



Legislation Details (With Text)

**File #:** O-542-22      **Version:** 3      **Name:**

**Type:** Ordinance      **Status:** Approved

**File created:** 10/11/2022      **In control:** Housing & Community Development Department

**On agenda:** 10/25/2022      **Final action:** 11/9/2022

**Title:** Authorizing the appropriation and expenditure of an amount not to exceed \$19,000,000 from the Local Fiscal Recovery Fund for the Wayman D. Palmer Toledo YMCA and Inez Park Project; authorizing the Mayor to enter into necessary agreements in connection with the expenditure of funds and the Project; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Draft Grant Agreement, 2. Draft Ground Lease, 3. Audio: City Council 11/9/2022

Date	Ver.	Action By	Action	Result
11/9/2022	3	City Council		
11/9/2022	3	City Council		
11/9/2022	3	City Council		
10/25/2022	3	City Council		

Wayman Palmer YMCA Project  
DHCD  
R. Clemens (x-1400)  
Revised

**Authorizing the appropriation and expenditure of an amount not to exceed \$19,000,000 from the Local Fiscal Recovery Fund for the Wayman D. Palmer Toledo YMCA and Inez Park Project; authorizing the Mayor to enter into necessary agreements in connection with the expenditure of funds and the Project; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

The city is the recipient of \$180.9 million through the American Rescue Plan Act (“ARPA”) to be used to address the public health and negative economic impacts of the COVID-19 pandemic. The Toledo Recovery Plan framework (authorized by Ordinance 530-21), which outlines the City’s projects that will be funded through ARPA, includes an amount not to exceed \$19,000,000 to help finance the cost developing a new 50,000 square foot state of the art facility to be operated as the Wayman D. Palmer Community YMCA (the “YMCA”) and the new Inez Nash Park (the “Park” and together with the YMCA, the “Project”). The Project will be located on land presently owned by the City, a portion of which has been previously leased to The Young Men’s Christian Association of Greater Toledo, an Ohio nonprofit corporation (“Grantee”). This Ordinance authorizes the appropriation and granting of \$19,000,000 of this amount (the “Grant”) to the Grantee for the Project, and authorizes the Mayor and other City officials to enter into the necessary agreements associated with the Grant and the Project.

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

SECTION 1. That the appropriation of \$19,000,000 is authorized from the unappropriated balance of the Local Fiscal Recovery Fund to 2021-16100-5WAYMANPALNEI and the expenditure of same is authorized for the purpose of making the Grant to the Grantee to finance a portion of the costs of the Project.

SECTION 2. That the Mayor is authorized to enter into an agreement with the Grantee setting forth the terms and conditions upon which the Grant will be made (the "Grant Agreement"), substantially in the form on file with the Clerk of Council, together with such modifications that are not adverse to the City as may be approved by the Director of Law.

SECTION 3. That the Mayor is authorized to enter into a ground lease with the Grantee pursuant to which the City will lease the land on which the Project will be located to the Grantee or to a designee or assignee of the Grantee acceptable to the City (the "Lease"), substantially in the form on file with the Clerk of Council, together with such modifications that are not adverse to the City as may be approved by the Director of Law.

SECTION 4. That the Grant proceeds may be used by the Grantee in connection with a new markets tax credit financing so long as each and every requirement set forth in the Grant Agreement and the Lease are satisfied by the Grantee.

SECTION 5. That the Finance Director is authorized to issue their warrant or warrants against the account code identified in Section 1 above in amounts not to exceed \$19,000,000 in payment of the obligations incurred pursuant to the terms of the contracts authorized in Sections 2 and 3 upon presentation of the proper voucher or vouchers.

SECTION 6. Severability. Each section of this Ordinance and each subdivision or paragraph of any section thereof is hereby declared to be independent and the finding or holding of any section or any subdivision or paragraph of any section thereof to be invalid or void shall not be deemed or held to affect the validity of any other section, subdivision or paragraph of this Ordinance.

SECTION 7. Compliance with Open Meeting Law. 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 8. Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and property of the City and for the further reason that this Ordinance is required to be effective immediately in order to enable the Grantee to commence construction of the Project and provide needed services to residents of the City; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage, or at the earliest time allowed by law.

Vote on emergency clause: yeas 12, nays 0.

Passed: November 9, 2022 as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:                      November 14, 2022  
   Wade Kapszukiewicz  
   Mayor