



City of Toledo

One Government Center
Toledo, OH 43604

Meeting Minutes City Council

Wednesday, November 7, 2018

4:00 PM

Council Chambers

CALL TO ORDER:

Council met in regular session with Council President Cherry presiding.

Present: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

Absent: 3 - Ludeman, Sykes and Waniewski

INVOCATION PLEDGE OF ALLEGIANCE NATIONAL ANTHEM:

The invocation was rendered by the Pastor Mary Sullivan of St. Paul United Methodist Church will offer the invocation. Abby Karakas will sing the National Anthem.

COUNCIL MEMBER KOMIVES PRESENTS:

[R-462-18](#)

A resolution recognizing The Islamic Food Bank of Toledo and The Islamic Center of Greater Toledo.

A motion was made by Council President Cherry to dispense with the rule requiring that resolutions not be passed earlier than the next succeeding regular or special meeting of Council following its reading. The motion carried by the following vote:

Yea: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

A motion was made by Council Member Cherry to adopt the Resolution. The motion carried by the

following vote:

Yea: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

APPOINTMENTS FROM THE OFFICE OF THE MAYOR:

[A-463-18](#) Appointment - HVAC Board of Control

Attachments: [HVAC Board of Control](#)

A motion was made by Council President Cherry to confirm the Appointment. The motion carried by the following vote:

Yea: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

[A-464-18](#) Appointment - Latino Affairs Commission

Attachments: [Latino Affairs Commission](#)

A motion was made by Council President Cherry to confirm the Appointment. The motion carried by the following vote:

Yea: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

SECOND READING ITEM:

[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.

Attachments: [Map](#)
[Public Hearing, November 5, 2018](#)
[Joint Public Hearing, September 12, 2018](#)
[Agenda, Special Meeting, September 12, 2018](#)
[Exhibit A](#)
[Conceptual Development Plan](#)
[Amended JEDD Contract](#)

A motion was made by Council President Cherry to declare the Ordinance an emergency measure. The motion carried by the following vote:

Yea: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

A motion was made by Council President Cherry to pass the Ordinance. The motion carried by the following vote:

Yea: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

COUNCILMAN DELANEY PRESENTS:

[O-465-18](#)

Authorizing the Mayor to enter into certain agreements to conduct and oversee a Rail Ridership Feasibility & Cost Estimate Study; authorizing acceptance and appropriation of \$20,000 from the Toledo Metropolitan Area Council of Governments (TMACOG) and appropriating the same for expenditure, reappropriation of funds, authorizing expenditure of \$50,000 in the General Fund for a Toledo-Detroit Rail Ridership Feasibility & Cost Estimate Study; waiving the taking of competitive proposals; and declaring an emergency.

Attachments: [Toledo_Detroit_Business_Plan_Scope_of_Work_10.31.2018](#)
[Toledo-Detroit_Ridership_Feasibility_Cost_Estimate_Study_11.05.18](#)

A motion was made by Council President Cherry to dispense with the rule requiring that resolutions not be passed earlier than the next succeeding regular or special meeting of Council following its reading. The motion carried by the following vote:

Yea: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

A motion was made by Council President Cherry to declare the Ordinance an emergency measure. The motion carried by the following vote:

Yea: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

A motion was made by Council President Cherry to pass the Ordinance. The motion carried by the following vote:

Yea: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

COUNCIL MEMBERS KOMIVES AND LUDEMAN PRESENT:

[R-466-18](#)

Affirming Our Commitment to Being a Welcoming and Inclusive Community For All.

A motion was made by Council President Cherry to dispense with the rule requiring that resolutions not be passed earlier than the next succeeding regular or special meeting of Council following its reading. The motion carried by the following vote:

Yea: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

A motion was made by Council President Cherry to adopt the Resolution. The motion carried by the following vote:

Yea: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

NEW ITEMS FROM CITY COUNCIL:

[R-467-18](#)

Accepting the petition of Dorothy Nelms 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.

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

A motion was made by Council President Cherry to dispense with the rule requiring that resolutions not be passed earlier than the next succeeding regular or special meeting of Council following its reading. The motion carried by the following vote:

Yea: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

A motion was made by Council President Cherry to declare the Resolution an emergency measure. The motion carried by the following vote:

Yea: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

A motion was made by Council President Cherry to adopt the Resolution. The motion carried by the following vote:

Yea: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

[O-468-18](#)

Determining to proceed with certain 3146 Sherbrooke Road, Toledo, OH 43606 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.

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

A motion was made by Council President Cherry to dispense with the rule requiring that resolutions not be passed earlier than the next succeeding regular or special meeting of Council following its reading. The motion carried by the following vote:

Yea: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

A motion was made by Council President Cherry to declare the Ordinance an emergency measure. The motion carried by the following vote:

Yea: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

A motion was made by Council President Cherry to pass the Ordinance. The motion carried by the following vote:

Yea: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

[O-469-18](#)

Levying special assessments for the 3146 Sherbrooke Road, Toledo, OH 43606 Special Energy Improvement Project; and declaring an emergency.

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

A motion was made by Council President Cherry to dispense with the rule requiring that resolutions not be passed earlier than the next succeeding regular or special meeting of Council following its reading. The motion carried by the following vote:

Yea: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

A motion was made by Council President Cherry to declare the Ordinance an emergency measure. The motion carried by the following vote:

Yea: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

A motion was made by Council President Cherry to pass the Ordinance. The motion carried by the following vote:

Yea: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

TOLEDO MUNICIPAL COURT:

[O-470-18](#)

Repealing Toledo Municipal Code Section 2134.03 “Classifications”, and enacting a new Section 2134.03 “Classifications” for the purpose of updating job classifications at the Toledo Municipal Court.

A motion was made by Council President Cherry to dispense with the rule requiring that resolutions not be passed earlier than the next succeeding regular or

special meeting of Council following its reading. The motion carried by the following vote:

Yea: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

A motion was made by Council President Cherry to pass the Ordinance. The motion carried by the following vote:

Yea: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

[O-471-18](#)

Authorizing the mayor to accept and deposit an additional amount of \$73,703 from a grant received from the State of Ohio, Department of Rehabilitation and Correction to allow deposit of grant funds to and, appropriation and expenditure of those funds from the Standard Probation Grant (SP); authorizing the execution of an amended grant agreement; and declaring an emergency.

A motion was made by Council President Cherry to dispense with the rule requiring that resolutions not be passed earlier than the next succeeding regular or special meeting of Council following its reading. The motion carried by the following vote:

Yea: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

A motion was made by Council President Cherry to declare the Ordinance an emergency measure. The motion carried by the following vote:

Yea: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

A motion was made by Council President Cherry to pass the Ordinance. The motion carried by the following vote:

Yea: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

[O-472-18](#)

Authorizing the mayor to enter into an agreement with the Lucas County Sheriff to provide security for Toledo Municipal Court; authorizing the expenditure of funds from the General Fund; and declaring an emergency.

Attachments: [2019 Cost Analysis](#)

A motion was made by Council President Cherry to Dispense with the rules of Council the Ordinance. The motion carried by the following vote:

Yea: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

A motion was made by Council President Cherry to declare the Ordinance an emergency measure. The motion carried by the following vote:

Yea: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

A motion was made by Council President Cherry to pass the Ordinance. The motion carried by the following vote:

Yea: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

MAYOR KAPSZUKIEWICZ AND COUNCILMAN UJVAGI PRESENT:

[R-473-18](#)

Resolution to protect the Federal Community Reinvestment Act - lending & investment in low- and moderate communities around the country.

The motion was made by Council President Cherry that this Ordinance receive first reading. The motion carried by the following vote:

DEPARTMENT OF LAW:[O-474-18](#)

Authorizing the settlement of all claims now pending in Perry v. City of Toledo, et.al., in the Lucas County Court of Common Pleas, before the Honorable Judge Dean Mandros for the sum of \$500,000; authorizing the expenditure of \$500,000 from the Risk Management Fund; and declaring an emergency.

A motion was made by Council President Cherry to dispense with the rule requiring that resolutions not be passed earlier than the next succeeding regular or special meeting of Council following its reading. The motion carried by the following vote:

Yea: 8 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Spang and Ujvagi

Abstain: 1 - Riley

A motion was made by Council President Cherry to declare the Ordinance an emergency measure. The motion carried by the following vote:

Yea: 8 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Spang and Ujvagi

Abstain: 1 - Riley

A motion was made by Council President Cherry to pass the Ordinance. The motion carried by the following vote:

Yea: 8 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Spang and Ujvagi

Abstain: 1 - Riley

DEPARTMENT OF POLICE OPERATIONS:[O-475-18](#)

Authorizing the mayor to enter into an agreement with Lexis

Nexis Risk Solutions, Inc. for the provision of virtual crime center policing services; waiving the competitive bidding requirements of TMC Chapter 187; authorizing the General Fund expenditure of an amount not to exceed \$49,400 for the annual subscription to Lexis Nexis; and declaring an emergency.

A motion was made by Council President Cherry to dispense with the rule requiring that resolutions not be passed earlier than the next succeeding regular or special meeting of Council following its reading. The motion carried by the following vote:

Yea: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

A motion was made by Council President Cherry to declare the Ordinance an emergency measure. The motion carried by the following vote:

Yea: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

A motion was made by Council President Cherry to pass the Ordinance. The motion carried by the following vote:

Yea: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

DEPARTMENT OF NEIGHBORHOODS & BUSINESS DEVELOPMENT:

[O-476-18](#)

Repealing Chapter 1307 (Fees), of the Toledo Municipal Code; enacting a new Chapter 1307 (Fees); and declaring an emergency.

Attachments: [Fee Comparison](#)

A motion was made by Council President Cherry that this Ordinance receive First Reading. The motion carried by a unanimous vote.

[O-477-18](#)

Authorizing the mayor to enter into a real property lease, by and between the city of Toledo and Crestline Paving and Excavating Co., Inc. (“Crestline”) for approximately 8.78 acres located at 750 Montrose Toledo, Ohio 43607; waiving the competitive bidding requirement as required by T.M.C. Chapter 187; and declaring an emergency.

Attachments: [Lease Agreement](#)

A motion was made by Council President Cherry that this Ordinance receive First Reading. The motion carried by a unanimous vote.

DEPARTMENT OF PUBLIC SERVICE:[O-478-18](#)

Authorizing the expenditure of \$50,000 from the Capital Improvement Fund for purchase of two pool vehicles for the Division of Transportation at 110 North Westwood Avenue; authorizing the Mayor to accept bids and award contracts necessary to complete said project(s); and declaring an emergency.

A motion was made by Council President Cherry that this Ordinance receive First Reading. The motion carried by a unanimous vote.

DEPARTMENT OF HUMAN RESOURCES:[O-479-18](#)

Authorizing the mayor to enter into an employee wellness program services agreement with the Lucas County Board of Commissioners; authorizing the expenditure of \$75,000 to reimburse the Board for the implementation and administration of an employee wellness program for a one year period commencing January 1, 2019; waiving the competitive bidding requirements of TMC Chapter 187; and declaring an emergency.

A motion was made by Council President Cherry to dispense with the rule requiring that resolutions not be passed earlier than the next succeeding regular or special meeting of Council following its reading. The motion carried by the following vote:

Yea: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

A motion was made by Council President Cherry to declare the Ordinance an emergency measure. The motion carried by the following vote:

Yea: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

A motion was made by Council President Cherry to pass the Ordinance. The motion carried by the following vote:

Yea: 9 - Adams, Cherry, Delaney, Harper, Johnson, Komives, Riley, Spang and Ujvagi

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

[O-480-18](#)

Changing the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 3319 Nebraska Avenue, in the City of Toledo, Lucas County, Ohio; and declaring an emergency.

Attachments: [Plan Commission Report](#)

A motion was made by Council President Cherry that this Ordinance receive First Reading. The motion carried by a unanimous vote.

READING OF THE TOLEDO CITY JOURNAL

A motion was made by Council Member Cherry to Dispense with the reading of TCJ from October 23, 2018. The motion carried by the following vote:

EXCUSALS

A motion was made by Council Member Cherry to excuse Council President Cherry, for non-attendance at the Education, Recreation & Employment Committee of November 1, 2018.

Councilwoman Harper, for non-attendance at the Regional Growth, Development & Small Business Enterprise Committee of November 5, 2018.

Councilman Johnson, for non-attendance at the Education, Recreation & Employment Committee of November 1, 2018 and the Regional Growth, Development & Small Business Enterprise Committee of November 5, 2018.

Council Member Komives, for non-attendance at the Neighborhoods, Community Development & Health Committee of October 24, 2018 and the Education, Recreation & Employment Committee of November 1, 2018.

Councilman Ludeman, for non-attendance at the 2 (two) Regional Growth, Development & Small Business Enterprise Committee of November 5, 2018.

Council Member Spang, for non-attendance at the Neighborhoods, Community Development & Health Committee of October 24, 2018 and the Finance & Debt Oversight Committee of October 25, 2018.

Councilman Sykes, for non-attendance at the 2 (two) Regional Growth, Development & Small Business Enterprise Committee of November 5, 2018.

**Councilman Waniewski, for non-attendance at the 2 (two) Regional Growth, Development & Small Business Enterprise Committee of November 5, 2018.
The motion carried by the following vote:**

ADJOURNMENT:

Council President Cherry moved to adjourn until Tuesday , 2018 at 4:00 PM.

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.