



# City of Toledo

One Government Center  
Toledo, OH 43604

## Meeting Minutes City Council

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Tuesday, January 30, 2018

4:00 PM

Council Chambers

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### CALL TO ORDER:

**Council met in regular session with Council President Cherry presiding.**

**Present:** 11 - Adams, Cherry, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

**R-0035-14**

INVOCATION, PLEDGE OF ALLEGIANCE & NATIONAL ANTHEM

**The invocation was rendered by the Reverend Charlene McClellan, Associate Pastor of Phillips Temple CME Church, which was followed by the entire audience reciting the Pledge of Allegiance to our Flag and the singing of the National Anthem by Ms. Denice Howell, Choir President of Phillips Temple CME Church.**

### COUNCIL MEMBERS LUDEMAN AND SYKES PRESENT:

[R-019-18](#)

Recognizing & congratulating Head Basketball Coach Ed Heintschel on accomplishing 700 career wins.

**A motion was made 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, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

**A motion was made to adopt the Resolution. The motion carried by the following vote:**

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

**APPOINTMENTS FROM THE OFFICE OF THE MAYOR:**

[A-020-18](#) Appointments - Arts Commission of Greater Toledo

**Attachments:** [ACGT](#)

**A motion was made to confirm the Appointment. The motion carried by the following vote:**

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

[A-021-18](#) Appointments - Arts Commission of Greater Toledo

**Attachments:** [ACGT](#)

**A motion was made to confirm the Appointment. The motion carried by the following vote:**

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

**SECOND READING ITEM:**

[O-018-18](#) Vacating that portion of Willys Parkway between Pioneer and Hillcrest Avenue; in the City of Toledo, Lucas County, Ohio; waiving all costs; and declaring an emergency.

**A motion was made to declare the Ordinance an emergency measure. The motion carried by the following vote:**

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

**COUNCIL PRESIDENT CHERRY PRESENTS:**

[O-022-18](#)

Repealing Rule V(B) of the Rules of Council and enacting a new Rule V(B) to name the standing committees of Council; and declaring an emergency.

**A motion was made 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:** 11 - Adams, Cherry, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

**A motion was made to declare the Ordinance an emergency measure. The motion carried by the following vote:**

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

**A motion was made to pass the Ordinance. The motion carried by the following vote:**

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

[A-023-18](#)

Appointments - Council Committees

**Attachments:** [Council Committees](#)

**A motion was made to confirm the Appointment. The motion carried by the following vote:**

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

**COUNCIL MEMBERS CHERRY, ADAMS, JOHNSON, KOMIVES AND UJVAGI  
PRESENT:**

[R-024-18](#) Affirming support for a “Clean” Dream Act.

**Attachments:** [Ohio and DACA](#)

**A motion was made 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:**

**A motion was made to adopt the Resolution. The motion carried by the following vote:**

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

**DEPARTMENT OF ECONOMIC & BUSINESS DEVELOPMENT:**

[O-025-18](#) Authorizing the Mayor to execute a lease amendment with Columbia Gas of Ohio, Inc. for certain land owned by the City of Toledo and located within Copland Park; making certain findings with respect thereto; waiving the notice and bidding provisions of T.M.C. 187.19; authorizing the deposit of lease proceeds; and declaring an emergency.

**Attachments:** [1980 Lease  
Lease Amendment](#)

**This Ordinance was refer to the Streets, Public Services & Utilities Committee**

[O-026-18](#) Authorizing the Mayor to execute a Lease Renewal Agreement with Columbia Gas of Ohio, Inc. for certain land owned by the City of Toledo and located within Sleepy Hollow Park; making certain findings with respect thereto; waiving the notice and bidding provisions of T.M.C. 187.19; authorizing the deposit of

lease proceeds; and declaring an emergency.

**Attachments:** [1979 Lease](#)  
[Lease Amendment](#)

**This Ordinance was refer to the Streets, Public Services & Utilities Committee**

**DEPARTMENT OF PUBLIC SERVICE:**

[O-027-18](#)

Authorizing the Mayor to enter into an agreement with Norfolk Southern Railroad (NSRR) for the removal of the Sumner Street Bridge over NSRR; and declaring an emergency.

*The ordinance was then read by title only.*

**A motion was made that this Ordinance receive First Reading. The motion carried by a unanimous vote.**

[O-028-18](#)

Authorizing the disappropriation of \$46,189.73 from the Capital Improvement Fund Repaving Hoffman Road project; authorizing appropriation and expenditure of \$46,189.73 from the Capital Improvement Fund for Gas Collection & Control System improvements; authorizing the Mayor to enter into contracts for said project; and declaring an emergency.

**A motion was made 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:** 10 - Adams, Cherry, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes and Waniewski

**Not Present:** 1 - Ujvagi

**A motion was made to declare the Ordinance an emergency measure. The motion carried by the following vote:**

**Yea:** 10 - Adams, Cherry, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes and Waniewski

**Not Present:** 1 - Ujvagi

**A motion was made to pass the Ordinance. The motion carried by the following vote:**

**Yea:** 10 - Adams, Cherry, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes and Waniewski

**Not Present:** 1 - Ujvagi

[O-029-18](#)

Authorizing the Mayor to enter into a two-year Agreement with the Ohio State University Extension Service for its share of the Consumer and Urban Horticulture Program; authorizing the annual expenditure of an amount not to exceed \$27,000, subject to annual General Fund appropriation; and declaring an emergency.

**A motion was made 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:** 10 - Adams, Cherry, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes and Waniewski

**Not Present:** 1 - Ujvagi

**A motion was made to declare the Ordinance an emergency measure. The motion carried by the following vote:**

**Yea:** 10 - Adams, Cherry, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes and Waniewski

**Not Present:** 1 - Ujvagi

**A motion was made to pass the Ordinance. The**

**motion carried by the following vote:**

**Yea:** 10 - Adams, Cherry, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes and Waniewski

**Not Present:** 1 - Ujvagi

**DEPARTMENT OF PUBLIC UTILITIES:**[O-030-18](#)

Authorizing the Mayor to execute a third amendment to the August 15, 2002 professional engineering services agreement with Black & Veatch Corporation to extend program management services by three years to 2020; and declaring an emergency.

**A motion was made 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:** 10 - Adams, Cherry, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes and Waniewski

**Not Present:** 1 - Ujvagi

**A motion was made to declare the Ordinance an emergency measure. The motion carried by the following vote:**

**Yea:** 10 - Adams, Cherry, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes and Waniewski

**Not Present:** 1 - Ujvagi

**A motion was made to pass the Ordinance. The motion carried by the following vote:**

**Yea:** 10 - Adams, Cherry, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes and Waniewski

**Not Present:** 1 - Ujvagi

[R-031-18](#)

Resolution in support of the City of Toledo applications to the Toledo Metropolitan Area Council of Governments (TMACOG) Transportation Improvement Program (TIP) for the purpose of obtaining financial assistance for transportation infrastructure projects; and declaring an emergency.

*The resolution was then read by title only.*

**A motion was made that this Resolution be an First Reading. The motion carried by a unanimous vote.**

[O-032-18](#)

Authorizing the appropriation and expenditure of \$5,440,000 from the Capital Improvement Fund for the 2018 Matches & Planning Program; authorizing the Mayor to prepare plans and specifications, acquire required rights-of-way as appropriate, and enter into contracts for these projects within the Division of Engineering Services; and declaring an emergency.

**Attachments:** [2018 Matches & Planning Program](#)

*The ordinance was then read by title only.*

**A motion was made that this Ordinance be an First Reading. The motion carried by a unanimous vote.**

[O-033-18](#)

Authorizing the acceptance, deposit, appropriation and expenditure of an amount not to exceed \$100,000 from the Village of Ottawa Hills into the Capital Improvement Fund for the reconstruction of the Central Avenue/Talmadge Road intersection and the resurfacing of Talmadge Road within the Ottawa Hills village limits related to the Central/Talmadge reconstruction project; authorizing the Mayor to prepare plans and specifications and to enter into a joint cooperation agreement with the Village of Ottawa Hills for the Central/Talmadge reconstruction project upon such terms and conditions as approved by the Director of Public Utilities and the Director of Law; and declaring an emergency.

*The ordinance was then read by title only.*

**A motion was made 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:** 10 - Adams, Cherry, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes and Waniewski

**Not Present:** 1 - Ujvagi

**A motion was made to declare the Ordinance an emergency measure. The motion carried by the following vote:**

**Yea:** 10 - Adams, Cherry, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes and Waniewski

**Not Present:** 1 - Ujvagi

**A motion was made to pass the Ordinance. The motion carried by the following vote:**

**Yea:** 10 - Adams, Cherry, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes and Waniewski

**Not Present:** 1 - Ujvagi

[O-034-18](#)

Authorizing the acceptance, deposit, appropriation and expenditure of an amount not to exceed \$30,000 from the City of Oregon into the Capital Improvement Fund for resurfacing within the Oregon city limits related to the Navarre Avenue Resurfacing project; authorizing the Mayor to prepare plans and specifications and to enter into a joint cooperation agreement with the City of Oregon for the Navarre Avenue Resurfacing project upon such terms and conditions as approved by the Director of Public Utilities and the Director of Law; and declaring an emergency.

**A motion was made 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:** 10 - Adams, Cherry, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes and Waniewski

**Not Present:** 1 - Ujvagi

**A motion was made to declare the Ordinance an emergency measure. The motion carried by the following vote:**

**Yea:** 10 - Adams, Cherry, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes and Waniewski

**Not Present:** 1 - Ujvagi

**A motion was made to pass the Ordinance. The motion carried by the following vote:**

**Yea:** 10 - Adams, Cherry, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes and Waniewski

**Not Present:** 1 - Ujvagi

**OFFICE OF THE MAYOR:**

[O-035-18](#)

Authorizing the Mayor to execute and deliver needed instruments for the conveyance of 60 acres of City-owned real property known as the Toledo Botanical Garden, 5403 Elmer Drive, Toledo, Lucas County, Ohio, to the Board of Park Commissioners of the Metropolitan District of the Toledo Area; waiving the notice and competitive bidding requirements of T.M.C. 187.19; making certain findings with respect thereto; and declaring an emergency.

**Attachments:** [Legal Description](#)  
[Operation Agreement](#)

**A motion was made to amend the proposed ordinance by changing the Title to read 60 acres and adding Section 2 to the ordinance; carried; v.v.**

*The ordinance was then read by title only.*

**A motion was made by Council Member Adams that this Ordinance receive First Reading. The motion carried by a unanimous vote.**

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

**DEPARTMENT OF PUBLIC SERVICE:**

[O-036-18](#)

Authorizing the appropriation and expenditure of \$71,880 from Zorah W. Bowman Trust Fund for the repair and restoration of tennis courts located within City of Toledo parks; authorizing the necessary invoices for the court repairs; and declaring an emergency.

**A motion was made 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:** 11 - Adams, Cherry, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

**A motion was made to declare the Ordinance an emergency measure. The motion carried by the following vote:**

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

**A motion was made to pass the Ordinance. The**

**motion carried by the following vote:**

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

**DEPARTMENT OF ECONOMIC & BUSINESS DEVELOPMENT:**[O-037-18](#)

Authorizing the Mayor to enter, execute and deliver a Real Estate Purchase Agreement and other needed instruments for the sale and conveyance of 2419 N. Erie Street and 2423 N. Erie Street to Scott P. Burton; 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](#)

**A motion was made 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:** 11 - Adams, Cherry, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

**A motion was made to declare the Ordinance an emergency measure. The motion carried by the following vote:**

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

**A motion was made to pass the Ordinance. The motion carried by the following vote:**

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

**DEPARTMENT OF HUMAN RESOURCES:**

[O-038-18](#)

Authorizing the Mayor to enter into a Professional Services Agreement with Waverly Partners, LLC, for the provision of assistance with the identification, evaluation, and screening of applicants for the positions of Director of Finance, Director of Economic and Business Development, and Director of Information & Communication Technology; authorizing the expenditure of funds not to exceed \$75,000.00 in payment of services; waiving the competitive procurement requirements of TMC 187; and declaring an emergency.

**A motion was made 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:** 11 - Adams, Cherry, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

**A motion was made to declare the Ordinance an emergency measure. The motion carried by the following vote:**

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

**A motion was made to pass the Ordinance. The motion carried by the following vote:**

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

**DEPARTMENT OF ECONOMIC & BUSINESS DEVELOPMENT:**[O-039-18](#)

Authorizing the Mayor to enter, execute and deliver a Real Estate Purchase Agreement and other needed instruments for the sale and conveyance of 5962, 5963, 5967 & 5973 318th Street to Bradley and Christine Cobourne; 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:** [Exhibits A & B](#)

**A motion was made 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:** 11 - Adams, Cherry, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

**A motion was made to declare the Ordinance an emergency measure. The motion carried by the following vote:**

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

**A motion was made to pass the Ordinance. The motion carried by the following vote:**

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

[O-040-18](#)

Authorizing the Mayor to enter, execute and deliver a Real Estate Purchase Agreement and other needed instruments for the sale and conveyance of 5949, 5951, 5955 & 5961 318th Street to Tom and Cynthia Zunk; 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:** [Exhibits A & B](#)

**A motion was made 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:** 11 - Adams, Cherry, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

**A motion was made to declare the Ordinance an emergency measure. The motion carried by the following vote:**

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

**A motion was made to pass the Ordinance. The motion carried by the following vote:**

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

#### **DEPARTMENT OF PUBLIC SERVICE:**

[O-041-18](#)

Authorizing the Mayor to enter into an Agreement with the Lucas County Commissioners and the Lucas County Solid Waste Management District (LCSWMD) to commit all of the City's recyclables from the City-wide Curbside Recycling Program to LCSWMD; and to enter into favorable terms to process those recyclables; and declaring an emergency.

**A motion was made 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:** 11 - Adams, Cherry, Harper, Johnson, Komives, Ludeman, Riley, Spang, Sykes, Ujvagi and Waniewski

**A motion was made to declare the Ordinance an emergency measure. The motion carried by the**

**following vote:**

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

**A motion was made to pass the Ordinance. The motion carried by the following vote:**

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

**ITEM LIKELY TO BE RELIEVED OF WATER QUALITY, STREETS & INFRASTRUCTURE COMMITTEE:**[O-042-18](#)

Approving the Lucas County Solid Waste Management District's 2018 - 2032 Solid Waste Management Plan update pursuant to Ohio Revised Code Section 3734.55(B); and declaring an emergency.

**Attachments:** [Financial Impact Statement](#)  
[Letter & Summary](#)  
[2018 - 2032 Plan Update](#)

**A motion was made by Council Member Adams that this Ordinance be an relieve of Committee. The motion carried by a unanimous vote.**

**A motion was made to declare the Ordinance an emergency measure. The motion carried by the following vote:**

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

**A motion was made to pass the Ordinance. The motion carried by the following vote:**

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

**READING OF THE TOLEDO CITY JOURNAL:**

**A motion was made by Council Member Adams that this be an Dispense with the reading of TCJ. The motion carried by a unanimous vote.**

**EXCUSALS:**

**Councilwoman Adams moved to excuse Councilman Ludeman, for non-attendance at the Committee of the Whole of January 24, 2018 and Council Member Spang, for non-attendance at the Committee of the Whole of January 24, 2018; carried; v.v.**

**NOMINATIONS FOR COUNCIL DISTRICT 6**

**Council President Cherry announced that the next order of business would be nominations for the selection of a person to fill the District 6 Council member vacancy caused by the resignation of Lindsay Webb.**

**Mr. Sykes placed the name of Chris DeLaney in nomination for the position of District 6 Council member.**

**Mr. Ludeman placed the name of James Nowak in nomination for the position of District 6 Council member.**

**The Roll was then called on selection of an individual to serve as District 6 Councilman member and the vote thereon was as follows: Adams, Cherry, Harper, Johnson, Komives, Riley, Sykes, Ujvagi (8) voted for DeLaney; Ludeman, Spang, Waniewski (3) voted for Nowak.**

**Mr. Delaney, having been chosen as District 6 Council person, was sworn in by Clerk of Council Gerald E.**

**Dendinger, and assumed his duties.**

**ADJOURNMENT:**

**Council President Cherry moved to adjourn until  
Tuesday February 13, 2018 at 4:00 PM.**

**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.**