



City of Toledo

One Government Center
Toledo, OH 43604

Agenda Review City Council

Tuesday, July 31, 2018

4:00 PM

Council Chambers

APPOINTMENTS FROM THE OFFICE OF THE MAYOR:

- [A-281-18](#) **Appointments - Civilian Police Review Board**
Attachments: [Civilian Police Review Board](#)
- [A-282-18](#) **Appointments - Civilian Police Review Board**
Attachments: [Civilian Police Review Board](#)
- [A-283-18](#) **Appointment - LMHA**
Attachments: [LMHA](#)
- [A-284-18](#) **Appointment - Old West End Historic District
Commission**
Attachments: [OWE Historic District Comm](#)
- [A-285-18](#) **Appointment - Old West End Historic District
Commission**
Attachments: [OWE Historic District Comm](#)
- [A-286-18](#) **Appointment - Toledo City Historic District Commission**
Attachments: [Toledo City HDC](#)
- [A-287-18](#) **Appointment - Toledo-Lucas County Board of Health**
Attachments: [T-LC Board of Health](#)

SECOND READING ITEM:

- [O-263-18](#) **Authorizing the Mayor to disappropriate, appropriate
and expend \$275,000 of Community Development**

Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD) for six (6) Public Service Activities, Third Party Partners; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

According to a report from the Dept. of Neighborhoods, \$3,683,890 is available from unspent CDBG funds from the years 2010 - 2017, the 36th - 42nd Years. Six (6) Social Service agencies in the Toledo community are in need of additional funding. This ordinance disappropriates \$275,000 and reappropriates the same amount for these six (6) agencies.

Legislative History

7/17/18

City Council

First Reading

COUNCILMAN RILEY PRESENTS:

[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

OFFICE OF THE MAYOR:

[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](#)

DEPARTMENT OF PUBLIC UTILITIES:

[R-290-18](#)

Declaring the necessity and intention of appropriating, in fee, a portion of the property located 3188 S. Byrne Road, required for the South Detroit and Byrne Roadway and Intersection Improvement Project; 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 re-construction 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 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). Negotiations to purchase the property interests have been unsuccessful to date and it is now necessary to begin appropriation proceedings to protect the City's interest in the right-of-way to be acquired and keep the project on schedule.

Label: DPU073118APPROPRIATE3188BYRNE
DPU Admin for Engineering Services
Jamie Miller (x1409)
Revised

Attachments: [Exhibit A](#)

[R-291-18](#)

Declaring the necessity and intention of appropriating, in fee, as well as a temporary construction easement across, portions of the property located 4346 S. Detroit, required for the S. Detroit and Byrne Roadway and Intersection Improvement Project; 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 re-construction 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). Negotiations to purchase the property interests have been unsuccessful to date and it is now necessary to begin appropriation proceedings to protect the city's interest in the right-of-way to be acquired and keep the project on schedule.

Label: DPU071718APPROPRIATE4346SDTROIT
DPU Admin for Engineering Services
Jamie Miller (x1409)
(Revised)

Attachments: [Exhibit A](#)

DEPARTMENT OF PUBLIC SERVICE:

[O-292-18](#)

Authorizing the expenditure of \$90,000 from the Capital Improvement Fund for the repair and/or replacement of HVAC and major mechanical systems; 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 expending \$90,000 from Facility and Fleet Operations' approved 2018 Capital Improvement Plan (CIP) budget for the repair and/or replacement of HVAC and major mechanical equipment and systems due to emergency needs at the Downtown Concourses.

Label: DPS 2018 CIP Downtown Concourse HVAC \$90,000
Facility Operations
Jim Lewis (x2560)/Paul M. Rasmusson (x7868)
Revised

[O-293-18](#)

Authorizing the expenditure of \$250,000 from the Capital Improvement Fund for the replacement of Parks and Recreation vehicles and equipment; authorizing the Mayor to accept bids and award contracts necessary to complete said purchase(s); and declaring an emergency.

Body: SUMMARY & BACKGROUND:
This Ordinance authorizes expending \$250,000 from Parks, Recreation and Forestry approved 2018 Capital Improvement Plan (CIP) budget for the replacement of vehicles and equipment.

Label: DPS 2018 CIP Parks and Recreation Equipment \$250,000
Parks, Recreation and Forestry
Karen Ranney Wolkins (x2326)/Paul M. Rasmusson (x7868)
Revised

Attachments: [Listing of equipment](#)**DEPARTMENT OF ECONOMIC & BUSINESS DEVELOPMENT:**[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](#)

[O-295-18](#)

Authorizing the Mayor to execute and deliver needed instruments for the dedication of certain city-owned real property as public right-of-way in Monclova Township, Lucas County, Ohio; waiving the competitive bidding and advertising provisions of TMC 187.19; and making certain findings with respect thereto; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

The City of Toledo is the owner of certain real property located in Monclova Township known as Triad Business Park (TD 38-000694). The subject property was split in such a way to facilitate the parcel being publically dedicated as right-of-way known as Riverfort Drive. The City intends to work with the Board of Commissioners of Lucas County to dedicate the real property identified in Exhibit A, attached to and made part of this ordinance. The dedication of Riverfort Drive is necessary to facilitate future development within Triad Business Park. The subject property is located within the Maumee-Monclova-Toledo Joint Economic Development Zone.

Label: DEBD Triad Business Park Property Sale
B. Burkett (x1692)
Revised

Attachments: [Exhibit A](#)

[O-296-18](#)

Authorizing the expenditure of \$100,000 from the Capital Improvement Fund for the purchase of vehicles; authorizing the mayor to accept bids and award contracts for said purchases; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

The Department of Economic & Business Development, Division of Building Inspection is looking to purchase fleet vehicles to replace aging vehicles and ensure that each inspector has access to reliable transportation. It is the intent of the division to utilize the state-term contract for the purchase of four (4) Jeep Cherokees.

Label: Vehicles
Department of Economic & Business Development
William Burkett (x1692)
Revised

[O-297-18](#)

Authorizing the re-appropriation of \$100,000 in the Department of Development General Fund budget for non-compliant commercial sign removal; and declaring an emergency.

Body: SUMMARY & BACKGROUND:
While owners of abandoned signs can be taken to court and ordered to remove or address violations, there are times when action is not taken. In these cases, the city can take action and remove or address violations and can assess the property. This legislation re-appropriates funds within the Department of Development's operating budget to address abandoned signs.

Label: Non-compliant Commercial Sign Removal
Department of Economic and Business Development
Burkett (x1692)
Revised

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

[O-298-18](#)

Accepting the City Plan Commission's recommendation for local landmark designation for the Building located in Uptown Toledo at 443-447 10th Street, in accordance with Toledo Municipal Code Section 1111.1002; and declaring an emergency.

Body: SUMMARY & BACKGROUND:
This request is for the review of the landmark designation for the building located at 443-447 10th Street. The City of Toledo currently has three locally designated historic districts; Old West End, Vistula, and Westmoreland. Two other properties in the City of Toledo have been locally designated in the last five years; the Fiberglass Tower/Levis Square, located at 200, 435 North St. Clair Street; and the Commerce Building, located at 15, 25, 31, and 39 S. Ontario Street. This would be the third locally designated building in

the City of Toledo. The applicant is seeking the designation in order to obtain State Historic Tax Credits. They are also seeking to place the structure on the National Register of Historic Places for its architectural significance so it will qualify for Federal Tax Credits. The building is considered historically significant since it was constructed between 1892 and 1906 and is over 100 years old. The applicant proposes to use the building for office space to mirror other uses in the area.

The process for landmark designation outlined in the Toledo Municipal Code, Chapter 1111.1000 Historic Districts and Landmarks (Designation or Expansion), Section 1111.1104 Report Contents states the following:

The reports of the Plan Commission and City Historic District Commission, containing their written recommendations to the City Council, must include information about how the proposed historic district or landmark, or expansion, is of special historical and architectural significance. The reports must include the following:

- A. whether the district or landmark proposed to be designated is listed on the National Register of Historic Places;
- B. whether the district or landmark proposed to be designated provides significant examples of architectural styles of the past; and
- C. a description of the district or landmark to serve as an informational resource. The description must include, but need not be limited to, the following:
 - 1. a geographic description including location and its relationship to the entire City;
 - 2. a description of the general land uses;
 - 3. a general description of the building

conditions;

4. a general description of the socio-economic characteristics;
5. a description of existing developmental plans or programs within or including the historic district or landmark; and
6. a list of neighborhood organizations within or serving the historic district or landmark.

The required information for this landmark designation is delineated below.

- A. Whether the district or landmark proposed to be designated is listed on the National Register of Historic Places;

The applicant is currently applying for designation on the National Register of Historic Places. The process takes significantly more time than the local designation and they are estimating a response from the Department of the Interior within the next six to twelve months.

- B. Whether the district or landmark proposed to be designated provides significant examples of architectural styles of the past;

The building located at 443-447 10th Street was built between 1895 and 1906, and is considered Italianate in style, a characteristic of early twentieth century structures. The façade of the building faces 10th Street. The main entrance appears to be in its original location. The building is three stories tall and is situated at the corner of Jackson Street and 10th Street. The windows on the third level are arched with a metal cornice, and two rows of dentilation patterns above them. The windows located on the first and second do not have specific

details and were altered at some point in the past. The first floor is divided into two bays, the second and third floors both are 8-bays wide due to previous manufacturing uses.

The tenant building tenant was the Landers Brothers Company, who manufactured a variety of automobile components from 1906 to 1912. In 1912, another manufacturing company moved in called Electric Auto-Lite. Electric Auto-Lite only occupied the building for approximately a year and half before they out grew the space. By 1915, Tillotson Manufacturing Company moved in to the building and produced carburetors until 1917. Tillotson out grew the building and left to continue their global business in supplying carburetors to Motor Works, Indian Motorcycle, tractors, Whizzer motorbikes, and Harley Davidson.

In 1918, M.I. Wilcox Company moved into the building and manufactured awnings until 1921. The building was used for auto repair from 1922 to 1923. In 1924, the company changed their product a third time to manufacturing automobile tops. It is likely that the auto tops manufactured in the building were sold to Jeep as soft tops for their vehicles.

From 1924 through 1934, the building housed a manufacturing facility and the Independent Order of Odd Fellows (I.O.O.F.) Temple. The I.O.O.F. utilized the third floor as their gathering space and dance hall. The I.O.O.F. remained on the third floor when Chapman Manufacturing Company moved into the building in 1926, replacing M.I. Wilcox. The Chapman Manufacturing Company also produced auto tops there from 1926 until 1940.

After 1940, the structure was used for a gasoline station equipment manufacturing business among other uses. Until the 1940's, this building played a huge part in the manufacturing of auto parts for Toledo's auto industry and placed Toledo on the map as nationally known for its automobile components.

C. a description of the district or landmark to serve as an

informational resource. The description must include, but need not be limited to, the following:

1. a geographic description including location and its relationship to the entire City;

The subject property is a .11-acre site that is located in downtown Toledo, and is bounded by 10th Street and Jackson Street. The warehouse sits on the northern corner of the city block, with an attached structure to the south for the emergency egress staircase to the building. The structure is a standalone building with no adjoining walls. The structure is located in the UpTown District and is part of the Downtown Toledo Master Plan, and is two blocks away from the Lucas County Court House.

2. A description of the general land uses;

The subject property is zoned Limited Industrial (IL). The structure operated as a manufacturing facility from its inception until after 1940. Surrounding land uses include a large office building directly to the north, to the west and south are parking lots, and to the east is the Family Court building.

3. A general description of the building conditions;

The history of the structure states it was used for manufacturing automobile parts until 1940. There is no mention in the buildings history that it was ever converted to another use. The details provided for the interior state that the building is structurally sound. The Residential Building Official for the City Of Toledo, Division of Inspection conducted an exterior review and found the structure appear to be structurally sound as well.

4. A general description of the socio-economic

characteristics;

The future use of this structure is for office space to mirror other uses in the vicinity. Since Toledo and Lucas County have their court buildings, jail and other municipal buildings located in the downtown core, the future use of this building will blend in with its surroundings.

The Downtown Toledo Master Plan states that over 80 percent of Class A (largest of the three classes for office space) space is located downtown, and nearly a third of all office space is downtown. A large proportion of office employment and office buildings is in Downtown Toledo, which is an asset. The other classes of office space, B and C, are smaller in physical size and the rent is at lower rates compared to the high end of Class A.

5. a description of existing developmental plans or programs within or including the historic district or landmark; and

The Toledo 20/20 Comprehensive Plan and Downtown Toledo Master Plan both target this site for Downtown Commercial uses. The Downtown Commercial land use category is intended to accommodate a broad range of uses to reflect the downtown's role as a commercial, government, cultural and entertainment center. Land uses are intended to be intense with high building coverage, large buildings, and buildings placed close together. The Uptown District Plan, adopted in 2014, also targets this site for downtown commercial uses and urban village. Additionally, the land uses are intended to be intense with high building coverage, large buildings, buildings close together, and to accommodate mixed-use pedestrian oriented development.

6. a list of neighborhood organizations within or serving the historic district or landmark.

The Toledo City Historic Districts Commission will have the authority to oversee any exterior changes to the Building if it is designated as a local landmark. The Toledo City Historic Districts Commission is charged with the responsibility of being the historical

conscience of the City and exists to help preserve and protect Toledo's historic resources.

Attachments: [Plan Commission Report](#)

Legislative History

7/18/18 Zoning & Planning refer as approved
Committee

[O-299-18](#)

Granting an amendment to a Special Use Permit for a used auto sales facility for a site located at 6009 Whiteford Center Road, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and waivers and declaring an emergency.

Body: SUMMARY & BACKGROUND:

By application (SUP-3007-18) filed with the City of Toledo Central Permit Center, a request for an amendment to a Special Use Permit for a Used auto sales facility for a site located at 6009 Whiteford Center Road, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On June 14, 2018, the Toledo City Plan Commission recommended approval for a Special Use Permit for an amendment to a Special Use Permit for a used auto sales facility for a site located at 6009 Whiteford Center Road, in the City of Toledo, Lucas County, Ohio.

On July 18, 2018, Toledo City Council, Zoning & Planning Committee reviewed, and sent as approved an amendment to a Special Use Permit for a Used auto sales facility for a site located at 6009 Whiteford Center Road, 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](#)

[O-300-18](#)

Declaring the vacation of a portion of Front Street and Randolph Street right of ways; in the City of Toledo, Lucas County, Ohio; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

The Council of the City of Toledo, by Resolution No. 9-18 adopted January 2, 2018, declared its intent to vacate a portion of the Front Street and Randolph Street right of ways; in the City of Toledo, Lucas County, Ohio, as more fully described in Section 1 herein.

All actions have been performed as required by law, the Charter of the City of Toledo, and the Toledo Plan Commission and City Board of Revision of Assessments have made recommendations regarding the proposed vacations.

Label: Zoning & Planning Committee[O-301-18](#)

Declaring the vacation of the 12 foot north and south alley running adjacent to lots 22-30 and then the east west portion of the alley adjacent to lots 31-36, in the Humboldt Addition, Pettees Subdivision in the City of Toledo, Lucas County, Ohio; this internal alley is bounded by Sylvania Avenue, Gradolph Street, Castener Street and Catawba Street; in the City of Toledo, Lucas County, Ohio; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

The Council of the City of Toledo, by Resolution No. 79-18 adopted on February 27, 2018, declaring its intent to vacate the north and south alley running adjacent to lots 22-30 and then the east west portion of the alley adjacent to lots 31-36, in the Humboldt Addition, Pettees Subdivision in the City of Toledo, Lucas County, Ohio; This internal alley is bounded by Sylvania Avenue, Gradolph Street, Castener Street and Catawba Street; in the City of Toledo, Lucas County, Ohio, as more fully described in Section 1 hereof.

All of the preliminary steps have been taken as required by law, the Charter of the City of Toledo, and the Toledo Plan Commission has made reports regarding the proposed vacations; and all things required by law to be done, have been done. During the vacation process it was determined the City of Toledo has received all fees for this vacation.

Label: Zoning & Planning Committee

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

[O-302-18](#)

Granting a Special Use Permit for a used auto sales facility for a site located at 3553 Monroe Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; declaring an emergency.

Body: SUMMARY & BACKGROUND:

By application (SUP-5001-18) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a used auto sales facility for a site located at 3553 Monroe Street, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On June 14, 2018, the Toledo City Plan Commission recommended disapproval for a Special Use Permit for a used auto sales facility for a site located at 3553 Monroe Street in the City of Toledo, Lucas County, Ohio.

On July 18, 2018, Toledo City Council, Zoning & Planning Committee reviewed, and sent as disapproved a Special Use Permit for a used auto sales facility for a site located at 3553 Monroe Street 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](#)

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