading. The motion carried by the following vote:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

The roll was called for passage of the ordinance, as an emergency measure and the vote thereon was as follows:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

The roll was called to pass the Ordinance. The motion carried by the following vote:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

DEPARTMENT OF LAW:

O-195-18

Authorizing the Mayor to purchase an insurance policy covering city property with Fireman's Fund Insurance Company for a period of one year; further authorizing the estimated expenditure of \$346,000 subject to premium increase and/or decrease from adjustments in insurable values from the city's Risk Management Fund; waiving competitive procurement requirements of TMC 187; and declaring an emergency.

The roll was called to dispense with the rule requiring that ordinances not be passed earlier than the next succeeding regular or special meeting of Council

following its reading. The motion carried by the following vote:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

The roll was called for passage of the ordinance, as an emergency measure and the vote thereon was as follows:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

The roll was called to pass the Ordinance. The motion carried by the following vote:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

O-196-18

Authorizing the settlement of all claims now pending in Ohio Bell Telephone Co. v. City of Toledo, in the Lucas County Court of Common Pleas, before the Honorable Judge Linda Jennings for the sum of \$42,000; authorizing the expenditure of \$42,000 from the Risk Management Fund; and declaring an emergency.

The roll was called to dispense with the rule requiring that ordinances not be passed earlier than the next succeeding regular or special meeting of Council following its reading. The motion carried by the following vote:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

The roll was called for passage of the ordinance, as an emergency measure and the vote thereon was as follows: This Ordinance was emergency measure

The roll was called to pass the Ordinance. The motion carried by the following vote:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

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

O-197-18 Changing the zoning maps attached to Part 11, Planning and

Zoning, Toledo Municipal Code, for the property located at 1711 W. Sylvania Avenue, in the City of Toledo, Lucas

County, Ohio; and declaring an emergency.

Attachments: Plan Commission Report

The roll was called to dispense with the rule requiring that ordinances not be passed earlier than the next succeeding regular or special meeting of Council following its reading. The motion carried by the following vote:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

The roll was called for passage of the ordinance, as an emergency measure and the vote thereon was as follows:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

The roll was called to pass the Ordinance. The motion carried by the following vote:

O-198-18 Granting a Special Use Permit for a Drug and Alcohol

Treatment Facility - Residential for a site located at 1711 W. Sylvania Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; declaring an emergency.

Attachments: Plan Commission Report

The roll was called to dispense with the rule requiring that ordinances not be passed earlier than the next succeeding regular or special meeting of Council following its reading. The motion carried by the following vote:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

The roll was called for passage of the ordinance, as an emergency measure and the vote thereon was as follows:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

The roll was called to pass the Ordinance. The motion carried by the following vote:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

O-199-18 Granting a Special Use Permit for a Gas Station and Grocery Store for a site located at 3516 Airport Highway, in the City of Toledo, Lucas County, Ohio; subject to certain conditions;

declaring an emergency.

Attachments: Plan Commission Report

The roll was called to dispense with the rule requiring that ordinances not be passed earlier than the next succeeding regular or special meeting of Council following its reading. The motion carried by the following vote:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

The roll was called for passage of the ordinance, as an emergency measure and the vote thereon was as follows:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

The roll was called to pass the Ordinance. The motion carried by the following vote:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

O-200-18 Granting a Special Use Permit for a Tobacco Shop for a site

located at 5300 Monroe Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; declaring an

emergency.

Attachments: Plan Commission Report

The roll was called to dispense with the rule requiring that ordinances not be passed earlier than the next succeeding regular or special meeting of Council following its reading. The motion carried by the

following vote:

The roll was called for passage of the ordinance, as an emergency measure and the vote thereon was as follows:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

The roll was called to pass the Ordinance. The motion carried by the following vote:

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

READING OF THE TOLEDO CITY JOURNAL

A motion was made that this be an Dispense with the reading of TCJ of May 9, 2018. The motion carried by a unanimous vote.

EXCUSALS

Council Member Komives moved to excuse Council President Cherry, for non-attendance at the Zoning & Planning Committee of May 16, 2018 and the Streets, Public Services & Utilities Committee of May 17, 2018.

Councilman Delaney, for non-attendance at the City Council Meeting of May 9, 2018.

Councilman Ujvagi, for non-attendance at the Neighborhoods, Community Development & Health Committee of May 14, 2018.

ADJOURNMENT

This was Meeting Adjourned

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.