



May 22, 2009
Volume 94 Issue No. 21

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THE TOLEDO CITY JOURNAL
(ISSN0040-9065). Official
Publication of The City of Toledo.
Published Since 1916. Edited
under supervision of Gerald E.
Dendinger, Clerk of Council. The
Toledo City Journal, which was
created as the official publication
of the City of Toledo in 1916, is
published Saturday of each week
by authority of the Charter of the
City of Toledo, under supervision
of the Clerk of Council, Twenty-
First Floor, Government Center,
Toledo, Ohio, 43604. Telephone:
419-245-1065. Visit our Website
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THE TOLEDO CITY JOURNAL

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ENACTED LEGISLATION

ORD. 145-09

Authorizing the settlement of loan claims; City of Toledo v. John Ayling and settlement of municipal income tax claims, paying attorney fees associated with collection, authorizing the director of finance to deposit the net proceeds of the settlement into the appropriate accounts; and declaring an emergency.

SUMMARY & BACKGROUND:

John Ayling and a partner borrowed \$100,000.00 from the City of Toledo in the form of an economic development loan (EDL) in 2005. Additionally, Mr. Ayling owes the City of Toledo municipal income tax. Judgment was taken against Mr. Ayling and his partner in the amount of the defaulted EDL (plus interest) and against Ayling for his tax liability in the amount of \$32,163.05. Efforts to collect have been largely unproductive despite efforts by collection attorneys George Gusses and Thomas Szyperski. The City of Toledo filed a foreclosure action on Mr. Ayling's residence in Wood County Common Pleas Court. Due diligence in this matter reflects that Ayling is uncollectable for a greater amount than that proposed herein.

Along with twelve other creditors, the City of Toledo will settle the debt by a structured settlement agreement without constituting an admission of liability. NOW, THEREFORE,

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

SECTION 1. A receipt of \$32,237.45 by the City of Toledo in settlement of the claim based upon the EDL is hereby approved and payable in a lump sum prior to April 15, 2009.

SECTION 2. The release of said claim and dismissal of a foreclosure known as case number 08-CV-631, Wood County Court of Common Pleas is contingent upon receipt of all funds as outlined in Sections 1, 2, 3 and 4, herein by the City of Toledo.

SECTION 3. A receipt of \$9,442.91 by the City of Toledo in settlement of the claim based upon \$30,000.00 overdue accrued interest plus costs is hereby approved and payable by John Ayling to the City of Toledo in twelve (12) monthly installments of \$787.00 commencing May 15, 2009.

SECTION 4. A receipt of \$8,040.75 by the City of Toledo in settlement of the claim based upon overdue municipal income tax is hereby approved and payable in a lump sum prior to May 15, 2009.

SECTION 5. That Thomas Szyperski, Esq. deduct compensation not to exceed 30% of said settlements as they are received per the provisions of a professional engagement contract as funds are received by the City of Toledo.

SECTION 6. That the Director of finance is authorized and directed to deposit an amount not to exceed \$41,680.36 into account 97-0000-0111 and an amount not to exceed \$8,040.75 into account 01-1440-6010-133001.

SECTION 7. That this ordinance, being an emergency measure, shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that this must be immediately effective in order to implement the settlement in accordance with the conditional agreement of the Administration.

Vote on emergency clause: yeas 9 nays 0.

Passed: May 12, 2009, as an emergency measure: yeas 9 nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Mark Sobczak
President of Council

Approved:

May 19, 2009
Carleton S. Finkbeiner
Mayor

RES. 240-09

Recognizing Start High School Girls' Basketball Team.

WHEREAS, the talented Start High School Girls' Basketball team completed the season as the Division I State Runners-Up; and

WHEREAS, the Start Spartans' season ended in Columbus, Ohio at the state championship game, however, with their talent and hard work, they completed the season with the remarkable achievement of a 14-game winning streak, rounding out their season record 22-4; and

WHEREAS, the great accomplishment of becoming the first city league public school girls' team since 1981 to reach the state Final Four is a example of this team's commitment and focus; and

WHEREAS, the Spartans' Basketball Team's dedication and hard work has made this a "Season to Remember" as they continue to strive even higher; and

WHEREAS, Coach Bob Brown is to be commended on helping the team stay focused and for the conduct they displayed throughout the season; NOW, THEREFORE,

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

SECTION 1. That the Council of the City of Toledo does hereby honor and recognize Start Girls' Basketball Team and Coach Bob Brown on a great season.

SECTION 2. That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

Adopted: May 12, 2009: yeas 9 nays 0.

Attest:

Gerald E. Dendinger Mark Sobczak
Clerk of Council President of Council

Approved: May 19, 2009
 Carleton S. Finkbeiner
 Mayor

ORD. 243-09

Enabling a new Chapter 1769 of the Toledo Municipal Code titled "Tenants' Notification of Foreclosure Action"; and declaring an emergency.

SUMMARY & BACKGROUND:

The Toledo Housing Policy Implementation Committee has recommended adoption of a new Toledo Municipal Code Chapter 1769, entitled, "Tenants' Notification of Foreclosure Action" that requires an owner or landlord of a premises that is subject to a foreclosure action to disclose that a foreclosure action has been filed against the owner or landlord within seven (7) days of being served. Additionally the ordinance will require owners or landlords to disclose in writing that they are named in a foreclosure action at the time of application. Furthermore, this legislation will allow for appeals by vendors charged with a Notice of Liability.

The City of Toledo has seen a continued increase in the number of properties being foreclosed upon, with many of them being properties that are not owner-occupied. Many tenants first learn that the building in which they reside has been foreclosed upon after the new owner has filed a writ of possession and demand possession. Many of the tenants continue to pay rent to their former landlords after the sheriff sale is completed and the confirmation entry is filed. The tenants of foreclosed upon properties can be forced to move in a relatively short period time once the writ of possession has been granted. This ordinance will ensure that tenants of foreclosed upon properties are properly safeguarded and afforded sufficient time to secure suitable alternative housing and to ensure that future rents are being paid to the appropriate party. NOW, THEREFORE,

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

SECTION 1. That new Chapter 1769, entitled "Tenant's Notification of Foreclosure Action", be enacted to read as follows:

1769.01 Tenants' Notification of Foreclosure Action
Within seven (7) days of having been served a foreclosure action, an owner or landlord, or vendor of a premises that is the subject to a foreclosure action and the plaintiff of the foreclosure action shall disclose, in writing, to all tenants and vendees of the premises that a foreclosure action has been filed against the owner or landlord. An owner, landlord or vendor and the plaintiff of a foreclosure action shall also disclose, in writing, the notice of foreclosure to any other third party who has a pattern or practice of paying rent to the owner or landlord on behalf of a tenant.

Before a tenant initially enters into a rental agreement for a dwelling unit, the owner or landlord of a premises that is the subject to a foreclosure action shall disclose, in writing, that said owner or landlord is named in a foreclosure action.

Before a vendee initially enters into a land installment contract for a dwelling unit, the vendor of a premises that is the subject to a foreclosure action shall also disclose, in writing, that said vendor is named in a foreclosure action.

Said written disclosure shall identify the court in which the foreclosure action is pending, the case name, the case number, the plaintiff, the plaintiff's attorney, and the plaintiff's attorney contact information and shall include the following language:

"This is not a notice to vacate the premises. This notice does not mean ownership of the building has changed. All tenants are still responsible for payment of rent and other obligations under the rental agreement. The owner or landlord is still responsible for their obligations under the rental agreement. You shall receive additional notice if there is a change in owner."

1769.02 Tenants' Notification of Sheriff Sale
No later than seven (7) days prior to the scheduled date of a sheriff sale of the premise in which the tenant resides, an owner, landlord or vendor of a premise that is the subject to the sheriff sale and the plaintiff of the foreclosure action shall disclose, in writing, to all tenants and vendees of the premises that a sheriff sale will be held on the premise in which they reside.

Before a tenant initially enters into a rental agreement for a dwelling unit, the owner or landlord shall also disclose, in writing, that the subject property is scheduled for sheriff sale.

Before a vendee initially enters into a land installment contract for a dwelling unit of a premise that is the subject a sheriff sale, the vendor of a premise that is the subject to a foreclosure action or a sheriff sale shall also disclose, in writing, that the subject property is scheduled for sheriff sale

The written disclosure shall identify the court in which the foreclosure action is pending, the case name, the case number, the plaintiff, the plaintiff's attorney, the plaintiff's attorney contact information, the scheduled date, time and location of the sheriff sale, and the minimum bid and shall include the following language: "This is not a notice to vacate the premise. This notice does not mean ownership of the building has changed. All tenants are still responsible for payment of rent and other obligations under the rental agreement. The owner or landlord is still responsible for their obligations under the rental agreement. You shall receive additional notice if there is a change in owner."

1769.03 Tenants' Notice of Change of Ownership
Within seven (7) days of the filing of the sheriff deed for the foreclosed property, the new owner or landlord of a premise shall disclose, in writing, to all tenants or vendees of the premises that the subject property has been transferred to a new owner.

The new owner shall also disclose, writing, the new owner's name, contact information for new owner or his agent's name, the date of the filing of the sheriff deed, his intent to file for writ of possession and projected date that tenants need to vacate the unit and shall include the following language:

"This notice does mean ownership of the building has changed, but this is not a notice to vacate the premises. The notice only provides a projected date that you need to vacate the premises. You do not have to vacate the premises by reason of this notice."

1769.04. Prohibition; Notice of Liability.

(a) No owner, landlord, or vendor of a premise that is the subject to a foreclosure action and plaintiff of the foreclosure action shall fail to provide disclosure, in writing, to all tenants and vendees of the premises that a foreclosure action has been filed against the owner or landlord within the seven (7) days of the being served notice of a foreclosure action and in the manner prescribed in Section 1769.01.

(b) No owner, landlord or vendor of a premise that is the subject to the sheriff sale and plaintiff in a foreclosure action shall fail to provide disclosure, in writing, to all tenants and vendees of the premises that a sheriff sale has been scheduled no later than seven days prior to a sheriff sale of subject property and in the manner prescribed in Section 1769.02.

(c) No new owner, landlord or vendor of a premise for which a sheriff sale has been filed shall fail to provide disclosure, in writing, to all tenants or vendees of the premises that a sheriff deed has been filed within the seven (7) days of the filing of the sheriff deed and in the manner prescribed in Section 1769.03.

(d) In addition to any other penalty and/or notice of liability provided for in Chapter [963](#), Chapter [1393](#), Chapter [1725](#), Chapter [1726](#) or Chapter 1763, the Director of Neighborhoods or his/her designee may issue a Notice for failure to comply with Section 1769.01 through Section 1765.03.

Said notice shall describe the location and nature of the violation, the time and date it was observed and the fine assessed to the owner. No notice of liability may be issued to an owner more than once during any seventy-two (72) hour period for the same violation at the same premises.

(1) The Notice of Liability provided for by this section shall be served upon the owner by certified United States mail return receipt requested or by personal service. In the event of failure of certified mail service on the basis that the return receipt is endorsed "unclaimed" or "refused", service shall be perfected by sending the notice to the address where certified mail was attempted by United States First Class postage.

(2) The following rebuttable presumption shall apply to violations of this section.

A. The owner of the premises whose name is listed in the records of the Lucas County Auditor is presumed, for purposes of this section, to be the owner of said premises.

(3) Any owner charged with a Notice of Liability may appeal said notice as provided by Section 1726.04. The failure to file an appeal shall constitute a waiver of the right to contest the Notice and shall constitute an admission of the Notice of Liability.

(e) Any owner, landlord vendor of the residential property who fails to comply with Section 1769.01, Section 1769.02 or Section 1769.03, shall be fined two hundred fifty dollars (\$250.00). A second violation by the same owner of the subject property of either Section 1769.01, Section 1769.02 or Section 1769.03 within two years by an owner shall result in a fine of five hundred dollars (\$500.00). A third and any subsequent violation by the same owner of the subject property of either Section 1769.01, Section 1769.02 or Section 1769.03 within two years shall result in a fine of one thousand dollars (\$1,000.00).

(f) Payment of any fine authorized under this code section may be enforced by means of a civil action or any other method provided for by the Ohio Revised Code or the Toledo Municipal Code.

1769.05 Right to Terminate Rental Agreement

If the owner or landlord fails to comply with Sections 1769.01 through 1769.03, the tenant may terminate the rental agreement by written notice. The written notice shall specify the grounds for termination and specify the date of termination no later than thirty (30) days from the date of the owner's or landlord's receipt of the written notice.

1769.06. Penalties

(a) Whoever fails to comply with Section 1769.01 through Section 1769.03, pursuant to this section, shall be guilty of a misdemeanor third degree on the first offense, a misdemeanor of the second degree for a second subsequent offense or a misdemeanor of the first degree for a third subsequent offense.

(b) All fines for citations and non-compliance fees issued in accordance with Chapter 1769, shall be deposited in the Nuisance Abatement Trust Fund 90/1610/T31306, which TMC fines and fees shall be

used by the Division of Housing for purposes not inconsistent with this chapter, with the exception of court costs which will be deposited as required by law.

SECTION 2. That this Ordinance is hereby 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 further reason that this Ordinance must be immediately effective to address the ever increasing number of filings of foreclosure actions.

Vote on emergency clause: yeas 10 nays 0.

Passed: May 12, 2009, as an emergency measure: yeas 10 nays 0.

Attest:
Gerald E. Dendinger Mark Sobczak
Clerk of Council President of Council

Approved: May 19, 2009
Carleton S. Finkbeiner
Mayor

ORD. 262-09

Repealing Section 2133.06 of the Toledo Municipal Code to delete the expenses reimbursement for Council Members; and declaring an emergency.

SUMMARY & BACKGROUND:
Ord. 256-09 disappropriated the remaining 2009 budget for Council expenses reimbursement in the General Fund. Council now desires to delete the authority for this reimbursement from the Toledo Municipal Code. NOW, THEREFORE,

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

SECTION 1. That Section 2133.06 of the Toledo Municipal Code, which reads as follows:

2133.06. Additional compensation for Councilmen. In addition to compensation of Councilmen as fixed by Charter of the City, there shall be reimbursed to them individually, for expenses in connection with the use of their private automobiles, office and other expenses incurred in connection with their official duties, a sum not to exceed two hundred dollars (\$200.00) per month.

is hereby repealed.

SECTION 2. 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 it is necessary for the immediate preservation of the public peace,

health, safety, and property and for the further reason that it is necessary to delete Council's expenses reimbursement from the TMC.

Vote on emergency clause: yeas 10 nays 0.

Passed: May 12, 2009, as an emergency measure: yeas 10 nays 0.

Attest:
Gerald E. Dendinger Mark Sobczak
Clerk of Council President of Council

Approved: May 19, 2009
Carleton S. Finkbeiner
Mayor

ORD. 263-09

Authorizing the waiving of park permit fees, rental fees and inspection fees, except the park usage deposits and food service license fees, for the Woodward Learning Community Family Fest at Wilson Park; and declaring an emergency.

WHEREAS, Toledo Public Schools and Parent Congress is desirous of holding the 3rd Annual Woodward Learning Community Family Fest at Wilson Park; and

WHEREAS, the proceeds derived from said event are to be used entirely for charitable Toledo Public Schools and Parent Congress purposes; NOW, THEREFORE,

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

SECTION 1. That the park permit fees, rental fees and inspection fees, except the park usage deposits and food service license fees, in connection with the Woodward Learning Community Family Fest being held on May 16, 2009, at Wilson Park, be and the same are hereby waived, provided however, that all necessary inspections be performed during normal working hours of City of Toledo inspectors.

SECTION 2. That by reason of the acceptance of the privileges herein granted, Toledo Public Schools and Parent Congress agrees to save the City of Toledo harmless arising out of any alleged personal injury or property damage in connection with said privileges herein granted.

SECTION 3. That this ordinance is hereby 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 the ordinance must be immediately effective in order to allow the appropriate inspections to be made without charge so that the event can go forward on the scheduled date.

Vote on emergency clause: yeas 10 nays 0.

Passed: May 12, 2009, as an emergency measure: yeas 10 nays 0.

Attest:

Gerald E. Dendinger Mark Sobczak
Clerk of Council President of Council

Approved: May 19, 2009
Carleton S. Finkbeiner
Mayor

ORD. 264-09

Authorizing the waiving of fees, except the food service license fees, for the Irish Lot Party of Central Catholic High School; and declaring an emergency.

WHEREAS, Central Catholic High School is desirous of holding their Irish Lot Party on the front lawn of their campus; and

WHEREAS, the proceeds derived from said Irish Lot Party are to be used entirely for charitable Central Catholic High School purposes; NOW, THEREFORE,

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

SECTION 1. That the fees, except the food service license fees, in connection with the Irish Lot Party of Central Catholic High School being held on June 6, 2009, be and the same are hereby waived, provided however, that all necessary inspections be performed during normal working hours of City of Toledo inspectors.

SECTION 2. That by reason of the acceptance of the privileges herein granted, Central Catholic High School agrees to save the City of Toledo harmless from any and all damages in connection with said privileges herein granted.

SECTION 3. That this ordinance is hereby 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 the ordinance must be immediately effective in order to allow the appropriate inspections to be made without charge so that the event can go forward on the scheduled date.

Vote on emergency clause: yeas 10 nays 0.

Passed: May 12, 2009, as an emergency measure: yeas 10 nays 0.

Attest:

Gerald E. Dendinger Mark Sobczak

Clerk of Council

President of Council

Approved:

May 19, 2009
Carleton S. Finkbeiner
Mayor

ORD. 265-09

Authorizing the waiving of fees, except the food service license fees, for the 48th Annual Firefighter's Anthony Wayne Trail Fire Memorial Observance; and declaring an emergency.

WHEREAS, the 48th Annual Firefighter's Anthony Wayne Trail Fire Memorial Observance will be held on Tuesday, June 10, 2009 at Chub DeWolf Park; and

WHEREAS, Toledo City Council has long supported this annual event to remember those Toledo Firefighters who have made the ultimate sacrifice; NOW, THEREFORE,

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

SECTION 1. That the fees, except the food service license fees, in connection with the 48th Annual Firefighter's Anthony Wayne Trail Fire Memorial Observance, being held on June 10, 2009, be and the same are hereby waived, provided however, that all necessary inspections be performed during normal working hours of City of Toledo inspectors.

SECTION 2. That by reason of the acceptance of the privileges herein granted, 48th Annual Firefighter's Anthony Wayne Trail Fire Memorial Observance, agrees to save the City of Toledo harmless from any and all damages in connection with said privileges herein granted.

SECTION 3. That this ordinance is hereby 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 the ordinance must be immediately effective in order to allow the appropriate inspections to be made without charge so that the event can go forward on the scheduled date.

Vote on emergency clause: yeas 10 nays 0.

Passed: May 12, 2009, as an emergency measure: yeas 10 nays 0.

Attest:

Gerald E. Dendinger Mark Sobczak
Clerk of Council President of Council

Approved:

May 19, 2009
Carleton S. Finkbeiner
Mayor

ORD. 266-09

Authorizing the waiving of fees, except the food service license fees, for the Juneteenth Celebration at the Toledo Museum of Art; and declaring an emergency.

WHEREAS, the Toledo Museum of Art is holding their Fifth Annual Juneteenth Celebration on their property; and

WHEREAS, the proceeds derived from said event are to be used entirely for charitable Toledo Museum of Art purposes; NOW, THEREFORE,

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

SECTION 1. That the fees, except the food service license fees, in connection with the Fifth Annual Juneteenth Celebration at the Toledo Museum of Art, being held on June 13, 2009 be and the same are hereby waived, provided however, that all necessary inspections be performed during normal working hours of City of Toledo inspectors.

SECTION 2. That by reason of the acceptance of the privileges herein granted, Toledo Museum of Art, agrees to save the City of Toledo harmless from any and all damages in connection with said privileges herein granted.

SECTION 3. That this ordinance is hereby 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 the Ordinance must be immediately effective in order to allow the appropriate inspections to be made without charge so that the event can go forward on the scheduled date.

Vote on emergency clause: yeas 10 nays 0.

Passed: May 12, 2009, as an emergency measure: yeas 10 nays 0.

Attest:

Gerald E. Dendinger Mark Sobczak
Clerk of Council President of Council

Approved: May 19, 2009
 Carleton S. Finkbeiner
 Mayor

ORD. 267-09

Authorizing the waiving of fees, except the food service license fees, for the festival of St. Thomas Aquinas; and declaring an emergency.

WHEREAS, St. Thomas Aquinas is desirous of holding a festival on their own property; and

WHEREAS, the proceeds derived from said festival are to be used entirely for charitable St. Thomas Aquinas purposes; NOW, THEREFORE,

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

SECTION 1. That the fees, except the food service license fees, in connection with the festival of St. Thomas Aquinas being held on July 17, 18 and 19, 2009, be and the same are hereby waived, provided however, that all necessary inspections be performed during normal working hours of City of Toledo inspectors.

SECTION 2. That by reason of the acceptance of the privileges herein granted, St. Thomas Aquinas agrees to save the City of Toledo harmless from any and all damages in connection with said privileges herein granted.

SECTION 3. That this ordinance is hereby 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 the ordinance must be immediately effective in order to allow the appropriate inspections to be made without charge so that the event can go forward on the scheduled dates.

Vote on emergency clause: yeas 10 nays 0.

Passed: May 12, 2009, as an emergency measure: yeas 10 nays 0.

Attest:

Gerald E. Dendinger Mark Sobczak
Clerk of Council President of Council

Approved: May 19, 2009
 Carleton S. Finkbeiner
 Mayor

ORD. 268-09

Authorizing the waiving of park permit fees, rental fees and inspection fees, except the park usage deposits and food service license fees, for the 18th Annual Pollyball Tournament at International Park benefiting YWCA of Greater Toledo's ENCOREplus "Breast Care Aware" Program; and declaring an emergency.

WHEREAS, the Hylant and Tracy Families are desirous of holding the 18th Annual Pollyball Tournament at International Park; and

WHEREAS, YWCA of Greater Toledo funds social-service based programs that assist 23,000 women and children every year; and

WHEREAS, the proceeds derived from said tournament are to be used entirely for charitable YWCA of Greater Toledo's ENCOREplus "Breast Care Aware" Program purposes; NOW, THEREFORE,

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

SECTION 1. That the park permit fees, rental fees and inspection fees, except the park usage deposits and food service license fees, in connection with the 18th Annual Pollyball Tournament being held on August 21 and 22, 2009, at International Park, be and the same are hereby waived, provided however, that all necessary inspections be performed during normal working hours of City of Toledo inspectors.

SECTION 2. That by reason of the acceptance of the privileges herein granted, Pollyball Tournament and YWCA of Greater Toledo agrees to save the City of Toledo harmless arising out of any alleged personal injury or property damage in connection with said privileges herein granted.

SECTION 3. That this ordinance is hereby 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 the ordinance must be immediately effective in order to allow the appropriate inspections to be made without charge so that the event can go forward on the scheduled dates.

Vote on emergency clause: yeas 10 nays 0.

Passed: May 12, 2009, as an emergency measure: yeas 10 nays 0.

Attest:

Gerald E. Dendinger Mark Sobczak
Clerk of Council President of Council

Approved: May 19, 2009
 Carleton S. Finkbeiner
 Mayor

ORD. 269-09

Amending Toledo Municipal Code Chapter 1345 "Electrical" by repealing the entire chapter to comply with the Ohio Building Code and the National Electrical Code; and declaring an emergency.

SUMMARY & BACKGROUND:

The provisions found in the electrical code section of Toledo's Municipal Code pre-date the Ohio Building Code, the Residential Code of Ohio and the current edition of the National Electrical Code. It is in conflict with these authorities and was cited as being in non-compliance by the Ohio Board of Building Standards Code Review Committee. To maintain its certification credentials, the Division of Building Inspection may not enforce codes in conflict with the State of Ohio code. This ordinance brings the Toledo Municipal Code into compliance. NOW, THEREFORE,

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

SECTION 1. That Toledo Municipal Code Chapter 1345 which currently reads:

1345.01. Modifications to the National Electrical Code.

The National Electrical Code adopted under this Part Thirteen-Building Code is hereby modified as provided in Sections [1345.02](#) et. seq. for one, two and three-family dwellings and for all occupancies under the jurisdiction of the Ohio Basic Building Code. (Ord. 43-95. Passed 1-31-95.)

1345.02. Wiring, design and protection.

(a) Services (Article 230).

(1) Service Entrance Cable - One, Two and Three Family Dwellings.

Service entrance cable may be used from the point of attachment to the meter socket. Approved raceways shall be used from the meter socket to the service disconnect.

(2) Point of Attachment to Buildings.

The point of attachment of a service drop to a building shall not be less than twelve feet above finished grade, and at a location approved by the local electric utility.

(3) Service Mast.

All service entrance masts shall be installed with an approved flashing. Minimum size of masts shall be two inch rigid steel conduit or its equivalent in mechanical strength, with a point of attachment of utility drops to be between twenty-four inches and thirty inches above the roof line. Any circumstances causing a higher point of attachment than thirty inches above the roof line shall require guying of the mast.

(4) Service Entrance Conductors.

Service entrance conductors shall be installed in approved raceways. Buildings supplied from overhead or underground lines shall have the point of entrance into the building along an outside wall, terminating in suitable service equipment at a readily accessible location before continuing into the inner space of the building for distribution. Service equipment shall not be installed in clothes closets.

(5) Size and Rating.

Means shall be provided for a single main disconnect in each new family unit in a readily accessible location. All new one, two and three family dwellings shall have a main service of 100 ampere minimum per dwelling unit.

(6) Commercial Buildings.

Up to six subdivisions of the main service shall be permitted in a group installation before a main disconnect is required. The service shall terminate at a readily accessible point at a minimum practical distance from the point of entrance to the building in a readily accessible location.

In commercial buildings, as defined by the Ohio Basic Building Code, wiring shall be a minimum of No. 12 wire. All wiring shall be enclosed in approved raceways. Low-voltage circuits shall not be subjected to this requirement.

1345.03. Uniform circuit schedule for one, two and three family dwelling units.

(a) Branch Circuits (Article 210).

Permissible Loads

In one, two and three family residential occupancies, branch circuits which supply receptacles in kitchen, dining and breakfast rooms and areas adjacent to laundries shall not supply other outlets, and such circuits shall have conductors not smaller than No. 12.

(b) Lighting Circuits.

(1) Porches, Hallways, Stairways, Foyers, Attics, Closets.

- Side or Ceiling Fixture Outlet 60 VA
- Convenience Receptacle 150 VA
- Roof Exhaust Fan 100 VA
- Whole House Fan 500 VA

(2) Exterior.

Entrance or Exit Door, Side or Overhand Fixture Outlet 60 VA

- Floodlights (per lampholder) 150 VA
- Garage Side Door, Side or Overhang Fixture Outlet 100 VA

- Convenience Receptacle 300 VA

(3) Sun Porch, Solarium, Breezeway, Library, Den, Study, Music, Living, Family, Recreation, Great, Exercise, Sewing Rooms, Etc.

- Side Fixture Outlet 60 VA
- Ceiling Fixture Outlet 150 VA
- Convenience Receptacle 300 VA

Clock, Picture and Mantel Outlet when Located 4' Above Floor 50 VA

(4) Dressing and Bedrooms.

- Side Fixture Outlet 60 VA
- Ceiling Fixture Outlet 150 VA
- Convenience Receptacle 100 VA

(5) Bathrooms and Lavatories.

- Exhaust Fan 100 VA
- Side Fixture Outlet 100 VA
- Ceiling Fixture Outlet 150 VA
- Over the Mirror Fixture Outlet 200 VA
- Fan/Light Outlet 200 VA
- Convenience Receptacle 500 VA

NOTE: Permanent Electric Heaters are to be computed at 100% of Equipment Rating.

(6) Underfloor Space (Crawl Space).

- Lighting Outlet 60 VA
- Convenience Receptacle 100 VA

(7) Unfinished Basement or Lower Level.

Ceiling Fixture Outlet (per 200 Sq. Ft.) 100 VA

Convenience Receptacle 150 VA

(8) Garage.

Ceiling Fixture Outlet (per car space) 100 VA

Convenience Receptacle (per car space) 300 VA

Overhead door (motor) Receptacle
Detached garage, if wired, Above Shall Apply

300 VA

(9) Paddle Fan.
All Rooms 200 VA

(10) Dining, Dinette and Breakfast Rooms.

Side Fixture Outlet 60 VA
Ceiling Fixture Outlet 300 VA

(11) Laundry and Utility Area.

Side Fixture Outlet 60 VA
Ceiling Fixture Outlet 150 VA

(12) Kitchen Area.

Sink, Pantry, Undercounter Fixture Outlet

100 VA

Exhaust Fan 100 VA
Ceiling Fixture Outlet 200 VA

(c) Appliance Circuits.

(1) Dining, Dinette, Pantry, Breakfast Room and Wet Bars.

Convenience Receptacle 500 VA

(2) Laundry and Utility Area.

Laundry Receptacle 2000 VA
Additional Receptacle 1000 VA

(3) Kitchen Area.

Refrigerator, Freezer, Gas Range Receptacle

500 VA

Convenience Receptacle
(Minimum of Two Circuits to Serve the Counter Top Area) 1000 VA

Dishwasher and/or Disposal

(Shall be on a separate 20 ampere circuit with no other item) 2000 VA

Trash Compactor, Inline Water Heater and Other Stationary or Fixed Appliances

(Provide a separate circuit or use nameplate rating)

(d) Separate Circuits.

Furnace and auxiliary equipment, A/C equipment, outdoors, water pump, sump, heat pump and etc.

(e) Lighting Circuit.

Total circuit VA shall not exceed 1500 maximum; minimum #14 AWG w/ground.

(f) Appliance Circuit.

Total circuit VA shall not exceed 2000 maximum; minimum #12 AWG w/ground.

In those rooms where more than one lighting fixture is installed, such as recessed lights, coves and/or valances, the total wattage on such fixtures as listed by U.L. shall be used in computing the wattage schedule for each room. Where continuous fluorescent tubes are used for luminous ceilings, coves and/or valances, each single row of tubes shall be computed at twelve watts per lineal foot.

Unfurnished areas capable of being converted to usable living areas shall have one outlet furnished on a separate circuit.

1345.04. Safety requirements.

(a) Wiring that is readily exposed inside buildings shall be in conduit, electrical metal tubing, flexible conduit or approved raceway. Existing BX showing no signs of rusting in dry locations will be acceptable. Every wire shall have insulation which is in good condition.

(b) Every switch plate and outlet plate shall be properly fastened in place.

(c) No short circuit or break shall exist in any electric line.

(d) Every fixture and outlet shall function properly and shall be properly fastened in place.

(e) No obvious shock hazard shall exist.

(f) Ground Fault Protection.

Ground fault circuit interrupter outlets shall be installed in areas required by the National Electric Code or in other areas where a shock hazard exists.

(g) Extension cords shall not be used as a substitute for permanent wiring. Extension cords of the proper size may be used for temporary wiring. No temporary wiring or extension cords shall be used which are placed under floor covering materials or extend through ceilings, walls, doorways, transoms or other similar openings or structural elements. Gang plugs, cube taps or similar items shall not be utilized.

(h) No electric circuit shall be overloaded as a result of connecting appliances which operate at high wattages to outlets supplied with wire of inadequate size.

(i) All existing branch circuits presently protected with standard fuses shall be converted to type S fuse protection.

1345.05. Minimum wiring standards - existing dwelling units.

(a) No person shall occupy as owner-occupant or rent or lease to another person for occupancy, any dwelling or dwelling unit for the purpose of living therein, which does not comply with the requirements set forth in this chapter, except for the following: Electrical systems installed, approved and conforming with applicable laws in effect at the time of installation and which do not show readily observable evidence of tampering or rendering into a hazardous condition, and which are in conformance with the safety requirements as set forth in Section [1345.04](#).

1345.06. Service requirements - existing dwelling units.

Every dwelling unit shall be provided with an electrical service which shall be maintained so as to be free of any source of electrical hazard. Such facilities shall be adequate to supply the requirements of lighting, appliances and equipment contained in or on the parcel of the dwelling unit.

1345.07. Fixture and outlet requirements - existing dwelling units.

(a) Laundry room. One ceiling or wall type electrical light fixture and one convenience outlet which shall be three wire grounded type supplied by a separate circuit.

(b) Kitchen. One ceiling or wall type electrical light fixture controlled by a wall switch and three duplex convenience outlets supplied by two appliance circuits.

(c) Bathrooms. One ceiling or wall type electrical light fixture controlled by a wall switch and one duplex convenience outlet with ground fault protection.

(d) Furnace room. One ceiling or wall type electrical light fixture and one convenience outlet.

(e) Living room. At least two remote wall convenience outlets and one light fixture with a wall switch, or three remote wall convenience outlets.

(f) All other habitable rooms. Two remote wall type convenience outlets.

1345.08. Public hall lighting - existing dwelling units.

Every public hall and stairway in existing structures devoted to dwelling occupancy and containing three or less dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed instead of full-time lighting.

Every public hall and stairway in every existing multiple dwelling structure containing four or more dwelling units shall be adequately lighted at all times.

is hereby repealed.

SECTION 2. 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 is that the electrical codes of the City of Toledo must comply with provisions in the Ohio Building Code, The Residential Code of Ohio, and the current edition of the National Electrical Code to maintain a certified Building Inspection department. The Ohio Board of Building Standards Code Review Committee has notified the City of Toledo that TMC Chapter 1345 is in conflict and the City's Division of Building Inspection must cease from enforcing said TMC Chapter 1345.

Vote on emergency clause: yeas 9 nays 0.

Passed: May 12, 2009, as an emergency measure: yeas 8 nays 1.

Attest:

Gerald E. Dendinger
Clerk of Council

Mark Sobczak
President of Council

Approved:

May 19, 2009
Carleton S. Finkbeiner
Mayor

ORD. 270-09

Authorizing the Mayor to accept a consolidated entitlement grant in the amount of \$8,038,110.00 Community Development Block Grant, \$2,710,740.00 HOME Investment Partnership Program and \$351,145.00 Emergency Shelter Grant for a total of \$11,099,995.00 for the program year of July 1, 2009 through June 30, 2010; and to submit to the United States Department of Housing and Urban Development a One-Year Action Plan; and declaring an emergency.

SUMMARY & BACKGROUND:

Beginning in federal fiscal year 1995, the United States Department of Housing and Urban Development (HUD) began requiring local communities to undertake a consolidated planning process in order to receive funding from a number of HUD programs. Toledo's Five-Year Consolidated Plan promotes economic opportunity, self-sufficiency and sustained community development through the holistic planning and resource allocation approach. \$8,038,110.00 is available from HUD to fund the City of Toledo's 35th Year Consolidated budget for Community Development Block Grant eligible activities. \$2,710,740.00 is available from HUD to fund the City of Toledo's 18th Year Consolidated budget for HOME Investment Partnership program eligible activities. \$351,145.00 is available from HUD to fund the City of Toledo's 23rd Year Consolidated budget for Emergency Shelter Grant eligible operations. A One-Year Action Plan must be prepared, incorporating any other comments deemed appropriate by the City, and submitted to HUD under the rules and regulations promulgated by it. The One-Year Action Plan (July 1, 2009-June 30, 2010), must be submitted to HUD by May 15, 2009 and qualify under the regulations of the Consolidated Entitlement Program to receive the money necessary to carry out the City of Toledo's planned community development activities for the year beginning July 1, 2009 and ending June 30, 2010. NOW, THEREFORE,

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

SECTION 1. That the Mayor is authorized to accept an entitlement grant in the amount of \$8,038,110.00 for the purpose of funding the Community Development Block Grant Program.

SECTION 2. That the Mayor is authorized to accept an entitlement grant in the amount of \$2,710,740.00 for the purpose of funding the HOME Investment Partnership Program.

SECTION 3. That the Mayor is authorized to accept an entitlement grant in the amount of \$351,145.00 for the purpose of funding the Emergency Shelter Grant Program.

SECTION 4. That the Mayor is authorized and directed, after receiving and considering comments from citizens on the Draft One-Year Action Plan, to prepare and submit to the United States Department of Housing and Urban Development a One-Year Action Plan for \$11,099,995.00 and make the Plan available to the public.

SECTION 5. 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 the public peace, health, safety, and property and for the further reason that same must be immediately effective in order to permit the City to submit the One-Year Action Plan and qualify under the regulations of the Consolidated Entitlement Program to receive the money necessary to carry out its planned community development activities for the year beginning July 1, 2009 and ending June 30, 2010.

Vote on emergency clause: yeas 9 nays 0.

Passed: May 12, 2009, as an emergency measure: yeas 9 nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Mark Sobczak
President of Council

Approved:

May 19, 2009
Carleton S. Finkbeiner
Mayor

ORD. 271-09

Authorizing the Mayor to deposit a 2009 grant in the amount of \$8,038,110.00 from the U.S. Department of Housing and Urban Development; Authorizing estimated miscellaneous revenues of \$21,600.00; Authorizing the disappropriation of \$1,846,320.36 from previous years CDBG Funds; Authorizing the appropriation and expenditure of \$10,009,377.99 in total from the unappropriated balance of the CDBG Fund; Authorizing submission to the U.S. Department of Housing and Urban Development of a One-Year Use of Funds; and declaring an emergency.

SUMMARY & BACKGROUND:

This legislation provides funding for a variety of programs both for the administration of the CDBG program and programs operated internally by various City Departments and operations, Community Development Corporations, and Social Service agencies. This legislation authorizes the acceptance and deposit of \$8,038,110.00 in federal funds, provides for estimating miscellaneous revenues in the amount of \$21,600.00, disappropriates \$1,846,320.36 from prior funding, allows \$101,349.00 to remain in fund balance for future use by the Department of Neighborhoods in conjunction with stimulus grants and appropriates from

the unappropriated balance of the Block Grant Fund for a total program allocation of \$10,009,377.99. NOW, THEREFORE,

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

SECTION 1. Authorizing the Mayor to accept a One-Year Action Plan, and to accept a 2009 grant from the U.S. Department of Housing and Urban Development in the amount of \$8,038,110.00 and provide for estimating miscellaneous revenues in the amount of \$21,600.00 for the purpose of funding the CDBG Program and depositing said funds into various accounting codes.

SECTION 2. Authorizing the disappropriation of \$1,846,320.36 from previous years CDBG Funds and re-appropriation of said Funds into 35th Year CDBG per Schedules B-attached hereto and made a part hereof as if fully written herein.

SECTION 3. Authorizing the appropriation of \$10,009,377.99 from the unappropriated balance of the Community Development Block Grant fund per Schedules A and B into various accounts.

SECTION 4. Authorizing encumbrances in an amount not to exceed \$10,009,377.99.

SECTION 5. Authorizing expenditure not to exceed \$10,009,377.99 and further authorizing any necessary agreements for the purposes listed herein subject to the terms and conditions deemed proper and requisite according to the Director of Law.

SECTION 6. That the Finance Director be and is hereby authorized and directed to issue his warrants in an amount not to exceed \$10,009,377.99 in payment of all obligations authorized under the 35th year CDBG allocation upon presentation of properly approved documentation.

SECTION 7. That this Ordinance is hereby 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 permit the City to submit a One-Year Action Plan, qualify under the regulations of the Block Grant Entitlement Program, and to receive the money necessary to carry out its planned community development activities for the 35th year beginning July 1, 2009 and ending June 30, 2010.

Vote on emergency clause: yeas 9 nays 0.

Passed: May 12, 2009, as an emergency measure: yeas 9 nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Mark Sobczak
President of Council

Approved:

May 19, 2009
Carleton S. Finkbeiner
Mayor

ORD. 272-09

Authorizing the Mayor to deposit the sum of \$2,710,740.00 for the purpose of funding the 2009 HOME Investment Partnership Program; authorizing the disappropriation of \$119,601.67 from various accounting codes in the HOME Investment Partnership Program; appropriating the sum of \$2,848,445.54 from the unappropriated balance of the HOME Investment Partnership Program Fund; authorizing the expenditure of funds; and declaring an emergency.

SUMMARY & BACKGROUND:

Beginning in federal fiscal year 1995, the United States Department of Housing and Urban Development (HUD) began requiring local communities to undertake a consolidated planning process in order to receive funding from a number of HUD programs. \$2,710,740.00 is available for HUD to fund the City of Toledo's 18th Year Consolidated budget HOME Investment Partnership Program activities. \$18,103.87 in program income is also available for 18th Year eligible HOME Investment Partnership activities. Disappropriations of \$119,601.67 in the HOME Investment Partnership Program are due to vacant positions, unused operating expenses and clearing negative balances. The City of Toledo's One-Year Action Plan was prepared incorporating any other comments deemed appropriate by the City and to be submitted to HUD by May 15, 2009. This ordinance will provide budget for the Department of Neighborhoods to operate this grant and the authority to enter into specific encumbrance transactions, which are designated in this ordinance. These funds will be available for the Department of Neighborhoods and CHDO housing projects. NOW, THEREFORE,

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

SECTION 1. Authorizing the Mayor to accept the One-Year Action Plan and to accept a 2009 grant from the U.S. Department of Housing and Urban Development in the amount of \$2,710,740.00 for the purpose of funding the HOME Investment Partnership Program and depositing said funds into Accounting Code 25-1620-7410-GH1802.

SECTION 2. Authorizing the disappropriation of \$119,601.67 to the unappropriated balance of the HOME Investment Partnership Program per Schedule D are hereby authorized and attached hereto and made a part hereof as if fully rewritten herein.

SECTION 3. Authorizing the appropriation in the amount of \$2,848,445.54 from the unappropriated balance of the HOME Investment Partnership Program into various accounts in 25-1620-GH1802 and 25-1620-GH1811.

SECTION 4. Authorizing encumbrances in an amount not to exceed \$2,848,445.54 for the HOME Investment Partnership Program.

SECTION 5. That the Mayor is hereby authorized to expend not more than \$2,848,445.54 and enter into any necessary agreements for the purposes listed herein subject to terms and conditions deemed proper and requisite according to the Director of Law.

SECTION 6. That the Finance Director be and is hereby authorized and directed to issue his warrants in an amount not to exceed \$2,848,445.54 in payment of all obligations authorized under the HOME Investment Partnership Program allocations upon presentation of properly approved documentation.

SECTION 7. That this Ordinance is hereby 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 permit the City to submit the One-Year Action Plan and qualify under the regulations of the HOME Investment Partnership Program and to receive the money necessary to carry out its housing rehabilitation and buyer subsidy projects.

Vote on emergency clause: yeas 9 nays 0.

Passed: May 12, 2009, as an emergency measure: yeas 9 nays 0.

Attest:
Gerald E. Dendinger Mark Sobczak
Clerk of Council President of Council

Approved: May 19, 2009
Carleton S. Finkbeiner
Mayor

ORD. 273-09

Authorizing the Mayor to deposit the sum of \$351,145.00 for the purpose of funding the 2009 Emergency Shelter Grant Program; authorizing the disappropriation of \$14,014.99 from various accounting codes in the Operation Grants Fund; appropriating the sum of \$365,409.99 from the unappropriated balance of the Operations Grant Fund; authorizing the expenditure of not more than \$365,409.99 for the program year of July 1, 2009 through June 30, 2010; and declaring an emergency.

SUMMARY & BACKGROUND:

Beginning in federal fiscal year 1995, the United States Department of Housing and Urban Development (HUD) began requiring local communities to undertake a consolidated planning process in order to receive funding from the Emergency Shelter Program. \$351,145.00 is available from HUD to fund the City of Toledo's 2009 (23rd Year) Consolidated budget for Emergency Shelter Grant operations. Disappropriations of \$14,014.99 in the Operation Grant Fund are due to unspent and recaptured funds from the 2007 ESG year by Third Party Partners. The City of Toledo's One-Year Action Plan was prepared incorporating any other comments deemed appropriate by the City and to be submitted to HUD by May 15, 2009. This ordinance will provide budget for the Department of Neighborhoods to operate this grant and the authority to enter into specific encumbrance transactions, which are designated in this ordinance. NOW, THEREFORE,

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

SECTION 1. Authorizing the Mayor to accept a One-Year Action Plan and to accept a 2009 grant in the amount of \$351,145.00 from the U.S. Department of Housing and Urban Development to fund Emergency Shelter Program activities and depositing said funds into Accounting Code 16-1610-7410-GE2302.

SECTION 2. Authorizing the disappropriation of \$14,014.99 to the unappropriated balance of the Operation Grant Fund per Schedule C are hereby authorized and attached hereto and made a part hereof as if fully rewritten herein.

SECTION 3. Authorizing the appropriations and encumbrances in the amount of \$365,409.99 from the unappropriated balance of the Operations Fund.

SECTION 4. That the Mayor be and is hereby authorized to expend not more than \$365,409.99 and enter into any necessary agreements for the purposes listed herein subject to terms and conditions deemed proper and requisite according to the Director of Law.

SECTION 5. That the Finance Director be and is hereby authorized to issue his warrants in an amount not to exceed \$365,409.99 in payment of all obligations authorized under the 23rd Year Emergency Shelter Program allocation upon presentation of properly approved documentation.

SECTION 6. That this Ordinance is hereby 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 is necessary to continue funding emergency homeless shelter services in the City of Toledo on behalf of the Department of Neighborhoods.

Vote on emergency clause: yeas 9 nays 0.

Passed: May 12, 2009, as an emergency measure: yeas 9 nays 0.

Attest:

Gerald E. Dendinger Mark Sobczak
Clerk of Council President of Council

Approved: May 19, 2009
Carleton S. Finkbeiner
Mayor

RES. 276-09

Authorizing the City of Toledo to file a grant application to the Ohio Department of Development, to participate in the Clean Ohio Assistance Fund; and declaring an emergency.

SUMMARY & BACKGROUND:

The State of Ohio Department of Development provides financial assistance to local governments for the purpose of addressing local needs. One of the programs is the Clean Ohio Assistance Fund, which provides grants for redeveloping brownfield sites. The City of Toledo requests to participate in this program to receive financial assistance for the site located at 215 City Park Ave. in Toledo. The City of Toledo and Organized Neighbors Yielding eXcellence (ONYX) Inc. are working together to redevelop this 5.5-acre site for industrial and commercial reuse. The City of Toledo is submitting a Clean Ohio Assistance Fund application requesting up to \$300,000 to complete the environmental site assessment needed prior to cleanup of the site. The City of Toledo currently does not anticipate committing any funds for the project at this time. NOW, THEREFORE,

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

SECTION 1. That the Council of the City of Toledo authorizes the City of Toledo, Department of Public Utilities, Division of Environmental Services as the as the official representing agency to participate in the State of Ohio Department of Development, Clean Ohio Assistance Fund program and to provide all information and documentation required in said application for the State of Ohio, Clean Ohio Council, Clean Ohio Assistance Fund application submission.

SECTION 2. That the Council of the City of Toledo hereby approves filing an application for financial assistance under the Clean Ohio Assistance Fund.

SECTION 3. The Council of the City of Toledo hereby understands and agrees that participation in the program will require compliance with the program guidelines and assurances.

SECTION 4. That this Resolution 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 it is necessary to authorize the execution and delivery of the application in order that the development of the property located at 215 City Park Ave. in Toledo may take place in order to create and preserve jobs and employment opportunities, and improve the economic welfare of the people of the City.

Vote on emergency clause: yeas 9 nays 0.

Adopted: May 12, 2009, as an emergency measure: yeas 9 nays 0.

Attest:

Gerald E. Dendinger Mark Sobczak
Clerk of Council President of Council

Approved: May 19, 2009
Carleton S. Finkbeiner
Mayor

ORD. 277-09

Authorizing the payment of \$33,390.63 from the Sanitary Sewer Operating Fund to Ed Kelly & Sons Construction for a sanitary sewer repair at 3344 Goddard; and declaring an emergency.

SUMMARY & BACKGROUND:

Repairs were made in an area restricted by several utilities and unavailable for ordinary work procedures. Safety of public neighborhood and work crews required the expertise and equipment available through a private contractor. Emergency contracts are awarded to contractors from a rotating list of qualified vendors. Payments of this type are made in accordance with item 109.12 of the State of Ohio, Department of Transportation Construction and Material Specifications for extra and force account work, and funds are available within the operating budget. NOW, THEREFORE,

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

SECTION 1. That the payment in the amount of \$33,390.63 from Account Code 70-3700-000509 to Ed Kelly & Sons Construction is hereby authorized for the repair of a sanitary sewer in the public right-of-way at 3344 Goddard.

SECTION 2. That the Director of Finance be and he is hereby authorized and directed to draw his warrant or warrants against the Account Code identified in Section 1 above in an amount not to exceed \$33,390.63 in payment of the obligations herein above authorized upon presentation of the proper voucher or vouchers therefore.

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 this Ordinance must be immediately effective in order to facilitate the expeditious payment of this invoice.

Vote on emergency clause: yeas 9 nays 0.

Passed: May 12, 2009, as an emergency measure: yeas 9 nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Mark Sobczak
President of Council

Approved:

May 19, 2009
Carleton S. Finkbeiner
Mayor

ORD. 278-09

Determining to proceed with the removal of existing lighting along Summit Street, from Locust Street to Lagrange Street, and providing for the levying of special assessments for the maintenance of street lighting within this area; and declaring an emergency.

SUMMARY & BACKGROUND:

The owners of the properties abutting Summit St., from Lagrange St. to Locust St., have requested that the City, by majority petition, install decorative high-pressure sodium street lighting to protect their properties and provide nighttime safety. These lights will be metered and billed, to the appropriate property owners, annually. All maintenance will also be charged back to the property owners. The total annual cost for the installation and operation of the lighting is \$2,255.88. NOW, THEREFORE,

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

SECTION 1. It is hereby determined to proceed with the removal of existing streetlights, as described below, in coordination with the installation of new street lighting on the following street as described below pursuant to the authority cited below, in accordance with Resolution No. 143-09 adopted on the 17th day of March 2009; and in accordance with plans, specifications, and estimates heretofore approved and on file in the Office of Street and Alley Lighting, Division of Engineering Services:

A. Summit Street, from Locust Street to Lagrange Street, remove five (5), 250-watt mercury vapor streetlights on steel poles with underground service, and; install eleven (11), 100-watt high-

pressure sodium decorative Tear Drop style luminaries on steel poles with underground service.

SECTION 2. All lots and lands bounding and abutting Summit Street, from Locust Street to Lagrange Street, are specifically hereby determined to be specifically benefited by street lighting improvements. Each parcel shall be assessed on a per front foot basis to maintain the street lighting in this area. Assessments shall include maintenance, energy, and administrative costs. Maintenance only includes replacement and repair of all facilities and components associated with street lighting beginning at Toledo Edison's service drop. Toledo Edison is to provide energy under the tariff. Maintenance to be performed by contract issued by the bid process through the Street and Alley Lighting Section of the City of Toledo. Per front foot rates are to be determined annually based on actual maintenance, energy and administrative costs for street lighting within this area.

SECTION 3. That the assessments so to be levied and assessed shall be levied and assessed annually in accordance with the assessing ordinance hereafter to be passed by the Council and shall be certified to the County Auditor to be placed upon the tax duplicate and collected as other taxes.

SECTION 4. That the remainder of the cost and expense of said improvement, not specially assessed, together with damages, if any, awarded to the owner of adjoining lands, with interest thereon, and the costs and expenses of any such award, shall be paid by a levy upon the general tax list made by the City for such purpose in the manner provided by law.

SECTION 5. That the Toledo Edison Company is hereby authorized and directed to accomplish the removals described in Section 1 hereof, in accordance with the applicable terms and provisions of the franchise agreement between the City of Toledo and Toledo Edison and the street light tariff as approved by the Public Utilities Commission of Ohio.

SECTION 6. That the Clerk of Council be and he is hereby directed to furnish said Toledo Edison Company with a certified copy and written notice of the passage of the Ordinance after publication of the same.

SECTION 7. 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 this Ordinance must be immediately effective in order to expedite the installation of streetlights.

Vote on emergency clause: yeas 9 nays 0.

Passed: May 12, 2009, as an emergency measure: yeas 9 nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Mark Sobczak
President of Council

Approved:

May 19, 2009
Carleton S. Finkbeiner
Mayor

ORD. 279-09

Determining to proceed with the improvements to Tractor Rd., from Laskey Rd. to north dead end, by installing street lighting; and declaring an emergency.

SUMMARY & BACKGROUND:

The owners of the properties abutting Tractor Rd., from Laskey Rd. to north dead end, have requested that the City, by majority petition, install high-pressure sodium street lighting to protect their properties and provide nighttime safety. The total annual cost for the installation, operation, and maintenance of the lighting is \$1,808.70 of which the City's share is \$69.60. NOW, THEREFORE,

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

SECTION 1. It is hereby determined to proceed with the improvement of the following street by installing street lighting, as described below, pursuant to the authority cited below and in accordance with Resolution No. 144-09, adopted on March 17, 2009, and in accordance with plans, specifications, and estimates heretofore approved and on file in the Office of Engineering Services.

A. Tractor Rd., from Laskey Rd. to north dead end, by installing thirteen (13), 100-watt, high-pressure sodium streetlights on wood poles with overhead service.

SECTION 2. The following lots and lands are specifically benefited by said improvement, and each shall be assessed at the rate per assessed front foot indicated, representing that part of the cost of lighting said street as above described:

A. All lots and lands bounding and abutting Tractor Rd., from Laskey Rd. to north dead end, assessed at the rate of (\$0.557) per assessed front foot.

SECTION 3. That the assessments so to be levied and assessed shall be levied and assessed annually in accordance with the assessing Ordinance hereafter to be passed by the Council, and shall be certified to the County Auditor to be placed upon the tax duplicate and collected as other taxes.

SECTION 4. That the remainder of the cost and expense of said improvement, not specially assessed, together with damages, if any, awarded to

the owner of adjoining lands, with interest thereon, and the costs and expenses of any such award, shall be paid by a levy upon the general tax list made by the City for such purpose in the manner provided by law.

SECTION 5. That the Toledo Edison Company is hereby authorized and directed to accomplish the improvements described in Section 1 hereof; such lights to be erected and maintained, and payment therefore to be made in accordance with the applicable terms and provisions of the franchise agreement between the City of Toledo and Toledo Edison and the street lighting tariff as approved by the Public Utilities Commission of Ohio. The remainder of the cost and expense of said improvement, not specially assessed, together with damages, if any, awarded to the owner of adjoining lands, with interest thereon, and the costs and expenses of any such award, shall be paid by a levy upon the general tax list made by the City for such purpose in the manner provided by law.

SECTION 6. That the Clerk of Council be and he is hereby directed to furnish said Toledo Edison Company with a certified copy and written notice of the passage of the Ordinance after publication of the same.

SECTION 7. That this Ordinance is hereby 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 Ordinance must be immediately effective in order to expedite the installation of street lighting.

Vote on emergency clause: yeas 9 nays 0.

Passed: May 12, 2009, as an emergency measure: yeas 9 nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Mark Sobczak
President of Council

Approved:

May 19, 2009
Carleton S. Finkbeiner
Mayor

ORD. 280-09

Authorizing the Mayor to enter into an agreement to advance Factfinding with TPPA and move directly to Conciliation/Binding Arbitration with Factfinder, Harry Graham serving as Conciliator; and declaring an emergency.

SUMMARY & BACKGROUND:

The City has been negotiating with Toledo Police Patrolman's Association (TPPA) to enter in to a successor Collective Bargaining Agreement (CBA) to

replace the agreement that expired at the end of 2008. To date the negotiation process has been unsuccessful and a virtual impasse exists between the parties. Fact-finding pursuant to Revised Code 4117 has been scheduled to take place on May 28, 2009. A factfinder's report could be rejected by either party and more time, possibly months would pass until a resolution could be reached through issue arbitration. The administration seeks authority from Council to, if possible, enter into an agreement with TPPA and Factfinder, Harry Graham to advance Factfinding and proceed immediately to Conciliation/Binding Arbitration on May 28, 2009. NOW, THEREFORE,

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

SECTION 1. That the Mayor is hereby authorized to enter into an agreement, if possible, to advance Factfinding with the TPPA and proceed directly to Conciliation/Binding Arbitration provided such Conciliation/Binding Arbitration be scheduled on May 28, 2009 upon such terms and conditions as are approved by the Director of Law.

SECTION 2. 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 this ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare and for the further reason that this ordinance is necessary to an option to the administration to resolve a contractual dispute with finality as soon as possible.

Vote on emergency clause: yeas 10 nays 0.

Passed: May 12, 2009, as an emergency measure:
yeas 8 nays 2.

Attest:

Gerald E. Dendinger
Clerk of Council

Mark Sobczak
President of Council

Approved:

May 19, 2009
Carleton S. Finkbeiner
Mayor

NOTICE TO BIDDERS

CONSTRUCTION-INSTALLATION

Asbestos Abatement Of The Former Acme Building At The Marina

Sealed bids will be received at the Purchasing office, 19th Floor, One Government Center, Suite 1970, Toledo, Ohio, 43604, until 2:00 p.m. (local time): TUESDAY, JUNE 2, 2009, for the Division of ENVIRONMENTAL SERVICES, Department of PUBLIC UTILITIES.

There will be a mandatory pre-bid meeting on May 26, 2009 at 10:00 a.m. at 1401 Front Street in Toledo, Ohio.

Any bidder submitting a bid in the amount of forty thousand dollars (\$40,000.00) or more shall submit a bid guaranty in the amount of five percent (5%) of the bid, subject to a maximum amount of two hundred thousand (\$200,000.00). The bid guaranty may be a bid bond or a certified check or cashier's check on a solvent bank. The bid guaranty shall provide that if the bid is accepted, the bidder shall enter into a proper contract with the City in accordance with the bid, plans, details, specifications and bills of material. Company checks are not acceptable.

NOTE: Bid information can be accessed from the City's website at www.toledo.oh.gov.

General questions pertaining to the availability of the specifications or any other general information may be directed to the Purchasing Division, Darlene Williams, at 419/245-1195. Technical questions regarding the specifications should be directed to Joel Mazur, at 419/936-3944.

Note: The City of Toledo has a goal oriented MBE program that specifies a 15% MBE goal in construction contracts and 10% MBE goal in services (general and professional), goods, and supply contracts. These goals apply to prime contractors as well as subcontractors. Bidders are expected to make a good faith effort to locate and solicit bids from MBE concerns for subcontracted activity.

Please also be advised that this project requires the payment of prevailing wages. (The prevailing wage coordinator for this project is Kelly DeBruyn, 419/936-2956). If you have questions regarding our MBE program, please contact the Affirmative Action/Contract Compliance office at 419/245-1198.

GOODS AND SERVICES

Security Guard Service At 2411 Albion Street

Sealed bids will be received at the Purchasing office, 19th Floor, One Government Center, Suite 1970, Toledo, Ohio, 43604, until 2:00 p.m. (local time): TUESDAY, JUNE 9, 2009, for the Department of PUBLIC SERVICE Division of FACILITY OPERATIONS.

There will be a mandatory pre-bid meeting on Wednesday, June 3, 2009 at 8:00 a.m. at 2411 Albion St., Toledo, Ohio.

Every bidder shall present with their bid a Bidder's Bond or a certified or cashier's check payable to the City of Toledo equal to two thousand dollars (\$2,000). The bid guaranty shall provide that if the bid is accepted, the bidder shall enter into a proper contract with the City in accordance with the bid, plans, details, specifications and bills of material. Company checks are not acceptable.

NOTE: Bid information can be accessed from the City's website at www.toledo.oh.gov.

FURTHERMORE, every Bidder and the entity s/he represents must acknowledge and declare having read Ohio Revised Code Section 3517.13 in its entirety and must certify that all persons identified in Ohio Revised Code Sections 3517.13(I)(3) and 3517.13(J)(3), as applicable, are in compliance with Ohio Revised Code Sections 3517.13(I) or 3517.13(J), as applicable.

General questions pertaining to the availability of the specifications or any other general information may be directed to the Purchasing Division, Darlene Williams, (419) 245-1195. Technical questions regarding the specifications should be directed to Paul Ringlein at (419) 936-2550.

If you choose to download this bid, vendor assumes full responsibility to continuously check this advertisement for any addendums posted.

The City of Toledo has a goal oriented MBE program that specifies a 15% MBE goal in construction contracts and 10% MBE goal in services (general and professional), goods, and supply contracts.

If you need any assistance with this program, please contact (419) 245-1563.

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