



City of Toledo

One Government Center
Toledo, OH 43604

Agenda Review City Council

Tuesday, October 30, 2018

1:57 PM

Council Chambers

Special Council Meeting and Agenda Review for the November 7, 2018 Meeting of Toledo City Council

SPECIAL COUNCIL MEETING - TUESDAY, OCTOBER 30, 2018, 1:59 PM

[O-461-18](#)

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 \$350,000; 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 \$350,000 (THREE HUNDRED FIFTY THOUSAND DOLLARS).

Uptown Place, LLC, who's 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: Councilman Sykes

Attachments: [Sources and Uses of Funds](#)
[Rent Roll Report](#)

COUNCIL MEMBER KOMIVES PRESENTS:

[TMP-3357](#) **A resolution recognizing The Islamic Food Bank of Toledo and The Islamic Center of Greater Toledo.**

Label: Council Member Komives

APPOINTMENTS FROM THE OFFICE OF THE MAYOR:

[TMP-3358](#) **Appointment - HVAC Board of Control**

Attachments: [HVAC Board of Control](#)

[TMP-3359](#) **Appointment - Latino Affairs Commission**

Attachments: [Latino Affairs Commission](#)

SECOND READING ITEM:

[O-417-18](#) **Authorizing the Mayor to enter into an amended joint economic development district agreement with the Board of Trustees of Troy Township, Wood County, Ohio, for the purpose of adding to and enlarging the Troy Township-Toledo joint economic development district territory; and declaring an emergency.**

Body: SUMMARY & BACKGROUND:
Pursuant to the authority of Ordinance 565-09 passed on October 13, 2009, the City entered into a Joint Economic Development District Agreement with Troy Township, Wood County, Ohio, to create a Joint Economic Development District located on 460 acres of property

immediately south of the intersection of Interstate 280 and State Route 23 in Wood County, Ohio. The purpose of this Economic Development District was to facilitate economic growth and development within the territory. The success of the Economic Development District to date has motivated the East Ohio Gas Company, as owner, to petition the Joint Economic Development District Board to include an additional 512 acres, more or less, of undeveloped land to the district territory. Granting the petition and including the subject property into the expanded district territory requires the City of Toledo and Troy Township to amend the district contract accordingly. Amending the contract comes at the recommendation of the Joint Economic Development District Board. A joint public hearing co-sponsored by the Troy Township Trustees and Toledo City Council was held on September 12, 2018, at the Troy Township Hall in Luckey, Ohio, where public comment was received with respect to the proposed amendment. It is the Joint Economic Development District Board's belief that amending the contract to include the additional acreage will create and preserve jobs and employment opportunities, and will improve the economic welfare of the people in the state and in the area of the contracting parties. Also, on September 12, 2018, following the public hearing, the Troy Township Trustees unanimously adopted Resolution 9-2018 approving the contract amendment.

Attachments: [Map](#)
[Public Hearing, November 5, 2018](#)
[Joint Public Hearing, September 12, 2018](#)
[Agenda, Special Meeting, September 12, 2018](#)
[Exhibit A](#)
[Conceptual Development Plan](#)
[Amended JEDD Contract](#)

Legislative History

10/9/18 City Council First Reading

COUNCILMAN DELANEY PRESENTS:

[TMP-3360](#)

Authorizing the reappropriation and expenditure of

\$30,000 in the General Fund for the City's contribution to the Toledo Municipal Area Council of Governments (TMACOG) for a Toledo-Detroit Rail Ridership Feasibility & Cost Estimate Study; and declaring an emergency.

Body: SUMMARY & BACKGROUND:
A feasibility study is needed for a Toledo-Detroit Rail Ridership Feasibility & Cost Estimate Study. The study's total cost is \$50,000. TMACOG is contributing \$20,000. This ordinance authorizes the expenditure of \$30,000 from the Division of Transportation general fund budget, where funds are available to be reappropriated in 2018 for this purpose.

Label: Councilman Delaney

NEW ITEMS FROM CITY COUNCIL:

[TMP-3361](#) **Accepting the petition of Dorothy Nelms 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-3362](#) **Determining to proceed with certain 3146 Sherbrooke Road, Toledo, OH 43606 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-3363](#)

Levying special assessments for the 3146 Sherbrooke Road, Toledo, OH 43606 Special Energy Improvement Project; and declaring an emergency.

Label: All Council Members

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

TOLEDO MUNICIPAL COURT:

[TMP-3346](#)

Repealing Toledo Municipal Code Section 2134.03 “Classifications”, and enacting a new Section 2134.03 “Classifications” for the purpose of updating job classifications at the Toledo Municipal Court.

Body: The Toledo Municipal Court is seeking to delete four obsolete provisions, add four essential provisions, list positions alphabetically and update and align similarly situated titles in Toledo Municipal Code Section 2134.03.

Label: Updates to Job Classification at Toledo Municipal Court
Department of Law
Lisa Falgiano (x1949)
(Revised)

[TMP-3348](#)

Authorizing the mayor to accept and deposit an additional amount of \$73,703 from a grant received from the State of Ohio, Department of Rehabilitation and Correction to allow deposit of grant funds to and, appropriation and expenditure of those funds from the Standard Probation Grant (SP); authorizing the execution of an amended grant agreement; and declaring and emergency.

Body: SUMMARY & BACKGROUND:
Ordinance 287-17 as amended by Ordinance 10-18, authorized receipt, deposit, appropriation and expenditure of grant funds from the State of Ohio, Department of Rehabilitation and Correction. On August 21, 2018, Toledo Municipal Court received additional funding above the original grant amounts to provide electronic monitoring

services for indigent sentenced TMC defendants. This legislation authorizes deposit, appropriation, and expenditure from 2016-10800-3G19738STDSTD and further authorizes execution of amended grant agreements associated with the acceptance of additional funds.

Label: Standard Probation Grant
Toledo Municipal Court
Lisa Falgiano (x1949)
(Revised)

[TMP-3347](#)

Authorizing the mayor to enter into an agreement with the Lucas County Sheriff to provide security for Toledo Municipal Court; authorizing the expenditure of funds from the General Fund; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

The City contracts with Lucas County to provide security services for the Toledo Municipal Court building. The last contract, authorized by Ordinance 521-13, expires at the end of 2018. This Ordinance authorizes the execution of a one year contract extension with the Lucas County Sheriff to provide services such as the staffing of Sheriff's deputies to maintain Municipal Court building security. It is estimated that the cost for court security for calendar year 2019 will be \$2,133,831.26. This Agreement shall run through December 31, 2019, and may be extended annually for two additional years.

Label: Municipal Court Security
Municipal Court
Lisa Falgiano (x1959)
(Revised)

Attachments: [2019 Cost Analysis](#)

MAYOR KAPSZUKIEWICZ AND COUNCILMAN UJVAGI PRESENT:

[TMP-3285](#)

Resolution to protect the Federal Community Reinvestment Act - lending & investment in low- and moderate communities around the country.

Label: Mayor Kapszukiewicz and Councilman Ujvagi

DEPARTMENT OF LAW:

1. [TMP-3349](#) **Authorizing the settlement of all claims now pending in *Perry v. City of Toledo, et.al.*, in the Lucas County Court of Common Pleas, before the Honorable Judge Dean Mandros for the sum of \$500,000; authorizing the expenditure of \$500,000 from the Risk Management Fund; and declaring an emergency.**

Body: SUMMARY AND BACKGROUND

On June 27, 2017 LeQuita Perry filed a lawsuit in the Lucas County Court of Common Pleas as a result of an auto accident which occurred on August 29, 2015. On that date she collided with the rear corner of a City of Toledo vehicle. The City driver was issued a citation for the accident. As a result of the accident Ms. Perry became disabled.

A proposed agreement has been reached in the amount of \$500,000 to settle all claims from the incident described herein without constituting an admission of liability for any violation of state or federal law.

Label: Perry, LeQuita
Department of Law
J. Charles (x1038)
(Revised)

DEPARTMENT OF POLICE OPERATIONS:

2. [TMP-3309](#) **Authorizing the mayor to enter into an agreement with Lexis Nexis Risk Solutions, Inc. for the provision of virtual crime center policing services; waiving the competitive bidding requirements of TMC Chapter 187; authorizing the General Fund expenditure of an amount not to exceed \$49,400 for the annual subscription to Lexis Nexis; and declaring an emergency.**

Body: SUMMARY & BACKGROUND:

This ordinance authorizes the Mayor to enter into an agreement with Lexis Nexis Risk Solutions, Inc. for a subscription to the Accurint Virtual Crime Center. Accurint is a next generation policing platform used for investigations, crime analysis and resource allocation. Lexis

Nexis Risk Solutions is the sole source supplier of this patented technology. This product links billions of public records to Toledo Police Department data. Linking across data types provides a comprehensive resource for investigations, crime analysis, predictive policing and resource allocation.

Label: Lexis Nexis Accurint
Toledo Police Department
Lt. James Brown (x3203)
(Revised)

DEPARTMENT OF NEIGHBORHOODS & ECONOMIC DEVELOPMENT:

3. [TMP-3324](#) **Repealing Chapter 1307 (Fees), of the Toledo Municipal Code; enacting a new Chapter 1307 (Fees); and declaring an emergency.**

Body: SUMMARY & BACKGROUND:
The Toledo Municipal Code Part Thirteen - Building Code, Chapter 1307 (Fees), specifies the permit fees for: building, electrical, plumbing, HVAC, hydronic, refrigeration and also for licensing, plan review, inspections and administrative services. This ordinance simplifies and streamlines permits. The ordinance also raises the charges for some of the permit fees and associated services. Permit fees have remained at the same level since May of 2015. Contractor and construction trade registration and renewal fees remain unchanged under this proposed ordinance.

Label: Repealing TMC Chapter 1307
Development/Building Inspection
Ken Fischer (x1229)
(Revised)

Attachments: [Fee Comparison](#)

4. [TMP-3323](#) **Authorizing the mayor to enter into a real property lease, by and between the city of Toledo and Crestline Paving and Excavating Co., Inc. (“Crestline”) for approximately 17 acres located at 750 Montrose Toledo, Ohio 43607; waiving the competitive bidding requirement as required**

by T.M.C. Chapter 187; and declaring an emergency.

Body:

SUMMARY & BACKGROUND:

In 2017, the City of Toledo took ownership of the southern portion of the former Champion Spark Plug site and now wishes to lease it to Crestline Paving. The lease will be a complete 'pass-through or triple net' so that Crestline is responsible for real estate taxes and assessments, maintenance, operating expenses, casualty and liability insurance, and utilities (if and when established like water or telecommunication services) relating to the property. This legislation authorizes the mayor to lease these premises for an annual rent of \$1 with an initial term of five (5) years and one five (5) year renewal option. Finally, no assignments or subleases are permitted without the prior written consent of City.

Label:

Champion Lease to Crestline
Department of Business Development
B Burkett (x1692)
(Revised)

Attachments: [Lease Agreement](#)

DEPARTMENT OF PUBLIC SERVICE:

5. [TMP-3364](#) **Authorizing the expenditure of \$50,000 from the Capital Improvement Fund for purchase of two pool vehicles for the Division of Transportation at 110 North Westwood Avenue; authorizing the Mayor to accept bids and award contracts necessary to complete said project(s); and declaring an emergency.**

Body:

SUMMARY & BACKGROUND:

This Ordinance authorizes expenditure of \$50,000 from the Capital Improvement Plan (CIP) budget for purchase of two vehicles for Division of Transportation. The two vehicles are needed by division staff in everyday operations to perform legally mandated transportation engineering field work. The vehicles will be used by division commissioner, engineers, superintendents and technicians to supervise installation of signs, signals and pavement markings and to attend

meetings with public agency officials, city residents, neighborhood associations and city businesses.

Label: DPS/Transportation
CIP Pool Vehicles
Naveen Chandra (x 1302)
Paul Rasmusson (x 7868)

DEPARTMENT OF HUMAN RESOURCES:

6. [TMP-3328](#) **Authorizing the mayor to enter into an employee wellness program services agreement with the Lucas County Board of Commissioners; authorizing the expenditure of \$75,000 to reimburse the Board for the implementation and administration of an employee wellness program for a one year period commencing January 1, 2019; waiving the competitive bidding requirements of TMC Chapter 187; and declaring an emergency.**

Body: SUMMARY & BACKGROUND:
The Lucas County Board of Commissioners, through the Lucas County Employee Benefits/Wellness Department, will provide City of Toledo employees with access to certain Lucas County Wellness Program Services and the Lucas County Employee Benefits/Wellness Department will provide assistance with implementation and ongoing administration of Wellness Program Services to the City.

The City will reimburse the Lucas County Board of Commissioners \$75,000 for the initial implementation and administration of the Wellness Program for the period January 1, 2019 through December 31, 2019.

Label: Wellness Program Services Agreement
HR/Mayor's Office
Karen Poore (x1007)
(Revised)

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

[TMP-3321](#)

Changing the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 3319 Nebraska Avenue, in the City of Toledo, Lucas County, Ohio; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

An application (Z-7002-18) for a proposed change in zoning for the property located at 3319 Nebraska Avenue, Toledo, Ohio, was submitted to the Toledo City Plan Commission for its review and recommendation.

On September 13, 2018, the Toledo City Plan Commission recommended approval of the request for a zone change from “RM12” Multi Dwelling Residential and “IL” Limited Industrial to “RS6” Single Family Residential for the property located at 3319 Nebraska Avenue, Toledo, Ohio.

The City Council Zoning and Planning Committee on October 17, 2018, sent as approved the request for a zone change from “RM12” Multi Dwelling Residential and “IL” Limited Industrial to “RS6” Single Family Residential “for the property located at 3319 Nebraska Avenue, 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.