



# City of Toledo

One Government Center  
Toledo, OH 43604

## Agenda Review City Council

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Tuesday, November 16, 2021

2:00 PM

Council Chambers

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### Agenda Review for the November 23, 2021 Meeting of Toledo City Council

#### COUNCIL PRESIDENT CHERRY PRESENTS:

[TMP-6810](#)

**Recognizing November 27, 2021 as Small Business Saturday and supporting awareness of the value of our small businesses.**

#### SECOND READING ITEMS:

[O-485-21](#)

**Amending the Toledo Municipal Code by enacting a new Section 953.21, Youth Programs, requiring organizations providing Youth Programs and utilizing City Parks or Facilities or receiving funding from the City to meet minimum safety requirements; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

In the Fall of 2018, the Mayor's Recreation Task Force concluded its report on policy recommendations regarding the City's parks and recreation services. Included in this report was the recommendation that any person or organization working with youth as a coach or volunteer to meet minimum safety requirements, should that person or party be using City of Toledo parks or facilities. Toledo City Council recognizes the need to inspire changes in youth programming to make the experience safe, positive and fun for everyone involved. In order to realize the true value of youth programming and sports participation and to provide a safe, positive and fun environment for youth and their families to participate, we must raise the standards among the users of our City's facilities and those programs supported by funding from the City.

**Attachments:** [Exhibit A](#)  
[Fact Sheet](#)  
[Audio: Agenda Review 9/21/2021](#)  
[Audio: Agenda Review 10/19/2021](#)

**Legislative History**

|          |              |         |
|----------|--------------|---------|
| 9/28/21  | City Council | table   |
| 10/26/21 | City Council | held    |
| 11/9/21  | City Council | amended |
| 11/9/21  | City Council | held    |

[O-542-21](#)

**Authorizing the mayor to enter into a development agreement with the Toledo Lucas County Police Athletic League, Inc. for the construction and operation and of a multipurpose sports field located at 1111 E. Manhattan; authorizing the expenditure of \$350,000 from the Capital Improvement Fund for the city’s contribution to the project; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

The Toledo Lucas County Police Athletic League, Inc. (“PAL”) is a 501(c)(3) nonprofit organization founded in 1996 as a delinquency prevention program that relies heavily upon athletic, recreational, and educational programs to create a bond between the Toledo Police Department, The Lucas County Sheriff’s Office, and youth in the community. PAL currently operates at 1111 E. Manhattan, one of the underserved areas of the community. The property is owned by the City of Toledo and leased to PAL. This location currently has a substantial underdeveloped green space at the southeast corner of the facility. PAL is proposing the development of a new multipurpose little league field to be utilized for multiple recreational sports teams and leagues. PAL was assisted in its planning efforts by the Local Initiatives Support Corporation through the ESPN/Replay \$10,000 implementation grant. This opportunity allowed PAL to gather data and important feedback through a series of five community outreach engagements. Through these engagements, community residents provided PAL their thoughts and ideas for the implementation of a new multipurpose field in the community. PAL will contribute \$80,000

toward the cost of the project. The City of Toledo will contribute \$350,000 from the Capital Improvement Fund in order to assist with project development and construction. Upon completion of construction, PAL will operate the facility.

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

**Legislative History**

11/9/21            City Council            First Reading

[R-544-21](#)

**Submitting to the Toledo City Plan Commission an amendment to TMC 1104.0603 to remove the 2000 ft spacing requirement between convenience stores in a Special Use Permit; authorizing a public hearing on said text amendment and publication of said hearing; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

The Toledo City Council proposes a text amendment to Toledo Municipal Code subsection 1104.0603 Spacing Requirements.

The spacing requirement for convenience stores was first added to the TMC in 1993 by Ordinance 781-93. The 2004 comprehensive rewrite of the zoning code resulted in the removal of the spacing requirement. Legislation passed in 2009 (568-09) reinstated the spacing requirement. The text change prohibited a convenience store from locating within 2,000 feet of another convenience store or within 1,000 feet of schools, parks, libraries, licensed day cares or children-oriented uses. Existing convenience stores would be provided a legal conforming status.

This proposed amendment will remove the required 2000 ft spacing requirement between convenience stores. The consequences of having that section has allowed for establishments to have government protection by controlling new competition through the zoning process.

**Legislative History**

11/9/21            City Council            First Reading

[O-556-21](#)

**Authorizing the Mayor to enter into a Purchase and Sale Contract with NorthPoint Development, LLC, to execute**

**and deliver needed instruments for the sale and conveyance of 60 acres of city-owned real property known as the former North Towne Square Mall property, in the City of Toledo, 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 Capital Improvement Fund and the appropriation of same; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

The City of Toledo is the fee simple owner of certain real property referred to as the former North Towne Square Mall property located at 301 New Towne Square Dr., (Parcel IDs 22-43581, 22-43594) Toledo, Ohio and further identified in Exhibit A (“Real Property”).

The North Towne Square Mall opened in 1980 and closed in 2005. Between 2005 and 2011 the former mall structure fell in to an extreme state of disrepair. The City negotiated an agreement with the owners that addressed blighted and hazardous conditions and secured its investment by taking title to the mall site. Pursuant to Ordinance 537-11, the City entered into a Development Agreement and Real Estate Purchase Option Agreement with the owners of the site. The City acquired the Property and remediated and demolished the structure using brownfield remediation funding from the U.S. EPA and Racetrack Redevelopment Funding from the Ohio Development Services Agency. In exchange and in consideration for the transfer of title for a nominal amount, the mall owners were granted in return an option to re-purchase the property at appraised value less the documented costs related to demolition and holding expenses.

Since 2011, the Property has remained vacant without real potential of redevelopment primarily because of cross-access easements between the city-owned parcel and an adjacent property. The property owned by Development 2002, LLC was a former department store that was attached to the mall complex. It is now home to Super Fitness, a popular health and fitness center. The cross-access easements were originally in place to allow mall patrons to access all parts of the mall

despite differences in property ownership. The cross-access easements were never released. Title to the City's Property remains encumbered and a deterrer to sale and redevelopment.

In order to prepare this Property for redevelopment and provide the City, and prospective buyers, the certainty required to enter into good faith discussions to sell the property, the City entered into an amendment the 2011 Option to Purchase Real Estate Agreement, pursuant to Ordinances 066-21 and 067-21. The First Amendment to an Option to Purchase Real Estate Agreement established a protocol for the mutual release of the cross-access easements, established the offset costs as it relates to the City's expenses to be repaid from the sale proceeds, and established agreed upon conditions for marketing and sale of the remaining 60-acre property.

As a result of the City's proactive efforts to assemble and prepare this site for redevelopment, the City is proposing to enter into a Purchase and Sale Contract with NorthPoint Development, LLC, for the sale and conveyance of the 60-acre property to develop an industrial park. The developer intends to break ground in 2022 on construction of a 295,360 square foot spec industrial building. The purchase price for the property is (forty-five thousand) \$45,000 per acre.

**Attachments:** [Exhibit A](#)  
[Exhibit B](#)  
[Media Advisory, October 28](#)  
[Site Plan](#)

**Legislative History**

11/9/21      City Council      First Reading

[O-557-21](#)

**Amending Ordinance 68-21, which established the North Towne TIF, with respect to the priority of exemptions granted under the Ohio Revised Code; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:  
Ordinance 68-21 established the North Towne Tax Increment Financing ("TIF"). The North Towne TIF was created as mechanism in which the City could recoup its investment in public infrastructure

that benefits the Property. The TIF was set up to run with the land and take priority over any other tax exemption, except as may otherwise be permitted in the future by the Council through a duly enacted Ordinance.

This Ordinance places the Community Reinvestment Area (“CRA”) exemption in priority over the TIF Exemption. This reprioritization is necessary to support the proposed redevelopment of the Property.

**Legislative History**

11/9/21            City Council            First Reading

[O-559-21](#)

**Authorizing the Mayor to execute a Lease Renewal with Toledo Zoological Society for their use and operation of the Parking Lot, located at 2683 Broadway, Toledo, Ohio, authorizing the receipt and deposit of annual Lease payments; making certain findings and waivers with respect thereto; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

This legislation authorizes the Mayor to execute a lease renewal with the Zoo. The Lease Renewal shall commence retroactively on January 1, 2021 and extend for an initial term of five (5) years. The reason it must be retroactive is because the Zoo has been a holdover tenant in possession of the Premises abiding by the terms of the original lease without the formality of a written lease; in addition, this lease renewal shall also contain one (1) renewal option for five (5) years. The annual rent for the Lease Renewal is \$25,000. Operating expenses, including taxes and insurance are to be paid by Zoo and maintenance costs up to \$5,000 shall be payable by the Zoo; any utility expenses incurred during the Lease Renewal will be paid by the city.

**Legislative History**

11/9/21            City Council            First Reading

[O-560-21](#)

**Authorizing the Mayor to execute a lease renewal with Toledo Sailing Club for their continued use of certain property within the Parking Lot across from the Toledo Zoo, located at 2683 Broadway, Toledo, Ohio, for vehicular parking spaces and for off-season boat dock**

**storage; authorizing the receipt and deposit of annual lease proceeds; making certain findings and waivers with respect thereto; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

The Toledo Sailing Club's lease with the city expired in July 16, 2019, and the Toledo Sailing Club has requested a lease renewal with the City of Toledo for the use of approximately 3,000 sq. feet of parking area, located at 2683 Broadway. The designated parking area consists of 15 spaces for club member vehicular parking or off-season storage of member's boat docks, or member trailer parking for the access to the public boat launch on the Maumee River. The rent renews at \$1,250 per year and the term expires July, 2024 with a renewal term of five (5) years. All prior terms and condition of the 2019 lease remain in effect, including the Toledo Zoological Society operation and maintenance of this designated parking area.

The fiscal impact of this Ordinance is as follows:

- The amount of funds requested: N/A
- The expenditure budget line item: N/A
- New annual revenue generated (operational revenue, grants, if any): \$1,250
- Revenue budget line item (if any): 2007-60300-772X001STDSTD
- 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) yes
  - 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](#)  
[Renewal](#)

**Legislative History**

11/9/21      City Council      First Reading

[O-561-21](#)

**Authorizing the expenditure of \$1,500,000 from the Capital Improvement Fund for the purchase of replacement Windows 7 computers and Windows 10 computers, office licenses, edge switches and UPS devices; authorizing the Mayor to award contracts; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

This PC & Switch replacement program will include replacing aging end-user computing devices (PCs, Tablets, etc.). The PC replacements will prioritize devices running on retired operating systems and follow with those five years and older.

We have an immediate need to replace 200 of the oldest pc's in 2021 so we estimate spending \$320,000 for that purchase. Next will replace all remaining window 7 pc's for this we estimate spending \$460,000.00. The remaining funds will be to replace existing Windows 10 computers as they approach a 5-year usage window on a rolling basis and for emergency replacements of non-functioning computers.

The total amount of funds requested to spend: \$1,500,000

- The expenditure budget line item: CIP Fund 5040-17500-8CP2038WINMIG
- 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 originally approved for 2020-2024
- 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) 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**

11/9/21

City Council

First Reading

**COUNCILWOMAN MORRIS PRESENTS:****[TMP-6808](#)**

**Authorizing the Mayor to enter into certain agreements to conduct and oversee a Toledo-Columbus Passenger Rail Corridor Route Assessment Concept Study; authorizing the appropriation of \$20,000 from the unappropriated balance of the General Fund; authorizing expenditure of \$20,000 in the General Fund and an agreement with Transportation Economics & Management Systems Inc.; waiving TMC Ch. 187 for competitive proposals; and declaring an emergency.**

**Body:****SUMMARY & BACKGROUND:**

City Council is interested in conducting a feasibility study for a Toledo-Columbus Passenger Rail Corridor Route Assessment Concept Study as an extension of the 2018 joint City of Toledo/Toledo Metropolitan Area Council of Government (TMACOG) Toledo-Detroit Rail Ridership Feasibility & Cost Estimate Study, per Ord. 465-18. A proposal indicates that the study's total cost is \$20,000. The City of Toledo is fronting the expenditure for this study to expedite its completion before year-end. TMACOG will reimburse the City at a later date.

**Attachments:** [Concept Study](#)**COUNCIL PRESIDENT CHERRY AND THE MEMBERS OF CITY COUNCIL PRESENT:****[TMP-6812](#)**

**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 for aWLCo Limited and 1447 N. Summit Street, Toledo, Ohio 43604; 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 declaring an emergency.

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

**DEPARTMENT OF FIRE & RESCUE OPERATIONS:**

1. [TMP-6801](#) Authorizing the Mayor to appropriate and expend \$234,319.49 for the purchase of (61) portable radios and related equipment for the department of Fire and Rescue; authorizing the acceptance of a grant from the Cleveland-Cliffs Foundation in the amount of \$27,000; waiving the competitive bid requirements of Chapter 187 of the Toledo Municipal Code; authorizing the Mayor to award contracts for said purchases; and declaring an emergency.

**Body:** SUMMARY & BACKGROUND:  
The aforementioned \$234,319.49 is the sum of several funding sources. The first is a \$27,000 grant received from the Cleveland-Cliffs Foundation. We request that the Mayor accept, deposit, and authorize this grant's appropriation and expenditure for said purposes. \$42,319.49 of said sum is from Fires General Fund, where Fire respectfully requests the same previously mentioned appropriation and expenditure permissions. The final \$165,000 is CIP, where it's appropriation and expenditure were previously approved in Ordinance #89-21. Collectively, said funds will serve to purchase (61) portable radios and related equipment, thereby facilitating an ongoing effort to replace Fire's end-of-life cache of portable and mobile radios.

**DEPARTMENT OF PUBLIC UTILITIES:**

2. [TMP-6792](#) Authorizing the expenditure in an amount not to exceed \$600,000 from the Water Replacement Fund for the purchase of laboratory equipment; authorizing the mayor to accept bids and enter into contracts; and declaring an emergency.

**Body:** SUMMARY & BACKGROUND:  
The Collins Park Water Treatment Plant, will begin a laboratory renovation in early 2022. It is the intent of this ordinance to expend up

to \$600,000 from the Water Replacement Fund for the purchase of laboratory equipment to be installed before the construction begins on the project. This would include casework, sterilizing equipment, under-counter refrigeration units, turbidimeters, steam scrubber, and other lab-related equipment. This equipment is necessary to maintain a safe, reliable water treatment system for the Water Treatment Plant.

3. [TMP-6793](#)

**Authorizing the disappropriation of \$2,387,253 from the Water Bond Improvement Fund; authorizing the appropriation of \$2,387,253 in the Water Bond Improvement Fund for Laboratory Improvements, Roadway and Site Improvements, and other Facility Refurbishments and Improvements at the Collins Park Water Treatment Plant; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

Ordinance 473-16 previously authorized funding for the Facility Refurbishment project at the Collins Park Water Treatment Plant. This project was implemented to address concerns from the Ohio EPA to improve and restore the facilities in order to maintain a reliable regional water system. Various improvements throughout the facilities need to be completed to improve safety, security, operational flexibility and restorations. To provide additional funds to complete these improvements, this ordinance authorizes reappropriating monies from completed projects funded from the Series 2016 Bond Issuance. .

4. [TMP-6791](#)

**Authorizing the disappropriation of \$2,446,980 from the 2016 Water Bond Issuance and \$211,316 from the 2018 Water Bond Issuance in the Water Bond Improvement Fund and providing necessary transfer of funds to facilitate the closure or reduction of projects in said funds; authorizing the appropriation of \$284,915 from the unappropriated balance of the 2012 Bond issuance, \$2,446,980 from the unappropriated balance of the 2016 Bond issuance, and \$516,316 from the unappropriated balance of the 2018 Bond issuance; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

As a part of the recent CIP Improvements at the Collins Park Water

Treatment Plant and associated pump stations, a number of improvements have been made. However, several systems have yet to be upgraded and refurbished including the carbon system at the Low Service Pump Station as well as the alum storage and feeding facilities at the Collins Park Water Treatment Plant. The proposed re-appropriated monies are available from a number of projects that are a part of the CIP program that will be successfully completed for less than the original project estimate, including the Chemical Conveyance System Improvements, the Heatherdowns Pumping Station Improvements, the Residuals Handling & Dewatering Improvements, the Raw Water Intake Improvements and the Filter & Pipe Gallery Improvements. Funding is also included from previously unappropriated bond monies. This proposed work will complete the refurbishments and improvements to the chemical systems at Collins Park and the associated pumping stations.

5. [TMP-6795](#) **Authorizing the disappropriation of \$262,664 from the Water Bond Improvement Fund; authorizing the appropriation of \$262,664 in the Water Bond Improvement Fund for the Low Service Pump Station Improvements Project for the Collins Park Water Treatment Plant; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

Ordinance 211-13 previously authorized funding for the Low Service Pump Station Improvements project for the Collins Park Water Treatment Plant. This project includes renovating the existing structure and equipment, new power substations, transformers, chemical feed systems, variable speed pumps and other improvements. To provide additional funds to complete these improvements, this ordinance authorizes reappropriating monies from completed projects funded from the Series 2013 Bond Issuance.

6. [TMP-6769](#) **Authorizing the disappropriation and balance transfer of \$700,515 from four accounts in the Sewer Replacement Fund into an existing account in the Sewer Replacement Fund; authorizing the appropriation in an amount not to exceed \$700,515 from the Sewer Replacement Fund for the Major Pump Station VFD Replacement Project at the Water Reclamation Plant; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

The Water Reclamation Plant, in an effort to better utilize previously allocated funds, wishes to close old completed project accounts and transfer the remaining fund balances to the Major Pump Station VFD Replacement Project. These various adjustments and line item expenditures and transfers are necessary to comply with agreements and contracts authorized by Ord 185-18.

7. [TMP-6797](#)

**Authorizing the mayor to enter into cooperative grant agreements with and accept financial assistance from the State of Ohio Department of Transportation (ODOT) for two construction projects; authorizing the acceptance, deposit, appropriation and expenditure of grant proceeds into the Capital Improvement Program Fund in an amount not to exceed \$2,741,185; authorizing the mayor to execute all necessary documentation for the grants; authorizing the mayor to accept bids and award contracts related to the construction; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

The Division of Engineering Services has been working closely with ODOT to secure grant funding through multiple funding programs for several projects. All amounts are grant dollars and are assigned to specific projects as follows:

A maximum of \$2,341,185 has been allocated by ODOT through TMACOG for a reconstruction project; Broadway Street from Western Avenue to Stebbins Street. Matching funds will be provided through the Division of Engineering Services Matches and Planning budget. Construction for this project is scheduled for 2024.

A maximum of \$400,000 has been allocated by ODOT through TMACOG for a resurfacing project; Starr Avenue from E. Broadway to Belt Street. Matching funds will be provided through the Division of Engineering Services Matches and Planning budget. Construction for this project is scheduled for 2023.

The matching funds will be proposed in the Division of Engineering Services 2023 and 2024 Matches and Planning budgets.

Passage of this ordinance is required to enable the City of Toledo to accept outside funding for these projects and have it in place to help pay for these expenditures.

#### DEPARTMENT OF PUBLIC SERVICE:

8. [TMP-6784](#) **Authorizing the expenditure in an amount not to exceed \$15,736 from the Street Construction Maintenance and Repair Fund for software upgrades and capacity expansions for City of Toledo Signal engineering; waiving the competitive bidding requirements under TMC Chapter 187; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:  
The Signal operations team within Transportation is currently utilizing outdated versions of necessary Trafficware software, Synchro and SimTraffic. The versions currently utilized by Transportation are no longer supported, and this \$15,736 expenditure will update our software as well as add another user account for our new Engineering Associate.

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

#### COUNCILWOMAN DR. ADAMS, CHAIR, NEIGHBORHOODS, COMMUNITY DEVELOPMENT & HEALTH COMMITTEE, REPORTS AS APPROVED:

- [O-267-21](#) **Enacting a new Toledo Municipal Code Chapter 702, "Short-Term Rentals"; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:  
The City of Toledo has seen significant growth in the number of short-term rentals of residential units, which are rentals for periods of less than 30 consecutive days. There are currently over 150 short-term rental listings in the City of Toledo on various short-term rental hosting platforms. Issues related to short-term rental include public safety and accountability in order to avoid nuisance conditions at the property. This ordinance establishes a permit system whereby a permit is

required for each short-term rental unit. The permit establishes the maximum occupancy of the unit and the maximum number of vehicles permitted. It also imposes minimum safety standards including fire safety and carbon monoxide monitoring as well as requiring contact information for a local representative who is available 24 hours a day to address any complaints or concerns that may arise regarding the unit. This ordinance was narrowly developed so as to not discourage the development of the short-term rental market in Toledo, but to assure the safety of occupants and minimize the impacts on the surrounding neighborhood.

**Attachments:** [Audio: Agenda Review, June 1, 2021](#)  
[Audio: Agenda Review June 15, 2021](#)  
[Audio: City Council June 8, 2021](#)

**Legislative History**

|         |              |               |
|---------|--------------|---------------|
| 5/25/21 | City Council | First Reading |
| 6/8/21  | City Council | held          |
| 6/22/21 | City Council | held          |
| 7/20/21 | City Council | amended       |
| 7/20/21 | City Council | refer         |

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