



## CITY COMMISSION MEETING AGENDA

CITY COMMISSION

DAYTON, OHIO

OCTOBER 19, 2016

6:00 P.M.

### I. AGENDA SCHEDULE

**Please register to speak on items 9, 11 and 13 with the Clerk of the Commission.  
(Sign-up sheets at entrance of Commission Chambers.)**

1. Call Meeting to Order
2. Invocation
3. Pledge of Allegiance
4. Roll Call
5. Approval of Minutes
6. Communications and Petitions Distribution (if any)
7. Special Awards/Recognition
8. Discussion of City Manager's Recommendations (See Section II)
9. Citizen Comments on City Manager's Recommendations
10. City Commission Action on City Manager's Recommendations
11. Public Hearings: **(See Section V)**
12. Discussion Item: N/A
13. Comments by Citizens - Please register to speak with the Clerk of Commission -  
(Non - Calendar items) sign-up sheets at entrance of Commission Chambers
14. Comments by City Manager
15. Comments by City Commission
16. Work Session: **CityWide Development Corporation, Economic Development,  
and Planning & Community Development Update – 4:30 p.m.  
(S. Budd, F. Weber and A. Sorrell)  
City Manager's Large Conference Room**
17. Miscellaneous (See Section VI)

### II. CITY MANAGER RECOMMENDATIONS (Item #8 above)

The following recommendations are offered for City Commission approval.

#### A. Purchase Orders, Agreements and Contracts:

(All contracts are valid until delivery is complete or through December 31<sup>st</sup> of the current year).

#### 1. Purchase Orders:

##### AVIATION

- A1. A D B Airfield Solutions, LLC (Airfield lighting, signage and related control equipment as needed through 12-31-16) \$15,000.00**

1. (Cont'd):

**A2. United Rotary Brush Corp.** (street sweeper broom replacements and related items as needed through 12-31-16) **\$49,056.08**

**PUBLIC WORKS**

**B1. Prime AE Group Inc.** (computer software, including off-site cloud hosting, maintenance updates and training services) **40,525.00**

**WATER**

**C1. Dell Marketing LP** (warranty, maintenance and support agreement renewal for forty high capacity data storage drives and related peripherals through 12-31-18) **149,354.57**

**C2. Software House International, Inc.** (five software licenses with three-year support subscriptions) **16,053.54**

**C3. Jack Doheny Supplies Ohio, Inc.** (sewer cleaning parts, maintenance, repair and training services) **58,918.00**

-Depts. of Aviation, Public Works, and Water. **Total: \$328,907.19**

2. **ARCADIS, U.S. Inc. – Contract Modification** – first amendment for professional engineering services – Dept. of Law/Civil **\$65,000.00**

3. **University of Dayton Business Research Group – Payment of Voucher** – for various research and analysis services – Offc. of Mgmt. & Budget. **\$4,072.00**

**B. Construction Contracts:**

4. **L. J. DeWeese Co., Inc. – Award of Contract** – for the Valley Street Bikeway Phase 1 (7% DBE Participation Goal/7.43% DBE Participation Achieved) (Federal CMAQ Funds) – Dept. of Public Works/Civil Engineering. **\$438,285.00**  
**(Thru 5/1/17)**

**C. Revenue to the City:**

5. **National Pallet & Mulch, LLC – Contract Modification** – for mulching operations and related composting services – Dept. of Public Works/Street Maintenance. **\$36,225.00**  
**(Thru 10/2019)**

**E. Other – Contributions, Etc.:**

6. **Site-Safe – Other** – for the repair of attenuator trailer #151651 – Dept. of Public Works/Fleet Mgmt. **\$18,164.61**

7. **University of Dayton – Other** – for a Special Use Permit to install conduits connecting the basement of 213 Kiefaber and 215 Kiefaber – Dept. of Public Works/Civil Engineering. **\$200.00**

## **V. PLANNING ACTION**

### **A. PUBLIC HEARINGS:**

8. To establish WO Well Head Operation zoning for 24.98 acres +/- annexed to the City of Dayton from Bath Township. – **Case No. Z-006-2016.**
9. For a Zoning Map Amendment to remove the Graphics Overlay zoning districts (GO-1 & GO-2) from the zoning map because the accompanying zoning regulations were repealed on May 4, 2016. – **Case No. Z-007-2016.**

## **VI. MISCELLANEOUS:**

**ORDINANCE NO. 31528-16**

**RESOLUTION NO. 6217-16**

**IMPROVEMENT RESOLUTION NO. 3598-16**

**INFORMAL RESOLUTION NO. 927-16**



# City Manager's Report

From **5530 - CS/Purchasing**

Date **October 19, 2016**

Expense Type **Purchase Order**

Total Amount **\$328,907.19**

Supplier, Vendor, Company, Individual

Name **See Below**

Address **See Below**

Fund Source(s)	Fund Code(s)	Fund Amount(s)
See below	See below	See below

Includes Revenue to the City  Yes  No      Affirmative Action Program  Yes  No  N/A

**Description**

**AVIATION**

**(A1) P1600104 – A D B AIRFIELD SOLUTIONS LLC, COLUMBUS, OH**

- Airfield lighting, signage and related control equipment, as needed through 12/31/2016.
- These goods are required to maintain airfield lighting and signage in accordance with Federal Aviation Administration regulations at the James M. Cox/Dayton International Airport.
- A D B Airfield Solutions, LLC is the sole source distributor of Siemens brand airfield lighting and control equipment, therefore this purchase was negotiated.
- This amendment increases the previously authorized amount of \$15,000.00 by \$15,000.00 for a total not to exceed \$30,000.00 and therefore requires City Commission approval.
- This first amendment to the purchase order increases quantities to ensure adequate and appropriate inventory of consumable supplies.
- The Department of Aviation recommends approval of this order.

Fiscal Year	Fund Source(s)	Fund Code(s)	Fund Amount(s)
2016	Supplies and Materials	51000-3221-1301-43	\$15,000.00

**Signatures/Approval**

**Approved by City Commission**

Division

Department

City Manager

Clerk

Date

AVIATION - CONTINUED(A2) P1601116 – UNITED ROTARY BRUSH CORP., MARYSVILLE, OH

- Street sweeper broom replacements and related items, as needed through 12/31/2016
- These goods are required to maintain equipment used for runway operations at the James M. Cox/Dayton International Airport.
- Rates are in accordance with the City of Dayton's existing price agreement IFB M13032 with firm pricing through 6/30/2017.
- The Department of Aviation recommends approval of this order.

<u>Fiscal Year</u>	<u>Fund Source(s)</u>	<u>Fund Code(s)</u>	<u>Fund Amount(s)</u>
2016	Supplies and Materials	51000-3221-1301-43	\$49,056.08

PUBLIC WORKS – STREET MAINTENANCE(B1) P1601142– PRIME AE GROUP INC., CINCINNATI, OH

- Computer software, including off-site cloud hosting, maintenance updates and training services.
- These goods and services are required to provide snow removal operations management information systems capabilities.
- Twenty eight possible proposers were solicited and two proposals were received.
- The Department of Public Works recommends acceptance of the low proposal.

<u>Fiscal Year</u>	<u>Fund Source(s)</u>	<u>Fund Code(s)</u>	<u>Fund Amount(s)</u>
2016	Computer Maintenance	21000-6430-1164-54	\$40,525.00

WATER – WATER ENGINEERING(C1) P1601138 – DELL MARKETING LP, ROUND ROCK, TX

- Warranty, maintenance and support agreement renewal for forty (40) high capacity data storage drives and related peripherals through 12/31/2018.
- These services are required to maintain existing (Dell brand "PowerEdge") data storage servers.
- The City has standardized on Dell Computing equipment, therefore this purchase was negotiated.
- The Department of Water recommends approval of this order.

<u>Fiscal Year</u>	<u>Fund Source(s)</u>	<u>Fund Code(s)</u>	<u>Fund Amount(s)</u>
2016	Computer Maintenance	53000-3421-1164-54	\$149,354.57

WATER – WATER ENGINEERING CONTINUED(C2) P1601151 – SOFTWARE HOUSE INTERNATIONAL INC., COLUMBUS, OH

- Five (5) software licenses with three-year support subscriptions.
- These licenses and services are required as a migration and management tool for Microsoft Sharepoint documents.
- Three possible bidders were solicited and three bids were received.
- The Department of Water recommends acceptance of low bid.

<b>Fiscal Year</b>	<b>Fund Source(s)</b>	<b>Fund Code(s)</b>	<b>Fund Amount(s)</b>
2016	Other Professional Services	58100-3421-1159-54-TF1404	\$16,053.54

WATER – WATER UTILITY FIELD OPERATIONS(C3) P1601149 – JACK DOHENY SUPPLIES OHIO, INC., CINCINNATI, OH

- Sewer cleaning parts, maintenance, repair and training services.
- These goods and services are required to maintain and extend the useful life of sewer cleaning equipment.
- Jack Doheny Supplies Ohio, Inc. is recommended as the sole authorized distributor for ENZ USA, Inc., the original equipment manufacturer (OEM), therefore this purchase was negotiated.
- The Department of Water recommends approval of this order.

<b>Fiscal Year</b>	<b>Fund Source(s)</b>	<b>Fund Code(s)</b>	<b>Fund Amount(s)</b>
2016	Furniture, Fixtures & Equipment Assets	55000-3445-1411-54	\$48,595.00
2016	Furniture, Fixtures & Equipment Assets	58000-3445-1411-54	\$10,323.00

The aforementioned departments recommend approval of these orders.

**Requisition #**  
**RFP #**  
**Purchasing Buyer:**  
**Date to be Completed by:**  
**Submit to (Evaluation Chair):**

2016PWSM001
16048N
Nicole Fox

Vendor	Cost	Time to Complete
Prime 3SG	\$40,525	2 months
WGE Inc.	\$586,882	5 months

**Evaluation Criteria**

**Criteria 1 - Cost/Price/Lump Sum Fee**  
**Criteria 2 - Ability to comply with items specified in Section 2.031, System Requirement**  
**Criteria 3 - Previous Experience**  
**Criteria 4 - Schedule/Time to Complete**  
**Criteria 10 - Local Vendor**  
**Criteria 11 - Certified Vendor**  
**Total Score**

Points Possible/ Weight	Prime 3SG	Wild Goose Enterprises, Inc.
40	40	1
30	30	20
10	8	6
10	9	7
5	0	5
5	5	5
<b>100</b>	<b>92</b>	<b>44</b>

CITY OF DAYTON, OHIO - PURCHASING DIVISION - BID TABULATION

For: SHAREGATE 5 SEATS 36 MONTHS

Dept./Div.: WATER/WATER ENGINEERING

Requisition No.: 043WTWE6

No.: <b>BIDDER NAME &amp; STREET ADDRESS:</b>  CITY: STATE & ZIP:  Recommended for Award				1	2	2
				Insight Public Sector  Tempe AZ 85283	Sharegate  Montreal QC H3K 1G3	Software House International  Columbus OH 43228  x
QUALIFIES FOR LOCAL PREFERENCE?				NO	NO	NO
QUALIFIES FOR CERTIFIED PREFERENCE?				NO	NO	NO
LOCAL / CERTIFIED PREFERENCE A FACTOR IN AWARD?				NO	NO	NO
Item No./qty	ITEM DESCRIPTION	U/M		UNIT /EXT	UNIT /EXT	UNIT /EXT
Please Read all bid responses to ensure that all information received from vendor is reviewed and used in the evaluation process <b>SHAREGATE 5 USERS 36 MONTHS</b>						
1	SHAREGATE 5 USERS 36 MONTHS	EA		\$16,901.59	\$16,788.00	\$16,053.54
				TERMS: F.O.B.: DELIVERY:	NET 30 DEST	NET 30 DEST AS INVOICED DEST

• = lowest bid X = vendor selected for award

THE FOLLOWING VENDORS WERE SOLICITED BUT DID NOT BID:

All solicited vendors submitted a bid.



# CERTIFICATE OF FUNDS

**SECTION I - to be completed by User Department**

**NO DRAFT DOCUMENTS PERMITTED**

\_\_\_\_\_ New Contract                      \_\_\_\_\_ Renewal Contract                        X   Change Order

Contract Start Date	07/27/16
Expiration Date	12/31/20
Original Commission Approval	
Initial Encumbrance	\$ 10,000.00
Remaining Commission Approval	
Original CT/CF	CF160185
Increase Encumbrance	\$ 65,000.00
Decrease Encumbrance	\$ -
Remaining Commission Approval	\$ 65,000.00

**Required Documentation**

<u>  X  </u>	Initial City Manager's Report
<u>  X  </u>	Initial Certificate of Funds
<u>  X  </u>	Initial Agreement/Contract
_____	Copy of City Manager's Report
_____	Copy of Original Certificate of Funds

Amount: <u>  \$ 65,000.00  </u> Fund Code <u>53005 - 5200 - 1159 - 54 - WF1623 - _____</u> <small style="display: flex; justify-content: space-between; font-size: 8px;"> <span>Fund</span> <span>Org</span> <span>Acct</span> <span>Prog</span> <span>Act</span> <span>Loc</span> </small>	Amount: _____ Fund Code _____ <small style="display: flex; justify-content: space-between; font-size: 8px;"> <span>Fund</span> <span>Org</span> <span>Acct</span> <span>Prog</span> <span>Act</span> <span>Loc</span> </small>
Amount: _____ Fund Code _____ <small style="display: flex; justify-content: space-between; font-size: 8px;"> <span>Fund</span> <span>Org</span> <span>Acct</span> <span>Prog</span> <span>Act</span> <span>Loc</span> </small>	Amount: _____ Fund Code _____ <small style="display: flex; justify-content: space-between; font-size: 8px;"> <span>Fund</span> <span>Org</span> <span>Acct</span> <span>Prog</span> <span>Act</span> <span>Loc</span> </small>

**Attach additional pages for more FOAPALs**

Vendor Name: ARCADIS US, Inc.

Vendor Address: 100 E. Campus View Blvd., Suite 200 Columbus, OH 43235  

Street
City
State
Zipcode + 4

Federal ID: 57-0373224

Commodity Code: 96896

Purpose: Amendment of Professional Services Agreement for professional engineering services related to water supply on an as-needed basis. Commission approval is required.

Contact Person: Regina Blackshear                      Law                      10/3/2016  

Department/Division
Date

Originating Department Director's Signature: \_\_\_\_\_

**SECTION II - to be completed by the Finance Department**

I hereby certify that the amount of money required to meet the payment(s) called for in the aforesaid request have been lawfully appropriated for such purpose and is in the Treasury, or in the process of collection, to the credit of the fund from which it is to be drawn free and clear from any previous encumbrance.

Finance Director Signature	Date	_____
CF Prepared by	Date	_____

CF16-0185  
CORD#1  
CF/CT Number

SA 10-7-16

**FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT**

This First Amendment to Professional Services Agreement ("Amendment") is made this \_\_\_\_\_ day of \_\_\_\_\_, 2016, between the City of Dayton, Ohio, ("City"), and ARCADIS US, Inc., a Delaware Corporation with an office at 100 East Campus View Blvd, Suite 200, Columbus, Ohio 43235 (hereinafter referred to as the "Consultant").

**WITNESSETH THAT:**

**WHEREAS**, The City desires additional professional services; and,

**WHEREAS**, Consultant is willing to perform such additional professional services and represents that its staff is fully qualified to perform such services; and,

**WHEREAS**, The professional services to be provided under this Agreement are necessary to achieve the City's purposes.

**NOW, THEREFORE**, the parties hereby agree to amend the Agreement as follows:

1. Article 3, Compensation, is deleted in its entirety and replaced with the following:

**ARTICLE 3. COMPENSATION**

The total remuneration of this Agreement shall not exceed SEVENTY-FIVE THOUSAND DOLLARS AND ZERO CENTS (\$75,000.00) for all services to be provided by Consultant pursuant to this Agreement. The Consultant shall submit invoices, not more frequently than monthly, for payment of the Services actually provided. Such invoices shall state the invoice period, total amount requested and Services provided during the invoice period. The City will, unless disputed, remit payment of all undisputed amounts of invoices within thirty (30) days from receipt thereof.

2. Except as amended by this First Amendment, all terms, covenants, and conditions contained within the Agreement shall remain in full force and effect.

**[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK.]**

IN WITNESS WHEREOF, the City and Consultant, each by a duly authorized representative, have executed this First Amendment as of the date set forth above.

**CITY OF DAYTON, OHIO**

**ARCADIS US, Inc.**

\_\_\_\_\_  
City Manager

By: Bradley A. Orr

Its: Vice President

Date: \_\_\_\_\_

**APPROVED AS TO FORM  
AND CORRECTNESS:**

Dennis R. Arnoldson for  
City Attorney *DUR*

**APPROVED BY THE COMMISSION  
OF THE CITY OF DAYTON, OHIO:**

\_\_\_\_\_, 2016

Min./Bk.: \_\_\_\_\_ Page: \_\_\_\_\_

\_\_\_\_\_  
Clerk of the Commission



# City Manager's Report

3.

From 2720 - Management & Budget

Date October 19, 2016

Expense Type Payment of Voucher

Total Amount \$4,072.00

**Supplier, Vendor, Company, Individual**

Name University of Dayton Business Research Group

Address 300 College Park  
Dayton, Ohio 45469-1600

Fund Source(s)	Fund Code(s)	Fund Amount(s)
General Fund	10000-2720-1151-51	\$4,072.00

Includes Revenue to the City  Yes  No Affirmative Action Program  Yes  No  N/A

**Description**

The Office of Management and Budget requests payment for an outstanding invoice from 2014.

The Office of Management and Budget completed a 2014 purchase order (P1400084) in the amount of \$48,000 for various research and analysis services with the University of Dayton Business Research Group (UD BRG) related to energy conservation and management, as well as the development and implementation of the Welcome Dayton initiative. The City of Dayton was invoiced for December, 2014 activity in January, 2015. The December payment was processed, and the purchase order was closed on May 26, 2015.

We recently received notification of an amount outstanding (\$4,072) from 2014. The invoice of \$4,072 is dated September 11, 2014. Although we have no record of this invoice, we have confirmed only 11 monthly payments were processed in 2014. The employee who made this error has been counseled and has reviewed the purchase order policy to ensure this will not reoccur.

We regret the lack of attention, and ask that the City Commission authorize payment to the University of Dayton. A Certificate of Funds is attached.

**Signatures/Approval**

*Approved by City Commission*

Division

*Barbara LaBrie*

Department

*James D. Meacham*  
City Manager

Clerk

Date

Updated 06/2016

# CERTIFICATE OF FUNDS

CF16-0206

**SECTION I - to be completed by User Department**

**NO DRAFT DOCUMENTS PERMITTED**

  X   New Contract                             Renewal Contract                             Change Order:

Contract Start Date	
Expiration Date	
Original Commission Approval	
Initial Encumbrance	
Remaining Commission Approval	\$ -
Original CT/CF	
Increase Encumbrance	
Decrease Encumbrance	\$ -
Remaining Commission Approval	\$ -

**Required Documentation**

\_\_\_\_\_ Initial City Manager's Report  
 \_\_\_\_\_ Initial Certificate of Funds  
 \_\_\_\_\_ Initial Agreement/Contract

\_\_\_\_\_ Copy of City Manager's Report  
 \_\_\_\_\_ Copy of Original Certificate of Funds

Amount: <u>  \$ 4,072.00  </u> Fund Code <u>10000</u> - <u>2720</u> - <u>1151</u> - <u>51</u> - <u>XXX</u> - <u>XXXX</u> <small style="margin-left: 20px;">Fund    Org    Acct    Prog    Act    Loc</small>	Amount: _____ Fund Code _____ - _____ - _____ - _____ - <u>XXXX</u> - <u>XXXX</u> <small style="margin-left: 20px;">Fund    Org    Acct    Prog    Act    Loc</small>
Amount: _____ Fund Code _____ - _____ - _____ - _____ - <u>XXX</u> - <u>XXXX</u> <small style="margin-left: 20px;">Fund    Org    Acct    Prog    Act    Loc</small>	Amount: _____ Fund Code <u>XXXX</u> - <u>XXX</u> - <u>XXXX</u> - <u>XX</u> - <u>XXXX</u> - <u>XXXX</u> <small style="margin-left: 20px;">Fund    Org    Acct    Prog    Act    Loc</small>

**Attach additional pages for more FOAPALS**

Vendor Name:   The University of Dayton  

Vendor Address: 300 College Park                      Dayton                      OH                      45469-1600  
Street                      City                      State                      Zipcode + 4

Federal ID: 31-0536715

Commodity Code: 956-05

Purpose: pay past due invoice (August, 2014)

Contact Person: Shonda Bryant                      OMB                      10/3/2016  
Department/Division                      Date

Originating Department Director's Signature: Barbara La Bries

**SECTION II - to be completed by the Finance Department**

I hereby certify that the amount of money required to meet the payment(s) called for in the aforesaid request have been lawfully appropriated for such purpose and is in the Treasury, or in the process of collection, to the credit of the fund from which it is to be drawn free and clear from any previous encumbrance.

C. J. Goffen  
 Finance Director Signature

Sh Maslow  
 CF Prepared by

10.11.16  
Date

10/11/16                      CF16-0206  
Date                      CF/CT Number

## **Bryant, Shonda**

---

**From:** Kim Gilley <kgilley1@udayton.edu>  
**Sent:** Wednesday, September 21, 2016 12:03 PM  
**To:** Bryant, Shonda  
**Subject:** RE: Unpaid invoices for University of Dayton  
**Attachments:** 1503 City of Dayton Consultation SVC-Winchester & Wahirab August 2014.xlsx

Shonda,

It was recently brought to my attention by the University's accounting offices that we have a 2 year old overdue invoice for the City of Dayton. Are you the person I would need to work this out with or is there someone else I should be talking to?

I am attaching a copy of the invoice to this e-mail and this invoice is for Consulting Work performed by Donna Winchester and Thomas Wahirab. The P.O. # on this invoice is P1300043.

If your records show this invoice has been paid could you please send me a copy of the cancelled check.

Thank you for your assistance in working this issue out.

Sincerely,

Kim

Kim Gilley  
Research Manager  
Business Research Group  
University of Dayton  
300 College Park  
Dayton, OH 45469-2110  
(937) 229-2453

UNIVERSITY OF DAYTON  
 300 College Park  
 Dayton, Ohio 45469-1600

INVOICE 9 -88226

INVOICE TO:

Attn: Barbara LaBrier  
 Management and Administrative Services  
 City Hall 4th Floor  
 101 W. Third Street  
 Dayton, OH 45402

DATE OF CHARGE: September 11, 2014

PURCHASE

ORDER NO P1300043

COMPLETE ADDRESS MUST BE SHOWN FOR MAILING

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENSION
	Project #1503		
	Sustainability and Energy Consulting Services for the City of Dayton See attached deliverables of Consultant Donna G. Winchester.		
	August 2014	\$ 2,697.00	\$ 2,697.00
	Welcome Dayton Plan Development for the City of Dayton See attached deliverables of Consultant Thomas J. Wahlrab		
	August 2014	\$ 1,000.00	\$ 1,000.00
	Miscellaneous costs including travel, documentation reproduction, and related expenses.	\$ 375.00	\$ 375.00
<b>PAST DUE</b>			
<b>PLEASE PAY UPON RECEIPT</b>			
			\$ 4,072.00

X DIRECT BILLING: MAKE CHECK PAYABLE TO THE UNIVERSITY OF DAYTON AND MAIL TO:  
 PLEASE INCLUDE INVOICE NUMBER ON YOUR CHECK

BURSAR  
 UNIVERSITY OF DAYTON  
 DAYTON, OHIO 45469-1600

**INVOICE 9-88226**

CHARGE ACCOUNT NO. 14003-112AR9 \$ 4,072.00  
 ACCOUNT NO. \_\_\_\_\_ \$ \_\_\_\_\_  
 ACCOUNT NO. \_\_\_\_\_ \$ \_\_\_\_\_  
 ACCOUNT NO. \_\_\_\_\_ \$ \_\_\_\_\_  
 ACCOUNT NO. \_\_\_\_\_ \$ \_\_\_\_\_

X CREDIT ACCOUNT NO. 32410-53000 \$ 4,072.00  
 ACCOUNT NO. \_\_\_\_\_ \$ \_\_\_\_\_  
 ACCOUNT NO. \_\_\_\_\_ \$ \_\_\_\_\_  
 ACCOUNT NO. \_\_\_\_\_ \$ \_\_\_\_\_  
 ACCOUNT NO. \_\_\_\_\_ \$ \_\_\_\_\_

APPROVED: Richard Stock, Ph.D.

Business Research Group  
 937-229-2453



# City Manager's Report

4.

From 6450 - PW/Civil Engineering

Date October 19, 2016

Expense Type Award of Contract

Supplier, Vendor, Company, Individual

Total Amount \$438,285.00 (thru 5/1/2017)

Name L.J. DeWeese Co., Inc.

Address 3616 Tipp Cowlesville Rd.  
Tipp City, OH 45371

Fund Source(s)	Fund Code(s)	Fund Amount(s)
Valley St. Bikeway Phase 1	41474-6450-1424-54	\$ 438,285.00

Includes Revenue to the City  Yes  No      Affirmative Action Program  Yes  No  N/A

**Description**

**VALLEY STREET BIKEWAY PHASE 1**  
**(7% DBE PARTICIPATION GOAL/7.43% DBE PARTICIPATION ACHIEVED)**  
**(FEDERAL CMAQ FUNDS)**

This project consists of the installation of bike lane pavement markings on Valley Street from Herman Avenue to Rita Street, on Rita Street to Stanley Avenue including asphalt resurfacing, and a multi-use concrete path on Stanley Avenue to Troy Street. Work includes the installation of pavement markings, asphalt resurfacing, excavation and removal of the existing sidewalk for a multi-use concrete path, and other work incidental thereto.

Seven bids were received for this project. It is recommended that the contract be awarded to the lowest bidder, L.J. DeWeese Co., Inc., in the amount of \$438,285.00. This amount includes the base bid in the amount of \$385,500.00, Alternate No. 1, Sidewalk, Curb and Drive Aprons on Rita Street, in the amount of \$26,375.00, and Alternate No. 2, Green Bike Lanes, in the amount of \$26,410.00. The estimated cost for the project is \$450,000.00. The time bid for completion is May 1, 2017.

This project is being funded using Federal CMAQ Funds.

A Certificate of Funds, Tabulation of Bids, Human Relations Council's verification letter, and the Bid Form from the firm recommended for award are attached.

**Signatures/Approval**

*Approved by City Commission*

Division \_\_\_\_\_

Department \_\_\_\_\_

Clerk \_\_\_\_\_

City Manager \_\_\_\_\_

Date \_\_\_\_\_



**Dayton, Ohio**

Bid Tabulation For: Valley Street Bikeway Phase 1  
(7% DBE Participation) (Federal CMAQ Funds)

Department of Public Works

<u>Bidders</u>	<u>Actual Amount Of Base Bid</u>	<u>Adjustment For Work Days</u>	<u>Estimated Time Of Completion:</u> <u>Adjustment For Comparison Purposes Only</u>
Bid Opening Date:	Cost Estimate:		Estimated Time Of Completion:
<u>September 15, 2016</u>	<u>\$450,000.00</u>		<u>May 1, 2017</u>
<u>* L.J. DeWeese Co., Inc.</u>	<u>\$385,500.00</u>	<u>-0-</u> May 1, 2017	<u>\$385,500.00</u>
<u>R.B. Jergens Contractors, Inc.</u>	<u>\$401,876.90</u>	<u>-0-</u> May 1, 2017	<u>\$401,876.90</u>
<u>Double Jay Construction, Inc.</u>	<u>\$404,672.00</u>	<u>-0-</u> May 1, 2017	<u>\$404,672.00</u>
<u>Belgray, Inc.</u>	<u>\$409,632.00</u>	<u>-0-</u> May 1, 2017	<u>\$409,632.00</u>
<u>Adleta, Inc.</u>	<u>\$435,390.65</u>	<u>-0-</u> May 1, 2017	<u>\$435,390.65</u>
<u>Barrett Paving Materials, Inc.</u>	<u>\$484,332.00</u>	<u>-0-</u> May 1, 2017	<u>\$484,332.00</u>
<u>Sunesis Construction Company</u>	<u>\$486,328.00</u>	<u>-0-</u> May 1, 2017	<u>\$486,328.00</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>

**\*Awarded**  
Revised 9/14/98



## MEMORANDUM

October 3, 2016

TO: Frederick Stovall, Director  
Department of Public Works

FROM: RoShawn Winburn, Business and Technical Assistance Administrator  
Human Relations Council (HRC)

SUBJECT: **Valley Street Bikeway Phase I (7% DBE)**

The apparent low bidder, L.J. DeWeese Co. Inc, submitted a bid utilizing two certified contractors to meet the participation goal. The HRC contract compliance analysis of the bids submitted verified the company is an approved bidder in the City of Dayton Affirmative Action Assurance program and that the authorized representative signed the Contractor's Certification to indicate fair hiring practices. The recommended company to receive the aforementioned construction award is as follows:

	<b>PERCENTAGE OF PARTICIPATION</b>
1. L.J. DeWeese	
A. MINORITY BUSINESS ENTERPRISE	
B. WOMEN BUSINESS ENTERPRISE	
C. SMALL BUSINESS ENTERPRISE	
D. DAYTON LOCAL SMALL BUSINESS	
E. DISADVANTAGED BUSINESS ENTERPRISE	
EWOL Trucking	1.29%
Security Fence	.36%
Grissom Construction, LLC	5.78%
F. HUD SECTION 3 BUSINESS ENTERPRISE	
<b>TOTAL PARTICIPATION</b>	<hr/> 7.43 % DBE

The attached participation verification letters should be included with the contract agreement. Contract Compliance will include meeting verified participation and minimal worker utilization goals as stated in the Affirmative Action Program Equal Employment Opportunity form certified in the bid submission. If you have any questions or need additional information please contact RoShawn Winburn at 333-1403.

# L.J. DeWeese Co., Inc.

3616 Tipp-Cowlesville Rd.

Tipp City, Ohio 45371

Phone - (937) 440-1736 Fax- (937) 440-0745

City of Dayton, Ohio  
Human Relations Council  
371 West Second Street, Suite 100  
Dayton, Ohio 45402-1417

RE: Valley Street Bikeway

Name of Project:  
Valley Street Bikeway

Name of Prime Contractor:  
L.J. DeWeese Co., Inc.  
3616 Tipp-Cowlesville Rd.  
Tipp City, Ohio 45371

Name of Subcontractor:  
Security Fence Group, Inc.  
4260 Dane Ave.  
Cincinnati, Ohio 45223

Work Division Area Performed By Subcontractor:  
Loop Detectors

#### Material vs. Labor Breakdown\*

Description	Quantity	Unit Cost	Total
Loop Detector	1 EA	\$1,350.00	\$1,350.00
Loop Detector Tie-In	1 EA	\$146.00	\$146.00

*\* Security Fence Group, Inc. is going to provided a material & labor breakdown to the Human Relations Council.*



September 30, 2016

City of Dayton, Ohio  
Human Relations Council  
371 West Second Street, Suite 100  
Dayton, Ohio 45402

RE: Subcontractor Verification Request

- #1 Valley St. Bikeway Phase 1 – City of Dayton, Ohio
- #2 Security Fence Group, Inc. 4260 Dane Avenue, Cincinnati, OH 45223  
Dayton Locations: 1500 Farr Dr. Suite 2, Dayton, Ohio 45404  
5848 Poe Avenue, Dayton, Ohio 45414
- #3 Provide & Install Detector Loops & Loop Detector Tie-Ins
- #4 See attached
- #5 See attached
- #6 N/A
- #7 N/A

Please let me know if there is anything else you may need or have any further questions.  
Sincerely,

*Christine Frankenstein*

Christine Frankenstein  
CEO/President  
Security Fence Group, Inc.

4260 Dane Ave \* Cincinnati, OH 45223 \* Phone: (513) 681-3700 \* Fax: (513) 681-5487  
5848 Poe Ave \* Dayton, OH \* 45414 \* Phone (937) 898-7008 \* Fax (937) 898-0609  
1500 Farr Dr. #2 \* Dayton, OH 45404 \* Phone (937) 424-3000 \* Fax (937) 424-2999

Dayton-Valley St. Bikeway								
Ref	Description	Material	Labor	Equipment	Mark-Up	Unit Cost	Qty	Total
20	Loop Detector	\$270.00	\$720.00	\$225.00	\$135.00	\$1,350.00	1	\$1,350.00
21	Loop Detector Tie-In	\$45.00	\$67.50	\$18.90	\$14.60	\$146.00	1	\$146.00
Total For The Project								\$1,496.00

# L.J. DeWeese Co., Inc.

3616 Tipp-Cowlesville Rd.

Tipp City, Ohio 45371

Phone - (937) 440-1736 Fax- (937) 440-0745

City of Dayton, Ohio  
Human Relations Council  
371 West Second Street, Suite 100  
Dayton, Ohio 45402-1417

RE: Valley Street Bikeway

Name of Project:  
Valley Street Bikeway

Name of Prime Contractor:  
L.J. DeWeese Co., Inc.  
3616 Tipp-Cowlesville Rd.  
Tipp City, Ohio 45371

Name of Subcontractor:  
Ewol Trucking & Construction  
4645 Wolf Creek Pk.  
Dayton, Ohio 45417-9435

Work Division Area Performed By Subcontractor:  
Trucking

## Material vs. Labor Breakdown\*

<u>Description</u>	<u>Quantity</u>	<u>Unit Cost</u>	<u>Total</u>
Trucking - Tandem	73 HRS	\$73.00	<u>\$5,329.00</u>
		Total ..	\$5,329.00

*\* Ewol Trucking & Construction is going to provided a material & labor breakdown to the Human Relations Council.*

EWOL TRUCKING & CONSTRUCTION INC.  
5231 KENTWOOD RD.  
DAYTON, OH 45417  
(937)470-1624  
[Ewoltrucking30@yahoo.com](mailto:Ewoltrucking30@yahoo.com)

CONTRACTOR- L.J. DEWEESE  
JOB- Valley Street Bikeway

# OF TRUCKS- 3

TYPE OF TRUCKS- 2 TANDEM/ 1 QUAD

TYPE OF WORK PERFORMED- HAULING DIRT, GRAVEL AND CONCRETE

# OF HOURS- 73 HOURS

RATE- \$73.00/hr

Sincerely,  
Ewol Trucking & Construction Inc.

# L.J. DeWeese Co., Inc.

3616 Tipp-Cowlesville Rd.

Tipp City, Ohio 45371

Phone – (937) 440-1736

Fax – (937) 440-0745

City of Dayton, Ohio  
Human Relations Council  
371 West Second Street, Suite 100  
Dayton, Ohio 45402-1417

RE: Valley Street Bikeway

Name of Project:  
Valley Street Bikeway

Name of Prime Contractor:  
L.J. DeWeese Co., Inc.  
3616 Tipp-Cowlesville Rd.  
Tipp City, Ohio 45371

Name of Subcontractor:  
Grissom Construction, LLC  
8333 N. Rakestraw Rd.  
Covington, Ohio 45318

Work Division Area Performed By Subcontractor:  
Concrete Repair

## Material vs. Labor Breakdown\*

Item #	Description	Quantity	Unit Cost	Total
202	Sidewalk Removed	1,750 SF	\$1.50	\$2,625.00
202	Driveway Removed	500 SF	\$1.50	\$750.00
202	Curb Removed	250 LF	\$5.00	\$1,250.00
202	Alley Mouth Removed	150 SF	\$2.50	\$375.00
452	Plain Concrete Alley Mouth – 7" MS	150 SF	\$7.00	\$1,050.00
453	Concrete Driveways 7" MS	500 SF	\$7.00	\$3,500.00
608	Concrete Walk 4"	1,750 SF	\$5.00	\$8,750.00
609	Barrier Curb	250 LF	\$22.00	\$5,500.00

Total \$23,800.00

## Markup or Profit on Materials Purchased

Materials purchased by Grissom Construction, LLC for the 2015 Bus Pad Replacement project are ordinarily stocked by the Subcontractor.

\* Grissom Construction, LLC is going to provide a material & labor breakdown to the Human Relations Council.



8333 N. Mulberry Grove-Rakestraw Rd.  
Covington, Ohio 45318

937-773-2475 - Office  
937-773-8771 - Fax

September 30, 2016

City of Dayton  
Human Relations Council  
371 W. Second St., Suite 100  
Dayton, Ohio 45402-1417

**RE: Valley Street Bikeway**

**Prime Contractor:**

L.J. DeWeese Co., Inc.  
3616 Tipp-Cowlesville Rd.  
Tipp City, Ohio 45371

**Subcontractor:**

Grissom Construction, LLC  
8333 N. Mulberry Grove-Rakestraw Rd.  
Covington, Ohio 45318

**Work Division Area Performed By Subcontractor:**

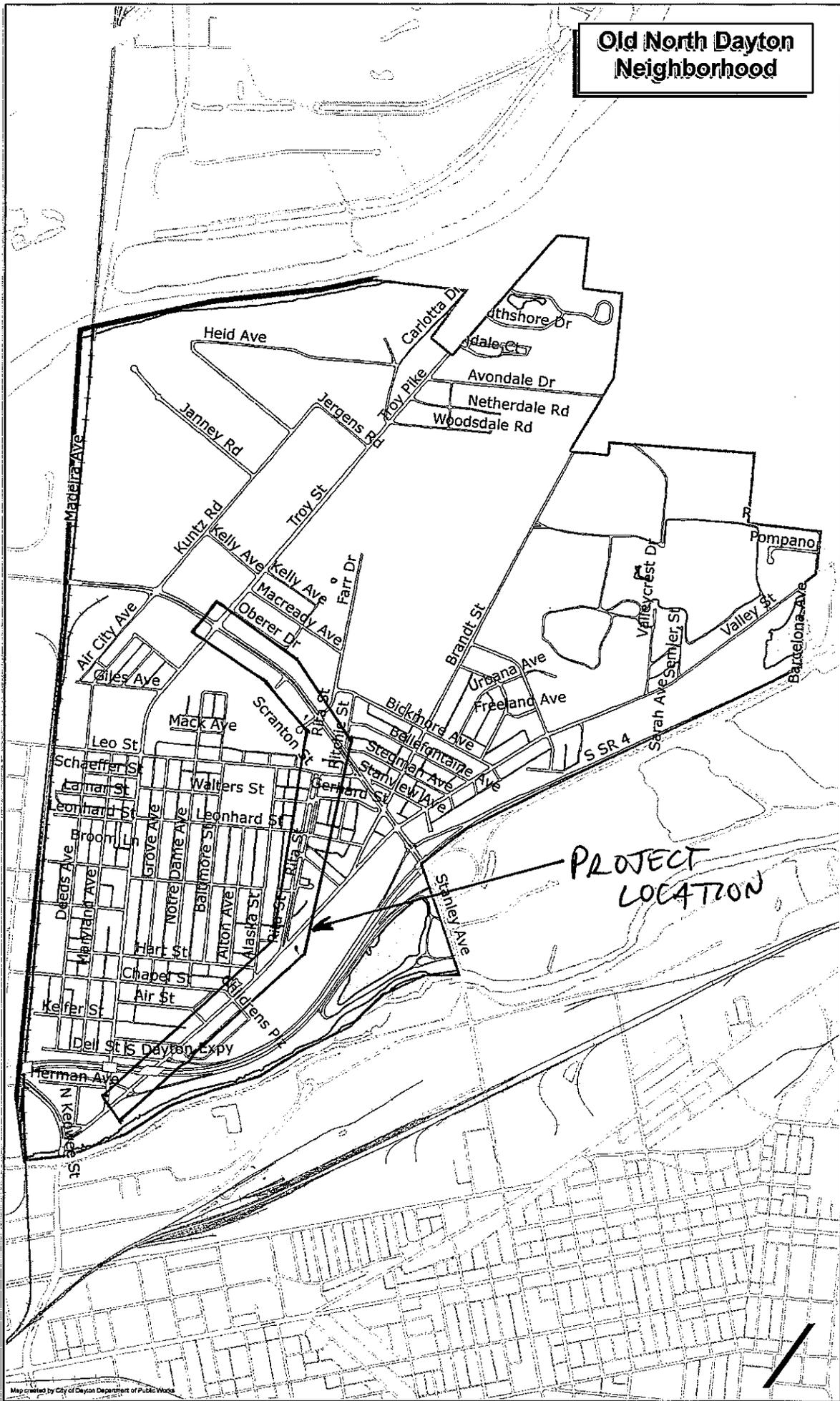
Concrete Repair Work

**Material vs. Labor Breakdown**

Item #	Description	Quantity	Labor	Material	Total Unit Cost	Total
202	Sidewalk Removed	1,750 SF	\$1.50	\$0	\$1.50	\$2,625.00
202	Driveway Removed	500 SF	\$1.50	\$0	\$1.50	\$750.00
202	Curb Removed	250 LF	\$5.00	\$0	\$5.00	\$1,250.00
202	Alley Mouth Removed	150 SF	\$2.50	\$0	\$2.50	\$375.00
452	Plain Concrete Alley Mouth 7" MS	150 SF	\$4.00	\$3.00	\$7.00	\$1,050.00
453	Concrete Driveways 7" MS	500 SF	\$4.00	\$3.00	\$7.00	\$3,500.00
608	Concrete Walk 4"	1,750.00 SF	\$3.00	\$2.00	\$5.00	\$8,750.00
609	Barrier Curb	250 LF	\$17.00	\$5.00	\$22.00	\$5,500.00

Total \$23,800.00

**Old North Dayton  
Neighborhood**



**NOTE TO CONTRACTORS:**

Since there will be copies made of the bid form of this improvement, please use black ink or a typewriter to fill in the bid prices and extensions.

**CITY OF DAYTON, OHIO**

**DEPARTMENT OF PUBLIC WORKS**

Bid Form

Valley Street Bikeway  
Phase 1  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Bidder \_\_\_\_\_

L.J. DeWeese Co., Inc.  
3616 Tipp-Cowlesville Rd.  
Tipp City, Ohio 45371

**ADDENDUM NO. 1**

**VALLEY STREET BIKEWAY PHASE 1  
(7% DBE PARTICIPATION)  
(FEDERAL CMAQ FUNDS)  
September 7, 2016**

**TO ALL BIDDERS:**

This addendum, including all articles and corrections listed below, shall be taken into account in preparing the bid forms and shall become part of the Contract.

All bidders are requested to attach this Addendum to the Bid Form and return to the City.

**ITEM NO. 1 – SPECIFICATIONS**

Revise the website listed in Item No. 25 – LPA PN 013 – of ODOT's LPA Template from <https://odot.formstack.com/forms/dbe> to [https://odot.formstack.com/forms/dbe\\_copy](https://odot.formstack.com/forms/dbe_copy)

**ITEM NO. 2 – CLARIFICATION – PLAN SCALE**

The plans received from the printers came back formatted differently than originally submitted causing an error in the plan scale. Correctly scaled pages can be provided at the contractor's request and/or at the preconstruction meeting for the successful bidder.

Rec'd

**L.J. DeWeese Co., Inc.  
3616 Tipp-Cowlesville Rd.  
Tipp City, Ohio 45371**

**BID FORM**

To: Director, Department of Public Works  
The City of Dayton

The undersigned, having full knowledge of the site and the provisions of the plans and specifications for the following improvement, and the conditions of this bid, hereby agrees to furnish all services, labor, materials and equipment, and to construct in every respect complete:

**VALLEY STREET BIKEWAY PHASE 1**  
**(7% DBE PARTICIPATION)**  
**(FEDERAL CMAQ FUNDS)**

in accordance with said plans and specifications on file in the office of the City Engineer at the unit prices hereinafter set forth.

**Bid Form (Continued)**

**VALLEY STREET BIKEWAY PHASE 1**  
**(7% DBE PARTICIPATION)**  
**(FEDERAL CMAQ FUNDS)**

<b>ITEM NO.</b>	<b>DESCRIPTION</b>	<b>EST. QUANT.</b>	<b>UNIT</b>	<b>UNIT PRICE</b>	<b>TOTAL</b>
201	Tree Removed, Size 18" - 30"	1	EA	<u>1250.-</u>	<u>1250.-</u>
202	Guardrail Removed	15	L.F.	<u>10.-</u>	<u>150.-</u>
202	Sidewalk Removed	10,800	S.F.	<u>1.50</u>	<u>16200.-</u>
202	Driveway Removed	700	S.F.	<u>2.-</u>	<u>1400.-</u>
202	Curb Removed	200	L.F.	<u>7.-</u>	<u>1400.-</u>
202	Grind Existing Pavement (1.5")	14,800	S.Y.	<u>1.75</u>	<u>25900.-</u>
203	Excavation	485	C.Y.	<u>25.-</u>	<u>12125.-</u>
203	Undercut	50	C.Y.	<u>20.-</u>	<u>1000.-</u>
304	Aggregate Base	450	C.Y.	<u>45.-</u>	<u>20250.-</u>
407	Tack Coat (.1GAL/SY)	1,480	GAL	<u>3.-</u>	<u>4440.-</u>
ODOT 448	Asphalt Concrete Surface Course, Type 1, Medium, (1.5")	1,275	TONS	<u>75.-</u>	<u>95625.-</u>
453	Concrete Driveways (ODOT MS, 7")	865	S.F.	<u>7.-</u>	<u>6055.-</u>
608	Multi-Use Concrete Path (5")	19,000	S.F.	<u>4.-</u>	<u>76000.-</u>
608	Concrete Curb Ramp (7")	1,700	S.F.	<u>9.-</u>	<u>15300.-</u>
609	Barrier Curb	200	L.F.	<u>25.-</u>	<u>5000.-</u>
614	Maintaining Traffic	1	LUMP	<u>12048.-</u>	<u>12048.-</u>
630	Sign, Flat Sheet, As Per Plan	40	S.F.	<u>20.-</u>	<u>800.-</u>
630	Ground Mounted Support, No. 2 Post, Hardware & Installation	40	L.F.	<u>31.-</u>	<u>1240.-</u>
630	Sign & Support Assembly, Pole/Channel Post Mounted, Hardware & Installation	19	EA	<u>150.-</u>	<u>2850.-</u>

**Bid Form (Continued)**

**VALLEY STREET BIKEWAY PHASE 1**  
**(7% DBE PARTICIPATION)**  
**(FEDERAL CMAQ FUNDS)**

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>EST. QUANT.</u>	<u>UNIT</u>	<u>UNIT PRICE</u>	<u>TOTAL</u>
632	Loop Detector	1	EA	<u>1450.-</u>	<u>1450.-</u>
632	Loop Detector Tie-In	1	EA	<u>150.-</u>	<u>150.-</u>
642	Removal of Existing White Lane Line	480	L.F.	<u>3.20</u>	<u>1536.-</u>
644	Channel Line, White (8")	4,410	L.F.	<u>1.10</u>	<u>4851.-</u>
644	Dashed Channel Line, White (8")	500	L.F.	<u>1.10</u>	<u>550.-</u>
644	Double Yellow Centerline	2,000	L.F.	<u>1.10</u>	<u>2200.-</u>
644	Stop Bar, 24"	80	L.F.	<u>4.75</u>	<u>380.-</u>
647	Bike Chevron, White	25	EA	<u>420.-</u>	<u>10500.-</u>
647	Bike Symbol and Arrow	21	EA	<u>450.-</u>	<u>9450.-</u>
651	Topsoil Stockpiled	110	C.Y.	<u>25.-</u>	<u>2750.-</u>
652	Placing Stockpiled Topsoil (4")	110	C.Y.	<u>20.-</u>	<u>2200.-</u>
653	Topsoil Furnished & Placed (4")	110	C.Y.	<u>45.-</u>	<u>4950.-</u>
659	Seeding & Mulching	1,300	S.Y.	<u>3.-</u>	<u>3900.-</u>
836	Manhole Adjusted	24	EA	<u>300.-</u>	<u>7200.-</u>
846	Water Valve Adjusted (Rita St.)	16	EA	<u>150.-</u>	<u>2400.-</u>
SPL	Bollard, Removable	1	EA	<u>2000.-</u>	<u>2000.-</u>
SPL	Contingency	1	LUMP	<u>\$ 30,000.00</u>	<u>\$ 30,000.00</u>

**TOTAL BASE BID**

\$ 385,500.-

**Bid Form (Continued)**

**VALLEY STREET BIKEWAY PHASE 1**  
**(7% DBE PARTICIPATION)**  
**(FEDERAL CMAO FUNDS)**

In determining the lowest and best bid the City Commission may give consideration to the following alternate bids:

**ALTERNATE NO. 1**  
**SIDEWALK, CURB, AND DRIVE APRONS ON RITA STREET**

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>EST. QUANT.</u>	<u>UNIT</u>	<u>UNIT PRICE</u>	<u>TOTAL</u>
202	Sidewalk Removed	1,750	S.F.	<u>2.-</u>	<u>3500.-</u>
202	Driveway Removed	500	S.F.	<u>2.-</u>	<u>1000.-</u>
202	Curb Removed	250	L.F.	<u>8.-</u>	<u>2000.-</u>
202	Alley Mouth Removed	150	S.F.	<u>3.-</u>	<u>450.-</u>
452	Plain Concrete Alley Mouth (ODOT MS, 7")	150	S.F.	<u>7.-</u>	<u>1050.-</u>
453	Concrete Driveways (ODOT MS, 7")	500	S.F.	<u>7.-</u>	<u>3500.-</u>
608	Concrete Walk (4")	1,750	S.F.	<u>4.50</u>	<u>7875.-</u>
609	Barrier Curb	250	L.F.	<u>28.-</u>	<u>7000.-</u>

**TOTAL ALTERNATE NO. 1 SIDEWALK, CURB, AND DRIVE APRONS ON RITA STREET**

\$ 26,375.-

**ALTERNATE NO. 2**  
**GREEN BIKE LANES**

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>EST. QUANT.</u>	<u>UNIT</u>	<u>UNIT PRICE</u>	<u>TOTAL</u>
SPL	Green Bike Lane, MMA, As Per Plan	3,300	S.F.	<u>5.95</u>	<u>19,635.-</u>
SPL	Green Bike Lane, Preformed Arrow and Bike, As Per Plan	7	EA	<u>825.-</u>	<u>5,775.-</u>

**TOTAL ALTERNATE NO. 2 GREEN BIKE LANES**

\$ 25,410.-

Bid Form (Continued)

**VALLEY STREET BIKEWAY PHASE 1**  
**(7% DBE PARTICIPATION)**  
**(FEDERAL CMAQ FUNDS)**

The consideration to be paid for the performance of the Contract of the above described project is provided as follows:  
This information provides for the issuance of the tax-exempt form for the purchase of materials for this project.

<u>DESCRIPTION</u>	<u>CONSIDERATION FOR MATERIALS</u>	<u>CONSIDERATION FOR OBLIGATIONS</u>	<u>TOTALS</u>
TOTAL BASE BID	\$ <u>195,500.-</u>	\$ <u>190,000.-</u>	\$ <u>385,500.-</u>
TOTAL ALT. NO. 1 (SIDEWALK, CURB, AND DRIVE APRONS ON RITA STREET)	\$ <u>15,000.-</u>	\$ <u>11,375.-</u>	\$ <u>26,375.-</u>
TOTAL ALT. NO. 2 (GREEN BIKE LANES)	\$ <u>12,000.-</u>	\$ <u>13,410.-</u>	\$ <u>25,410.-</u>

The time of completion fixed by the City is May 1, 2017.

Following are the names of all persons, firms, and corporations interested in the above bid as principals. If none, state that "No person or party other than the bidder is interested in this Bid."

NAME

ADDRESS

No person or party other than the bidder is  
interested in this Bid.

---

---

Bidder is

An Individual

Firm Name \_\_\_\_\_

Business Address \_\_\_\_\_

Telephone \_\_\_\_\_

Partnership

Firm Name \_\_\_\_\_

Members of Firm and

Their Business Address \_\_\_\_\_

Telephone \_\_\_\_\_

Corporation

Name

L.J. DeWeese Co, Inc.

State of Incorporation

Ohio

Name and Title of  
Officers with Authority  
to Sign Contract

Jeremy Hench, Vice-president

Home Office Address

3616 Jupp Cowlerville Rd, Jupp City, Ohio 45371

Local Address

Same

Telephone

937-440-1736

Fax

937-440-0745

E-mail

kldilbane@yahoo.com

Federal I.D.#

31-0602186

Dated this

15

day of

September, 2016

Bidder:

L.J. DeWeese Co, Inc.

(Person, Firm, or Corporation)

By:



Title:

Vice-president

If a certified or cashier's check is submitted with Bid Form, please furnish the following information:

\_\_\_\_\_ Certified Check

\_\_\_\_\_ Cashier's Check

Amount \_\_\_\_\_ Dollars  
on \_\_\_\_\_ Bank  
of \_\_\_\_\_ is Attached.

\_\_\_\_\_  
Bidder

Cash in the amount of \_\_\_\_\_  
Dollars is attached.

\_\_\_\_\_  
Bidder

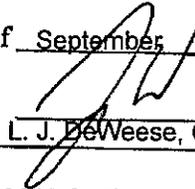
**BID BOND**

Amount \$ 10% of Total Bid

We, the undersigned, are held and firmly bound unto the City of Dayton, Ohio in the sum of 10% of Total Bid Dollars, for the payment of which well and truly to be made, we hereby, jointly and severally, bind ourselves, our heirs, executors, and administrators, firmly by these presents.

The condition of this obligation is such that, if the Bid attached hereto is accepted and the Contract award to the bidder, L. J. DeWeese Co., Inc., 3616 S. Tipp Cowelsville Rd., Tipp City, OH 45371 named therein, and the said bidder shall within ten (10) days after being notified that said contract has been awarded to the bidder, enter into a Contract in the form acceptable to the Director and give bond in a form to be furnished by the Director, then this obligation shall be null and void; otherwise it shall remain in full force and effect.

Signed and sealed at Dayton, Ohio, this 15th day of September, 2016.

  
L. J. DeWeese, Co., Inc.

3616 S. Tipp Cowelsville Rd., Tipp City, OH 45371  
Bidder

Western Surety Company, 333 S. Wabash Avenue, Chicago, IL 60604

  
Mark Arnold, Attorney-In-Fact  
Surety

Arnold Insurance Agency, Inc.  
Name of Insurance Agency

1400 Haft Dr., Reynoldsburg, OH 43068  
Address of Insurance Agency

Telephone (614) 863-0455 FAX (614) 863-2474

# Western Surety Company

## POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

**Mark Arnold, Rebecca Bryner, Daniell Dahl, Harry J Bound, Brittany Walton, Jason D Daniels, Individually**

of Reynoldsburg, OH, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

### - In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 3rd day of June, 2016.

WESTERN SURETY COMPANY



Paul T. Bruflat  
Paul T. Bruflat, Vice President

State of South Dakota }  
County of Minnehaha } ss

On this 3rd day of June, 2016, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires  
June 23, 2021



J. Mohr  
J. Mohr, Notary Public

### CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 15th day of September, 2016.



WESTERN SURETY COMPANY

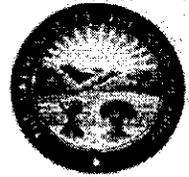
L. Nelson  
L. Nelson, Assistant Secretary

Office of Risk Assessment  
50 West Town Street  
Third Floor - Suite 300  
Columbus, Ohio 43215  
(614)644-2658  
Fax(614)644-3256  
www.insurance.ohio.gov

**Ohio Department of Insurance**

John R. Kasich - Governor  
Mary Taylor - Lt. Governor/Director

**Certificate of Compliance**



Issued 03/17/2016  
Effective 04/02/2016  
Expires 04/01/2017

I, Mary Taylor, hereby certify that I am the Lt. Governor/Director of Insurance in the State of Ohio and have supervision of insurance business in said State and as such I hereby certify that

**WESTERN SURETY COMPANY**

of South Dakota is duly organized under the laws of this State and is authorized to transact the business of insurance under the following section(s) of the Ohio Revised Code:

**Section 3929.01 (A)**

Fidelity  
Other Liability  
Surety

WESTERN SURETY COMPANY certified in its annual statement to this Department as of December 31, 2015 that it has admitted assets in the amount of \$1,823,699,967, liabilities in the amount of \$500,361,661, and surplus of at least \$1,323,338,306.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused my seal to be affixed at Columbus, Ohio, this day and date.

*Mary Taylor*

Mary Taylor, Lt. Governor/Director



WESTERN SURETY COMPANY  
Sioux Falls, South Dakota  
Statement of Net Admitted Assets and Liabilities  
December 31, 2014

ASSETS

Bonds	\$ 1,824,951,414
Stocks	23,975,582
Cash, cash equivalents, and short-term investments	51,536,164
Investment income due and accrued	22,267,675
Premiums and considerations	41,696,249
Amounts recoverable from reinsurers	(11,221,508)
Federal and foreign income taxes recoverable	7,401,709
Net deferred tax asset	20,261,713
Receivable from parent, subsidiaries, and affiliates	17,380,167
Other assets	3,799
Total Assets	<u>\$ 1,998,252,964</u>

LIABILITIES AND SURPLUS

Losses	\$ 302,997,505
Reinsurance payable on paid losses and loss adjustment expenses	(15,267,712)
Loss adjustment expense	64,134,995
Contingent and other commissions payable	6,099,306
Unearned premiums	259,011,845
Advance premiums	5,321,610
Payable to parent, subsidiaries and affiliates	107,843
Other liabilities	7,821,458
Total Liabilities	<u>\$ 630,226,850</u>

Surplus Account:	
Capital paid up	\$ 4,000,000
Gross paid in and contributed surplus	280,071,837
Unassigned funds	<u>1,083,954,277</u>
Surplus as regards policyholders	<u>\$ 1,368,026,114</u>
Total Liabilities and Capital	<u>\$ 1,998,252,964</u>

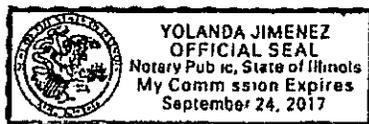
I, Peter Locy, Assistant Vice President of Western Surety Company hereby certify that the above is an accurate representation of the financial statement of the Company dated December 31, 2014, as filed with the various Insurance Departments and is a true and correct statement of the condition of Western Surety Company as of that date.

Western Surety Company

By Peter Locy  
Assistant Vice President

Subscribed and sworn to me this 19th day of March, 2014.

My commission expires:



Yolanda Jimenez  
Notary Public

CITY OF DAYTON, OHIO  
Department of Public Works

Responsible Contractor Bidding Requirements  
(Form 1 of 2)

In accordance with Ordinance No. 30575-06 of the City of Dayton, Ohio Revised Code of General

Ordinances, I, Jeremy Herch, Vice President hereby certify that \_\_\_\_\_  
(print name – an Officer of the company)

L.J. DeWeese Co, Inc. meets the following Contractor requirements  
relating \_\_\_\_\_  
(company)

to this City of Dayton construction project (check all that apply):

- Comply with all City of Dayton income tax obligations and requirements
- Maintain worker's compensation insurance for all employees as required by the State of Ohio
- Comply with State or Federal prevailing wage rate laws, as applicable and required by the funding of this project
- Comply with the State of Ohio Bureau of Worker's Compensation Drug Free Workplace Policy

By:

  
(signature)

Title:

Vice President

Date:

9/15/14

CITY OF DAYTON, OHIO  
Department of Public Works

Responsible Contractor Bidding Requirements  
(Form 2 of 2)

- A. Please provide a complete listing of the fringe benefits provided to employees expected to be utilized at the project site, including, but not limited, to health insurance and retirement benefits. {Reference to benefits traditionally provided on past, similar projects can be made.}

SRA - medical

401(k) - retirement

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- B. Please identify any "bona fide apprentice training program" in which this company participates in accordance with the Ohio Bureau of Apprenticeship Training and the U. S. Department of Labor.

N/A

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- C. Please provide a list of subcontractors whose quotes or information are included or used in the bid submitted for this project.

EWOL Trucking & Construction

Security Force Group, Inc.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**CERTIFICATION  
OF COMPLIANCE WITH OHIO REVISED CODE SECTION 3517.13  
FOR CONTRACTS IN EXCESS OF FIVE HUNDRED DOLLARS (\$500.00)**

STATE OF OHIO,  
COUNTY OF Miami, ss:

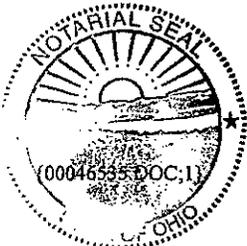
Jeremy Herch being duly sworn, deposes and states as follows:

1. I am duly authorized to make the statements contained herein on behalf of L.J. Deweese Co, Inc ("the Contracting Party").
2. The Contracting Party is a/an (select one):
  - Individual, partnership, or other unincorporated business association (including without limitation, a professional association organized under Ohio Revised Code Chapter 1785), estate, or trust.
  - Corporation organized and existing under the laws of the State of Ohio.
  - Labor organization.
3. I hereby affirm that the Contracting Party and each of the individuals specified in R.C. 3517.93(I)(3) (with respect to non-corporate entities and labor organizations) or R.C. 3517.93(J)(3) (with respect to corporations) are in full compliance with the political contributions limitations set forth in R.C. 3517.93(I) and (J), as applicable. I understand that a false representation on this certification constitutes a felony of the fifth degree pursuant to R.C. 3517.93(AA) and 3517.992(R)(3). Any contract that contains a falsified certification shall be rescinded.

By: [Signature]  
Title: Vice president

STATE OF OHIO,  
COUNTY OF Miami, ss:

Sworn to before me and subscribe in my presence by Jeremy Herch  
this 15 day of Sept., 2016.



**KRISTEN L DILBONE**  
Notary Public  
In and for the State of Ohio  
My Commission Expires  
January 20, 2017

[Signature]  
Notary Public



6. **FEDERALLY REQUIRED EEO CERTIFICATION FORM**

The bidder hereby certifies that he **has** ....., **has not** ....., participated in a previous contract or subcontract subject to the equal opportunity clause, as required by Executive Orders 10925, 11114, or 11246, and that he **has** ....., **has not** ....., filed with the Joint Reporting Committee, the Director of the Office of Federal Contract Compliance, a Federal Government Contract Compliance, a Federal Government contracting or administering agency, or the former President's Committee on Equal Employment Opportunity, all reports due under the applicable filing requirements. *The Bidder must circle the appropriate "has or has not" above.*

**AFFIRMATIVE ACTION PROGRAM  
EQUAL EMPLOYMENT OPPORTUNITY**

PROJECT: Valley Street Bypass, Ph. 1 Dayton, Ohio  
NAME LOCATION

During the performance of this contract:

<u>L.J. Deweese Co., Inc.</u>	<u>3616 Jupp Cowlesville</u>	<u>937-440-1736</u>
<small>CONTRACTOR</small>	<u>Jupp City, Ohio 45371</u>	<u>937-440-0745 fax</u>
	<small>ADDRESS</small>	<small>TELEPHONE / FAX</small>

being the general contractor, assumes the responsibility and obligation to institute an Affirmative Action Program which complies with City Ordinance 24059 and Executive Order 11246 on any city, federal or federally-assisted construction project, to insure Equal Employment Opportunity regardless of race, color, religion, sex, national origin, ancestry, place of birth, age, or marital status, and the visible efforts will be at least consistent with, but not limited to the provisions of the Dayton Area Federal Bid Conditions.

The successful contractor using one or more trades of construction employees must comply with Part I of these Bid conditions to each such trade.

Part I: **Requirements.** To be eligible for award of a contract under this Invitation to Bid, contractors must certify as prescribed in Paragraph 1a, of the certification specified in Part II hereof that it adopts the minimum goals and timetables of minority and female worker utilization, and specific Affirmative Action steps set forth in Sections 1 and 2 of this Part I.

1. **Goals & Timetables.** The goals of minority and female worker utilization required of the contractor are applicable to each trade which will be used on any project in Greene, Miami, Montgomery, and Clark Counties, OH (herein-after referred to as the Dayton Standard Metropolitan Statistical Area (SMSA)).

The required goals and timetables are as follows:

	Goals of Minority Worker Utilization Expressed in Percentage Terms
From 1/1/76 to Present	10.6% - 11.8%
	Goals of Female Worker Utilization Expressed in Percentage Terms
From 4/1/80 to Present	6.9%

The percentage goals of minority and female worker utilization are expressed in terms of working hours of training and employment as a proportion of the total working hours to be worked by the contractor's entire work force in that trade on all projects (both federal and non-federal) in the S SMSA during the performance of this contract. The working hours for minority and female work and training must be uniform throughout the length of this contract, on all projects and for each of the trades. Further, the transfer of minority and/or female or trainee from employer-to-employer or from project-to-project for the sole purpose of meeting the contractor's goals shall be a violation of this Bid Condition.

In reaching the goals for minority and female utilization, every effort shall be made to find and employ qualified journey-persons. Provided, however, and pursuant to the requirements of the Department of Labor regulations, 29 CFR 5a.3, twenty-five percent (25%) of apprentices or trainees shall be employed on all projects and shall be in their first year of training, where feasible.

In order for the nonworking training hours of apprentices and trainees to be counted in meeting the goals, such apprentices and trainees must be employed by the contractor during the training period, and the contractor must have made a commitment to employ the apprentices and/or trainees at the completion of the training subject to the availability of employment opportunities. Apprentices and trainees must be trained pursuant to programs which have been approved by The U.S. Department of Labor and/or The State of Ohio.

A contractor shall be deemed to be in compliance with the terms and requirements of this Part I by the employment and training of minorities and females in the appropriate percentage of the contractor's aggregate work force in the SMSA for each trade for which it is committed to the goals under Part I.

However, no contractor shall be found to be in noncompliance solely on account of the contractor's failure to meet the goals and timetables, but such contractor shall be given the opportunity to demonstrate that all of the specific Affirmative Action steps specified in Part I have been instituted and has made every "good faith" effort to make these steps work towards the attainment of the goals and timetables.

2. **Specific Affirmative Action Steps.** A contractor subject to Part I, must engage in Affirmative Action directed at increasing minority and female utilization, which is at least as extensive and as specific as the following steps:

a) The contractor shall notify community organizations that the contractor has employment opportunities available and shall maintain records of the organizations' responses.

b) The contractor shall maintain a file of the names and addresses of each minority and female referred and what action was taken with respect to each referred worker. If the worker was not employed, the reason therefor. If the worker was not sent to the union hiring hall for referral, the contractor's file shall document this and the reasons therefor.

c) The contractor shall promptly notify the Dayton Human Relations Council when the union or unions with which the contractor has a collective bargaining agreement has not referred to the contractor a minority and/or female, or when the contractor has other information that the union referral process has impeded the contractor's efforts to meet its obligations.

d) The contractor should participate in training programs in the area; especially those approved by the U.S. Department of Labor and/or the State of Ohio.

- e) The contractor shall disseminate the EEO Policy within the organization by including it in any policy manual, by publicizing it in company newspapers, annual reports, etc.; by conducting staff, employee and union representatives' meetings to explain and discuss the policy; by posting of the policy; and by specific review of the policy with minority and female employees.
- f) The contractor shall ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites and in all facilities at which the contractor's employees are assigned to work. The contractor, where possible, will assign two or more women to all projects (both federal and non-federal) in the SMSA during the performance of its contract or subcontract.
- g) The contractor shall make specific and constant personal (both written and oral) recruitment efforts directed at all minority and female organizations, schools, minority and female recruitment training organizations with the Dayton SMSA.
- h) The contractor shall make specific efforts to encourage present minority and female employees to recruit other minorities and females.
- i) The contractor shall validate all tests and other selection requirements.
- j) The contractor should develop on-the-job training opportunities; participate and assist in any association or employer-group training programs relevant to the contractor's employees needs consistent with its obligations under Part I.
- k) The contractor shall evaluate all minority and female personnel for promotional opportunities and encourage employees to seek such opportunities.
- l) The contractor shall ensure that seniority practices, job classifications, etc., do not have a discriminatory effect.
- m) The contractor shall make certain that all facilities and company activities are nonsegregated except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.
- n) The contractor will monitor all personnel activities to ensure that its EEO Policy is being carried out.
- o) The successful contractor shall solicit bids for work to be performed on this project under a subcontract from minority and female contractors and other business associations.

3. Nothing herein is intended to relieve any contractor during the term of this project from compliance with The Dayton Area Federal Bid Conditions. Further, it shall be the responsibility of each contractor to comply with all terms, conditions and provisions of the Dayton Area Federal Bid Conditions.

Part II: Contractor's Certification. A contractor will not be eligible for award of a contract under this Invitation to Bid unless such contractor has submitted as a part of the bid the following certification, which will be deemed a part of the resulting contract:

CONTRACTOR'S CERTIFICATION

H.T. DeWeese Co, Inc certifies that:

1. The following listed construction trades will be used in performance of this project.

- Cement mason
- Laborer
- Operator
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

a) as to those trades set forth in the preceding paragraph one hereof, it adopts the minimum minority and female utilization goals and the specific Affirmative Action steps contained in the Bid Condition. Compliance is measured in each trade of the contractor's aggregate work force for all construction work (both federal and non-federal) in the four Counties (Greene, Miami, Montgomery and Clark) subject to this Bid Condition; and

b) the successful contractor will obtain from each subcontractor and submit to the contracting or administering agency prior to the award of any subcontract under this contract, the subcontractor certification required by the Bid Condition.

SIGN:

[Signature], V.P., L.J.D.  
(Signature of Authorized Representative of Bidder)

**FAILURE TO SUBMIT AND SIGN THIS DOCUMENT WITH YOUR BID  
WILL RESULT IN YOUR BID NOT BEING READ**



(Circle one: SBE/MBE/WBE/DLSB/DBE/HUD Section 3) PARTICIPATION FORM

Project Name:

Valley Street Bikeway, Ph. 1

This form may be used for more than one funding source. City of Dayton general fund and State of Ohio funds: The City of Dayton has adopted procurement programs for Minority-owned, Woman-owned, Small Business Enterprises, and Dayton Local Small Business in accordance with Sections 35.30 – 35.68 of the Revised Code of General Ordinances (R.C.G.O.), inclusively. Federal funds: The City of Dayton is committed to meeting HUD-established subcontracting and employment opportunities for HUD Section 3 companies certified with the Human Relations Council. This commitment applies to all projects funded through NSP/CDBG/HOME. The City of Dayton is a recipient of Department of Transportation funds and complies with the DBE program. Authorization for the program comes from 49 Code of Federal Regulations Part 26 (49 CFR 26). State Funds: When determining the level of participation the, only the total work performed by the certified subcontractor either singularly or severally, will be considered. This form must be utilized to indicate your subcontractors and must be fully completed and returned with your bid proposal, i.e., you must list the name(s), address, etc. of the subcontractor, type of work to be performed, dollar amount of the subcontract and percentage of the base bid. Use as many copies of this form as necessary to list all subcontractors. Should you have questions regarding this form, please contact the Human Relations Council (HRC) Office. (937) 333-1403.

Please Check One						
Firm Name, Tax I.D. Number and Mailing Address	Prime Contract Bid	Joint Venture Bid	Supply or Service Subcontract	Construction Subcontract	Type of Service or Supply to be Provided	Type of Construction Work to be Performed
Certified Business Firm Name: <u>EWOL Trucking &amp; Construction</u> Tax I.D. Number: <u>31-1478486</u> Street Address: <u>4645 Wolf Creek Pk</u> City/State/ Zip Code: <u>Dayton, Ohio 45417</u> Phone (area code/#): <u>937-329-3658</u> E-mail: <u>ewoltrucking30@yahoo.com</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<u>Trucking</u>
Total \$ Amount of PRIME CONTRACTOR'S Base Bid: <u>\$ 385,500.-</u>					Total \$ to subcontract <u>\$ 25,550.-</u>	Total % subcontract: <u>6.62%</u>
<b>PRIME CONTRACTOR'S REPRESENTATIVE</b>						
Print Name: <u>Jeremy Herch, vice-pres.</u>	Street Address: <u>3166 Tupp Cowlesville Rd.</u>					
Sign Name: <u>[Signature]</u>	City/State/Zip: <u>Tupp City, Ohio 45371</u>					

(Circle one: SBE/MBE/WBE/DLSB/DBE/HUD Section 3) PARTICIPATION FORM

Project Name:

Valley Street Bikeway, Ph. 1

This form may be used for more than one funding source. City of Dayton general fund and State of Ohio funds: The City of Dayton has adopted procurement programs for Minority-owned, Woman-owned, Small Business Enterprises, and Dayton Local Small Business in accordance with Sections 35.30 – 35.68 of the Revised Code of General Ordinances (R.C.G.O.), inclusively. Federal funds: The City of Dayton is committed to meeting HUD-established subcontracting and employment opportunities for HUD Section 3 companies certified with the Human Relations Council. This commitment applies to all projects funded through NSP/CDBG/HOME. The City of Dayton is a recipient of Department of Transportation funds and complies with the DBE program. Authorization for the program comes from 49 Code of Federal Regulations Part 26 (49 CFR 26). State Funds: When determining the level of participation the, only the total work performed by the certified subcontractor either singularly or severally, will be considered. This form must be utilized to indicate your subcontractors and must be fully completed and returned with your bid proposal, i.e., you must list the name(s), address, etc. of the subcontractor, type of work to be performed, dollar amount of the subcontract and percentage of the base bid. Use as many copies of this form as necessary to list all subcontractors. Should you have questions regarding this form, please contact the Human Relations Council (HRC) Office. (937) 333-1403.

Please Check One					Type of Service or Supply to be Provided	Type of Construction Work to be Performed
Firm Name, Tax I.D. Number and Mailing Address	Prime Contract Bid	Joint Venture Bid	Supply or Service Subcontract	Construction Subcontract		
Certified Business Firm Name: <u>Security Force Group, Inc.</u> Tax I.D. Number: <u>31-1276340</u> Street Address: <u>4260 Dane Ave.</u> City/State/ Zip Code: <u>Cincinnati, Ohio 45223</u> Phone (area code/#): <u>513-681-3700</u> E-mail: <u>cfrakenstein@sforce.com</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Total \$ Amount of PRIME CONTRACTOR'S Base Bid: <u>\$ 385,500. -</u>					Total \$ to subcontract: <u>\$1,496. -</u>	Total % subcontract: <u>.38%</u>
<b>PRIME CONTRACTOR'S REPRESENTATIVE</b>						
Print Name:	<u>Jeremy Hench, vice-pres.</u>		Street Address	<u>3666 Lipp Cowlesville Rd.</u>		
Sign Name:	<u>[Signature]</u>		City/State/Zip	<u>Lipp City, Ohio 45371</u>		

**WAIVER REQUEST DOCUMENTED ACTIVITY FORM**

Date \_\_\_\_\_

Project: \_\_\_\_\_ Participation Goal (list only one): \_\_\_\_\_

A bidder must submit a separate form for each goal for which you are requesting a waiver. A Bidder Requesting a total or partial Waiver of the DBE Participation Goal must complete the waiver request form and maintain supporting documentation of Good Faith Efforts. The waiver request form provides guidelines in order for the bidder to achieve Good Faith Efforts. The bidder will be required to provide such documentation of Good Faith Efforts within two days of its request. **This form must be completed and submitted with your bid if you are requesting a waiver of any goal.**

#	Activity Description
1	Solicited the interest of all certified <b>MBE/WBE/SBE/DLSB or DBE or HUD3</b> having the capability to perform the work of the contract. The bidder must solicit this at least ten (10) business days of the bid submittal deadline in order to allow the <b>MBE/WBE/SBE/DLSB or DBE or HUD3</b> sufficient time to respond to the solicitation.
2	Negotiated with <b>MBE/WBE/SBE/DLSB or DBE or HUD3</b> subcontractors, and has taken the subcontractors' price and capabilities, as well as the contract goals, into consideration.
3	Divided contract work items into economically feasible units to facilitate <b>MBE/WBE/SBE/DLSB or DBE or HUD3</b> participation, even when the bidder might otherwise prefer to perform these work items with its own forces.
4	Rejected <b>MBE/WBE/SBE/DLSB or DBE or HUD3</b> as being unqualified only with reasons based on a diligent investigation of their capabilities. The bidder's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example, union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the bidder's efforts to meet the project goal.
5	Provided interested <b>MBE/WBE/SBE/DLSB or DBE or HUD3</b> with, or directed to, the Minority Business Assistance Center (MBAC) for information about the plans, specifications, and requirements of the contract within ten (10) business days of the bid submittal deadline in order to assist them in responding to a solicitation.
6	Contacted the Minority Business Assistance Center (MBAC) and used the services of community organizations, contractors' groups, local, state and federal business assistance offices, and other organizations to find subcontractors certified as (circle one: <b>MBE/WBE/SBE/DLSB or DBE or HUD3</b> ).
7	Assisted interested <b>MBE/WBE/SBE/DLSB or DBE or HUD3</b> that responded to the bidder's solicitation in actually obtaining bonding, lines of credit, or insurance as required by the City or the bidder.
8	The bidder is actively participating in an ongoing Joint Venture or Strategic Partnership (R.C.G.O. § 35.41), documented mentor/protégé program or documented construction management program with a certified <b>MBE/WBE/SBE/DLSB or DBE or HUD3</b> in the assistance of their business growth and development.
Bidding Company Name:	



# City Manager's Report

5.

From **6430 - Public Works/Street Maint**

Date **October 19, 2016**

Expense Type **Contract Modification**

Supplier, Vendor, Company, Individual

Total Amount **\$36,225 (thru 10/2019)**

Name **National Pallet & Mulch, LLC**

Address **3550 Intercity Drive  
Riverside, OH 45424**

Fund Source(s)	Fund Code(s)	Fund Amount(s)
HRC-Sundry	21000-6430-22601-54	\$36,225

Includes Revenue to the City  Yes  No Affirmative Action Program  Yes  No  N/A

**Description**

National Pallet & Mulch (Compost Agreement)

The Department of Public Works is requesting authorization for the City Manager to renew an Agreement with National Pallet & Mulch to provide mulching operations and related composting services. National Pallet & Mulch will provide for the disposal and acceptable green waste (leaves, trees, grass clippings and brush) at no charge to City of Dayton or Dayton residents. Acceptable green waste disposal will be accepted from commercial contractors at a minimum charge. National Pallet & Mulch will pay the City of Dayton \$12,075 annually. This is a three-year agreement, commencing on November 1, 2016, and will expire October 31, 2019, with options for an additional three (3) one-year renewals. The current agreement expires October 31, 2016. The total revenue for the initial agreement will be \$36,225 or \$72,450 in the event the three (3) one-year options are exercised.

National Pallet & Mulch shall obtain all required permits and comply with all applicable City, State, and Federal regulations, including but not limited to, State and Federal environmental regulations and orders, the City of Dayton Zoning Code, and Wellfield Protection Ordinance. National Pallet & Mulch is registered as an Ohio EPA Class IV Composting Facility at the Wagner Ford Hard Fill and Compost site.

The Agreement has been reviewed and approved by the Department of Law as to form and correctness.

A Certificate of Revenue and copy of Agreement are attached.

**Signatures/Approval**

Division \_\_\_\_\_  
 Department \_\_\_\_\_  
 City Manager \_\_\_\_\_

*Approved by City Commission*

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date

# CERTIFICATE OF REVENUE

## TO BE COMPLETED BY THE DEPARTMENT

*Customer Information:* Name National Pallet & Mulch, LLC  
Address 3550 Intercity Drive  
City Dayton State Oh Zip+4 45424 -   
Customer # 331124465 Address Location #   
Federal ID# 331124465

*Revenue Information:* Fund 21000 Orgn 6430 Rev 22601 Prog 54 Actv

*Contract Information:* Contract Start Date 11/1/16 Contract Expiration Date 10/31/19

*Billing Information:* Rate: \$12,075/year (est) Arrears  Pre-bill   
Monthly (1<sup>st</sup> month of billing)   
Quarterly (1<sup>st</sup> month of quarter)   
Semi-annual (1<sup>st</sup> month of half)   
Annual (1<sup>st</sup> month of billing) June 1, 2017  
Other (explain)   
Rate Change Date  Rate Change Amount

*Description of Services (wording on invoice):* National Pallet & Mulch provides payment to the City for all finished material hauled from the Wagner Ford hardfield/compost site.

Departmental Approval

 10-10-16

## TO BE COMPLETED BY FINANCE

City Reference Number

19-4465-1

Auditor

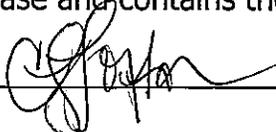
Kina Brown

Date

10/10/16

I hereby certify that the agreement containing a source of revenue to the City of Dayton is officially in the Accounts Receivable data base and contains the terms and conditions necessary for collection.

Director of Finance



## Wagner Ford Road Hard Fill Compost Agreement

**THIS WAGNER FORD HARD FILL COMPOST AGREEMENT** ("Agreement") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, between the City of Dayton, Ohio, a municipal corporation in and of the State of Ohio ("City") and National Pallet & Mulch, LLC. ("Operator") located in Dayton, Ohio.

**WITNESSETH:** That the parties of these presents, each in consideration of the undertakings, promises and agreements, on the part of the other herein contained, have undertaken, promised and agreed and do hereby undertake, promise and agree, the City for itself, its successors and assigns, and the Operator for itself, its successors and assigns as follows:

**NOW, THEREFORE,** in consideration of the mutual promises and covenants set forth herein, City and Operator agree as follows:

1. Operator hereby leases from City, and City leases to Operator, the premises located at 2670 Wagner Ford Road, as described in Exhibit A attached hereto ("Site"), for a term of three years beginning November 1, 2016 and ending October 31, 2019. The uses allowed at the Site will include mulch operation and related composting. The lease may be extended for up to three (3) one-year terms if the parties agree.
2. Operator shall not assign or sublease any portion of this lease or sublet any portion of the Site.
3. Operator shall not make any alterations or improvements to the Site without City's prior written consent except for those alterations or improvements inherent to Site.
4. Prior to the expiration of the term of this Agreement, either party may terminate the Agreement by providing thirty (30) days written notice to the other party.
5. In the event Operator defaults in the Agreement, City shall provide Operator a three (3) day notice of City's intention to terminate the Agreement. At the end of the three (3) day period, this Agreement shall terminate and Operator shall vacate and surrender the Site to City. The Operator shall restore the Site to the condition existing upon the date of this Agreement and shall assume all costs for restoration.
6. City shall not be responsible for any injury, damage or loss to Operator, and third party or any personal or real property of Operator or any third party. Operator agrees to defend, indemnify, and hold harmless the City and its officers, employees and agents from and against all claims, losses, damages, and expenses (including reasonable attorneys' fees) of whatsoever kind and nature, to the extent that such claims, losses, damages, or expenses are caused by or arise out of the performance or non-performance of this Agreement and/or acts, omissions, or conduct of Operator and its officers, employees, contractors, subcontractors and representatives in occupying the Site and operating the Wagner Ford Road Hard Fill Compost facility and/or Operator's failure to comply with federal, state, and local laws, including (as applicable) those relating to the payment of prevailing wages.

7. Specific Conditions: Operator agrees to the following conditions:
- a. Leaf material collected onsite shall be maintained in a fashion to prevent it from entering any body of water, City street, or Municipal Separate Storm Sewer System (MS4). To provide storm water filtration and prevent runoff of biodegrading leaves from entering the pond or storm water conveyance system (ditch, catch basin, or storm sewer), Best Management Practices (BMPs) such as vegetated swales or filter strips shall be utilized.
  - b. The Site shall be bermed or tapered to keep storm water runoff to a minimum.
  - c. The Site shall remain at least 200 feet from any body of water or creek.
  - d. The Site shall have a border around it to separate it from the rest of the fill area.
  - e. Collected materials shall be graded and maintained to minimize standing water and reduce the potential for mosquito breeding.
  - f. The tracking of incoming loads, out-going loads, and the completion of the annual report is required per the Class IV OEPA Composting regulations and shall be performed by the Operator.
  - g. Operator shall post a sign stating the hours of operations and listing the items that will be accepted as wood waste.
  - h. Operator shall place trash containers at the site and shall be responsible for maintaining said trash containers.
  - i. Operator shall observe all conditions included in the Project Description attached hereto as Exhibit B.
  - j. Operator shall accept all leaves and tree debris from the City of Dayton.
  - k. Operator shall accept leaves, brush, and tree limbs from Dayton residents free of charge.
  - l. At no cost to the City of Dayton, Operator shall grind all accumulated tree logs on-site annually.
8. Operator shall obtain all required permits and comply with all applicable City, State and Federal regulations, including, but not limited to, State and Federal environmental regulations and orders, the City of Dayton Zoning Code, and the City's Wellfield Protection Ordinance.

9. Compensation

Operator shall pay the City of Dayton TWO THOUSAND AND ONE HUNDRED DOLLARS AND ZERO CENTS (\$2100.00) per acre for use of the 5.75 acres included in the site (see map, attached and marked as Exhibit A). The annual land lease payment

shall be due on January 2 of each contract year in the amount of TWELVE THOUSAND AND SEVENTY-FIVE DOLLARS AND ZERO CENTS (\$12,075.00).

10. General Provisions

- a. Conflict of Interest. Operator affirms that it has no interest and shall not acquire any interest, direct or indirect, that would cause conflict in any manner or degree with the performance of this Agreement.
- b. Entire Understanding. This Agreement represents the entire and integrated agreement between the parties. This Agreement supersedes all prior and contemporaneous communications, representations, understandings, agreements, or contracts, whether oral or written, relating to the subject matter of this Agreement.
- c. Governing Law and Venue. This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio, without giving effect to the principles thereof relating to conflicts or choice of laws. Any arbitration, litigation, or other legal matter regarding this Agreement or performance by either party must be brought in a court of competent jurisdiction in Montgomery County, Ohio.
- d. Amendment. The parties may amend this Agreement, provided that no such amendment shall be effective unless it is reduced to a writing, which makes specific reference to this Agreement, is executed by a duly authorized representative of each party to this Agreement and, if required or applicable, is approved by the Commission of the City of Dayton, Ohio.
- e. Waiver. A waiver by the City of any breach of this Agreement shall be in writing. Any such waiver shall be effective only in the specific instance and for the specific purpose for which it is given and shall not affect the City's rights with respect to any other or further breach.

IN WITNESS WHEREOF, the City and Operator, each by an authorized representative, have executed this Agreement as of the date first set forth above.

APPROVED AS TO FORM AND CORRECTNESS:

*D. R. A. ...*  
City Attorney MB

THE CITY OF DAYTON, OHIO

\_\_\_\_\_  
City Manager

NATIONAL PALLET & MULCH, LLC

By: \_\_\_\_\_

Title: \_\_\_\_\_

APPROVED BY THE COMMISSION OF THE CITY OF DAYTON, OHIO

\_\_\_\_ 20 \_\_\_\_ Min. Book \_\_\_\_ Page \_\_\_\_

\_\_\_\_\_  
CLERK OF THE COMMISSION

EXISTING DEVELOPED AREA (APR. 2015): 5.75 ACRES  
PROPOSED AREA (APR. 2015): 4.15 ACRES (OMITTED)  
PROPOSED AREA (MAY 2016): 1.98 ACRES

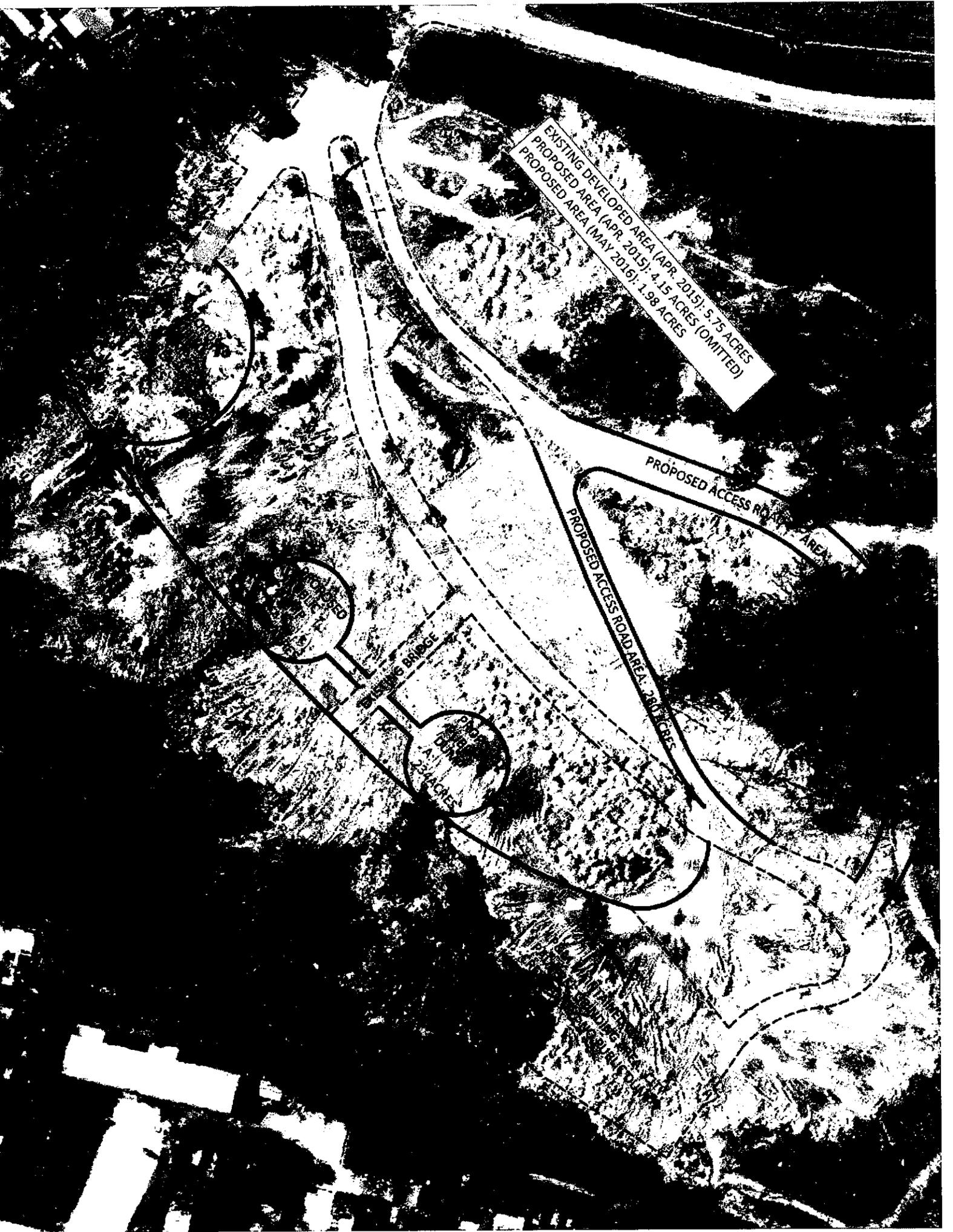
PROPOSED ACCESS ROAD AREA

PROPOSED ACCESS ROAD AREA 3.0 ACRES

EXISTING BRIDGE

PROPOSED BRIDGE  
2.2 ACRES

PROPOSED BRIDGE  
2.2 ACRES



## EXHIBIT B

### PROJECT DESCRIPTION

#### (a) Scope of Services

- (i) *The OPERATOR of the Wagner Ford Hard Fill Compost Facility at the Site shall provide for the disposal of acceptable materials at no charge to Private Residents of the City of Dayton (with proper ID to verify Dayton address) and City of Dayton work units.*
- (ii) *The OPERATOR of the Wagner Ford Hard Fill Compost Facility at the Site shall provide for the disposal of acceptable materials at a minimum charge to Contractors for commercial dumping; however, Contractors must obtain an account with OPERATOR for commercial dumping.*
- (iii) *Acceptable materials are defined as:*
  - 1) 2.2.1 Grass
  - 2) 2.2.2 Leaves
  - 3) 2.2.3 Garden Wastes
  - 4) 2.2.4 Brush (tree/shrub waste)
  - 5) 2.2.5 Wood Chips
  - 6) 2.2.6 Sod
- (iv) *The OPERATOR shall be responsible for sorting the materials as needed to provide for proper composting.*
- (v) *The OPERATOR shall be responsible for moving materials as needed to keep the site tidy and organized.*
- (vi) *The OPERATOR shall be responsible to remove materials from the Facility as needed to provide adequate room for incoming materials. Removal of materials from the facility refers only to compost material. This does not include dirt, rock, brick, concrete, sand or gravel.*

- (vii) *The OPERATOR shall accept/take acceptable materials at no charge from City of Dayton residents and City of Dayton work units. Any materials accepted at the facility, at the Site from outside the City of Dayton shall meet all requirements within these specifications and shall not hinder the use of the facility or the Site by City of Dayton residents or the City of Dayton work units.*
- (viii) *The CITY shall have an employee at the Site gate on weekdays (excluding holidays) from 8:00 a.m. to 3:00 p.m. OPERATOR shall have an employee at the gate during all other hours of operation.*

(b) Hours of Operation

- (i) *Spring Hours:*
  - March 1<sup>st</sup> – June 30<sup>th</sup>
  - Monday – Friday, 8:00 a.m. – 5:00 p.m.
  - Saturday, 8:00 a.m. – 12:00 p.m.
- (ii) *Normal Hours:*
  - July 1<sup>st</sup> – last Monday in October
  - Monday – Friday
  - 8:00 a.m. – 5:00 p.m.
- (iii) *Leaf Season Hours:*
  - Last Monday in October thru 2<sup>nd</sup> week of December
  - Monday – Friday, 8:00 a.m. – 6:00 p.m.
  - Saturday, 12:00 p.m. – 5:00 p.m.
  - Sunday, 1:00 p.m. – 5:00 p.m.
- (iv) *Normal Hours:*
  - 2<sup>nd</sup> week of December thru February
  - Monday – Friday
  - 8:00 a.m. – 3:00 p.m.
- (v) *The normal hours of access, 2<sup>nd</sup> week of December thru February and July 1<sup>st</sup> thru the last Monday in October are 8:00 a.m. to 3:00 p.m., Monday through Friday. Spring hours of access, March 1 through June 30<sup>th</sup> are 8:00 a.m. to 11:00 a.m. and 12:00 p.m. to 5:00 p.m., Monday through Friday, and 8:00 a.m. to 12:00 p.m. on Saturday. During Leaf Season, thru 2<sup>nd</sup> week of December, the hours of operation are 8:00 a.m. to 11:00 a.m. and 12:00 p.m. to 6:00 p.m., Monday through Friday, 12:00 p.m. to 5:00 p.m. on Saturday, and Sunday 1:00 p.m. to 5:00 p.m.*
- (vi) *City of Dayton work units shall have unrestricted access to the Site.*

(c) OEPA Requirement

- (i) *The Wagner Ford Road Compost Facility is classified as a Class 4 compost facility. OPERATOR shall adhere to all current and new rules, regulations, and operation practices/procedures as outlined by the Ohio Environmental Protection Agency (OEPA).*

(d) Site Maintenance

- (i) *The City will inspect regularly upon advance notice to insure that the OPERATOR maintains to acceptable standard the following:*
  - 1) Entrance to the Facility
  - 2) Collecting and Removing Trash and Debris
  - 3) Minimizing traffic onto Wagner Ford Road
- (ii) *Site security during closed hours will consist of locking the gates at end of operational hours.*

(e) Safety

- (i) *Safety shall be the responsibility of the OPERATOR. The OPERATOR shall follow, and have all persons on the facility site follow all applicable rules and regulations regarding worker safety. This is to include those as provided by the State of Ohio Occupational Safety and Health Administration (OSHA), and all other regulatory agencies.*
- (ii) *In the event of any change in federal, state or local law or regulation, or any change in any one of the OPERATOR'S permits, which is implemented during the Term of the Agreement and which results in a significant increase or decrease in the cost of performing the services, the CITY and OPERATOR agree to negotiate a mutually agreeable adjustment to the terms of the Agreement. Should agreement not be reached, either party may terminate this Agreement pursuant to the terms hereof.*



DEPARTMENT OF ECONOMIC DEVELOPMENT, DIVISION OF ZONING ADMINISTRATION  
371 W. SECOND STREET (2<sup>ND</sup> Floor), DAYTON, OHIO 45402  
(937) 333-3887

September 15, 2016

Mr. Alex Bunn  
National Pallet & Mulch  
3550 Intercity Drive  
Dayton, Ohio 45424

**SUBJ: Occupancy of Site at 2670 Wagner Ford Rd.**  
**Parcel I.D. #R72-117010-0007**  
**Zoned "I-2/WP" Gen. Industrial/Water Protection Overlay**

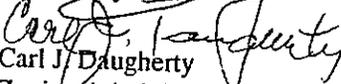
Alex:

Thanks for the recent opportunity to meet with Garry Manson and yourself to discuss National Pallet's continued use of the above-referenced site. As discussed, while the "I-2" *General Industrial Zoning District* permits "Class IV" Composting Operations as a matter of right (ie "Outdoor Recycling Collection and Processing facilities"), the "WP" *Water Protection Overlay District* currently prohibits such uses under the City's *Source Water Protection Program (SWPP)*.

That said, the Planning Department will be bringing forward a number of zoning text amendments in the Spring of 2017 for review and approval by the Plan Board and City Commission. Among these amendments will be a proposed exemption of *Class IV Composting Facilities* from the above-noted restriction within the "WP" Overlay District.

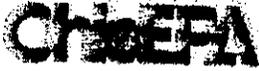
It is anticipated that the desired text change will occur before the end of 2017. Until such time, I will maintain your completed application, site plan and other supporting information (ie OEPA Class IV Composting License) on file. Once adopted, we will process your application and issue a zoning occupancy certificate. If you have questions concerning the above, please contact me at (937) 333-3903.

Sincerely yours

  
Carl J. Daugherty  
Zoning Administrator

Attachments

cc: Garry Manson, National Pallet & Mulch  
Fred Stovall, Public Works Director  
Michelle Simmons, Division of Environmental Management  
Ann Schenking, Planning Department (Plan Board Secretary)  
Files



**Class IV Composting Facility  
Acknowledgement of Registration**

Registrant: National Pallet & Mulch LLC  
Case No. 00000

Facility: Wagner Ford Road Hard Fill and Compost  
Facility  
2670 Wagner Ford Rd  
Dayton, OH 45405  
Case No. 100401

Registration Number: 57-CAR-1105      Registration Received: 12/20/2010

A Class IV composting facility must maintain compliance with all applicable provisions of Chapter 3745-27 of the Ohio Administrative Code (OAC).

Pursuant to OAC Rule 3745-27-10, Class IV composting facilities are facilities that:

- (A) Accept only source-separated yard waste;
- (B) May utilize the following source-separated bulking agents: wood chips, straw, shredded newspaper, shredded cardboard, sawdust, shredded brush, biodegradable containers, and/or sliver. Such bulking agents may be commingled;
- (C) May utilize additives limited to urea and bacterial or fungal inoculum.



City of Dayton  
 Department of Building Services  
 Division of Building Inspection  
 One Stop Center

371 W. Second St.  
 Dayton, Ohio 45402  
 Phone: 937-333-3883  
 Fax: 937-333-4284

**BUILDING / ZONING APPLICATION**

Project address 2670 Wagoner Ford  
 Applicant National Pallet & Mulch  
 Applicant address 3550 Intercity Dr.  
 City Dayton State OH ZIP 45405  
 Person to contact Alex Bunn  
 Phone # 237-1613 Fax # 409-3839  
 E-mail alexibunn@gmail.com

PERMIT # \_\_\_\_\_  
 Occupant National Pallet  
 Property owner City of Dayton  
 Owner address 101 xl 3rd  
 City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_  
 Agent's name \_\_\_\_\_  
 Phone # \_\_\_\_\_ Fax # \_\_\_\_\_  
 E-mail \_\_\_\_\_

**SEPARATE PERMITS ARE REQUIRED FOR ANY FIRE PROTECTION SYSTEMS, WRECKING, ELECTRICAL, HEATING, OR PLUMBING WORK**

COMMERCIAL PLAN REVIEW FEE MUST BE PAID AT THE TIME OF APPLICATION

I certify the information contained in this form is complete and accurate, and the work will be done as described hereon, and in accordance with the laws and ordinances of the City of Dayton.

[Signature]  
 Applicant's signature and date

**DO NOT WRITE BELOW THIS LINE - FOR OFFICE USE ONLY**

AREA (SF):	CONST. TYPE:	USE GROUP:	NO. OF PLANS SUBMITTED:
Occupy 6 acres as 'Recycling Process & collection facility (outdoor). class 4 Composting facility.			
ZONING			BPIO <u>R72-117010-0007</u> LOT # <u>78915</u> DATE STAMP
WELL/AIR/LAND			
ENGINEERING			
ADDRESS			
FIRE PREV.			
STRUCTURAL			
WATER ENG.			
PLUMBING			
HEATING			
ELECTRICAL			
HEALTH			
ZONE DIST: <u>"E2"</u> HIST DIST: _____ BZA: _____ WELL FIELD: <u>WP</u>		PLAN FILE # _____	
FLOOD PLAIN: _____ PLB: _____ PLAN DEV: _____			



# City Manager's Report

From **6470 - PW/Fleet Management**

Date **October 19, 2016**

Expense Type **Other, (See Description Below)**

Total Amount **\$18,164.61**

Supplier, Vendor, Company, Individual

Name **Site-Safe**  
Address **200 Judge Kenneth H. Goff Dr.  
PO Box 4309  
Leitchfield, KY 42755**

Fund Source(s)	Fund Code(s)	Fund Amount(s)
Street Maintenance Revenue	21000-6430-1221-54	\$18,164.61

Includes Revenue to the City  Yes  No      Affirmative Action Program  Yes  No  N/A

**Description**

Site-Safe Attenuator

The Department of Public Works is requesting authorization of payment to Site-Safe for the repair of attenuator trailer #151651 that was damaged by a motorist on July 7, 2016.

The motorist's insurance company United Services Automobile Association Casualty Insurance Company agreed to accept liability and pay repair cost for the crash attenuator trailer performed by Site-Safe. Fleet Management attempted and failed to arrange direct payment for repairs between the insurance company and Site-Safe. United Services Automobile Association Casualty Insurance Company mailed check #0015777206 payable to the City of Dayton in the amount of \$18,164.61 and it was received by the Division of Street Maintenance and paid into revenue account #21000-6430-29325-54.

The Division of Fleet Management in almost all major instances of vehicle accidents utilizes body shop claim services to process insurance claims, so that the body shop can invoice the at-fault insurance company and directly receive checks for completed repairs. Fleet Management has implemented a new process to notify Division's Fleet coordinators, by memo, that any check received from an insurance company should be sent to Fleet Management. The repair of our attenuator was necessary in order to protect the health and well-being of our highway maintenance crews.

A copy of the Invoice, Check and Certificate of Funds in the amount of \$18,164.61 is attached.

M. Newton 10-12-16  
Division

J.M. Hand 10-12-16  
Department

[Signature]  
City Manager

**Signatures/Approval**

**Approved by City Commission**

Clerk

Date

SECTION I - to be completed by User Department

NO DRAFT DOCUMENTS PERMITTED

<u>  x  </u> New Contract	<u>      </u> Renewal Contract
Contract Start Date	<u>          </u>
Expiration Date	<u>          </u>
Original Commission Approval	\$ 18,164.61
Initial Encumbrance	<u>          </u>
Remaining Commission Approval	\$ 18,164.61
Original CT/CF	<u>          </u>
Increase Encumbrance	\$ -
Decrease Encumbrance	\$ -
Remaining Commission Approval	\$ -

Required Documentation

<u>      </u>	Initial City Manager's Report
<u>  X  </u>	Initial Certificate of Funds
<u>      </u>	Initial Agreement/Contract
<u>      </u>	Copy of City Manager's Report
<u>      </u>	Copy of Original Certificate of Funds

Amount: <u>  \$18,164.61  </u> Seq.# <u>  1  </u>	Amount: <u>                  </u> Seq.# <u>  3  </u>
Fund Code <u>  21000  </u> - <u>  6430  </u> <u>  1221  </u> # <u>  54  </u> - <u>  XXXX  </u> - <u>  XXXX  </u>	Fund Code <u>      </u> - <u>      </u> <u>      </u> - <u>      </u> - <u>  XXXX  </u> - <u>  XXXX  </u>
Fund      Org      Acct      Prog      Act      Loc	Fund      Org      Acct      Prog      Act      Loc
Amount: <u>                  </u> Seq.# <u>  2  </u>	Amount: <u>                  </u>
Fund Code <u>      </u> - <u>      </u> <u>      </u> - <u>      </u> - <u>  XXXX  </u> - <u>  XXXX  </u>	Fund Code <u>      </u> - <u>      </u> <u>      </u> - <u>      </u> - <u>  XXXX  </u> - <u>  XXXX  </u>
Fund      Org      Acct      Prog      Act      Loc	Fund      Org      Acct      Prog      Act      Loc

Attach additional pages for more FOAPALs

Vendor Name:   SITE-SAFE  

Vendor Address:   PO Box 4309     LEITCHFIELD     KY     42755  

Street                      City                      State                      Zipcode + 4

Federal ID:   61-1386000  

Commodity Code:   55042  

Purpose:   The Division of Fleet Management requests authorization to transact a payment of voucher to Site-Safe.  

A motorist struck and damaged a City owned attenuator trailer. The motorist's insurance company agreed to accept liability and cover the repairs made to the damaged attenuator by Site-Safe.

Contact Person:   Matthew Newton, Division Manager X4854     Public Works / Fleet Management     10/5/2016  

Department/Division                      Date

Originating Department Director's Signature:   *[Signature]*     10-11-16  

SECTION II - to be completed by the Finance Department

I hereby certify that the amount of money required to meet the payment(s) called for in the aforesaid request have been lawfully appropriated for such purpose

  *[Signature]*    
Finance Director Signature

  10-11-16    
Date

  *[Signature]*    
CF Prepared by

  10/11/16    
Date

  CF16-0205    
CF/CT Number

12/01/16

MAIL DIRECT

03292.3D2VZ.JSS1294133125.01.01.9796  
CITY OF DAYTON  
911 E MONUMENT AVE  
CITY UNIT #151651  
DAYTON, OH 454021354

USAA Casualty Insurance Company  
PO Box 33490  
San Antonio, TX 78265

INVOICE #: USAA-14730131014564391120  
USAA #: 013107314  
LOSS RPT #: 3  
LOSS DATE: 07/07/2016  
POLICYHOLDER:  
MARSHA C TURNER

LOB: AUT  
CLAIMS REP: 06853-01  
CHECK #: 0015777206  
CHECK DATE: 08/15/2016

EXPLANATION OF PAYMENT	TOTAL PAYMENT AMOUNT
Payment under Property Damage Liability Coverage CITY OF DAYTON, attenuator	***18,164.61

18433-1013

93868-0215

FACE OF DOCUMENT HAS A COLORED BACKGROUND. THE BACK CONTAINS AN ARTIFICIAL WATERMARK. HOLD AT ANGLE TO VIEW.



USAA Casualty Insurance Company  
PO Box 33490  
San Antonio, TX 78265

51-44/119 CT

0015777206

DATE  
08/15/2016

CHECK AMOUNT  
\*\*\*18,164.61

PAY \*\*Eighteen Thousand One Hundred Sixty-Four and 61/100 s\*\*

TO CITY OF DAYTON  
THE  
ORDER  
OF:

USAA #: 013107314 / LR #: 3

NATURE OF PAYMENT:  
Payment under Property Damage Liability Coverage CITY OF DAYTON,  
attenuator  
BANK OF AMERICA - HARTFORD, CT

VOID 180 DAYS FROM ISSUE DATE

AUTHORIZED SIGNATURE

⑈0015777206⑈ ⑆011900445⑆ 2240015665⑈



# Invoice

Invoice Number:  
8740

Invoice Date:  
Sep 19, 2016

Page:  
1

*Changing Tomorrow Today!*

200 Judge Kenneth H. Goff Dr.  
P.O. Box 4309, Leitchfield, Ky. 42755  
Phone: (270) 230-0115 Fax: (270) 230-0178

**Sold To:**  
City of Dayton  
911 East Monument Street  
Dayton, OH 45402

**Ship to:**  
City of Dayton  
911 East Monument Street  
Dayton, OH 45402

Customer ID	Customer PO	Payment Terms	
City of Dayton		Net 30 Days	
Sales Rep ID	Shipping Method	Ship Date	Due Date
DDA			10/19/16

Quantity	Item	Description	Unit Price	Extension
1	605924B-OH	3526081-0000 CARTRIDGE A ASSEMBLY, SS 180, SST	5,779.91	5,779.91
1	606033B-OH	3526082-0000 CARTRIDGE B ASSEMBLY, SS 180, SST	6,090.46	6,090.46
4	613713B-OH	2742350-0000 RELEASE CABLE ASSEMBLY, SST (4 REQUIRED PER UNIT)	508.65	2,034.60
1	113935G-OH	2742340-0000 100" CABLE WITH STUD	115.00	115.00
1	113918B-OH	2742341-0000 CABLE, 1/4 X 79, STUD W/ THIMBLE, SS 180, SST	79.14	79.14
1	614196W-OH	2751765-0000 SIDE GUIDE, BAY 1, TMA9182, SST	65.53	65.53
1	610380W-OH	2751814-0000 Impact Frame	1,072.86	1,072.86
1	003526088-00-OH	3526088-0000 IMPACT FRAME PLATE ASSEMBLY, SS 180, SST	312.91	312.91
1	604310W-OH	2724102-0000 Arm, Rear	366.19	366.19
1	611114B-OH	2755826-0000 Lamp Assembly, 10-30V, LED, 2 x 13/16" Hole, SST	848.01	848.01
1	Labor (Repair) OH	Labor (Repair) OH Revised	900.00	900.00

Subtotal Continued  
Sales Tax Continued  
Total Invoice Amount Continued

Check/Credit Memo No:

Payment/Credit Applied

<b>Total</b>	Continued
--------------	-----------



# Invoice

Invoice Number:  
8740

Invoice Date:  
Sep 19, 2016

Page:  
2

*Changing Tomorrow Today!*

200 Judge Kenneth H. Goff Dr.  
P.O. Box 4309, Leitchfield, Ky. 42755  
Phone: (270) 230-0115 Fax: (270) 230-0178

**Sold To:**  
City of Dayton  
911 East Monument Street  
Dayton, OH 45402

**Ship to:**  
City of Dayton  
911 East Monument Street  
Dayton, OH 45402

Customer ID	Customer PO	Payment Terms	
City of Dayton		Net 30 Days	
Sales Rep ID	Shipping Method	Ship Date	Due Date
DDA			10/19/16

Quantity	Item	Description	Unit Price	Extension
1	Freight (4050 OH)	01/07/15 Freight  BOL# SS-37216 Ref. Quote # 20160720-COD Tax Exempt  Note: Price includes freight to retrieve damaged unit, repair and return to the City of Dayton.  All parts will be direct from manufacturer and repairs done by Authorized Technicians	500.00	500.00

Subtotal 18,164.61  
Sales Tax  
Total Invoice Amount 18,164.61  
Payment/Credit Applied

Check/Credit Memo No:

<b>Total</b>	<b>18,164.61</b>
--------------	------------------

# MEMORANDUM



September 27, 2016

**TO:** Tammi L. Clements  
Deputy City Manager

Peter M. Hager, Director  
Department of Central Services

**FROM:** Matt Newton, Manager *MRN 9-29-16*  
Division of Fleet Management

**SUBJECT:** Site-Safe Attenuator – Payment of Voucher

The Department of Public Works, Division of Fleet Management is submitting a payment of voucher payable to Site-Safe in the amount of \$18,164.61. On July 7<sup>th</sup>, 2016 Street Maintenance Unit 151651, an attenuator trailer, was struck by a motorist (Marsha Turner) and severely damaged on I-75. USAA, the other party's insurance carrier eventually accepted liability and agreed to pay 100% of damages to Site-Safe for repairs to the attenuator trailer.

On August 26<sup>th</sup>, 2016 check number 0015777206 was paid-in from USAA in the amount of \$18,164.61 to the Division of Street Maintenance and placed in revenue account 21000-6430-29325-54. In agreement with both Site-Safe and USAA, this check should have been sent directly from the insurance company to the repair shop which is why a purchase order was not established. The Division of Fleet Management received invoice (# 8740) from Site-Safe dated September 19<sup>th</sup>, 2016. Due to the error of USAA Insurance Company sending the check to the City of Dayton and not directly to Site-Safe, Fleet Management is submitting a payment of voucher to pay the Safe-Site invoice.

The Division of Fleet Management in almost all major instances of vehicle accidents utilizes body shop claim services to process insurance claims, so that the body shop can invoice the at-fault insurance company and directly receive checks for completed repairs. This is a failure of USAA's claims adjuster despite our best efforts to arrange for outside parties to work together to repair our equipment, as a result, Fleet Management has communicated to all Division Fleet coordinators that any check received from an insurance company should be sent to Fleet Management. Fleet will research open accident claims for a match. The repair of our attenuator was necessary in order to protect the health and well-being of our highway maintenance crews.

APPROVED:

  
Frederick M. Stovall, Director  
Department of Public Works

Cc: LaShea Lofton, Donita Jo Garner

MRN/kd



# City Manager's Report

7.

From 6450 - PW/Civil Engineering

Date October 19, 2016

Expense Type Other, (See Description)

Total Amount \$200.00

Supplier, Vendor, Company, Individual

Name University of Dayton

Address 300 College Park  
Dayton, OH 45469

Fund Source(s)	Fund Code(s)	Fund Amount(s)
General Fund	10000-6450-27118-54	\$ 200.00

Includes Revenue to the City  Yes  No Affirmative Action Program  Yes  No  N/A

### Description

### SPECIAL USE PERMIT TO INSTALL CONDUITS

Permission is requested for the University of Dayton, being the owner to install two 4" conduits connecting the basement of 213 Kiefaber and basement of 215 Kiefaber. Conduits will hold private utilities for phone, cable, T.V. and data to be reused by University of Dayton student residents.

The application has been reviewed and approved by the Departments of Planning and Community Development, Water, Economic Development, and Public Works-Civil Engineering.

Notice of the proposed permit has been published as required by ordinance, no objections have been received, and it is therefore recommended that the permit be granted.

Copy: Public Works/Business Office

### Signatures/Approval

Approved by City Commission

Division

*Kath Stubbins for Stephen Fike*

Department

Clerk

*Samuel Cleveland*

City Manager

Date

**APPLICATION**  
**For License or Privilege in Public**  
**Way of the City of Dayton, Ohio**

**MAIL PERMIT TO:**

NAME: BRUCE BULLMAN  
 ADDRESS: 300 COLLEGE PARK  
DAYTON, OHIO 45469-2904  
 PHONE NO.: 937-229-2050

The undersigned UNIVERSITY OF DAYTON being the owner and \_\_\_\_\_ lessee of the following described premises, to wit: Being all or part of Lot No. \_\_\_\_\_ on the revised plat of said City. (If only part of a lot, or if unplatted land described same.)

(Said premises abut upon KIEFABER ST. and are known as No. 213 AND 215) hereby makes application for permit for installation, maintenance and use of the following license or privilege in said public way, to-wit:

INSTALL (2) 4" CONDUITS CONNECTING THE BASEMENT OF 213 KIEFABER AND BASEMENT OF 215 KIEFABER. CONDUITS WILL HOLD PRIVATE UTILITIES FOR PHONE, CABLE T.V., DATA TO BE USED BY UNIVERSITY OF DAYTON STUDENTS RESIDENTS.

Such license or privilege is to be used in connection with said premises as above described.

A plat or print drawn to scale showing the proposed location of said license or privilege in the street, sidewalk, alley, public way or place and the adjacent property in connection with which said license or privilege to be used is hereto attached and made a part hereof.

Deposit in the sum of \$ 200.00 to cover the fee for permit and legal advertisement is hereby made.

Said owner and lessee for themselves, their heirs, successors, administrators and assigns, hereby agree that the privilege sought if granted, may be revoked at any time hereafter upon order of the City Manager or of the City Commission; that they will obey all laws of the State of Ohio and ordinances of the City of Dayton, pertaining thereto, whether now in force or hereafter enacted, in the installation, maintenance and use of such license or privilege, and that all acts or things to be done in connection therewith shall be subject to the supervision and control of the Director of Public Works of said City; that the public way shall be restored completely and to the entire satisfaction of and at such time as the Director of Public Works may determine without expense to said City that they will safeguard by the use of barricades and red lights, and such other means as may be necessary for the public safety, any excavation or obstruction placed in said public way during the installation, maintenance, repair or use of same or anything in any way related to such license or privilege, and will at all times save the City of Dayton free and harmless from any and all liability for damages to person, or persons, or property on any way connected with, arising out of or incidental to the installation, maintenance and use or the granting and exercise of said license or privilege; that they will pay all expense for any change in said license or privilege made necessary by any change of grade of said public way and hereby waive all claims for damages or expense in connection therewith; that they will conform to all of the provisions of Sections 95.30 to 95.49, both inclusive, of the Revised Code of General Ordinances as the same now exist or may hereafter be amended, and with such other provisions of other ordinances as may be passed by the Commission, which said existing and future ordinances are made a part of this contract by express reference.

WITNESS our signatures hereto this 11th day of JULY, 2016.

Witnessed in our presence:

Kim Anderson

Beth Keyes  
 Owner

[Signature]

Lessee

Checked as to location and ownership: K65

Approved by: [Signature]  
 Director of Public Works

Recommended for approval: [Signature]

Approved as to form: [Signature] City Engineer 73  
[Signature] City Attorney 716

Approved by: \_\_\_\_\_  
 City Manager

Approved by the Commission of the City of Dayton, Ohio, \_\_\_\_\_

Min. Bk. \_\_\_\_\_ Pg. \_\_\_\_\_  
 Clerk of the Commission

**PERMIT**

Notice of the foregoing application having been published as required by Section 95.39 (D), Revised Code of General Ordinances and no cause having been shown to the contrary and the City Commission having approved the same, the privilege prayed for is hereby granted, subject to the terms and conditions set forth in the application.

[Signature]  
 Director of Public Works



INSTALL 2-4" PVC CONDUITS  
FOR TELECOM WIRING FROM  
BASEMENT OF 215 KIEFABER TO  
BASEMENT OF 213 KIEFABER

42 LF FROM EX. B/C  
TO PROP. TRENCH

R72 03104 0019  
213 KIEFABER ST  
UNIVERSITY OF DAYTON

R72 03104 0027  
215 KIEFABER ST  
UNIVERSITY OF DAYTON

P3.3D

P3.5I

8" SAN

ALLEY

KIEFABER

8" SAN

8" SAN

213-215 KIEFABER 160630

Drawing:	
Scale:	1"=30'
Drawn by:	MPD
Checked By:	
Issue Date:	6/30/16

# 213 KIEFABER ST.

UNIVERSITY OF DAYTON  
CITY OF DAYTON, OHIO

## UTILITY PLAN



6900 Tylersville Road, Suite A  
Mason, OH 45040 - 513.336.6600



## MEMORANDUM

July 20, 2016

**TO:** Fred Stovall, Director  
Department of Public Works

**FROM:** Michael Powell, Interim Director *Michael Powell*  
Department of Water

**SUBJECT:** Special Privilege Permit No. 940588 – 213 & 215 Kiefaber

The Department of Water has reviewed the above referenced permit application and offers the following comments:

- We have no objections to the installation of two 4" conduits in the public Right of Way connecting 213 and 215 Kiefaber for the University of Dayton Student Housing.
- A 12" vertical clearance must be maintained from the existing 8" Sanitary main the conduits will cross.

If you have any questions, please contact Ben Swain at 333-2054.



## MEMORANDUM

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July 25, 2016

**TO:** Fred Stovall, Director  
Department of Public Works

**FROM:** Aaron K. Sorrell, Director *AKS*  
Department of Planning and Community Development

**SUBJECT:** Special Privilege Permit No. 940588 – 213 & 215 Kiefaber

The Department of Planning & Community Development has reviewed the above referenced permit application and offers the following comments:

- We have no objections to the installation of two 4" conduits in the public Right of Way connecting 213 and 215 Kiefaber for the University of Dayton Student Housing.

If you have any questions, please contact me at 333-3681.

AKS/smh



September 16, 2016

TO: Members of the City Commission

FROM: Greg Scott, President  
City Plan Board

*Greg Scott/ams*

*P.H. October 19, 2016  
6:00 P.M.  
CASE NO. Z-006-2016*

**SUBJECT: Transmittal of Report for City Plan Board Case Z-006-2016  
Establish WO Well Head Operation zoning for 24.98  
acres +/- Annexed to the City of Dayton from Bath  
Township**

**Applicant:** Mr. Michael Powell, Interim Director  
City of Dayton Department of Water  
320 West Monument Avenue  
Dayton, OH 45402

**Description:** Establish WO Well Head Operation zoning for 24.98 acres +/- annexed to  
the City of Dayton from Bath Township.

**Board Action:** Date: August 9, 2016 Decision: Recommended Approval

**Attachments:** 1. City Plan Board Minute Record  
2. Plan Board Case Report  
3. Copy of Ordinance

If you have any questions, please contact Ann Schenking at 333-3699.

GS/ams

c: Ms. Shelley Dickstein  
Mr. Joe Parlette  
Ms. Tammi Clements  
Mr. Aaron Sorrell  
Mr. Brian Inderrieden  
Mr. Carl Daugherty  
Ms. Ann Schenking  
Applicant  
Case File



## MEMORANDUM

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September 12, 2016

**TO:** Rashella Lavender, Clerk of Commission  
Office of the City Commission

**FROM:** Ann Schenking, Secretary *AS*  
City Plan Board

**SUBJECT:** Advertise Public Hearing for City Plan Board Case Z-006-2016  
Establish WO Well Head Operation zoning for 24.98 acres +/-  
Annexed to the City of Dayton from Bath Township

**Applicant:** Mr. Michael Powell, Interim Director  
City of Dayton Department of Water  
320 West Monument Avenue  
Dayton, OH 45402

**Description:** Establish WO Well Head Operation zoning for 24.98 acres +/- annexed to the  
City of Dayton from Bath Township.

**Board Action:** Date: August 9, 2016      Decision: Recommended Approval

**Request:** The Clerk is authorized by the R.C.G.O. to set the public hearing and provide  
the appropriate notice. **It is requested that the Public Hearing be  
scheduled for Wednesday, October 19, 2016, at 6:00 P.M.**

**Advertising:** Advertise Public Hearing on **Friday, September 16, 2016, or Monday,  
September 19, 2016.**  
Advertise in a newspaper of general circulation and mail a notice to mailing  
list when the notice is published.

**Attachments:** Legal Notice  
Mailing List

If you have any questions, please contact me at ext. 3699. Thank you.

c: Case File, w/ attachment



**City of Dayton  
Office of the City Commission  
City Hall • 101 West Third Street  
Dayton, Ohio 45402  
(937) 333-3636**

Legal Notice

Notice is hereby given that the Dayton City Commission will hold a Public Hearing on Wednesday, October 19, 2016, at 6:00 P.M., or as soon thereafter as the hearing can begin, in the City Commission Chambers on the Second Floor of City Hall, 101 West Third Street, Dayton, Ohio on the following:

Official Zoning Map Amendment

Case: Z-006-2016

Establish WO Well Head Operation zoning for 24.98 acres +/- annexed to the City of Dayton from Bath Township. This annexed property must be assigned an appropriate City of Dayton zoning designation. Since this property is being used by the City of Dayton Water Department as part of its well field system, the land use regulations that apply to WO best fit the use of the property.

The proposed Official Zoning Map Amendment is available for public inspection in the Office of the City Commission and with the Secretary to the City Plan Board. Please direct inquiries on this subject to Ann Schenking in the Department of Planning and Community Development, (937) 333-3699 or [ann.schenking@daytonohio.gov](mailto:ann.schenking@daytonohio.gov).

By order of the City Commission of the City of Dayton, Ohio.

RASHELLA LAVENDER, CLERK  
OFFICE OF THE CITY COMMISSION



# City of Dayton

## City Plan Board

### Summary Minute Record

August 9, 2016

#### 3. Z-006-2016 – Zoning Map Amendment Public Hearing – Establish WO Well Head Operation zoning for 24.98 acres +/- annexed to the City of Dayton from Bath Township

Applicant: Mr. Michael Powell, Interim Director  
City of Dayton Department of Water  
320 West Monument Avenue  
Dayton, OH 45402

Priority Land Use Board: Northeast

Neighborhood Planning District: Not Applicable

Decision: Recommended Approval

---

#### Staff Comments

Ann Schenking presented the staff report. She said staff believed the applicable determinations and findings can be made and recommended Plan Board approval of the case.

In the spring of 2016, approximately 24.98 acres of land owned by the City of Dayton and located east of the SR4/SR444 interchange was annexed to the City of Dayton from Bath Township in Greene County.

This annexed property must be assigned an appropriate City of Dayton zoning designation. Since this property is being used by the City of Dayton Water Department as part of its well field system (water air stripping systems and seven water production wells and are located on the site), the Water Department and Planning Division staff are requesting that the property be zoned WO Well Head Operation. The land use restrictions that apply to WO best fit the current and future use of the property.

WO zoning is designed to protect City well field operations from incompatible land uses. Per the Zoning Code, WO zoning is "...mapped on property owned by the City at the location of any presently city-owned and operated or designated future or proposed public water supply well, recharge lagoon, or other related water facility." Increases in the Total Maximum Daily Inventory (TMDI) of Regulated Substances are prohibited and land uses that are harmful to well field operations are prohibited.

Due to the routine nature of the case, the Northeast Priority Board Land Use Committee did not see a need to meet regarding it. Planning staff did not receive any objections to the proposed zoning.

#### Public Hearing Comments

None.

#### Board Discussion

None.

#### Board Action

A motion was made by Mr. Payne, seconded by Mr. Bohardt and carried to recommend City Commission approval of Case Z-006-2016 based on the Plan Board's ability to make the determinations specified in R.C.G.O. Section 150.125.7 as outlined in the staff report.

Ms. Beverly Pendergast	Yes	Mr. Jeff Payne	Yes
Mr. David Bohardt	Yes	Mr. Matt Sauer	Yes
Mr. Richard Wright	Yes	Mr. Greg Scott	Yes
Ms. Geraldine Pegues	Yes		

Minutes approved by the City Plan Board on September 13, 2016.

A handwritten signature in black ink, reading "Ann Schenking". The signature is written in a cursive style with a large, looping initial "A".

Ann Schenking, Secretary  
City Plan Board

August 9, 2016

**CITY PLAN BOARD REPORT  
CASE: Z-006-2016**

Establish WO Well Head Operation zoning for 24.98 acres +/- annexed to the City of Dayton from Bath Township.

**BACKGROUND**

**Applicant:** Michael Powell, Interim Director  
City of Dayton Department of Water  
320 West Monument Avenue  
Dayton, OH 45402

**Property Owner:** City of Dayton Department of Water  
320 West Monument Avenue  
Dayton, OH 45402

**Priority Land Use Board:** Northeast                      **Neighborhood:** Not Applicable

**Board Authority:**  
R.C.G.O. §150.125.1 – §150.125.11 City Plan Board actions for amendments to the Official Zoning Map

**Applicable Plans and Policies:**  
CitiPlan 20/20 (1999)  
City of Dayton Zoning Code (2016)

**Agencies and Groups Contacted:**  
Property Owners within 250 feet  
Northeast Priority Land Use Board Chair  
Greene County Regional Planning and Coordinating Commission  
Bath Township  
City of Dayton Departments of Water and Economic Development

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**CURRENT CONDITIONS**

**Existing Land Use:** City of Dayton Water Department water production wells and air stripping systems

**Surrounding Land Use and Zoning:**

**North:** Land Use: Huffman Dam and Huffman MetroPark  
Zoning: C-1 Conservation and Recreation (Bath Township)

**South:** Land Use: Huffman Dam and Huffman MetroPark  
Zoning: C-1 Conservation and Recreation (Bath Township)  
**East:** Land Use: Huffman Dam and Huffman MetroPark  
Zoning: C-1 Conservation and Recreation (Bath Township)  
**West:** Land Use: Water Department Operations  
Zoning: WO Well Head Operation (City of Dayton)

### AUTHORITY

#### **150.125.1 Authority for Amendments**

The regulations imposed and the districts created under this Zoning Code may be amended from time to time by ordinance duly enacted by the City Commission. No such amendment shall be adopted except in accordance with the procedure specified in subsections 150.125.2 to 150.125.11, inclusive, of this Zoning Code.

#### **150.300.1 Property Not Included; Annexation**

The Plan Board may recommend to the [City] Commission within a period of time, not to exceed twelve (12) months from the date of annexation or consolidation, a final Zoning Map designation for the annexed territory.

### STAFF ANALYSIS

In the spring of 2016, approximately 24.98 acres of land owned by the City of Dayton and located east of the SR4/SR444 interchange was annexed to the City of Dayton from Bath Township in Greene County.

This annexed property must be assigned an appropriate City of Dayton zoning designation. Since this property is being used by the City of Dayton Water Department as part of its well field system (water air stripping systems and seven water production wells and are located on the site), the Water Department and Planning Division staff are requesting that the property be zoned WO Well Head Operation. The land use restrictions that apply to WO best fit the current and future use of the property.

WO zoning is designed to protect City well field operations from incompatible land uses. Per the Zoning Code, WO zoning is "...mapped on property owned by the City at the location of any presently city-owned and operated or designated future or proposed public water supply well, recharge lagoon, or other related water facility." Increases in the Total Maximum Daily Inventory (TMDI) of Regulated Substances are prohibited and land uses that are harmful to well field operations are prohibited.

Due to the routine nature of the case, the Northeast Priority Board Land Use Committee did not see a need to meet regarding it. Planning staff did not receive any objections to the proposed zoning.

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**REVIEW OF FINDINGS**

**R.C.G.O. §150.125.7 Amendments to Change Zoning Districts or Zoning Classification of Properties**

- 1. The change in classification would be consistent with the Comprehensive Plan of the City or other plans and policies.**

Yes. The zoning map amendment will apply an appropriate zoning designation — one that reflects the built and expected environment for the site.

- 2. The change in classification would be consistent with the intent and purpose of this Zoning Code.**

Yes. Per the Zoning Code, WO Well Head Operation zoning is “...mapped on property owned by the City at the location of any presently city-owned and operated or designated future or proposed public water supply well, recharge lagoon, or other related water facility.” The proposed zoning designation meets the purposes stated in the zoning code for the WO district.

- 3. The proposed amendment is made necessary because of changed or changing conditions in the area affected, and if so, the nature of such changed or changing conditions.**

Yes. The zoning amendment is needed to establish appropriate City of Dayton zoning for the property which was annexed to Dayton from Bath Township in Green County.

- 4. The uses that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity.**

Yes. There is WO zoning to the west. When the property was in Bath Township it was zoned IG-1 Institutional and Governmental. Huffman Dam abuts this property. Bath Township has zoned Huffman Dam as C-1 Conservation and Recreation. WO zoning is compatible with C-1 zoning.

- 5. The uses that would be permitted on the property if it were reclassified would have an adverse environmental or health impact on the immediate surrounding area in terms of acceptable air, noise, light, or water quality standards.**

WO zoning is designed to protect City well field operations from incompatible land uses. Increases in the Total Maximum Daily Inventory (TMDI) of Regulated Substances are prohibited and land uses that are harmful to well field operations are prohibited.

- 6. Adequate utility, sewer, and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on a property if it were reclassified.**

Adequate utilities exist; Water Department operations are at this location now.

7. **The amount of vacant land with the same zoning classification as proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances, if any, make a substantial part of such vacant land unavailable for development.**

This case will apply City of Dayton zoning to an annexed property as required by Section 150.300.5 of the City of Dayton zoning code. Zoning this location WO does not impact other WO zoned land or make such zoned land superfluous.

8. **The proposed amendment would correct an error in the application of this Zoning Code as applied to the subject property.**

This does not apply.

### ALTERNATIVES

1. Recommend approval of the Zoning Map Amendment application based on R.C.G.O. §150.125.7(1- 8).
2. Recommend denial of the Zoning Map Amendment application based on the board's inability to make the findings under R.C.G.O. §150.125.7(1- 8).

---

### FUTURE ACTIONS

If the Plan Board recommends approval of the proposed zoning map amendment, the request will be forwarded on to the City Commission for public hearing.

**Staff Report Prepared by:**

Ann Schenking

**Staff Report Reviewed by:**

Brian Inderrieden

**Z-006-2016**

**Parcel annexed to Dayton  
WO Well Head Operation District Zoning  
Greene County Parcel ID Number:  
A53000100010000100**

SR4/SR444  
Interchange

City of Dayton

SR4

Lower Valley Pike

Huffman Dam &  
Huffman MetroPark

Bath Township,  
Greene County

Springfield Street

SR444

Kauffman Road



**EMERGENCY MEASURE**  
**1 Reading, 2 Separate Meetings**  
No ~~2 Readings at One Meeting~~

By .....

**AN ORDINANCE**

Amending the Official Zoning Map to Establish Well Head Operation District Zoning for Land Annexed to the City of Dayton, and Declaring an Emergency.

**WHEREAS**, The City of Dayton Water Department has made application to establish WO Well Head Operation District zoning for 24.98 +/- acres the City of Dayton owns that was annexed to the City of Dayton from Bath Township in Greene County; and

**WHEREAS**, This property contains water production wells and air stripping systems which are maintained and operated by the City of Dayton Water Department and WO Well Head Operation District zoning is the most appropriate zoning designation for this property; and

**WHEREAS**, The City Plan Board, at its August 9, 2016, meeting, Case Z-006-2016, recommended approval of the request; and

**WHEREAS**, In order to protect the investment the City of Dayton Water Department has made in the property and provide for the immediate preservation of the public peace, property, health or safety, it is necessary that this ordinance take effect immediately upon its passage; now, therefore,

**BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:**

Section 1. In accordance with the recommendation of the City Plan Board, as made in Case Z-006-2016, the subject property is zoned WO Well Head Operation. The property has a Greene County Parcel Identification Number of A53000100010000100 and consists of 24.98 +/- acres as shown in Exhibit A, attached hereto and incorporated herein. Pursuant to R.C.G.O. Section 150.125.7, the City's official zoning map shall be redrawn to reflect this change.

Section 2. For the reasons stated in the preamble hereof, this Ordinance is declared to be an emergency measure and shall take effect immediately upon its passage.

Passed by the Commission ....., 2016

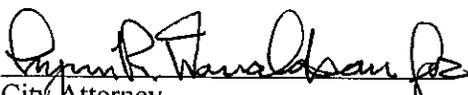
Signed by the Mayor ....., 2016

\_\_\_\_\_  
Mayor of the City of Dayton, Ohio

Attest:

\_\_\_\_\_  
Clerk of the Commission

Approved as to form:

  
City Attorney

# Exhibit A

## Z-006-2016

Parcel annexed to Dayton  
WO Well Head Operation District Zoning  
Greene County Parcel ID Number:  
A53000100010000100

SR4/SR444  
Interchange

City of Dayton

SR4

Lower Valley Pike

Huffman Dam &  
Huffman MetroPark

Bath Township,  
Greene County

Springfield Street

SR444

Kauffman Road



Michael Powell  
Department of Water

Michele Simmons  
Department of Water

Tammi Clements  
Deputy City Manager

Ann Schenking  
Dept. of Planning & CD  
City of Dayton  
101 W Third St.  
Dayton, OH 45402

Janet Bly  
Miami Conservancy District  
38 E Monument Ave  
Dayton, OH 45402

Harold Singer  
8001 Meeker Rd  
Dayton, OH 45414

Randy Chevalley, Deputy Dir.  
ODOT District 7  
1001 Saint Marys Avenue  
Sidney, Ohio 45365

Keith Klein  
Economic Development

Connie Nisonger  
NELUB Liaison

Ken LeBlanc, Exec. Dir.  
Greene County RPC  
651 Dayton Xenia Rd  
Xenia, OH 45385

Teresa Phillips, Zoning Clerk  
Bath Township  
1006 Yellow Springs-Fairfield Rd.  
Fairborn, OH 45324

Rashella Lavender, Clerk  
Dayton City Commission  
101 West Third St  
Dayton, OH 45402

Carrie Scarff, Deputy Director  
Five Rivers MetroParks  
409 E. Monument Ave., Third Floor  
Dayton, OH 45402

2-006-2016



## MEMORANDUM

October 13, 2016

**TO:** Shelley Dickstein  
City Manager

**FROM:** Aaron K. Sorrell, Director *AKS*  
Department of Planning and Community Development

**SUBJECT: Public Hearings at October 19, 2016, City Commission Meeting on  
Plan Board Cases Z-006-2016 and Z-007-2016**

On Wednesday, October 19, 2016, the City Commission will hold public hearings on Plan Board Cases Z-006-2016 and Z-007-2016. Both cases are routine and staff is unaware of any opposition to either case.

Whenever property is annexed to Dayton, city zoning needs to be established for it. Case Z-006-2016 will establish WO Well Head Operation zoning for 24.98 acres +/- annexed to the City of Dayton from Bath Township. This property is owned by the Water Department and contains water production wells and air stripping systems. Since this property is being used by the Water Department as part of its well field system, the land use regulations that apply to WO best fit the use of the property. The Water Department supports the zoning designation of WO. The Plan Board, by a 7-0 vote, recommends City Commission approval of this zoning map amendment. The Plan Board believes it is consistent with the City's comprehensive plan (CitiPlan 20/20) and the intent and purpose of the zoning code.

Case Z-007-2016 will remove the Graphics Overlay zoning districts (GO-1 & GO-2) from the zoning map because the GO regulations were rescinded in a package of zoning code text amendments that was approved on May 4, 2016. The approved text amendments expanded the ability to apply wallscape graphics to the entire Central Business District (CBD), thus negating the need for the Graphics Overlay zoning districts. Previously, wallscape graphics were only permitted in the parts of the CBD that had GO zoning. Approval of this zoning map amendment will make the zoning map conform to the zoning code text. The Plan Board, by a 5-0 vote, recommends City Commission approval of this zoning map amendment. The Plan Board believes it is consistent with the City's comprehensive plan (CitiPlan 20/20) and the intent and purpose of the zoning code.

Ann Schenking, the Plan Board Secretary, will briefly present the cases at the City Commission public hearing. Please contact her at extension 3699 if you have any questions.

AKS/ams

c: Mr. Kery Gray, Ms. Rashella Lavender, Mr. Joe Parlette, Ms. Tammi Clements, Mr. Mike Powell, Mr. Brian Inderrieden, Ms. Ann Schenking



9.

September 16, 2016

P.H. - October 19, 2016  
6:00 p.m.

TO: Members of the City Commission

FROM: Greg Scott, President  
City Plan Board

*Greg Scott/ams*

CASE No. Z-007-2016

**SUBJECT:** Transmittal of Report for City Plan Board Case Z-007-2016  
Remove the Graphics Overlay Zoning Districts (GO-1 & GO-2)  
from the Zoning Map

**Applicant:** Mr. Aaron Sorrell for City Plan Board  
Department of Planning and Community Development  
101 West Third Street  
Dayton, OH 45402

**Description:** A Zoning Map Amendment to remove the Graphics Overlay zoning districts (GO-1 & GO-2) from the zoning map because the accompanying zoning regulations were repealed on May 4, 2016

**Board Action:** Date: July 12, 2016 Decision: Recommended Approval

**Attachments:**

1. City Plan Board Minute Record
2. Plan Board Case Report
3. Copy of Ordinance

If you have any questions, please contact Ann Schenking at 333-3699.

GS/ams

c: Ms. Shelley Dickstein  
Mr. Joe Parlette  
Ms. Tammi Clements  
Mr. Aaron Sorrell  
Mr. Brian Inderrieden  
Mr. Carl Daugherty  
Ms. Ann Schenking  
Case File



## MEMORANDUM

---

September 12, 2016

**TO:** Rashella Lavender, Clerk of Commission  
Office of the City Commission

**FROM:** Ann Schenking, Secretary *AS*  
City Plan Board

**SUBJECT:** Advertise Public Hearing for City Plan Board Case Z-007-2016  
Remove the Graphics Overlay Zoning Districts (GO-1 & GO-2)  
from the Zoning Map

**Applicant:** Mr. Aaron Sorrell for City Plan Board  
Department of Planning and Community Development  
101 West Third Street  
Dayton, OH 45402

**Description:** A Zoning Map Amendment to remove the Graphics Overlay zoning districts (GO-1 & GO-2) from the zoning map because the accompanying zoning regulations were repealed on May 4, 2016

**Board Action:** Date: July 12, 2016 Decision: Recommended Approval

**Request:** The Clerk is authorized by the R.C.G.O. to set the public hearing and provide the appropriate notice. **It is requested that the Public Hearing be scheduled for Wednesday, October 19, 2016, at 6:00 P.M.**

**Advertising:** Advertise Public Hearing on **Friday, September 16, 2016, or Monday, September 19, 2016.**  
Advertise in a newspaper of general circulation and mail a notice to mailing list when the notice is published.

**Attachments:** Legal Notice  
Mailing List

If you have any questions, please contact me at ext. 3699. Thank you.

c: Case File, w/ attachment



**City of Dayton  
Office of the City Commission  
City Hall • 101 West Third Street  
Dayton, Ohio 45402  
(937) 333-3636**

### Legal Notice

Notice is hereby given that the Dayton City Commission will hold a Public Hearing on Wednesday, October 19, 2016, at 6:00 P.M., or as soon thereafter as the hearing can begin, in the City Commission Chambers on the Second Floor of City Hall, 101 West Third Street, Dayton, Ohio on the following:

Official Zoning Map Amendment

Case: Z-007-2016

Remove the Graphics Overlay zoning districts (GO-1 & GO-2) from the zoning map because the accompanying zoning regulations were repealed on May 4, 2016.

The proposed Official Zoning Map Amendment is available for public inspection in the Office of the City Commission and with the Secretary to the City Plan Board. Please direct inquiries on this subject to Ann Schenking in the Department of Planning and Community Development, (937) 333-3699 or [ann.schenking@daytonohio.gov](mailto:ann.schenking@daytonohio.gov).

By order of the City Commission of the City of Dayton, Ohio.

RASHELLA LAVENDER, CLERK  
OFFICE OF THE CITY COMMISSION



# City of Dayton

## City Plan Board

### Summary Minute Record July 12, 2016

#### 6. Z-007-2016 – Zoning Map Amendment Public Hearing – Remove the Graphics Overlay Zoning Districts (GO-1 & GO-2) from the Zoning Map

Applicant: Mr. Aaron Sorrell for City Plan Board  
Department of Planning and Community Development  
101 West Third Street  
Dayton, OH 45402

Priority Land Use Board: Downtown

Neighborhood Planning District: Downtown

Decision: Recommended Approval

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#### Staff Comments

Ann Schenking presented the staff report. On March 8, 2016, the Plan Board recommended City Commission approval of a package of Zoning Code text amendments that rescinded regulations for the Graphics Overlay zoning districts (GO-1 & GO-2). These text amendments were approved by the City Commission on May 4, 2016.

The approved text amendments expanded the ability to apply wallscape graphics to the entire Central Business Zoning District. This negated the need for the Graphics Overlay zoning districts. This map amendment will remove the GO districts from the city's Zoning Map so it conforms to the Zoning Code text.

At its June 14, 2016, meeting, the Plan Board directed staff to initiate this case on the Plan Board's behalf.

Ms. Schenking said staff believes the applicable determinations and findings can be made and recommends Plan Board approval of the case.

#### Public Hearing Comments

None.

#### Board Discussion

None.

#### Board Action

A motion was made by Ms. Pendergast, seconded by Mr. Wright and carried to recommend City Commission approval of Case Z-007-2016 based on the Plan Board's ability to make the determinations specified in R.C.G.O. Section 150.125.7 as outlined in the staff report.

Ms. Beverly Pendergast	Yes	Mr. Jeff Payne	Absent
Mr. David Bohardt	Absent	Mr. Matt Sauer	Yes
Mr. Richard Wright	Yes	Mr. Greg Scott	Yes
Ms. Geraldine Pegues	Yes		

Minutes approved by the City Plan Board on August 9, 2016.

Ann Schenking, Secretary  
City Plan Board

July 12, 2016

**CITY PLAN BOARD REPORT  
CASE: Z-007-2016**

A Zoning Map Amendment to remove the Graphics Overlay zoning districts (GO-1 & GO-2) from the zoning map because the accompanying zoning regulations were rescinded on May 4, 2016.

**BACKGROUND**

**Applicant:** Aaron Sorrell for City Plan Board  
City of Dayton  
101 West Third Street  
Dayton, OH 45402

**Priority Board:** Downtown      **Neighborhood:** Downtown

**Board Authority:**  
R.C.G.O. §150.125.1 – §150.125.11 City Plan Board actions for amendments to the Official Zoning Map

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**AUTHORITY**

**150.125.1 Authority for Amendments**

The regulations imposed and the districts created under this Zoning Code may be amended from time to time by ordinance duly enacted by the City Commission. No such amendment shall be adopted except in accordance with the procedure specified in sub-sections 150.125.2 to 150.125.11, inclusive, of this Zoning Code. (Ord. 30515-05, passed 12-28-05)

**STAFF ANALYSIS**

**Case Background:**

On March 8, 2016, the Plan Board recommended City Commission approval of a package of Zoning Code text amendments that rescinded regulations for the Graphics Overlay zoning districts (GO-1 & GO-2). These text amendments were approved by the City Commission on May 4, 2016.

The approved text amendments expanded the ability to apply wallscape graphics to the entire Central Business Zoning District. This negated the need for the Graphics Overlay

zoning districts. This map amendment will remove the GO districts from the city's Zoning Map so it conforms to the Zoning Code text.

At its June 14, 2016, meeting, the Plan Board directed staff to initiate this case on the Plan Board's behalf. Staff believes the applicable determinations and findings can be made and recommends Plan Board approval of the case.

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**REVIEW OF FINDINGS**

**R.C.G.O. §150.125.7 Amendments to Change Zoning Districts or Zoning Classification of Properties**

- 1. The change in classification would be consistent with the Comprehensive Plan of the City or other plans and policies.**

This map amendment will remove the GO districts from the city's Zoning Map so the map is consistent with the Zoning Code text amendments approved on May 4, 2016. The City's comprehensive plan calls for a zoning code (text and map) that supports the current and future needs of our city. A consistent zoning code text and map are critical elements of a zoning code that supports the current and future needs of our city.

- 2. The change in classification would be consistent with the intent and purpose of this Zoning Code.**

This change is consistent with the intent and purpose of the Code to "...promote and uphold the public health, safety, and general welfare of the City through regulation of land and of the type, size, and use of structures." A zoning map that shows districts that don't exist anymore isn't consistent with the Code's intent and purpose of promoting and upholding the general welfare of the city through the regulation of land.

- 3. The proposed amendment is made necessary because of changed or changing conditions in the area affected, and if so, the nature of such changed or changing conditions.**

The changed condition was created by the Zoning Code text amendments approved by the City Commission May 4, 2016. These amendments rescinded Zoning Code text regulations for the Graphics Overlay zoning districts (GO-1 & GO-2). As a result of these amendments, the Zoning Map must be amended to reflect the abolition of the GO districts.

- 4. The uses that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity.**

Not applicable.

- 5. **The uses that would be permitted on the property if it were reclassified would have an adverse environmental or health impact on the immediate surrounding area in terms of acceptable air, noise, light, or water quality standards.**

Not applicable.

- 6. **Adequate utility, sewer, and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on a property if it were reclassified.**

Not applicable.

- 7. **The amount of vacant land with the same zoning classification as proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances, if any, make a substantial part of such vacant land unavailable for development.**

Not applicable.

- 8. **The proposed amendment would correct an error in the application of this Zoning Code as applied to the subject property.**

This map amendment does not correct an error on the Zoning Code map. It merely makes the Zoning Code map consistent with the Zoning Code text.

**ALTERNATIVES**

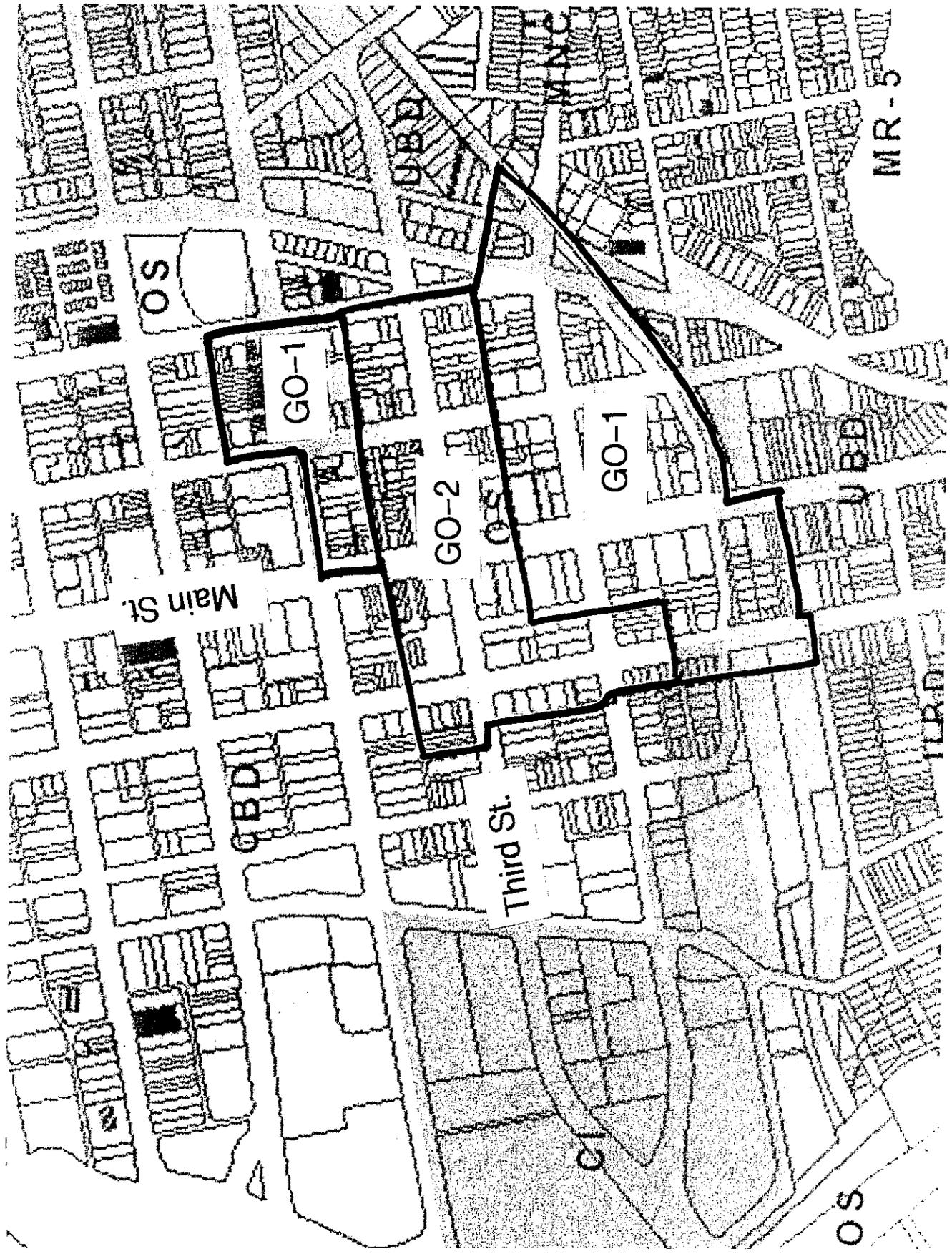
- 1. Recommend City Commission approval of the Zoning Map Amendment application based on the Plan Board’s ability to make the findings in R.C.G.O. §150.125.7(1- 8).
- 2. Deny the Zoning Map Amendment application based on the Plan Board’s inability to make the findings under R.C.G.O. §150.125.7(1- 8). Since the Plan Board is the applicant, a denial will end the case.

**FUTURE ACTIONS**

If the Plan Board recommends approval of the proposed zoning map amendment, the request will be forwarded on to the City Commission for public hearing.

**Staff Report Prepared by:**  
 Ann Schenking  
**Staff Report Reviewed by:**  
 Brian Inderrieden

Z-007-2016



MR-5

Main St.

Third St.

GO-1

GO-2

OS

CBD

GO-1

OS

**EMERGENCY MEASURE**

**1 Reading, 2 Separate Meetings**

**2 Readings at One Meeting**

By .....

No .....

**AN ORDINANCE**

Amending the Official Zoning Map to Remove the Downtown Graphics Overlay Districts, and Declaring an Emergency.

**WHEREAS**, An application has been made to amend the official zoning map to remove two Downtown Graphics Overlay Zoning Districts, Graphics Overlay District 1 GO-1, and Graphics Overlay District 2 GO-2 ("Downtown Graphics Overlay Districts"); and

**WHEREAS**, It is no longer necessary to reflect the Downtown Graphics Overlay Districts on the zoning map because these districts were repealed when the zoning code text was amended by Ordinance 31490-16, approved by the City Commission on May 4, 2016; and

**WHEREAS**, The City Plan Board, at its July 12, 2016, meeting, Case Z-007-2016, recommended approval of the application; and

**WHEREAS**, It is necessary for the immediate preservation of the public peace, property, health and safety that this ordinance take effect immediately upon passage; now, therefore,

**BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:**

Section 1. In accordance with the recommendation of the City Plan Board, as made in Case Z-007-2016, the Downtown Graphics Overlay Districts are removed from the official zoning map. Pursuant to R.C.G.O. Section 150.125.7, the City's official zoning map shall be redrawn to reflect this change. The underlying zoning for the properties that comprised the Downtown Graphics Overlay Districts remains unchanged.

Section 2. That Ordinance 30949-09, approved by the City Commission on December 16, 2009, that amended the City's official zoning map to establish the Downtown Graphics Overlay Districts is hereby repealed and the underlying zoning for the properties that comprised the Downtown Graphics Overlay Districts remains unchanged.

Section 3. That Ordinance 31108-11, approved by the City Commission on October 19, 2011, that amended the boundaries of the Downtown Graphics Overlay Districts is hereby repealed and the underlying zoning for the properties that comprised the Downtown Graphics Overlay Districts as amended remains unchanged.

Section 4. For the reasons stated in the preamble hereof, this Ordinance is declared to be an emergency measure and shall take effect immediately upon its passage.

Passed by the Commission . . . . ., 2016

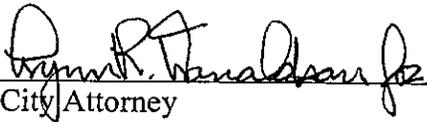
Signed by the Mayor . . . . ., 2016

\_\_\_\_\_  
Mayor of the City of Dayton, Ohio

Attest:

\_\_\_\_\_  
Clerk of the Commission

Approved as to form:

  
\_\_\_\_\_  
City Attorney

Ann Schenking  
Dept. of Planning & CD  
City of Dayton  
101 W Third St.  
Dayton, OH 45402

Rashella Lavender, Clerk  
Dayton City Commission  
101 West Third St  
Dayton, OH 45402

Tony Kroeger  
Downtown Land Use Bd Staff

**2-007-2016**

By **Ms. Whaley** .....

No. .... **31528-16** .....

**AN ORDINANCE**

Amending the Official Zoning Map to Establish Well Head Operation District Zoning for Land Annexed to the City of Dayton, and Declaring an Emergency.

**WHEREAS**, The City of Dayton Water Department has made application to establish WO Well Head Operation District zoning for 24.98 +/- acres the City of Dayton owns that was annexed to the City of Dayton from Bath Township in Greene County; and

**WHEREAS**, This property contains water production wells and air stripping systems which are maintained and operated by the City of Dayton Water Department and WO Well Head Operation District zoning is the most appropriate zoning designation for this property; and

**WHEREAS**, The City Plan Board, at its August 9, 2016, meeting, Case Z-006-2016, recommended approval of the request; and

**WHEREAS**, In order to protect the investment the City of Dayton Water Department has made in the property and provide for the immediate preservation of the public peace, property, health or safety, it is necessary that this ordinance take effect immediately upon its passage; now, therefore,

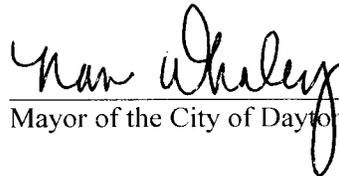
**BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:**

Section 1. In accordance with the recommendation of the City Plan Board, as made in Case Z-006-2016, the subject property is zoned WO Well Head Operation. The property has a Greene County Parcel Identification Number of A53000100010000100 and consists of 24.98 +/- acres as shown in Exhibit A, attached hereto and incorporated herein. Pursuant to R.C.G.O. Section 150.125.7, the City's official zoning map shall be redrawn to reflect this change.

Section 2. For the reasons stated in the preamble hereof, this Ordinance is declared to be an emergency measure and shall take effect immediately upon its passage.

Passed by the Commission ..... **October 19** ....., 2016

Signed by the Mayor ..... **October 19** ....., 2016

  
\_\_\_\_\_  
Mayor of the City of Dayton, Ohio

Attest:

  
\_\_\_\_\_  
Clerk of the Commission

Approved as to form:

  
\_\_\_\_\_  
City Attorney

By **Mr. Williams** .....

No **31529-16** .....

**AN ORDINANCE**

Amending the Official Zoning Map to Remove the Downtown Graphics Overlay Districts, and Declaring an Emergency.

**WHEREAS**, An application has been made to amend the official zoning map to remove two Downtown Graphics Overlay Zoning Districts, Graphics Overlay District 1 GO-1, and Graphics Overlay District 2 GO-2 (“Downtown Graphics Overlay Districts”); and

**WHEREAS**, It is no longer necessary to reflect the Downtown Graphics Overlay Districts on the zoning map because these districts were repealed when the zoning code text was amended by Ordinance 31490-16, approved by the City Commission on May 4, 2016; and

**WHEREAS**, The City Plan Board, at its July 12, 2016, meeting, Case Z-007-2016, recommended approval of the application; and

**WHEREAS**, It is necessary for the immediate preservation of the public peace, property, health and safety that this ordinance take effect immediately upon passage; now, therefore,

**BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:**

Section 1. In accordance with the recommendation of the City Plan Board, as made in Case Z-007-2016, the Downtown Graphics Overlay Districts are removed from the official zoning map. Pursuant to R.C.G.O. Section 150.125.7, the City’s official zoning map shall be redrawn to reflect this change. The underlying zoning for the properties that comprised the Downtown Graphics Overlay Districts remains unchanged.

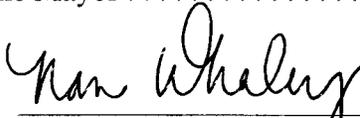
Section 2. That Ordinance 30949-09, approved by the City Commission on December 16, 2009, that amended the City’s official zoning map to establish the Downtown Graphics Overlay Districts is hereby repealed and the underlying zoning for the properties that comprised the Downtown Graphics Overlay Districts remains unchanged.

Section 3. That Ordinance 31108-11, approved by the City Commission on October 19, 2011, that amended the boundaries of the Downtown Graphics Overlay Districts is hereby repealed and the underlying zoning for the properties that comprised the Downtown Graphics Overlay Districts as amended remains unchanged.

Section 4. For the reasons stated in the preamble hereof, this Ordinance is declared to be an emergency measure and shall take effect immediately upon its passage.

Passed by the Commission . . . **October 19** . . . . ., 2016

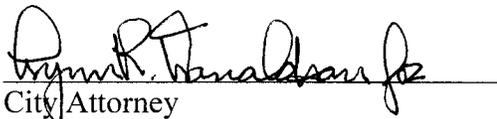
Signed by the Mayor . . . **October 19** . . . . ., 2016

  
\_\_\_\_\_  
Mayor of the City of Dayton, Ohio

Attest:

  
\_\_\_\_\_  
Clerk of the Commission

Approved as to form:

  
\_\_\_\_\_  
City Attorney