



# City of Toledo

One Government Center  
Toledo, OH 43604

## Agenda Review City Council

---

Tuesday, October 27, 2020

2:00 PM

Council Chambers

---

For: Agenda Review, Tuesday, October 27, 2020, 2:00 PM

### APPOINTMENTS FROM THE OFFICE OF THE MAYOR:

[TMP-5515](#)

Appointment - Old West End Historic District  
Commission

**Attachments:** [OWE Historic District Comm](#)

[TMP-5516](#)

Appointments - Ottawa/Jermain Park Advisory Board

**Attachments:** [Ottawa-Jermain Park Advisory Bd](#)

[TMP-5517](#)

Appointments - Records Commission

**Attachments:** [Records Commission](#)

[TMP-5518](#)

Appointment - Tax Board of Review

**Attachments:** [Tax Board of Review](#)

[TMP-5519](#)

Appointment - Toledo City Historic District Commission

**Attachments:** [Toledo City Historic District Comm](#)

[TMP-5520](#)

Appointment - Toledo Express Airport JEDD

**Attachments:** [Toledo Express Airport JEDD](#)

[TMP-5521](#)

Appointment - Toledo-Lucas County Board of Health

**Attachments:** [Toledo-Lucas County Board of Health](#)

### SECOND READING ITEM:

[O-418-20](#)

Authorizing the mayor to execute a Letter of Intent with

**Palmer Energy Company, Inc. to facilitate an RFP process to solicit and obtain a vendor to construct a local solar array; authorizing the mayor to execute power purchase agreements for a portion of the solar power output, subject to future appropriations; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

The City of Toledo has operated electric Governmental Aggregation programs, certified by the Public Utilities Commission of Ohio, since 2000. Since that time the City has operated these programs in conjunction with our neighboring communities, collectively known as the Northwest Ohio Aggregation Coalition (“NOAC”). Through year 2019, NOAC has obtained savings for its residential and small commercial electric aggregation participants totaling \$86 million.

Presently NOAC desires to obtain a vendor to own and construct a solar field in our area for the purpose of utilizing green energy in each communities’ energy portfolio and for our aggregation participants. Since 2000 NOAC has partnered with Palmer Energy Company, Inc., to manage, advocate and facilitate our aggregation programs as well as for the City’s facilities. Palmer Energy will oversee this solar array solicitation process, write the RFP, analyze the responses and make recommendations to NOAC on the viability of such a program. It is anticipated that the resulting solar power purchase agreement will establish fixed pricing for up to 25% of NOAC’s power needs and such allocation will operate as a hedge against future power price increases.

NOAC member communities have been asked to sign a letter of intent to permit Palmer Energy to request proposals from solar power facilities in Ohio, and to use good faith efforts to negotiate the resulting power purchase agreements. Funds for the purchase of this solar power for City facilities would be authorized by the City’s electricity expenditures in annual commodities ordinances.

The fiscal impact of this ordinance is as follows:

- The amount of funds requested: none

- The expenditure budget line item: none apart from routine electricity costs
- 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)? 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

**COUNCIL MEMBERS DELANEY AND MOLINE PRESENT:**[TMP-5507](#)

**Endorsing United States House of Representatives (HR) Bill 6422 entitled National Infrastructure Bank Act of 2020 and urging the United States Senate and House of Representatives to enact the same.**

**COUNCILMAN DELANEY PRESENTS:**[TMP-5508](#)

**Extending a Special Use Permit granted by Ordinance No. 520-19 for a period of 6 months for a Daycare Center located at 4311 Dahlia Drive, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

On October 29, 2019, the Council of the City of Toledo passed Ordinance No. 520-19 granting a Special Use Permit (SUP-7004-19) for a Daycare Center for a site located at 4311 Dahlia Drive.

Due to delays experienced by the applicant, Anthonyelisha Fagan, the Special Use Permit granted by Ordinance No. 520-19 will expire October 29, 2020 pursuant to T.M.C. §1111.0707 because the use

has not been established or maintained. The applicant must file for a Re-plat. Applicant has requested from City Council a 6-month extension of the Special Use Permit to April 29, 2021 in order to allow additional time so that the project may be completed. Such extension is permitted with Council's approval.

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

[TMP-5503](#)

**Adopting a calendar for 2021 for City Council; and  
declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:  
Toledo City Council needs to adopt a calendar for 2021.

**Attachments:** [2021 Calendar](#)

**OFFICE OF THE MAYOR:**

1. [TMP-5502](#)

**Approving the continued operation of the Adams Street  
Open Refreshment Area; making certain findings and  
determinations with respect thereto; and declaring an  
emergency.**

**Body:** SUMMARY & BACKGROUND:  
Ohio Revised Code Section 4301.82 authorizes cities in Ohio to designate within their corporate limits outdoor refreshment areas for the purpose of complimenting the cultural and economic success of the designated area. Ohio Revised Code 4301.82(I)(1) requires the legislative authority of a municipal corporation that created an outdoor refreshment area to review the operation of the area after five (5) years and by ordinance or resolution, either approve the continued operation of the area or dissolve the area. Prior to adopting the ordinance or resolution, the legislative authority shall give notice of its proposed action by publication once a week or two consecutive weeks in one newspaper of general circulation in the municipal corporation as provided in Section 7.16 of the Revised Code. The Adams St. Outdoor Refreshment Area was passed on December 8, 2015, Ord. No. 513-15. This ordinance approves the continued operation of the Adams St. Outdoor Refreshment Area.

The fiscal impact of this ordinance is as follows:

- The amount of funds requested: None
- The expenditure budget line item: N/A
- 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)?:  
N/A
- Is this a capital project (yes/no)? N/A
- 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

## DEPARTMENT OF NEIGHBORHOODS:

### 2. [TMP-5505](#)

**Authorizing the expenditure of an amount not to exceed \$17,561.44 from the Nuisance Abatement Trust Fund for the purchase and installation of an Axis security camera system; authorizing the mayor to enter into an agreement with i2c Technologies for said purpose; waiving the competitive procurement requirements of TMC Section 187; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

The Division of Code Enforcement has engaged with vendor i2c Technologies for the purchase and installation of a camera security system, Axis P3228-LVE, along Brown Ave. between Woodland Ave. and Indiana Ave. This ordinance will authorize the purchase of seven (7) LVE 4k high-resolution cameras, all equipped with blue LED lights, in addition to the appropriate mounts, software management system, cabling, and power source to operate the system.

The fiscal impact of this ordinance is as follows:

- The amount of funds requested: \$17,561.44

- The expenditure budget line item: 2090-16100-5T31306STDSTD
- 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) yes
  - o Workplace Culture & Customer Service (yes/no) no
  - o Environment (yes/no) no

**DEPARTMENT OF LAW:****3. [TMP-5499](#)**

**Declaring the intent to detach a parcel of real property within the municipal corporate limits of the City of Toledo, Ohio now known as Lot number One Hundred Eighteen (118) in Grosse Pointe Manor Plat 5, a Subdivision in the City of Toledo, Lucas County, Ohio, together with the Westerly 20 feet of the vacated East Harbor Drive adjoining; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

Pursuant to Ohio Revised Code Section 709.38, the Board of Lucas County Commissioners received a Petition for Detachment from the subject property owner, Board of Education of Washington Local School District. The subject property is located in the City of Toledo and is contiguous to the Petitioner's Shoreland Elementary School campus situated in Washington Township, Lucas County, Ohio. The Petitioner seeks detachment of the property from the City of Toledo and attachment to Washington Township. In accordance with Ohio Revised Code Section 709.38, approval of the detachment by the Board of Lucas County Commissioners is subject to the approval of the Toledo City Council. This Resolution declares City Council's intent to approve the detachment and refers the matter to the Toledo City

Plan Commission for review and recommendation. Final approval by Toledo City Council will be subject to passage of an ordinance similar to the process and the practice, policy and procedure the City of Toledo undertakes with the vacation of public rights-of-way.

**Attachments:** [Lucas County letter](#)  
[Petition for Detachment](#)

#### DEPARTMENT OF POLICE OPERATIONS:

4. [TMP-5480](#)

**Authorizing the mayor to enter into a contract with Verizon Communications Inc. for the purchase of public safety wireless services; authorizing the expenditure in an amount not to exceed \$92,000 from the General Fund for the purchase of communication services; waiving the competitive bid requirements of Chapter 187 of the Toledo Municipal Code; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

This ordinance authorizes the total expenditure of \$92,000 for 201 wireless devices on the Verizon Wireless Public Safety Plan with Priority and Preemption for the fiscal year 2021. Competitive bidding is being waived since the Toledo Police Department is currently using Verizon Wireless without issue and there would be no requirement to change any hardware. Additionally, Verizon is the only tested service that provides reliable coverage in all areas of the City of Toledo.

The fiscal impact of this ordinance is as follows:

- The amount of funds requested: \$92,000.
- The expenditure budget line item: 1001-52000-3381002STDSTD
- 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)?:  
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) No.
- Workplace Culture & Customer Service (yes/no) Yes.
- Environment (yes/no) No.

**Attachments:** [Lucas County notification letter](#)

**DEPARTMENT OF PUBLIC UTILITIES:**

**5. [TMP-5497](#)**

**Authorizing the expenditure in an amount not to exceed \$73,000 from the Water Operating Fund for the street cut pavement restoration in Lucas County; authorizing the mayor to accept bids and enter into contracts; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

The City of Toledo Division of Water Distribution has reached an agreement with Local 7 to allow subcontracting on street cut pavement restoration work. This effort is limited to the designated area and serves only to assist with the backlog of work. It will not set a precedent for future restoration work. This ordinance authorizes the expenditure of funds to repair utility cut damaged due to water main break repairs and improvements in Lucas County. This is necessary to maintain safe, reliable service.

The fiscal impact of this ordinance is as follows:

- The amount of funds requested: \$73,000
- The expenditure budget line items: 6060-34000-4000558STDSTD
- 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)? 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](#)

6. [TMP-5496](#)

**Authorizing the expenditure of an amount not to exceed \$170,000 from the Sewer Operating Fund and Storm Water Utility Operating Fund for the emergency replacement of the combination sewer at Dorr & Junction; authorizing the mayor to enter into necessary agreements with Edward Kelly and Sons; waiving the competitive bidding requirement of TMC 187; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

The existing combination sewer and manhole near Dorr & Junction collapsed, causing a large sink hole in the street and blockage of the sewer. Emergency repair was necessary to ensure the health and safety of the public. Due to the depth (35') of the excavation and the size of the sewer (48"), the Division of Engineering Services was requested to work with a contractor to replace this section of sewer. Edward Kelly and Sons was the vendor hired to perform the sewer work. Sufficient funds are available within the Sewer Operating Fund and Storm Water Utility Operating Fund to pay for this emergency sewer replacement.

The fiscal impact of this ordinance is as follows:

- The amount of funds requested: \$170,000
- The expenditure budget line items: 6070-37000-400055STDSTD (\$119,000)

607A-37000-400055

9STDSTD (\$51,000)

- 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) yes
  - o Workplace Culture & Customer Service (yes/no) yes
  - o Environment (yes/no) yes

**Attachments:** [Bullet Points](#)

**DEPARTMENT OF LAW:**

7. [TMP-5501](#)      **Declaring it necessary to construct the Colony South Storm and Water Relocations in the plats of the Kingston and West Central Stores in the City of Toledo, Ohio; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:  
Plans and specifications for Colony South Storm and Water Relocations in the plats of the Kingston and West Central Stores improvement have been completed and are on file with the Clerk of Council. This improvement project is necessary to facilitate the residential and retail development project adjacent to Central Avenue and ProMedica Parkway. The passage and immediate taking effect of this Resolution are necessary for the preservation of the public health and safety, an emergency in fact exists.

**DEPARTMENT OF DEVELOPMENT:**

8. [TMP-5504](#)      **Authorizing the mayor to enter into a real estate purchase agreement with Louisville Title Agency for N.W. Ohio, Inc., and to execute and deliver needed instruments for the sale and conveyance of 6.51 acres of city-owned real property at Triad Business Park, in Monclova Township, Lucas County, Ohio; making certain findings with respect thereto; waiving the**

**competitive bidding and advertising provisions of TMC 187.19; authorizing the deposit of net sale proceeds into the Property Management Fund; authorizing the appropriation and transfer of proceeds to the General Fund; 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 (Exhibit A). The city has received an offer from Louisville Title Agency for N.W. Ohio, Inc. to purchase 6.51+ acres in Triad Business Park (Parcel #38-88718) and wishes to sell the property, subject to final survey determination as shall be approval by the Director of Law. The subject real property is located within the Maumee-Monclova-Toledo Joint Economic Development Zone.

Louisville Title Agency for N.W. Ohio, Inc. will acquire ownership on behalf of a company that is considering locating its manufacturing operations on the site. The site is one of a number of locations being considered for this project. As such, the prospective company wishes to remain anonymous until a final location is selected.

The prospective company intends to invest approximately \$12 million in the construction of a new facility that would create 20 full-time equivalent jobs. Development of this real property is further subject to the requirements of the Monclova Township Zoning Resolution and/or Lucas County Subdivision Regulations, and review and approval by the Monclova Township Zoning Commission and the Lucas County Plan Commission.

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):  
\$292,950
- Revenue budget line item (if any):  
6080-16400-8999999STDSTD
- 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) 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:** [Exhibit A - Location Description](#)  
[Talking Points](#)

9. [TMP-5509](#)

**Authorizing the appropriation and expenditure of an amount not to exceed \$100,000 from the unappropriated balance of the General Fund for critical assessments necessary for the redevelopment of the Spitzer and Nicholas buildings; authorizing the mayor to enter into a project agreement for said purpose; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

The Lucas County Land Bank recently acquired the Spitzer and Nicholas buildings and has been working with the City, ConneToledo and Toledo-Lucas County Port Authority to stabilize the structures and return them back to productive use. Redevelopment of these buildings requires critical assessments to identify their structural integrity, overall condition, marketability and feasibility for converting into new uses. The City wishes to use \$100,000 from the net sale proceeds from the sale of the 6.51-acre parcel in the Triad Business Park to assist the city's partners with paying for critical assessments. Letters of support from the partners for these funds can be found in the exhibits attached hereto and incorporated herein.

The fiscal impact of this ordinance is as follows:

- The amount of funds requested: \$100,000
- The expenditure budget line item:  
1001-16400-5661001STDSTD
- 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)? 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) 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:** [Lucas County Land Bank](#)  
[Toledo-Lucas County Port Authority](#)  
[Talking Points](#)

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

[TMP-5512](#)

**Amending Toledo Municipal Code (TMC), Part Eleven,  
Subsection 1109.0500, Building Facade Materials and  
Color; and declaring an emergency.**

**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.**