



# City of Toledo

One Government Center  
Toledo, OH 43604

## Meeting Minutes City Council

---

Tuesday, October 23, 2018

4:00 PM

Council Chambers

---

### APPOINTMENTS FROM THE OFFICE OF THE MAYOR:

#### [A-428-18](#)

#### Appointments - Latino Affairs Commission

**Summary:** Jeffrey A. Sabo  
Monica Morales

**Attachments:** [Latino Affairs Commission](#)

#### [A-429-18](#)

#### Appointments - Old West End Historic District Commission

**Summary:** Dr. David J. Kosmyna

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

#### [A-430-18](#)

#### Appointment - Rev. H.V. Savage Park Advisory Board

**Summary:** Kendall L. Harvey, Sr.

**Attachments:** [Savage Park Advisory Board](#)

#### [A-431-18](#)

#### Appointments - Toledo City Historic District Commission

**Summary:** Kenneth W. Fallows  
Danielle M. Steinhauser

**Attachments:** [Toledo City HDC](#)

#### [A-432-18](#)

#### Appointment - Toledo Sister Cities International

**Summary:** Karen Nicole Hayes

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

**SECOND READING ITEMS:**[O-413-18](#)

**Authorizing the appropriation and expenditure of bond proceeds from the Water Bond Improvement Fund in an amount not to exceed \$7,700,000; authorizing the mayor to waive the competitive bidding requirement as required by T.M.C. Chapter 187 and to renew the previously bid contract with URS Corporation, for Professional Construction Management and Program Support Services, and other necessary work and tasks, relating to the implementation of the Capital Improvement Program for the Division of Water Treatment; and declaring an emergency.**

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

The Division of Water Treatment has identified over \$500 million in needed improvements to the facilities it operates and is implementing an aggressive capital improvements program to evaluate, design, and construct needed improvements to ensure uninterrupted supply of potable water to the area as well as to meet the requirements of the Ohio EPA. To assist the current engineering staff in the Division, a Professional Construction Management (PCM) team has been contracted to provide program support services and to coordinate the construction administration, design review and field services activities. As the Capital Improvement Program continues to be implemented and new projects are authorized, additional funds are now necessary to renew the existing contract for a period of two years beginning 2019 through 2020.

This ordinance provides continued funding for Professional Construction Management and Support Services through the next two years of the water capital improvement program. Professional services provided under the contract include master program scheduling; financial, budgeting, progress and status reporting; public and MBE outreach; web based document administration system; plant site stormwater pollution protection planning activities; construction administration, design review and field services, and other necessary

work and tasks, relating to the implementation of the Capital Improvement Program for the Division of Water Treatment. Funding for these services is available from the Water Bond Improvement Fund (2018 Bond Issuance).

**Summary:** NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That an amount not to exceed \$7,700,000 is appropriated from the bond proceeds in the Water Bond Improvement Fund in Account Code 6062-32000-4UB2916STDSTD for Professional Construction Management and Program Support services relating to the implementation of the Division of Water Treatment Capital Improvement Program and expenditure of same is authorized (Professional Construction Management and Program Support).

SECTION 2. That Council finds it in the best interest of the city to waive the competitive bidding requirement as required by T.M.C. Chapter 187 and to renew the previously bid contract with URS Corporation for those reasons set forth in Exhibit A.

SECTION 3. That various adjustments and line item expenditures and transfers are authorized to comply with said contracts/agreements.

SECTION 4. That the Finance Director is authorized to issue his warrant or warrants against the account code identified in Section 1 in an amount not to exceed \$7,700,000 and to make necessary expenditures in payment of the obligations incurred pursuant to the contract authorized in Section 2 upon presentation of the proper voucher or vouchers.

SECTION 5. That the disappropriation of any remaining budget to fund balance is authorized at project closeout.

SECTION 6. That this ordinance is declared to be an emergency measure and shall be in force and effect from and after its passage.

The reason for the emergency lies in the fact that this ordinance is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that this ordinance must be immediately effective in order to ensure the uninterrupted distribution of quality potable drinking water to the citizens of the entire region.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure:  
yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council \_\_\_\_\_.

Attest: \_\_\_\_\_

Clerk of Council

**Attachments:** [Exhibit A](#)

[O-417-18](#)

**Authorizing the Mayor to enter into an amended joint economic development district agreement with the Board of Trustees of Troy Township, Wood County, Ohio, for the purpose of adding to and enlarging the Troy Township-Toledo joint economic development district territory; and declaring an**

emergency.

**Body:** SUMMARY & BACKGROUND:

Pursuant to the authority of Ordinance 565-09 passed on October 13, 2009, the City entered into a Joint Economic Development District Agreement with Troy Township, Wood County, Ohio, to create a Joint Economic Development District located on 460 acres of property immediately south of the intersection of Interstate 280 and State Route 23 in Wood County, Ohio. The purpose of this Economic Development District was to facilitate economic growth and development within the territory. The success of the Economic Development District to date has motivated the East Ohio Gas Company, as owner, to petition the Joint Economic Development District Board to include an additional 512 acres, more or less, of undeveloped land to the district territory. Granting the petition and including the subject property into the expanded district territory requires the City of Toledo and Troy Township to amend the district contract accordingly. Amending the contract comes at the recommendation of the Joint Economic Development District Board. A joint public hearing co-sponsored by the Troy Township Trustees and Toledo City Council was held on September 12, 2018, at the Troy Township Hall in Luckey, Ohio, where public comment was received with respect to the proposed amendment. It is the Joint Economic Development District Board's belief that amending the contract to include the additional acreage will create and preserve jobs and employment opportunities, and will improve the economic welfare of the people in the state and in the area of the contracting parties. Also, on September 12, 2018, following the public hearing, the Troy Township Trustees unanimously adopted Resolution 9-2018 approving the contract amendment.

**Summary:** NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the Mayor is authorized to enter into an Amended Joint Economic Development District Agreement with the Board of Township Trustees of the Township of Troy, Wood County,

Ohio. A copy of the Amendment in substantial final form is on file with the Clerk of Council.

SECTION 2. That this ordinance is declared to be an emergency measure and shall be in force and effect after its passage. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public peace, health, safety, and property, and for further reason that the ordinance must be immediately effective in order to provide for the timely inclusion of the subject property into the economic development district.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council \_\_\_\_\_.

Attest: \_\_\_\_\_

Clerk of Council

**Attachments:** [Map](#)  
[Public Hearing Notice, November 5, 2018](#)  
[Joint Public Hearing Notice, September 12, 2018](#)  
[Agenda, Special Meeting, September 12, 2018](#)  
[Exhibit A](#)  
[Conceptual Development Plan](#)  
[Amended JEDD Contract](#)  
[Mtg Audio: TCC Regional Growth, Development & Small Business Enterprise Committee Meeting of 11/5/18](#)  
[Toledo City Council Meeting 11/7/2018 \(O-417-18 Final Passage\)](#)

[R-424-18](#)

**Accepting the property tax amounts and rates for the 2019 budget as determined by the County Budget Commission; authorizing the necessary tax levies, certifying said levies to the County Auditor; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

The Budget Commission of Lucas County, Ohio has certified its action to Toledo City Council with an estimate by the County Auditor of the amount of property tax to be collected in 2019 and the tax rate of each tax to be levied by the Council; and what part thereof is without, and what part within, the 10-mill limitation.

**Summary:** NOW, THEREFORE, Be it resolved by the Council of the City of Toledo:

SECTION 1. That the amounts and rates for general property tax as determined by the Budget Commission and its certification are accepted.

SECTION 2. That there be and is levied on the tax duplicate of said city, the rate of each tax necessary to be levied pursuant to Section 8(s) of the City's Charter within the 10-mill limitation and outside the 10-mill limitation, in accordance with the following

schedule:

A. Summary of accounts for general property tax approved by the Budget Commission and County Auditor's estimated tax rate.

	Amount From	Amount Approval	
	Outside	Inside 10-Mill	
	Rate	Rate	
	<u>10-Mill Limit</u>	<u>Limit</u>	<u>Inside</u>
	<u>Outside</u>		
General Fund	\$6,100,000	\$6,100,000	
	1.90	1.90	
Police Pension Fund		\$950,000	
	0.30		
Fire Pension Fund		\$950,000	
	0.30		
	\$6,100,000	\$8,000,000	
	2.50	1.90	

B. Levies outside 10-mill limitation are exclusive of debt levies.

General Fund: Current expense levy authorized by voters on November 5, 1957. (Charter Amendment-maximum rate to be authorized 1.90, amount \$6,100,000.)

SECTION 3. That the Clerk of Council is directed to certify a copy of this Resolution to the County Auditor of said County.

SECTION 4. That this Resolution is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety, and property and for the further reason that this Resolution must be immediately effective in order to allow Lucas County to collect property taxes for the City in 2019.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Adopted: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council  
Council

\_\_\_\_\_  
President of  
Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of a  
Resolution adopted by Council \_\_\_\_\_.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council

[R-425-18](#)

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

**Body:** SUMMARY & BACKGROUND:

This resolution is requested annually pursuant to the Ohio Revised Code Section 321.34 (Advance Payment to Local Authorities), which authorizes the Director of Finance, or his designee to request advances of funds from the Lucas County Auditor's throughout the property tax collection cycle. These funds are derived from taxes or other sources which are payable by law to the County Treasurer. This legislation is to be filed at the office of the Lucas County Auditor.

**Summary:** NOW, THEREFORE, Be it resolved by the Council of the City of Toledo:

SECTION 1. That the Director of Finance is authorized on behalf of the City of Toledo to make requests from time to time to the Auditor and Treasurer of Lucas County, Ohio, for advances of funds derived from taxes and other sources.

SECTION 2. That the Clerk of Council is authorized and directed to send a certified copy of this resolution to the Auditor and Treasurer of Lucas County, Ohio.

SECTION 3. That this resolution, being an emergency measure shall take effect and be in force from and after its adoption. The reason for the emergency lies in the fact that this resolution is necessary for the immediate preservation of the public health, safety and property, and for the further reason that the resolution must be immediately effective in order to provide the orderly and efficient continuation of municipal operations.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Adopted: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council  
Council

President of

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of a  
Resolution adopted by Council \_\_\_\_\_.

Attest: \_\_\_\_\_

Clerk of Council

**NEW ITEMS FROM CITY COUNCIL:**[A-433-18](#)**Appointments - Advisory Audit Committee**

**Summary:** Charles Chambers  
Gary Thompson

**Attachments:** [Advisory Audit Committee](#)

[R-434-18](#)

**Accepting the petition of Ethel Penamon for special assessments for various special energy improvement projects in accordance with Chapters 1710 and 727 of the Ohio Revised Code; declaring the necessity of proceeding with the special energy improvement projects and approving the plans and specifications therefor; stating the method for making the special assessments against the benefitted properties and the amount of such special assessments; and declaring an emergency.**

**Summary:** SUMMARY & BACKGROUND:

The City of Toledo, City of Oregon, City of Maumee, City of Northwood, Township of Monclova, Township of Springfield, Township of Swanton, Township of Sylvania, Ohio and the Toledo-Lucas County Port Authority (“Port Authority”) have partnered to create an Energy Special Improvement District (“District”) under Ohio Revised Code Chapter 1710 and a non-profit corporation, known as the Northwest Ohio Advanced Energy Improvement District (“Corporation”), to govern the District. Property owners within the District are permitted to make certain “energy efficiency improvements” to their properties, which constitute a “special energy improvement project”, and pay for the cost of the special energy improvement project by way of special assessments in accordance with the process set out in Chapters 727 and 1710 of the Ohio Revised Code. Revised Code Section 1710.01(G) provides that special energy improvement projects (including energy efficiency improvements) constitute public improvements and are therefore subject to special assessments.

Ethel Penamon, (the “Petitioner”) is the owner of 100% of the property described on **Exhibit A** attached hereto (the “Property”). The Petitioner has executed an Agreement to Impose Special Assessments (the “Agreement”) with the Corporation. A copy of the Agreement to Impose Special Assessments is attached to Petitioner’s Petition for Special Assessments for Special Energy Improvement Project (the “Petition”) as **Exhibit C**.

Pursuant to the Agreement, and upon Application to the Corporation for membership and financing of special energy improvement projects to the Property; Corporation, Petitioner have caused an energy audit to the Property to be completed.

The energy audit has identified energy conservation measures, all of which qualify as energy efficiency improvements as defined in Revised Code Section 1710.01(K), which Petitioner has determined to proceed with implementation, and to pay by way of special

assessments.

Petitioner has submitted to this Council the Petition seeking (i) the addition of certain of its property to the District and (ii) approval of an amendment to the District's comprehensive plan for special energy improvement projects to include the 25 Clifton Road, Toledo, OH 43607 Special Energy Improvement Project (the "Special Energy Improvement Project") and requesting that the Project be undertaken by the District and that the costs thereof be specially assessed against the Property specially benefited thereby.

A complete list and description of the Special Energy Improvement Project is on file with the Clerk of Toledo City Council and is attached as Exhibit B to this Resolution. Exhibit B provides the following information for the Special Energy Improvement Project:

1. Identification of the parcel number and name of the Property/building to be improved;
2. A description of the nature of the Special Energy Improvement Project for the particular parcel;
3. The estimated amount of the special assessment to be levied against the Property (the "Special Assessment") and the number of years the Special Assessment will be collected (if not paid in cash within 30 days after the passage of the assessing ordinance as provided by law).

The total dollar cost of the Special Energy Improvement Project, including accrued interest and the associated costs of issuance of the Corporation's revolving loan fund, is estimated to be Seven Thousand Six Hundred Ninety-Seven Dollars and Zero Cents (\$7,697.00). Each semi-annual payment represents the payment of a portion of the principal of and interest, the program administration fee, and the Lucas County, Ohio special assessment collection fee due with respect to each semi-annual payment.

The District will fund the cost of the Project through the Residential PACE Loan Fund. Ultimately, the loan will be repaid over

time from the amounts Petitioner pays as loan payments and the Special Assessment. Petitioner, in turn, is expected to be able to pay the Special Assessment from the energy savings estimated to be achieved as a result of the Special Energy Improvement Project.

The annual Special Assessment for the Special Energy Improvement Project is to be paid in semi-annual payments over nine (9) years. The plans and specifications for the Special Energy Improvement Project are on file with the Clerk of Council. The Petitioner also waives all further notices, hearings, claims for damages, rights to appeal and other rights of property owners under the law, including but not limited to those specified in the Ohio Constitution, Chapter 727 of the Revised Code, the Toledo City Charter and the Toledo Municipal Code. Petitioner consents to the immediate imposition of the Special Assessment upon the Property specially benefited by Special Energy Improvement Project.

This special assessment process is a voluntary process with one hundred percent of the cost of the Special Energy Improvement Project being assigned to the specially benefited Property. This resolution accepts and approves the petition from Petitioner, to begin that special assessment process, and is accompanied by an ordinance to proceed with Petitioner. When the Special Energy Improvement Project is complete and the final costs known, an assessing ordinance directing that the necessary Special Assessment be made against the benefited Property will be presented to the Council. NOW, THEREFORE,

Be it resolved by the Council of the City of Toledo:

SECTION 1. That this Council accepts and approves the Petition of Ethel Penamon for the Special Energy Improvement Project described herein and in Exhibit B to this Resolution, which is on file with the Clerk of Council. All of the findings and determinations contained in the preceding Summary and Background section are incorporated herein and adopted as substantive findings and

determinations of this Council.

SECTION 2. That this Council (i) accepts and confirms the inclusion of the properties listed in Exhibit A in the District, which, pursuant to Chapter 1710 of the Ohio Revised Code, is governed by the Corporation, and (ii) declares the necessity of the acquisition, installation and construction of the Special Energy Improvement Project, which shall be constructed on the Property of the Special Energy Improvement Project identified in Exhibit A.

SECTION 3. That this Council hereby confirms its approval of the plan for the District, including (and as supplemented and amended by and to include) the plans for the Special Energy Improvement Project, and the Corporation is authorized and directed to cause the Special Energy Improvement Project to be constructed under such contracts as it determines to be appropriate under law and in accordance with the plan for the District, including (and as supplemented and amended by and to include) the plans for the Special Energy Improvement Project.

SECTION 4. That the plans, specifications, estimates of costs, and profiles of the proposed Special Energy Improvement Project identified in Exhibit B on file with the Clerk of Council and open to inspection are hereby approved, and the Special Energy Improvement Project shall be acquired, installed and constructed in accordance with those plans and specifications.

SECTION 5. That this Council hereby finds and determines that (i) the Special Energy Improvement Project is conducive to the public health, convenience and welfare of the City and its inhabitants and (ii) the Property of Petitioner, identified in Exhibit A is specially benefited by the Special Energy Improvement Project.

SECTION 6. This Council hereby accepts and approves the waiver of all further notices, hearings, claims for damages, rights to appeal and other rights of property owners under the law, including but

not limited to those specified in the Ohio Constitution, Chapter 727 of the Revised Code, the Toledo City Charter and the Toledo Municipal Code, and consents to the immediate imposition of the Special Assessment upon the Property as identified in Exhibit A. This waiver encompasses but is not limited to waivers of the following rights under the Revised Sections referred to below:

- The right to notice of the adoption of the Resolution of Necessity under Sections 727.13 and 727.14;
- The right to limit the amount of the special assessment under Sections 727.03 and 727.06;
- The right to file an objection to the special assessment under Section 727.15;
- The right to the establishment of, and any proceedings by and any notice from an Assessment Equalization Board under Sections 727.16 and 727.17;
- The right to file any claim for damages under Sections 727.18 through 727.22 and Section 727.43;
- The right to notice that bids or quotations for the Special Energy Improvement Project may exceed estimates by 15%;
- The right to seek a deferral of payments of the Special Assessments under Section 727.251; and
- The right to notice of the passage of the assessing ordinance under Section 727.26.
- Any and all procedural defects, errors or omissions in the special assessment process.

SECTION 7. That the total cost of the Special Energy Improvement Project shall be assessed against the Property of Petitioner identified in Exhibit A in proportion to the benefits resulting from the Special Energy Improvement Project.

SECTION 8. That the total cost of the Special Energy Improvement Project shall include any and all architectural, engineering, legal, insurance, consulting, energy auditing, planning,

acquisition, installation, construction, survey, testing and inspection costs, the amount of any damages resulting from the Special Energy Improvement Project and the interest thereon, the costs incurred in connection with the preparation, levy and collection of the special assessments, the cost of purchasing and otherwise acquiring any real estate or interests therein, expenses of legal services, costs of labor and material, trustee fees and other financing costs incurred in connection with the issuance, sale and servicing of securities issued by the Port Authority to provide a loan to the Corporation to pay costs of those Special Energy Improvement Project in anticipation of its receipt of the Special Assessment, capitalized interest on, and financing reserve funds for, such securities issued by the Port Authority, the administrative fee, together with all other necessary expenditures.

SECTION 9. That the estimated Special Assessment heretofore prepared and now on file with the Clerk of Council and amounting in the aggregate to \$8,815.32 be and is hereby adopted. The Special Assessment to be levied shall be paid according to the following schedule: in nine (9) annual (eighteen (18) semi-annual) installments, with interest thereon at the same rate or rates as shall be borne by the securities to be issued by the Port Authority and loaned to the Corporation for the Special Energy Improvement Project in anticipation of its receipt of the Special Assessments. Each semi-annual payment represents the payment of a portion of the principal of and interest on the Corporation's Residential PACE Loan Fund and the administrative fee, and the Lucas County, Ohio special assessment collection fee due with respect to each semi-annual payment.

SECTION 10. That the City does not intend to issue its own securities in anticipation of the levy or collection of the special assessments for the Special Energy Improvement Project, which instead shall be paid for initially from proceeds of the securities issued by the Port Authority for that purpose, and repaid through the special assessment process described herein.

SECTION 11. That this Council finds and determines that all

formal actions of this Council and any of its Committees concerning and relating to the adoption of this Resolution were taken, and all deliberations of this Council or any of its Committees that resulted in such formal actions were held in meetings open to the public, in compliance with all legal requirements including those of Section 121.22 of the Revised Code.

SECTION 12. That this Resolution is declared to be an emergency measure and shall take effect and be in force from and after its adoption. The reason for the emergency lies in the fact that this Resolution is necessary for the immediate preservation of the public peace, health, safety and property; and for the further reason that immediate action is necessary in order to conserve energy, protect the environment of the City, and undertake construction of necessary public improvements, as well as, provide and enable the timely levying, certification and collection of the special assessments for the Special Energy Improvement Project.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Adopted: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council  
Council

\_\_\_\_\_  
President of  
Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of a Resolution adopted by Council \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council

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

[O-435-18](#)

**Determining to proceed with certain 25 Clifton Road, Toledo, OH 43607 Special Energy Improvement Projects by way of special assessments in accordance with Chapters 1710 and 727 of the Ohio Revised Code; and declaring an emergency.**

**Summary:** SUMMARY & BACKGROUND:

The City of Toledo, City of Oregon, City of Maumee, City of Northwood, Township of Monclova, Township of Springfield, Township of Swanton, Township of Sylvania, Ohio and the Toledo-Lucas County Port Authority (“Port Authority”) have partnered to create an Energy Special Improvement District (“District”) under Ohio Revised Code Chapter 1710 and a non-profit corporation, known as the Northwest Ohio Advanced Energy Improvement District (“Corporation”), to govern the District. Property owners within the District are permitted to make certain “energy efficiency improvements” to their properties, which constitute a “special energy improvement project”, and pay for the cost of the special energy improvement project by way of special assessments in accordance with the process set out in Chapters 727 and 1710 of the Ohio Revised Code. Revised Code Section 1710.01(G) provides that special energy improvement projects (including energy efficiency improvements) constitute public improvements and are therefore subject to special assessments.

Ethel Penamon (the “Petitioner”) is the owner of 100% of the property described on **Exhibit A** attached hereto (the “Property”). The Petitioner has executed an Agreement to Impose Special Assessments (the “Agreement”) which appoints the Chairperson of the

Corporation, as the attorney-in-fact and agent for the Petitioner with the authority to act on behalf of the Petitioner in the special assessment process. A copy of the Agreement to Impose Special Assessments is attached to the Petition as **Exhibit C**.

Pursuant to the Agreement, and upon Application to the Northwest Ohio Advanced Energy Improvement District for membership and financing of special energy improvement projects to the Property, Corporation, Ethel Penamon have caused an energy audit to the Property to be completed.

The energy audit has identified energy conservation measures, all of which qualify as energy efficiency improvements as defined in Revised Code Section 1710.01(K), which Petitioner has determined to proceed with implementation, and to pay by way of special assessments.

Petitioner has submitted to this Council a petition (“Petition”) seeking (i) the addition of certain of the Property to the District and (ii) approval of an amendment to the District’s comprehensive plan for special energy improvement projects to include the 25 Clifton Road, Toledo, OH 43607 Special Energy Improvement Project (the “Special Energy Improvement Project”) and requesting that the Special Energy Improvement Project be undertaken by the District and that the costs thereof be specially assessed against the Property specially benefited thereby.

A complete list and description of the Special Energy Improvement Project is on file with the Clerk of Toledo City Council and is attached as Exhibit B to this Resolution. Exhibit B provides the following information for the Special Energy Improvement Project:

1. Identification of the parcel number and name of the property/building to be improved;
2. A description of the nature of the Special Energy Improvement Project;
3. The estimated amount of the special assessment to be

levied against the Property (the “Special Assessment”) and the number of years the Special Assessment will be collected (if not paid in cash within 30 days after the passage of the assessing ordinance as provided by law).

The total dollar cost of the Special Energy Improvement Project, including the capitalized interest on the Port Authority’s revenue bonds, reserve fund for the Port Authority’s bonds, the cost of issuance of the Port Authority’s revenue bonds, and the associated costs of issuance of the Corporation’s Revolving Loan Fund, is estimated to be Seven Thousand Six Hundred Ninety-Seven Dollars and Zero Cents (\$7,697.00). Each semi-annual payment represents the payment of a portion of the principal of and interest on the Port Authority’s revenue bonds and the scheduled amounts payable as the Port Authority administrative fee, the Port authority program administration fee, the trustee fee and the Lucas County, Ohio special assessment collection fee due with respect to each semi-annual payment.

The Corporation will fund the cost of the Special Energy Improvement Project through the Residential PACE Loan Fund. Ultimately, the loan will be repaid over time from the amounts Petitioner pays as loan payments and Special Assessments. Petitioner, in turn, is expected to be able to pay the Special Assessment from the energy savings estimated to be achieved as a result of the Project.

The annual Special Assessments for the Special Energy Improvement Project are to be paid in semi-annual payments over nine (9) years. The plans and specifications for the Special Energy Improvement Project are on file with the Clerk of Council. The Petitioner also waives all further notices, hearings, claims for damages, rights to appeal and other rights of property owners under the law, including but not limited to those specified in the Ohio Constitution, Chapter 727 of the Revised Code, the Toledo City Charter and the Toledo Municipal Code. Petitioner consents to the immediate imposition of the Special Assessments upon the Property specially

benefited by the Special Energy Improvement Project.

This special assessment process is a voluntary process with one hundred percent of the cost of the Special Energy Improvement Project being assigned to the specially benefited Property. This resolution accepts and approves the petition from Petitioner to begin that special assessment process, and is accompanied by an ordinance to proceed with the Special Energy Improvement Project. When the Special Energy Improvement Project is complete and the final costs known, an assessing ordinance directing that the Special Assessment be made against the Property will be presented to the Council. NOW, THEREFORE,

Be it ordained by the Council of the City of Toledo:

SECTION 1. That this Council hereby determines to proceed with the Special Energy Improvement Project as described in the Petitioner's Petition and in the Resolution of Necessity, including the Exhibit B thereto, and in accordance with the plans, specifications, profiles and estimates of costs previously approved and now on file with the Clerk of Council.

SECTION 2. That the Corporation shall cause the Special Energy Improvement Project to be constructed under such contracts as it determines to be appropriate under law and in accordance with the plans and specifications approved by this Council.

SECTION 3. That the total cost of the Special Energy Improvement Project to be assessed in accordance with the Resolution of Necessity shall be assessed on the Property in the manner and pursuant to the payment schedule set forth in the Resolution of Necessity, and the estimated Special Assessment prepared and filed in the Office of the Clerk of Council are adopted.

SECTION 4. That the Clerk of Council is hereby directed to deliver a certified copy of this Ordinance to the County Auditor within

fifteen (15) days after its passage, but in no event later than the second Monday in September, 2019 (or by such other date as may be specified in the Ohio Revised Code or acceptable to the County Auditor of Lucas County, Ohio for the certification of assessments in connection with the preparation of the general tax list for tax year 2019).

SECTION 5. That this Council finds and determines that all formal actions of this Council and any of its Committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council or any of its Committees that resulted in such formal action were held in meetings open to the public, in compliance with all legal requirements including those of Section 121.22 of the Ohio Revised Code.

SECTION 6. That this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage. The reason for the emergency lies in the fact that this Ordinance is necessary for the immediate preservation of the public peace, health, safety and property; and for the further reason that immediate action is necessary in order to conserve energy, protect the environment of the City and undertake the construction of necessary public improvements, as well as, enable and provide for the timely levying, certification and collection of special assessments for the Special Energy Improvement Project.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council \_\_\_\_\_.

Attest: \_\_\_\_\_

Clerk of Council

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

[O-436-18](#)

**Levying special assessments for the 25 Clifton Road, Toledo, OH 43607 Special Energy Improvement Project; and declaring an emergency.**

**Summary:** SUMMARY & BACKGROUND:

The City of Toledo, City of Oregon, City of Maumee, City of Northwood, Township of Monclova, Township of Springfield, Township of Swanton, Township of Sylvania, Ohio and the Toledo-Lucas County Port Authority (“Port Authority”) have partnered to create an Energy Special Improvement District (“District”) under Ohio Revised Code Chapter 1710 and a non-profit corporation, known as the Northwest Ohio Advanced Energy Improvement District (“Corporation”), to govern the District. Property owners within the District are permitted to make certain “energy efficiency improvements” to their properties, which constitute a “special energy improvement project”, and pay for the cost of the special energy improvement project by way of special assessments in accordance with the process set out in Chapters 727 and 1710 of the Ohio Revised Code. Revised Code Section 1710.01(G) provides that special energy improvement projects (including energy efficiency improvements) constitute public improvements and are therefore

subject to special assessments.

Ethel Penamon, (the “Petitioner”) is the owner of 100% of the property described on **Exhibit A** attached hereto (the “Property”). The Petitioner has executed an Agreement to Impose Special Assessments (the “Agreement”) which appoints the Chairperson of the Corporation, as the attorney-in-fact and agent for the Petitioner with the authority to act on behalf of the Petitioner in the special assessment process. A copy of the Agreement to Impose Special Assessments is attached to the Petition as **Exhibit C**.

Pursuant to the Agreement, and upon Application to the Corporation for membership and financing of special energy improvement project to the Property, the Corporation and Petitioner have caused an energy audit to the Property to be completed.

The energy audit has identified energy conservation measures, all of which qualify as energy efficiency improvements as defined in Revised Code Section 1710.01(K), which Petitioner has determined to proceed with implementation, and to pay by way of special assessments.

Petitioner has submitted to this Council a petition (“Petition”) seeking (i) the addition certain of its property to the District and (ii) approval of an amendment to the District’s comprehensive plan for special energy improvement projects to include the 25 Clifton Special Energy Improvement Project (the “Special Energy Improvement Project”) and requesting that the Project be undertaken by the District and that the costs thereof be specially assessed against the Property specially benefited thereby.

A complete list and description of the Special Energy Improvement Project is on file with the Clerk of Toledo City Council and is attached as **Exhibit B** to this Resolution. Exhibit B provides the following information for the Special Energy Improvement Project:

1. Identification of the parcel number and name of the

- property/building to be improved;
2. A description of the nature of the Special Energy Improvement Project for the particular parcel;
  3. The estimated amount of the special assessment to be levied against the Property and the number of years the special assessment will be collected (if not paid in cash within 30 days after the passage of the assessing ordinance as provided by law).

Petitioner expressly waives the right to pay the assessments in cash within 30 days after passage of the assessing ordinance.

The annual special assessments for the Special Energy Improvement Project are to be paid in semi-annual payments over nine (9) years. The plans and specifications for the Special Energy Improvement Project are on file with the Clerk of Council. The Petitioner also waives all further notices, hearings, claim for damages, rights to appeal and other rights of property owners under the law, including but not limited to those specified in the Ohio Constitution, Chapter 727 of the Revised Code, the Toledo City Charter and the Toledo Municipal Code. Petitioner consents to the immediate imposition of the special assessments upon the Property specially benefited by the Special Energy Improvement Project. This special assessment process is a voluntary process with one hundred percent of the cost of the Special Energy Improvement Project being assigned to the specially benefited Property. Final costs for the Special Energy Improvement Project are now known and this assessing ordinance completes the assessing process, which included the adoption of a Resolution of Necessity (Resolution No. 434-18) and an Ordinance to Proceed (Ordinance No. 435-18) by levying the assessments against the benefitted Property. NOW, THEREFORE,

Be it ordained by the Council of the City of Toledo:

SECTION 1. That the special assessments for the cost of providing the Special Energy Improvement Project in the District

pursuant to Resolution No. 434-18 adopted by this Council on October 23, 2018 (the Resolution of Necessity), which were filed and are on file in the office of the Clerk of Council are adopted and confirmed; provided that the cost of providing such Special Energy Improvement Project is reduced to the aggregate amount of \$8,815.32, which reduction is adopted and confirmed. Those special assessments are levied and assessed upon the Property as set forth in the schedule attached as Exhibit A and on file with the Clerk of Council, which special assessments have been calculated in a manner provided for in the Resolution of Necessity and are not in excess of the special benefits or any statutory limitation. The special assessments are levied and assessed in accordance with the payment schedule attached hereto as Exhibit B in the amounts sufficient to pay the principal of and interest and the scheduled amounts payable as the Port Authority administrative fee, the Port Authority program administration fee, the Trustee fee, and the Lucas County, Ohio special assessment collection fee due with respect to each semi-annual period identified in such payment schedule.

SECTION 2. That Petitioner waives the right to pay the special assessments in cash within thirty days after the passage of this ordinance, and shall pay the assessments in nine (9) equal annual installments (eighteen (18) equal semi-annual installments) in accordance with the schedules attached hereto as Exhibit B. All special assessments shall be certified by the Clerk of Council to the County Auditor as provided by law to be placed on the tax duplicate and collected as taxes are collected. All payments shall be made to the County Treasurer of Lucas County, Ohio and shall be subject to the same delinquency procedures, penalties, and interest as the payment of real property taxes in accordance with Ohio Revised Code Chapter 323.

Notwithstanding the foregoing, pursuant to the Agreement between Petitioner and the Corporation, attached to the petition as Exhibit C and providing that Petitioner grants the Corporation the authority to determine, in its sole discretion, the amount of the special assessments, the Corporation, acting through its Chairman or other authorized

representative, may annually, on or before September 15th, deliver to the City assessment officer or other appropriate official, a certificate signed by the Chairman reflecting a reduction, in whole or in part, in the amount of the special assessment to be certified by the City's assessment officer to the County Auditor in that year for placement onto the tax duplicate the following year and collected as other taxes and assessments are collected. The Corporation's certificate shall reflect payments made by or on behalf of Petitioner, or his/her successors, directly to the Corporation or to the Corporation's designee for some or all of the cost of the special energy improvement project thereby resulting in a reduction in the required annual special assessment. The City's assessment officer and all officials with authority to certify special assessments to the County Auditor shall, without any further action by this Council, rely upon the Corporation's certificate and take all actions necessary to implement the annual reduction of the special assessment, if any, evidenced by the certificate. In the event the City's assessment officer does not receive such a certificate in any given year on or before September 15th, the assessment officer shall certify the full amount of the annual special assessment as provided herein to the County Auditor.

SECTION 3. The Council finds and determines that it has previously waived notice of the passage of this assessing Ordinance and therefore no notice need be published in a newspaper of general circulation in the City.

SECTION 4. That the Clerk of Council shall deliver a certified copy of this Ordinance to the County Auditor within twenty days after its passage, but in no event later than the second Monday in September 2019 (or by such other date as may be specified in the Ohio Revised Code or acceptable to the County Auditor of Lucas County, Ohio for the certification of assessments in connection with the preparation of the general tax list for tax year 2019).

SECTION 5. That the proceeds of the special assessments levied by this Ordinance that are received by the City shall be applied as provided in Section 1710.12 of the Revised Code and are hereby

appropriated for that purpose. This Council covenants and agrees that it will give effect to the appropriation in the ordinances it hereafter adopts appropriating money for expenditure or encumbrance. The Director of Finance is authorized and directed to make appropriate accounting entries and adjustments to reflect the City's receipt and disbursement of those proceeds.

SECTION 6. That this Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council and any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.

SECTION 7. That this Ordinance is declared to be an emergency measure and shall take effect and be enforced from and after its passage. The reason for the emergency lies in the fact that this Ordinance is necessary for the immediate preservation of the public peace, health, safety and property and for the further reason that the immediate action is necessary in order to conserve energy and protect the environment of the City, as well as, undertake the construction of the public improvements and enable and provide for the timely levying, certification and collection of the special assessments for the Special Energy Improvement Project.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an  
Ordinance passed by Council \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council

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

**COUNCIL MEMBERS DELANEY AND JOHNSON PRESENT:**

[O-437-18](#)

**Authorizing the Mayor to enter into the necessary contracts for capital equipment; authorizing the disappropriation, appropriation and expenditure of \$2,109,450 from the Capital Improvement Fund for purchase of Fire Engines and Ladder Trucks; and declaring an emergency.**

**Body:**

**SUMMARY & BACKGROUND:**

Toledo Fire Department is in need of new fire engines and ladder trucks to replace an aging fleet. Currently, there are situations where crews are using backup equipment due to maintenance issues with front line equipment. This puts the Department at risk of having to shut down stations due to lack of serviceable trucks. By eliminating the projected year-end transfer from the Capital Improvement Fund to the

General Fund, funds can be made available for the purchase of new fire engines and ladder trucks.

**Summary:** NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the General Fund's (#1001) Other Accrued Liability Account (#212479) is reduced in the amount of \$2,109, 450 and the same amount is appropriated to Account Code 1001-51000-3379Y01STDSTD.

SECTION 2. That the sum of \$2,109,450 is disappropriated from Account Code 5040-14200-1132001STDSTD in the Capital Improvement Fund.

SECTION 3. That sum of \$2,109,450 is appropriated to Account Code 5040-53000-8CP1409TRUCKS in the Capital Improvement Fund for the purpose of funding the purchase of fire engines and ladder trucks.

SECTION 4. That the Mayor is authorized to accept bids and award contracts according to law for the purchase of capital items listed in Section 2 and enter into any necessary agreements for the purposes listed herein subject to the terms and conditions deemed proper and requisite according to the Director of Law, not to exceed \$2,109,450.

SECTION 5. That the Finance Director is authorized to draw warrant or warrants upon presentation of properly approved voucher or vouchers in a total amount not to exceed \$2,109,450.

SECTION 6. That this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas  
\_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an  
Ordinance passed by Council

\_\_\_\_\_.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council

**COUNCIL MEMBERS HARPER, JOHNSON, KOMIVES AND RILEY PRESENT:**

[O-438-18](#)

**Authorizing the Mayor to disappropriate, appropriate and  
expend \$245,000 of Community Development Block Grant  
(CDBG) funds from the U.S. Department of Housing and  
Urban Development (HUD) for four (4) Public Service  
Activities, Third Party Partners; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

According to a report from the Dept. of Neighborhoods, \$3,683,890 is available from unspent CDBG funds from the years 2010 - 2017, the 36th - 42nd Years. Four (4) Social Service agencies in the Toledo community are in need of additional funding. This ordinance disappropriates \$245,000 and reappropriates the same amount for these four (4) agencies.

**Summary:** NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the sum of \$245,000 is disappropriated from Account Code 2015-16100-538900-5G37000DISAPP OR Account Code 2015-16200-552100-5G41005STDREH (Community Development Block Grant Fund).

SECTION 2. That the amount of \$245,000 is appropriated to Account Code 2015-16700-552100-5G44000STD PUB (Community Development Block Grant Fund) and the expenditure of same is authorized, for the purpose of funding four (4) Social Service agencies:

Grace Community Center	\$75,000
Big Brothers Big Sisters of Northwest Ohio	\$75,000
Sofia Quintero Art & Cultural Center	\$30,000
Center of Hope Family Services, Inc.	<u>\$65,000</u>
	\$245,000

SECTION 3. That the Mayor is authorized to enter into any necessary agreements for the purposes listed herein subject to the terms and conditions deemed proper and requisite according to the Director of Law, not to exceed \$245,000.

SECTION 4. That the Director of Finance is authorized to issue warrant or warrants in an amount of \$245,000 from the Community Development Block Grant Fund in payment of all obligations authorized upon presentation of properly approved documentation.

SECTION 5. That this Ordinance is declared to be an

emergency measure and shall take effect and be in force from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that same must be immediately effective in order to provide additional funding to four (4) Social Service agencies in the Toledo community.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

\_\_\_\_\_.

Attest: \_\_\_\_\_

Clerk of Council

**COUNCILMAN RILEY PRESENTS:**

[R-439-18](#)

**Submitting to the Toledo Plan Commission a proposal to change the zoning in force for 1157 Grand Avenue and 1928 N. Detroit Avenue, from Limited Industrial zoning to Neighborhood Commercial, authorizing a public hearing on**

**said proposed zoning change and publication of said hearing;  
and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

The District Councilman for 1157 Grand Avenue and 1928 N. Detroit Avenue has submitted a request to Toledo City Council to change the zoning in force at 1157 Grand Avenue and 1928 N. Detroit Avenue, from IL to CN.

The Toledo Plan Commission must review the proposed zoning change as required by the City Charter.

**Summary:** NOW, THEREFORE, Be it resolved by the Council of the City of Toledo:

SECTION 1. That the proposed zoning change at 1157 Grand Avenue, Parcel ID 04-57597, ENGLEWOODLOTS 54-56 & LOT 57 EXC S130 FT E 47.5 FT & N 70 FT LOT 58 & N 60 FT LOTS 59-61 & LOT 350 & 7 9 34 NE 1/4 PT L AWRENCE LANDS 60 FT STRIP BET DETROIT AVE & W WOODRUFF & LOT, and at 1928 N. Detroit Avenue, Parcel ID 04-59534, ENGLEWOOD LOTS 338 TO 347 & LOT 351 & ALLEY VAC ADJ & 7 9 34 NE 1/4 PT LAWRENCE LANDS 60 FT STRIP BET W WOODRUFF & PROSPECT from Limited Industrial to Neighborhood Commercial, is hereby referred to the Toledo Plan Commission for its review, recommendation and appropriate hearing date. That a public hearing upon a proposed ordinance to effectuate the above described change shall be held in the Council Chambers at One Government Center and the Clerk of Council is hereby authorized and directed to give notice of the time and place of said hearing in the manner required by the law.

SECTION 2. That this resolution hereby is declared to be an emergency measure and shall take effect and be in force immediately from and after its adoption. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property; and for the further reason that this resolution must be immediately effective so that the zone change can be

expeditiously completed to more accurately reflect the current nature of the area.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Adopted: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council  
Council

President of

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of a Resolution adopted by Council \_\_\_\_\_.

Attest: \_\_\_\_\_

Clerk of Council

**DEPARTMENT OF PUBLIC SERVICE:**

[O-440-18](#)

**Authorizing the mayor to enter into an agreement with the Arts Commission of Greater Toledo to implement the 2018 Municipal Art Plan; authorizing the expenditure of funds for the 2018 1% For the Arts allocation from the Capital Improvement Fund; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

The Arts Commission of Greater Toledo is seeking funding from the 2018 CIP budget to fund the 1% For the Arts 2018 Municipal Art Plan. This legislation authorizes the mayor to enter into an agreement with the Arts Commission of Greater Toledo to implement the 2018 Municipal Art Plan using said funds.

**Summary:** NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the mayor is authorized to enter into an agreement with the Arts Commission of Greater Toledo to implement the 2018 Municipal Art Plan pursuant to terms and conditions deemed requisite and appropriate by the Department of Law.

SECTION 2. That an expenditure in an amount not to exceed \$252,827 is authorized from the Capital Improvement Fund, Account Code 5040-60300-8CP1PERFORART (FY 2018 1% For the Arts), for the purpose authorized in Section 1.

SECTION 3. That the Director of Finance is authorized to draw her warrant or warrants against the above mentioned account code in an amount not to exceed \$252,827 in payment of the obligations authorized above upon presentation of the proper voucher or vouchers.

SECTION 4. That this Ordinance is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that this Ordinance is necessary for the immediate preservation of the public peace, health, safety, and property and for the further reason that this Ordinance will

allow for the timely payment toward the 1% For the Arts.

Vote on emergency clause: yeas\_\_\_\_, nays \_\_\_\_.

Passed: \_\_\_\_\_, as an emergency  
measure; yeas \_\_\_\_\_, nay \_\_\_\_\_.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an  
Ordinance passed by Council

\_\_\_\_\_  
Attest: \_\_\_\_\_

Clerk of Council

**Attachments:** [2018 Municipal Art Plan](#)

**DEPARTMENT OF NEIGHBORHOODS & BUSINESS DEVELOPMENT:**

[O-441-18](#)

**Authorizing the mayor to enter, execute and deliver a real estate purchase agreement and other needed instruments for the sale and conveyance of 401 Columbus Street to Scott P. Burton; authorizing the deposit of net sale proceeds; making certain findings with respect thereto; waiving the notice and bidding provisions of T.M.C. 187.19; and declaring an emergency.**

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

The City operates a Land Reutilization Program pursuant to Section 187.19(a) of the Toledo Municipal Code which authorizes the City to accept nonproductive land and dispose of same pursuant to Chapter 5722 of the Ohio Revised Code. The Department of Economic & Business Development oversees the review and processing of the program. Scott P. Burton of 2413 N. Erie Street has approached the City with the desire to acquire the vacant landbank parcel at 401 Columbus Street. Mr. Burton intends to plant fruit trees and create additional landscaping to his nearby property to help maintain neighborhood beautification. The negotiated sale price for this parcel is One Hundred and Fifty Dollars (\$150) plus recording and transfer fees.

**Summary:**

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the mayor and the real estate division of the Department of Economic and Business Development are authorized to execute needed instruments for the sale and conveyance of the real estate located at 401 Columbus Street as is more fully described in Exhibit "A" and attached hereto and made a part hereof, to Scott P. Burton for One Hundred Fifty Dollars (\$150).

SECTION 2. That the agreement and needed instruments shall contain other terms and conditions deemed necessary and proper by the Mayor, the Department of Law and the Department of Economic & Business Development.

SECTION 3. That it is found and determined that the subject real property is not needed for any municipal purpose.

SECTION 4. That this Council approves the Agreement, including the sale and conveyance of said real estate provided for therein, notwithstanding and as an exception to the notice and bidding provisions of Chapter 187.19 of the Toledo Municipal Code. The reason for the waiver and exception is that the property is not needed for any municipal purpose and that combine and re-use of this property with the adjacent property is found to be the highest and best use to return the property to a tax producing status.

SECTION 5. That the mayor is authorized to execute and deliver such deeds, certifications and instruments as are necessary to carry out the agreement and the Director of Development, Director of Law, Director of Finance, Clerk of Council and other appropriate officials of this city are authorized to enter into, execute and deliver such other agreements, instruments, documents and certificates and to take such other lawful action as may be necessary or appropriate in order to fully implement the Agreement.

SECTION 6. That the Finance Director is authorized to accept and deposit the net sale proceeds into Account Code 1001-16500-5000436STDSTD.

SECTION 7. That it is found and determined that all formal actions of Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of Council and any of its committees that result in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

SECTION 8. That this Ordinance is declared to be an emergency measure and shall take effect and be in force immediately from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public

peace, health, safety and property and for the further reason that this Ordinance must be immediately effective to facilitate sale and conveyance of the property to Scott P. Burton for maintenance and neighborhood beautification.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council \_\_\_\_\_.

Attest: \_\_\_\_\_

Clerk of Council

**Attachments:** [Exhibit A](#)

**DEPARTMENT OF POLICE OPERATIONS:**

[O-442-18](#)

**Authorizing the mayor to accept Technology Innovation for Public Safety (TIPS) grant proceeds from the United States Bureau of Justice Assistance in the amount of \$492,553; authorizing the appropriation from the unappropriated balance**

**of the Operation Grants Fund and expenditure of said funds;  
and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

This competitive grant will be utilized for gun and violent crime reduction programs. The funding received through the grant will be used to install Shot Spotter and fund a crime analyst position. Shot Spotter is the global leader in gunfire detection and location technology providing the most trusted, scalable and reliable gunfire alert and analysis available today. Shot Spotter uses an array of acoustic sensors that reliably detect and accurately locate gunshots. This grant authorizes funds for Shot Spotter and crime analysis. This grant also authorizes funds for a research partner to evaluate the results of this initiative. There is no local match to receive the grant.

**Summary:** NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the mayor is authorized to accept and deposit grant proceeds from the Department of Justice, United States Bureau of Justice Assistance from the 2018-DG-BX-K004 Technology Innovation for Public Safety (TIPS) grant in the amount of \$492,553 into the Operation Grants Fund, Account Code 2016-52000-3G00190STDSTD, for the purpose of funding gun and violent crime reduction programs.

SECTION 2. That the appropriation of \$492,553 is authorized from the unappropriated grant proceeds of the Operation Grants Fund to Account Code 2016-52000-3G00190STDSTD; and further authorizing the expenditure of same for the purpose listed in Section 1.

SECTION 3. That the Finance Director is authorized to draw her warrant or warrants against the above mentioned Account Code in an amount not to exceed \$492,553 in payment of the obligations authorized above by the terms of the grant upon presentation of the proper voucher or vouchers.

SECTION 4. That this Ordinance is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that it is necessary for the immediate preservation of the public peace, health, safety, and property, and to expedite the receipt and expenditure of grant funding.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council \_\_\_\_\_.

Attest: \_\_\_\_\_

Clerk of Council

[O-443-18](#)

**Authorizing the mayor to enter into an agreement with Perry ProTech; waiving the competitive bidding requirements of**

**TMC 187; authorizing the expenditure of funds not to exceed \$17,528.32 from the General Fund; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

The Toledo Police Department would like to refurbish one of the Real Time Crime Center (RTCC) mobile cameras. The mobile camera to be refurbished was purchased in 2012. The 2012 mobile cameras are frequently out-of-service due to their end of life condition. The refurbishment entails replacement of critical components and software. Perry ProTech is the current supplier for the purchase, installation and maintenance of cameras, equipment, hardware and software for the RTCC camera system (ordinance 481-17).

**Summary:** NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the Mayor is authorized to enter into an agreement with Perry ProTech, LLC for the refurbishment of one mobile RTCC camera.

SECTION 2. That Council finds it to be in the best interest to waive the competitive bidding requirements of TMC 187 for the reason that Perry ProTech is a sole source provider for the next generation RTCC camera system.

SECTION 3. That the expenditure of \$17,528.32 is authorized from the General Fund, Account Code 1001-52000-3381002STDSTD for the refurbishment of one RTCC mobile camera.

SECTION 4. That the Finance Director is authorized to issue her warrant or warrants against the above Account Code in payment of the obligations authorized above upon presentation of the proper voucher or vouchers in an amount not to exceed \$17,528.32.

SECTION 5. That this Ordinance is declared an emergency measure and shall be in force and effect from and after its passage. The

reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public peace, health, safety, property, and to timely purchase next a generation policing platform.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council \_\_\_\_\_.

Attest: \_\_\_\_\_

Clerk of Council

**DEPARTMENT OF NEIGHBORHOODS & BUSINESS DEVELOPMENT:**

[O-444-18](#)

**Repealing Section 1305.02 Permits: when not required, subsection**

**(b) Electrical of the Toledo Municipal Code; enacting a new Section 1305.02 Permits: when not required, subsection (b) Electrical; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

There have been changes in the Ohio Building code relative to the electrical requirements. The city of Toledo Division of Inspection has adopted the Ohio Building code and therefore amends this section of the code to mirror the Ohio Building code.

**Summary:** NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the TMC§1305.02 - Permits: when not required, which reads as follows:

(b) **Electrical.** No permit shall be required for the replacement of electrical fixtures, approved outlets and switches to an existing and approved electrical system, or for work further defined as minor repairs. Minor repairs as applied to electrical work means the installation or replacement of lamps (light bulbs) or fuses, and repairs to the connection of approved portable electrical equipment such as lamps, irons, toasters, fans, sweepers and the like to approved permanently installed receptacles; but does not include changes in additions or repairs to permanent electrical wiring. Also exempted from permits are:

(1) Electrical equipment used for radio and television transmissions except equipment and wiring for power supply, and the installations of towers and antennas.

(2) The installations of any temporary system required for the testing or servicing of electrical equipment or apparatus.

(3) Electrical wiring, devices, appliances and apparatus of equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy, unless specially addressed in this code.

(4) Process equipment and the associated wiring on the load side of the power disconnect to the equipment is repealed.

SECTION 2. That a new TMC§1305.02 - Permits: when not required, is enacted to read as follows:

**(b) Electrical**

1. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. Electrical equipment used for radio and television transmissions except equipment and wiring for power supply, and the installations of towers and antennas.
3. The installations of any temporary system required for the testing or servicing of electrical equipment or apparatus.
4. Electrical wiring, devices, appliances and apparatus of equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy, unless specially addressed in this code.
5. Process equipment and the associated wiring on the load side of the power disconnect to the equipment.
6. Electrical wiring equipment not connected to building services equipment in and adjacent to natural or artificially made bodies of water as defined in Article 682 of NFPA 70 as referenced in Chapter 35.

SECTION 3. That this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that this legislation is needed to correct and reconcile provisions of the code.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas  
\_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_  
\_\_\_\_\_

Clerk of Council  
President of Council

Approved: \_\_\_\_\_  
\_\_\_\_\_

Mayor

I hereby certify that the above is a true and correct copy of an  
Ordinance passed by Council \_\_\_\_\_.

Attest: \_\_\_\_\_

Clerk of Council

[O-445-18](#)

**Authorizing the Mayor to execute and deliver needed instruments to release the mortgage and forgive the loan in whole on the Low-Income Housing Tax Credit Project for 46 scattered site, single family rental housing units called NorthRiver Homes; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

The Low-Income Housing Tax Credits program (LIHTC) is a public tool used to provide funding for the development of affordable housing. The federal government allows developers of particular affordable-housing project to sell tax credits to investors to provide the capital necessary to build the project. Locally, community development corporations have used LIHTC as a financing tool to build many units of affordable housing and promote homeownership in Toledo.

North River originated as 49 single-family housing units under the auspices of NorthRiver Development Corporation, identified as NorthRiver Homes I Limited Partnership. An investment of \$300,000 of HOME Investment Partnerships funds was made to this project. This project has not achieved the success intended under the LIHTC. Currently, there are 46 units remaining as 3 units have either been demolished or in a state beyond repair. This request is to deliver a Release of Mortgage through forgiveness of the note and move the portfolio into the hands of a stable entity.

The City of Toledo, along with the Lucas County Land Bank, Local Initiatives Support Corporation (LISC), and Lucas Housing Support Corporation, an affiliate of Lucas Metropolitan Housing Authority, have been instrumental in working toward securing the portfolio toward a local partner that will work with tenants to move them toward homeownership, along with homebuyer counseling, financial literacy, home maintenance and education opportunities.

**Summary:** NOW THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the Mayor is authorized to execute and deliver a Release of the NorthRiver Homes I Mortgage and forgiveness of the loan in the amount of \$300,000.

SECTION 2. That this ordinance is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of safety and well being of current tenants.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council \_\_\_\_\_.

Attest: \_\_\_\_\_

Clerk of Council

[O-446-18](#)

**Authorizing the Mayor to execute and deliver needed instruments to release the mortgage in whole on the Low-Income Housing Tax Credit Project for 59 scattered site, single family rental housing units called City Forest of Toledo; and declaring an emergency.**

**Body:**

**SUMMARY & BACKGROUND:**

The Low-Income Housing Tax Credits program (LIHTC) is a public tool used to provide funding for the development of affordable housing. The federal government allows developers of particular affordable-housing project to sell tax credits to investors to provide the capital necessary to build the project. Locally, community development corporations have used LIHTC as a financing tool to build many units of affordable housing and promote homeownership in Toledo.

City Forest originated as 70 single-family housing units under the auspices of Organized Neighborhoods Yielding eXcellence (ONYX), identified as City Forest of Toledo Limited Partnership. An investment of \$300,000 of HOME Investment Partnerships funds was made to this project (see Resolution 129-01). This project has not achieved the success intended under the LIHTC. Currently, there are 59 units remaining as 9 were sold due to foreclosure with 2 units demolished. This request is to deliver a Release of Mortgage through forgiveness of the note and move the portfolio into the hands of a stable entity.

The City of Toledo, along with the Lucas County Land Bank, Local Initiatives Support Corporation, and Lucas Housing Support Corporation, an affiliate of Lucas Metropolitan Housing Authority have been instrumental in working toward securing the portfolio toward a local partner that will work with tenants to move them toward homeownership, along with homebuyer counseling, financial literacy, home maintenance and education opportunities.

**Summary:** NOW THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the Mayor is authorized to execute and deliver a Release of the City Forest of Toledo Mortgage and forgiveness of the loan in the amount of \$300,000.

SECTION 2. That this ordinance is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of safety and wellbeing of current tenants.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas  
\_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_  
\_\_\_\_\_

Clerk of Council  
President of Council

Approved: \_\_\_\_\_  
\_\_\_\_\_

Mayor

I hereby certify that the above is a true and correct copy of an  
Ordinance passed by Council \_\_\_\_\_.

Attest: \_\_\_\_\_  
\_\_\_\_\_

Clerk of Council

[O-447-18](#)

**Authorizing the mayor to enter, execute and deliver a real estate purchase agreement and other needed instruments for the sale and conveyance of 131 18th Street to MBKG Properties, LLC.; authorizing the deposit of net sale proceeds; making certain findings with respect thereto; waiving the notice and bidding provisions of T.M.C. 187.19; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

The City operates a Land Reutilization Program pursuant to Section 187.19(a) of the Toledo Municipal Code which authorizes the City to accept nonproductive land and dispose of same pursuant to Chapter 5722 of the Ohio Revised Code. The Department of Economic & Business Development oversees the review and processing of the

program. MBKG Properties, LLC, who currently owns multiple vacant parcels in the surrounding area on 18th, 19th and Monroe Street, has approached the City of Toledo with the desire to acquire the vacant landbank parcel located at 131 18th Street. MBKG Properties, LLC is the adjacent land owners of 127 18th Street and intends to utilize the newly acquired lot as property expansion and green space and available land for future development in the neighborhood. Negotiated sale price for this property is One Thousand Dollars (\$1,000) plus recording fees.

**Summary:** NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the mayor and the real estate division of the Department of Development are authorized to execute needed instruments for the sale and conveyance of the real estate located at 131 18th Street as is more fully described in Exhibit "A" and attached hereto and made a part hereof, to MBKG Properties LLC for One Thousand Dollars (\$1,000).

SECTION 2. That the agreement and needed instruments shall contain other terms and conditions deemed necessary and proper by the mayor, the Department of Law and the Department of Economic & Business Development.

SECTION 3. That it is found and determined that the subject real property is not needed for any municipal purpose.

SECTION 4. That this Council approves the agreement, including the sale and conveyance of said real estate provided for therein, notwithstanding and as an exception to the notice and bidding provisions of Chapter 187.19 of the Toledo Municipal Code. The reason for the waiver and exception is that the property is not needed for any municipal purpose and that combine and re-use of this property with the adjacent property is found to be the highest and best use to return the property to a tax producing status.

SECTION 5. That the mayor is authorized to execute and deliver such deeds, certifications and instruments as are necessary to carry out the agreement and the Director of Development, Director of Law, Director of Finance, Clerk of Council and other appropriate officials of this city are authorized to enter into, execute and deliver such other agreements, instruments, documents and certificates and to take such other lawful action as may be necessary or appropriate in order to fully implement the Agreement.

SECTION 6. That the Finance Director is authorized to accept and deposit the net sale proceeds into Account Code 1001-16500-5000436STDSTD.

SECTION 7. That it is found and determined that all formal actions of Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of Council and any of its committees that result in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

SECTION 8. That this Ordinance is declared to be an emergency measure and shall take effect and be in force immediately from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property and for the further reason that this Ordinance must be immediately effective to facilitate sale and conveyance of the property to MBKG Properties, LLC for maintenance, neighborhood beautification and future economic development.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an  
Ordinance passed by Council \_\_\_\_\_.

Attest: \_\_\_\_\_

Clerk of Council

**Attachments:** [Exhibit A](#)

**DEPARTMENT OF PUBLIC SERVICE:**[O-448-18](#)

**Authorizing annual expenditures from the General Fund for professional services related to engineering services and regulatory required inspections, sampling, and reporting at the Hoffman Road Landfill, the former Stickney Avenue, Tyler Street and Dura Avenue landfills, and the former XX KEM facility, and the former Textileather facility; authorizing the Mayor to accept bids and enter into contracts for said services; and declaring an emergency.**

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

The active Hoffman Road Landfill, the closed Stickney Avenue, Tyler Street and Dura Avenue landfills, the former XX KEM facility, and the former Textileather facility are required by environmental regulations and facility permitting documents to complete routine monitoring activities and submit reports to multiple regulatory agencies.

Environmental compliance and engineering services are required to effectively implement the monitoring and operational programs. This contract is for professional services to provide the requisite inspections, sampling, and reporting activities that are required to comply with the relevant environmental regulations for each facility. This contract also provides for miscellaneous professional services to investigate and respond to site conditions that may arise, for review and response to questions from the regulatory agencies, and for engineering services necessary to support operation and maintenance of each facility.

After review of competitive proposals, in accordance with the provisions of TMC 187, in effect at the time a Request for Proposal (RFP), the Division of Solid Waste will award annual contract(s) to appropriately qualified firm (s) for a one-year period, with the option of annual renewal of up to four (4) additional years for a total of five (5) years. Renewal would be subject to a review of the firm(s) performance by the Division. This approach establishes continuity in environmental and engineering services, and promotes lower rates and costs over time through the potential for a longer contract period.

**Summary:** NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the Mayor is authorized to enter into an up to 5-year agreement with an appropriately qualified firm or firms, selected in accordance with the provisions of TMC 187 for the professional services necessary to comply with environmental regulations applicable to the Hoffman Road Landfill, the closed Stickney Avenue, Tyler Street and Dura Avenue landfills, the former XX KEM facility, and the former Textileather facility. The professional services are groundwater sampling/reporting, leachate monitoring/reporting, NPDES monitoring and reporting, gas collection and control system operation and maintenance, air permitting/reporting, explosive gas monitoring/reporting, and general environmental compliance and other engineering services as needed to support facility operations, maintenance, and compliance.

SECTION 2. That, subject to future appropriations, an amount not to exceed \$500,000 annually is authorized for expenditure from the General Fund, Account Code 1001-24500-6232002STDSTD, as deemed necessary for the work described in Section 1.

SECTION 3. That the Finance Director is authorized to issue her warrant or warrants against Account Code 1001-24500-6232002STDSTD in an amount not to exceed \$500,000 annually in payment of the obligations incurred pursuant to the agreement authorized in Section 1 upon presentation of properly approved voucher or vouchers.

SECTION 4. That this Ordinance, being an emergency measure, shall take effect and be in force from and after its passage. The reason for the emergency lies in the fact that it is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the ordinance must be immediately effective in order to ensure continuity of the on-going services supporting daily city services to the community, operation of the active Hoffman Road Landfill facility and compliance with relevant environmental obligations at the Hoffman Road landfill, the former Stickney Avenue, Tyler Street and Dura Avenue landfills, the former XX KEM facility, and the former Textileather facility.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council \_\_\_\_\_.

Attest: \_\_\_\_\_

Clerk of Council

[O-449-18](#)

**Authorizing the mayor to enter into an agreement with Mansfield Oil Company for the implementation and operation of a fuel purchasing card program; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

The city is planning to implement a retail fuel purchasing card program for city-owned vehicles. Mansfield Oil Company responded to the city's request for proposal, offering the largest discount for retail fuel purchases, as well as compatible reporting capabilities to link with our current Faster software. We anticipate phasing the project throughout all city departments, with the Police Department being the first to implement the program. Each vehicle fuel card can only be utilized in combination with a valid Personal Identification Number (PIN). Authorized users will receive an assigned PIN to facilitate purchases with the fuel card assigned to the vehicle. The fuel card can be used at a large number of locations throughout the City of Toledo and the surrounding area to supplement the city-owned fuel tanks. While the vast majority of retail purchases are expected to be made within the city, the fuel card also allows purchases anywhere in the continental United States where the vendor has participating merchants.

**Summary:** NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the mayor is authorized to enter into a five-year agreement with Mansfield Oil Company and for the implementation and operation of a fuel purchasing card program.

SECTION 2. That expenditures incurred per the agreement authorized in Section 1, subject to available appropriation in future years, is authorized from the Municipal Garage Fund, Account Code 7086-25000-1146001STDSTD for the purpose identified in Section 1.

SECTION 3. That the Finance Director is authorized to issue her warrant or warrants against the above Account Code in payment of the obligations authorized above upon presentation of the proper voucher or vouchers.

SECTION 4. That this Ordinance is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public peace, health, safety and property and for the further reason that this Ordinance must be immediately effective in order to timely implement the purchase card procurement program.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council \_\_\_\_\_.

Attest: \_\_\_\_\_

Clerk of Council

[O-450-18](#)

**Authorizing the disappropriation of \$80,000 from the Capital Improvement Fund Wilson Park; authorizing the appropriation and expenditure of \$80,000 from the Capital Improvement Fund for the resurfacing and installation of two basketball courts at Joe E. Brown Park; authorizing the Mayor to enter into a state term contract for the installation of the basketball courts; waiving the competitive bid requirements of TMC Chapter 187; and declaring an emergency.**

**Body:**

SUMMARY & BACKGROUND:

This Ordinance authorizes the appropriation and expenditure of \$80,000 from the Capital Improvement Fund to respond to a neighborhood request for basketball courts in Joe E. Brown Park. Funds will be used for resurfacing and installation of two basketball courts (four individual poles and net systems), and benches.

**Summary:**

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the sum of \$80,000 is disappropriated from the Capital Improvement Fund account code 5040-60500-8CP1717WILSON.

SECTION 2. That \$80,000 from the unappropriated balance of the Capital Improvement Fund is appropriated to the Capital Improvement Fund Account Code 5040-60500-8CP1418PARKIM for the resurfacing of a court surface and the installation of four basketball systems to create two playable basketball courts, and benches for spectators and/or resting players, and related park improvements; and the expenditure of funds is authorized.

SECTION 3. That the Mayor is authorized to enter into a state term contract with Sport Scapes for the installation of basketball courts.

SECTION 4. That this Council finds it is in the best interest of the city to waive the competitive bidding requirements of TMC Chapter 187 for the reason that two previous attempts to bid this purchase were unsuccessful.

SECTION 5. That the Finance Director is authorized to draw warrant or warrants against the proper accounting codes in payment of the obligations hereinabove authorized upon presentation of the proper voucher or vouchers.

SECTION 6. That this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the Ordinance must be immediately effective in order to ensure that the Joe E. Brown Park is furnished with the appropriate amenities as soon as possible.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure:  
yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest:

---

Clerk of Council

President of Council

Approved:

---

---

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council \_\_\_\_\_.

Attest: \_\_\_\_\_.

Clerk of Council

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

[O-451-18](#)

**Changing the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 902 N. Superior Street, in the City of Toledo, Lucas County, Ohio; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

An application (Z-7006-18) for a proposed change in zoning for the property located at 902 N. Superior Street, Toledo, Ohio, was submitted to the Toledo City Plan Commission for its review and recommendation.

On September 13, 2018, the Toledo City Plan Commission

recommended approval of the request for a zone change from “RM36” Multi Dwelling Residential & “IL” Limited Industrial to “RM36” Multi Dwelling Residential for the property located at 902 N Superior Street, Toledo, Ohio.

The City Council Zoning and Planning Committee on October 17, 2018, sent as approved the request for a zone change from “RM36” Multi Dwelling Residential & “IL” Limited Industrial to “RM36” Multi Dwelling Residential for the property located at 902 N Superior Street, Toledo, Ohio.

**Summary:** NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, are hereby authorized to be revised by changing the zone districts of that part of the City of Toledo more fully described as follows:

VISTULA LOT 393 TO 395... NW1/2  
PARCEL NO 15-43584

SECTION 2. The Secretary of the Toledo City Plan Commission is hereby authorized and directed to make the said change on the original zoning maps.

SECTION 3. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the Ordinance must be immediately effective in order to provide for the orderly regulation and use of the property and to protect the land value in the area.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_

\_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

**Attachments:** [Plan Commission Report](#)

[O-452-18](#)

**Granting an amendment to a Special Use Permit for a school for a site located at 902 N. Superior Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

By application (SUP-7004-18) filed with the City of Toledo Central Permit Center, a request for an amendment to a Special Use Permit for a school for a site located at 902 N. Superior, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On September 13, 2018, the Toledo City Plan Commission recommended approval for an amendment to a Special Use Permit for a school for a site located at 902 N. Superior, in the City of Toledo, Lucas County, Ohio.

On October 17, 2018, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved an amendment to a Special Use Permit for a school for a site located at 902 N. Superior, City of Toledo, Lucas County, Ohio; and all other things required by law to be done, have been done.

**Summary:** NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That an amendment to a Special Use Permit for a school for a site located at 902 N. Superior, City of Toledo, Lucas County, Ohio; be and the same is hereby approved, subject to the conditions contained in Section 2 hereof which must be complied with, as to the property more fully described as follows:

VISTULA LOT 393 TO 395...NW ½  
Parcel No. 15-43584

SECTION 2. That the approval of the amendment to a Special Use Permit for a school for a site located at 902 N. Superior, City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 6 conditions as follows:

The following six (6) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Plan Commission

1. The approval of the Special Use Permit is subject to the approval of the companion Zone Change (Z-7006-18) from RM36 Multi Family Dwelling and IL Limited Industrial to RM36 Multi Family Dwelling, which allows for the School Use.
2. All original conditions of approval from Ordinance 87-02 remain in effect.
3. The Special Use Permit may be reviewed for compliance with the conditions of approval, negative secondary effects, and adherence to all requirements of the Toledo Municipal Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.

4. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
5. Minor adjustments to the site plan that do not violate the above conditions, or the Toledo Municipal Code, may be reviewed and approved by the Director of the Toledo City Plan Commission.
6. No permits shall be issued until arrangements satisfactory to the Director of the City of Toledo Plan Commission have been made for compliance with the conditions as set forth above.

SECTION 3. That when the conditions contained herein above have been complied with, the Secretary of the Toledo City Plan Commission be and he is hereby directed to change the zoning maps to conform with the within Ordinance.

SECTION 4. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the Ordinance must be immediately effective in order to provide for the orderly regulation and use of the property and to protect the land value in the area.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure:  
yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_  
\_\_\_\_\_

Clerk of Council

President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council \_\_\_\_\_.

Attest: \_\_\_\_\_

Clerk of Council

**Attachments:** [Plan Commission Report](#)[O-453-18](#)

**Changing the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 125 & 132 Wabash Street & 120 Nebraska Avenue, in the City of Toledo, Lucas County, Ohio; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

An application (Z-7005-18) for a proposed change in zoning for the property located at 125 & 132 Wabash Street & 120 Nebraska Avenue, Toledo, Ohio, was submitted to the Toledo City Plan Commission for its review and recommendation.

On September 13, 2018, the Toledo City Plan Commission recommended approval of the request for a zone change from “IL” Limited Industrial to “CD” Downtown Commercial for the property located at 125 & 132 Wabash Street & 120 Nebraska Avenue, Toledo, Ohio.

The City Council Zoning and Planning Committee on October 17, 2018, sent as approved the request for a zone change from “IL”

Limited Industrial to “CD” Downtown Commercial for the property located at 125 & 132 Wabash Street & 120 Nebraska Avenue, Toledo, Ohio.

**Summary:** NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, are hereby authorized to be revised by changing the zone districts of that part of the City of Toledo more fully described as follows:

Lots numbers six hundred fifty-six (656) and six hundred fifty-seven (657) and the West one-half (1/2) of Lot number six hundred nineteen (619) in Port Lawrence Addition in the City of Toledo, Lucas County, Ohio, excepting from the above-described premises that part lying within the right of way of the Toledo, St. Louis and Western Railroad, formerly the Wabash & Erie Canal, and also excepting from lot number six hundred fifty-seven (657) that part conveyed to the State of Ohio by deed recorded in Volume 1823 of Deeds, page 772.

ALSO:

The North one (1) foot of the West one-half (1/2) of Lot number six hundred eighteen (618), Port Lawrence Addition, City of Toledo, Lucas County, Ohio.

SECTION 2. The Secretary of the Toledo City Plan Commission is hereby authorized and directed to make the said change on the original zoning maps.

SECTION 3. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the Ordinance must be immediately effective in order to provide for the orderly regulation and use of the property and to protect the land value in the area.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council \_\_\_\_\_.

Attest: \_\_\_\_\_

Clerk of Council

**Attachments:** [Plan Commission Report](#)

[O-454-18](#)

**Granting an amendment to a Special Use Permit for a used auto sales facility for a site located at 2809 & 2815 W. Central Avenue, in the City of Toledo, Lucas County, Ohio;**

**subject to certain conditions and a waiver; declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

By application (SUP-3005-18) filed with the City of Toledo Central Permit Center, a request for an amendment to a Special Use Permit for a used auto sales facility for a site located at 2809 & 2815 W. Central Avenue, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On September 13, 2018, the Toledo City Plan Commission recommended approval for an amendment to a Special Use Permit for a used auto sales facility for a site located at 2809 & 2815 W. Central Avenue, in the City of Toledo, Lucas County, Ohio.

On October 17, 2018, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved an amendment to a Special Use Permit for a used auto sales facility for a site located at 2809 & 2815 W. Central Avenue, City of Toledo, Lucas County, Ohio; and all other things required by law to be done, have been done.

**Summary:** NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That an amendment to a Special Use Permit for a used auto sales facility for a site located at 2809 & 2815 W. Central Avenue, City of Toledo, Lucas County, Ohio; be and the same is hereby approved, subject to the conditions contained in Section 2 hereof which must be complied with, as to the property more fully described as follows:

LEGAL DESCRIPTION FOR PARCELS 09-08361 &  
11-51684

2809 West Central Avenue, Toledo, Ohio 43612

Situated in the County of Lucas, State of Ohio:

The west seventy-five (75) feet of Lot Number (6) in Kenwood Gardens, a subdivision in the City of Toledo, Lucas County, Ohio, according to the plat therefore, recorded in Volume 52 of Plats, pages 23 and 24, Lucas County, Ohio, Records.

Containing Zero and sixty-five hundredths (0.65) acres. Subject to legal highways.

Deed Record Number: 20150908-0037592

2815 Central Avenue, Toledo, Ohio 43606

Situated in the County of Lucas, State of Ohio:

Lot number ninety-one (91) in the First Extension of Oak Leaf Place, an Addition in the City of Toledo, Lucas County, Ohio.

Containing Zero and twenty-two hundredths (0.22) acres. Subject to legal highways.

Deed Record Number: 20150908-0037593

SECTION 2. That the approval of the amendment to a Special Use Permit for a used auto sales facility for a site located at 2809 & 2815 W. Central Avenue, City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 10 conditions as follows:

The following ten (10) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Plan Commission

1. All previous conditions of Ordinance 400-16 shall apply and remain in effect.
2. A minimum of ten (10) customer parking spaces shall be provided on site. Acceptable as depicted on revised site plan.
3. All vehicles on display must be parked in striped parking

spaces that shall be designated on an approved Site Plan. Vehicle parking that deviates from the approved Site Plan shall not be permitted.

4. Whenever a parking lot extends to a property line, sidewalk, planting strip, or building, a wheel stop device consisting of a concrete stop, a permanent concrete curb, an expanded sidewalk or other suitable restraint as approved by the Planning Director must be installed to prevent any part of a parked motor vehicle from extending beyond the property line, overhanging a pedestrian walkway or sidewalk, or damaging any structure or landscaping (TMC§1107.1907(A)). Acceptable as depicted on revised site plan. The applicant shall install a proper concrete curb around the landscaping area in place of the westerly access drive per City of Toledo Construction Standards and Specifications.
5. A detailed site, lighting, fencing and four (4) copies of a landscaping plan (separate from building & site plans) shall be submitted to the Plan Director for review and approval. Such plan shall include:
  - a. A fifteen-foot (15') greenbelt is required along the Central Avenue frontage, and shall include a solid evergreen hedge planting and one tree per every 30 feet of frontage; acceptable as depicted on revised site plan.
  - b. A Type A Landscape Buffer is required along the rear of the property where the site abuts residential zoning. This buffer shall include ten feet of landscaping and a solid fence or masonry wall; applicant shall obtain waiver to TMC§1108.0203(E), to allow a 0' Type A Landscape Buffer with 6' tall privacy fence along the rear of the property.

- c. The location, height and materials for any fencing to be installed and maintained. The finished side of the fence must face the adjacent property, street, or place per TMC§1108.0404(B). Applicant shall obtain a waiver to TMC§1108.0404(B) to allow for the new fencing installed on site with the finished side facing in toward the site; and
  - d. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties). Shall be submitted to Plan Director on supplemental plan.
- 6. A Bond of Performance or suitable assurance acceptable to the Division of Inspection valid for a period of two (2) years shall be posted with the Commissioner of Inspection providing for the installation of required landscaping within one (1) year. Landscaping shall be installed and maintained indefinitely.
  - 7. Minor adjustments to the Site Plan that do not violate the above conditions, or the Toledo Municipal Code, may be reviewed and approved by the Director of the Toledo City Plan Commission.
  - 8. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
  - 9. The Special Use Permit may be reviewed for compliance with the conditions of approval, negative secondary effects, and adherence to all requirements of the Toledo Municipal Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.

10. No permits shall be issued until arrangements satisfactory to the Director of the City of Toledo Plan Commission have been made for compliance with the conditions as set forth above.

SECTION 3. Waiving the following section of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 2809 & 2815 W. Central Avenue, in the City of Toledo, Lucas County, Ohio:

Chapter 1108 Landscaping and Screening

Sec. 1108.0203 Buffer and Screening Requirements - E. Type A Landscape Buffer

Approve a waiver of 10' of the required 10' Type A Landscape Buffer, to allow a 0' Type A Landscape Buffer with 6' tall privacy fence along the rear of the property.

Sec. 1108.0404 Walls, Fences or Berms - B. Fences

Any fence must be durable and constructed of wood, decorative rigid vinyl (polyvinyl chloride), metal, or wrought iron. Fence posts must be structurally stable. The finished side of the fence must face the adjacent property, street, or place. Chain link fencing must not be used to meet buffers and screening requirements. Wood fence posts must be treated lumber.

Approve a waiver to require the finished side of the fence to be facing the adjacent property, street, or place, and allow the finish side of the fence to face the interior of the site.

SECTION 4. That when the conditions contained herein above have been complied with, the Secretary of the Toledo City Plan Commission be and he is hereby directed to change the zoning maps to conform with the within Ordinance.

SECTION 5. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the Ordinance must be immediately effective in order to provide for the orderly regulation and use of the property and to protect the land value in the area.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure:  
yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council \_\_\_\_\_.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council

**Attachments:** [Plan Commission Report](#)

[O-455-18](#)

**Changing the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 4449 and 4455 Secor Road, in the City of Toledo, Lucas**

**County, Ohio; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

An application (Z-3001-18) for a proposed change in zoning for the property located at 3319 Nebraska Avenue, Toledo, Ohio, was submitted to the Toledo City Plan Commission for its review and recommendation.

On September 13, 2018, the Toledo City Plan Commission recommended approval of the request for a zone change from “RS12”, “RS6” Single Family Residential and “CR” Regional Commercial to “CR” Regional Commercial for the property located at 4449 and 4455 Secor Road, Toledo, Ohio.

The City Council Zoning and Planning Committee on October 17, 2018, sent as approved the request for a zone change from “RS12”, “RS6” Single Family Residential and “CR” Regional Commercial to “CR” Regional Commercial for the property located at 4449 and 4455 Secor Road, Toledo, Ohio.

**Summary:** NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, are hereby authorized to be revised by changing the zone districts of that part of the City of Toledo more fully described as follows:

**LEGAL DESCRIPTION FOR OVERALL CR ZONING**  
**(PARCEL ID# 22-12003 & 22-12031)**

A parcel of land being part of the Southeast Quarter (1/4) of Section 18, Town-9-South, Range- 7-East, City of Toledo, Lucas County, Ohio, which is more particularly bounded and described as follows;

Commencing at a found Roadway Monument at the

Centerline of Secor Road, also being the Northeast Corner of said Southeast Quarter (1/4) of Section 18;

thence S87°59'08"E, on and along a line being the extension of the South line of a parcel currently or formerly owned by Viviano LTD as recorded in Document number 96-0515E02 in the Lucas County Recorder's Office, a distance of 50.01' (feet) to a set Iron Pin on the Westerly Right of Way of said Secor Road (R/W Varies), also being the True Point of Beginning for the Overall CR Zoning;

thence S00°41'22"E, on and along a line being said Westerly Right of Way of Secor Road (R/W Varies), a distance of 207.97' (feet) to a set Iron Pin on a Northerly line of a parcel currently or formerly owned by James G. & Joan M. Keeler as recorded in Document number 99-507D08 in the Lucas County Recorder's Office, and passing a set Iron Pin at 149.95' (feet);

thence S87°59'08"W, on and along a line being a said Northerly line of a parcel currently or formerly owned by James G. & Joan M. Keeler as recorded in Document number 99-507D08 in the Lucas County Recorder's Office, a distance of 100.03' (feet) to a set Iron Pin;

thence N00°41'22"W, on and along a line being parallel and 100.00' (feet) Westerly of said Westerly Right of Way of Secor Road (R/W Varies), also being a Easterly line of said parcel currently or formerly owned by James G. & Joan M. Keeler as recorded in Document number 99-507D08 in the Lucas County Recorder's Office, a distance of 10.00' (feet) to a set Iron Pin on the Northerly line of said parcel currently or formerly owned by James G. & Joan M. Keeler as recorded in Document number 99-507D08 in the Lucas County Recorder's Office;

thence S87°59'08"W, on and along a line being the said Northerly line of a parcel currently or formerly owned by James G. & Joan M. Keeler as recorded in Document number 99-507D08 in

the Lucas County Recorder's Office, also being the Northerly line of Lots 14, 15, and 16 of Fullers Forest Grove as recorded in Volume 59, Page 8 in the Lucas County Recorder's Office, a distance of 400.28' (feet) to a point;

thence N00°41'22"W, on and along a line being parallel and 500.18' (feet) Westerly of said Westerly Right of Way of Secor Road (R/W Varies), a distance of 197.96' (feet) to a point on the Southerly line of Lot 49 of Forest Grove Plat 5 as recorded in Volume 57, Page 67 in the Lucas County Recorder's Office;

thence N87°59'08"E, on and along a line being said Southerly line of Lot 49 of Forest Grove Plat 5 as recorded in Volume 57, Page 67 in the Lucas County Recorder's Office, also being said South line of a parcel currently or formerly owned by Viviano LTD as recorded in Document number 96-0515E02 in the Lucas County Recorder's Office, a distance of 500.31' (feet) to the True Point of Beginning for the Overall CR Zoning;

Containing an area of 2.296 Ac., 100,014 SF of land more or less and subject to all legal highways, leases, easements and restrictions of record.

SECTION 2. The Secretary of the Toledo City Plan Commission is hereby authorized and directed to make the said change on the original zoning maps.

SECTION 3. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the Ordinance must be immediately effective in order to provide for the orderly regulation and use of the property and to protect the land value in the area.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council \_\_\_\_\_.

Attest: \_\_\_\_\_

Clerk of Council

**Attachments:** [Plan Commission Report](#)

[O-456-18](#)

**Granting an amendment to a Special Use Permit for a used auto sales facility for a site located at 4449 and 4455 Secor Road, in the City of Toledo, Lucas County, Ohio; subject to**

**certain conditions and a waiver; declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

By application (SUP-3002-18) filed with the City of Toledo Central Permit Center, a request for an amendment to a Special Use Permit for a used auto sales facility for a site located at 4449 and 4455 Secor Road, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On September 13, 2018, the Toledo City Plan Commission recommended approval for an amendment to a Special Use Permit for a used auto sales facility for a site located at 4449 and 4455 Secor Road, in the City of Toledo, Lucas County, Ohio.

On October 17, 2018, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved an amendment to a Special Use Permit for a used auto sales facility for a site located at 4449 and 4455 Secor Road, City of Toledo, Lucas County, Ohio; and all other things required by law to be done, have been done.

**Summary:** NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That an amendment to a Special Use Permit for a used auto sales facility for a site located at 4449 and 4455 Secor Road, City of Toledo, Lucas County, Ohio; be and the same is hereby approved, subject to the conditions contained in Section 2 hereof which must be complied with, as to the property more fully described as follows:

**LEGAL DESCRIPTION FOR OVERALL CR ZONING**  
**(PARCEL ID# 22-12003 & 22-12031)**

A parcel of land being part of the Southeast Quarter (1/4) of Section 18, Town-9-South, Range- 7-East, City of Toledo, Lucas County, Ohio, which is more particularly bounded and described as follows;

Commencing at a found Roadway Monument at the Centerline of Secor Road, also being the Northeast Corner of said Southeast Quarter (1/4) of Section 18;

thence S87°59'08"E, on and along a line being the extension of the South line of a parcel currently or formerly owned by Viviano LTD as recorded in Document number 96-0515E02 in the Lucas County Recorder's Office, a distance of 50.01' (feet) to a set Iron Pin on the Westerly Right of Way of said Secor Road (R/W Varies), also being the True Point of Beginning for the Overall CR Zoning;

thence S00°41'22"E, on and along a line being said Westerly Right of Way of Secor Road (R/W Varies), a distance of 207.97' (feet) to a set Iron Pin on a Northerly line of a parcel currently or formerly owned by James G. & Joan M. Keeler as recorded in Document number 99-507D08 in the Lucas County Recorder's Office, and passing a set Iron Pin at 149.95' (feet);

thence S87°59'08"W, on and along a line being a said Northerly line of a parcel currently or formerly owned by James G. & Joan M. Keeler as recorded in Document number 99-507D08 in the Lucas County Recorder's Office, a distance of 100.03' (feet) to a set Iron Pin;

thence N00°41'22"W, on and along a line being parallel and 100.00' (feet) Westerly of said Westerly Right of Way of Secor Road (R/W Varies), also being a Easterly line of said parcel currently or formerly owned by James G. & Joan M. Keeler as recorded in Document number 99-507D08 in the Lucas County Recorder's Office, a distance of 10.00' (feet) to a set Iron Pin on the Northerly line of said parcel currently or formerly owned by James

G. & Joan M. Keeler as recorded in Document number 99-507D08 in the Lucas County Recorder's Office;

thence S87°59'08"W, on and along a line being the said Northerly line of a parcel currently or formerly owned by James G. & Joan M. Keeler as recorded in Document number 99-507D08 in the Lucas County Recorder's Office, also being the Northerly line of Lots 14, 15, and 16 of Fullers Forest Grove as recorded in Volume 59, Page 8 in the Lucas County Recorder's Office, a distance of 400.28' (feet) to a point;

thence N00°41'22"W, on and along a line being parallel and 500.18' (feet) Westerly of said Westerly Right of Way of Secor Road (R/W Varies), a distance of 197.96' (feet) to a point on the Southerly line of Lot 49 of Forest Grove Plat 5 as recorded in Volume 57, Page 67 in the Lucas County Recorder's Office;

thence N87°59'08"E, on and along a line being said Southerly line of Lot 49 of Forest Grove Plat 5 as recorded in Volume 57, Page 67 in the Lucas County Recorder's Office, also being said South line of a parcel currently or formerly owned by Viviano LTD as recorded in Document number 96-0515E02 in the Lucas County Recorder's Office, a distance of 500.31' (feet) to the True Point of Beginning for the Overall CR Zoning;

Containing an area of 2.296 Ac., 100,014 SF of land more or less and subject to all legal highways, leases, easements and restrictions of record.

NOTES:

Bearings used in the above description are based off the Centerline of Secor Road (R/W varies), also being the East line of the Southeast Quarter (1/4) of section 18, with a Corresponding bearing of

S00°41'22"E.

Bearings are for the express purpose of showing angular measurement only.

The land in the above description is contained all within Lucas County Permanent Parcel Number 22-12003 & 22-12031.

The land in the above description being part of a parcel as recorded in Official Record Deed 20150327-0011461 & 20170419-0016763 in Lucas County Recorder's Office.

All iron pins set are 5/8" diameter rebar x 36" long with a cap marked

"Bryan D. Ellis 8292"

SECTION 2. That the approval of the amendment to a Special Use Permit for an auto sales facility for a site located at 4449 and 4455 Secor Road, City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 44 conditions as follows:

The following forty-four (44) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Division of Engineering Services

1. A pre-submittal meeting is not required; however, one may be requested. Contact information is as follows:

Division of Engineering Services: ph. 419-245-1315, fax 419-936-2850

Right-of-Way and Inspection: 419-245-1341

Roadway: 419-245-1344

Water: 419-936-2163

Stormwater Drainage: 419-245-3221; 419-245-1338

Sanitary Sewers: 419-936-2276

2. All proposed sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way shall be constructed in accordance with the City of Toledo Construction Standards, Specifications, Toledo Municipal Code, and Americans with Disabilities Act guidelines.
3. All commercial drive approaches, (along with the sidewalk through the drive) shall be constructed with 8" thick concrete per City of Toledo Construction Standards and Specifications. No curb shall be permitted in the right-of-way along either side of a drive approach. No horizontal curb cutting will be permitted to create a curb drop/opening. Existing drive approaches, including the curb drop, that will no longer be utilized shall be removed and restored with curb to match the adjacent curb.
4. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from One Stop Shop, (419) 245-1220.

Contact (419) 245-1341 for inspection of above mentioned items.

5. Existing water services, to structures that are to be removed from the site, will be abandoned by the City of Toledo at the owner/developer's expense.
6. The City of Toledo requires that all sites proposing earth disturbing activities of 2,500 sq. ft. or more (including an overall common plan of development) and/or the installation of storm sewer services be reviewed and approved by the Division of Engineering Services prior to the start of any construction or earth disturbing work (grading, clearing, stockpiling, etc.)

7. The following documents shall be submitted to the Division of Engineering Services for stormwater review & approval:
  - Detailed site grading plan
  - Plans and calculations for storm sewer service, stormwater detention and post-construction best management practices (BMP's).
  - A Stormwater Pollution Prevention Plan (SWP3) - including a completed submittal cover sheet, contact list, contractor certification form and Ohio EPA SWP3 checklist. The links to these documents can be found at <http://www.tmacog.org/storc/swp3.htm>.
  - Long term maintenance plan and maintenance agreement for Detention and Post-Construction BMP's for long term maintenance of the private facilities. Stormwater Detention and Post-Construction BMP's are required to be maintained into perpetuity.
8. Submittals shall be in compliance with the latest version of the City of Toledo's Infrastructure Design and Construction Requirements  
<http://toledo.oh.gov/services/public-utilities/engineering-services/plan-review-process/>
9. All developments are required to provide Stormwater detention, post-construction stormwater best management practices (BMP's) and a stormwater pollution prevention plans (SWP3) plans, in compliance with the latest version of the City of Toledo's Infrastructure Design and Construction Requirements, for all area(s) disturbed regardless of pre-and post-construction land use.
10. Nonresidential properties which have Designs incorporating low impact development solutions, such as grassy swales and bio-retention areas in lieu of curb, storm sewers, and underground detention are encouraged and may be eligible for a percent reduction in the property's

stormwater utility fee through the Stormwater Credit Program. Information on this program can be found at <http://toledo.oh.gov/services/public-utilities/engineering-services/stormwater-utility-credit-program/>

11. City of Toledo does not have a complete record for the existing storm sewer system on site and per the City's MS4 permit all storm sewers must be mapped. The Developer shall verify the location and outlet of the private storm system and provide that information to the City of Toledo Division of Engineering Services. A note has been included on the plans for the contractor to verify before construction. This information shall be noted on As-builts and submitted to the City.
12. All storm drainage must be internal and not run off onto adjacent properties.
13. No construction work, including any earth disturbing work will be permitted without approved plans.
14. If there are any existing structures to be demolished at the site, the sanitary services to such structures will be killed by the City of Toledo at the developers cost.
15. Any previous kills that were not done at the right-of-way line shall be re-killed at the right-of-way to eliminate any active pipes on the property.

#### Sewer and Drainage Services

16. All private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
17. Private sanitary lines (after they have been cleaned) that

are not being removed or properly abandoned be televised from the building (or private cleanout) to where they connect with the public sewer system if this has not been done in the past (2) two years. An electronic copy (DVD/memory stick) shall be provided to Sewer & Drainage Services demonstrating the lines cleaning and integrity.

Division of Environmental Services

18. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.
19. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
20. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.
21. Applicant shall maintain compliance with the City of Toledo's stormwater regulations as specified in the Toledo Municipal Code. Special attention must be paid to all potential stormwater impacts from the modification, including but not limited to long-term operation and maintenance of both structural and non-structural Best Management Practices.
22. Applicant shall maintain compliance with the City of Toledo and State of Ohio's Air Quality Regulations applicable in the Toledo Municipal Code and the Ohio Administrative Code including, but not limited to the Asbestos and Anti-Noise Laws.

Division of Transportation

23. North driveway to be one-way traffic only with “do not enter” signs posted.
24. Three (3) auto accessible parking spaces and one (1) van accessible parking space required per TMC 1107.
25. Wheel stops at all parking spots perpendicular to buildings per TMC 11107.
26. The approval of the Special Use Permit is subject to the approval of the companion Zone Change (*Z-3001-18*) from RS6, RS12 Single Dwelling Residential & CR Regional Commercial to CR Regional Commercial which allows for Used Auto Sales.
27. All lots of the development site shall be combined into a single taxable parcel identification number.
28. Pursuant to TMC§1107.0304, a Used Auto Sales facility is required to have one (1) parking space per every 5,000 square feet of open sales area, plus one (1) parking space per every 500 square feet of enclosed sales area, plus one and one-half (1.5) parking spaces for each service bay. A minimum of forty-six (46) customer parking spaces shall be provided. Acceptable as depicted on revised site plan received 8/30/2018.
29. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700; not acceptable as depicted on site plan. Two (2) additional automobile handicap accessible parking spaces shall be depicted on a revised site plan.
30. Pursuant to TMC§1104.0308, all vehicles on display must be parked in striped parking spaces that shall be

designated on an approved Site Plan. Vehicle parking that deviates from the approved Site Plan shall not be permitted.

31. Elevated displays lifts or metal structures used in conjunction with the display of motor vehicles shall be permitted only within those areas specifically designated upon the Site Plan and shall not be allowed in any required front yard (TMC§1104.0302(A)); if applicable.
32. The Special Use Permit may be reviewed for compliance with the conditions of approval, negative secondary effects, and adherence to all requirements of the Toledo Municipal Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.
33. Repairs and services of vehicles shall be conducted wholly within an enclosed building permanently located on the site.
34. Off-street parking and loading spaces, parking lots, maneuvering areas, aisles and driveways must be surfaced with concrete, bituminous asphalt, or other dust-free material other than gravel or loose fill, and be graded to drain all surface water towards the interior of the parking lot.
35. Whenever a parking lot extends to a property line, sidewalk, planting strip, or building, a wheel stop device consisting of a concrete stop, a permanent concrete curb, an expanded sidewalk or other suitable restraint as approved by the Planning Director must be installed to prevent any part of a parked motor vehicle from extending beyond the property line, overhanging a pedestrian walkway or sidewalk, or damaging any structure or landscaping (TMC§1107.1907(A)).

36. If the buildings are modified in the future, the building design shall meet the requirements of TMC§1109.0500 *Building Façade Materials and Color*. Exterior building materials shall not include concrete blocks, concrete panels or wood sheet goods as a predominant material. EIFS may not constitute more than 15% of the exterior for facades visible from the public right-of-way. The façade colors shall be low-reflectance, subtle, neutral or earth tone colors.
37. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by a solid wooden fence or a masonry screen enclosure with landscaping and shall not be located in any required setbacks or the public right-of-way as stated in TMC§1361.10(b)(10) of the Building Code (if applicable).
38. No free-standing signs greater than forty-two inches (42”) from grade are permitted - proposed signage must meet the requirements of low-profile signs per *Toledo Municipal Code Title Nine - Sign Code*.
39. A detailed site, lighting, fencing and four (4) copies of a landscaping plan (separate from building & site plans) shall be submitted to the Plan Director for review and approval. Such plan shall include:
- a. A fifteen-foot (15') greenbelt is required along the Secor Road frontage, and shall include one (1) tree for every thirty-foot (30') of frontage. Calculations conclude that a total of eight (8) trees are required in the frontage greenbelt. A continuous hedge or shrub row shall be installed in order to screen the parking lot and headlights from public view. Acceptable as depicted on landscaping plan.

- b. A Type A Landscape Buffer is required along the north, west and south property lines where the site abuts residential zoning. This buffer shall include a minimum of ten-feet (10') of landscaping with four (4) trees and fifteen (15) shrubs for every 100 linear feet and a solid wood or vinyl privacy fence or wall six-to-eight feet (6'-8') in height; not acceptable as depicted on site plan. A revised landscaping plan shall be submitted accurately depicting a Type A Landscape Buffer with four (4) canopy trees and fifteen (15) shrubs for every 100 linear feet, in areas where viable along the adjacent residential zoning districts.
- c. A Type B Landscape Buffer is required along the northern property line where the site abuts a CO Office Commercial zoning district. This buffer shall include a minimum of ten-feet (10') of landscaping with four (4) trees and fifteen (15) shrubs for every 100 linear feet. A total of sixteen (16) trees and fifty-eight (58) shrubs are required in this area. Per TMC§1108.0203(D)(2), a fence, wall, or berm six-feet (6') to eight-feet (8') in height may be used and can substitute for shrub requirements; not acceptable as depicted on site plan. Applicant shall obtain a waiver to TMC§1108.0203(F), for a ten-foot (10') reduction to the required Type B Landscape Buffer and allow the six-foot (6') privacy fence to substitute for the tree and shrub requirements.
- d. In all Commercial and Industrial districts, fencing to screen open storage areas from public view, except display areas for customer viewing, shall be required in accordance with TMC§1108.0203(H).
- e. Stormwater facilities and bioretention areas are subject to all applicable requirements as listed in

TMC§1108.0203(I) & TMC§1108.0206. Traditional detention/retention ponds are prohibited in the frontage greenbelt.

- f. Perimeter landscaping must be installed along any parking lot area adjacent to a street, place or driveway, or which is visible from an adjacent property, and shall be ten feet (10') in width; not acceptable as depicted on site plan. Shall be noted on revised landscaping plan.\_
- g. Foundation plantings for the full street-facing building elevation; and landscape areas at major building entrances; not acceptable as depicted on landscaping plan. Shall be noted on revised landscaping plan.
- h. The location, number, height, diameter and species of any materials to be planted and maintained, as well as the location and number of any existing trees to be retained, trees, shrubs, and landscape materials shall meet the standards included in TMC§1108.0400 Landscape Materials Standards.
- i. Landscaped areas may not contain bare soil, aggregated stone or decorative rock. Any ground area must be covered with hardwood mulch, grass or other vegetative ground coverage.
- j. Topsoil must be back filled to provide positive drainage of the landscape area.
- k. If site is ½ acre or larger, landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans must be submitted with development plans and must contain all construction details.

- l. The location, height and materials for any fencing to be installed and maintained; and
  - m. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties).
40. A Bond of Performance or suitable assurance acceptable to the Division of Inspection valid for a period of two (2) years shall be posted with the Commissioner of Inspection providing for the installation of required landscaping within one (1) year. Landscaping shall be installed and maintained indefinitely.
41. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
42. Minor adjustments to the Site Plan that do not violate the above conditions, or the Toledo Municipal Code, may be reviewed and approved by the Director of the Toledo City Plan Commission.
43. No permits shall be issued until arrangements satisfactory to the Director of the City of Toledo Plan Commission have been made for compliance with the conditions as set forth above.
44. The business hours of operations shall be limited from 8:00 AM to 6:00 PM EST on Monday - Saturday, closed on Sunday.

SECTION 3. Waiving the following section of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 4449 &

4455 Secor Road, in the City of Toledo, Lucas County, Ohio:

Chapter 1108 Landscaping and Screening

Sec. 1108.0203 Buffer and Screening Requirements - F. Type B  
Landscape Buffer

Approve a waiver of ten-feet (10') of the required Type B Landscape Buffer, to allow zero-feet (0') with a six-foot (6') privacy fence.

SECTION 4. That when the conditions contained herein above have been complied with, the Secretary of the Toledo City Plan Commission be and he is hereby directed to change the zoning maps to conform with the within Ordinance.

SECTION 5. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the Ordinance must be immediately effective in order to provide for the orderly regulation and use of the property and to protect the land value in the area.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure:  
yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council \_\_\_\_\_.

Attest: \_\_\_\_\_

Clerk of Council

**Attachments:** [Plan Commission Report](#)

[O-457-18](#)

**Granting a Special Use Permit for a new freestanding wireless telecommunication facility for a site located at 5311 Hill Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and a waiver; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

By application (SUP-6004-18) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a new freestanding wireless telecommunication facility for a site located at 5311 Hill Avenue, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On September 13, 2018, the Toledo City Plan Commission recommended approval for a Special Use Permit for a new freestanding wireless telecommunication facility for a site located at 5311 Hill Avenue, , in the City of Toledo, Lucas County, Ohio.

On October 17, 2018, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a Special Use Permit for a new freestanding wireless telecommunication facility for a site located

at 5311 Hill Avenue, City of Toledo, Lucas County, Ohio; and all other things required by law to be done, have been done.

**Summary:** NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That a Special Use Permit for a new freestanding wireless telecommunication facility for a site located at 5311 Hill Avenue, City of Toledo, Lucas County, Ohio; be and the same is hereby approved, subject to the conditions contained in Section 2 hereof which must be complied with, as to the property more fully described as follows:

An interest in land, said interest being over a portion of the following described parent parcel:

The East 3 acres of the following described property: 15 acres out of the Northeast corner of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 11, Town 2 of the United States Reserve of 12 miles square at the foot of the Rapids of the Miami of Lake Erie, and bounded as follows, to-wit:

Commencing at the center post or East line of the West  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of said Section 11, on the North line of said section; thence West on the section line 40 rods; thence Southerly, parallel with the East line of said West  $\frac{1}{2}$  60 rods; thence East parallel with the North line 40 rods; thence Northerly on the East line to the place of beginning in the City of Toledo, Lucas County, Ohio, excepting therefrom that part conveyed to the State of Ohio by Deed 84-027B11 and described as follows:

Commencing at the Northeast corner of Section 11; said point also being the intersection of the centerline of right of way Hill Avenue with the centerline of right of way of Reynolds Road; thence South  $87^{\circ} 06' 10''$  West along the Northerly line of Section 11, said line also being the centerline of right of way of Hill Avenue a distance of 1342.47 feet to a point of beginning, said

point being the grantor's Northeasterly property corner, same being Station 199 + 21.45 on the centerline of right of way of Hill Avenue; thence South 03° 03'10" East along the grantors Easterly property line a distance of 50.00 feet to a point 50.00 feet right of Station 199 + 21.59; thence South 87° 06'10" West and parallel to the centerline of right of way of Hill Avenue a distance of 132.00 feet to a point on the grantors Westerly property line, said point being 50.00 feet right of Station 197 + 89.59; thence North 03° 03'10" West along the grantors Westerly property line a distance of 50.00 feet to a point, said point being the grantors Northwesterly property corner, same being Station 197 + 89.45 on the centerline of right of way of Hill Avenue; thence North 87° 06'10" East along the Northerly line of Section 11, said line also being the grantors Northerly property line, same being the centerline of right of way of Hill Avenue a distance of 132.00 feet to the point of beginning.

Subject to legal highways.

AND BEING the same property conveyed to Christopher M. Yanik from Kathleen M. Charles, Executrix of the Estate of Cora Zacharias by Fiduciary Deed dated December 06, 2002 and recorded December 10, 2002 in Instrument No. 02 0653B03; AND FURTHER CONVEYED to Christopher M. Yanik from Kim Realty Company, Inc., an Ohio corporation by Corporation Warranty Deed dated December 05, 2002 and recorded December 10, 2002 in Instrument No. 02 0653B05.

Tax Parcel No. 20-06074

SECTION 2. That the approval of a Special Use Permit for a new freestanding wireless telecommunication facility for a site located at 5311 Hill Avenue, City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 26 conditions as follows:

The following twenty-six (26) conditions are listed by agency

of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Engineering Services

1. A pre-submittal meeting is not required, however one may be requested. Contact information is as follows:

Division of Engineering Services: ph.  
419-245-1315, fax 419-936-2850  
Right-of-Way and Inspection: 419-245-1341  
Roadway: 419-245-1344  
Water: 419-936-2163  
Stormwater Drainage: 419-245-3221;  
419-245-1338  
Sanitary Sewers: 419-936-2276

2. All proposed sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way shall be constructed in accordance with the City of Toledo Construction Standards, Specifications, Toledo Municipal Code, and Americans with Disabilities Act guidelines.
3. All commercial drive approaches, (along with the sidewalk through the drive) shall be constructed with 8" thick concrete per City of Toledo Construction Standards and Specifications. No curb shall be permitted in the right-of-way along either side of a drive approach. No horizontal curb cutting will be permitted to create a curb drop/opening. Existing drive approaches, including the curb drop, that will no longer be utilized shall be removed and restored with curb to match the adjacent curb.
4. Required permits for all approved work in the public

right-of-way shall be obtained, before work begins, from One Stop Shop, (419) 245-1220.  
Contact Joe Warnka at (419) 245-1341 for inspection of above mentioned items.

5. The City of Toledo requires that all sites proposing earth disturbing activities of 2,500 sq. ft. or more (including an overall common plan of development) and/or the installation of storm sewer services be reviewed and approved by the Division of Engineering Services prior to the start of any construction or earth disturbing work (grading, clearing, stockpiling, etc.)
6. The following documents shall be submitted to the Division of Engineering Services (Andy Stepnick) for stormwater review & approval:
  - Detailed site grading plan
  - Plans and calculations for storm sewer service, stormwater detention and post-construction best management practices (BMP's). Plan Commission submittal is showing a grassy swale along the new gravel access road to comply with these requirements. Calculations will be needed to show sufficient capacity.
  - A Stormwater Pollution Prevention Plan (SWP3) - including a completed submittal cover sheet, contact list, contractor certification form and Ohio EPA SWP3 checklist. The links to these documents can be found at <http://www.tmacog.org/storc/swp3.htm>.
  - Long term maintenance plan and maintenance agreement for Detention and Post-Construction BMP's for long term maintenance of the private facilities. Stormwater Detention and Post-Construction BMP's are required to be maintained into

perpetuity.

7. Submittals shall be in compliance with the latest version of the City of Toledo's Infrastructure Design and Construction Requirements  
<http://toledo.oh.gov/services/public-utilities/engineering-services/plan-review-process/>
8. All developments are required to provide Stormwater detention, post-construction stormwater best management practices (BMP's) and a stormwater pollution prevention plans (SWP3) plans, in compliance with the latest version of the City of Toledo's Infrastructure Design and Construction Requirements, for all area(s) disturbed regardless of pre-and post-construction land use.
9. Nonresidential properties which have Designs incorporating low impact development solutions, such as grassy swales and bio-retention areas in lieu of curb, storm sewers, and underground detention are encouraged and may be eligible for a percent reduction in the property's stormwater utility fee through the Stormwater Credit Program. Information on this program can be found at  
<http://toledo.oh.gov/services/public-utilities/engineering-services/stormwater-utility-credit-program/>
10. All storm drainage must be internal and not run off onto adjacent properties.
11. No construction work, including any earth disturbing work will be permitted without approved plans.

#### Transportation

12. Drive surface must be of dust free material per TMC 1107.1906.

Plan Commission

13. Wireless Facilities shall be designed to reasonably blend into the surrounding environment through the use of neutral colors (such as gray), screening, landscaping and architecture, unless the Federal Aviation Administration, or other federal or state authorities, require otherwise. Tower shall be constructed of galvanized metal. The applicant shall camouflage the monopole so that it blends in with the surrounding environment and the existing tree mass along the eastern and western edges of the parcel. (A revised elevation shall be submitted indicating compliance with this requirement).
14. No commercial advertising shall be allowed on a tower or antenna, except for antennas attached to an existing and approved sign. Towers may have safety or warning signs in appropriate places. (Acceptable as outlined in the Statement of Compliance).
15. Mobile or immobile equipment not used in direct support of a wireless facility shall not be stored or parked on the site, unless repairs to the facility are being made.
16. The Wireless Facilities shall be setback from the property line in all directions a distance at least equal to the height of the tower or 100 feet, whichever is greater, if the site is in or abuts a Residential district or Household Living or Group Living areas. (Not acceptable as depicted on site plan. Applicant shall obtain a waiver of TMC 1104.1804(C)(1) to allow for

a 54' setback waiver on the East and West property lines).

17. The proposed gravel turnaround is required to be paved with a dust free material. (Not acceptable as depicted on the site plan. A revised site plan shall be submitted showing compliance with this requirement).
18. The tower or antenna shall be constructed so that if failure does occur, it will collapse into itself and will not fall onto structures near the site. (Acceptable as outlined in the Statement of Compliance).
19. Applicant shall submit proof of the proper liability insurance to the legal staff of the City of Toledo.
20. Towers shall be of a monopole design, and guyed or lattice towers are prohibited. (Acceptable as depicted on elevation drawing).
21. A detailed site, lighting, sign, fencing and four (4) landscaping plans separate from the building plans shall be submitted to the Plan Director for review and approval. Such plan shall include:
  - a. A Type A Landscape buffer is required along all four sides of the wireless facility and shall be twenty-five feet (25') in width or ten feet (10') in width with a solid fence. (Not acceptable as depicted on the landscape plan).
  - c. The location, number, height, diameter and species of any materials to be planted and maintained shall meet the standards included in TMC§1108.0400 Landscape Materials Standards;

- d. The location, type and direction of any proposed lighting. The lighting is subject to the approval of the Director of the City of Toledo Plan Commission (lights are to be directed away from adjacent residential properties). (If applicable);
  - e. The location and type of any proposed fencing. Fence shall meet the criteria as set forth in TMC 1104.1801(C)(1) *Wireless Telecommunication Facilities*. Fence shall be an eight (8') foot wood, board-on-board privacy fence or wall, as measured from the finished grade of the site, constructed around the perimeter of the Wireless Facility. The use of barbed wire is not permitted. Fencing is subject to the approval of the Director of the City of Toledo Plan Commission.
  - f. If applicable. The location, lighting and size of any signs, all signage is subject to TMC§1387. No commercial advertising shall be allowed on a tower or antenna, except for antennas attached to an existing and approved sign. Towers may have safety or warning signs in appropriate places.
22. Minor adjustments to the site plan that do not violate the above conditions, or the Toledo Municipal Code, may be reviewed and approved by the Director of the Toledo City Plan Commission.
23. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.

24. The Special Use Permit may be reviewed for compliance with the conditions of approval, negative secondary effects, and adherence to all requirements of the Toledo Municipal Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.
25. No permits shall be issued until arrangements satisfactory to the Director of the City of Toledo Plan Commission have been made for compliance with the conditions as set forth above.
26. A Bond of Performance or suitable assurance acceptable to the Division of Inspection valid for a period of two (2) years shall be posted with the Commissioner of Inspection providing for the installation of required landscaping within one (1) year. Landscaping shall be installed & maintained indefinitely.

SECTION 3. Waiving the following section of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 5311 Hill Avenue, in the City of Toledo, Lucas County, Ohio:

Chapter 1104 Use Regulations

Sec. 1104.1800 Wireless Telecommunications Facilities

Sec. 1104.1804(C)(1) Freestanding Wireless Facilities

The Wireless Facility shall be setback from the property line in all directions a distance at least equal to the height of the tower or 100 feet, whichever is greater, if the site is in or abuts a Residential district or Household Living or Group Living uses.

Approve the waiver for setback requirements.

SECTION 4. That when the conditions contained herein above have been complied with, the Secretary of the Toledo City Plan Commission be and he is hereby directed to change the zoning maps to conform with the within Ordinance.

SECTION 5. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the Ordinance must be immediately effective in order to provide for the orderly regulation and use of the property and to protect the land value in the area.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure:  
yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council \_\_\_\_\_.

Attest: \_\_\_\_\_

Clerk of Council

**Attachments:** [Plan Commission Report](#)

**COUNCIL PRESIDENT CHERRY, CHAIR, ZONING & PLANNING COMMITTEE,  
REPORTS WITHOUT RECOMMENDATION:**

[O-458-18](#)

**Changing the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 2102 & 2104 Holland Sylvania Road, in the City of Toledo, Lucas County, Ohio; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

An application (Z-7001-18) for a proposed change in zoning for the property located at 2102 & 2104 Holland Sylvania Road, Ohio, was submitted to the Toledo City Plan Commission for its review and recommendation.

On September 13, 2018, the Toledo City Plan Commission recommended disapproval of the request for a zone change from “CN” Neighborhood Commercial to “CR” Regional Commercial for the property located at 2102 & 2104 Holland Sylvania Road, Toledo, Ohio.

The City Council Zoning and Planning Committee on October 17th, 2018, sent without recommendation the request for a zone change from “CN” Neighborhood Commercial to “CR” Regional Commercial for the property located at 2102 & 2104 Holland Sylvania Road, Toledo, Ohio.

**Summary:** NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, are hereby authorized to be revised by changing the zone districts of that part of the City of Toledo more fully described as follows:

BANCROFT HGHLDS PLT2 LOT310 TO 315 & ½ ALLEY ADJ  
VAC

SECTION 2. The Secretary of the Toledo City Plan Commission is hereby authorized and directed to make the said change on the original zoning maps.

SECTION 3. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the Ordinance must be immediately effective in order to provide for the orderly regulation and use of the property and to protect the land value in the area.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

**Attachments:** [Plan Commission Report](#)  
[Audio: City Council 10/23/2018](#)

**THE CLERK REPORTS:**

[R-459-18](#)

Declaring the intent to vacate an alley colloquially known as

**Part of Tryon Lane; being part of LK Parks Subdivision of Lot 378, City of Toledo, Lucas County, Ohio; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

Petitioner has filed a request to vacate an alley colloquially known as Part of Tryon Lane; being part of LK Parks Subdivision of Lot 378 in the City of Toledo, Lucas County, Ohio, as more fully described in Section 1 hereof.

**Summary:** NOW, THEREFORE, Be it resolved by the Council of the City of Toledo:

SECTION 1. That the City Council does hereby declare its intent to vacate an alley colloquially known as Part of Tryon Lane; being part of LK Parks Subdivision of Lot 378, in the City of Toledo, Lucas County, Ohio, as more fully described as follows:

Commencing at a 1 inch iron bar monument found at the intersection of the centerlines of Maplewood Avenue and Monroe Street.

Thence North 57 degrees, 36 minutes, 47 seconds West, along the centerline of Monroe Street, a distance of 701.64 feet to a point.

Thence North 30 degrees, 28 minutes, 40 seconds East, a distance of 40.02 feet to a 1/2 inch galvanized steel pipe set on the Northeast 40 foot Right-of-way of Monroe Street, said point also being on a line that is parallel with is 20 feet distant from the Southeast line of Lot 5 in LK Parks Subdivision, said point also being the True Point of Beginning.

Thence North 57 degrees, 36 minutes, 47 seconds West, along the North Right-of-way of Monroe Street, a distance of 20.01 feet to drill hole set on the Southeast line of Lot 5 in LK Parks Subdivision of Lot 378, as recorded in Lucas County Plat Volume 13, Page 31.

Thence North 30 degrees, 28 minutes, 40 seconds East, along the Southeast line of Lot 5, a distance of 150.08 feet to a point on the Southwest line of a 15 foot wide alley, said line also being the Northeast line of Lot 5.

Thence North 57 degrees, 36 minutes, 47 seconds West, along the Northeast line of Lot 5, said line also being the Southwest line of a 15 foot wide alley, a distance of 17.97 feet to a point on the Southerly

prolongation of the East line of Lot 34 in LK Parks Subdivision.

Thence North 00 degrees, 42 minutes, 44 seconds West, along the East line of Lot 34 in LK Parks Subdivision and its Southerly prolongation, a distance of 137.72 feet to a magnetic nail set on the North line of Lot 34 in LK Parks Subdivision.

Thence South 88 degrees, 51 minutes, 13 seconds West, along the North line of Lot 34, a distance of 138.54 feet to a point.

Thence North 01 degree, 08 minutes, 47 seconds West, a distance of 15.00 feet to a point on the South line of Lot 23 in LK Parks Subdivision.

Thence North 88 degrees, 51 minutes, 13 seconds East, along the South line of Lots 23, 24 and 25 in LK Parks Subdivision, a distance of 128.65 feet to a point on the East line of Lot 25.

Thence North 00 degrees, 42 minutes, 44 seconds West, along the East line of Lot 25, a distance of 10.00 feet to a point on the South line of Lot 26 in LK Parks Subdivision.

Thence North 88 degrees, 51 minutes, 13 seconds East, along the South line of Lot 26, a distance of 25.00 feet to a point on the West line of Lot 29 in LK Parks Subdivision.

Thence South 00 degrees, 42 minutes, 44 seconds East, along the West line of Lot 29, 30 and 31, a distance of 115.00 feet to a point being the Southwest corner of Lot 31.

Thence North 88 degrees, 51 minutes, 13 seconds East, along the South line of Lot 31, a distance of 18.00 feet to a point.

Thence South 00 degrees, 42 minutes, 44 seconds East, a distance of 66.76 feet to a magnetic nail set on a line that is parallel with and 20 feet distant from the Southeast line of Lot 5 in LK Parks Subdivision.

Thence South 30 degrees, 28 minutes, 40 seconds West, along a line that is parallel with and 20 feet distant from the Southeast line of Lot 5, a distance of 152.36 feet to the True Point of Beginning.

Containing 8,837.84 square feet or 0.2029 acres of land. Bearings used herein are based upon an assumed meridian and are intended to indicate angular measurement only. All 1/2 inch galvanized steel pipe set are capped with the company name and PLS No. 7476. This legal description is based upon a field survey prepared by Lewandowski

Engineers on August 24, 2018.

SECTION 2. That this matter be referred to the Toledo City Plan Commission for its review, recommendation and appropriate hearing date.

SECTION 3. That this Resolution hereby is declared to be an emergency measure and shall be in force and effect from and after its adoption. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that this Resolution must be immediately effective so that the vacation can be expeditiously completed to enable property owners to obtain the resulting benefits at the earliest time.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Adopted: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council  
Council

\_\_\_\_\_  
President of

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of a Resolution adopted by Council \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council

[R-460-18](#)

**Declaring the intent to vacate a portion of Martin Luther King Jr. Boulevard at Broadway within the Oliver's Division, in the City of Toledo, Lucas County, Ohio; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

Petitioner has filed a request to vacate a portion of Martin Luther King Jr. Boulevard at Broadway within the Oliver's Division, and the alley running adjacent to lots 285, 286 and 287, in the City of Toledo, Lucas County, Ohio.

**Summary:** NOW, THEREFORE, Be it resolved by the Council of the City of Toledo:

SECTION 1. That the City Council does hereby declare its intent to vacate a portion of Martin Luther King Jr. Boulevard at Broadway within the Oliver's Division, and the alley running adjacent to lots 285, 286 and 287, in the City of Toledo, Lucas County, Ohio

Being a parcel of land situated and being a part of Lots 284 and 285 in the Oliver's Division, in the City of Toledo and more fully described as follows:

Commencing at a the southeasterly corner of Lot Number 285 within the Oliver's Division within the City of Toledo, and being the Point of Beginning for this description;

1. Thence Southwesterly on the Southeasterly lot lines of Lots Numbered 284 and 285 for a distance of 55.26 feet more or less to the intersection of the Easterly right-of-way of Martin Luther King Jr. Boulevard and the southeasterly lot line of said Lot Number 284;
2. Thence Northerly on said Easterly right-of-way of Martin Luther King Jr. Boulevard for a distance of 90.41 feet more or

less to a point of intersection of the Northeasterly lot line of said Lot Number 285, said intersection being 71.55 feet northwesterly from the southeasterly lot line of said Lot Number 285;

3. Thence Southeasterly on said Northeasterly lot line of Lot Number 285 for a distance of 71.55 feet to the point of beginning.

Containing an Area of 1976.96 Square Feet or 0.0454 Acre of land, subject to all legal easements, leases and restriction of record.

Together with the full width of a 16 foot alley being adjacent to Lots 285 thru 287 for a distance of 120.00 more or less within the Oliver's Division to the City of Toledo, Containing an additional Area of 1920.00 Square Feet more or less.

SECTION 2. That this matter be referred to the Toledo City Plan Commission for its review, recommendation and appropriate hearing date.

SECTION 3. That this Resolution hereby is declared to be an emergency measure and shall be in force and effect from and after its adoption. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that this Resolution must be immediately effective so that the vacation can be expeditiously completed to enable property owners to obtain the resulting benefits at the earliest time.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Adopted: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_  
\_\_\_\_\_

Clerk of Council  
Council

President of

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of a  
Resolution adopted by Council \_\_\_\_\_.

Attest: \_\_\_\_\_

Clerk of Council

**Toledo City Council 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.**

**R-0728-14**

First Call Ujvagi