



# City of Toledo

One Government Center  
Toledo, OH 43604

## Agenda Review City Council

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Tuesday, May 31, 2022

2:00 PM

Council Chambers

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### COUNCIL MEMBER MELDEN PRESENTS:

[TMP-7522](#) Recognize Toledo Rotary 110th Anniversary.

### COUNCILWOMAN WHITMAN PRESENTS:

[TMP-7523](#) Recognize Brother's United.

### APPOINTMENTS FROM THE OFFICE OF THE MAYOR:

[TMP-7524](#) Appointment - Board of Building Appeals

**Attachments:** [Board of Building Appeals](#)

[TMP-7530](#) Appointments - Directors, Deputy Directors,  
Commissioners

**Attachments:** [Directors, Deputy Directors, Commissioners](#)

### SECOND READING ITEMS:

[O-210-22](#) Amending the Toledo Municipal Code by enacting a new Chapter 182, Environmental Protection and Climate Resilience Commission and creating the One Percent for the Environment Program; and declaring an emergency.

**Body:** SUMMARY & BACKGROUND:

The City hereby declares its commitment to addressing factors of climate change/environmental inequalities in the City of Toledo by establishing an advisory commission and dedicating funding for these purposes. This commission will advise the Mayor and City Council on energy, climate mitigation, and sustainability initiatives emphasizing local

air and water quality, renewable energy development, residential energy and home efficiency, greenspace, workforce development, neighborhood safety, construction controls, waste alternatives and recycling, and watershed protections, especially in neighborhoods disproportionately impacted by environmental degradation.

**Legislative History**

5/10/22	City Council	First Reading
5/24/22	City Council	held

[O-231-22](#)

**Authorizing the City of Toledo to fund \$20,000 towards the Greater Toledo Digital Equity Coalitions (GTDEC) analysis of resident's broadband access and affordability throughout Lucas County; partnering with Bowling Green State University's Center for Regional Development for a full analysis and report of findings; with full oversight of the program by Toledo Lucas County Public Library; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

Since the fall of 2021, Toledo Lucas County Public Library has been convening the "Greater Toledo Digital Equity Coalition," a cross-sector alliance composed of individuals representing entities such as the City of Toledo, Lucas County Board of Commissioners, Lucas County Metropolitan Housing Authority, Bitwise Industries, the Office of Congresswoman Marcy Kaptur, and numerous others. The intent of the Coalition is to further understand the specific hardships community members must continuously overcome when accessing or using basic technological services. The Coalition now looks to formally engage Bowling Green State University's Center for Regional Development to conduct a digital equity gap analysis-ensuring that Lucas County entities are prepared to receive unprecedented investments from the federal government for broadband connectivity and to close the digital gap; across the U.S.

The Greater Toledo Digital Equity Coalition is seeking \$20,000 from the City of Toledo to finance the mentioned digital equity analysis/scan across Lucas County, allowing the Coalition to harness concrete data about where dollars should be applied to remedy inequities around

access and cost. Furthermore, the Coalition hopes that initial funding and additional community investments will create a reserve to quickly develop and mobilize responsive programs that address the issues uncovered by the analysis. Lastly, a formal digital equity scan analysis will make Lucas County a stronger competitor for future state and federal grants to connect our community to information resources that support education, employment, healthy living, and entertainment.

**Legislative History**

5/24/22            City Council            First Reading

[O-235-22](#)

**Authorizing the mayor to enter into and execute cooperative agreements between the City of Toledo and Lucas County and to give consent to Lucas County for roadway improvements and resurfacing work on Talmadge Road from Laskey Road to Alexis Road within the City limits; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

Lucas County will be resurfacing Talmadge Road from Laskey Road to Alexis Road. The portion of the project is within the City of Toledo Limits. This project is scheduled to construct in the summer of 2024.

Lucas County will administer the design and construction of the project with County funds and is paying for a majority of the construction. The City of Toledo will participate in the costs by paying a lump sum amount of \$49,000, to be paid for with Matches and Planning funds, that is approximately 6.8% of the total estimated constructed cost of \$717,000.

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

**Legislative History**

5/24/22            City Council            First Reading

[O-237-22](#)

**Authorizing the expenditure of an amount not to exceed \$500,000 from the Capital Improvement Fund for the Road & Bridge Maintenance Matches and Planning Program; authorizing the mayor to prepare plans and specifications, acquire required rights-of-way as appropriate, accept bids and award contracts for Road &**

**Bridge Maintenance Matches and Planning improvement projects within the Division of Road & Bridge Maintenance; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

Every year, the Division of Road & Bridge Maintenance (formerly Streets, Bridges & Harbor) includes in its annual CIP fund request a line item for Matches and Planning. This line item represents the funding that is needed in order to supply match amounts for outside grants and loans the Division has anticipated and secured, as well as to plan for future projects with design, testing and environmental work. Some of these projects include, but are not limited to, Kuhlman Drive over NSRR, Berdan over NSRR, Miami Street Embankment, and Summit Street Embankment. This funding is included in the 2022 - 2026 CIP Plan appropriated under Ord. 90-22. It is imperative that the Division of Road & Bridge Maintenance's Matches and Planning Program be authorized immediately as there are strict deadlines for planning, design, environmental, bid, and construction associated with each grant fund source.

**Legislative History**

5/24/22            City Council            First Reading

[O-239-22](#)

**Authorizing the expenditure of an amount not to exceed \$18,000,000 from the Capital Improvement Fund for necessary major building improvements and replacements at the Toledo Municipal Court House; authorizing the Mayor to accept qualifications and proposals and award a design-build construction contract pursuant to ORC Section 153.693; and declaring an emergency**

**Body:** SUMMARY & BACKGROUND:

This Ordinance authorizes expending an amount not to exceed \$18,000,000 from appropriated capital improvement funds for preserving, improving and replacing major building components at the Toledo Municipal Court House including but not limited to roof replacement, HVAC systems, windows, lighting and fixtures, back-up generation including new switch gears, five (5) elevators and two (2) escalators, front entrance redesign and replacement. Funds are

available for expenditure from the approved Capital Improvement Fund budget. This project will be financed through a general obligation bond issuance. Companion legislation authorizing notes in anticipation of bonds has also been submitted.

The Ohio Revised Code (ORC) in Sections 153.65 through 153.73 authorizes the use of design-build for public improvement projects by municipalities. The ORC details the bid and selection process for design-build involving a prequalification process, a request for pricing proposals and negotiation with the selected firm determined to have submitted the best value proposal. The design-build process has been found to be advantageous by reducing risk on the project by having a single source of responsibility while still maintaining the city's involvement in the design and construction services for the project. It allows for greater value engineering and necessary flexibility without slowing the project.

This Ordinance authorizes the Mayor to enter into a design-build construction contract pursuant to ORC Section 153.693 for improvement to the Toledo Municipal Court.

**Legislative History**

5/24/22            City Council            First Reading

[O-242-22](#)

**Levying special assessments for the 2021 Sidewalk Program; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

This is the Ordinance to levy the assessments for the cost and expense for the repair or construction of new sidewalks in the City of Toledo for the 2021 sidewalk program. The services described in Section 1 have been completed and the final cost of those services has been determined.

**Attachments:** [Property Listing](#)

**Legislative History**

5/24/22            City Council            First Reading

[O-243-22](#)

**Providing for the issuance and sale of \$1,170,000 of notes, in anticipation of the issuance of bonds, for the purpose of paving costs of constructing, reconstructing**

**and rehabilitating sidewalks, including, where necessary, driveway approaches and curbs, in certain locations on designated streets; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

This Ordinance authorizes the issuance and sale of \$1,170,000 of notes in anticipation of the issuance of bonds to provide funding for the City's 2022 Sidewalk Program. With the issuance of the notes authorized by this ordinance, the City's outstanding debt will be increased by not more than \$1,170,000. The notes will be subject to statutory direct debt limits and the statutory and constitutional indirect debt limitation and reduce the City's legal borrowing capacity.

The notes are to be sold to the City Treasury and will be held as an investment. They are expected to remain outstanding until they may be retired with proceeds of notes to be issued with other notes as a part of a scheduled private placement of general obligation notes later in 2022. The bonds in anticipation of which the notes are to be issued are to be retired over a period of 20 years.

The Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 20 years and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is 240 months from their date of issuance.

**Legislative History**

5/24/22            City Council            First Reading

[O-244-22](#)

**Providing for the issuance and sale of \$18,000,000 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of renovating, remodeling, equipping and re-equipping and otherwise improving the Municipal Court Building, together with necessary appurtenances and work incidental thereto; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

This Ordinance authorizes the issuance and sale of \$18,000,000 of notes in anticipation of the issuance of bonds to provide funds for the purpose of paying costs of renovating, remodeling, equipping and re-equipping and otherwise improving the Municipal Court Building, together with necessary appurtenances and work incidental thereto. With the issuance of the notes authorized by this Ordinance, the City's outstanding debt will be increased by not more than \$18,000,000. The notes will be subject to statutory direct debt limits and the

statutory and constitutional indirect debt limitation and reduce the City's legal borrowing capacity.

The notes are to be sold in a scheduled private placement or public sale of general obligation notes. They are expected to remain outstanding until they may be retired with proceeds of bonds to be issued with other bonds as a part of a scheduled public sale of general obligation bonds later in 2022.

The Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is at least 20 years and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is 240 months from their date of issuance.

**Legislative History**

5/24/22            City Council            First Reading

[O-252-22](#)

**Authorizing the expenditure in an amount not to exceed \$ 1,124,880 from the Sewer Replacement Fund, \$1,660,000 From the Water Replacement Fund and \$ 668,120 from the Storm Water Replacement Fund for the purchase or lease of vehicles and equipment; authorizing the mayor to accept bids and enter into contracts; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

This Ordinance authorizes the expenditure of \$1,124,880 from the Sewer Replacement Fund, \$668,120 from the Storm Water Replacement Fund, and \$1,660,000 from the Water Replacement Fund for the purchase or lease of vehicles and equipment for the Department of Public Utilities. The Department of Public Utilities intends to trade-in existing vehicles or equipment toward purchases when possible. Funding has been approved for 2022 in accordance with the current 5-year vehicle replacement program. These vehicles are necessary to maintain a safe, reliable Department of Public Utilities.

**Attachments:** [Account Codes](#)

**Legislative History**

5/24/22            City Council            First Reading

[O-253-22](#)

**Authorizing the mayor to accept bids and award contracts for the Hydrant Replacement Program; authorizing the expenditure in an amount not to exceed \$700,000 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 planned in the Department of Public Utilities Capital Improvement Program. It is the intent of this ordinance to expend \$700,000 from the Water Replacement Fund for the purchase of hydrants, hydrant valves and other related materials.

**Legislative History**

5/24/22          City Council          First Reading

[O-254-22](#)

**Authorizing the expenditure in an amount not to exceed \$150,000 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 requesting subcontracting street cut pavement restoration work outside the city limits. This effort is limited to the designated area and serves only to assist with the backlog of work. This ordinance authorizes the expenditure of funds to repair utility cut damaged due to water main break repairs and improvements in Lucas County.

**Legislative History**

5/24/22          City Council          First Reading

**COUNCIL PRESIDENT CHERRY PRESENTS:**

[TMP-7525](#)

**Declaring a Moratorium until December 7, 2022, on the acceptance of any applications requesting permits for one or more liquid petroleum gas containers of more than 2,000 gallons water capacity in the aggregate; in a**

**residential district; and declaring an emergency.****Body:** SUMMARY & BACKGROUND:

A recent application for a 30,000-gallon propane tank to be located in a residential district and densely populated area has brought into discussion the concerns of larger tanks in residential areas. The Toledo Municipal code requires as an accessory to obtain a Special Use Permit. A review is being requested by looking at other cities as to whether they are allowed in other municipalities in densely populated areas such as residential zoning.

The Toledo Municipal Code Section; 1105.0500 Liquid petroleum gas storage in Residential Districts, reads as follows:

1105.0501 Special Use approval in accordance with Section 1111.0700 is required for liquid petroleum gas storage in Residential Districts in the following instances:

- A. One or more liquid petroleum gas containers of more than 2,000 gallons water capacity in the aggregate; or
- B. A central supply serving three or more dwelling units, or more than one building not including accessory structures.

(Ord. 170-04. Passed 3-23-04.)

1105.0502 Installations must conform to:

- A. The requirements for permits set forth in Chapters 1511 of the Fire Prevention Code and 1365 of the Building Code pertaining to liquefied petroleum gases; and
- B. regulation promulgated by the Fire Prevention Bureau and the Division of Building Inspection relative to the storage, handling and installation of equipment for liquefied petroleum gases.

(Ord. 170-04. Passed 3-23-04; Ord. 510-21. Passed 9-28-21.)

1105.0503 The Special Use review should address at least the following matters:

- A. Fencing and/or barriers, screening and landscaping, subject also to Fire Prevention Bureau review.
- B. Location within the subdivision or residential area.
- C. Effect on the surrounding land use or uses.
- D. Vehicular access.

(Ord. 170-04. Passed 3-23-04.)

A moratorium is being placed on the acceptance of an application for a Special Use Permit or the issuance of the permits for any tank falling under TMC 1105.01 A and B, in the City of Toledo. This is necessary to allow time for the Plan Commission to review and hold appropriate hearings regarding any amendments to this section of the code.

**COUNCIL MEMBERS MORRIS, MOLINE AND WILLIAMS PRESENT:**

[TMP-7526](#)

**Designating the intersection of Orange and Huron, in honor of Toledo Fire & Rescue Department Assistant Chief Robert J. Schwanzl, as “Toledo Fire & Rescue Department Assistant Chief Robert J. Schwanzl Memorial Place”.**

**OFFICE OF THE MAYOR:**

1. [TMP-7505](#)

**Repealing Toledo Municipal Code (“TMC”) Chapter 123; enacting a new TMC Chapter 123; and declaring an emergency.**

**Body:**

SUMMARY & BACKGROUND:

This Ordinance amends Toledo Municipal Code (“TMC”) Chapter 123, Department of Finance to update the Chapter to align with current Charter provisions and operating structure. Language in Ch. 123 does not create the Department and as it is created pursuant to Charter Sec. 101, along with its Divisions of Accounts, Treasury and Purchases and Supplies. All changes are consistent with the applicable Charter provisions and TMC Ch. 1905 (Income Tax).

2. [TMP-7506](#)

**Enacting a New Toledo Municipal Code Chapter 124, Department of Marketing and Communications; and declaring an emergency.**

**Body:**

SUMMARY & BACKGROUND:

This Ordinance enacts a new Toledo Municipal Code (“TMC”) Chapter 124, Department of Marketing and Communications as a new department to provide improved coordination and consistent communications strategies across the City. The multi-media platforms which are necessary for reaching residents and stakeholders today require a consistent, coordinated, and often cross-functional team.

The creation of a “MarComs” department within the city will support all city departments, divisions, commissions, and boards with messaging and multi-media delivery to timely provide important information timely to residents and stakeholders.

3. [TMP-7507](#)

**Repealing Toledo Municipal Code (“TMC”) Chapter 125; enacting a new TMC Chapter 125; and declaring an emergency**

**Body:** SUMMARY & BACKGROUND:

This Ordinance repeals Toledo Municipal Code (“TMC”) Chapter 125, Office of Diversity and Inclusion, and enacts Toledo Municipal Code (“TMC”) Chapter 125, Department of Diversity, Equity, and Inclusion. The Ordinance permits the appointment of Deputy Director if approved by Council in manner required under the Charter. NOW THEREFORE,

4. [TMP-7509](#)

**Repealing Toledo Municipal Code (“TMC”) Chapter 126; enacting a new TMC Chapter 126; and declaring emergency**

**Body:** SUMMARY & BACKGROUND:

This Ordinance repeals Toledo Municipal Code (“TMC”) Chapter 126, Department of Information and Communications Technology and enacts a new Ch. 126, Department of Information Technology to update the Chapter to align with current operating structure and recognize the addition of the division of Customer Service and Engagement, which moved responsibilities from DPU to Information Technology as a better fit with the provision of Engage Toledo as a city-wide service center. NOW THEREFORE,

5. [TMP-7512](#)

**Repealing Toledo Municipal Code (“TMC”) Chapter 127; enacting a new TMC Chapter 127; and declaring an emergency**

**Body:** SUMMARY & BACKGROUND:

This Ordinance amends Toledo Municipal Code

(“TMC”) Chapter 127, Department of Public Service, to update the Chapter to align with department operating structure and organizational chart included with the budget information. The new Chapter 127 eliminates provisions related to the divisions of Transportation and Street, Bridges and Harbor, which are included in the companion ordinance establishing a new Dept. of Transportation under new TMC Ch. 128. The new Ch. 127 also establishes a Division of Urban Beautification. Additionally, certain provisions in Chapter 127 pertaining to utility permits were moved to Chapter 133. Language pertaining to permits under Transportation was adjusted for legal reasons. Finally, this Ordinance repeals certain existing Chapter 127 provisions related to parks that were not repealed by Ord. 71-21 enacted on May 25, 2021. NOW THEREFORE,

6. [TMP-7513](#)

**Enacting a New Toledo Municipal Code (“TMC”) Chapter 128, Department of Transportation; and declaring an emergency**

**Body:** SUMMARY & BACKGROUND:

This Ordinance enacts a new Toledo Municipal Code (“TMC”) Chapter 128, Department of Transportation to be made up of the existing city divisions of Transportation, Engineering and most of Streets, Bridges and Harbor into a Department of Transportation. The objective is to create greater synergy and efficiency by placing the key divisions responsible for the City’s road and transportation infrastructure into one department, rather than splitting the functions between the Departments of Public Utilities and Public Service. NOW THEREFORE,

7. [TMP-7514](#)

**Repealing Toledo Municipal Code (“TMC”) Chapter 133; enacting a new TMC Chapter 133; and declaring an emergency**

**Body:** SUMMARY & BACKGROUND:

This Ordinance amends Toledo Municipal Code (“TMC”) Chapter 133, Department of to update the Chapter to align with

current operating structure and align functions with the organizational plan submitted by the Administration with the budget. The ordinance aligns the Chapter with the Department's current three commissioner and existing operating divisional structure. The Ordinance also removes provisions which pertained to engineering the "Call City Hall", which functions are proposed to be managed by the new Department of Transportation and the Department of Information Technology, respectively, pursuant to a separate ordinances. The Ordinances also adds some provisions related to permitting that were previously contained in Ch. 127, the Department of Public Service, despite the fact those items were administered by DPU. The proposed Ordinance also allows for the designation of Deputy Director of Public Utilities upon appointment by the Mayor and approval of Council. NOW THEREFORE,

8. [TMP-7515](#)

**Repealing Toledo Municipal Code ("TMC")  
Chapter 135; enacting a new TMC Chapter  
135; and declaring emergency**

**Body:** SUMMARY & BACKGROUND:

This Ordinance repeals Toledo Municipal Code ("TMC") Chapter 135, Department of Economic and Community Development and enacts a new TMC Chapter 135, Department of Housing and Community Development, to update the Chapter to align with current and proposed organizational and operating structure. The Changes included removal of the division of code enforcement, whose functions have been moved to the new Department of Building and Code Compliance and DPS (urban beautification). The changes also include the permissive addition of a deputy director upon appointment of Mayor with required confirmation of Council. There were some issues of alignment and consistency under the TMC between Chapter 135 and 135 (both including economic development) which have also now been resolved by the proposed changes to both chapters. Also, please note that no changes were made to TMC §135.04, Affirmatively Furthering Fair Housing. NOW THEREFORE,

9. [TMP-7516](#)

**Repealing Toledo Municipal Code ("TMC")  
Chapter 136; enacting a new TMC Chapter  
136; and declaring an emergency**

**Body:** SUMMARY & BACKGROUND:

This Ordinance amends Toledo Municipal Code Chapter 136, Department of Economic Development, and removes Inspection as a division under Economic Development previously combined in 2015. It provides for appointment of a Director and Deputy Director. NOW THEREFORE,

10. [TMP-7517](#)**Repealing Toledo Municipal Code (“TMC”) Chapter 137; enacting a new TMC Chapter 137; and declaring emergency****Body:** SUMMARY & BACKGROUND:

This Ordinance repeals Toledo Municipal Code (“TMC”) Chapter 137, Department of Human Resources and enacts a new TMC Chapter 137, to update the Chapter to align with current Section names and duties and to permit Deputy Director position, subject to Council approval under the Charter. NOW THEREFORE,

11. [TMP-7518](#)**Enacting a New Toledo Municipal Code Chapter 140, Department of Building and Code Compliance; and declaring an emergency****Body:** SUMMARY & BACKGROUND:

This Ordinance enacts a new Toledo Municipal Code (“TMC”) Chapter 140, Department of Building and Code Compliance, which combines the duties of the divisions of Inspection and Code Enforcement. Inspection was put under the Department of Economic Development in 2015 (see Ord. 118-15), with Code Enforcement moved under the Department of Neighborhoods in 2014 (see Ord. 482-14). This Ordinance reestablishes Building Inspection and most of the functions of the Division of Code Compliance as a separate combined department linking the related expertise and functions. (For repeal of previous provisions see separate legislation amending TMC Ch. 135 and 136.) NOW THEREFORE,

**DEPARTMENT OF TRANSPORTATION:**12. [TMP-7493](#)**Authorizing the mayor to enter into cooperative grant**

**agreements with and accept financial assistance from the State of Ohio Department of Transportation (ODOT) for numerous construction projects; authorizing the acceptance, deposit, appropriation and expenditure of grant proceeds into the Capital Improvement Fund in an amount not to exceed \$5,220,220; 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 and Construction Management 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 \$1,611,440 has been allocated by ODOT through TMACOG for a reconstruction project; Collingwood Boulevard from Central Avenue to Hackett Road. Matching funds will be provided through the Division of Engineering and Construction Management Matches and Planning budget and the Ohio Public Works Commission (OPWC). Construction for this project is scheduled for 2024.

A maximum of \$1,223,460 has been allocated by ODOT through TMACOG for a resurfacing project; Manhattan Boulevard from Stickney Avenue to Wallace Boulevard. Matching funds will be provided through the Division of Engineering and Construction Management Matches and Planning budget and OPWC. Construction for this project is scheduled for 2024.

A maximum of \$1,642,320 has been allocated by ODOT through TMACOG for a resurfacing project; Tremainsville Road from Laskey Road to Alexis Road. Matching funds will be provided through the Division of Engineering and Construction Management Matches and Planning budget. Construction for this

project is scheduled for 2024.

A maximum of \$500,000 has been allocated by ODOT through TMACOG for a resurfacing project; Lagrange Street from Greenbelt Parkway to Summit Street. Matching funds will be provided through the Division of Engineering and Construction Management Matches and Planning budget. Construction for this project is scheduled for 2024.

A maximum of \$243,000 has been allocated by ODOT through Safe Routes to School Funding for a sidewalk improvement project; several locations throughout the Toledo School District will be upgraded with new sidewalks and crosswalks. Matching funds will be provided through the Division of Engineering and Construction Management Matches and Planning budget. Construction for this project is scheduled for 2024.

The matching funds will be proposed in the Division of Engineering and Construction Management 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.

NOW, THEREFORE,

**DEPARTMENT OF ECONOMIC DEVELOPMENT:**

**13. [TMP-7435](#)**

**Authorizing the Mayor to enter into an amended Development Agreement with Toledo Colony Apartments, LLC and Colony-Concord Hotel, LLC for the Colony Development Project for the purposes of amending the terms to eliminate the Developer's commitment to reimburse the City \$700,000 for relocation of the public storm sewer and eliminate the obligation of the Developer to construct the Commercial Development**

**component of the Project; making certain findings with respect thereto; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

The Colony Development Project involves the redevelopment of 10.8 acres in west Toledo into a \$58 million mixed use development. The project consists of a 262-unit residential development, known as the Colony Lofts, that will include a club house, Old Bag of Nails restaurant and a space for a retail business. The Developer also planned to construct a 120-room Home2 Suites hotel by Hilton.

Ordinance 188-2020 authorized the Mayor to enter into a Development Agreement with Toledo Colony Apartments, LLC and Colony-Concord Hotel, LLC for the Colony Development Project. The purpose of the Development Agreement is to outline roles, responsibilities and financial commitments necessary to complete the project.

One of the biggest obstacles to developing the property is the existing location of a 48-inch public storm sewer that is currently located within and divides the site. In addition to the requirement to relocate the storm sewer, the City's Comprehensive Ditch Plan recommends upsizing the 48-inch pipe to a 72-inch. As such, the Parties agreed that the Developer would pay for the cost to relocate the storm sewer (\$700,000) and the City would pay for the cost to upsize the storm sewer (\$749,840). The City agreed to pay the costs of both project components (\$1,449,840) from the unappropriated balance of the Storm Water Replacement Fund and be reimbursed \$700,000 by the Developer for its portion of the project.

The Colony Development Project has been delayed due to the impacts of the COVID-19 pandemic on construction pricing. Since 2020, the cost to construct the Colony Apartments has increased 29% resulting in \$8,688,782 in additional cost to the project. Due to the immense increase in the cost of the project, the Developer is not able to move forward without a reduction of Developer's costs for public infrastructure.

Due to the impacts of COVID-19 on travel and tourism and the volatility of construction pricing and interest rates, the Developer is unable to commit to construct the 120-room Home2 Suites hotel by Hilton, as outlined in the Development Agreement. It is still the Developer's goal to construct the hotel when market conditions are favorable.

The redevelopment of the Colony is a priority economic development project for Toledo that will create 262 residential units and generate new revenue for the City. The proposed relocation and upsizing of the public storm sewer will result in a net public benefit that will improve flow and expand capacity for storm water during large rain events. As such, this Ordinance authorizes the Mayor to enter into an amended Development Agreement with Toledo Colony Apartments, LLC and Colony-Concord Hotel, LLC for the purposes of amending the terms to eliminate the Developer's commitment to reimburse the City \$700,000 for relocation of the public storm sewer.

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

#### DEPARTMENT OF FINANCE:

14. [TMP-7470](#) **Authorizing the expenditure of \$18,593 from the General Fund for the city of Toledo's 2022 membership dues for the Ohio Municipal League (OML); and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

This ordinance authorizes the expenditure of funds for 2022 membership dues for the Ohio Municipal League. Funds are included in the approved 2022 General Fund budget for this expenditure.  
NOW, THEREFORE,

#### DEPARTMENT OF PARKS & YOUTH SERVICES:

15. [TMP-7501](#) **Authorizing the expenditure of \$400,000 from the Capital Improvement Fund for the City Toledo Parks infrastructure revitalization initiative; authorizing the Mayor to accept bids and award contracts for said**

**purpose; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

This ordinance authorizes expending \$400,000 for City of Toledo Parks infrastructure revitalization. Funds will be used to support the purchase and installation of benches, picnic tables, and grills, and the repaving/reconstruction of pathways and parking lots, the manufacturing and installation of new city park signage, and the upgrading of other infrastructure items. Funds for this initiative are included in the approved Capital Improvement Plan budget.

**Attachments:** [Informational Bullets](#)

16. [TMP-7500](#)

**Authorizing the expenditure of an amount not to exceed \$100,000 from the Capital Improvement Fund for the renovation of the open-air shelter at Trilby Park; authorizing the Mayor to accept bids and award contracts for said purpose; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

This ordinance authorizes expending up to \$100,000 for the renovation of the open-air shelter at Trilby Park. The shelter is in disrepair and must be restored for proper and safe use. Funds for this project are included in the approved Capital Improvement Plan budget.

**DEPARTMENT OF POLICE OPERATIONS:**

17. [TMP-7475](#)

**Authorizing the Mayor to enter into an agreement and accept and deposit \$29,000 from the Office of Criminal Justice Services for a 2022 Police Recruitment Drive (2022-RH-RC4-716); authorizing the appropriation and expenditure of funds from the Operation Grants fund; authorizing the Mayor to accept bids and award contracts for recruitment services in an amount not to exceed \$29,000; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

The Toledo Police Department has requested and received

\$29,000 in 2022 Ohio Police Recruitment Drive funds from the Ohio Office of Criminal Justice Services. These grant funds will be utilized to develop a recruiting campaign targeted to women and minority groups. There is no local match required for this grant.

Bidding was conducted on Planet Bids and Vince Rocha Productions LLC, DBA VCREATIVE was the selected bidder. VCREATIVE is a local minority-owned advertising agency. VCREATIVE will produce recruitment videos and a digital advertising campaign using geographical and behavioral data to reach the target group across multiple social media platforms.

#### **DEPARTMENT OF FIRE & RESCUE OPERATIONS:**

18. [TMP-7504](#) **Authorizing the donation of retired fire protective gear to the City of Belgrade, Serbia; waiving the requirements of TMC 187; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

The Toledo Fire & Rescue Department (TFRD) seeks to donate retired fire protective gear to Belgrade, Serbia.

The Ohio National Guard through their State partnership Program efforts has a relationship with Serbia and Hungary providing them assistance when asked by the Department of Defense or the State Department. A request came from the Serbian Ministry of Interior through the US Embassy in Serbia for assistance in the development of Firefighting Capability in Serbia. The US Embassy contacted the Department of Defense and the mission was assigned to the Ohio National Guard as part of their State Partnership Program efforts. The Ohio National Guard began conversations with the Serbian Ministry of Interior Sector for Emergency Management (MoI/SEM) to determine the needs and current state of firefighting services within the country of Serbia.

It was determined the Ohio National Guard would make efforts immediately in conjunction with the US Embassy and the State Department to work with Ohio Fire Departments to obtain protective fire clothing (turnouts gloves boots helmets etc) as well as fire fighting

equipment and ship it over as an interim measure until the budgetary issues within Serbia can catch up to the need.

The project lead is Colonel Breitfelder, also an Assistant Chief with the City of Cincinnati Fire Department, is leveraging his relationship with other Metro Departments in the State of Ohio to obtain their excess gear and equipment for donation to Serbia. Current discussions include donations from City of Toledo, Cincinnati, Cleveland and Columbus.

The current plan is to collect the gear at a national guard location near each city where it will be inventoried and prepped for shipment to Serbia. Shipment of the gear would most likely occur on an Ohio National Guard aircraft and flown directly to Belgrade Serbia whereby the US Embassy would be instrumental in arranging its transfer to the Serbian MoI SEM.

The gear once arriving in Serbia and transferred to the MoI SEM will then be distributed to Volunteer Fire Stations throughout Serbia as an interim stop gap measure until the funding can be identified to provide newer gear to their fire stations.

19. [TMP-7503](#)

**Authorizing the Mayor to contract with Motorola Solutions, Inc., for the purchase of various Fire and Toledo Municipal Court communication equipment and related services; authorizing the expenditure in an amount not to exceed \$1,360,389.09 for said contract purposes; 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 \$1,360,389.09 for Motorola Solutions, Inc. contract purchase of various Fire and Toledo Municipal Court communication equipment and related services. Motorola Solutions, Inc. is the sole source supplier for radio communication equipment for the City of Toledo. Said purchase contract replaces Fire's and Toledo Municipal Court's end-of-service

life communication equipment cache as is necessary to remain on the County-wide Communications System following their 2024 dual authentication security update, which currently would effectively render 80% of Fire's and 100% of Toledo Municipal Court's communication equipment obsolete.

**DEPARTMENT OF LAW:**

20. [TMP-7502](#) **Authorizing the expenditure of \$50,000.00 from the Risk Management Fund; and declaring an emergency for the continuing representation of a city employee by the RCO law firm, in Case No. 22-1111 captioned *Medical Mutual of Ohio v. Healthscope Benefits Inc, et al.* pending in the Lucas County Court of Common Pleas.**

**Body:** SUMMARY AND BACKGROUND

Due to the RCO law firm having particularized knowledge in this matter it has been retained to defend a city employee. As the legal expenses are exceeding \$10,000.00, additional monies are required to continue to defend a city employee.

21. [TMP-7511](#) **Authorizing the Mayor to renew the pollution liability insurance policy covering its Municipal Golf Courses with Admiral Insurance Company for a period of three years; further authorizing the expenditure of \$22,817.00 from the city's Risk Management Fund; waiving competitive procurement requirements of TMC 187; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

The city maintains a pollution liability insurance policy covering its three Municipal Golf Courses. Admiral Insurance Company has provided pollution liability insurance coverage for the past three years. Since the last annual renewal, the Hylant Group has priced the market and negotiated the rate charged to the city for the same insurance coverage with Admiral Insurance Company; offering the same coverage limits, as well as maintaining the lower deductible for the insurance coverage at a lower rate/premium for three years. As a

direct result, Admiral Insurance Company offers the maximum and best coverage, inspection and engineering support at the lowest premium cost.

This commitment, from the city to Admiral Insurance Company, and from Admiral Insurance Company to the city, serves as the basis for the most favorable, outcome both in coverage and in working with the city to further develop and implement loss prevention measures. The agreement will be for a term not to exceed three years.

#### DEPARTMENT OF PUBLIC UTILITIES:

22. [TMP-7472](#)

**Authorizing the appropriation of \$225,000 from the unappropriated balance of the Water Replacement Fund and operating transfer of same into the Water Operating Fund; authorizing the appropriation of \$250,000 from the unappropriated balance of the Sewer Replacement Fund and operating transfer of same into the Sewer Operating Fund; authorizing the appropriation of \$25,000 from the unappropriated balance of the Storm Water Replacement Fund and operating transfer of same into the Storm Water Operating Fund; authorizing the appropriation and expenditure of an amount not to exceed \$225,000 from the Water Operating Fund, the appropriation and expenditure of an amount not to exceed \$250,000 from the Sewer Operating Fund, and the appropriation and expenditure of an amount not to exceed \$25,000 from the Storm Water Operating Fund to fund the customer assistance grant program; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

This ordinance funds a customer assistance grant program to aid low-income water, sewer and storm water customers who need funding assistance to maintain necessary utility services. The Department of Public Utilities will utilize its service turnoff, collection

agency and lien authority to minimize losses under this program; and future appropriations will be allocated to DPU operational budgets.

NOW, THEREFORE,

23. [TMP-7496](#)

**Authorizing the appropriation and expenditure in an amount not to exceed \$250,000 from the Sewer Replacement Fund for the Tank 12 Rehabilitation Project at the Water Reclamation Plant; authorizing the Mayor to enter into a contract with Evoqua Water Technologies LLC for the repair of Tank 12; waiving the competitive procurement provisions of TMC Chapter 187; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

This Ordinance authorizes the appropriation and expenditure of \$250,000 from the Sewer Replacement Fund for the Division of Water Reclamation Tank 12 Rehabilitation Project. The Water Reclamation Plant (Plant) has twelve (12) secondary treatment clarifiers. Tank 12 is the largest clarifier and is used extensively during wet weather events to allow the plant to process large flows associated with wet weather events. This tank is currently out of service, and because of this, the plant is in jeopardy of being unable to process those large volumes. The clarifier was originally installed in 1996 and has not been rehabilitated since that time. This work is necessary to maintain safe, reliable solids process as well as to maintain compliance with the NPDES discharge permit requirements, as set forth by the Ohio EPA.

NOW, THEREFORE,

24. [TMP-7497](#)

**Authorizing the mayor to enter into a Brownfield Community-Wide Assessment cooperative grant agreement with the United States Environmental Protection Agency (U.S. EPA) for the purpose of completing environmental site assessment activities in the Toledo area; authorizing the**

**mayor to accept and deposit grant proceeds in the amount of \$500,000 for said purpose; authorizing the appropriation and expenditure of grant proceeds of \$500,000 in the Operation Grants Fund; authorizing the mayor to accept bids and execute contracts related to environmental site assessment work; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

The city of Toledo, in partnership with the Toledo-Lucas County Port Authority, the Metropolitan Park District of the Toledo Area, ConneCToledo, and Lucas County Land Bank Reutilization Corporation (“Project Partners”) has been awarded a U.S. EPA Brownfield Community-Wide Assessment grant in the amount of \$500,000 for the purpose of completing environmental site assessment work on brownfield properties in Toledo. The City and Project Partners have identified two target areas including the Detroit Ave. Rail Corridor and Greater Downtown to focus its efforts. Additional sites outside target areas are also eligible for assessment funding.

The city will enter into a Cooperative Agreement with the U.S. EPA. This ordinance authorizes the mayor to enter into necessary agreements, and to accept, deposit, appropriate and expend the \$500,000 in grant funds.

NOW, THEREFORE,

25. [TMP-7499](#)

**Authorizing the mayor to enter into a contract for the Green Infrastructure Landscape Maintenance Project; authorizing the expenditure of an amount not to exceed \$92,220 from the Storm Water Operating Fund; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

This Ordinance authorizes a contract for the Green Infrastructure Landscaping Maintenance Project. The stormwater control measures called out in this project are components of the City’s infrastructure and critical to complying with the Ohio EPA National Pollutant

Discharge Elimination System (NPDES) permit for storm water. Bids for said project have been received and Renewed Outdoors, LLC has been selected as the lowest and best bidder.

NOW, THEREFORE,

26. [TMP-7498](#)

**Authorizing the mayor to enter into a contract for the Green Infrastructure Invasives Control Project; authorizing the expenditure of an amount not to exceed \$37,485 from the Storm Water Operating Fund; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

This Ordinance authorizes a contract for the Green Infrastructure Invasives Control Project. The stormwater control measures called out in this project are components of the City's infrastructure and critical to complying with the Ohio EPA National Pollutant Discharge Elimination System (NPDES) permit for storm water. Bids for said project have been received and A & J Landscape, LLC has been selected as the lowest and best bidder.

NOW, THEREFORE,

**THE CLERK REPORTS:**

[TMP-7527](#)

**Granting a waiver of Toledo Municipal Code Section 1107.0203 Surface Parking Lot Ban Districts to allow an existing one-level surface parking lot to be increased in size at 15, 25, 31, 39 South Ontario Street and 14 South Erie Street, in the City of Toledo, Lucas County, Ohio; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

The former Commerce Paper Building at 15 S. Ontario Street is being renovated into a mixed-use project with approx. 50 residential units and a ground-floor retail tenant, to be known as the Overmyer Lofts. The existing parking lot to the east is proposed to be expanded to include the footprint of the to-be-demolished garage addition to the south of the building and offer a total of 72 parking spaces, as well as required landscaping and decorative fencing. The proposed parking lot

has been reviewed and approved by the Plan Commission as SPR-18-22, subject to the approval of a waiver of the Warehouse District Surface Parking Lot Ban.

Waiving of this zoning section will allow the project to proceed.

[TMP-7528](#)

**Declaring the intent to designate the building located at 1301 Adams Street, Toledo, Ohio a historic landmark; and declaring an emergency.**

[TMP-7529](#)

**Declaring the intent to designate the building located at 420 E. Manhattan Blvd., Toledo, Ohio a historic landmark; 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.**