

CITY OF TOLEDO

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What Happened in the Agenda Review of 3-12-19 and the Toledo City Council Meeting of 3-19-19

COUNCILMAN JOHNSON PRESENTS:

R-114-19 Recognizing Toledo Firefighter DeAndre “Axeman” Ware for capturing three vacant super middleweight regional boxing titles.

My Position: Support.

As both a member of the Toledo Fire & Rescue Department and a prize-winning fighter in the boxing ring, we can be doubly proud of Mr. Ware.

Resolution adopted at the Toledo City Council meeting of March 19, 2019.

APPOINTMENT FROM THE OFFICE OF THE MAYOR:

A-115-19 Appointment - HVAC Board of Control

My Position: Support.

Mr. William McKinney has been recommended by Mayor Wade Kapszukiewicz to replace Mark Janowiecki. Mr. McKinney’s proposed term of office is for three (3) years, expiring 3/19/2022.

Appointment confirmed at the Toledo City Council meeting of March 19, 2019.

SECOND READING ITEMS:

O-097-19 Authorizing the appropriation of \$1,250,000 from the unappropriated balance of the Capital Improvement Fund for the 2019 Sidewalk Program; authorizing the expenditure of \$1,250,000 from the Capital Improvement Fund for the 2019 Sidewalk Program; authorizing the Mayor to prepare plans and specifications, acquire required rights-of-way as appropriate, and enter into contracts for this project within the Division of Engineering Services.

My Position: Support.

These additional funds will increase the 2019 Sidewalk Program to \$2,498,000. Unfortunately, this amount is not nearly enough to fix all the sidewalks that need repair. But, every bit helps.

Ordinance passed at the Toledo City Council meeting of March 19, 2019.

COUNCILWOMAN HARPER PRESENTS:

O-116-19 Declaring a Moratorium until December 31, 2019, on the authority of the Toledo-Lucas County Plan Commission to accept applications for Special Use Permits for Residential Drug & Alcohol Treatment Facilities within Council District 4.

My Position: Support.

On March 20, 2019, the Zoning and Planning Committee of Toledo City Council will hear the results of a study to determine if there are any deleterious effects from these facilities in a neighborhood. We should listen to the these results; and make a data-driven decision based on whether or not those findings support or fail to support a permanent moratorium on placing any more drug treatment centers in this geographical square mileage. Waiting for the report is the reason that has been given for a cease and desist. Besides, there are already 25 of them in that area that are also very close to each other. We should hear the results and make a decision based on the report. Nine (9) months is an excessively long time to justify extending a moratorium for the sole purpose of reviewing that study, in my opinion. We should make a decision and move on based on the report and what we already know for a fact.

First reading was held on this ordinance at the Toledo City Council meeting of March 19, 2019.

TOLEDO MUNICIPAL COURT:

O-117-19 Authorizing an agreement with Pathway, Inc. for provision of employment services to Toledo Municipal Court; authorizing the expenditure of \$50,000; waiving the requirements of the Toledo Municipal Code 187 and making certain findings with respect thereto.

My Position: Support.

Criminals will receive employment program services through this negotiated course of action.

Ordinance passed at the Toledo City Council meeting of March 19, 2019.

DEPT. OF FIRE & RESCUE OPERATIONS:

O-118-19 Authorizing the Mayor to execute an amendment to the memorandum of understanding regarding Toledo's fire services agreement with the Village of Ottawa Hills.

My Position: Support.

Fire stations in the City of Toledo are capable of covering services to Ottawa Hills. Manning a separate fire station in Ottawa Hills is an unnecessary expense. A trial period for determining the impact of this decision will end on March 31, 2019. The Toledo Fire & Rescue Department is seeking an extension of six (6) months for gathering more data because the volume is so low. The fee for this extension is \$130,000. However, this is a huge amount of money to spend on what may have already been proven.

Ordinance passed at the Toledo City Council meeting of March 19, 2019.

DEPARTMENT OF POLICE OPERATIONS:

O-119-19 Establish an OVI Trust Fund for court imposed fines for operating a vehicle under the influence of alcohol or drugs (OVI); authorizing the acceptance, deposit and appropriation and expenditure of the OVI Trust Fund proceeds in compliance with Ohio Revised Code 4511.19 for costs incurred enforcing OVI law and informing the public of the dangers of operating a vehicle under the influence of alcohol and or drugs.

My Position: Support.

The money collected from this portion of OVI fines will be used to educate the public about how hazardous it is to operate a vehicle while intoxicated. It will also pay for costs related to enforcement of related ordinances.

Ordinance passed at the Toledo City Council meeting of March 19, 2019.

O-120-19 Authorizing the Mayor to enter into an agreement and accept and deposit \$42,517.60 from the Office of Criminal Justice Services for an Ohio Drug Law Enforcement Fund (2017-DL-LEF-5853A) Program; authorizing the appropriation and expenditure of said proceeds from the Operation Grants Fund.

My Position: Support.

The city will meet their match for this extra money by paying \$14,517.60 in salaries for personnel involved. Drug investigations will be enhanced as a result of having this grant which comes to a total of \$44,126.22.

Ordinance passed at the Toledo City Council meeting of March 19, 2019.

O-121-19 Authorizing the Mayor to enter into an agreement with SST Inc. (Shot Spotter); waiving the competitive bidding requirements of TMC Chapter 187.

My Position: Support.

The city received and approved the expenditure of a \$492,553 grant from the U.S. Bureau of Justice Assistance Technology for Public Safety last year for violent crime reduction. This ordinance will approve the spending of \$310,000 of that money for the purchase of gunshot detection acoustic sensors and location technology. SST, Inc. is the global leader and most trusted in the field.

Ordinance passed at the Toledo City Council meeting of March 19, 2019.

O-122-19 Authorizing the Mayor to enter into a three-year agreement with Savant Learning Systems, Inc.; authorizing the General Fund expenditure of an amount not to exceed \$20,000 for the first year, \$25,000 for the second year, and \$30,000 for the third year subject to future appropriations.

My Position: Support.

This cloud-based training system can be accessed by police officers on a website. This reduces the time the police officers have to be taken out of service.

Ordinance passed at the Toledo City Council meeting of March 19, 2019.

O-123-19 Authorizing the Mayor to provide a contribution of \$40,000 to the Toledo-Lucas County Victim-Witness Assistance Program; authorizing the expenditure of \$40,000 from the Law Enforcement Trust Fund as a contribution for the year 2019.

My Position: Support.

Victims of violent crime usually need assistance. This is a service for residents in that predicament. The police department has made this donation for a number of years and would like 2019 to be no different from the past.

Ordinance passed at the Toledo City Council meeting of March 19, 2019.

DEPT. OF PUBLIC UTILITIES:

O-124-19 Authorizing the appropriation of \$450,000 from the unappropriated balance of the Stormwater Utility Improvement Fund and operating transfer of same to the Stormwater Utility Operating Fund; authorizing the appropriation and expenditure in an amount not to exceed \$450,000 from the unappropriated balance of the Stormwater Utility Operating Fund; authorizing the mayor to enter into a contract

with Woolpert, Inc. for the completion of the Stormwater Billing update and Impervious Surface Mapping Phase 1.

My Position: Support.

The Division of Engineering Services needs verification that everyone is being billed properly. Woolpert, Inc. has the aerial technology to update the billing measurements for every property. Residential customers are billed at a flat rate. Non-residential customers are billed according to the impervious surface on the property since improvements are the main reason for errors in billing, to date.

Ordinance passed at the Toledo City Council meeting of March 19, 2019.

O-125-19 Authorizing the mayor to renew contracts with Taylor Excavating in the amount of \$1,250,000 for the purpose of providing water and sanitary sewer kills for the City of Toledo, Lucas County Land Reutilization Corporation, and private demolition projects; authorizing the expenditure from the Water Operating Fund, the Sewer Operating Fund, and the Expendable Trust Fund.

My Position: Support.

This corrects an inadvertent omission from the original ordinance and enables the city to keep the 2017 pricing.

Ordinance passed at the Toledo City Council meeting of March 19, 2019.

O-126-19 Authorizing the mayor to enter into agreements, accept and deposit proceeds in an amount not to exceed \$195,000 from Lucas County Port Authority BetterBuildings Program into the Sanitary Sewer Replacement Fund for the purchase of a HVAC system for the facility at Sewer and Drainage Services; authorizing the appropriation and expenditure of said amount from the Sanitary Sewer Replacement Fund; authorizing appropriation and expenditure of \$10,000 from the Sanitary Sewer Replacement Fund for the remaining balance for the purchase of the HVAC system; authorizing the mayor to accept bids and enter into contracts.

My Position: Support.

The problem is at the truck bay in the sewer division. The heating system is not working. Also, it is old and parts are no longer available for maintenance. Without a new HVAC System, our sewer cleaning truck pumps will freeze.

Ordinance passed at the Toledo City Council meeting of March 19, 2019.

O-127-19 Authorizing the appropriation and expenditure of an amount not to exceed \$16,261 from the unappropriated balance of the Sanitary Sewer Operating Fund for the emergency repair of a sanitary sewer lateral located at 711 Woodville; authorizing the mayor to enter into necessary agreements with Taylor Excavating.

My Position: Support.

The bill for this emergency sewer repair needs to be paid. A main collapsed causing back up in the neighborhood.

Ordinance passed at the Toledo City Council meeting of March 19, 2019.

DEPARTMENT OF NEIGHBORHOOD & BUSINESS DEVELOPMENT:

O-128-19 Authorizing the Mayor to enter into a Real Estate Purchase Agreement with Torrey Hill Apartments, LLC and to execute and deliver needed instruments for the sale and conveyance of certain city-owned real property at 336 14th Street in the City of Toledo, Lucas County, Ohio; waiving the competitive bidding and advertising provisions of TMC 187.19; authorizing the deposit of \$300,000; authorizing the Mayor to execute and deliver the needed instruments to release the mortgage in whole, on the Low Income Housing Tax Credit Project for the 52-unit multi-family rental housing complex called Torrey Hill Apartments, LLC; making certain findings with respect thereto.

My Position: Support.

Five (5) of the 52 apartments will remain affordable through 2022. We are fortunate that the buyer - Ambrea Mikolajczyk, of ARK Restoration and Construction was interested in the building, in spite of the previous wrangling about how to dispose of the property. After much debate over a considerable period of time, Adams Street Limited Partnership, LLC decided to sell Uptown Arts Apartments, as the property is currently called, to Torrey Hill Apartments, LLC. This is a very good thing for the tenants and the city.

Ordinance passed at the Toledo City Council meeting of March 19, 2019.

DEPT. OF PUBLIC SERVICE:

O-129-19 Authorizing the Mayor to enter into contract(s) for crack sealing; authorizing the expenditure of \$200,000 from the Street Construction Maintenance and Repair (SCM&R) Fund for the 2019 crack sealing program.

My Position: Support.

Eighty to eighty-five miles will be completed. The project will concentrate on main drags and improved streets. It will be contracted out and put up for bid.

Ordinance passed at the Toledo City Council meeting of March 19, 2019.

14. **This item was withdrawn.**

O-130-19 Authorizing the Mayor to enter into an agreement with the Ohio Department of Agriculture (ODA) for two applications of Foray 48B (Btk) for suppression treatment of gypsy moth that are present within the City of Toledo; authorizing the expenditure of \$12,675.30 for such treatments as part of a cost share with the Ohio Department of Agriculture.

My Position: Strongly Support.

This is an annual treatment that keeps the gypsy moth population down and has been taking place for several years. Bacillus thuringiensis var. kurstaki (Btk) is not harmful to humans. The effectiveness only lasts 4 -6 days. No long-term environmental effects occur. Applications of this naturally occurring bacteria will be sprayed on trees in mid-May to kill the caterpillars. The bacterium produces a toxin that causes these gypsy moth caterpillars to stop eating, causing their death. The suppression will cover three hundred forty-five (345) acres in Toledo on blocks of these streets- Longfellow, Kenmore, Copland and Alexis Road as well as in Walbridge and Ottawa Parks. Gypsy moths can defoliate a tree. If left unchecked for a couple of years, it may cause a tree or shrub to die. The price of the treatment has gone up so this legislation will authorize paying for the increase.

Ordinance passed at the Toledo City Council meeting of March 19, 2019.

DEPT. OF HUMAN RESOURCES:

O-131-19 Authorizing the Mayor to accept a Workplace Wellness Grant from the Ohio Bureau of Workers' Compensation in the amount of \$5,000 for the Department of Human Resources; authorizing the deposit, appropriation and expenditure of grant proceeds in the Operation Grants Fund.

My Position: Strongly Support.

This is a wellness initiative designed to reduce healthcare costs and improve the well-being of our workforce. Walking programs, biometric screenings, disease prevention and educational materials will be funded by this grant. As our employees age, chronic disease and obesity are concerns.

Ordinance passed at the Toledo City Council meeting of March 19, 2019.

DEPT. OF LAW:

O-132-19 Authorizing the Mayor and the Director of Law to enter into any necessary agreements with the law firm of Spengler Nathanson for the provision of professional assistance on behalf of the City of Toledo in litigation captioned Drewes Farm Partnership v. City of Toledo; authorizing the expenditure of \$50,000 from the Risk Management Fund.

My Position: Support.

It is wise to seek outside counsel for this litigation. The case was filed in federal court. Sarah Skaw and Jerry Kowalski are the attorneys that will be representing the city. There were concerns about the cost if this becomes a lengthy court case. The lawsuit claims that the Lake Erie Bill of Rights charter amendment is unconstitutional and otherwise illegal.

Ordinance passed at the Toledo City Council meeting of March 19, 2019.

DEPT. OF NEIGHBORHOOD & BUSINESS DEVELOPMENT:

O-133-19 Authorizing the Mayor to execute and deliver needed instruments waiving the city's reservation of a right of first refusal for the proposed sale of 3201 Stickney Ave. by the James C. Caldwell Community Center.

My Position: Support.

The city sold the property, which was an old fire house, to the Caldwell Center, years ago. Now, the Center may transfer it to the Toledo Northwest Ohio Food Bank for a food pantry. This will help the people in Northwest Toledo who need help getting nourishment due to poverty.

Ordinance passed at the Toledo City Council meeting of March 19, 2019.

ITEM LIKELY TO BE RELIEVED OF EDUCATION, RECREATION & EMPLOYMENT COMMITTEE:

O-079-19 Amending the Toledo Municipal Code by enacting a new Section 127.15, Youth Sports, requiring sports organizations serving Youth and utilizing City Parks or facilities or receiving City funding to meet minimum safety requirements.

My Position: Strongly Support.

The City of Toledo is out of alignment with state law. We have a duty to comply with Ohio laws regarding Volunteers having unsupervised access to children (ORC 109.574); Information provided by volunteers having access to children (ORC 109.575); Immunity from civil liability (ORC 109.577); and

Concussion awareness, training and procedures in youth sports organizations (ORC 3707.511). It is our responsibility to proactively look out for the welfare and best interests of children, bring local law into alignment with Ohio law, and provide seminars giving guidance by the city. All requirements may be met in one three hour session that the administration may schedule after the ordinance passes. As the legislative branch of government, City Council must be held accountable for enacting laws that protect our citizens, especially the most vulnerable and innocent, the children. Failure to do so and waiting unnecessarily allows the possibility of tragedy to become the primary motivating force. Instead, local enforcement of reasonable restrictions already specified in state law could prevent it.

Ordinance amended and failed at the Toledo City Council meeting of March 19, 2019.

THE CLERK REPORTS:

R-134-19 Declaring the intent to vacate that portion of North Michigan lying between Lot 28, within Block 148 and Lot 34 within Block 30 of the North Toledo Plat, including the 13-foot alley lying adjacent to Lots 28 and 29 within Block 148, in the City of Toledo, Lucas County, Ohio.

My Position: Support.

This is an extension of N. Michigan Street past New York Avenue.

Resolution adopted at the Toledo City Council meeting of March 19, 2019.