

On Wednesday, September 19, 2018, at 5:01 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 Mims 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 Acting City Manager, Mr. Joe Parlette, were also present.

APPROVAL OF MINUTES

Commissioner Mims made a motion to approve the minutes from the September 12, 2018, meeting. Commissioner Fairchild seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

Communication #21342

State of Ohio, Department of Liquor Control – Permit Application D1 Permit #8935053 – Time4Noodle LLC, 4622 Brandt Pike, Dayton, OH 45424.

The Clerk of Commission reported receipt of Permit Application D1 Permit #8935053 – Time4Noodle LLC, 4622 Brandt Pike, Dayton, OH 45424. The application was referred through the City for investigation.

SPECIAL AWARDS/PRESENTATIONS

Men of Color Event

Commissioner Mims said the Men of Color Back to School Initiative will take place on September 26, 2018, beginning at 7:00 a.m. He said the City of Dayton, Men of Color Back to School Mentors purpose is to collectively increase levels of reading proficiency and literacy for students in grades five through 12. He said the goal is to build a team who will commit to Dayton Public Schools.

Commissioner Mims had the fraternity participants to introduce themselves to the City Commission.

City Beautiful Awards

Mayor Whaley invited Ms. Rachel Bankowitz, Planning and Community Development, to the podium to present the winners of the Dayton City Beautiful Awards.

Ms. Bankowitz announced the City Beautiful Award winners: Southeast Area, S. Wright Avenue, Wright View, Northeast Area, Chalmers Street, Pheasant Hill, Downtown Area, CareSource, Pvt. Fair Monument, West Area, Germantown Street, Miami Chapel, and the North Central Area, Salem Garden, Old Dayton View.

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:

CENTRAL SERVICES

A1. Vertical Communications, Inc. (Voice Network – VoIP Telephone – and Interactive Voice Response – IVR – systems and related services) \$56,051.63

1. (Cont'd):

FIRE

B1. Calvin Electric LLC (two electrical load center replacements with removal and installation services) **\$16,654.00**

PLANNING AND COMMUNITY DEVELOPMENT

C1. Charles F. Jergens Construction, Inc. (structure demolition services) **13,624.40**

POLICE

D1. State of Ohio, Ohio Peace Officer Training Academy (Ohio Peace Officer Training Academy courses for law enforcement personnel) **9,700.00**

PUBLIC WORKS

E1. Crown Personnel Service, Inc. (temporary personnel services as needed through 12-31-18) **20,000.00**

WATER

F1. Pelton Environmental Products, Inc. (Sulzer brand parts and related services as needed through 12-31-18) – P1800867 **56,285.00**

F2. Pelton Environmental Products, Inc. (two Sulzer brand pumps) – P1801147 **194,310.00**

F3. Delta Ducon LLC (PERMA/flo piping) **12,927.00**

F4. Wesco Distribution, Inc. (Vibration tester and alignment tool through 12-31-19) **16,400.00**

F5. Truck Country of Indiana, Inc. dba Stoops Freightliner (one crew cab with custom utility service body and perimeter lighting) **219,740.00**

-Depts. of Central Services, Fire, Planning & Community Development, Police, Public Works, and Water. **Total: \$615,692.03**

B. Construction Contracts:

2. **Wagner Industrial Electric, Inc. – Award of Contract** – for Dayton Wright Brothers Airport Obstruction Removal Project Lowering of Overhead Utility Lines & Poles Rebid (19.01% MBE Participation, 15% MBE Goal) – Dept. of Aviation. **\$550,769.00**
(Thru 12/2019)

C. Revenue to the City:

3. **Freida Oriakhi – Other** – for Special Use Permit to permit a 65 s.f. building encroachment into the public right-of-way at 1500 W. Riverview Avenue – Dept. of Public Works/Civil Engineering. **\$200.00**
(Paid to the City)

4. **JW Dayton Land, LLC – Other** – for Special Use Permit to permit a 450 s.f. elevated concrete patio into the public right-of-way at 305 E. Monument Avenue – Dept. of Public Works/Civil Engineering. **\$450.00**
(Paid to the City)

5. **University of Dayton – Service Agreement** – for off-duty police officer services – Dept. of Police. **\$80,000.00/(Est.)**
(Thru 9/30/19)

E. Other – Contributions, Etc.:

BY THE BOARD OF REVISION OF ASSESSMENTS

6. In the Matter of Declaring the Intention of the Commission to Vacate Northern 14 Feet of East First Street from Sears Street to 226'-10" East of Sears Street, Eastern 3 Feet of Sears Street from East First Street to 254'-1" North of East First Street, and Eastern 5 Feet of Sears Street from 254'-1" North of East First Street to 293'-1" North of East First Street – Recommendation to Proceed.

7. In the Matter of Declaring the Intention of the Commission to Vacate the Alley North of West Riverview Avenue from Central Avenue to the Alley East of Central Avenue – Recommendation to Proceed.

CITIZENS' COMMENTS ON CALENDAR ITEMS

There were no citizens' comments on calendar items.

DISCUSSION OF CALENDAR ITEM

Calendar Item Nos. 9, 10, 11, 12, 13, 14, and 15 - Emergency Ordinances No.'s 31670-18, 31671-18, 31672-18, 31673-18, 31674-18, 31675-18, 31676-18 – Municipal Bonds for Capital Projects

The Acting City Manager, Mr. Joe Parlette, invited Ms. LaShea Lofton, Director of Finance, to the podium to provide clarification on these ordinances.

Ms. Lofton said these seven ordinances will authorize the City to issue municipal bonds for capital projects. She said a municipal bond is a contract between a municipality (issuer) and investor (bondholder), in which the issuer pledges a future revenue source to the repayment of the amount borrowed.

Ms. Lofton said municipal bonds play a very important role in the national economy by providing financing for public projects and allowing municipalities to create and maintain transportation infrastructure projects. She said there are several types of municipal bonds that a City can issue and she is requesting approval for general obligation, refunding, non-tax revenue, and revenue bonds.

Ms. Lofton said she is seeking approval for these ordinances as emergencies because there is a 30 day referendum from the time the ordinances are passed and when official statements for investors may be reviewed. She said her goal is to finalize the debt issuance process by late October.

Calendar Item No. 19 - Emergency Ordinance No. 31680-18-Real Estate at 601 E. Third Street

Commissioner Shaw said he was happy that the developer said he will work on an inclusion program with the Human Relations Council in the future.

APPROVAL OF CITY MANAGER'S REPORTS

Commissioner Shaw made a motion to approve the City Manager's Reports. Commissioner Joseph 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 ORDINANCES – FIRST AND SECOND READING

Emergency Ordinance No. 31669-18- Amending the City's Appropriations for the Year 2018, and Declaring an Emergency.

Commissioner Fairchild moved that this being an emergency measure for the immediate consideration of the Ordinance. Commissioner Mims 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 Ordinance No. 31669-18 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 Emergency Ordinance was passed.

Emergency Ordinance No. 31670-18- To Provide for the Issuance and Sale of Bonds in an Amount Not to Exceed Three Million Five Hundred Seventy Thousand Dollars and Zero Cents (\$3,570,000.00), for the Purpose of Providing Funds for Improving the City's Transportation System by Improving Streets, Including Resurfacing Major Thoroughfares, Residential Streets and Alleys Throughout the City, Improving and Installing Curbs and Sidewalks, Including Constructing and Reconstructing Sidewalks, Bicycle Lanes, Bikeway Connectors, Bikeway Ramps, Bicycle Paths and Cycle Tracks, and Constructing and Reconstructing Portions of and Extensions to Streets, Together with All Necessary Appurtenances, 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 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Fairchild. The question being shall Emergency Ordinance No. 31670-18 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 Emergency Ordinance was passed.

Emergency Ordinance No. 31671-18- To Provide for the Issuance and Sale of Bonds in an Amount Not to Exceed Two Million Two Hundred Forty Thousand Dollars and Zero Cents (\$2,240,000.00), for the Purpose of Providing Funds for Acquiring Motor Vehicles, Motorized Equipment and Other Equipment for Various Departments of the City, Together with All Necessary Appurtenances, and Declaring an Emergency.

Commissioner Mims moved that this being an emergency measure for the immediate consideration of the Ordinance. Commissioner Fairchild 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 Ordinance No. 31671-18 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 Emergency Ordinance was passed.

Emergency Ordinance No. 31672-18- To Provide for the Issuance and Sale of Bonds in an Amount Not to Exceed Two Million Five Hundred Sixty Thousand Dollars and Zero Cents (\$2,560,000.00), for the Purpose of Providing Funds for Acquiring, Constructing, Improving, Renovating, Rehabilitating, Equipping and Otherwise Improving of the City's Public Facilities, Including HVAC, Elevator and Roof Improvements as well as Parking Lot Resurfacing, Together with All Necessary Appurtenances, 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 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Fairchild. The question being shall Emergency Ordinance No. 31672-18 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 Emergency Ordinance was passed.

Emergency Ordinance No. 31673-18- To Provide for the Issuance and Sale of Bonds in an Amount Not to Exceed One Million Five Hundred Sixty Thousand Dollars and Zero Cents (\$1,560,000.00), for the Purpose of Providing Funds for Acquiring, Constructing, Improving, Renovating, Rehabilitating, Equipping and Otherwise Improving of the City's Outdoor Public Facilities, and Providing for City Functions and Services, Together With All Necessary Appurtenances, and Declaring an Emergency.

Commissioner Fairchild moved that this being an emergency measure for the immediate consideration of the Ordinance. Commissioner Mims 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 Ordinance No. 31673-18 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 Emergency Ordinance was passed.

Emergency Ordinance No. 31674-18- To Provide for the Issuance and Sale of Bonds in an Amount Not to Exceed One Million Two Hundred Thirty Thousand Dollars and Zero Cents (\$1,230,000.00), for the Purpose of Refunding at a Lower Interest Cost Certain of the City's Capital Facilities Bonds, Series 2007, Which Were Issued, In Part, for the Purpose of; (A) Constructing, Renovating, Remodeling, Rehabilitating, Adding To, Furnishing, Equipping and Otherwise Improving Parks and Recreation Facilities; (B) Improving the City's Transportation System by Improving Streets, Including Resurfacing Major Thoroughfares and Residential Streets and Sealing Various Streets and Alleys Throughout the City, Improving and Installing Curbs and Sidewalks, Including Constructing and Reconstructing Wheelchair Ramps, Reconstructing and Installing Traffic Signals, Reconstructing Portions of Streets, and Reconstructing and Repairing Various Bridges Within the City; and (C) Improving the City's Storm Water Sewer System by Constructing Storm Water Sewers in St. Clair Street, Each Together With All Necessary Appurtenances Thereto, 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 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Fairchild. The question being shall Emergency Ordinance No. 31674-18 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 Emergency Ordinance was passed.

Emergency Ordinance No. 31675-18- To Provide for the Issuance and Sale of Economic Development Revenue Bonds in an Amount Not to Exceed Three Million Nine Hundred Twenty Thousand Dollars and Zero Cents (\$3,920,000.00) Under Section 13 of Article VIII of the Constitution of the State of Ohio and Chapter 165 of the Ohio Revised Code for the Purpose of Financing the Costs of the Project as Defined in Section 165.01 of the Ohio Revised Code; Authorizing Documents Relating to the Bonds; Authorizing and Approving Related Matters; and Declaring an Emergency.

Commissioner Mims moved that this being an emergency measure for the immediate consideration of the Ordinance. Commissioner Fairchild 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 Ordinance No. 31675-18 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 Emergency Ordinance was passed.

Emergency Ordinance No. 31676-18- To Provide for the Issuance and Sale of Water System Revenue Bonds in an Amount Not to Exceed Eighteen Million Nine Hundred Fifty Thousand Dollars and Zero Cents (\$18,950,000.00), for the Purpose of Paying Costs of Improvements to the Utility; Authorizing a Supplemental Trust Agreement and Other Documents Relating to the Series 2018 Bonds, 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 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Fairchild. The question being shall Emergency Ordinance No. 31676-18 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 Emergency Ordinance was passed.

Emergency Ordinance No. 31677-18- Authorizing the Acceptance of a Drainage Easement and a Temporary Construction Easement for the Benefit of Parcels of Land Located at the Dayton International Airport, and Declaring an Emergency.

Commissioner Fairchild moved that this being an emergency measure for the immediate consideration of the Ordinance. Commissioner Mims 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 Ordinance No. 31677-18 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 Emergency Ordinance was passed.

Emergency Ordinance No. 31678-18- Authorizing the Grant of an Electric Easement to Dayton Power and Light Company for the Construction, Maintenance, and Repair of Equipment Used for the Distribution and Transmission of Electric Energy on Parcels of Land Located at the Dayton International Airport, 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 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Fairchild. The question being shall Emergency Ordinance No. 31678-18 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 Emergency Ordinance was passed.

Emergency Ordinance No. 31679-18- Authorizing the Grant of an Electric Easement to Dayton Power and Light Company for the Construction, Maintenance, and Repair of Equipment Used for the Distribution and Transmission of Electric Energy on Parcels of Land Located at the Dayton International Airport, and Declaring an Emergency.

Commissioner Mims moved that this being an emergency measure for the immediate consideration of the Ordinance. Commissioner Fairchild 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 Ordinance No. 31679-18 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 Emergency Ordinance was passed.

Emergency Ordinance No. 31680-18- Authorizing the Sale of Real Estate Located at 601 East Third Street to, LAW 601, LLC, for a Public Purpose, and Declaring an Emergency.

Commissioner Shaw 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 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Fairchild. The question being shall Emergency Ordinance No. 31680-18 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 Emergency Ordinance was passed.

ORDINANCES – FIRST READING

Ordinance No. 31681-18- To Vacate the Northern 14 Feet of East First Street from Sears Street to 226’-10” East of Sears Street, Eastern 3 Feet of Sears Street from East First Street to 254’-1” North of East First Street, and Eastern 5 Feet of Sears Street from 254’-1” North of East First Street to 293’-1” North of East First Street.

Ordinance No. 31682-18- To Vacate the Alley North of West Riverview Avenue from Central Avenue to the Alley East of Central Avenue.

BOARD APPOINTMENT

Commissioner Shaw made the motion to appoint Ms. Cherish Cronmiller to the Human Relations Council for a term ending December 31, 2021. Commissioner Fairchild seconded the motion. The motion was unanimously approved.

Commissioner Fairchild made a motion to appoint Ms. Cherish Cronmiller to the Socially Responsible Banking-Evaluation and Selection Committee for a term ending December 31, 2020. Commissioner Mims seconded the motion. The motion was unanimously approved.

CITIZENS’ COMMENTS

Citizens’ comments were received from the following:

1. **Mr. David Greer** – 344 Middle Street – spoke about issues with healthcare on the Westside of Dayton.
2. **Dr. Rockney Carter** – 1440 Rosedale Avenue – spoke about issues with healthcare on the Westside of Dayton.
3. **Mr. Steven Cudd** – 4245 E. Casstown Clark Road – spoke about issues he has with a property he bought that has a past water bill.
4. **Laurence Laskey** -130 W. Second Street – spoke about spoke about issues with healthcare on the Westside of Dayton.

COMMENTS BY THE CITY MANAGER

The City Manager, Ms. Shelley Dickstein, had no closing comments.

COMMENTS BY THE CLERK OF COMMISSION

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

COMMENTS BY THE CITY COMMISSION

Commissioner Mims

Commissioner Mims highlighted his participation in a Men of Color Conference in Columbus, Ohio on October 9, 2018. He also said if anyone is interested in volunteering with the Men of Color Initiative, please contact Mr. John Rogers, Coordinator for My Brother’s Keeper, Dayton Public Schools, at 937-260-1842 or Mr. Austin Railey, Legislative Aide, at 937-333-3641.

Commissioner Mims said the City of Dayton Recreation and Youth Services is looking for volunteer flag football coaches, if interested, citizens may contact Mr. Jim Frommeyer at 937-333-7064.

Commissioner Fairchild

Commissioner Fairchild said he will be holding a Town Hall Meeting on Monday, October 8 2018, at the Dayton Metro Library Main Branch at 215 E. Third Street from 6:00 p.m. until 7:30 p.m.

Mayor Whaley

Mayor Whaley highlighted the City of Learners Report.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:03 p.m.

Mayor Nan Whaley

Attest: _____
Clerk of Commission