

On Wednesday, October 30, 2019, 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 Joseph, Mims, Shaw and Fairchild 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 October 23, 2019, meeting. Commissioner Fairchild seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

Communication #21443

State of Ohio, Department of Liquor Control – Permit Application C1, C2, D1, D2, D3 or D5 Permit (“TREX”) – Brett Barker, Barking LLC, 732 Watervliet Avenue, Dayton, Ohio 45420.

The Clerk of Commission reported receipt of Permit Application C1, C2, D1, D2, D3 or D5 Permit (“TREX”) – Brett Barker, Barking LLC, 732 Watervliet Avenue, Dayton, Ohio 45420. The application was referred through the City for investigation.

Communication #21444

State of Ohio, Department of Liquor Control – Permit Application D5J, Permit #9045483 – Two Social LLC, 123 E. Third Street, Dayton, OH 45402.

The Clerk of Commission reported receipt of Permit Application D5J Permit #9045483 – Two Social LLC, 123 E. Third Street, Dayton, OH 45402. The application was referred through the City for investigation.

Communication #21445

State of Ohio, Department of Liquor Control – Permit Application D5J Permit #8395907 – Sueno LLC, DBA Sueno, 607 E. Third Street, First Floor, Dayton, OH 45402.

The Clerk of Commission reported receipt of Permit Application Permit D5J #8395907 – Sueno LLC, DBA Sueno, 607 E. Third Street, First Floor, Dayton, OH 45402. The application was referred through the City for investigation.

Communication #21446

State of Ohio, Department of Liquor Control – Permit Application D5J Permit #8837930 – Tender Mercy LLC, DBA Tender Mercy, 607 East Third Street, Lower Level, Dayton, Ohio 45402.

The Clerk of Commission reported receipt of Permit Application Permit D5J #8837930 – Tender Mercy LLC, DBA Tender Mercy, 607 East Third Street, Lower Level, Dayton, Ohio 45402. The application was referred through the City for investigation.

SPECIAL AWARDS/PRESENTATIONS

Acknowledging Acts of Kindness

Mayor Whaley invited Ms. Anne Sheehan, *Acknowledging Acts of Kindness Program*, to podium for a community update.

Ms. Sheehan said in March of 2019 she visited the Villages in Florida and while there she read in the Daily Sun Newspaper about two retired men who started the *Acknowledging Acts of Kindness Program*. She thought it was a great idea and started the program here in Dayton, Ohio.

Ms. Sheehan said in order to participate, a person just needs to witness or hear about an act of kindness, and when they do hand them an Act of Kindness Card and tell them they appreciate them.

Ms. Sheehan said she would like to distribute her cards into schools and community leaders' hands in order for the program to progress. She said for more information, please visit her website at aaokdayton.org.

Mayor Whaley thanked her for her presentation.

ADDITIONS OR DELETIONS TO THE CALENDAR

There were no additions or deletions to the calendar.

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:

AVIATION

A1. Bricker & Eckler LLP (professional legal services as needed through 12-31-19)
\$10,000.00

A2. Frost Brown Todd LLC (professional legal services as needed through 12-31-19)
25,000.00

1.

CENTRAL SERVICES

B1. Anixter, Inc. (Fiber optic cables and related supplies) **17,824.00**

B2. Kronos, Inc. (50 Workforce Manager Licenses and one year of support services)
14,091.00

ECONOMIC DEVELOPMENT

C1. Comptech Computer Technologies, Inc. (temporary staffing services as needed through 12-31-23) **10,000.00**

FIRE

D1. Fire Service, Inc. (fire hoses and related items as needed through 06-30-20)
15,000.00

HUMAN RELATIONS COUNCIL

E1. Step Up to Success!/Linda Burrs (professional executive coaching as needed through 12-31-19) **28,150.00**

PUBLIC WORKS

F1. Four O Corp (oil, lubricants and related items as needed through 12-31-20) **1,400.00**

WATER

G1. Shi International Corp (five Sharegate licenses) **15,141.40**

G2. Pickrel Brothers, Inc. (plumbing and related supplies as needed through 12-31-19)
23,000.00

G3. Commercial Metal Fabricators, Inc. (machine fabrication services as needed through 12-31-19) **10,000.00**

G4. Moody's of Dayton, Inc. (pump, refurbishing, rehabilitation and rebuilding as needed through 08-31-22) **100,000.00**

-Depts. of Aviation, Central Economic Development, Fire, Public Works,

Water and The Human Relations Council.

Total: \$269,606.40

B. Construction Contracts:

- 2. Allied Fence Builders, Inc. – Award of Contract – for MGY Wildlife Fence Replacement (#MGY-2019004) (5.27% DBE Participation, 23% DBE Goal) – Dept. of Aviation.**
\$367,625.00
(Thru 12/31/20)

3. **Outdoor Enterprise LLC – Contract Modification** – for Park Shelter Installation at Belmont Park (20% SBE Participation Goal/20% SBE Participation Achieved) – Dept. of Planning & Comm. Dev. **\$23,500.00**
(Thru 08/31/21)
4. **Sunesis Construction Company – Award of Contract** – for DAY Sanitary Sewer Improvements, Phase 2 – Rebid (#DAY-2016014), (6.73% MBE Participation, 6% MBE Goal) – Dept. of Aviation. **\$3,654,507.90**
(Thru 12/31/21)
5. **Sunesis Construction Company – Award of Contract** – for MGY Taxilane Widening Project (#MGY-2019003) (25.56% MBE Participation, 25% MBE Goal) – Dept. of Aviation. **\$376,865.00**
(Thru 10/31/20)
6. **The Great Lakes Construction Co. – Award of Contract** – for DAY Terminal Apron Reconstruction, Phase 3 – Rebid (#DAY-2017017), (23.55% DBE Participation, 23% DBE Goal) – Dept. of Aviation. **\$4,576,037.25**
(Thru 08/31/21)

C. Revenue to the City:

7. **Greater Dayton Area Health Information Network (GDAHIN) – Service Agreement** – for the Regional Medical Response System – Dept. of Fire. **\$65,000.00**
(Thru 06/30/20)

E. Other – Contributions, Etc.:

8. **Catholic Social Services of the Miami Valley – Other** – for CDBG Subrecipient Agreement to administer the Case Management for Long Term Tornado Recovery Program – Dept. of Planning & Comm. Dev. **\$125,400.00**
(Thru 10/31/21)
9. **Daybreak – Other** – for CDBG Subrecipient Agreement to administer the Lindy’s Bakery Job Training and Development Program – Dept. of Planning & Comm. Dev. **\$249,000.00**
(Thru 12/31/20)
10. **National Association of Clean Water Agencies (NACWA) – Other** – for annual membership dues – Dept. of Water. **\$18,385.00**
(Thru 09/30/20)

CITIZENS’ COMMENTS ON CALENDAR ITEMS

There were no citizens’ comments on calendar items.

DISCUSSION OF CALENDAR ITEM

Calendar Item No. 4. Sunesis Construction Company- Award of Contract Calendar Item No. 5. Sunesis Construction Company- Award of Contract and Calendar Item No. 6 The Great Lakes Construction Company – Award of Contract

Ms. Dickstein said these items are for infrastructure improvements at the Dayton International Airport. She said with regards to Calendar Item No. 6. , \$3.6 million of the \$4.5 million is being paid for from a grant from the Federal Aviation Administration (FAA).

Calendar Item No. 8. Catholic Social Services of the Miami Valley-Other

Ms. Dickstein said this item is to administer case management for long term tornado recovery. She said she recognizes the importance of supporting long term recovery.

Calendar Item No. 9. –Daybreak - Other

Ms. Dickstein said this is an employment opportunity with Lindy’s Bakery to provide job training for 75 homeless or disconnected youth, in the City of Dayton.

Mayor Whaley invited Ms. Linda Kramer, Lindy's Bakery, to the podium to talk about the opportunity.

Ms. Kramer said she opened her first bakery on Wayne Avenue six years ago with five children. She said her next bakery was started on South Patterson Boulevard which is servicing 75 homeless young people providing jobs and training opportunities.

Mayor Whaley asked Ms. Kramer what is the state and overview around homeless youth.

Ms. Kramer said the good news about this fight is that the message is being heard. She said homeless youth fly under the radar but there is growing support to help them. Ms. Kramer said she will serve around 800 homeless youth this year. She said the new trend to youth homelessness is around drug use and mental health which has added a new dynamic to this plague.

APPROVAL OF CITY MANAGER'S REPORTS

Commissioner Fairchild made the motion to approve the City Manager's Reports. Commissioner Mims seconded the motion. The City Manager's Reports were approved with a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Fairchild.

LEGISLATION

EMERGENCY RESOLUTION – FIRST AND SECOND READING

Emergency Resolution No. 6449-19- Authorizing the Acceptance of a Grant Award from the Attorney General of Ohio in an Amount Not to Exceed Sixty Six Thousand Four Hundred Thirty Nine Dollars and Twenty Cents (\$66,439.20) on Behalf of the City of Dayton, and Declaring an Emergency.

Commissioner Joseph moved that this being an emergency measure for the immediate consideration of the Resolution. Commissioner Shaw seconded the motion. The motion was passed with a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Fairchild. The question being shall Emergency Resolution No. 6449-19 be adopted. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Fairchild. The Emergency Resolution was adopted.

RESOLUTION – FIRST READING

Resolution No. 6450-19- Declaring the Intention of the Commission to Vacate Hunter Avenue from Leo Street to Windham Street and the Eastern Eight Feet of the Alley East of Hillrose Avenue from the South Property Line of City Lot #33819 to Windham Street.

RESOLUTION – SECOND READING

Resolution No. 6448-19- Honorarily Naming North Wilkinson Street from West Third Street to West First Street as Betsy B. Whitney Way.

The question being shall Resolution No. 6448-19 be adopted. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Fairchild. The Resolution was adopted.

MAYORS APPOINTMENT

Mayor Whaley announced that Gwen Buchanan is appointed to the Compensation Board for a term ending August 30, 2022.

BOARD APPOINTMENT

Commissioner Joseph made a motion to appoint Camille Slaughter to the West Priority Land Use Board for a term ending December 31, 2020. Commissioner Shaw seconded the motion. The motion was unanimously approved.

CITIZENS' COMMENTS

Citizens' comments were received from the following:

1. **Willie Feaster, No Address** – spoke about the FBI investigation of the City of Dayton.
2. **Rick Poole, 1617 Campus Drive** – spoke about the leadership of the Mayor and Dayton City Commission during the last year.

3. **Bishop Richard Cox, 3044 Jewelstone Drive** - spoke about the closing of Premier Health Hospital (Good Samaritan).
4. **Kathleen Galt, 5066 Safeway Drive**- spoke about the closing of Premier Health Hospital (Good Samaritan) oversight of EPA Regulations.
5. **Nancy Kiehl, 309 Hacker Road**- spoke about the closing of Premier Health Hospital (Good Samaritan) oversight of EPA Regulations.
6. **Ivy Young, 323 W. Hillcrest Avenue**- spoke about the closing of Premier Health Hospital (Good Samaritan) oversight of EPA Regulations.

COMMENTS BY THE CITY MANAGER

The City Manager, Ms. Shelley Dickstein, said to follow-up with Ms. Sarah Gesner, Regional Air Pollution Control Agency (RAPCA), on complaints received with regard to asbestos or other pollutants at the Premier Health Hospital (Good Samaritan) site.

Ms. Dickstein said Ms. Jenny Marsee, Regional Air Pollution Control Agency (RAPCA), confirmed again there are no compliance issues at the Good Samaritan demolition site.

Ms. Dickstein said the demolition contractor has complied with the applicable asbestos removal per state and federal guidelines. She said there are different methods to remove asbestos. Ms. Dickstein said O'Rourke engaged an asbestos abatement contractor to remove the asbestos prior to demolition.

Ms. Dickstein said the citizens requested air monitoring at the site, however, because of the method used to remove asbestos prior to demolition, air monitoring is not necessary. She said (RAPCA) also performs pre-demolition inspections to confirm identified asbestos is removed prior to demolition proceeding. They confirmed the work has been completed in full compliance with regulations.

Ms. Dickstein said there is one remaining building to be demolished.(RAPCA) will be performing the pre-demolition inspection to ensure asbestos has been removed properly. She said (RAPCA) also confirmed the contractor has been managing particulate and dust on the demolition site. Ms. Dickstein said there is not a zero expectation of dust, but a requirement to actively manage demolition to minimize dust drag out.

Ms. Dickstein said ORourke has gone above and beyond what is required. For example, the contractor elected to remove all dry wall prior to demolition to reduce the dust during demolition. This is not required, but was performed.

Ms. Dickstein said O'Rourke also continues to wet active work areas to help minimize dust drag out from the site. She said they continue to stay on top of this issue as well.

Ms. Dickstein said (RAPCA) and Ohio EPA are engaged in their respective areas and confirm no compliance issues.

Trunk or Treat

Ms. Dickstein invited Mr. Stephan Marcellus, Recreation Division Manager, Recreation and Youth Services, to the podium to give a community update on "Trunk or Treat".

Mr. Marcellus said on Thursday, October 31, 2019, the Department of Recreation and Youth Services will be hosting their Fall Harvest event at the Dayton Convention Center from 6:00 p.m. until 8:00 p.m. He said this is an alternative to traditional trick or treat. He thanked the departments of Water, Police, Fire, and Public Works for donating their vehicles for the event. He said all are welcome to attend.

Curbside Loose Leaf Pick-up

Ms. Dickstein invited Mr. Fred Stovall, Director of Public Works, to the podium to provide a community update on the Curbside Loose Leaf Pick-up program.

Mr. Stovall invited Mr. Tom Ritchie, Jr., Deputy Director of Public Works and Mr. Brian Dahm, Division Manager, Street Maintenance, to the podium to present.

Mr. Dahm said back by popular demand is curb-side loose leaf pickup. He said citizens may now blow or rake their leaves to the curb for pickup. He said leaf collection began on Monday, October 28, 2019, and will run

through January 17, 2019. He said crews are working Monday through Friday, however, weather could impact the schedule.

Mr. Dahm said the city is divided into five areas representing a week of the schedule. He said they will do two rounds of pickup for each neighborhood. He said citizens may contact the City of Dayton regarding leaf pickup by calling the Public Works Call Center at 937-333-4800, or by visiting www.daytonohio.gov/leafcollection. He said they will notify citizens that they will be in their neighborhood on Facebook, Twitter, and by placing leaf collection signs in their neighborhoods one week prior to service.

Mr. Dahm said citizens should rake loose leaves directly to the curb line and keep leaves away from catch basins to avoid clogging the drainage system. He said he is asking citizens not to bag their leaves, because they will not be picked up if they do. He said they should not rake anything other than leaves to the curb. He said yard waste, grass clippings and tree branches will not be collected.

Mr. Dahm said residents may drop off leaves at the Wagner Ford Green Compost Site located at 2670 Wagner Ford Road, Monday through Friday 8:00 a.m. until 6:00 p.m., Saturday 12:00 p.m. until 5:00 p.m., and Sunday 1:00 p.m. until 5:00 p.m.

COMMENTS BY THE CLERK OF COMMISSION

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

COMMENTS BY THE CITY COMMISSION

Commissioner Shaw

Commissioner Shaw highlighted his attendance at the *Black Elected Officials Get Out the Vote* event.

Commissioner Mims

Commissioner Mims highlighted his attendance at the *Black Elected Officials Get Out the Vote* event.

Commissioner Joseph

Commissioner Joseph thanked Commissioner Mims for his work at the *Black Elected Officials Get Out the Vote* event.

Commissioner Joseph highlighted his attendance at the ribbon cutting event for infrastructure improvements at the Dayton International Airport.

Mayor Whaley

Mayor Whaley thanked staff for their work on the Gem City Rising event.

Mayor Whaley commended Commissioner Mims for his work on the *Black Elected Officials Get Out the Vote* event.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:08 p.m.

Nan Whaley,
Mayor

Attest: _____
Clerk of Commission