



July 23, 2010
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Wilma D. Brown

At Large Seats

Phil Copeland
Rob Ludeman
Adam Martinez
Joe McNamara
George Sarantou
Steven C. Steel

District Seats

Wilma D. Brown (1)
D. Michael Collins (2)
Mike Craig (3)
Michael Ashford (4)
Tom Waniewski (5)
Lindsay Webb (6)

Clerk of Council

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TABLE OF CONTENTS

COUNCIL PROCEEDINGS	884
ENACTED LEGISLATION	891
ORD. 3-10.....	891
ORD. 375-10.....	892
RES. 382-10	892
RES. 383-10	893
ORD. 384-10.....	893
ORD. 386-10	894
ORD. 387-10.....	894
ORD. 388-10.....	895
ORD. 391-10.....	895
ORD. 392-10.....	896
ORD. 393-10.....	897
ORD. 394-10.....	898
NOTICE TO BIDDERS	899
CONSTRUCTION-INSTALLATION	899
2010 Roadway Reclamation Project	899
GOODS AND SERVICES	899
New Police Department 4-Door Sedans	899
PROPOSALS	899
Basic Life Support (BLS) Billing and Collection Service	899
RULES AND REGULATIONS	901
Department of Public Utilities	901
Department of Public Service	903
INDEX	906

COUNCIL PROCEEDINGS

**Regular Session
Council Chambers
Tuesday, July 20, 2010
4:03 P.M.**

COUNCIL met in regular session with Council President Brown in the chair. The roll being called, the following members were present: McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12).

Absent: None.

The invocation was rendered by Sister Jennifer Marie Zimmerman of the Sisters of Notre Dame, which was followed by the entire audience reciting the Pledge of Allegiance to our Flag and the singing of the National Anthem.

OFFICE OF THE MAYOR:

380-10 APPOINTMENTS – DOWNTOWN TOLEDO PARKING AUTHORITY

Communication submitting the following names for appointment/reappointment to the Downtown Toledo Parking Authority, for a term expiring 4/30/12: Kenneth P. Wood, pursuant to the special engagement authority of Toledo City Charter Section 61; Michael Brinker, George M. Yakumithis, Stephen J. Herwat.

MS. BROWN moved to confirm; carried, McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

381-10 APPOINTMENT – TOLEDO – LUCAS COUNTY PORT AUTHORITY

Communication submitting the name of Brian Bucher for appointment to the Toledo-Lucas County Port Authority, pursuant to the special engagement authority of Toledo City Charter Section 61, for a term expiring 7/31/14.

MS. BROWN moved to confirm; carried, McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

COUNCIL MEMBERS WEBB AND SARANTOU presented:

A RESOLUTION NO. 382-10 CONGRATULATING AND RECOGNIZING TOLEDO TICKET COMPANY, A 5TH GENERATION FAMILY BUSINESS, ON THE OCCASION OF THEIR 100TH ANNIVERSARY.

The resolution was then read by title only.

The roll was called to dispense with the rule requiring that resolutions not be adopted earlier than the next succeeding regular or special meeting of Council following its reading; carried, McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

The roll was then called on final adoption of the resolution, and the vote thereon was as follows: McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

So the resolution was adopted.

PRESIDENT OF COUNCIL BROWN moved to go into Executive Session for the purpose of discussing labor issues; COUNCILMAN MCNAMARA seconded the motion; McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

THE COUNCIL then met in Executive Session commencing at 4:19 P.M.

THE COUNCIL returned from Executive Session at 4:50 P.M. and resumed their regular meeting.

THE CLERK reported:

AN ORDINANCE NO. 398-10 ACCEPTING THE RECOMMENDATIONS SET FORTH IN THE FACT FINDING REPORT IN THE MATTER OF THE CITY OF TOLEDO AND AMERICAN FEDERATION OF STATE COUNTY AND MUNICIPAL EMPLOYEES LOCAL 3411; AND DECLARING AN EMERGENCY.

The ordinance was then read by title only.

The roll was called to dispense with the rule requiring that ordinances not be passed earlier than the next succeeding regular or special meeting of Council following its reading; carried, McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

The roll was called on passage of the ordinance, as an emergency measure and the vote thereon was as follows: McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

The roll was then called on final passage of the ordinance, and the vote thereon was as follows: Steel, Webb, Ashford, Copeland, Ludeman (5) voting yea; McNamara, Sarantou, Waniewski, Brown, Collins, Craig, Martinez (7) voting nay.

So the ordinance did not pass.

MS. BROWN moved for immediate consideration of a proposed ORDINANCE NO. 399-10 REJECTING THE RECOMMENDATIONS SET FORTH IN THE FACT FINDING REPORT IN THE MATTER OF THE CITY OF TOLEDO AND AMERICAN FEDERATION OF STATE COUNTY AND MUNICIPAL EMPLOYEES LOCAL 3411; AND DECLARING AN EMERGENCY; McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

AN ORDINANCE NO 399-10 REJECTING THE RECOMMENDATIONS SET FORTH IN THE FACT FINDING REPORT IN THE MATTER OF THE CITY OF TOLEDO AND AMERICAN FEDERATION OF STATE COUNTY AND MUNICIPAL EMPLOYEES LOCAL 3411; AND DECLARING AN EMERGENCY.

MS. WEBB moved to table the ordinance until Wednesday, July 21, 2010 at 5:30 PM; Webb, Collins, Martinez (3) voting yea; McNamara, Sarantou, Steel, Waniewski, Ashford, Brown, Copeland, Craig, Ludeman (9) voting nay.

So the motion failed.

The ordinance was then read by title only.

The roll was called to dispense with the rule requiring that ordinances not be passed earlier than the next succeeding regular or special meeting of Council following its reading; carried, McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

The roll was called on passage of the ordinance, as an emergency measure and the vote thereon was as follows: McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

The roll was then called on final passage of the ordinance, and the vote thereon was as follows: McNamara, Sarantou, Waniewski, Brown, Martinez (5) voting yea; Steel, Webb, Ashford, Collins, Copeland, Craig, Ludeman (7) voting nay.

So the ordinance did not pass.

DEPARTMENT OF PUBLIC UTILITIES:

AN ORDINANCE NO. 393-10 APPROVING THE USE OF WATER INFRASTRUCTURE DEVELOPMENT FUNDS (2% FUNDS) TO PAY FOR THE COST OF REPLACING AN EXISTING UNDERSIZED AND DETERIORATED WATER SERVICE LINE AT 601 MONROE ST. (REAR) AKA

35 N. HURON ST.; APPROPRIATING AND EXPENDING \$63,650 FROM THE UNAPPROPRIATED BALANCE OF THE WATER INFRASTRUCTURE DEVELOPMENT FUND; AND DECLARING AN EMERGENCY.

The ordinance was then read by title only.

The roll was called to dispense with the rule requiring that ordinances not be passed earlier than the next succeeding regular or special meeting of Council following its reading; carried, McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

The roll was called on passage of the ordinance, as an emergency measure and the vote thereon was as follows: McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

The roll was then called on final passage of the ordinance, and the vote thereon was as follows: McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

So the ordinance passed, as an emergency measure.

ITEMS APPEARING FOR VOTE ON EMERGENCY AND/OR PASSAGE:

AN ORDINANCE NO. 315-10 REQUIRING THE COUNCIL AIDES TO COMPLETE A REQUEST FOR RECLASSIFICATION/RE-EVALUATION FORM ALSO KNOWN AS A DESK AUDIT AND FURTHER REQUESTING THAT THE DEPT. OF HUMAN RESOURCES PROCESS THE FORMS AND DETERMINE THE APPROPRIATE SALARY GROUP; AND DECLARING AN EMERGENCY.

MR. MCNAMARA moved to table the ordinance; carried; v.v.

AN ORDINANCE NO. 375-10 AUTHORIZING THE MAYOR TO RENEW THE INSURANCE POLICY COVERING CITY PROPERTY WITH FM GLOBAL FOR A PERIOD OF ONE YEAR WITH AN OPTION TO RENEW FOR THREE ADDITIONAL ONE YEAR PERIODS SUBJECT TO AVAILABLE ANNUAL APPROPRIATION; FURTHER AUTHORIZING THE EXPENDITURE OF \$470,600 SUBJECT TO INCREASE AND/OR DECREASE IN INSURABLE VALUES FROM ACCOUNT CODE 95-1410-3755-STD-STD-157001 WITHIN THE CITY'S RISK MANAGEMENT FUND; AND DECLARING AN EMERGENCY.

The roll was called on passage of the ordinance, as an emergency measure and the vote thereon was as follows: McNamara, Sarantou, Steel, Waniewski,

Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

The roll was then called on final passage of the ordinance, and the vote thereon was as follows: McNamara, Sarantou, Steel, Waniewski, Ashford, Brown, Copeland, Craig, Ludeman, Martinez (10) voting yea; Webb, Collins (2) voting nay.

So the ordinance passed, as an emergency measure.

A RESOLUTION NO. 363-10 CALLING FOR COMPREHENSIVE IMMIGRATION REFORM AND OPPOSING HUMAN TRAFFICKING AND UNSCRUPULOUS EMPLOYMENT PRACTICES.

IN ACCORDANCE with Section 43C of the Charter of the City of Toledo, Mayor Bell casted a positive vote on the motion to relieve the resolution from the Public Safety, Law and Criminal Justice Committee.

So the motion carried.

A RESOLUTION NO. 363-10 CALLING FOR COMPREHENSIVE IMMIGRATION REFORM AND OPPOSING HUMAN TRAFFICKING AND UNSCRUPULOUS EMPLOYMENT PRACTICES.

The roll was then called on final passage of the ordinance, and the vote thereon was as follows: McNamara, Steel, Webb, Copeland, Craig, Martinez (6) voting yea; Sarantou, Waniewski, Ashford, Brown, Collins, Ludeman (6) voting nay, resulting in a tie vote.

IN ACCORDANCE with Section 43C of the Charter of the City of Toledo, Mayor Bell casted a negative vote on the adoption of the resolution.

So the resolution was not adopted.

COUNCILMAN ASHFORD presented:

A RESOLUTION NO. 383-10 REQUESTING THE TOLEDO CITY PLAN COMMISSION REVIEW, ANALYZE AND MAKE RECOMMENDATIONS REGARDING THE CHERRY STREET LEGACY PLAN AS AN AMENDMENT TO THE 20/20 COMPREHENSIVE PLAN FOR THE CITY OF TOLEDO; AND DECLARING AN EMERGENCY.

The resolution was then read by title only.

The roll was called to dispense with the rule requiring that resolutions not be adopted earlier than the next succeeding regular or special meeting of Council following its reading; carried, McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

The roll was called on adoption of the resolution, as an emergency measure and the vote thereon was as follows: McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

The roll was then called on final adoption of the resolution, and the vote thereon was as follows: McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

So the resolution was adopted, as an emergency measure.

DEPARTMENT OF HUMAN RESOURCES:

AN ORDINANCE NO. 384-10 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH WORKPLACE RESOURCES, INC. FOR THE PROVISION OF EMPLOYEE ASSISTANCE SERVICES FOR THE CITY OF TOLEDO'S POLICE, FIRE AND CIVILIAN EMPLOYEES FOR A TERM OF THREE (3) YEARS; AND FURTHER AUTHORIZING THE EXPENDITURE OF FUNDS; AND DECLARING AN EMERGENCY.

The ordinance was then read by title only.

The roll was called to dispense with the rule requiring that ordinances not be passed earlier than the next succeeding regular or special meeting of Council following its reading; carried, McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

The roll was called on passage of the ordinance, as an emergency measure and the vote thereon was as follows: McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

The roll was then called on final passage of the ordinance, and the vote thereon was as follows: McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

So the ordinance passed, as an emergency measure.

DEPARTMENT OF FINANCE:

AN ORDINANCE NO. 385-10 LEVYING SPECIAL ASSESSMENTS FOR THE REPAIR, RE-ESTABLISHMENT, AND CONSTRUCTION OF ROADSIDE DRAINAGE SYSTEMS LOCATED WITHIN THE PUBLIC RIGHT-OF WAY AT SPECIFIED LOCATIONS, IN THE CITY OF TOLEDO, OHIO; AND DECLARING AN EMERGENCY.

The ordinance was then read by title only.

AN ORDINANCE NO. 386-10 AUTHORIZING THE EXPENDITURE OF \$61,997.00 TO PROVIDE PAYMENT OF THE CITY OF TOLEDO'S 2010 MEMBERSHIP FEE TO THE TOLEDO METROPOLITAN AREA COUNCIL OF GOVERNMENTS (TMACOG); AUTHORIZING SAID EXPENDITURE FROM GENERAL NON-DEPARTMENTAL SERVICES; AND DECLARING AN EMERGENCY.

The ordinance was then read by title only.

The roll was called to dispense with the rule requiring that ordinances not be passed earlier than the next succeeding regular or special meeting of Council following its reading; carried, McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

The roll was called on passage of the ordinance, as an emergency measure and the vote thereon was as follows: McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

The roll was then called on final passage of the ordinance, and the vote thereon was as follows: McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

So the ordinance passed, as an emergency measure.

DEPARTMENT OF PUBLIC UTILITIES:

AN ORDINANCE NO. 387-10 AUTHORIZING THE MAYOR AND DIRECTOR OF PUBLIC UTILITIES TO EXECUTE AN AMENDMENT TO THE 2009 CONTRACT FOR PROFESSIONAL SERVICES WITH THE MANNIK & SMITH GROUP (MSG) TO INCREASE THE SECOND YEAR PAYMENT TO \$ 235,000 FOR ENGINEERING OVERSIGHT SERVICES TO DPU AND CITY COUNCIL ON THE TOLEDO WATERWAYS INITIATIVE (TWI) PROJECT; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF \$235,000 FROM THE UNAPPROPRIATED BALANCE OF THE SANITARY SEWER REPLACEMENT FUND FOR THIS PURPOSE; AND DECLARING AN EMERGENCY.

The ordinance was then read by title only.

The roll was called to dispense with the rule requiring that ordinances not be passed earlier than the next succeeding regular or special meeting of Council following its reading; carried, McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

The roll was called on passage of the ordinance, as an emergency measure and the vote thereon was as follows: McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

The roll was then called on final passage of the ordinance, and the vote thereon was as follows: McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

So the ordinance passed, as an emergency measure.

AN ORDINANCE NO. 388-10 AUTHORIZING THE APPROPRIATION AND EXPENDITURE OF \$10,865.00 FROM THE WATER OPERATING FUND TO PROVIDE PAYMENT OF THE CITY OF TOLEDO DEPARTMENT OF PUBLIC UTILITIES' MEMBERSHIP DUES FOR 2010-2011 TO THE AMERICAN WATER WORKS ASSOCIATION (AWWA); AND DECLARING AN EMERGENCY.

The ordinance was then read by title only.

The roll was called to dispense with the rule requiring that ordinances not be passed earlier than the next succeeding regular or special meeting of Council following its reading; carried, McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

The roll was called on passage of the ordinance, as an emergency measure and the vote thereon was as follows: McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

The roll was then called on final passage of the ordinance, and the vote thereon was as follows: McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

So the ordinance passed, as an emergency measure.

DEPARTMENT OF LAW:

AN ORDINANCE NO. 389-10 REPEALING TOLEDO MUNICIPAL CODE SECTION 505.14, ENACTING A NEW CHAPTER 1706 OF THE TOLEDO MUNICIPAL CODE, "DOGS".

The ordinance was then read by title only.

MR. MCNAMARA moved to refer the ordinance to the Public Safety, Law and Criminal Justice Committee; carried; v.v.

AN ORDINANCE NO. 390-10 AUTHORIZING THE MAYOR TO ACCEPT AN AMOUNT NOT TO EXCEED

\$1,100,000.00 FROM PENN NATIONAL GAMING, INC. TO REIMBURSE THE CITY OF TOLEDO FOR INVESTMENTS MADE FOR IMPROVEMENTS AT OR NEAR 1968 MIAMI STREET, TOLEDO, OHIO; AND DECLARING AN EMERGENCY.

The ordinance was then read by title only.

The roll was called to dispense with the rule requiring that ordinances not be passed earlier than the next succeeding regular or special meeting of Council following its reading; carried, Sarantou, Steel, Waniewski, Ashford, Brown, Craig, Ludeman, Martinez (8) voting yea; McNamara, Webb, Collins, Copeland (4) voting nay.

So the motion failed.

DEPARTMENT OF NEIGHBORHOODS:

AN ORDINANCE NO. 391-10 AUTHORIZING THE MAYOR TO ACCEPT A GRANT IN THE AMOUNT OF \$245,000 AND THE TERMS OF THE AGREEMENT FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE PURPOSE OF FUNDING THE FY 2008 EDI SPECIAL PROJECTS GRANT; AUTHORIZING THE DEPOSIT, APPROPRIATION AND EXPENDITURE OF SAID FUNDS WITHIN THE OPERATIONAL GRANTS FUND; AND DECLARING AN EMERGENCY.

The ordinance was then read by title only.

The roll was called to dispense with the rule requiring that ordinances not be passed earlier than the next succeeding regular or special meeting of Council following its reading; carried, McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman (11) voting yea; nays none; Martinez (1) not voting.

The roll was called on passage of the ordinance, as an emergency measure and the vote thereon was as follows: McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman (11) voting yea; nays none; Martinez (1) not voting.

The roll was then called on final passage of the ordinance, and the vote thereon was as follows: McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman (11) voting yea; nays none; Martinez (1) not voting.

So the ordinance passed, as an emergency measure.

DEPARTMENT OF INFORMATION & COMMUNICATIONS TECHNOLOGY:

AN ORDINANCE NO. 392-10 AUTHORIZING THE MAYOR AND COMMISSIONER OF PURCHASING

TO WAIVE COMPETITIVE BIDDING OR PROPOSALS AND ENTER INTO AN AGREEMENT WITH AT&T FOR BUNDLED SERVICE PACKAGE FOR ISDN PRIMES, CENTREX, AND THE MASTER DISCOUNT; AND DECLARING AN EMERGENCY.

The ordinance was then read by title only.

The roll was called to dispense with the rule requiring that ordinances not be passed earlier than the next succeeding regular or special meeting of Council following its reading; carried, McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

The roll was called on passage of the ordinance, as an emergency measure and the vote thereon was as follows: McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

The roll was then called on final passage of the ordinance, and the vote thereon was as follows: McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

So the ordinance passed, as an emergency measure.

COUNCILMAN CRAIG, CHAIR, ZONING & PLANNING COMMITTEE, reported as approved:

AN ORDINANCE NO. 394-10 CHANGING THE ZONING MAPS ATTACHED TO PART 11, PLANNING AND ZONING, TOLEDO MUNICIPAL CODE, FOR THE PROPERTY LOCATED AT 3939 WOODLEY ROAD, IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO; AND DECLARING AN EMERGENCY.

The ordinance was then read by title only.

The roll was called to dispense with the rule requiring that ordinances not be passed earlier than the next succeeding regular or special meeting of Council following its reading; carried, McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

The roll was called on passage of the ordinance, as an emergency measure and the vote thereon was as follows: McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

The roll was then called on final passage of the ordinance, and the vote thereon was as follows: McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

So the ordinance passed, as an emergency measure.

COUNCILMAN CRAIG, CHAIR, ZONING & PLANNING COMMITTEE, reported without recommendation:

AN ORDINANCE NO. 3-10 (690-09) GRANTING A SPECIAL USE PERMIT FOR A PROPOSED CONVENIENCE STORE FOR A SITE LOCATED AT 1256 BROADWAY IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO; SUBJECT TO CERTAIN CONDITIONS; AND DECLARING AN EMERGENCY.

MR. MCNAMARA moved to amend the ordinance by substituting a new proposed ordinance; carried; v.v.

AN ORDINANCE NO. 3-10 (690-09) GRANTING A SPECIAL USE PERMIT FOR A CONVENIENCE STORE FOR A SITE LOCATED AT 1256 BROADWAY, IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO; SUBJECT TO CERTAIN CONDITIONS; AND DECLARING AN EMERGENCY.

The roll was called on passage of the ordinance, as an emergency measure and the vote thereon was as follows: McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

The roll was then called on final passage of the ordinance, and the vote thereon was as follows: Sarantou, Steel, Waniewski, Ashford, Brown, Copeland, Craig, Ludeman (8) voting yea; McNamara, Webb, Collins, Martinez (4) voting nay.

So the ordinance passed, as an emergency measure.

COUNCILMAN CRAIG, CHAIR, ZONING & PLANNING COMMITTEE, reported as disapproved:

AN ORDINANCE NO. 395-10 GRANTING A SPECIAL USE PERMIT FOR A CONVENIENCE STORE FOR A SITE LOCATED AT 2938 STICKNEY AVENUE, IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO; SUBJECT TO CERTAIN CONDITIONS; AND DECLARING AN EMERGENCY.

The ordinance was then read by title only.

The roll was called to dispense with the rule requiring that ordinances not be passed earlier than the next succeeding regular or special meeting of Council following its reading; carried, McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

The roll was called on passage of the ordinance, as an emergency measure and the vote thereon was as follows: McNamara, Sarantou, Steel, Waniewski,

Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

The roll was then called on final passage of the ordinance, and the vote thereon was as follows: Copeland (1) voting yea; McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Craig, Ludeman, Martinez (11) voting nay.

So the ordinance did not pass.

AN ORDINANCE NO. 396-10 GRANTING A SPECIAL USE PERMIT FOR A GAS STATION/CONVENIENCE STORE FOR A SITE LOCATED AT 740, 746, 752, 756 AND 758 EAST BROADWAY, IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO; SUBJECT TO CERTAIN CONDITIONS; AND DECLARING AN EMERGENCY.

The ordinance was then read by title only.

The roll was called to dispense with the rule requiring that ordinances not be passed earlier than the next succeeding regular or special meeting of Council following its reading; carried, McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

The roll was called on passage of the ordinance, as an emergency measure and the vote thereon was as follows: McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

The roll was then called on final passage of the ordinance, and the vote thereon was as follows: Waniewski, Collins, Copeland, Ludeman (4) voting yea; McNamara, Sarantou, Steel, Webb, Ashford, Brown, Craig, Martinez (8) voting nay.

So the ordinance did not pass.

AN ORDINANCE NO. 397-10 VACATING A PORTION OF 126TH STREET, AT EDGEWATER DRIVE, IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO; AND DECLARING AN EMERGENCY.

The ordinance was then read by title only.

The roll was called to dispense with the rule requiring that ordinances not be passed earlier than the next succeeding regular or special meeting of Council following its reading; carried, McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

The roll was called on passage of the ordinance, as an emergency measure and the vote thereon was as follows: McNamara, Sarantou, Steel, Waniewski,

Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting yea; nays none.

The roll was then called on final passage of the ordinance, and the vote thereon was as follows: yeas none; McNamara, Sarantou, Steel, Waniewski, Webb, Ashford, Brown, Collins, Copeland, Craig, Ludeman, Martinez (12) voting nay.

So the ordinance did not pass.

MR. MCNAMARA moved that reading of minutes of meetings of Council held July 6, 2010 be dispensed with and that the Journal be approved; carried; v.v.

MR. MCNAMARA moved to excuse Councilman Ashford, for non-attendance at the Zoning & Planning Committee of July 14, 2010; and Council President Brown, for non-attendance at the Zoning & Planning Committee of July 14, 2010; carried; v.v.

PRESIDENT OF COUNCIL BROWN moved to adjourn until Tuesday, August 3, 2010 at 4:00 P.M.; carried, v.v.

ADJOURNED,
WILMA D. BROWN
President of Council

Attest:
GERALD E. DENDINGER
Clerk of Council

ENACTED LEGISLATION

ORD. 3-10

Granting a Special Use Permit for a Convenience Store for a site located at 1256 Broadway, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-7004-09) filed with the City of Toledo Central Permit Center, a Special Use Permit for a Convenience Store for a site located at 1256 Broadway, in the City of Toledo, Lucas County, Ohio, was submitted to the Toledo City Plan Commission for its review and recommendation.

On November 6, 2009, the Toledo City Plan Commission recommended approval for the Special Use Permit for a Convenience Store for a site located at 1256 Broadway, in the City of Toledo, Lucas County, Ohio,

On July 14, 2010, Toledo City Council, Planning and Zoning Committee reviewed and sent without recommendation the Special Use Permit for a Convenience Store located at 1256 Broadway, in the City of Toledo, Lucas County, Ohio, and all other things required by law to be done, have been done. NOW, THEREFORE,

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

SECTION 1. That a Special Use Permit for a Convenience Store for a site located at 1256 Broadway, Toledo, Ohio, be and the same is hereby approved, subject to the conditions contained in Section 2 hereof which must be complied with, as to the property more fully described as follows:

Boalt Addition Lot 2 to 4 and 125 & 126 Knowers NE 40FT SW 80 FT.

SECTION 2. That the approval of the Special Use Permit for a Convenience Store for a site located at 1256 Broadway, in the City of Toledo, Lucas County, Ohio, shall be subject to compliance with the following conditions:

The conditions of approval are as follows and are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Engineering Services

Substandard sidewalk and curb sections that exist within the public right-of-way abutting the site shall be replaced in accordance with City of Toledo

Construction Standards. Contact Tracy Martin at (419) 936-2847 for inspections.

Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from One Stop Shop, (419) 245-1220. Occupancy permits will not be issued until all inspections have been completed.

Plan Commission Staff

Hours of operation are limited to 5:30 a.m. to 1 a.m., or other hours that are consistent with a liquor permit by the State of Ohio, per TMC 1104.0601 Hours of Operation.

The Special Use Permit is subject to review on an annual basis and may be amended or revoked by action of City Council in consultation with the Plan Commission if the convenience store is determined to have significant negative secondary effects, per TMC 1104.0602 Negative Secondary Effects.

Minor adjustments to the site plan that do not violate the above conditions, or the Toledo Municipal Code, may be reviewed and approved by the Director of the Toledo City Plan Commissions.

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

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

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

Vote on emergency clause: yeas 12, nays 0.

Passed: July 20, 2010, as an emergency measure: yeas 8, nays 4.

Attest:

Gerald E. Dendinger
Clerk of Council

Wilma D. Brown
President of Council

Approved:

July 22, 2010
Michael P. Bell
Mayor

ORD. 375-10

Authorizing the Mayor to renew the insurance policy covering city property with FM Global for a period of one year with an option to renew for three additional one year periods subject to available annual appropriation; further authorizing the expenditure of \$470,600 subject to increase and/or decrease in insurable values from Account Code 95-1410-3755-STD-STD-157001 within the City's Risk Management Fund; and declaring an emergency.

SUMMARY & BACKGROUND:

The city maintains a blanket "all-risk" insurance policy covering its property. While natural catastrophes, low investment yield, and claim costs have caused insurers to raise rates/premiums, FM Global has reduced its rate/premiums charged to the City since the last ordinance was passed in July, 2006.

FM Global has provided insurance coverage for the city for over fifteen years. As a direct result of this longstanding relationship, FM Global has, and continues to offer the maximum and best coverage, inspection and engineering support, and claims experience at a reasonable and fair premium cost.

The last ordinance authorizing the Mayor to enter into a contract with FM Global was passed in July 2006. The authorization then, as now, is for one year with the option of renewing for three additional one-year periods. This commitment, from the City to FM Global, and from FM Global to the City, serves as the basis for the most favorable outcome both in coverage and in working with us to further develop and implement loss prevention measures. NOW, THEREFORE,

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

SECTION 1. The Mayor is hereby authorized and directed to renew the blanket "all risk" property insurance policy with FM Global through the Hylant Group with a policy period June 1, 2010 to June 1, 2011 in the amount of \$470,600 with an option to renew for three (3) additional one year periods subject to available annual appropriation and premium increase and/or decrease and insurable values and upon presentation of their invoice.

SECTION 2. The Director of Finance is hereby authorized and directed to draw his warrant or warrants against Account Code 95-1410-3755-STD-STD-157001 of the Risk Management Fund in payment of the obligation hereinafter authorized upon presentation of voucher or vouchers thereof.

SECTION 3. 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 the same is necessary

for the immediate preservation of the public peace, health, safety and property, and for the further reason that the ordinance must be immediately effective to provide insurance protection for the real and personal property of the City of Toledo.

Vote on emergency clause: yeas 12, nays 0.

Passed: July 20, 2010, as an emergency measure: yeas 10, nays 2.

Attest:

Gerald E. Dendinger
Clerk of Council

Wilma D. Brown
President of Council

Approved:

July 22, 2010
Michael P. Bell
Mayor

RES. 382-10

Congratulating and Recognizing Toledo Ticket Company, a 5th Generation Family Business, on the occasion of their 100th Anniversary.

WHEREAS, the Toledo Ticket Company was established in 1910 by Mr. Grant F. Northrup, former Vice-Mayor and Toledo City Councilman; and

WHEREAS, this five generation family business has been providing tickets for the parking and transportation, recreation, entertainment, healthcare and education arenas for 100 years; and

WHEREAS, until the 1950's the company was located in downtown Toledo until they moved to an expanded plant on Catawba Street in West Toledo; and

WHEREAS, presently Toledo Ticket Company has over 100 employees, partners and representatives, 4 manufacturing facilities and 18 sales offices strategically positioned nationwide. They provide ticket product solutions to more than 6,500 parking customers and 2,000 sports and entertainment clients worldwide in over 30 countries; and

WHEREAS, on Saturday, July 17, 2010, Toledo Ticket Company hosted a 100 Year Anniversary celebration, where clients, employees and members of the community had the opportunity to come together to commemorate their accomplishments and success; NOW, THEREFORE,

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

SECTION 1. That this Council does hereby recognize the 100 years of dedicated commitment and service that the Toledo Ticket Company has offered to the Toledo community and furthermore wishes to congratulate them on this milestone anniversary and wishes many more years of continued success.

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

Adopted: July 20, 2010: yeas 12, nays 0.

Attest:
Gerald E. Dendinger Wilma D. Brown
Clerk of Council President of Council

Approved: July 22, 2010
 Michael P. Bell
 Mayor

RES. 383-10

Requesting the Toledo City Plan Commission review, analyze and make recommendations regarding the Cherry Street Legacy Plan as an amendment to the 20/20 Comprehensive Plan for the City of Toledo; and declaring an emergency.

SUMMARY & BACKGROUND:

Mercy St Vincent Medical Center has long been considered an anchor in downtown Toledo and has been and continues to be committed to strong community partnerships, which strengthen the neighborhood. Mercy St Vincent medical center sponsored a study, by LISC, to benefit the neighborhood. They have instituted a crime reduction committee as well as a neighborhood stabilization plan, and worked with local schools, churches, block watch organizations, and residents to improve the area around the Mercy Campus. The request is to take the study by LISC and incorporate it into the 20/20 Comprehensive plan. NOW, THEREFORE,

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

SECTION 1. That the Cherry Street Legacy Plan, as an amendment to the 20/20 Comprehensive Plan for the City of Toledo, be and the same is hereby referred to the Toledo City Plan Commission for review, analysis, and recommendations. A draft copy of the Cherry Street Legacy Project is on file with the Clerk

SECTION 2. The Director of Finance is hereby authorized to draw his warrant or warrants against Accounting Code 1001 17100 537410 1156001STDSTD in the amount not to exceed \$97,521.00 per annum in payment of obligations as authorized herein upon presentation of proper voucher or vouchers thereof.

SECTION 3. 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 the Ordinance must be immediately effective in order to maintain services beneficial to

City employees and as agreed to in applicable collective bargaining agreements.

Vote on emergency clause: yeas 12, nays 0.

Passed: July 20, 2010, as an emergency measure: yeas 12, nays 0.

Attest:
Gerald E. Dendinger Wilma D. Brown
Clerk of Council President of Council

Approved: July 22, 2010
 Michael P. Bell
 Mayor

ORD. 384-10

Authorizing the Mayor to enter into an Agreement with Workplace Resources, Inc. for the provision of Employee Assistance Services for the City of Toledo's Police, Fire and Civilian Employees for a term of three (3) years; and further authorizing the expenditure of funds; and declaring an emergency.

SUMMARY & BACKGROUND:

In order to maintain a beneficial service on behalf of City employees and as agreed to in applicable collective bargaining agreements, it is necessary to enter into an Agreement to provide Employee Assistance Services for City of Toledo employees. 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 with Workplace Resources, effective August 1, 2010, to provide EAP Services for City of Toledo employees for a period of three (3) years, with an option to renew for a period of one (1) year. Such Agreement shall contain terms and conditions deemed proper and requisite according to the Director of Law and the Mayor.

SECTION 2. The Director of Finance is hereby authorized to draw his warrant or warrants against Accounting Code 1001 17100 537410 1156001STDSTD in the amount not to exceed \$97,521.00 per annum in payment of obligations as authorized herein upon presentation of proper voucher or vouchers thereof.

SECTION 3. 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 the Ordinance must be immediately effective in order to maintain services beneficial to City employees and as agreed to in applicable collective bargaining agreements.

Vote on emergency clause: yeas 12, nays 0.

Passed: July 20, 2010, as an emergency measure: yeas 12, nays 0.

Attest:
Gerald E. Dendinger Clerk of Council Wilma D. Brown President of Council

Approved: July 22, 2010
Michael P. Bell
Mayor

ORD. 386-10

Authorizing the expenditure of \$61,997.00 to provide payment of the City of Toledo's 2010 Membership Fee to the Toledo Metropolitan Area Council of Governments (TMACOG); authorizing said expenditure from General Non-Departmental Services; and declaring an emergency.

SUMMARY & BACKGROUND:

This ordinance authorizes the payment of the Toledo Metropolitan Area Council of Government (TMACOG) annual membership dues in the amount of \$61,997.00. Funds are provided in the 2010 Approved Operating Budget for this payment. NOW, THEREFORE,

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

SECTION 1. That the Mayor be and he is hereby authorized and directed to expend \$61,997.00 from General Non-Departmental Services Account Code 1001/89800/ 1168001STDSTD, Membership & Dues, for payment of 2010 membership dues to the Toledo Metropolitan Area Council of Governments (TMACOG).

SECTION 2. That the Finance Director be and he is hereby authorized and directed to draw his warrant or warrants against the above mentioned account code, in an amount not to exceed those listed above in payment of the obligation or obligations, upon presentation of the proper voucher or vouchers therefor.

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 additional appropriation is needed for payment of the 2010 membership dues to the Toledo Metropolitan Area Council of Governments (TMACOG).

Vote on emergency clause: yeas 12, nays 0.

Passed: July 20, 2010, as an emergency measure: yeas 12, nays 0.

Attest:
Gerald E. Dendinger Clerk of Council Wilma D. Brown President of Council

Approved: July 22, 2010
Michael P. Bell
Mayor

ORD. 387-10

Authorizing the Mayor and Director of Public Utilities to execute an amendment to the 2009 contract for professional services with the Mannik & Smith Group (MSG) to increase the second year payment to \$ 235,000 for engineering oversight services to DPU and City Council on the Toledo Waterways Initiative (TWI) project; appropriating and authorizing the expenditure of \$235,000 from the unappropriated balance of the Sanitary Sewer Replacement Fund for this purpose; and declaring an emergency.

SUMMARY & BACKGROUND:

City Council enacted Resolution No. 407-02 expressing its intent to provide independent oversight for the Toledo Waterways Initiative program. Ordinances Numbered 232-03, 395-06 and 323-09 authorized Mannik & Smith to provide these services. Independent engineering oversight services are even more necessary now that implementation of the Long Term Control Plan has begun. The LTCP contains 25 separate projects totaling some \$350M. Further, it is in the best interests of the City to continue to utilize Mannik & Smith to provide these services due to their outstanding engineering expertise, their familiarity with all facets of this critical \$500M project and the depth of knowledge and expertise they have gained from 2003 through 2010. For these reasons, an additional \$35K in yearly compensation is warranted. Therefore, this ordinance authorizes an amendment to the professional services agreement with the Mannik & Smith Group for TWI to increase the yearly payment for contract years 2010-2011 and 2011-2012 to \$235,000 and to appropriate and authorize funding of \$235,000 from the Sewer Replacement Fund for contract year 2010-2011 only. NOW, THEREFORE,

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

SECTION 1. The Director of Public Utilities is authorized to amend the current contract with Mannik & Smith by increasing compensation for the second and third years of this three-year agreement for independent engineering and advisory services to \$235,000.

SECTION 2. That the sum of \$235,000 is hereby appropriated from the unappropriated balance of the Sanitary Sewer Replacement Fund into Account Code

73-3100-3725-XC2009 and that said amount is hereby authorized for expenditure during the 2010-2011 contract year for the engineering and advisory services provided by the Mannik & Smith Group for the TWI project.

SECTION 3. That the Director of Finance is hereby authorized and directed to draw his warrant or warrants against the above Account Code in an amount not to exceed \$235,000 which amount is hereby authorized in payment for the obligations authorized herein upon the presentation of proper vouchers therefor.

SECTION 4. 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 the same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that it is immediately necessary to provide continuing independent engineering oversight services for the Toledo Waterways Initiative program.

Vote on emergency clause: yeas 12, nays 0.

Passed: July 20, 2010, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger Wilma D. Brown
Clerk of Council President of Council

Approved: July 22, 2010
 Michael P. Bell
 Mayor

ORD. 388-10

Authorizing the appropriation and expenditure of \$10,865.00 from the Water Operating Fund to provide payment of the City of Toledo Department of Public Utilities' membership dues for 2010-2011 to the American Water Works Association (AWWA); and declaring an emergency.

SUMMARY & BACKGROUND:

The American Water Works Association is an international not-for-profit and educational society which advances public health, safety and welfare by uniting the efforts of the full spectrum of stakeholders from throughout the water processing and distribution community. This ordinance authorizes payment of the membership dues for 2010-2011 for the city's Department of Public Utilities. Adequate funds are provided in the 2010 Operating Budget for this purpose. NOW THEREFORE,

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

SECTION 1. That the Mayor be and he hereby is authorized and directed to appropriate \$10,865.00 from the unappropriated balance of and to expend \$10,865.00 from Account Code 603200-3765-000511 for payment of the city of Toledo Department of Public Utilities' 2010-2011 membership dues to the American Water Works Association.

SECTION 2. That the Finance Director be and he hereby is authorized and directed to draw his warrant or warrants against the above denoted account code in an amount not to exceed \$10,865.00 in payment of the obligation or obligations herein, upon presentation of the proper voucher or vouchers therefor.

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 this ordinance is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that expenditure is needed for prompt payment of DPU's 2010-2011 dues to the American Water Works Association.

Vote on emergency clause: yeas 12, nays 0.

Passed: July 20, 2010, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger Wilma D. Brown
Clerk of Council President of Council

Approved: July 22, 2010
 Michael P. Bell
 Mayor

ORD. 391-10

Authorizing the Mayor to accept a Grant in the amount of \$245,000 and the terms of the Agreement from the U.S. Department of Housing and Urban Development for the purpose of funding the FY 2008 EDI Special Projects Grant; authorizing the deposit, appropriation and expenditure of said funds within the Operational Grants Fund; and declaring an emergency.

SUMMARY & BACKGROUND:

The U.S. Department of Housing and Urban Development has approved \$245,000 to fund renovation or construction of buildings in low or moderate-income census tracts utilizing FY 2008 EDI Special Projects Grant funds. The following three projects have been identified by Congresswoman Marcy Kaptur as recipient of these grant funds: the Nueva Esperanza Community Credit Union Building Renovation Project in an amount of \$100,000, the Toledo Urban Federal Credit Union Construction Project in an amount of \$100,000 and the City of

Toledo Roof/Envelope Program in an amount of \$45,000. NOW, THEREFORE,

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

SECTION 1. Authorizing the Mayor to accept the FY 2008 EDI Special Projects Grant (B-08-SP-OH-0158) for the purpose of funding the 2008 Economic Development Initiative Grant and depositing \$100,000 into Account Code 2016-16100-5GED801 for the renovation to the Nueva Esperanza Community Credit Union Building owned by VIVA South Toledo C.D.C., depositing \$100,000 into Account Code 2016-16100-5GED803 for the construction of the future Toledo Urban Federal Credit Union Building on land owned by Toledo Urban Federal Credit Union and depositing \$45,000 into Account Code 2016-16200-5GED803 for renovations of homes in the City of Toledo Roof/Envelope Program.

SECTION 2. Authorizing the appropriation of \$245,000 from the unappropriated balance of the Operations Grant Fund to Account Code 2016-16100-5GED801 for the renovation of the Nueva Esperanza Community Credit Union Building owned by VIVA South Toledo C.D.C, to Account Code 2016-16100-5GED802 for the construction of the future Toledo Urban Federal Credit Union Building on land owned by the Toledo Urban Federal Credit Union and to Account Code 2016-16200-5GED803 for renovations of homes in the City of Toledo Roof/Envelope Program and authorizing the expenditure of said funds.

SECTION 3. That the Mayor be and is hereby authorized to enter into any necessary agreements in the amount of \$245,000.00 for the purpose listed herein subject to terms and conditions deemed proper and requisite according to the Director of Law, and authorizing the expenditure of said funds.

SECTION 4. That the Finance Director be and is hereby authorized and directed to issue warrants in an amount not to exceed \$245,000 in payment of all obligations authorized herein upon presentation of properly approved documentation.

SECTION 5. That the FY 2008 EDI Special Projects Grant budget be and is hereby amended in accordance with this revision and other necessary revisions within certain fund, organization and account classifications.

SECTION 6. 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 to provide accurate accounting control and fund position within the CDBG and Operational Grants Funds.

Vote on emergency clause: yeas 11, nays 0.

Passed: July 20, 2010, as an emergency measure: yeas 11, nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Wilma D. Brown
President of Council

Approved:

July 22, 2010
Michael P. Bell
Mayor

ORD. 392-10

Authorizing the Mayor and Commissioner of Purchasing to waive competitive bidding or proposals and enter into an agreement with AT&T for bundled service package for ISDN Primes, Centrex, and the Master Discount; and declaring an emergency.

SUMMARY & BACKGROUND:

The city is reducing the amount of telephones that will be maintained on Centrex due to the conversion to VOIP. The Centrex contract, with AT&T, which expired May 14, 2010, had a line commitment of 1800 phone lines. Implementation of a City of Toledo owned VOIP phone system allows for the new line commitment to be reduced to 400 phone lines. As part of the VOIP phone system expansion, however, the COT needs to maintain the ability to dial outside of the system (dialing 9). In order to dial "9", it will require the purchase of some additional ISDN Prime lines (PRI lines).

This Ordinance is to authorize waiving of competitive bids or proposals, as well as, to award a contract to AT&T for the reasons articulated below.

There are only two local vendors, AT&T and Buckeye Telesystem, for PRI lines. Informal proposals were obtained from both of these local vendors for PRI lines. The proposal from Buckeye only provided a quantity discount for PRI lines. The proposal received from AT&T included pricing for additional PRI lines with a flat rate usage each per month of \$425.00, renewal of three existing PRI lines at the same flat rate which is a significant reduction of the current rates at an annual savings of \$19,860, a Centrex line commitment to 400 lines at an additional cost reduction of \$2.98 per line, reduction of our Master Discount agreement at an estimated annual saving of \$8, 298.00, a one time signing bonus of \$13, 200 for a 60 month bundle package and an undetermined cost saving for the Centrex lines because the saving will be determined by the number of phones that will remain on Centrex.

Even though the recent Centrex agreement with the City of Toledo expired on May 14, 2010, AT&T has been able to maintain those discounted ICB rates for the City of Toledo Centrex phone system. However, on August 1, 2010 the Centrex will revert to non-

contracted month-to-month rate of \$70.86 per station, if a new agreement has not been reached prior to that date.

After reviewing the proposals from both local vendors, ICT recommends accepting the AT&T sixty (60) month bundle package saving the City of Toledo a minimum of \$140,790 over a 5-year period. NOW, THEREFORE,

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

SECTION 1. That the Mayor and Commissioner of Purchasing are authorized to waive competitive bids or proposals and enter into a price determining agreement with AT&T for a sixty (60) month bundled service package for ISDN Primes, Centrex, and the Master Discount Agreement.

SECTION 2. That the budget adjustments and expenditure transfers required by this ordinance are hereby authorized.

SECTION 3. That the Director of Finance is hereby authorized and directed to draw his warrant or warrants for the price determining Agreement authorized herein to be entered into with AT&T based on budget against Account Codes 7084-17500-1144002STDSTD presentation of the proper voucher therefore.

SECTION 4. 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 the 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 maintain cost effective saving for the City of Toledo phones systems.

Vote on emergency clause: yeas 12, nays 0.

Passed: July 20, 2010, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Wilma D. Brown
President of Council

Approved:

July 22, 2010
Michael P. Bell
Mayor

ORD. 393-10

Approving the use of Water Infrastructure Development Funds (2% Funds) to pay for the cost of replacing an existing undersized and deteriorated water service line at 601 Monroe St. (rear) AKA 35 N. Huron St.; appropriating and expending \$63,650 from the unappropriated

balance of the Water Infrastructure Development Fund; and declaring an emergency.

SUMMARY & BACKGROUND:

Ed Beczynski is the owner of The Blarney Bull Pen located at 601 Monroe St. (rear) AKA 35 N. Huron St. Entrepreneur Beczynski has long been a leading private sector innovator in the redevelopment of downtown Toledo. He has established, owns, and operates some of the city's most popular food and beverage establishments. He has invested \$1.24 million of his own money in Eddie B's Restaurant (2000), Focaccia's Deli (2006), The Blarney Irish Pub (2006) and MoJo's Café (2008). Annual payroll from all his operations is \$572,000 on \$2.1 million in annual revenue.

Mr. Beczynski is in the process of renovating and opening The Blarney Bullpen. The "Bullpen" is a new, special event facility located in downtown Toledo's historic warehouse/entertainment district. The facility is attached to The Blarney Irish Pub at the rear of 601 Monroe St. with frontage on N. Huron St. This unique venue will host catered events such as sports banquets, holiday parties, class reunions, fundraisers and corporate retreats. Bookings have already begun to be scheduled for late summer 2010.

The Blarney Bullpen will employ an additional 2 full time and 6 part time employees with an estimated annual payroll of \$102,440.

The building housing The Blarney Bullpen is a three-story, 7,500 sq. ft. structure vacant for the last five years. Mr. Beczynski purchased the building in January, 2010. He has already submitted plans for a change of use to enable him to initiate his special events operations on the first floor. Improvements for this first phase of construction are estimated at \$320,000. His long-range plans are to develop the second and third floors into office space. He has a potential commercial tenant interested in the space who would employ 5 full-time employees with an estimated payroll of \$235,000.

To bring the building into compliance with current building and fire codes, a full fire suppression system is needed which is estimated to cost \$17,000. Mr. Beczynski is prepared to bear this cost.

However, the water service outside the building is inadequate to provide the water pressure necessary to support such a system. A 6" water service is needed to support present development and future needs.

To make possible the phased re-development of this building, Mr. Beczynski is asking the city of Toledo to provide public utility improvements by means of the Water Distribution Infrastructure Development Fund. NOW, THEREFORE,

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

SECTION 1. That this Council approves the use of Water Infrastructure Development Funds to pay the cost of replacing and connecting an existing undersized and deteriorated water service line at 601 Monroe St. (rear) AKA 35 N. Huron St in an amount not to exceed \$63,650.00.

SECTION 2. That the sum of \$63,650.00 is hereby appropriated from the unappropriated balance of Fund 65, Water Infrastructure Development Fund, into Account Code 65-3500-UI3141 (Blarney Bull Pen) and said amount is authorized for expenditure to Scott's Quality Concrete, Inc.

SECTION 3. That the Director of Public Utilities is authorized to approve payment to Scott's Quality Concrete, Inc. for the cost replacing an existing undersized and deteriorated water service line at 601 Monroe St. (rear) AKA 35 N. Huron St.

SECTION 4. That the Finance Director is hereby authorized and directed to draw his warrant or warrants against the above referenced account code in an amount not to exceed \$63,650.00.

SECTION 5. 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 the ordinance is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that it must be immediately effective to provide funds for the connection of this commercial premises to the city's water distribution system.

Vote on emergency clause: yeas 12, nays 0.

Passed: July 20, 2010, as an emergency measure: yeas 12, nays 0.

Attest:
Gerald E. Dendinger Wilma D. Brown
Clerk of Council President of Council

Approved: July 22, 2010
 Michael P. Bell
 Mayor

ORD. 394-10

Changing the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 3939 Woodley Road, in the City of Toledo, Lucas County, Ohio; and declaring an emergency.

SUMMARY & BACKGROUND:
An application (Z-4002-10) for a proposed change in zoning for the property located at 3939 Woodley Road, Toledo, Ohio, was submitted to the Toledo City Plan Commission for its review and recommendation.

On June 10, 2010, said matter was considered by the Toledo City Plan Commission and the request for a zone change from "RS9" Single-Dwelling Residential and "RM36" Multi Dwelling Residential to "CO" Office Commercial for the property located at 3939 Woodley Road, Toledo, Ohio was approved by the Plan Commission.

The City Council Zoning and Planning Committee on July 14, 2010 approved "CO" Office Commercial zoning and all things required by law to be done have been done. NOW, THEREFORE,

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

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

7 9 19 NW ¼ S 85 FT N 274.38 FT E 259.56 FT ON N LINE BY 259.57 FT ON S LINE W ½ E ½ EXC ST

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

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

Vote on emergency clause: yeas 12, nays 0.

Passed: July 20, 2010, as an emergency measure: yeas 12, nays 0.

Attest:
Gerald E. Dendinger Wilma D. Brown
Clerk of Council President of Council

Approved: July 22, 2010
 Michael P. Bell
 Mayor

NOTICE TO BIDDERS

CONSTRUCTION-INSTALLATION

2010 Roadway Reclamation Project

Electronic 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, AUGUST 3, 2010, for the Division of ENGINEERING SERVICES, Department of PUBLIC UTILITIES. This bid can only be electronically submitted using Bid Express Website & Software.

Bid Express Website address is: www.bidx.com;
Phone: 1-352/381-4888. Plans are only available through Bid Express.

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.

Technical questions regarding the specifications should be directed to Doug Stephens, at 419/936-2279.

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 Steve Burnett, 419/245-1336). To find out the latest wage rates, please log onto the State of Ohio Wage & Hour Bureau at www.wagehour.com.state.oh.us. If you have questions regarding our MBE program, please contact the Affirmative Action/Contract Compliance office at 419/245-1198.

GOODS AND SERVICES

Municipal Lease For 60 (More Or Less) New Police Department 4-Door Sedans

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, AUGUST 3, 2010, for the Department of PUBLIC SERVICE Division of FLEET.

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. Technical questions regarding the specifications should be directed to Dave Fleck, at 419/936-2557.

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. 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.

If you need any assistance with this program, please contact (419) 245-1198.

PROPOSALS

Basic Life Support (BLS) Billing and Collection Service

Sealed proposals 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, AUGUST 3, 2010 for the Department of TOLEDO FIRE AND RESCUE.

A Pre-Submittal Conference is scheduled for Wednesday, July 21, 2010, 1:30 P.M., local time at One Government Center, Toledo, Ohio 43604, in the Purchasing Department conference room located on the 19th floor. Attendance is optional.

Technical questions regarding the specifications should be directed to Captain, Jeff Romstadt @ jeffrey.romstadt@toledo.oh.gov , and fax: 419/936-2917. If you choose to download this bid, vendor assumes full responsibility to continuously check this advertisement for any addendums posted.

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.

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. Bidders are expected to make a good faith effort to locate and solicit bids from MBE concerns for subcontracted activity.

If you need any assistance with the MBE program, please contact 419/245-1198.

RULES AND REGULATIONS

Department of Public Utilities

CHAPTER 103 SERVICE DISCONNECTIONS 103.01 Nonpayment

A. Utility Service charges not paid by the billing due date are considered delinquent and may result in turn off of Utility Services. Where a Customer is delinquent on one account but current on another, Utility Services may be turned off at either or both locations. The Department will endeavor to provide notice to the lawful occupant of a structure that Utility Services will be terminated for nonpayment if the Department has actual notice and verification of such lawful occupancy within a reasonable time prior to service disconnection. The notice may include a summary of the procedures available to the occupant to avoid termination of Utility Services.

B. Tenants, lessees or similar non-contracting parties with the Department are not Customers, third-party beneficiaries of a Customer or the Department, contract holders or account holders. Tenants, lessees or similar non-contracting parties who have had the water turn off at the structure where they reside may choose to seek legal advice regarding landlord-tenant, bankruptcy, estate, receivership and/or foreclosure laws that might impact the property Owner.

C. Land contract vendors, as the Owners of the Premises, are required to contract for Utility Services for any properties being sold via land installment contract. The vendee is not the Owner for purposes of TMC §933.07, etc. Land contract vendees may only apply for Utility Services in the vendee's name if the following conditions are met: 1) vendor refuses to contract for Utility Services or defaults on the Utility Services, 2) vendee provides the Department a complete copy of the valid and recorded land installment contract highlighting the portion that specifically states that the vendee shall be responsible for paying the bills for Utility Services, and 3) the vendee deposits at least two (2) quarters' usage, as determined by the Department, to ensure payment of Utility Services.

103.02 Additional Reasons

A. The Department may terminate Utility Services after notification by mail, electronic mail, telephone or in person for the following reasons:

1. Failure to comply with these Rules and Regulations;
 2. Failure to provide access to all meters or for the presence of any animals deemed hostile;
 3. Delinquencies on any properties receiving Utility Services;
 4. Cross connection or interconnection with any other supply of water when not approved by the Department. This includes installation of pipe and fixtures allowing the possibility of back-siphonage or Backflow, in the opinion of the Department.
 5. Failure to promptly repair leaking Customer Branch within forty-eight (48) hours after being notified of the problem;
 6. Use of Utility Services on any Premises other than that recorded in the application, except as may otherwise be provided for;
 7. Tampering with any service pipe, meter, curb stop, corporation stop, or any other appurtenance, or the seal on any appurtenance; or
 8. As authorized by the Director.
- B. Turn Off Without Notice. The Department may turn off Utility Services without notification for any of the following reasons:
1. Willful waste of water;
 2. Making any additions or alterations in or about the Customer's Branch without written Department permission;
 3. Failure to complete all the application steps or to execute a proper contract.
 4. Where property vacancy or abandonment is determined by the Department, or if, in the opinion of the Department, damage may be caused to building or to contents.
 5. Failure to follow terms of a deferred payment agreement;
 6. Notification that the Customer no longer owns the Premises;
 7. Any situation deemed hazardous by the Department to the public health or safety;
 8. Theft of Utility Services;
 9. Failure to notify the Department of address or other changes that result in the Department's bills being returned;
 10. Unpaid liened or lienable charges;

11. Repeated charge backs or insufficient funds or other bad payment; or

12. As authorized by the Director.

C. The Department is not liable if a turn off is not performed at a specific date, time or manner.

103.03 Utility Services Turn On

Utility Services that have been turned off pursuant to this chapter will not be turned on again until the cause of the turn off has been removed and all applicable charges have been paid. Utility Services to a Premises shall be turned on only by employees of the Department.

RULES AND REGULATIONS

Department of Public Service

APPENDIX B RULES AND REGULATIONS ISSUED BY THE DIRECTOR OF PUBLIC SERVICE REGULATIONS GOVERNING REFUSE AND RECYCLING COLLECTION

ARTICLE I - Authority and Definition of Terms

Section 101-Authority. These regulations are issued by the Director of Public Services with the approval of the Mayor of the City of Toledo under the authority of the Toledo Municipal Code Section 963.23 and Section 104 of the Toledo City Charter.

Section 102—Definitions. Unless specifically indicates otherwise, the meaning of terms used in these regulations shall be defined in Toledo Municipal Code Section 963.01.

ARTICLE II - Collection Service

Section 201- Schedule of Collection. Solid Waste collection is generally provided once per week and recycling collection is provided every other week. Solid Waste days are assigned by color and recycling collection weeks are assigned by number. Refuse and recycling collection will be provided from the point of pick-up, either at curb or alley line for all properly containerized material.

Refuse and recycling collection is designed for residential service to the City's residents. Some small businesses may be serviced along with multi-unit dwellings of four and under.

Section 202—Holiday Schedule. Holidays observed by the City of Toledo are New Year's Day (observed), Martin Luther King Jr. Day, President's Day, Good Friday, Memorial Day, Independence Day (observed), Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, the Friday after Thanksgiving, Christmas Eve (observed), and Christmas Day (observed).

After each city holiday, refuse and recycling collection days will leap ahead to the next business day and remain on that day until after the next holiday. This will repeat 11 times for all city observed holidays.

Section 203 — Number of Containers. Each household is provided with one refuse container (gray) of either 48, or 96-gallon size and one recycling container (blue) of either 48, or 96-gallon size. All refuse and recycling items must be contained in the container or containers or it will not be collected, unless exemption is granted per Article III. Additional containers may be purchased by the resident as provided in Section 204 of these Rules and Regulations.

Ownership of the containers shall remain with the City. The containers shall not be removed from the assigned location to which the containers were delivered without authorization from the City. The occupants of the assigned location shall be responsible for the proper use of the containers such that the containers will not be damaged, destroyed or defaced. Damage to a container shall be immediately reported to the City. A property owner who obtains a replacement container shall pay for the replacement containers at the cost outlined in Section 204.

Section 204 - Purchase of Additional Container. The Solid Waste Division is authorized to sell to any resident who may require the use and service of one (1) additional automated collection container. Additional automated collection containers shall meet all city specifications.

A resident must complete an application form provided by the Solid Waste Division to purchase one (1) additional forty-eight (48), or ninety-six (96) gallon container at the current contract price plus any administrative overhead. This amount is payable by check or money order. The Solid Waste Division reserves the right to assess an additional collection fee for each additional container placed at the point of collection. The resident may pick them up at the division's warehouse facility.

Section 205 - Replacement of forty-eight (48), or ninety-six (96) Gallon Containers.

A. Lost or Stolen Containers:

If a container is missing the resident shall report this to the Solid Waste Division. The resident must file a police report and provide the police report to the Solid Waste Division. A replacement container will be made available to the resident at no cost.

Each City provided container has a serial number that ties the containers to the property address. In the case of a stolen container, it is the responsibility of the property owner to file a police report in a timely manner. A copy of the police report must be provided to the Division of Solid Waste at 2411 Albion, Toledo, OH 43606. The City will only replace one stolen container or set of containers for free to each household.

The City will not service a damaged container if it may damage collection equipment.

B. Damaged containers:

If a resident's container is damaged beyond repair as a result of the collection process, or is defaced or burned after determining it was no fault of the resident, a supervisor will notify the warehouse for a replacement container at no cost to the resident.

C. Damaged, defaced or burned containers

Residents whose container is damaged, defaced or burned, after it has been determined that it was the fault of the resident, will be charged for replacing the container. The replacement container remains the property of the city even though the resident is charged for the replacement.

Unauthorized Container

Any container found at an address that was not authorized by the Division of Solid Waste will be removed.

Section 206 - Container Collection Location. Containers must be placed at the point of collection by no later than 7:00 am on collection day or no earlier than 5:00 pm the day preceding collection.

Containers must be removed from the point of collection by 7:00 pm the day of collection.

Containers shall be placed on the curb, tree lawn, alley line, traveled roadway with the lid facing out and container wheels towards the house. Containers must be at least three feet from objects such as parked cars, utility poles, trees, mailboxes or fire hydrants, and at least two feet between each container. Containers may not be placed under a low hanging tree or wire.

Failure to follow these rules may result in your refuse and/or recycling not being collected.

Section 207 - Acceptable Refuse Container & Weight Limits. Refuse and recycling shall be placed in City provided containers. Refuse shall be placed in the gray container and recycling shall be placed in the blue container. All refuse and recycling shall be contained inside the container for collection, with the lid completely closed. The weight of the container shall not exceed the weight identified on the container.

Failure to follow these rules may result in your refuse and/or recycling not being collected.

Section 208 - Types of Waste Collected. Household waste shall be bagged and placed in City provided refuse container. All regular household waste will be accepted when properly containerized in City provided containers.

Hypodermic needles must be placed in an impermeable container (SHARPS container or plastic laundry detergent type) with the lid tightly secured, then placed in a City provided refuse container.

Section 209 - Collection of Oversized or Bulky Items. Oversized or bulky items require a scheduled pick-up made at least 48 business hours in advance of collection day. This type of collection is limited to once per quarter. Residents requesting an additional collection during the same quarter shall be charged \$50. These items include:

Loose items of five (5) or more (such as lumber, brush, etc.) are to be tied in bundles not exceeding six (6) feet in length and two (2) feet in diameter and not weighing more than 40 lbs.

Rugs must be rolled and tied at both ends and be no longer than six feet in length.

Couches, furniture, large TV's, etc.

Section 210 - Prohibited Items.

No batteries will be collected.

No tires will be collected.

No hazardous wastes (oil, paint, chemicals) will be collected.

No building or construction materials resulting from commercial work will be collected.

No major automobile components will be collected.

No white-ware items, such as stoves, refrigerators, hot water tanks, washers and dryers will be collected.

No metal box springs will be collected.

No metal doors will be collected.

No computer monitors will be collected.

Section 211 - Collection of recyclable materials. The City of Toledo offers curbside single stream recycling of materials. Recycle materials are to be placed directly in the container without being bagged. Single stream recycling means that all recyclable items are placed in one (1) container. The items are transported and separated at a materials handling facility. The allowable materials collected by this program are: *Plastic*: milk jugs, soda bottles, laundry detergent bottles; *Metal*: aluminum and steel cans; *Glass*: all colors of glass bottles and jars; *Paper/Cardboard*: newspapers, magazines, phone books, junk mail, high grade paper (office paper, copier paper & notepad paper), boxboard (cereal boxes, dry food boxes & shoe boxes), corrugated containers (cardboard).

Section 212 - Recycling Participation Definition. Recycling participation is defined as participating in the curbside recycling program on a monthly basis. Failure to place recyclable materials at the curbside on a monthly basis may result in your removal from the recycling incentive fee program or the resident is subject to receive a Notice of Liability and subject to a fine under Section 961 of these rules.

Section 213 - Collection of Yard Waste. Yard waste will only be collected if it fits into your regular refuse container. *Yard Waste* means all garden residues, leaves, grass clippings, shrubbery and tree prunings, tree trimmings and other plant waste generated as a result of gardening, landscaping, or similar activity.

Section 214 - Collection of Holiday Trees. The Division of Solid Waste is not responsible for the removal of holiday trees. Holiday trees may be recycled at a recycling center or designated drop off locations.

Section 215 - Unauthorized Use of Recycling Container. Residents are not allowed to place unrecyclable material in the recycling container. A list of acceptable recyclable materials is listed on the top of the recycling container and/or available on the City website.

If unauthorized, unrecyclable materials are placed in recycling container, the resident is subject to receive a Notice of Liability and subject to a fine under Section 961 of these rules and/or removal from the recycling incentive fee program.

Section 216 - Exchanging Different Container Sizes. If a property owner is not satisfied with the delivered refuse or recycling container size, the property owner may request a different size. Available container sizes at the initial deployment are 48, 64 and 96 gallon. The first exchange after initial deployment from December, 2009 - June, 2010 will be at no cost. For future exchanges, a fee of \$25 is to be paid. A form is to be completed and exchange fee paid in advance prior to the exchange. Exchanges will be made by the resident at the City's Warehouse Facility. The container being

exchanged must be cleaned prior to exchanging. If the container is deemed not usable, the resident will be charged the full price of a replacement container. The property owner will be charged the \$25 fee for any subsequent container size exchanges. Container size exchanges may occur beginning June 1, 2010. The container sizes available after initial deployment will be 48 or 96-gallon sizes only.

ARTICLE III – Exemption Service - Solid Waste Accommodation Program (SWAP)

Section 301 – Accommodation Program. A resident must take the following steps when applying for exemption service:

1. Request the packet of information and forms for participation in the SWAP program can be obtained by either having it mailed to the home or downloading it directly from the City's website.

2. Complete the Medical Certification Consent form and provide that to your physician. Return the physician's certification to the Solid Waste Division.

ARTICLE IV- Service for Commercial Businesses, Institutions and Multi-family Dwellings of Five (5) Units or more.

Section 401 - These facilities must obtain their own provider for refuse and recycling collection unless agreed to by the Director of Public Service or his/her designee.

ARTICLE V - Collection Conditions

Section 501 - Collection Conditions. Refuse and/or recycling may not be collected under the following conditions:

Where the above-stated regulations have not been complied with.

Where containers are frozen to the ground and where contents are frozen in containers.

Where the containers are badly damaged or in hazardous condition.

Section 502 - Misplaced Property. The City of Toledo assumes no responsibility for property placed in containers or placed at collection point.

ARTICLE VI – Obstructing Vehicles

Section 701 – Procedure for Removing Obstructing Vehicles.

In the ordinary course of Solid Waste collection, when any container is blocked by a vehicle, the Division of Solid Waste driver or supervisor shall tag the blocked container and note the reason the division was unable to service the container. If a vehicle continues to block the container, the Division of Solid Waste Commissioner or his/her designee may cause the appropriate enforcement agency to remove such vehicle.

ARTICLE VII – Violations.

Section 901 – Penalty. Whoever violates any provision of the regulations herein is guilty of a minor misdemeanor and shall be fined not more than

\$100, or the violator may be subject to a Notice of Liability under Section 1726.08 (e) of the Toledo Municipal Code and thereby result in a fine of \$75 for the first offense, \$150 for the second offense, and \$300 for all additional offenses.

INDEX

APPOINTMENTS

Downtown Toledo Parking Authority,
884

Toledo-Lucas County Port Authority,
884

DEFEATED LEGISLATION

CITY COUNCIL

Immigration Reform, Human Trafficking,
Employment Practices R-363, 886

LAW DEPARTMENT

AFSCME Local 3411, Accept Factfinder's
Report O-398, 884

AFSCME Local 3411, Reject Factfinder's
Report O-399, 885

STREETS

Vacate

126th St. at Edgewater Dr. O-397, 889

ZONING

Special Use Permit

East Broadway, 740, 746, 752, 756 &
758, gas station/convenience store O-
396, 889

Stickney Ave., 2938, convenience store
O-395, 889

FINANCE DEPARTMENT

TMACOG membership fee O-386,
894

HUMAN RESOURCES

Workplace Resources, Inc. O-384,
893

INFORMATION & COMMUNICATIONS TECHNOLOGY

AT&T bundled service O-392, 896

LAW DEPARTMENT

FM Global property insurance O-375,
892

NEIGHBORHOODS DEPARTMENT

HUD 2008 EDI grants O-391, 895

PLAN COMMISSION

Toledo 20/20 Land Use Plan Update
for Cherry Street Legacy Plan
R-383, 893

PUBLIC UTILITIES DEPARTMENT

AWWA 2010 dues O-388, 895

Blarney Bull Pen, 2% Water Funds O-
393, 897

Mannik & Smith, engineering
oversight O-387, 894

RECOGNITION

Toledo Ticket Co. R-382, 892

RULES

Department of Public Service, 903

Department of Public Utilities, 901

ZONING

Changes

Woodley Rd., 3939 O-394, 898

Special Use Permit

Broadway, 1256, convenience store O-3, 891