



City of Toledo

One Government Center
Toledo, OH 43604

Meeting Minutes City Council

Tuesday, November 26, 2019

4:00 PM

Council Chambers

CALL TO ORDER

Present: 7 - Cherry, Delaney, Harper, Riley, Spang, Ujvagi and Waniewski

INVOCATION, PLEDGE & ANTHEM

COUNCIL MEMBER KOMIVES PRESENTS:

[R-537-19](#)

Recognizing Danny Brown-Martinez and Stephen Bates for their 20 Under 40 recognition.

Attachments: [Audio: Agenda Review 11/19/2019](#)

Dispense with the rules of Council requiring...

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

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

COUNCIL PRESIDENT CHERRY PRESENTS:

[R-539-19](#)

Recognizing November 30, 2019 as Small Business Saturday.

Attachments: [Audio: Agenda Review 11/19/2019](#)

Dispense with the rules of Council requiring...

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

adopted

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

APPOINTMENT FROM THE OFFICE OF THE MAYOR:

[A-540-19](#)

Appointment - Toledo-Lucas County Commission on Disabilities

Attachments: [Toledo-LC Commission on Disabilities](#)

[Audio: Agenda Review 11/19/2019](#)

confirmed

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

SECOND READING ITEM:

[O-536-19](#)

Authorizing the mayor to enter into a ten-year property lease agreement with Arms Dock, Inc. for property space located at 1900 Summit Street, Toledo, Lucas County, Ohio for the storage of bulk salt; authorizing the annual expenditure of an amount not to exceed \$105,000 from the Special Assessment Fund subject to annual appropriation; and declaring an emergency.

Attachments: [Bullet Points](#)

[Audio: Agenda Review 11/6/2019](#)

[Audio: City Council 11/12/2019](#)

[Audio: Agenda Review 11/19/2019](#)

held

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

COUNCIL MEMBERS KOMIVES, ADAMS, HARPER AND RILEY PRESENT:

[O-541-19](#)

Amending Chapter 554, "Discrimination Prohibited" of the

Toledo Municipal Code, to include a prohibition against discrimination on the basis of Natural Hair Types, Hairstyles and Head Wraps Commonly Associated with Race, Culture or Religion.

Attachments: [Redline](#)
[Audio: Agenda Review 11/19/2019](#)

First Reading

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

COUNCILMAN WANIEWSKI PRESENTS:

[O-542-19](#)

Authorizing the disappropriation of \$45,000 from the Capital Improvement Fund; authorizing the appropriation of same in the Capital Improvement Fund, District Improvement Program for the installation of decorative streetlights along Sylvania Avenue from approximately Douglas Road to Secor Road on the north side of the roadway; authorizing the expenditure of \$45,000 from the Capital Improvement Fund, District Improvement Program for the installation of decorative streetlights along Sylvania Avenue from approximately Douglas Road to Secor Road on the north side of the roadway; authorizing the Mayor to enter into contracts; and declaring an emergency.

Attachments: [Audio: Agenda Review 11/19/2019](#)

Dispense with the rules of Council requiring...

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

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

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

OFFICE OF THE MAYOR:

[R-543-19](#)

Providing for an election on the question of the approval of the passage of an ordinance to amend Chapter 1905 of the Toledo Municipal Code to provide for the following: the repeal of the City's temporary additional three-quarters percent (3/4%) municipal income tax effective July 1, 2020; and the enactment of a new temporary one and one-quarter percent (1¼%) municipal income tax for the period commencing July 1, 2020 and ending December 31, 2030 and providing for forty percent (40%) of the proceeds of the tax levy to be allocated to the Capital Improvements Fund and prohibiting any transfer of levy revenues allocated to the Capital Improvement Fund to the General Fund, providing for sixty percent (60%) of the proceeds of the tax levy to be allocated to the General Fund, and providing that such levy revenues may be used for the purpose of assisting pre-kindergarten education for residents of the City; and declaring an emergency.

Attachments: [Invest in Toledo](#)

[Audio: Agenda Review 11/19/2019](#)

refer

Yea: 11 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Spang, Sykes, Ujvagi and Waniewski

Nay: 1 - Riley

DEPARTMENT OF LAW:

[O-544-19](#)

Amending Sections 1905.01 and 1905.14 of the Toledo Municipal Code to provide, among other matters, for the repeal of the City's temporary three-quarters percent (3/4%) municipal income tax levy effective July 1, 2020, and for the

levying of a one and one-quarter percent (1¼%) municipal income tax for a period commencing July 1, 2020 and ending December 31, 2030, to provide revenues for the Capital Improvements Fund and for General Fund purposes; and for the allocation of those funds; and to prohibit the transfer of levy funds from the Capital Improvements Fund to the General Fund; and declaring an emergency.

Attachments: [Redline](#)

Referred To:

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

[O-545-19](#)

Authorizing the settlement of the claims of Geraldine McCalland in Case No. CI 15-3463 captioned *Captain Carla Stachura, et al. v. City of Toledo, et al.* pending in the Lucas County Court of Common Pleas for the state of Ohio for the sum of \$70,000; authorizing the expenditure of \$70,000 from the Risk Management Fund; and declaring an emergency.

Attachments: [Audio: Agenda Review 11/19/2019](#)

Dispense with the rules of Council requiring...

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

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

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

DEPARTMENT OF POLICE OPERATIONS:

[O-546-19](#)

Authorizing the Mayor to accept and deposit a grant in the amount of \$100,000 from the State of Ohio Office of

Attorney General for Ohio Organized Crime Investigations Commission Task Force overtime; authorizing the appropriation and expenditure of same in the Operation Grants Fund; and declaring an emergency.

Attachments: [Audio: Agenda Review 11/19/2019](#)

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declare emergency

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Passage

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

DEPARTMENT OF PUBLIC UTILITIES:

[O-547-19](#)

Authorizing an extension of the Utegration, Inc. post-production support agreement for the City's SAP/DPU billing system through December 7, 2020 and extension of the Phoenix Business Inc. post-production support agreement for the City's SAP/ERP financial system through December 7, 2020; authorizing an expenditure not to exceed \$500,000; waiving competitive procurement provisions of TMC Chapter 187; and declaring an emergency.

Attachments: [Audio: Agenda Review 11/19/2019](#)

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Passage

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

[O-548-19](#)

Authorizing the mayor to renew the Public Water System License from the State of Ohio Environmental Protection Agency for 2020 for operation of the Water Treatment Facility at 3040 York St.; authorizing the expenditure of \$111,800 from the Water Operating Fund; and declaring an emergency.

Attachments: [Audio: Agenda Review 11/19/2019](#)

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declare emergency

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

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

DEPARTMENT OF NEIGHBORHOOD & BUSINESS DEVELOPMENT:

[O-549-19](#)

Declaring the improvements to certain real property parcels within the city to be a public purpose; describing the public improvements to be made to directly benefit such parcels; exempting such improvements from ad valorem real property taxation for a period of 30 years; requiring the owner of the improvements to make service payments in lieu of taxes; establishing a municipal public improvement tax increment equivalent fund for the deposit of the service payments, authorizing various agreements and actions, all pursuant to sections 5709.40, 5709.42, 5709.43 and other provisions of the Ohio Revised Code; and declaring an emergency.

Attachments: [Exhibit A](#)
[Exhibit B](#)
[Audio: Agenda Review 11/19/2019](#)

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Passage

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

[O-550-19](#)

Authorizing the Mayor to execute and deliver instruments necessary to effectuate the City's acquisition of real property known as the former Mott Branch Library, 1085 Dorr St., Toledo, Ohio; making certain findings with respect thereto; and declaring an emergency.

Attachments: [Exhibit A](#)
[Audio: Agenda Review 11/19/2019](#)

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declare emergency

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Passage

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DEPARTMENT OF PUBLIC SERVICE:

[O-551-19](#)

Authorizing the appropriation and expenditure of an amount not to exceed \$80,000 from the Water Replacement fund, \$40,000 from the Sewer Replacement fund and \$40,000 from the Storm Water Replacement fund for purchase of a Volumetric Concrete Truck with Cement Silo; authorizing the expenditure of \$80,000 from Street Construction, Maintenance and Repair fund and \$80,000 from the Demolition Trust fund for said purchase; authorizing the mayor to execute a contract; and declaring an emergency.

Attachments: [Bullet Points](#)[Audio: Agenda Review 11/19/2019](#)**Dispense with the rules of Council requiring...**

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declare emergency

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Passage

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

[O-552-19](#)

Authorizing the expenditure of an amount up to \$100,000 for vehicle replacement for the Division of Streets, Bridges & Harbor; authorizing the annual expenditure from various funds over the life of the agreement; and declaring an emergency.

Attachments: [Bullet Points](#)[Audio: Agenda Review 11/19/2019](#)**First Reading**

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

DEPARTMENT OF INFORMATION & COMMUNICATIONS TECHNOLOGY:

[O-553-19](#)

Authorizing the mayor to execute an amendment to the existing website development agreement with Madhouse Creative LLC for the purpose of expanding the agreement's scope to include a branding initiative component, authorizing an additional expenditure in an amount not to exceed \$38,000 from the Capital Improvement Fund and the Utility Administration Fund; waiving the competitive bidding requirements of Toledo Municipal Code Chapter 187; making findings with respect thereto; and declaring an emergency.

Attachments: [Audio: Agenda Review 11/19/2019](#)

Referred To:

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-554-19](#)

Changing the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 1 S. St Clair Street, in the City of Toledo, Lucas County, Ohio; and declaring an emergency.

Attachments: [Plan Commission Report](#)
[Audio: Agenda Review 11/19/2019](#)
[Audio: Zoning & Planning Committee 11/13/2019](#)
[Audio: TCPC 10/10/2019](#)

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Passage

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[O-555-19](#)

Granting a Special Use Permit, for a Community Center for a site located at 601 Fassett Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

Attachments: [Plan Commission Report](#)

[Audio: Agenda Review 11/19/2019](#)

[Audio: Zoning & Planning Committee 11/13/2019](#)

[Audio: TCPC 10/10/2019](#)

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Passage

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[O-556-19](#)

Granting a Special Use Permit, for a Type A Daycare for a site located at 1822 Upton Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and a waiver; and declaring an emergency.

Attachments: [Plan Commission Report](#)

[Audio: Agenda Review 11/19/2019](#)

[Audio: Zoning & Planning Committee 11/13/2019](#)

[Audio: TCPC 10/10/2019](#)

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declare emergency

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Passage

Yea: 10 - Adams, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Sykes, Ujvagi and Waniewski

Nay: 2 - Cherry and Spang

[O-557-19](#)

Granting an Amendment to a Special Use Permit, for a Convenience Store Expansion for a site located at 822 Monroe Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

Attachments: [Plan Commission Report](#)

[Audio: Agenda Review 11/19/2019](#)

[Audio: Zoning & Planning Committee 11/13/2019](#)

[Audio: TCPC 10/10/2019](#)

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Passage

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

[O-558-19](#)

Amending Toledo Municipal Code (TMC), Part Eleven, Subsection 1103.0200, Downtown Overlay District, to include signage regulations; and declaring an emergency.

Attachments: [Plan Commission Report](#)
[Audio: Agenda Review 11/19/2019](#)
[Audio: Zoning & Planning Committee 11/13/2019](#)
Dispense with the rules of Council requiring...

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Passage

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**COUNCIL PRESIDENT CHERRY, CHAIR, ZONING & PLANNING COMMITTEE,
REPORTS WITHOUT RECOMMENDATION:**

[O-559-19](#) **Amending Toledo Municipal Code, Part Eleven, Subsection 1104.0600 Convenience Stores and Subsection 1116.0217 Food and Beverage Retail Sales; and declaring an emergency.**

Attachments: [Plan Commission Report](#)
[Audio: Agenda Review 11/19/2019](#)
[Audio: Zoning & Planning Committee 11/13/2019](#)
[Audio: TCPC 10/10/2019](#)

First Reading

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

THE CLERK REPORTS:

[O-560-19](#) **Amending Ord 238-19 that declared the Vacation of certain Right-of Ways along Front Street in the City of Toledo, Lucas County, Ohio for the purpose of conforming the legal descriptions therein to the respective Replats; making certain**

findings with respect thereto; and declaring an emergency.

Attachments: [Audio: Agenda Review 11/19/2019](#)

Dispense with the rules of Council requiring...

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declare emergency

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

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ITEM LIKELY TO BE RELIEVED OF WATER QUALITY & SUSTAINABILITY COMMITTEE:

[O-538-19](#)

Amending portions of Section 933.02 in Title III, Chapter 933 of the Toledo Municipal Code to establish new water rates.

Attachments: [O-538-19 starts at approximately 34:55](#)

[Text File](#)

relieve of Committee

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

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

ITEM LIKELY TO BE GIVEN IMMEDIATE CONSIDERATION:

[R-561-19](#)

**Resolution affirming the City of Toledo's commitment to equitable access to clean, safe, and affordable water; and declaring an emergency.
immediate consideration**

Yea: 12 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski
Dispense with the rules of Council requiring...

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

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Passage

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

READING OF THE TOLEDO CITY JOURNAL

EXCUSALS

ADJOURNMENT

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.