

On Wednesday, March 27, 2019, 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 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 March 20, 2019, meeting.  
Commissioner Fairchild seconded the motion. The previous meeting minutes were unanimously approved.**

**COMMUNICATIONS AND PETITIONS**

**Communication #21384**

**State of Ohio, Department of Liquor Control – Permit Application C1 Permit #8861055 – 1314 Wyoming Food Mart LLC, 4023 Free Pike, Dayton, Ohio 45416.**

The Clerk of Commission reported receipt of Permit Application Permit C1 #8861055 – 1314 Wyoming Food Mart LLC, 4023 Free Pike, Dayton, OH 45416. The application was referred through the City for investigation.

**Communications # 21385**

Handout at City Commission Meeting- Ellis Hutchinson regarding Blessed Are Those that Struggle and flyer on Dayton Children's – Asthma Education Spring Festival.

**SPECIAL AWARDS/PRESENTATIONS**

There were no awards or presentations.

**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 31<sup>st</sup> of the current year).**

**1. Purchase Orders:**

**FINANCE**

**A1. Crown Personnel Service, Inc.** (temporary staffing services as needed through 12-31-23) **\$88,000.00**

**POLICE**

**B1. Motorola Solutions, Inc.** (21 Motorola radios and related items) **95,242.56**

**WATER**

**C1. Miele, Inc.** (laboratory dishwasher with cleaning agents through 12-31-20) **\$13,408.65**

**C2. Perkinelmer Health Sciences, Inc.** (Inductively Coupled Plasma Mass Spectrometry unit with related supplies and services through 12-31-19) **121,085.40**

**C3. 4 Iron Properties dba Logos @ Work, Inc.** (apparel as needed through 04-30-23) **25,000.00**

1. (Cont'd):

**C4. Moodys of Dayton, Inc.** (pump refurbishing, rehabilitation and rebuilding services as needed through 08-31-22) **\$20,000.00**  
-Depts. of Finance, Police and Water. **Total: \$370,236.01**

2. **Fifth Third Bank – Service Agreement** – for banking services – The Municipal Court/Clerk of Courts. **\$90,000.00**  
**(Thru 03/31/22)**

3. **Fritz-Rumer-Cooke, Inc. – Contract Modification** – for a second amendment for Northwest Lead Track – Annual Inspection and Maintenance in connection with the City’s publicly-owned railroad – Dept. of Economic Development. **\$35,000.00**  
**(Thru 12/31/19)**

**B. Construction Contracts:**

4. **ATC Group Services, LLC – Service Agreement** – for the Washington Street Reconstruction, Wolf Creek Recreational Trail, West Third Street Pedestrian Enhancements, and Springfield Street Reconstruction Phase 2 Agreement for Consulting Services – Dept. of Public Works/Civil Engineering. **\$16,350.00**  
**(Thru 12/31/21)**

5. **Shook Construction Company – Award of Contract** – for a Professional Engineering and Construction Services Agreement for Storm Water Pumping Station Improvements (10% WBE, 5% SBE Participation Goal/10% WBE & 5% SBE Achieved) – Dept. of Water/Water Engineering. **\$1,500,000.00**  
**(Thru 04/01/21)**

**C. Revenue to the City**

6. **Wright Brothers Aero, Inc. – Lease Agreement** – for a 248 square foot office space inside the passenger terminal building at the Dayton International Airport – Dept. of Aviation. **\$14,880.00**  
**(Thru 03/31/24)**

**CITIZENS’ COMMENTS ON CALENDAR ITEMS**

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

1. **Ms. Helen Gray, 628 Liscum Drive** – spoke in support of Calendar Item No. 8. Resolution No. 6403-19, a honorary street designation for Mr. Page E. Gray, Jr.
2. **Mr. Wendell L. Jones, Sr. 873 Scottswood Road**- spoke in support of Calendar Item No. 8. Resolution No. 6403-19, a honorary street designation for Mr. Page E. Gray, Jr.

**DISCUSSION OF CALENDAR ITEM**

**Calendar Item No. 8 Resolution No. 6403-19- Honorarily Naming Liscum Drive from US35 to Dayton-Liberty Road as Page E. Gray, Jr. Way for a Period of Two Years.**

Mayor Whaley said she appreciated the family and friends of Mr. Gray and for speaking in support of the street designation for him. She also thanked staff for their work on this endeavor.

**APPROVAL OF CITY MANAGER’S REPORTS**

Commissioner Mims made the motion to approve the City Manager’s Reports. Commissioner Fairchild 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. 6402-19-** Authorizing the Acceptance of a Donation from the Office of National Drug Control Policy through its High Intensity Drug Trafficking Area Program, in the Amount of Thirty-Five Thousand Dollars and Zero Cents (\$35,000.00) on Behalf of the City of Dayton, 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 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Fairchild. The question being shall Emergency Resolution No. 6402-19 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. 6403-19-** Honorarily Naming Liscum Drive from US35 to Dayton-Liberty Road as Page E. Gray, Jr. Way for a Period of Two Years.

**ORDINANCE – SECOND READING**

**Ordinance No. 31711-19-** To Vacate Arcade Lane from 165.33 Feet West of South Main Street to the Western Terminus.

**The question being shall Ordinance No. 31711-19 be passed. 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 Ordinance was passed.**

**RESOLUTION – SECOND READING**

**Resolution No. 6401-19 -** Declaring the Intention of the Commission to Vacate the Alley West of Hopeland Street from Albany Street to the South Property Line of City Lot #9672.

**The question being shall Resolution No. 6401-19 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.**

**CITIZENS' COMMENTS**

Citizens' comments were received from the following:

1. **Mr. Ellis Hutchinson, 212 Wilkinson Street** – spoke about “Blessed are those that Struggle” event.
2. **Mr. Allen J. McGrew 345 Wyoming Street** – spoke about May 25<sup>th</sup> being declared “Beloved Community Day”.
3. **Ms. Teresa Prouty, 994 Terry Drive** - spoke about Asthma Education Spring Festival.
4. **Ms. Nancy Kiehl, 309 Hacker Road-** spoke about the closing of Premier Health Hospital (Good Samaritan).

**COMMENTS BY THE CITY MANAGER**

The City Manager, Ms. Shelley Dickstein, said the Arcade Redevelopment project has been a very arduous project. She provided some background information and said after an architectural review of the Arcade was conducted in 2015, the City was posed with two options: find a development team worthy and capable of redevelopment of the Arcade or witness its continued decline and eventual demolition at a cost to taxpayers of more than \$10 to \$12 million. She said the City is fortunate to have found such a team in Cross Street Partners, Model Group and McCormack Baron Salazar. Ms. Dickstein said the award of an array of state and federal tax credits has brought tens of millions of dollars to the project that would not have been possible two decades ago.

Ms. Dickstein said the redevelopment is occurring in two phases the South Arcade followed by the north half of the City block. She said the first phase is restoring the iconic three-story sky-lit rotunda, providing an unique and spectacular community event space.

Ms. Dickstein said at this juncture, the project's capital sources have been secured and the much anticipated financial close of the South Arcade is scheduled for late-April. She said the developers have been working diligently to finalize architectural design and confirm maximum construction costs. She said the building permits have been issued, contracts are being awarded and preliminary demolition is underway.

Ms. Dickstein said the anchor tenant, a joint venture between University of Dayton and the Entrepreneur Center, is scheduled to execute a ten-year lease next week (after board approval), creating the Arts and Innovation Hub. She said this center of creativity will be one of the largest university-anchored innovation hubs in the nation and a catalyst for economic growth in the city. She said underscoring this point, renowned scholar and urbanist Bruce Katz tweeted "Behind this historic façade is the most inspiring, catalytic redevelopment underway in the US." Ms. Dickstein said to prepare for the upcoming financial closing, several pieces of legislation are necessary.

Ms. Dickstein said on April 10, 2019, there will be six items on the calendar for approval, the Bond Ordinance, Loan Agreement, Community Benefits Agreement, Community Reinvestment Area Agreement, PACE/ESID Resolutions, and New Community Authority Petition.

Ms. Dickstein said the New Community Agreement (NCA) Process for the project. There is a NCA Petition on April 10<sup>th</sup>, First Notice of Public Hearing on April 15<sup>th</sup>, Second Notice of Public Hearing on April 22<sup>nd</sup>, Third Notice of Public Hearing on April 29<sup>th</sup>, City Commission Holds Public Hearing on May 15<sup>th</sup>, City Commission considers Ordinance for establishing the NCA (1st reading) on May 15<sup>th</sup>, City Commission considers Ordinance for establishing the NCA (2<sup>nd</sup> reading) on May 22<sup>nd</sup>.

Ms. Dickstein said as part of the project, a robust Community Benefits Program will leverage the innovative work happening at the Arcade and push it into the neighborhoods by collaborating with Community Partners.

Ms. Dickstein said in addition to the Community Benefits Program, the Arcade project will provide a prevailing wage requirement for the rotunda, community event space, job creation goals, opportunities for small, minority and women-owned participation in the project, and City-use of the Rotunda space for public forums.

Ms. Dickstein said future City Commission action involves a Tax Increment Finance (TIF) Ordinance.

Ms. Dickstein said the financial close for the long-awaited Arcade redevelopment is just weeks away. She said when completed, the Arcade will serve as an economic catalyst that will spur development in downtown while preserving a historic and iconic Dayton landmark. She said the increase in economic activity downtown as a result of the Arcade is expected to expand both the income and property tax base, which will support City services both downtown and in the City's neighborhoods.

Ms. Dickstein said the Community Benefits Program will link the innovative work happening at the Arcade to neighborhood Opportunity Labs. She said the pieces of legislation scheduled for the April 10<sup>th</sup> and 17<sup>th</sup> City Commission meetings are necessary elements for a successful financial closing in late April.

Commissioner Joseph thanked all parties that helped on the endeavor.

Commissioner Mims said great things happened at the arcade in the past and it warms his heart to see this project going forward.

Commissioner Shaw said he is very excited to see the progression of this project.

Commissioner Fairchild thanked Ms. Dickstein for informing citizens of the plans in the forthcoming weeks.

Mayor Whaley thanked Ms. Dickstein for her work and leadership on this project.

#### **COMMENTS BY THE CLERK OF COMMISSION**

The Clerk of Commission, Ms. Rashella Lavender, said after receiving written notification from a majority of the City Commission members that they are unavailable to attend the April 2, 2019, City Commission meeting and as permitted by the City's Charter, the City Commission meeting on Wednesday, April 3, 2019, will be cancelled.

**COMMENTS BY THE CITY COMMISSION**

**Mayor Whaley**

Mayor Whaley highlighted the Anti-Hate Community Forum at Grace United Methodist Church. She thanked Ms. Erica Fields, Executive Director of the Human Relations Council, for her ongoing work on this endeavor.

**EXECUTIVE SESSION**

**On March 27, 2019, at 9:27 a.m., Commissioner Joseph made a motion to convene into an Executive Session to discuss personnel issues relating to employee appointment, employment, dismissal or demotion. Commissioner Shaw seconded the motion. The motion was unanimously approved.**

**ROLL CALL**

Roll call was taken and Mayor Whaley, Commissioners Joseph, Mims, Shaw and Fairchild were present.

**RECONVENE**

**At 10:57 a.m., Commissioner Joseph made a motion to reconvene from Executive Session and to continue with the meeting in the Commission Chambers of City Hall. Commissioner Shaw seconded the motion. The motion was unanimously approved.**

**ROLL CALL**

Roll call was taken and Mayor Whaley, Commissioners Joseph, Mims, Shaw and Fairchild were present.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 10:58 a.m.

\_\_\_\_\_  
Nan Whaley  
Mayor

Attest: \_\_\_\_\_  
Clerk of Commission