

On Wednesday, May 9, 2018, at 8:32 a.m., the Dayton City Commission met in regular session in the Commission Chambers of City Hall.

CALL TO ORDER

Temporary Chairperson Commissioner Joseph called the meeting to order.

INVOCATION

Commissioner Shaw gave the invocation.

PLEDGE OF ALLEGIANCE

Temporary Chairperson Commissioner Joseph led the public in the Pledge of Allegiance.

ROLL CALL

Roll call was taken and 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.

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

APPROVAL OF MINUTES

Commissioner Shaw made a motion to approve the minutes from the May 2, 2018, meeting. Commissioner Mims seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

Communication #21308

State of Ohio, Department of Liquor Control – Permit Application C1 Permit #6547916 – 1316 Wyoming Food Mart LLC, 1316 Wyoming Street, Dayton, OH 45414.

The Clerk of Commission reported receipt of Permit Application C1 Permit #6547916 –1316 Wyoming Food Mart LLC, 1316 Wyoming Street, Dayton, OH 45414. The application was referred through the City for investigation.

Communication #21309

State of Ohio, Department of Liquor Control – Permit Application C1 Permit #6840130 – Perfecto V Garcia, DBA LA Tapatia #2, 2721 Linden Avenue, Dayton, OH 45410.

The Clerk of Commission reported receipt of Permit Application C1 Permit #6840130– Perfecto V Garcia, DBA LA Tapatia #2, 2721 Linden Avenue, Dayton, OH 45410. The application was referred through the City for investigation.

Communication #21311

Work Session handout regarding pedestrian safety and arterial roadways.

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 31st of the current year).

1. Purchase Order:

AVIATION

- | | |
|---|---------------------|
| A1. Davies Imperial Coatings, Inc. (Airfield and roadway paint as needed through 12-31-20) | \$120,000.00 |
| A2. Ennis Paint, Inc. (Free flow drop-on glass beads as needed through 12-31-20) | 41,000.00 |

1. (Cont'd):

A3. Thompson Hine (professional legal services as needed through 12-31-18) **\$50,000.00**

CENTRAL SERVICES

B1. Dell Marketing LP (Fifty Micro computers and cables) **30,920.00**

B2. Integration Partners (Avaya network brand switches and accessories) **138,518.00**

PUBLIC WORKS

C1. Ennis Paint, Inc. (Roadway paint as needed through 12-31-20) **79,800.00**

C2. Andy Frain Services, Inc. (security guard services as needed through 06-30-18) **15,000.00**

RECREATION & YOUTH SERVICES

D1. Securitas Security Services (security guard services as needed through 06-30-18) **20,000.00**

WATER

E1. Dell Marketing LP (Nine computers, two laptops, two docks and thirty-six 27" monitors and accessories) – P1800901 **22,377.74**

E2. Dell Marketing LP (five computers, seven laptops, seven docks and nine 27" monitors and accessories) – P1800903 **21,140.63**

E3. Innovyze, Inc. (annual software licensure, maintenance and support services) **11,000.00**

E4. Dell Marketing, LP (nine computers, twenty-seven 24" monitors and accessories) – P1800900 **16,504.84**

E5. VWR Scientific Products Corporation (laboratory equipment and supplies as needed through 12-31-18) – P1800899 **22,000.00**

E6. VWR Scientific Products Corporation (laboratory equipment and supplies as needed through 12-31-18) – P1800249 **60,000.00**

-Depts. of Aviation, Central Services, Public Works, Recreation & Youth Services, and Water.

Total: \$648,261.21

B. Construction Contracts:

2. **Able & Affordable, LLC – Award of Contract** – for the Welcome Park Basketball Court Resurfacing (100% SBE Participation Goal/100% SBE Participation Achieved) – Dept. of Planning & Community Development. **\$55,000.00**
(Thru 09/09/19)

3. **The Great Lakes Construction Co. – Award of Contract** – for the Day Terminal Apron Reconstruction Phase 2 – ReBid (23.05% DBE Participation, 23% DBE Goal) – Dept. of Aviation. **\$10,412,990.00**
(Thru 12/31/19)

E. Other – Contributions, Etc.:

4. **Environmental Systems Research Institute, Inc. – Other** – for a Licensing Agreement to provide unlimited licenses of most software, including desktop, and server software – Dept. of Water. **\$313,500.00**
(Thru 07/05/21)

CITIZENS' COMMENTS ON CALENDAR ITEMS

Citizens' comments were received from:

1. **Mr. George D. Tuck III – 1003 N. Gettysburg Avenue** – spoke in opposition of Calendar Item No. 3. The Great Lakes Construction Co.

Commissioner Joseph thanked Mr. Tuck for his comments and said his concerns are important. He said mechanisms are being set in place in order to not have these issues in the future.

DISCUSSION OF CALENDAR ITEMS

Calendar Item No. 2. – Able & Affordable, LLC – Award of Contract

The City Manager, Ms. Shelley Dickstein, said the contract is a result of Issue 9 investments into our parks.

Calendar Item No. 3. – The Great Lakes Construction Co. – Award of Contract

The City Manager, Ms. Shelley Dickstein, invited Mr. Terry Slaybaugh, Director of Aviation, to the podium to provide clarification of the contract.

Mr. Slaybaugh said this is a \$10M construction project at the Dayton International Airport that had to be rebid because the construction company pulled out of the contract.

Calendar Item No. 10. – Informal Resolution No. 953-18-Dayton Montgomery County Complete Count Committee

The Temporary Chairperson, Commissioner Joseph, invited Ms. Nicole Miller, Community Relations Manager for Greater Dayton Regional Transit Authority (GDRTA), to podium to provide information on the 2020 Census.

Ms. Miller said since 1790 the United States has conducted a count of the nation each decade. She said the City of Dayton and Montgomery County will create an awareness campaign on the importance of the 2020 Census. Ms. Miller said for the first time every citizen will be able to complete their surveys on line.

Commissioner Joseph thanked Ms. Miller and her committee for leading the charge in this digital age and making sure everyone is counted.

Commissioner Mims said Mayor Whaley is not here today but she asked him to pass along her sentiments.

“As a growing City we understand the need to continue to push growth and dollars into our community, and the 2020 Census allows us to compete for over \$600B in federal funds; therefore, it is never too early to start preparing. Our partnership with the Montgomery County will allow us to reach all across the Dayton region to make sure every single person is counted in 2020. Thank you to all the individuals who are taking part in this process by making sure we are prepared and ready. Thank you Nicole for leading this charge for us.”

APPROVAL OF CITY MANAGER’S RECOMMENDATIONS

Commissioner Mims made the motion to approve the City Manager’s Reports. Commissioner Shaw seconded the motion. The City Manager’s Reports were approved with a 3-0 vote. Voting in the affirmative were Commissioners Joseph, Mims and Shaw.

LEGISLATION

ORDINANCE – FIRST READING

Ordinance No. 31639-18-Authorizing the Extension of the Employment of Tammi Clements to the Unclassified Position of Deputy City Manager.

RESOLUTIONS – FIRST READING

Resolution No. 6328-18-Honorarily Naming a Portion of Madden Hills Drive as Dean Lovelace Drive.

Resolution No. 6329-18- Adopting the “City of Dayton City Commission Rules of Procedure and Order.”

ORDINANCES – SECOND READING

Ordinance No. 31637-18- Amending the Official Zoning Map to Establish a HD-1 Historic Overlay District for Westminster Presbyterian Church.

The question being shall Ordinance No. 31637-18 be passed. A roll call vote was taken resulting in a 3-0 vote. Voting in the affirmative were Commissioners Joseph, Mims and Shaw. The Ordinance was passed.

Ordinance No. 31638-18- Amending the Official Zoning Map to Rezone 135-141 Cambridge Avenue and 206-220 Yale Avenue from MR-5 Mature single-Family Residential to MMF Mature Multi-Family Residential.

The question being shall Ordinance No. 31638-18 be passed. A roll call vote was taken resulting in a 3-0 vote. Voting in the affirmative were Commissioners Joseph, Mims and Shaw. The Ordinance was passed.

INFORMAL RESOLUTION

Informal Resolution No. 953-18: A Resolution in Support of the Dayton-Montgomery County Complete Count Committee.

Commissioner Shaw made a motion to adopt Informal Resolution No. 953-18. Commissioner Mims seconded the motion. A roll call vote was taken resulting in a 3-0 vote. Voting in the affirmative were Commissioners Joseph, Mims and Shaw. The Informal Resolution was adopted.

CITIZENS' COMMENTS

Citizens' comments were received from the following:

1. **Mr. Matt Tepper – 702 Troy Street** – spoke in opposition of the Valley Street reconstruction.

The Temporary Chairperson, Commissioner Joseph, said staff is working on this issue.

Ms. Dickstein said there is a special meeting with the Civil Engineering Department for next week.

Commissioner Shaw asked for an update at a later date on this issue.

2. **Ms. Linda Holley – 922 Linden Ave.** – spoke about the issues she is having with the Dayton Police Department.

The Temporary Chairperson, Commissioner Joseph, asked Ms. Dickstein to follow-up with Ms. Holley.

COMMENTS BY THE CITY MANAGER

The City Manager, Ms. Shelley Dickstein, said on November 5, 2013, Dayton citizens passed a ballot measure authorizing the City to enact a municipal aggregation program. She said the City enacted an “opt-out” aggregation program meaning citizens/businesses are automatically included in the program unless they opt-out or are disqualified by previously entering into an individual contract with an energy supplier.

Ms. Dickstein said the City entered into a Municipal Aggregation Agreement with IGS Energy in May of 2016 through May 31, 2019. Each year the City and IGS negotiate savings based upon market energy prices. The Aggregation program is related to the generation portion of the electric bill. Generation is the cost of producing energy. Generation cost is set via auctions. When the City began its aggregation program the DP&L generation costs were higher and other energy providers were willing to provide guaranteed savings.

Ms. Dickstein said current generation prices are low and the next auction is set for early Fall. Energy providers believe prices will continue to decrease at the next generation auction. Thus, providers are not willing to continue to provide the City with a guaranteed savings. Residents and businesses will receive a letter from IGS Energy and the City of Dayton in bills that have been mailed this week informing them about the conclusion of the aggregation program with IGS. She said citizens and businesses in the aggregation program will automatically return to the DP&L standard service offer and have the option to shop the market on their own and may attain savings by contracting with a supplier offering a lower price than DP&L.

Ms. Dickstein said for more information on selecting a supplier, residents may call (800) 686-PUCO or visit www.puco.gov. Low income residents can seek energy assistance through the Ohio Development Services Agency at (800) 282-0880.

Ms. Dickstein said if energy generation costs increase, the City has the ability to restart the aggregation program.

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 congratulated the 2018 graduating class of Central State University.

Commissioner Mims congratulated the Lovelace family on the honorary designation of Dean Lovelace Drive.

Commissioner Mims highlighted his attendance at the recognition service for Sgt. First Class Melvin Morris at the Dayton Veterans Administration.

Commissioner Joseph

Commissioner Joseph highlighted the attendance of the Lovelace family at this week's Commission meeting.

Commissioner Joseph said the Dayton Survey will arrive in mail boxes on May 12, 2018.

Commissioner Joseph told Ms. Dickstein he had received his letter from IGS Energy.

Commissioner Joseph congratulated Commissioner-Elect Darryl Fairchild on his win.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:05 a.m.

**Matt Joseph,
Temporary Chairperson**

Attest: _____
Clerk of Commission

WORK SESSION

A copy of prepared material has been recorded as Communication & Petition Number 21311 dated May 9, 2018.

The Dayton City Commission met in a Work Session on Wednesday, May 9, 2018, at 9:17 a.m., prior to the regularly scheduled City Commission meeting. The meeting was held in the City Manager's Large Conference Room, located in City Hall. Commissioners Joseph, Mims and Shaw were present. Ms. Rashella Lavender, Clerk of the Commission, was also in attendance.

Ms. Shelley Dickstein, City Manager, Mr. Joe Parlette, Deputy City Manager, Mr. Gil Turner, Acting Deputy City Manager, and Mr. Troy Daniels, Assistant Prosecutor, were the presenters.

An overview was provided regarding Pedestrian Safety and Arterial Roadways by highlighting:

- Section 75.10 – Entering or Staying upon Specified Highways Restricted
- Section 137.15 – Distribution in a Right-of-Way

Ms. Dickstein said there is the need to increase pedestrian safety upon specified highways, arterial roadways, and throughout the community.

Mr. Daniels said Miami Valley Regional Planning Commission designates a functional classification to all roadways in Dayton. Arterial roadways include interstates, freeways and expressways, other principal arterials and minor arterials. He said Dayton has 51 sections of arterial roadway. The challenge is that not all roads are designed the same.

Pedestrian crash statistics from 2008 through 2018: total pedestrian crashes citywide are 688, total pedestrian crashes on arterial roadways is 476, total arterial roadways in Dayton is 51 sections, and arterials in Dayton with at least one pedestrian crash is 41.

Section 75.10 – Entering or Staying upon Specified Highways Restricted

It is proposed that:

- No pedestrian shall approach within three feet of any vehicle in operation upon a specified highway unless that vehicle is lawfully standing or parked at the curb or shoulder (A)
- No pedestrian shall be present upon a median, channelizing island or rotary traffic island of a specified highway unless that pedestrian is in the process of lawfully crossing that specified highway (B)

- No operator of a vehicle on a specified highway shall suddenly decrease the speed of a vehicle or deviate from a traffic lane for the purpose of approaching a pedestrian violating divisions (A) or (B)

Exceptions are:

- On the sidewalk
- Using a crosswalk to lawfully cross a specified highway
- Engaged in law enforcement or rescue activities, including providing assistance to an injured or disabled vehicle or person
- Entering a vehicle as an invited passenger where it is lawful to do so
- Engaged in delivery
- Engaged in repair, construction, or maintenance activities on the specified highway under the direction or authority of the City of Dayton or State of Ohio
- Upon a specified highway, or portion thereof, that has been closed pursuant to a permit or other express authorizing from the City of Dayton or State of Ohio

Where a non-specified highway intersects with a specified highway, the section of non-specified highway within 250 feet of the intersection is also restricted.

Section 137.15 – Distribution in a Right-of-Way

The proposed addition to 137.15:

- Proposed 75.10 exempts persons on the sidewalk from its regulations (A)
- Proposed 75.10 would not regulate persons who stay on the sidewalk yet physically distribute with vehicles in operation on these most dangerous roadways (B)
- Notwithstanding divisions (A) or (B), no person shall engage in distribution with the occupant of a vehicle in operation upon a specified highway unless that vehicle is lawfully standing or parked at the curb or shoulder

Commissioner Joseph said this is a relevant concern, and that he is surprised about the total number of pedestrian crashes citywide. He stressed the importance to include an educational safety component for citizens.

Commissioner Joseph thanked staff for their hard work.

The Work Session concluded at 9:42 a.m.