

On Wednesday, January 8, 2020, 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, Shaw and Fairchild were present. The Clerk of Commission, Ms. Rashella Lavender, and the Acting City Manager, Ms. Tammi Clements, were also present.

Commissioner Shaw made a motion to authorize the absence of Commissioner Mims from this week's City Commission meeting. Commissioner Joseph seconded the motion. The motion was unanimously approved.

APPROVAL OF MINUTES

Commissioner Joseph made a motion to approve the minutes from the December 30, 2019, meeting. Commissioner Shaw seconded the motion. The previous meeting minutes were unanimously approved.

Commissioner Joseph made a motion to approve the minutes from the January 6, 2020, special meeting. Commissioner Shaw seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

There were no communications or petitions.

SPECIAL AWARDS/PRESENTATIONS

There were no special awards or presentations.

ADDITIONS OR DELETIONS TO THE CALENDAR

The Clerk of Commission, Ms. Rashella Lavender, requested the addition of Emergency Ordinance No. 31787-20-Acceptance of Unexpended Funds and Certain Real Estate from Dayton Progressive Developments, LLC and Emergency Ordinance No. 31788-20-Termination of the Promissory Note from Dayton Progressive Developments, LLC.

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. Dayton Parts Company (automotive repair parts and related items as needed through 12-31-23) | \$200,000.00 |
| A2. Grainger, Inc. (hardware, tools and related items as needed through 12-31-23) | 60,000.00 |
| A3. United Rotary Brush Corp. (runway brooms, parts and related items as needed through 03-31-22) | 47,500.00 |

WATER

- | | |
|---|------------------|
| B1. Alloway Environmental Testing (laboratory water testing services as needed through 12-31-23) | 99,120.00 |
| B2. Delta Ducon LLC (PermaFlo brand replacement piping and related items as needed through 12-31-23) | 92,000.00 |

1. (Cont'd):

B3. Masi Labs (laboratory water testing services as needed through 12-31-23)
\$300,000.00

-Depts. of Aviation and Water.

Total: \$798,620.00

2. **Mohamed H. Al-Hamdani – Service Agreement** – for professional services for Hearing Officer – The Civil Service Board.
\$30,000.00
(Thru 12/31/22)
3. **W. James Owen – Service Agreement** – for professional services for Hearing Officer – The Civil Service Board.
\$30,000.00
(Thru 12/31/22)
4. **Phillip A. Reid, Sr. – Service Agreement** – for professional services for Hearing Officer – The Civil Service Board.
\$30,000.00
(Thru 12/31/22)

B. Construction Contracts:

5. **DLZ Ohio, Inc. – Award of Contract** – for professional services for an Americans with Disabilities Act (“ADA”) Transition Plan – Dept. of Public Works/Civil Engineering.
\$425,000.00
(Thru 12/31/21)

E. Other – Contributions, Etc.:

6. **The Ohio Municipal League – Other** – for 2020 membership dues – Dept. of Procurement, Management & Budget. **\$11,090.00**

BY THE BOARD OF REVISION OF ASSESSMENTS

7. In the Matter of 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 – Recommendation to Proceed.

CITIZENS’ COMMENTS ON CALENDAR ITEMS

There were no citizens’ comments on calendar items.

DISCUSSION OF CALENDAR ITEM

Calendar Item No. 5. DLZ Ohio, Inc.-Contract

The Acting City Manager, Ms. Tammi Clements, said the contract will make sure the City of Dayton is providing the highest level of accessibility to all citizens.

Emergency Ordinance No. 31787-20-Acceptance of Unexpended Funds and Certain Real Estate from Dayton Progressive Developments, LLC and Emergency Ordinance No. 31788-20-Termination of the Promissory Note from Dayton Progressive Developments, LLC.

The Acting City Manager, Ms. Tammi Clements, invited Ms. Barb Doseck, Law Director, to the podium for clarification of the added legislation.

Ms. Doseck said the City of Dayton expended funds for the purchase of several real estate parcels related to development in the downtown area. She said included in one of the agreements was a clause that if a parking facility was not built on one of the properties, then the parcels should revert back to the City of Dayton. Ms. Doseck said since that did not occur in a timely manner, the parcels will revert back to the City of Dayton.

APPROVAL OF CITY MANAGER’S REPORTS

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 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Shaw and Fairchild.

LEGISLATION

EMERGENCY RESOLUTION – FIRST AND SECOND READING

Emergency Resolution No. 6469-20- Objecting to the Issuance of Liquor Permit No. 22348155080, Dolgen Midwest LLC, DBA Dollar General Store 20394, 3119 E. Third St., 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, Shaw and Fairchild. The question being shall Emergency Resolution No. 6469-20 be adopted. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Shaw and Fairchild. The Emergency Resolution was adopted.

EMERGENCY ORDINANCE – SECOND READING

Emergency Ordinance No. 31785-19- Amending Chapter 50 of the Revised Code of General Ordinances Relating to the Department of Water, and Declaring an Emergency.

Commissioner Fairchild moved that this being an emergency measure for the immediate consideration of the Ordinance. Commissioner Joseph seconded the motion. The motion was passed with a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Shaw and Fairchild. The question being shall Emergency Ordinance No. 31787-20 be passed. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Shaw and Fairchild. The Emergency Ordinance was passed.

ORDINANCE – FIRST READING

Ordinance No. 31786-20- 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.

THESE ITEMS WERE ADDED

EMERGENCY ORDINANCES – FIRST AND SECOND READING

Emergency Ordinance No. 31787-20- Authorizing the Acceptance of Unexpended Funds and Certain Real Estate Located At the Southeast Corner of East Second Street and North Jefferson Street, Dayton, Ohio 45402 From Dayton Progressive Services LLC, in Accordance With the Professional Services Agreement Dated October 23, 2014, and Declaring an Emergency.

Commissioner Shaw moved that this being an emergency measure for the immediate consideration of the Ordinance. Commissioner Joseph seconded the motion. The motion was passed with a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Shaw and Fairchild. The question being shall Emergency Ordinance No. 31787-20 be passed. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Shaw and Fairchild. The Emergency Ordinance was passed.

Emergency Ordinance No. 31788-20- Authorizing the Termination of the Promissory Note Between the City of Dayton and Dayton Progressive Developments, LLC Dated July 18, 2018, and Declaring an Emergency.

Commissioner Joseph moved that this being an emergency measure for the immediate consideration of the Ordinance. Commissioner Shaw seconded the motion. The motion was passed with a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Shaw and Fairchild. The question being shall Emergency Ordinance No. 31788-20 be passed. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Shaw and Fairchild. The Emergency Ordinance was passed.

CITIZENS' COMMENTS

Citizens' comments were received from the following:

1. **Willie Feaster, No Address-** spoke about an incident in downtown Dayton and police response time.

COMMENTS BY THE CITY MANAGER

The Acting City Manager, Ms. Tammi Clements, had no closing comments.

COMMENTS BY THE CLERK OF COMMISSION

The Clerk of Commission, Ms. Rashella Lavender, closing comments.

COMMENTS BY THE CITY COMMISSION

Commissioner Fairchild

Commissioner Fairchild said on Tuesday, January 14, 2020, he will hold his second podcast *A Work in Progress* with guest Diane Shannon, Director of Procurement Management and Budget, to talk about the City's Budget.

Commissioner Shaw

Commissioner Shaw said the Dayton AFL-CIO and the Dayton Building and Construction Trades are accepting applications now for an apprenticeship program which will begin on March 2, 2020. He said it is a free program and will run for six weeks. He said applications are available in the City Commission Office.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:44 a.m.

Nan Whaley
Mayor

Attest: _____
Clerk of Commission