



City of Toledo

One Government Center
Toledo, OH 43604

Agenda Review City Council

Tuesday, September 29, 2020

2:00 PM

Council Chambers

For: Agenda Review, Tuesday, Sept. 29, 2020, 2:00 PM

SECOND READING ITEMS:

[O-357-20](#)

Enacting Toledo Municipal Code Section 135.04, Affirmatively Furthering Fair Housing and Analysis of Impediments to Fair Housing Choice; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

The purpose of this Ordinance is to address the serious health, safety, and economic concerns related to fair housing, expand access to housing opportunities, and further the goals of the Fair Housing Act including residential desegregation and promotion of housing choice.

The U.S. Department of Housing and Urban Development (HUD) recently promulgated regulations that reduced and/or eliminated certain obligations of entitlement jurisdictions to report on and measure their progress toward affirmatively furthering the goals of the Fair Housing Act including analyzing impediments to fair housing choice and taking proactive steps to reduce segregation and improve access to housing opportunities for protected classes recognized under Fair Housing Act. These efforts are essential to build inclusive, vibrant neighborhoods where all residents have access to the resources they need to thrive.

The City of Toledo remains committed to affirmatively furthering fair housing as originally intended in and set forth as a goal within the Fair Housing Act. *See* 42 U.S.C. 3608. The City of Toledo wishes to commit itself to continue to measure progress toward achieving the goals of the Fair Housing Act as was previously required prior to HUD's recent regulatory changes. The City intends to not only comply

with HUD's newly reduced regulatory requirements, but also affirmatively further fair housing through completing an Analysis of Impediments to Fair Housing Choice along with a fair housing action plan to address the impediments identified in the analysis.

Attachments: [Audio: Agenda Review 9/1/2020](#)
[Audio: City Council 9/8/2020](#)

Legislative History

9/8/20	City Council	First Reading
9/22/20	City Council	held

[O-378-20](#)

Amending Toledo Municipal Code Section 129.09(b) “Right to Know Act”, to change the phone number on Police business cards from Civilian Police Review Board to Internal Affairs Section; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

Ord. 201-20, passed June 16, 2020, required the business cards for Police Officers to contain the phone number for the Civilian Police Review Board. City Council now desires for the business cards to contain the phone number for the Internal Affairs Section.

Legislative History

9/22/20	City Council	First Reading
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[O-379-20](#)

Approving a Petition For Special Assessments for Special Energy Improvement Projects and a Supplemental Plan for the Northwest Ohio Advanced Energy Improvement District under Chapter 1710 of the Ohio Revised Code; to authorize and levy special assessments for the purpose of acquiring, constructing, and improving certain public improvements in the City of Toledo in cooperation with the Northwest Ohio Advanced Energy Improvement District; and to approve a Cooperative Agreement and Special Assessment Agreement in connection with such improvements and special assessments; an declaring an emergency.

Attachments: [Exhibit A, B & C and Receipt](#)
[Petition](#)
[Cooperative Agreement](#)
[Assessment Agreement](#)

Legislative History

9/22/20 City Council First Reading

[O-380-20](#)

Authorizing the mayor to accept and deposit grant proceeds from the Criminal Justice Coordinating Council (CJCC) for the United States Department of Justice/Bureau of Justice Assistance/Edward Byrne Memorial Justice Assistance Grant Program BJA 2020-JG-LE-1000 in the amount of \$121,860.55; authorizing the mayor to enter into an agreement for the purchase of body worn cameras; authorizing the appropriation and expenditure of an amount not to exceed \$121,860.55 from the unappropriated balance of the Operation Grants Fund for the purchase of body worn cameras; authorizing the expenditure of an amount not to exceed \$11,826.95 from the General Fund for the purchase of body worn cameras; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

The purpose of this legislation is to allow the Toledo Police Department to receive grant proceeds in the amount of \$121,860.55 from federal JAG funds for the purchase of body worn cameras. There are no matching requirements for this grant. This legislation further authorizes the expenditure of \$11,826.95 from the General Fund for the purchase of body worn cameras. A total of 195 body worn cameras will be purchased with this legislation for a total expenditure of \$133,687.50.

The fiscal impact of this ordinance is as follows:

- The amount of funds requested: \$133,587.50
- The expenditure budget line item: 2016-52000-3G07713STDSTD (\$121,860.55)

1001-52000-3381002STDSTD

(\$11,826.95)

- New revenue generated (operational revenue, grants, if any):
\$121,860.55
- Revenue budget line item (if any): 2016-52000-3G07713STDSTD
- Are funds budgeted in the current fiscal year (yes/no)? No.
- Is this a capital project (yes/no)? No.
- If yes, is it new or existing (new/existing)? No.
- What section of the City's Strategic Plan does this support?
 - o Excellence in Basic Services (yes/no) Yes.
 - o Quality Community Investment (Livable City, Development) Yes.
 - o Workplace Culture & Customer Service (yes/no) Yes.
 - o Environment (yes/no) No.

Legislative History

9/22/20

City Council

First Reading

[O-381-20](#)

Authorizing the mayor to accept bids and award contracts for the purchase of hydrants, hydrant valves and appurtenances; authorizing the appropriation and expenditure in an amount not to exceed \$500,000 from the Water Replacement Fund; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

The City of Toledo has initiated a systematic, annual anti-tampering hydrant replacement program to replace old hydrants in high tampering and turn on areas. Money for this program has been budgeted in the 2020 Department of Public Utilities Capital Improvement Program. It is the intent of this ordinance to appropriate and expend \$500,000 from the Water Replacement Fund for the purchase of hydrants, hydrant valves and appurtenances. This work is necessary to maintain safe, reliable water service in the City of Toledo service area.

The fiscal impact of this Ordinance is as follows:

- The total amount of funds requested: \$500,000
- The expenditure budget line item: 6063-34000-

4UC0520STDSTD,

- New revenue generated (operational revenue, grants, if any): none
- Revenue budget line item (if any): N/A
- Are funds budgeted in the current fiscal year (yes/no)? yes
- Is this a capital project (yes/no)? yes
- If yes, is it new or existing (new/existing)? existing
- What section of the City's Strategic Plan does this support:
 - Excellence in Basic Services (yes/no) yes
 - Quality Community Investment (Livable City, Development) (yes/no) yes
 - Workplace Culture & Customer Service (yes/no) yes
 - Environment (yes/no) yes

Attachments: [Bullet Points](#)

Legislative History

9/22/20

City Council

First Reading

[O-382-20](#)

Authorizing the appropriation and expenditure of an amount not to exceed \$800,000 from the unappropriated balance of the Sewer Replacement Fund for the Sewer Televising and Condition Assessment 2020 project; authorizing the mayor to prepare plans and specifications, acquire rights-of-way and easements as necessary, accept bids and enter into contracts after due advertising; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

This ordinance appropriates and authorizes the expenditure of \$800,000 from the Sewer Replacement Fund for the Division of Engineering Services' Sewer Televising project 2020. The work being funded includes the cleaning of various sewer lines and submittal of television records. This project will allow inspection of sewers under upcoming roadway projects and referrals from the Division of Sewers and Drainage. This program also works in conjunction with the Basement Flooding Remediation Program to clean and inspect sewers associated with basement flooding to prevent further basement flooding occurrences. Sufficient funds are available within the Sewer

Replacement Fund to pay for this replacement.

The fiscal impact of this ordinance is as follows:

- The amount of funds requested: \$800,000
- The expenditure budget line item: 6073-35000-4UC1820STDSTD
- New revenue generated (operational revenue, grants, if any): none
- Revenue budget line item (if any): none
- Are funds budgeted in the current fiscal year (yes/no)? yes
- Is this a capital project (yes/no)? yes
- If yes, is it new or existing (new/existing)? existing
- What section of the City's Strategic Plan does this support:
 - o Excellence in Basic Services (yes/no) no
 - o Quality Community Investment (Livable City, Development) (yes/no) yes
 - o Workplace Culture & Customer Service (yes/no) no
 - o Environment (yes/no) no

Attachments: [Bullet Points](#)
[Sanitary Budget 2020-2021](#)
[Sewer CIP Approved](#)

Legislative History

9/22/20 City Council First Reading

[O-383-20](#)

Approving a Community Reinvestment Area real property tax exemption for Phoenix Toledo Industrial Investors, LLC, 401 E. Kilbourn Avenue, Suite 2017, Milwaukee, WI 53202, for the redevelopment of an industrial structure and parcel of real property located at 1313 Campbell Street, Toledo, Ohio 43607, located in the Southwest Community Reinvestment Area; authorizing the execution of needed agreements and other documents related thereto; making certain findings and determinations; and declaring an emergency.

Body: SUMMARY & BACKGROUND:
Ordinance No. 787-95 enacted on December 20, 1995 as amended

by Ord. No. 57-96 enacted on February 7, 1996, designated the “Southwest Community Reinvestment Area”, pursuant to Sections 3735.67 through 3725.671 of the Ohio Revised Code, and declared that these tax exemption incentives promote and expand conforming use in the designated area. This area was subsequently certified by the Ohio Department of Development as Community Reinvestment Area (“CRA”) effective February 15, 1996.

On October 29, 2019, Toledo City Council authorized Ordinance 494 granting a Community Reinvestment Area real property tax exemption to Phoenix Toledo industrial Investors, LLC (“Property Owner”) for the redevelopment of a 226,929 square foot structure located at 1411 Campbell Street Toledo, OH 43607 for Brenntag North America, Inc.’s (“Tenant”) new distribution facility. The Property Owner acquired the adjacent dilapidated industrial building located at 1313 Campbell Street to provide additional acreage for the Tenant’s operations that will include additional parking, rail spur and storage, tank farm and a stormwater detention pond.

Phoenix Toledo Industrial Investors, LLC has submitted an application and agreement for a CRA real property tax exemption. The exemption is requested for the redevelopment of a former dilapidated industrial structure, located at 1313 Campbell Street, Toledo, Ohio 43607, into expanded outdoor operations for Brenntag North America, Inc.’s new distribution facility. The Owner estimates it will invest \$778,890.38 to redevelop this 13.59-acre site.

This proposed project is in conformance with Toledo’s Southwest Community Reinvestment Area requirements as established by the above referenced ordinances. The Toledo Public School District was notified and has approved the granting of a twelve (12) year tax exemption, subsequently entering into a School District Payment Agreement with Phoenix Toledo Industrial Investors, LLC for an annual payment in lieu of taxes. This Ordinance is required to authorize a 100% real property tax exemption of twelve (12) years for taxes that would otherwise be generated due to the increase in the assessed valuation of the real property at the project site.

The fiscal impact of this ordinance is as follows:

- The amount of funds requested: N/A
- The expenditure budget line item: N/A
- New revenue generated (operational revenue, grants, if any): N/A
- Revenue budget line item (if any): N/A
- Are funds budgeted in the current fiscal year (yes/no)?:
N/A
- Is this a capital project (yes/no)? No
- If yes, is it new or existing (new/existing)? N/A
- What section of the City's Strategic Plan does this support:
 - o Excellence in Basic Services (yes/no) N/A
 - o Quality Community Investment (Livable City, Development) (yes/no) yes
 - o Workplace Culture & Customer Service (yes/no)
no
 - o Environment (yes/no) no

Legislative History

9/22/20

City Council

First Reading

[O-384-20](#)

Authorizing the mayor to enter into a cooperative agreement with Lucas County for roadway resurfacing and improvement work on Corey Road from the bridge over I-475 to the city limits to the southeast; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

Lucas County will be constructing a roadway project which includes resurfacing Corey Road, Springbrook Drive, and King Road. A portion of the project on Corey Road from the bridge over I-475 to approximately 1850' to the Southeast is within the City of Toledo limits. This project is scheduled to construct in 2021.

Lucas County will administer the design and construction of the project with county funds and is paying for 100% of the construction outside of the city limits. Lucas County has been awarded funding from the Ohio Public Works Commission (OPWC) to help fund the project.

The City of Toledo will participate in the costs by paying for 66% of the portion that is within the city limits, to be paid for with Matches and Planning Funds. The other 34% is funded by OPWC.

The fiscal impact of this ordinance is as follows:

- The amount of funds requested: \$100,195
- The expenditure budget line item: 5040-35000-8CP1903STREET
- New revenue generated (operational revenue, grants, if any): none
- Revenue budget line item (if any): none
- Are funds budgeted in the current fiscal year (yes/no)? yes
- Is this a capital project (yes/no)? yes
- If yes, is it new or existing (new/existing)? new
- What section of the City's Strategic Plan does this support:
 - o Excellence in Basic Services (yes/no) no
 - o Quality Community Investment (Livable City, Development) (yes/no) yes
 - o Workplace Culture & Customer Service (yes/no) no
 - o Environment (yes/no) no

Attachments: [Bullet Points](#)

Legislative History

9/22/20 City Council First Reading

[O-385-20](#)

Authorizing the annual expenditure of an amount not to exceed \$300,000 from the Capital Improvement Fund for vehicle replacement for the Toledo Police Department under an existing agreement with Enterprise Fleet Management; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

Ordinance 254-19 authorized the mayor to enter into a contract with Enterprise Fleet Management for vehicle and equipment replacement for the city's fleet. The Toledo Police Department plans to utilize this contract for leasing patrol vehicles for the Department over the next three (3) years.

The fiscal impact of this Ordinance is as follows:

- The total amount of funds requested: \$900,000 (\$300,000 annually)
- The expenditure budget line item: 5040-52000-8CP2010POLLSE
- New revenue generated (operational revenue, grants, if any): none
- Revenue budget line item (if any): N/A
- Are funds budgeted in the current fiscal year (yes/no)? yes
- Is this a capital project (yes/no)? yes
- If yes, is it new or existing (new/existing)? Existing.
- What section of the city's Strategic Plan does this support:
 - o Excellence in Basic Services (yes/no) yes
 - o Quality Community Investment (Livable City, Development) (yes/no) yes
 - o Workplace Culture & Customer Service (yes/no) yes
 - o Environment (yes/no) yes

Legislative History

9/22/20

City Council

First Reading

[O-386-20](#)

Authorizing the mayor to enter into and execute cooperative agreements between the City of Toledo and the State of Ohio Department of Transportation (ODOT) and to give consent to ODOT for Pedestrian Safety Improvements within the City limits; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

The City of Toledo (LPA) and the State of Ohio have identified the need for a pedestrian safety improvement project for various pre-approved intersections located within the City of Toledo. The total cost of this project is up to \$1.3 million. Improvements will include: enhancements to pavement markings, signage, roadway features (median, curb ramps, sidewalk) and signals. ODOT will provide 100% of the cost of the project.

The fiscal impact of this Ordinance is as follows:

- The total amount of funds requested: \$0
- The expenditure budget line item: N/A
- New revenue generated (operational revenue, grants, if any):
TBD
- Revenue budget line item (if any): none
- Are funds budgeted in the current fiscal year (yes/no)? N/A
- Is this a capital project (yes/no)? no
- If yes, is it new or existing (new/existing)? N/A
- What section of the City's Strategic Plan does this support:
 - o Excellence in Basic Services (yes/no) yes
 - o Quality Community Investment (Livable City, Development) (yes/no) yes
 - o Workplace Culture & Customer Service (yes/no) yes
 - o Environment (yes/no) no

Attachments: [Pedestrian Safety Improvement Program](#)
[Bullet Points](#)

Legislative History

9/22/20

City Council

First Reading

[O-387-20](#)

Authorizing the expenditure of \$35,000 from the Special Assessment Fund and the expenditure of \$35,000 from the Capital Improvement Fund for the repair and/or replacement of the Streets, Bridges and Harbor Cold Bay roof; authorizing the mayor to accept bids and award contracts for said purpose; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

This Ordinance authorizes expending \$35,000 from the approved Streets, Bridges and Harbor Special Assessment operating budget and \$35,000 from Facility and Fleet Operations' 2020 approved CIP funds and for the structural repairs needed at the Streets, Bridges and Harbor cold bay roof. Funds are available for expenditure from the approved 2020 Operating and Capital Improvement Budgets.

The fiscal impact of this Ordinance is as follows:

- The total amount of funds requested: \$70,000
- The expenditure budget line item: 5040-26100-

8CP2016HVACMA, 3050-23100-2421001STDSTD,
3050-23100-2422001STDSTD

- New revenue generated (operational revenue, grants, if any): none
- Revenue budget line item (if any): N/A
- Are funds budgeted in the current fiscal year (yes/no)? Yes
- Is this a capital project (yes/no)? Yes
- If yes, is it new or existing (new/existing)? Existing
- What section of the City's Strategic Plan does this support:
 - o Excellence in Basic Services (yes/no) yes
 - o Quality Community Investment (Livable City, Development) (yes/no) yes
 - o Workplace Culture & Customer Service (yes/no) yes
 - o Environment (yes/no) no

Attachments: [Talking Points](#)

Legislative History

9/22/20 City Council First Reading

[O-388-20](#)

Changing the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 924 N. Detroit Avenue, in the City of Toledo, Lucas County, Ohio; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

An application (Z-6003-20) for a proposed change in zoning for the property located at 924 N. Detroit Avenue, Toledo, Ohio, was submitted to the Toledo City Plan Commission for its review and recommendation.

On August 13, 2020, the Toledo City Plan Commission recommended approval of the request for a zone change from "CR" Regional Commercial to "RD6" Duplex Residential for the property located at 924 N. Detroit Avenue, Toledo, Ohio.

On September 16, 2020, the Toledo City Council sent without recommendation the request for a zone change from "CR" Regional Commercial to "RD6" Duplex Residential for the property located at

924 N. Detroit Avenue, Toledo, Ohio.

Attachments: [Plan Commission Report](#)

Legislative History

9/22/20 City Council First Reading

[O-389-20](#)

Changing the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 140 Ottawa Street, in the City of Toledo, Lucas County, Ohio; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

An application (Z-7001-20) for a proposed change in zoning for the property located at 140 Ottawa Street, Toledo, Ohio, was submitted to the Toledo City Plan Commission for its review and recommendation.

On August 13, 2020, the Toledo City Plan Commission recommended approval of the request for a zone change from “IL” Limited Industrial to “CD” Downtown Commercial for the property located at 140 Ottawa Street, Toledo, Ohio.

On September 17, 2020, the Toledo City Council sent without recommendation the request for a zone change from “IL” Limited Industrial to “CD” Downtown Commercial for the property located at 140 Ottawa Street, Toledo, Ohio.

Attachments: [Plan Commission Report](#)

Legislative History

9/22/20 City Council First Reading

[O-390-20](#)

Granting an Amendment to a Special Use Permit, for a site located at 1201-1211 Dorr Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

By application (SUP-11002-19) filed with the City of Toledo Central Permit Center, a request for an Amendment to a Special Use Permit, for a site located at 1201-1211 Dorr Street, in the City of Toledo,

Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On August 13, 2020, the Toledo City Plan Commission recommended approval for the request for an Amendment to a Special Use Permit, for a site located at 1201-1211 Dorr Street, in the City of Toledo, Lucas County, Ohio; the City of Toledo, Lucas County, Ohio.

On September 16, 2020, Toledo City Council, Planning and Zoning Committee reviewed, and sent without recommendation a request for an Amendment to a Special Use Permit, for a site located at 1201-1211 Dorr Street, in the City of Toledo, Lucas County, Ohio; and all other things required by law to be done, have been done.

Attachments: [Plan Commission Report](#)

Legislative History

9/22/20 City Council First Reading

[O-391-20](#)

Amending Toledo Municipal Code (“TMC”), Part Eleven, Chapter 1114.0205.A.2, Loss of Legal Nonconforming Status; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

Amending the Toledo Municipal Code Section 1114.0205.A.2 which pertains to the loss of a legal nonconforming land use status. Once a nonconforming use is abandoned, the use’s nonconforming status is lost and any subsequent use of the property must comply with the regulations of the zoning district in which it is located. Currently, a nonconforming use is considered abandoned when one of the following occurs:

1. The intent of the owner to discontinue the use is apparent;
2. The use has been voluntarily discontinued for a period of 1 year or more,
3. The characteristic equipment and furnishings associated with the nonconforming use have been removed from the premises and have not been replaced by similar equipment and furnishings within 1 year, unless other facts show intention to resume the non-conforming use;

4. The nonconforming use has been replaced by a conforming use;
5. The nonconforming use has been changed to another use in accordance with Sec. 1114.0203; or
6. A building permit to reconstruct a damaged nonconforming use has not been secured within 1 year of the date of occurrence of such damage, or construction has not been diligently pursued.

Plan Commission staff has concerns about business owners who have technically met these requirements by opening their business for extremely short durations once a year, and therefore are able to maintain their legal nonconforming status, even though the vast majority of the year the business is vacant and not in operation.

Research shows that numerous jurisdictions across the country include the requirement that a legal nonconforming use must be “continuously operated” in order for it to keep grandfathered status. However, Ohio Revised Code Section 713.15 states that “...if any such nonconforming use is voluntarily discontinued for two years or more, or for a period of not less than six months but not more than two years that a municipal corporation otherwise provides by ordinance, any future use of such land shall be in conformity...” However, requiring a use be in operation for a minimum amount of time annually is both a reasonable requirement and would prevent legal nonconforming uses from persisting when the use is in actuality abandoned.

In order to prevent legal nonconforming uses from remaining and to discourage persistent vacancy, staff recommends an amendment to TMC 1114.0205.A.2 requiring a legal nonconforming use be in continuous operation for a minimum of 30 days in a calendar year in order for the legal nonconforming status to remain. Staff recommends the approval of the amendment to TMC 1114.0205.A.2 as the text amendment clarifies the stated purpose of the Zoning Code.

On August 13, 2020, the Toledo City Plan Commission considered

and recommended approval of the requested text amendment.

On September 16, 2020, Toledo City Council, Planning and Zoning Committee reviewed, and sent without recommendation the requested text amendment.

Attachments: [Plan Commission Report](#)

Legislative History

9/22/20 City Council First Reading

[O-392-20](#)

Approving and adopting the M-5-20 Monroe-Auburn Master Plan as an amendment to the Toledo 20/20 Comprehensive Plan for the City of Toledo, Ohio; and declaring an emergency.

Attachments: [Plan Commission Report](#)

Legislative History

9/22/20 City Council First Reading

**COUNCIL PRESIDENT CHERRY AND THE MEMBERS OF CITY COUNCIL
PRESENT:**

[TMP-5455](#)

Approving a Petition For Special Assessments for Special Energy Improvement Projects and a Project Plan for the Northwest Ohio Advanced Energy Improvement District under Chapter 1710 of the Ohio Revised Code; to authorize and levy special assessments for the purpose of acquiring, constructing, and improving certain public improvements in the City of Toledo in cooperation with the Northwest Ohio Advanced Energy Improvement District; and to approve an Energy Project Agreement in connection with such improvements and special assessments; and declaring an emergency.

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

[Petition](#)

[Agreement](#)

DEPARTMENT OF NEIGHBORHOODS:

1. [TMP-5452](#) **Amending Chapter 1767 of the Toledo Municipal Code “Vacant Residential Building Registration” to Include and Create a “Residential Rental Properties Registration” located in the City of Toledo; and declaring an emergency.**

Body: SUMMARY & BACKGROUND:
The City of Toledo desires to create a Residential Rental Property Registry under Toledo Municipal Code Chapter 1767. The database will be maintained with the Lucas County Auditor’s Office utilizing the software database AREIS. The Residential Rental Registry will work in tandem with the City’s Residential Rental Lead Safety Ordinance as adopted in TMC Chapter 1760.

2. [TMP-5453](#) **Repealing and Replacing Chapter 1760 of the Toledo Municipal Code, Registration of Rental Properties and Lead Safety, and enacting Ch. 1760, Residential Rental Properties and Lead Safety Compliance; and declaring an emergency.**

Body: SUMMARY & BACKGROUND:
The City of Toledo now brings forward this ordinance repealing the current chapter of Toledo Municipal Code, Ch. 1760, Registration of Residential Rental Properties and Lead Safety, and enacting a new Ch. 1760, Residential Rental Properties and Lead Safety Compliance.

Attachments: [Current TMC Ch. 1760](#)

DEPARTMENT OF LAW:

3. [TMP-5448](#) **Authorizing the settlement of the City of Toledo’s damage claims pending with Kokosing Construction Co., Inc.; authorizing the acceptance and deposit of \$89,481.83 to the Facility Operations Fund, Utility Administration Fund, Capital Improvement Fund, and the General Fund, respectively; and declaring an emergency.**

Body: SUMMARY & BACKGROUND:
On June 21, 2019 an underground Toledo Edison electric cable was severed during a drilling operation at the intersection of Adams and

Superior Streets resulting in a power outage in the City's offices located in the several locations the Downtown. The costs associated with the temporary replacement of power amounts to \$89,481.83. On June 2, 2020, the City of Toledo filed a claim with Kokosing Construction Co. for reimbursement of its costs; and on June 25, 2020 Kokosing Construction Co. agreed to pay the amount of \$89,481.83 to resolve the City of Toledo's claim.

DEPARTMENT OF PUBLIC UTILITIES:

4. [TMP-5425](#)

Authorizing the mayor to enter into a Hazardous Materials Training Grant Agreement with the Public Utilities Commission of Ohio (PUCO); authorizing the mayor to accept and deposit \$46,190 in grant proceeds into the Operation Grants Fund; authorizing the appropriation and expenditure of grant funds; authorizing the mayor to accept bids and execute necessary contracts; and declaring an emergency.

Body:

SUMMARY & BACKGROUND:

The City of Toledo has been awarded funding and invited to enter into a grant agreement with the Public Utilities Commission of Ohio for a Hazardous Materials Training Grant to provide funding for the OSHA 8-Hour Hazardous Waste Operations and Emergency Response Refresher and other hazardous materials courses for governmental employees and environmental personnel. This ordinance authorizes the mayor to accept the grant and enter into an agreement with the Public Utilities Commission of Ohio.

The fiscal impact of this ordinance is as follows:

- The amount of funds requested: \$46,190
- The expenditure budget line item: 2016-38000-6G10201STDSTD
- New revenue generated (operational revenue, grants, if any): \$46,190
- Revenue budget line item (if any): 2016-38000-6G10201STDSTD
- Are funds budgeted in the current fiscal year (yes/no)? no
- Is this a capital project (yes/no)? no

- If yes, is it new or existing (new/existing)? n/a
- What section of the City's Strategic Plan does this support:
 - o Excellence in Basic Services (yes/no) yes
 - o Quality Community Investment (Livable City, Development) (yes/no) yes
 - o Workplace Culture & Customer Service (yes/no) no
 - o Environment (yes/no) yes

Attachments: [Bullet Points](#)
[PUCO Finding & Order](#)

DEPARTMENT OF DEVELOPMENT:

5. [TMP-5451](#)

Authorizing the Mayor to enter into a Real Estate Purchase Agreement with the Board of Education for the Washington Local School District ("Washington Local") and to execute and deliver needed instruments for the sale and conveyance of approximately 12 acres of city-owned real property located at 1936 Northover Road, in Toledo, Lucas County, Ohio; making certain findings with respect thereto; waiving the competitive bidding and advertising provisions of TMC 187.19; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

The City of Toledo ("City") is the owner of certain real property known as Jackman School Park, located at 1936 Northover Road as shown in Exhibit A ("[Subject Property](#)"). The 12-acre property is maintained by the City's Parks Department as a passive greenspace without any park infrastructure. A 2020 wetland delineation report identified the majority of the site as an active wetland as shown in Exhibit B ("Wetland Delineation Report"). Therefore, the property is undevelopable in its current state.

In 2019, the Washington Local School District ("School District") launched a 10-year initiative to rebuild its facilities. The School District owns and operates Jackman Elementary School, which is located immediately adjacent to the Subject Property. By the end of 2020, the

School District plans to begin demolition of the existing structure and begin construction of a new Jackman Elementary School in its place. The School District is interested in acquiring the Subject Property to establish outdoor learning areas, enhance environmental education, create walking paths and nature trails, and build a storm water retention pond.

The School District is proposing to purchase the Subject Property for One Dollar (\$1.00).

On September 16, 2020, The Board of Education of the Washington Local School District approved Resolution No. 051 authorizing the School District to enter into the proposed Real Estate Purchase Agreement as provided in Exhibit C ("Real Estate Purchase Agreement").

The fiscal impact of this ordinance is as follows:

- The amount of funds requested: \$0
- The expenditure budget line item: N/A
- New revenue generated (operational revenue, grants, if any): \$1
- Revenue budget line item (if any): N/A
- Are funds budgeted in the current fiscal year (yes/no)?:
N/A
- Is this a capital project (yes/no)? No
- If yes, is it new or existing (new/existing)? N/A
- What section of the City's Strategic Plan does this support:
 - o Excellence in Basic Services (yes/no) No
 - o Quality Community Investment (Livable City, Development) (yes/no) Yes
 - o Workplace Culture & Customer Service (yes/no)
No
 - o Environment (yes/no) Yes

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

DEPARTMENT OF FINANCE:

6. [TMP-5447](#) **Providing for the issuance and sale of notes for the purpose of paying, in anticipation of the levy and collection of special assessments, a part of the cost of lighting streets, alleys and other public ways of the City, sprinkling, sweeping, cleaning and removing snow from streets, alleys and other public ways of the City, and controlling blight and disease of shade trees within rights of way and planting, maintaining, trimming and removing shade trees in and along streets of the City, all during the year 2020; authorizing the execution and delivery of a Trust Agreement securing the payment of the Notes; authorizing the execution and delivery of certain other documents in connection with the issuance of the Notes; and declaring an emergency.**

Body: SUMMARY & BACKGROUND:

This Council has previously, by proper legislation, declared the necessity of providing certain City services (the “Services” as defined in Section 1) in 2020, has caused estimated special assessments for the Services to be prepared and filed in the aggregate amount of \$32,386,334 and has received and accepted the reports, findings and recommendations of the Board of Revision with respect to the Services to be provided and the assessments therefor.

The City is authorized, under Chapter 133 of the Revised Code, (a) to issue notes in anticipation of the levy and collection of special assessments to pay costs of certain services, including the Services; and (b) to enter into a trust agreement to provide for the payment and security of such notes.

This Council has determined that it is necessary and appropriate at this time (a) to borrow in anticipation of the levy and collection of those special assessments (and to issue the Notes authorized in Section 2 to evidence that borrowing) in order to provide funds to pay costs of the Services; and (b) to enter into the Trust Agreement with U.S. Bank National Association authorized in Section 7 to provide for the payment and security of those Notes.

The fiscal impact of this ordinance is as follows:

- The amount of funds requested: \$25,900,000
- The expenditure budget line item: 3050-14800-1135001STDSTD

- New revenue generated (operational revenue, grants, if any): \$25,900,000
- Revenue budget line item (if any): 3050-14800-9135001STDA10
- Are funds budgeted in the current fiscal year (yes/no)? Yes.
- Is this a capital project (yes/no)? No.
- If yes, is it new or existing (new/existing)? Existing.
- What section of the City's Strategic Plan does this support:
 - o Excellence in Basic Services (yes/no) Yes.
 - o Quality Community Investment (Livable City, Development) (yes/no) Yes.
 - o Workplace Culture & Customer Service (yes/no) No.
 - o Environment (yes/no) Yes.

Attachments: [Trust Agreement](#)

7. [TMP-5449](#)

Accepting the property tax amounts and rates for the 2021 budget as determined by the County Budget Commission; authorizing the necessary tax levies, certifying said levies to the County Auditor; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

The Budget Commission of Lucas County, Ohio has certified its action to Toledo City Council with an estimate by the County Auditor of the amount of property tax to be collected in 2021 and the tax rate of each tax to be levied by the Council; and what part thereof is without, and what part within, the 10-mill limitation.

The fiscal impact of this resolution is as follows:

- The total amount of funds requested: \$0
- New revenue generated (operational revenue, grants, if any): \$0
- Are funds budgeted in the current fiscal year (yes/no)? no
- Is this a capital project (yes/no)? no
- If yes, is it new or existing (new/existing)? N/A
- What section of the City's Strategic Plan does this support:

- Excellence in Basic Services (yes/no) yes
- Quality Community Investment (Livable City, Development) (yes/no) yes
- Workplace Culture & Customer Service (yes/no) yes
- Environment (yes/no) yes

8. [TMP-5450](#)

Authorizing the Finance Director to request advances from the Lucas County Auditor's office; and declaring an emergency.

Body: SUMMARY & BACKGROUND:

In order for the City to receive advance property tax payments from the Lucas County Auditor throughout fiscal year 2021, a resolution must be adopted by City Council. The resolution authorizes the Director of Finance, or their designee to request “advances of funds” from the Lucas County Auditor. The resolution is to be filed with the Lucas County Auditor by October 31, 2020. This resolution is submitted to Council annually and is required pursuant to the Ohio Revised Code Section 321.34 (Advance Payment to Local Authorities).

The fiscal impact of this resolution is as follows:

- The total amount of funds requested: \$0
- New revenue generated (operational revenue, grants, if any): \$0
- Are funds budgeted in the current fiscal year (yes/no)? no
- Is this a capital project (yes/no)? no
- If yes, is it new or existing (new/existing)? N/A
- What section of the City’s Strategic Plan does this support:
 - Excellence in Basic Services (yes/no) yes
 - Quality Community Investment (Livable City, Development) (yes/no) yes
 - Workplace Culture & Customer Service (yes/no) yes
 - Environment (yes/no) yes

9. [TMP-5446](#)

Authorizing the mayor and the Director of Finance to contract with Clark Schaefer Hackett for the 2020-2024

annual audits for the City's accounting and financial records; authorizing the annual expenditure of an amount not to exceed \$160,000 from the General Fund; and declaring an emergency.

Body: SUMMARY & BACKGROUND

The City of Toledo is required to have annual audits conducted on their accounting and financial records by the Auditor of State. Section 117.11 of the Ohio Revised Code directs the Auditor of State to provide immediate written notice to any public office where the Auditor of State will be unable to conduct the audit once every two years as required by law. The Auditor of State notified the City of Toledo that the audits for fiscal years 2020-2024 would again be out for bid, and an independent audit firm would be selected to provide this service.

Clark Schaefer Hackett was the firm selected through the Auditor of State's bidding process to provide audit services for fiscal years 2020-2024 in order to satisfy the applicable statutory and audit requirements.

The fiscal impact of this ordinance is as follows:

- The amount of funds requested: \$160,000, annually for five years
- The expenditure budget line item: 1001-14600-1134001STDSTD
- New revenue generated (operational revenue, grants, if any): none
- Revenue budget line item (if any): none
- Are funds budgeted in the current fiscal year (yes/no)? yes
- Is this a capital project (yes/no)? no
- If yes, is it new or existing (new/existing)? n/a
- What section of the City's Strategic Plan does this support:
 - o Excellence in Basic Services (yes/no) yes
 - o Quality Community Investment (Livable City, Development) (yes/no) no
 - o Workplace Culture & Customer Service (yes/no) yes

- o Environment (yes/no) no

10. [TMP-5445](#)

Authorizing the annual expenditure of an amount not to exceed \$40,000 from the General Fund for consulting services for the preparation of the Comprehensive Annual Financial Report (CAFR) and accounting advisory services; authorizing the mayor to accept bids and award contracts for said services for a period of one year with the option to renew for up to two additional years; and declaring an emergency.

Body: SUMMARY & BACKGROUND

This ordinance authorizes the expenditure of funds for accounting services to assist the Division of Accounts with preparation of the City of Toledo's Comprehensive Annual Financial Report (CAFR). The selected firm's responsibilities will include but not be limited to: preparing the GASB 68 (pension) entries and schedules and reviewing city's trial balances, financial statements, debt schedules, footnotes, Management Discussion and Analysis report, and the completed CAFR for proper disclosures and for analytical purposes to identify and address errors or other audit concerns.

The fiscal impact of this ordinance is as follows:

- The amount of funds requested: \$40,000
- The expenditure budget line item: 1001-14600-1134001STDSTD
- New revenue generated (operational revenue, grants, if any): none
- Revenue budget line item (if any): none
- Are funds budgeted in the current fiscal year (yes/no)? no
- Is this a capital project (yes/no)? no
- If yes, is it new or existing (new/existing)? n/a
- What section of the City's Strategic Plan does this support:
 - o Excellence in Basic Services (yes/no) yes
 - o Quality Community Investment (Livable City, Development) (yes/no) no
 - o Workplace Culture & Customer Service (yes/no) yes
 - o Environment (yes/no) no

DEPARTMENT OF PUBLIC SERVICE:**11. [TMP-5435](#)**

Authorizing the disappropriation of \$416,700 from the Assessed Services Fund - Street Cleaning Bulk Chemicals; authorizing the appropriation of \$305,300 to Assessed Services Fund - Street Cleaning Contractual Services and \$111,400 to Assessed Services Fund - Snow and Ice Contractual Services; authorizing expenditure of the same; and declaring an emergency.

Body:**SUMMARY & BACKGROUND:**

Ordinance 232-19 authorizes the mayor and the Commissioner of Purchases and Supplies to accept bids and award contracts for various goods and services, including the hauling of leaves, salt, and snow. There are sufficient funds available in the 2020 Streets, Bridges, & Harbor Assessed Services Fund budget, but funds must be allocated to the appropriate accounts for all the goods and services required for the 2020 Leaf Collection and Snow and Ice Programs. This year there were excess funds in bulk chemicals and not enough funds in contractual services. This Ordinance allows for all contractual services to be fulfilled, including hauling services, for the purpose of the 2020 Leaf Collection Program and the 2020 Snow and Ice Program. The Hauling Services contract supports the City of Toledo's ability to perform successful leaf collection and snow and ice operations by providing rental of semi-tractor dump trailers and tri-axle dump trucks with operators. These vehicles assist with transporting leaves, salt, and snow from late October through the end of March.

The fiscal impact of this Ordinance is as follows:

- The amount of funds requested: \$416,700 re-appropriated. No new funds.
- The expenditure budget line item: 3050-23100-537410-2421001STDSTD and 3050-23100-537410-2422001STDSTD
- New revenue generated (operational revenue, grants, if any): none
- Revenue budget line item (if any): none
- Are funds budgeted in the current fiscal year (yes/no)?

Yes, they are in the SBH assessed budget and they are being moved to the appropriate accounts.

- Is this a capital project (yes/no)? n/a
- If yes, is it new or existing (new/existing)? existing
- What section of the City's Strategic Plan does this support:
 - o Excellence in Basic Services (yes/no) yes
 - o Quality Community Investment (Livable City, Development) (yes/no) no
 - o Workplace Culture & Customer Service (yes/no) no
 - o Environment (yes/no) yes

Attachments: [Bullet Points](#)

The Clerk of Council's Office 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 for arrangements.