

On Wednesday, April 25, 2018, at 8:30 a.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 Joseph 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 Joseph, Mims, Shaw and Vacant 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 a motion to approve the minutes from the April 11, 2018, meeting. Commissioner Joseph seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

Communication #21305

Civil Summons – Paul D. Thies vs. City of Dayton, Ohio, et. Al.

Communication #21306

Alley Vacation – French Lane from the Vacated First Alley West of North Orchard Avenue to the Second Alley West of North Orchard Avenue.

SPECIAL AWARDS/PRESENTATIONS

Procurement Enhancement Program (PEP) Update

Mayor Whaley invited Ms. Erica Fields, Interim Executive Director of the Human Relations Council, and Mr. Andrew Chow, Business and Technical Assistance Administrator, to the podium to provide a quarterly update.

Ms. Fields highlighted a new collaborative with the Department of Procurement and Management and Budget which will be presented by Ms. Melissa Wilson, City Purchasing Agent, Division Manager of Procurement.

Mr. Chow said the PEP program goals are to accomplish the City's declared policy to ensure full and equitable participation in construction and in the provision of goods & services.

Mr. Chow said the designations of the various categories of the PEP program were Small Business Enterprise (SBE), Minority-Owned Business Enterprise (MBE), Woman-Owned Business Enterprise (WBE), and Dayton Local Small Business (DLSB).

Mr. Chow said the 2018 goals for construction are MBE 15 percent, WBE five percent, SBE 26 percent, and DLSB 6.5 percent. He said the 2018 first quarter actuals for construction are MBE 7.1 percent, WBE 1.8 percent, SBE 8.4 percent, and DLSB 0.9 percent.

Mr. Chow said there were four PEP Projects awarded in the first quarter which were the Airport Expo Salt and Sand Storage, South Halloway Water Main, IPS Pump Replacement, and the Parallel Interceptor A & B. He said the total amount of PEP Construction Projects awarded in the first quarter is \$22.5 million.

Ms. Wilson said the Procurement's duties with PEP are to communicate and distribute information to PEP vendors. She said they accomplish this by sending reminder emails, for new opportunities for registered vendors, to the email they have on file. Ms. Wilson said they post all bid opportunities on www.daytonohio.gov/bids.aspx.

Ms. Wilson said another outreach is on the SBA Webinar on *How to do Business with the City of Dayton*. She said they will host an event at Wright State University's Nutter Center on May 2, 2018, from 8:30 a.m. until 4:00 p.m. where businesses will be able to talk with Human Relations Council members about doing business with the City of Dayton.

Ms. Wilson said the first quarter goals for Goods and Services were MBE 4.5 percent, WBE one percent, SBE 4.5 percent, and DLSB two percent. She said the first quarter actuals for Goods and Services were MBE 0.79 percent, WBE 0.9 percent, SBE 1.27 percent, and DLSB .20 percent.

Commissioner Shaw asked if they had reached out to previous vendors to participate in the PEP Program.

Ms. Wilson said HRC will be doing more dedicated outreach to previous vendors.

Mr. Chow said the Minority Assistance Business Center, which provides technical assistance to improve organizational infrastructure for companies seeking certification, along with the Dayton Chamber of Commerce Minority Business Partnership and the Wesley Community Center, was awarded a \$100,000 grant from KeyBank for a new workforce development initiative.

Mayor Whaley thanked Mr. Chow and Ms. Wilson for their presentation.

ADDITIONS OR DELETIONS TO THE CALENDAR

The Clerk of Commission, Ms. Rashella Lavender, requested the deletion of Calendar Item No. 27- Informal Resolution No. 951-18 and Calendar Item No. 28-Informal Resolution No. 952-18.

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 Order:

AVIATION

A1. Rumpke of Ohio, Inc. (waste disposal, recycling and compacting services as needed through 03-31-20) **\$80,000.00**

1.

CENTRAL SERVICES

B1. Xerox Corporation (lease agreement for reprographic equipment as needed through 09-30-18) **\$89,606.30**

FIRE

C1. Brite Computers/Upstate Wholesale Supply, Inc. (Fujitsu laptops, tablets, and related hardware items) **138,060.00**

C2. Enterprise Roofing & Sheet Metal Company (roofing maintenance, repairs and related services through 01-31-20) **12,735.00**

C3. Fryman Kuck General Contractors, Inc. (masonry and concrete repair services as needed through 05-31-20) – P1800856 **16,000.00**

C4. Fryman Kuck General Contractors, Inc. (masonry and concrete repair services through 05-31-20) – P1800857 **62,156.00**

POLICE

D1. Kiesler Police Supply (Fore-end weapon mounted flashlights) **24,222.33**

PUBLIC WORKS

E1. Contract Sweepers & Equipment (one Tymco brand street sweeper) **256,143.75**

E2. Kinstle Sterling/Western Star Truck Ctr. (two Western Star single axle plow trucks) **165,690.00**

RECREATION & YOUTH SERVICES

F1. P L Mechanical LLC (Ductless HVAC systems including removal and installation services) **33,977.70**

F2. Trame Mechanical, Inc. (Rooftop HVAC systems including removal and installation services) **17,350.00**

WATER

G1. SHI International Corp. (Five VisioPro licenses and fifteen Microsoft licenses through 03-31-20) **18,438.75**

G2. Crown Personnel Service, Inc. (temporary personnel services as needed through 12-31-18) **93,000.00**

1. (Cont'd)

G3. Friends Service Company, Inc. dba Friendsoffice (office furniture installed through 09/30/22) **\$8,839.65**
G4. Pelton Environmental Products, Inc. (Sulzer brand parts and related services as needed through 12-31-21) **80,000.00**
G5. Rumpke of Ohio, Inc. (garbage, trash removal, and disposal services as needed through 03-31-20) **175,000.00**
G6. TPG Pressure, Inc. (concrete service saddles and tapping sleeves as needed through 12-31-21) **74,000.00**
-Depts. of Aviation, Central Services, Fire, Police, Public Works, Recreation & Youth Services and Water. **Total: \$1,345,219.48**

2. **Messer Construction Co. – Contract Modification** – for the Airport Terminal Modernization Program Phase 1.c (10% SBE/8% MBE/5% WBE Goal) – Dept. of Aviation/AP Admin. & Finance. **\$5,856,590.00**
(Thru 09/30/19)
3. **RA Consultants LLC – Service Agreement** – for professional survey and engineering services for the Miami and Ottawa Water Treatment Plants – Dept. of Water/Water Supply & Treatment. **\$78,234.00**
(Thru 12/31/21)
4. **Signature Technologies, Inc. dba Com-Net – Service Agreement** – first amendment to add OAG/Flightview subscription services – Dept. of Aviation/AP Admin. & Finance. **\$85,270.66**
(Thru 12/31/21)
5. **TargetSolutions Learning LLC – Service Agreement** – for online training resources for personnel – Dept. of Fire. **\$27,571.00**
(Thru 05/31/19)
6. **The Ascent Group, Inc. – Contract Modification** – third amendment to facilitate the implementation of the recommendations to improve the City’s call centers customer service performance – Dept. of Finance. **\$93,200.00**
(Thru 12/30/19)
7. **Xerox Corporation – Payment of Voucher** – to cover lease expenses for the satellite multi-function devices and print production equipment – Dept. of Central Services/Document Mgmt. **\$70,386.70**
(Thru 04/30/18)

B. Construction Contracts:

8. **C. G. Construction and Utilities, Inc. – Award of Contract** – for the Day Northwest Development Area Water and Sanitary Sewer Improvements (10.03% MBE Participation/10% MBE Goal) – Dept. of Aviation/AP Admin. & Finance. **\$1,829,485.00**
(Thru 07/31/19)
9. **C. G. Construction and Utilities, Inc. – Award of Contract** – for the Xenia Avenue Water Main Improvements, Phase II (15% MBE, 5% WBE & 5% SBE Goal/15.00% MBE, 5.08% WBE & 5.12% SBE Achieved) – Dept. of Water/Water Engineering. **\$719,832.00**
(Thru 10/01/19)

C. Revenue to the City:

10. **Dayton Region Manufacturers Association Inc. – Lease Agreement** – for rental of office space located within the Dayton Convention Center, 22 East Fifth Street – Dept. of Recreation & Youth Services/Convention Center. **\$31,590.00**
(Thru 04/30/20)

D. Neighborhood Agreements:

11. **Air Wisconsin Airlines, LLC – Development Agreement** – to assist with the relocation and expansion of their business operations into Dayton – Dept. of Economic Development. **\$165,000.00**
(Thru 07/31/23)

E. Other – Contributions, Etc.:

12. **Miami Valley Housing Opportunities, Inc. – Other** – for the Shelter Plus Care Tenant-Based Rental Assistance – Dept. of Planning & Community Development. **\$2,186,012.00**
(Thru 04/30/19)

BY THE BOARD OF REVISION OF ASSESSMENTS

13. In the Matter of Declaring the Intention of the Commission to Vacate the Second Alley East of Hasenstab Street from Chapel Street to the Alley North of Chapel Street – Recommendation to Proceed.

CITIZENS’ COMMENTS ON CALENDAR ITEMS

There were no citizens’ comments on calendar items.

DISCUSSION OF CALENDAR ITEMS

Calendar Item No. 12. – Miami Valley Housing Opportunities, Inc. – Other

The City Manager, Ms. Shelley Dickstein, said this calendar item is for the Shelter-Plus Care sub-recipient agreement.

Calendar Item No. 2. – Messer Construction Co. – Contract Modification, Calendar Item No. 8. – C.G. Construction and Utilities, Inc. – Award of Contract, and Calendar Item No. 11. – Air Wisconsin Airlines, LLC – Development Agreement

The City Manager, Ms. Shelley Dickstein, invited Mr. Terry Slaybaugh, Director of Aviation, to the podium to highlight the calendar items.

Mr. Slaybaugh said Calendar Item No. 2. - Messer Construction Co. is the final package of three bid packages for funding for the Airport Terminal Program.

Mr. Slaybaugh said Calendar Item No. 8. - C.G. Construction and Utilities, Inc., is a project that will extend water and sanitary sewer lines to 150 acres of property at the Airport.

Mr. Slaybaugh said Calendar Item No. 11. - Air Wisconsin Airlines, LLC, is a five year agreement with United Air Lines to lease a hangar to provide maintenance for four to five aircraft per day and will employ 70 people.

The City Commission congratulated Mr. Slaybaugh on the Development Agreement.

Calendar Item No. 25. – Informal Resolution No. 949-18- Support of Dayton’s Military and Veteran Caregivers

Mayor Whaley requested the deletion of Calendar Item No. 25-Informal Resolution No. 949-18- A Resolution in Support of Dayton’s Military and Veteran Caregivers. She said she would like a representative to attend a meeting highlighting the proposed legislation.

Calendar Item No. 26. – Informal Resolution No. 950-18-Declaring Support of Workers’ Memorial Day

Mayor Whaley thanked Commissioner Mims for attending this event and representing the Dayton City Commission.

Calendar Items No. 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23

Mayor Whaley invited Mr. Martin Gehres, City Attorney, to the podium to provide clarification of the legislation regarding the annual liquor objections.

Mr. Gehres said the resolutions are for continuing the annual objections from the previous year. He said there are no new establishments being considered this year.

APPROVAL OF CITY MANAGER’S RECOMMENDATIONS

Commissioner Mims made the motion to approve the City Manager’s Reports. Commissioner Joseph seconded the motion. The City Manager’s Reports were approved with a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph Mims, and Shaw.

LEGISLATION

EMERGENCY RESOLUTION – FIRST AND SECOND READING

Emergency Resolution No. 6318-18- Continuing the Objection to the Issuance of Liquor Permit #1970624 (TFOL), Davi & Ani LLC dba One Stop Grocery, 229 East Third Street, Dayton, Ohio 45403, and Declaring an Emergency.

Commissioner Shaw moved that this being an emergency measure for the immediate consideration of the Resolution. Commissioner Joseph seconded the motion. The motion was passed with a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Vacant. The question being shall Emergency Resolution No. 6318-18 be adopted. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The Emergency Resolution was adopted.

Emergency Resolution No. 6319-18- Continuing the Objection to the Issuance of Liquor Permit #2631275-0650 (NEW), Family Dollar Store of Ohio, Inc. dba Family Dollar 3786, 2601 East Third Street, Dayton, Ohio 45403, and Declaring an Emergency.

Commissioner Joseph moved that this being an emergency measure for the immediate consideration of the Resolution. Commissioner Mims seconded the motion. The motion was passed with a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Vacant. The question being shall Emergency Resolution No. 6319-18 be adopted. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The Emergency Resolution was adopted.

Emergency Resolution No. 6320-18- Continuing the Objection to the Issuance of Liquor Permit #26312750735 (NEW), Family Dollar Store of Ohio, Inc. dba Family Dollar 4040, 1130 North Main Street, Dayton, Ohio 45405, and Declaring an Emergency.

Commissioner Mims moved that this being an emergency measure for the immediate consideration of the Resolution. Commissioner Joseph seconded the motion. The motion was passed with a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Vacant. The question being shall Emergency Resolution No. 6320-18 be adopted. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The Emergency Resolution was adopted.

Emergency Resolution No. 6321-18- Continuing the Objection to the Issuance of Liquor Permit #26312750570 (NEW), Family Dollar Store of Ohio, Inc. dba Family Dollar 4898, 645 Troy Street, Dayton, OH 45404, and Declaring an Emergency.

Commissioner Shaw moved that this being an emergency measure for the immediate consideration of the Resolution. Commissioner Joseph seconded the motion. The motion was passed with a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Vacant. The question being shall Emergency Resolution No. 6321-18 be adopted. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The Emergency Resolution was adopted.

Emergency Resolution No. 6322-18- Continuing the Objection to the Issuance of Liquor Permit #26312750645 (NEW), Family Dollar Store of Ohio, Inc. dba Family Dollar 5819, 440 North James H. McGee Boulevard, Dayton, Ohio 45402, and Declaring an Emergency.

Commissioner Joseph moved that this being an emergency measure for the immediate consideration of the Resolution. Commissioner Mims seconded the motion. The motion was passed with a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Vacant. The question being shall Emergency Resolution No. 6322-18 be adopted. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The Emergency Resolution was adopted.

Emergency Resolution No. 6323-18- Continuing the Objection to the Issuance of Liquor Permit #2949092 (Renewal), Front Row Bar and Grille, LLC dba Front Row Bar and Grille, 2412 Catalpa Drive, Dayton, Ohio 45406, and Declaring an Emergency.

Commissioner Mims moved that this being an emergency measure for the immediate consideration of the Resolution. Commissioner Joseph seconded the motion. The motion was passed with a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Vacant. The question being shall Emergency Resolution No. 6323-18 be adopted. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The Emergency Resolution was adopted.

Emergency Resolution No. 6324-18- Continuing the Objection to the Issuance of Liquor Permit #26312750585 (NEW), Family Dollar Store of Ohio, Inc. dba Family Dollar 7086, 1125 Wayne Avenue, Dayton, Ohio 45410, and Declaring an Emergency.

Commissioner Shaw moved that this being an emergency measure for the immediate consideration of the Resolution. Commissioner Joseph seconded the motion. The motion was passed with a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Vacant. The question being shall Emergency Resolution No. 6324-18 be adopted. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The Emergency Resolution was adopted.

Emergency Resolution No. 6325-18- Continuing the Objection to the Issuance of Liquor Permit #26312750575 (NEW), Family Dollar Store of Ohio, Inc. dba Family Dollar 8810, 1028 North Gettysburg Avenue, Dayton, Ohio 45417, and Declaring an Emergency.

Commissioner Joseph moved that this being an emergency measure for the immediate consideration of the Resolution. Commissioner Mims seconded the motion. The motion was passed with a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Vacant. The question being shall Emergency Resolution No. 6325-18 be adopted. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The Emergency Resolution was adopted.

Emergency Resolution No. 6326-18- Continuing the Objection to the Issuance of Liquor Permit #31760110005 (NEW), G & G Mini Mart Inc., 3707 Germantown Pike, Dayton, Ohio 45417, and Declaring an Emergency.

Commissioner Mims moved that this being an emergency measure for the immediate consideration of the Resolution. Commissioner Joseph seconded the motion. The motion was passed with a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Vacant. The question being shall Emergency Resolution No. 6326-18 be adopted. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The Emergency Resolution was adopted.

Emergency Resolution No. 6327-18- Continuing the Objection to the Issuance of Liquor Permit #3542542 (NEW), Hamidan Carryout LLC dba Express Beer & Wine, 2501 East Third Street, Dayton, OH 45403, and Declaring an Emergency.

Commissioner Shaw moved that this being an emergency measure for the immediate consideration of the Resolution. Commissioner Joseph seconded the motion. The motion was passed with a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Vacant. The question being shall Emergency Resolution No. 6327-18 be adopted. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The Emergency Resolution was adopted.

ORDINANCE – FIRST READING

Ordinance No. 31636-18- To Vacate the Second Alley East of Hasenstab Street from Chapel Street to the Alley North of Chapel Street.

INFORMAL RESOLUTION

Informal Resolution No. 950-18- Declaring Support of Workers’ Memorial Day on April 28, 2018.

Commissioner Mims made a motion to adopt Informal Resolution No. 950-18. Commissioner Joseph seconded the motion. A roll call vote was taken resulting in a 4-0 vote. V Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The Informal Resolution was adopted.

BOARD APPOINTMENTS

Commissioner Mims made the motion to appoint Mr. Michael Colbert, Mr. Sam Winston, and Mr. Tom Maultsby to the Phoenix Board of Trustees, for a term ending December 31, 2019. Commissioner Joseph seconded the motion. The motion was unanimously approved.

Commissioner Shaw made the motion to appoint Ms. Sharon Taste, Mr. David Grier, and Mr. Jeff Cooper, to the Phoenix Investment Board for a term ending December 31, 2019. Commissioner Joseph seconded the motion. The motion was unanimously approved.

CITIZENS’ COMMENTS

Citizens’ comments were received from the following:

1. **Mr. Matt Tepper – 702 Troy Street** – spoke about the problems of resurfacing on Valley Street.

Ms. Dickstein said the City of Dayton does not have the authority to direct how Dayton Power and Light removes unsightly power lines per the Public Utilities Commission of Ohio Office.

COMMENTS BY THE CITY MANAGER

The City Manager, Ms. Shelley Dickstein, said citizens who do not wish to receive advertisement circulars from Dayton Daily News should contact them at customercare@DDN.com or call 937-222-5700.

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 highlighted his attendance at the Workers’ Memorial Day supporting safety in the workplace.

Commissioner Joseph

Commissioner Joseph asked Ms. Dickstein to re-evaluate the decision the Public Utilities Commission Office of Ohio made regarding unsightly power lines and where they should be placed.

Commissioner Shaw

Commissioner Shaw highlighted his attendance at the Dayton Area Chamber of Commerce regarding diversity in the business community. He also highlighted his attendance at the Community Leader Fly-In.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:37 a.m.

Mayor Nan Whaley

Attest: _____
Clerk of Commission