

On Wednesday, February 1, 2017, 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 Shaw 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 January 25, 2017, meeting.

Commissioner Joseph seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

There were no communications or petitions.

SPECIAL AWARDS/PRESENTATIONS

Procurement Enhancement Program (PEP) Update

Mayor Whaley invited Mr. Andrew Chow, Business and Technical Assistance Administrator, Human Relations Council, to the podium to give a community update of the Procurement Enhancement Program (PEP).

Mr. Chow highlighted the Business and Technical Assistance Team. He said the team included Mr. Andrew Chow, Business and Technical Administrator, Ms. Tosha Madison, Administrative Assistant, Ms. Chrisondra Goodwine, Contract Compliance Officer, Mr. RoShawn Winburn, Program Manager, and Mr. David Lyttle, Construction Specialist.

Mr. Chow said there were 181 companies that were certified by Procurement Enhancement Program (PEP) and detailed the certifications by type and categories.

He said there are eight steps to receiving A PEP Participation goal: receive a request from the user for Procurement Enhancement Program (PEP) participation goal, review accompanying documentation from the user, look up previous projects/bids of a similar type for current or previous year(s) participation goals, search the PEP certification list for businesses in specific work types or commodity codes for this project/RFP, calculate the percent participation possible by work type in the project/RFP, compare possible percent participation to list of certified companies by work type/commodity code, set a participation goal and send a memo to the user with the recommended goal.

Mr. Chow explained the Waiver Request Procedure. He said if the bidder does not meet the PEP contract goals, the bidder must submit a Waiver Request Form. He said the required activities to demonstrate good faith efforts are to solicit all certified MBE/WBE/SBE/DLSB or HUD 3 businesses. He said at least ten (10) business days before bid submittal deadline, divide contract work items into economically feasible units, negotiate with subcontractors, and take the subcontractors' price and capabilities, as well as the contract goals, into consideration, provide interested companies with plans and specifications at no cost, or direct to the Minority Business Assistance Center (MBAC) for information, and seek the assistance of the MBAC or used similar organizations to find certified subcontractors that are certified.

Mr. Chow said the PEP goals and achievements for the City of Dayton through December 31, 2016, for MBE, were four percent goal/five percent actual, for WBE 1.5 percent goal/1.5 percent actual and for SBE five percent goal/6.7 percent actual.

In the Open Market Projects, Mr. Chow listed the categories of work types needed to fulfill specialized jobs: Plumbing, Masonry, Janitorial (with special equipment), Sanitary Liner and Manhole Rehab, Lime Kiln Repairs, Hydraulic & Mechanical Cleaning, Video Inspection/Media, and Site Grading. He said the total open market dollars spent in 2016 was \$12,926,160.

Mr. Chow said the total number of HUD Section 3 companies that were certified were nine and that more companies are needed. He said they coordinate their efforts with their partners at Greater Dayton Premier Management (GDPM formerly DMHA), Montgomery County and Kettering. She said they are developing a process to track sub-recipient goal achievement.

Mr. Chow said at the end of December 31, 2016, the Minority Assistance Business Center had 245 contracts totaling \$55.6 million in public and private awards. He said there were 1,027 consulting hours and 1,504 consulting sessions.

Mr. Chow said the 2017 Goals & Projects are Certification (especially targeted work types), Compliance, a disparity study, outreach, and Customer Service which will be data-driven.

Mr. Chow thanked various organizations for their input.

Driving Awareness

Mayor Whaley invited Major Wendy Stiver, Commander of Patrol Operations, Dayton Police Department, Ms. Cindy Antrican, Public Affairs Manager for Triple A Allied Group, and Ms. Laura Cruea, Safe Communities of Montgomery County, to the podium to provide a community update on Aggressive Driver Awareness Month.

Major Stiver said February is Aggressive Driving Awareness month. She said most crashes are caused by excessive speeding and running red lights. Major Stiver said there was a 40 percent increase in the number of crashes since 2014 and fatalities nearly doubled over the past two years on our roadways. She said in Ohio there were 12,000 injury crashes in 2016.

Major Stiver said they hope to educate the public on the dangers of aggressive driving, change driver behavior which will hopefully reduce crashes & fatalities on our roadways, spread the word to folks outside of Dayton, and kick off “Be Safe Dayton” now; however, it will be an ongoing traffic safety campaign.

Commissioner Joseph said this data shows the cameras are necessary to prevent crashes and fatalities.

Commissioner Williams thanked Major Stiver for her efforts on this endeavor and said it was really important for the safety of our citizens.

ADDITIONS OR DELETIONS TO THE CALENDAR

The City Manager, Shelley Dickstein requested to pull Calendar Item No. 7 Informal Resolution No. 929-17.

The Clerk, Ms. Rashella Lavender, has no addition or deletions.

REPORTS:

A. Purchase Orders, Price Agreements and Contracts:

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

1. Purchase Orders:

CENTRAL SERVICES

A1. Resilient Construction Group, Inc. (roofing maintenance, repairs and related services as needed through 01-31-20) – P1700504 **\$105,000.00**

A2. Resilient Construction Group, Inc. (roofing maintenance, repairs and related services as needed through 01-31-20) – P1700505 **75,000.00**

CITY COMMISSION OFFICE

B1. Cox Ohio Publishing, Dayton Daily News (legal notice advertising as needed through 12-31-17) **20,500.00**

FIRE

C1. Lebanon Ford, Inc. (two mid-sized four-wheel drive sport utility vehicles - SUV) **63,390.00**

OFFICE OF COMMUNICATIONS AND PUBLIC AFFAIRS

D1. Progressive Printers, Inc. (printing services as needed through 01-31-20) **302,000.00**

1. (Cont'd):

PUBLIC WORKS

- E1. Interstate Ford, Inc.** (one mid-sized four-wheel drive sport utility vehicle - SUV) **\$30,761.00**
E2. John Deere Company (ten John Deere brand mowers with accessories) **208,406.68**

WATER

- F1. Resilient Construction Group, Inc.** (roofing maintenance, repairs and related services as needed through 01-31-20) **33,000.00**
-Depts. of Central Services, Fire, Public Works, Water, The City Commission Office and Office of Communications and Public Affairs. **Total: \$838,057.68**

2. **O. R. Colan Associates LLC, of Florida – Service Agreement** – for the Washington Street Reconstruction, Wolf Creek Bikeway Extension, Valley Street Bikeway Phase 1A., Springfield Street Reconstruction Phase 1, and Springfield Street Reconstruction Phase 2 Agreement for Consulting Services – Dept. of Public Works/Civil Engineering. **\$123,150.00**
(Thru 12/31/21)

B. Construction Contracts:

3. **Milcon Concrete Inc. – Award of Contract** – for the Economy Parking Lot Reconstruction, Dayton International Airport, 5% MBE, 5% WBE, and 10.43% SBE Participation, 5% MBE, 5% WBE and 10% SBE Goal – Dept. of Aviation/AP Admin. & Finance. **\$7,798,363.57**
(Thru 9/2018)

C. Revenue to the City:

4. **Montgomery County Sheriff – Service Agreement** – to accept bail payments for Dayton Municipal Court, Montgomery County Common Pleas Court and various other municipal courts in Montgomery County – Dayton Municipal Court/Clerk of Courts. **\$395,500.00**
(Thru 12/31/18)

CITIZENS' COMMENTS ON CALENDAR ITEMS

Citizens' comments on calendar items were received from the following:

1. **Mr. Jack Heekin, 1819 Walker Street** – spoke in favor of Calendar Item No. 6, Emergency Ordinance 31549-17, regarding quadricycles.

DISCUSSION OF CALENDAR ITEMS

Calendar Item No. 3. – Milcon Concrete Inc. – Award of Contract

Ms. Dickstein said this award of contract represents a project at the Dayton International Airport. She asked Mr. Terry Slaybaugh, Director of Aviation, to explain further.

Mr. Slaybaugh said they received five bids for this project which made it very competitive. He said this will allow the completion of the reconstruction of the economy and blue parking lots with LED lighting fixtures.

APPROVAL OF CITY MANAGER'S RECOMMENDATIONS

Commissioner Joseph made the motion to approve the City Manager's Reports. Commissioner Shaw 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.

LEGISLATION

EMERGENCY ORDINANCE – FIRST AND SECOND READING

Emergency Ordinance No. 31548-17- Establishing the REAP/Lot Links Property Special Revenue Fund, Authorizing the Receipt and Expenditure of Deposits, and Declaring an Emergency.

Commissioner Mims moved that this being an emergency measure for the immediate consideration of the Ordinance. Commissioner Williams 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. 31548-17 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 ORDINANCE – FIRST READING

Emergency Ordinance No. 31549-17- Amending Sections 90.14.1 and 115.30 (A) of the Revised Code of General Ordinances Relating to Possession of An Open Container and Taxicabs, Respectively, to Conform with Ohio Revised Code Section 4301.62 Regarding Commercial Quadricycles, and Declaring an Emergency.

PUBLIC HEARING

Mayor Whaley opened the Second Public Hearing regarding the 2017 Annual Appropriation.

Ms. Barbara LaBrier, Director of the Office of Management and Budget, said this public hearing is the last of two public hearings on the 2017 Annual Appropriation and gave an overview.

CITIZENS' COMMENTS ON PUBLIC HEARING

There were no citizens' comments on the Public Hearing.

Mayor Whaley closed the hearing.

CITIZENS' COMMENTS

Citizens' comments were received from the following:

1. **Mr. David Greer, 344 Middle St.** – spoke about the City Commission's support for the Northwest Priority Board.
2. **Ms. Jessica Ramos, 4930 Stathaven Dr.** - spoke in support of the Mayor's stand on the ban on immigration.
3. **Mr. Keith Lander, 429 S. Kilmer St.** – spoke in support of the Mayor's stand on the ban on immigration.
4. **Ms. Alesha Powell, 722 Eleanor Ave.** -spoke about a vacant house next door to her.
5. **Mr. Morton Hunt, 130 Eleanor Ave.** - spoke about a vacant house in his neighborhood.
6. **Ms. Eva Boddie, 642 Hickory Hill Dr.** – spoke about issues in her neighborhood.

Mayor Whaley said the City of Dayton is working very aggressively to attack the issue of vacant properties. She said 40 percent of vacant homes in the City of Dayton have been demolished and 85 percent of Lot Link properties have been sold for rehabilitation. She said the City Commission will continue to work on these problems but cannot say which houses will be torn down or when. Mayor Whaley said there is a process that must be followed.

Commissioner Williams thanked all the speakers at tonight's meeting and asked for an overview of the housing inspection process.

Ms. Dickstein, City Manager, said the process is to contact the property owner and give them a chance to address the situation. She said if that does not remedy the situation then the fine process begins. She said it is a very detailed process involving the courts. She said the overall goal is for the property owner to come into compliance.

Commissioner Williams thanked Commissioner Joseph for his leadership on Dayton being a Welcoming city.

Commissioner Joseph thanked Commissioner Williams for his continued support. He said this mandate was hastily written and a public relations stunt with real life consequences not being taken into account. He said Dayton will continue being a Welcoming City.

Ms. Dickstein asked Chief Richard Biehl, Dayton Police Department, to the podium to provide information on the enforcement of immigration laws.

Chief Biehl asked residents to trust the decade long record the City of Dayton has on immigration enforcement. He said this is a poorly crafted executive order. Chief Biehl said data shows the City of Dayton has been stable for eight years and has the fewest amount of deportations. He added that enforcement of immigrations laws are really the responsibility of the federal government.

Mayor Whaley thanked Chief Biehl and said the City of Dayton is the only city in the state of Ohio that has a welcoming policy.

COMMENTS BY THE CITY MANAGER

The City Manager, Ms. Shelley Dickstein, presented Mr. Steve Finke, Deputy Director of Public Works, a plaque for his 39 years of service to the City of Dayton.

Mayor Whaley and the City Commission thanked Mr. Finke for all of his work and tremendous service to the Dayton community.

Mr. Finke said he appreciated all the kind words. He said he cherished his time working with the City of Dayton and hoped he is leaving the City in a better place.

COMMENTS BY THE CLERK OF COMMISSION

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

COMMENTS BY CITY COMMISSION

Commissioner Mims

Commissioner Mims thanked the speakers for their comments especially Mr. Keith Landers.

Commissioner Joseph

Commissioner Joseph highlighted the Wright-Patterson Air Force Base Research Lab at Tech Town. He thanked the Dayton community for attending the rally on immigration and refugees.

Commissioner Shaw

Commissioner Shaw highlighted the Dayton Development Coalition meeting.

Mayor Whaley

Mayor Whaley highlighted the Dayton Development Coalition meeting.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:36 p.m.

Mayor Nan Whaley

Attest: _____
Clerk of Commission