

On Wednesday, August 17, 2016, at 6:00 p.m., the Dayton City Commission met in regular session in the Commission Chambers of City Hall.

CALL TO ORDER

Mayor Whaley called the meeting to order.

INVOCATION

Commissioner Mims gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Whaley led the public in the Pledge of Allegiance.

ROLL CALL

Roll call was taken and Mayor Whaley, Commissioners Williams, Joseph, Mims, and Shaw were present. The Clerk of Commission, Ms. Rashella Lavender, and the City Manager, Ms. Shelley Dickstein, were also present.

APPROVAL OF MINUTES

Commissioner Mims made the motion to approve the minutes from the August 10, 2016, meeting. Commissioner Williams seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

There were no communications or petitions.

SPECIAL AWARDS/PRESENTATIONS

Twin Towers Neighborhood Association

Mayor Whaley invited Ms. Leslie Sheward to the podium to thank the officers from the East Patrol Operations Division for their work in the Twin Towers Neighborhood. Ms. Sheward presented the officers with a card signed by neighborhood residents, as well as goodie bags filled with treats.

Dayton Civic Scholars Program

Mayor Whaley invited Ms. Sara Mescher to the podium to introduce the 2016 Dayton Civic Scholars participants. The University of Dayton administers the Dayton Civic Scholars (DCS) through the College of Arts and Sciences. Beginning in their sophomore years, students meet local leaders and engage in internships with local community organizations and government offices.

Mayor Whaley welcomed the scholars and thanked them for their engagement with the community, with the neighborhoods, and with the City as a whole. Commissioner Joseph thanked the scholars for their involvement in the community. Commissioner Williams thanked them also and encouraged them to continue their active work. Commissioner Mims welcomed the scholars and encouraged them to make Dayton their home upon graduation. Commissioner Shaw also thanked the students for their commitment to Dayton.

The Levitt Pavilion

Mayor Whaley invited Mr. Jeff and Ms. Ellen Ireland to the podium to introduce the plans for the Levitt Pavilion at Dave Hall Plaza. The Mortimer and Mimi Levitt Foundation is a national non-profit that seeks to create community and social interaction through Levitt Pavilions, which host high quality free concerts in downtowns and urban areas. Each year the pavilion will host a minimum of 50 free concerts in the readily accessible, family friendly, location. In 2016, the focus for the Friends of Levitt Pavilion Dayton is on fundraising, with construction on the venue to begin in 2017. By May 2018, Dayton will host its first concert season at Levitt Pavilion.

Mayor Whaley thanked Mr. and Ms. Ireland for their involvement and for the work that they have put into the project. She stated that Levitt Pavilion is a great opportunity for Downtown Dayton and the great Dayton community. She also thanked CareSource for their \$750,000 gift to the project.

Commissioner Joseph thanked Mr. and Ms. Ireland. Commissioner Shaw also thanked them for their hard work. Commissioner Williams thanked them and asked about some of the frequently asked questions from the community, namely the difference between this new pavilion and the existing music venues in the downtown area.

City Manager, Ms. Shelley Dickstein, stated that in working with the Levitt Foundation they were very specific about the area in which pavilions could be built, in order to achieve their organizational goals of building community. The existing structures, RiverScape and Island Park, did not meet the established parameters. This

new pavilion will not compete with The Rose and The Frazee because the events at the proposed Levitt Pavilion will be free events. This type of concert venue will be sustainable. The City of Dayton, the Friends of Levitt Pavilion Dayton, and the Levitt Foundation have a perpetual three-way agreement for governance and funding that keeps the program sustainable.

Mayor Whaley thanked Ms. Dickstein for her comments. Commissioner Mims thanked Mr. and Ms. Ireland also.

ADDITIONS OR DELETIONS TO THE CALENDAR

The Clerk of Commission, Ms. Rashella Lavender, had no additions or deletions to the calendar.

The City Manager, Ms. Shelley Dickstein, had no additions or deletions to the calendar.

REPORTS:

1. Purchase Orders:

AVIATION

A1. Aviation Insurance Managers, Inc. (Aviation Liability Insurance) **\$132,600.00**

1. (Cont'd):

CENTRAL SERVICES

B1. Mobile Tek Consulting (28 Mobile Microsoft Surface Tablets, 17 Brother Pocketjet Mobile Printers and related items) **53,152.00**

FIRE

C1. USI Midwest LLC (Ambulance Attendants Errors and Omissions Liability Insurance) **36,115.00**

WATER

D1. Triad Technologies LLC (suction pipes and discharge hoses) **22,179.29**
-Depts. of Aviation, Central Services, Fire and Water. **Total: \$244,046.29**

2. Amec Foster Wheeler Environment & Infrastructure, Inc. – Service Agreement – for Triad Groundwater Investigations – Department of Water/Environmental Protection.
\$960,000.00
(Thru 8/2018)

3. Service Agreement – for Depository Agreements with local financial institutions:
Fifth Third Bank Huntington National Bank
Key Bank PNC Bank
U.S. Bank
-Dept. of Finance/Tax & Accounting. **N/A**

4. Miller Pipeline – Service Agreement – to extend off-duty police officer services of traffic control and security during the repair and/or rehabilitation of gas lines in various locations within the municipal corporation limits – Dept. of Police **\$33,950.00**

5. Woolpert, Inc. – Service Agreement – for the Planimetric Mapping Project – Dept. of Water.
\$186,791.00
(Thru 2/2017)

C. Revenue to the City:

6. Alcohol, Drug Addiction & Mental Health Services Board – Service Agreement – for a Memorandum of Understanding to provide funding for a Specialized Probation Officer assigned to the Mental Health Court – The Municipal Court/Court Administrator.
\$56,484.00
(Thru 6/30/17)
(Revenue to the City)

7. **Alcohol, Drug Addiction & Mental Health Services Board – Service Agreement** – for a Memorandum of Understanding to provide funding for psychological services provided to probationers – The Municipal Court/Court Administrator. **\$15,000.00**
(Thru 6/30/17)
(Revenue to the City)

D. Neighborhood Agreements:

8. **Friends of Levitt Pavilion Dayton and Mortimer & Mimi Levitt Foundation – Development Agreement** – for a Tri-Party Agreement for the design, construction, and operation of a permanent Levitt venue at the site of the existing Dave Hall Plaza – Dept. of Public Works/Civil Engineering. N/A

E. Other – Contributions, Etc.:

9. **Montgomery County Land Reutilization Corporation – Other** – for a Land Banking Agreement to hold title and manage the real property commonly known as 34 N. Main Street – Department of Planning & Community Development. **\$250,000.00**
(Thru 2021)

CITIZENS’ COMMENTS ON CALENDAR ITEMS

Citizen comments were received from the following:

1. **Mr. David Esrati, 113 Bonner St.**– spoke on Calendar Items No. 9 and No.10 and stated that he is concerned about the purchase and sale of properties by the City of Dayton.

DISCUSSION OF CALENDAR ITEMS

Calendar Item No. 3— Service Agreement – for Depository Agreements with local financial institutions

Commissioner Williams abstained from voting on this item.

Calendar Item No. 2—Amec Foster Wheeler Environment & Infrastructure, Inc. – Service Agreement

Ms. Dickstein asked Mr. Aaron Zonin, Department of Water Chief Engineer, to provide clarification on the service agreement. The contract allows for the enhancement and protection of Dayton’s source water through emergency response, mobile lab services, and comprehensive review, water quality testing, risk assessments, and inspections for more than 300 existing monitoring wells.

Calendar Item No. 9 Montgomery County Land Reutilization Corporation

Ms. Dickstein asked Mr. Aaron Sorrell, Director of Planning and Community Development, to provide clarification on this calendar item. This is the first of the Land Bank agreements that will be moving forward. There are a few advantages that Montgomery County has in holding properties that the City does not enjoy. The City will acquire this property and then transfer ownership the Land Bank. This authorization allows the City to address maintenance issues in the future should they arise while the property is in the Land Bank.

Calendar Item No. 10—Ordinance No. 31506-16-Purchase of 27 Parcels

Mr. Aaron Sorrell, Director of Planning and Community Development, stated that this is a purchase authorization of \$450,000 for 27 parcels of property formally set for development by Student Suites. After acquisition, the Department of Planning and Community Development will issue an RFP for redevelopment.

Calendar Item No. 11—Resolution No. 6205-16—Grant, Montgomery County Land Reutilization Corporation

Mr. Sorrell, Director of Planning and Community Development, stated that this grant will provide part of the necessary cash match required to leverage the \$1.5 million received from the U.S. Department of Housing and Urban Development.

APPROVAL OF CITY MANAGER’S RECOMMENDATIONS

Commissioner Shaw made the motion to approve the City Manager’s Reports. Commissioner Joseph seconded the motion. The City Manager’s Reports were approved with a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph, Mims, and Shaw. Calendar Item No. 3 was approved with a 4-0-1 vote. Commissioner Williams abstained.

LEGISLATION

EMERGENCY ORDINACE – FIRST AND SECOND READING

Emergency Ordinance No. 31506-16—Authorizing the Purchase of Twenty-Seven (27) Parcels of Real Property Located at 117 West Fourth Street and 45 South Ludlow Street for the Purpose of Community and Economic Development, and Declaring an Emergency.

Commissioner Williams moved that this being an emergency measure for the immediate consideration of the Ordinance. Commissioner Mims seconded the motion. The motion was passed with a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph, Mims, and Shaw. The question being shall Emergency Ordinance No. 31506-16 be passed. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph, Mims, and Shaw. The Emergency Ordinance was passed.

EMERGENCY RESOLUTION – FIRST READING

Emergency Resolution No. 6205-16- Authorizing the City Manager to Accept a Grant in the Amount of Fifty Thousand Dollars and Zero Cents (\$50,000.00) from the Montgomery County Land Reutilization Corporation, and Declaring an Emergency.

RESOLUTIONS - SECOND READING

Resolution No. 6202-16- Declaring the Intention of the Commission to Vacate Bank Street from 57 Feet South of the South Right of Way Line of West Third Street to West Fourth Street.

The question being shall Resolution No. 6202-16 be passed. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph, Mims, and Shaw. The Ordinance was passed.

Resolution No. 6203-16- Declaring the Intention of the Commission to Vacate Cline Street from Warren Street to Nathan Place.

The question being shall Resolution No. 6203-16 be passed. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph, Mims, and Shaw. The Ordinance was passed.

Resolution No. 6204-16- Declaring the Intention of the Commission to Vacate West Fourth Street from Cedar Avenue to Bank Street, Cedar Avenue from West Fourth Street to the I 75 LA ROW, and the Alley South of West Fourth Street from the I 75 LA ROW to Bank Street.

The question being shall Resolution No. 6204-16 be passed. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph, Mims, and Shaw. The Ordinance was passed.

BOARD APPOINTMENTS

Commissioner Joseph moved that Mondora Tingle, Anthony Ciani, and Diane Graham be appointed to the Board of Zoning Appeals, for terms ending June 30, 2019. Commissioner Shaw seconded the motion. The motion was unanimously approved.

CITIZENS' COMMENTS

Citizens' comments were received from the following:

1. **Mr. Robert Huggins, Jr., 2626 Germantown St., Apt. 5**—spoke about personal property that is being held by the Dayton Police Department.
2. **Ms. Kyra Wood, 4579 Wilmington Pike, Apt. 3**—spoke about her personal beliefs.
3. **Ms. Alicia Powell, 722 Eleanor Ave.**—spoke about an abandoned house on her street.

COMMENTS BY THE CITY MANAGER

The City Manager, Ms. Shelley Dickstein, had no comments.

COMMENTS BY THE CLERK OF COMMISSION

The Clerk of Commission, Ms. Rashella Lavender, had no closing comments.

COMMENTS BY CITY COMMISSION

Mayor Whaley

Mayor Whaley congratulated Assistant Attorney Andrew Sexton on being named Adjunct Professor of the Year by Sinclair Community College. She also reminded citizens to be careful this week while driving with the start of school, and for young people to make sure that they attend school.

Commissioner Shaw

Commissioner Shaw stated that he attended the Dayton Development Coalition's Site Selector Conference and is encouraged by the richness of resources and opportunities in Dayton. He also stated that he enjoyed meeting with the Nigerian Women's Cultural Organization of Dayton and Montgomery County.

Commissioner Williams

Commissioner Williams commended the Human Relations Council on the success of another listening tour. He stated that he appreciates the work of the Dayton Police Department, the Human Relations Council, and the interest of citizens in making these conversations meaningful.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:58 p.m.

Mayor Nan Whaley

Attest: _____

Clerk of Commission

WORK SESSION

A copy of prepared material has been recorded as Communication & Petition Number 21158 dated August 17, 2016.

The Dayton City Commission met in a Work Session on Wednesday, August 17th at 4:38 p.m. prior to the regularly scheduled City Commission meeting. The meeting was held in the City Manager's Large Conference Room, located in City Hall. Mayor Whaley, Commissioners Joseph, Mims and Shaw were present. Mr. Kery Gray, Director, City Commission Office, and Ms. Rashella Lavender, Clerk of Commission, were also in attendance.

Ms. Shelley Dickstein, City Manager, Ms. Tammi Clements, Deputy City Manager, Mr. Ford Weber, Director of the Office of Economic Development, Mr. Aaron Sorrell, Director of Planning and Community Development, and Mr. Steven Budd, President of CityWide Development Corporation, along with representatives from CityWide Development Corporation, were the presenters.

An overview was provided regarding Economic Development, Planning and Community Development, and CityWide Development Corporation's Update.

Economic Development - Update

Mr. Weber stated the Policy Objective: "To foster a viable, sustainable, and healthy urban community by providing quality amenities, economic opportunities, and affordable housing options."

He said there are four major components involved with the 2016 Work Plan:

- 1) Strengthen Dayton's business climate by building and maintaining relationships with companies and business owners through (Business Engagement, Community Events, and Staff and City Leadership Networking).

- 2) Grow Dayton's economy by creating and retaining jobs while leveraging private investment through (Development Fund Project Based Assistance, Leveraging ED/GE funds, DEAP, State and Federal grants or services, and PACE, Historic Tax Credits, CRA, EZ, and TIF).
- 3) Increase entrepreneurial and small business development.
- 4) Facilitate construction by providing timely technical assistance and review of zoning applications and building permits through business friendly practices/services.

Mr. Weber briefly highlighted projects to include: Taylor Communications, STP Products Manufacturing Company, CareSource at Kettering Tower, Home Avenue/Wright Brothers Hangers, Democracy Collaborative, CODE Credit Union, United Rehabilitation Services, Dayton Children's Hospital, Mahle-Behr, Water Street and Delco. He said they are pledging to create/retain jobs.

Planning and Community Development - Update

Mr. Sorrell said there are six major components involved with the 2016 Work Plan:

- 1) Customer Service: Provide excellent staff work, with a focus on quality urban design principles.
- 2) Innovate and collaborate outside traditional mediations services.
- 3) Target resources to maximize impact in strategic neighborhoods through (Coordinating with Landbank on new NIP target areas, Coordinating West Dayton Corridor Strategy implementation with CityWide, and Transportation Plan – 85 percent complete).
- 4) Removal of blighted and fire damaged properties (178 structures removed including 28 from fire damage).
- 5) Actively support City of Learners initiative through (HUD Choice Neighborhood Grant, Promise Neighborhood Grant, Purpose Built Communities and Preschool Promise). Mayor Whaley said it is imperative to include *My Brother's Keeper* initiative within the HUD Choice grant process.
- 6) Incent renovation of blighted properties through (Lot Links, Owner Occupied Rehab Program and CRA Districts).

CityWide Development Corporation – Update

Mr. Budd spoke briefly about CityWide Development Corporation's focus areas and Community Development projects.

Ms. Karen DeMasi highlighted the progress of West Dayton and various other projects within the community:

- West Dayton Library/NAHA Redevelopment (CityWide/City of Dayton team working with library and NAHA to create redevelopment plan for a site - \$10M West Dayton Library commitment)
- HUD Choice Neighborhood Award - \$1.5M (to create a comprehensive redevelopment plan for Public Housing Assistance -PHA - site and surrounding neighborhoods)
- Wright-Dunbar (Texas Beef and Cattle Company opened, and Wright-Dunbar Inc. intends to apply for historic tax credits for the Marietta Flats)
- CareSource Neighborhood Life Services (creating community development outreach plans in targeted West Dayton neighborhoods to promote CareSource Life Services Infant Mortality prevention program)
- DaVinci Children's Garden opened
- Troy Street Mural under development
- Phoenix Salem and Catalpa Gateway Expansion (contract awarded/construction beginning)
- Ashley Street Mural – (grant due in September through the Dayton Foundation)

Mr. Steve Nutt highlighted the progress of Tech Town:

- Tech Town III - Leasing (leased second and third floors)
- Tech Town II - Leasing (final negotiations for 10,400 SF remaining space)
- Second Allocation of State Capital Grant - \$250K to support/create "landing space" for tech spin-offs
- Defining Campus Role within Innovation Network (DRITA, Ascend Innovations/ TEC/Nucleus Entrepreneur Continuum, Webster Station Business Association and America Makes)

- Tech Town – Marketing and Networking (branding campaign to draw attention to the campus)
- Campus Development (expansion launch of Link – Dayton Bike Share)

Mr. John Gower highlighted the MXD Residential Development:

- South Main Street Corridor – The Nine (advance design/development for the nine blocks surround Dave Hall Plaza – Levitt Pavillion, Arcade Creatives Housing Project, Investor Group from Michigan has acquired the Center City Building, Elway Group received an award of State historic Tax Credits for the David/Elks Buildings in the Fire Blocks District, and Early Stages of Preliminary Development Planning is commencing for the Fidelity Block)

Mayor Whaley noted her appreciation for the updates and said the updates are important and complimented staff on their hard work.

The Work Session concluded at 5:37 p.m.