

On Wednesday, May 23, 2018, 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 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 Vacant 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 May 16, 2018, meeting. Commissioner Joseph 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 awards or presentations.

ADDITIONS OR DELETIONS TO THE CALENDAR

The Clerk of Commission, Ms. Rashella Lavender, requested the addition of Emergency Ordinance No. 31646-18-Authorizing the Execution of a Development Agreement Related to the Redevelopment of the South Dayton Arcade.

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. A D B Airfield Solutions LLC (three ADB airfield lighting regulators) \$97,142.64

1. (Cont'd):

RECREATION & YOUTH SERVICES

B1. Total Tennis, Inc. (tennis court resurfacing and reconditioning as needed through 03-31-21) 149,010.00

B2. Wike-UP!, Inc. (sixteen underwater exercise bikes as needed through 04-30-21) 27,443.20

B3. Century Equipment, Inc. (one used Toro mower and one used Toro sidewinder) 38,000.00

WATER

C1. Gedico International, Inc. (machine fabrication services as needed through 12-31-18) 36,500.00

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

Total: \$348,095.84

2. Greater Miami Valley Officials Association – Service Agreement – for professional umpire services – Dept. of Recreation & Youth Services. \$30,000.00 (Thru 12/31/20)

3. Miami Valley Blue Umpires Association – Service Agreement – for professional umpire services – Dept. of Recreation & Youth Services. \$30,000.00 (Thru 12/31/20)

4. **The Oasis Center, LLC – Contract Modification** – Second Amendment to cover additional services that include developing a business case for enhanced services from the internal Document Management Services operation – Dept. of Central Services/Info. Technology. **\$18,000.00**
(Thru 12/31/18)
5. **The Rozzi Company, Inc. – Service Agreement** – to provide professional fireworks display for the City’s annual Independence Day Celebration on July 3, 2018 – Dept. of Recreation & Youth Services. **\$155,850.00**
(Thru 12/31/20)

B. Construction Contracts:

6. **Booher Blacktop – Award of Contract** – for the 2018 Resurfacing City of Dayton Parking Lots (25% SBE Participation Goal/68.33% SBE Participation Achieved) – Dept. of Public Works/Property Management. **\$180,000.00**
(Thru 08/31/20)
7. **Milcon Concrete, Inc. – Award of Contract** – for the Springfield Street Reconstruction Phase 1 (8% DBE Participation Goal/21.2% DBE Participation Achieved) (Federal Construction Funds) – Dept. of Public Works/Civil Engineering. **\$2,572,490.00**
(Thru 07/19/21)
8. **Municipal & Contractors Sealing Products – Award of Contract** – for the Germantown Storm Outfall Improvements Rebid (Open Market) – Dept. of Water/Water Engineering. **\$263,900.00**
(Thru 08/01/19)

C. Revenue to the City:

9. **Dayton Area Chamber of Commerce – Lease Agreement** – for rental of office space located within the Dayton Convention Center, 22 East Fifth Street – Dept. of Recreation & Youth Services/Convention Center. **\$199,800.00**
(Thru 05/31/20)
10. **Dayton/Montgomery County Convention and Visitors Bureau – Lease Agreement** – for rental of office space located within the Dayton Convention Center, 22 East Fifth Street – Dept. of Recreation & Youth Services/Convention Center. **\$156,114.00**
(Thru 05/31/20)
11. **Fifth Third Bankcorp – Contract Modification** – to continue to operate two Automated Teller Machines at the Dayton International Airport – Dept. of Aviation. **\$43,600.00**
(Thru 05/31/20)

CITIZENS’ COMMENTS ON CALENDAR ITEMS

Citizens’ comments were received from:

1. **Mr. Joshua Smith – 4885 N. Union** – spoke in opposition of Ordinance No. 31645-18 Pedestrian Use of Specific Highways.
2. **Mr. Corey Andon – 4925 Far Hills Ave.** – spoke in opposition of Ordinance No. 31645-18 Pedestrian Use of Specific Highways.
3. **Mr. Joshua Petry – 1921 Culver Ave.** – spoke in opposition of Ordinance No. 31645-18 Pedestrian Use of Specific Highways.
4. **Ms. Mary Sue Gmeiner – 1418 Arbor Ave.** - spoke in opposition of Ordinance No. 31645-18 Pedestrian Use of Specific Highways.

5. **Ms. Shelia Humphrey Craig – 594 Woodmore Ave-** spoke in opposition of the Ordinance No. 31645-18 Pedestrian Use of Specific Highways.

Mayor Whaley thanked everyone who spoke on the ordinance and said the City of Dayton continues to work on pedestrian safety for all citizens.

DISCUSSION OF CALENDAR ITEM

Ordinance No. 31646-18-Arcade Redevelopment

Ms. Shelley Dickstein, City Manager, said the approval of the Development Agreement memorializes the Public-Private-Partnership (P3) and is yet another important step on the pathway to redevelopment of the historic Arcade. She said at this juncture, a majority of the project's capital sources have been secured. This legislation provides one of the last major pieces of funding by authorizing the City to loan up to \$10 million to the project at closing. The City's loan represents the last funds in and will only be activated if the project financing closes.

Ms. Dickstein said the investment by the City is vital for the success of the project, which will create hundreds of jobs, catalyze one million square feet of adjacent vacant/underutilized space, provide benefits to the community as a whole and create a central hub for the Dayton innovation/entrepreneurial ecosystem.

Ms. Dickstein said the redevelopment will occur in two phases. First, the South Arcade followed by the north half of the City block. She said the South Arcade Redevelopment project is a \$95 million P3 featuring affordable housing, a clustering of Arts programming, and a 90,000 square foot innovation hub created and managed by a joint venture between the University of Dayton and The Entrepreneurs Center.

Ms. Dickstein said the development team is comprised of Cross Street Partners, The Model Group, and McCormack Baron Salazar.

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. Proposed examples includes a Strategic partnership with Dayton Public Schools and Neighborhood Arcade Opportunity Labs.

Ms. Dickstein said in addition to the Community Benefits programming, the Arcade project will provide prevailing wage requirement's for the rotunda community event space, opportunities for small, minority and women-owned business as well as Section 3 participation in the project, and apprenticeship, training and mentoring programs.

Ms. Dickstein said the project timeline is as follows: on May 23rd the City Commission will consider legislation approving Development Agreement including \$10 million loan to the project. April through June – Four small business opportunity forums by the Human Relations Council and developers to increase women, minority, small business and Section 3 participation in the project. Early June – Preliminary demolition begins. July – Construction bids are solicited. August – Close project financing and construction begins on commercial components.

Ms. Dickstein said project highlights includes successfully completing the redevelopment of the Arcade which is now a possibility given new financing tools, strengthening market, and changing urban demographics. The Arcade project is a catalytic project that will spur development in downtown while preserving a historic and iconic Dayton landmark. 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. Research has shown that for every \$1 in income tax generated from downtown employment, 75 cents goes to support City services in our neighborhoods. She said at this juncture, a majority of the project's capital sources have been secured. Today's legislation provides one of the last major pieces of funding by authorizing the City to loan up to \$10 million to the project at closing. The City's loan will be the last funds in and will only be activated if the project financing closes.

Ms. Dickstein said for more information on the Arcade Redevelopment Project citizens may visit www.arcadedayton.com.

Mayor Whaley asked if the website was live.

Ms. Dickstein said it was and ready to go.

Commissioner Mims said the important components of the project were employment opportunities, prevailing wage, and the inclusion process for citizens of Dayton.

Commissioner Joseph commended the City Manager and staff for putting together this agreement which takes care of families with good wages.

Commissioner Shaw said he was happy with connectivity with the neighborhoods.

Mayor Whaley said today is a significant step in forwarding the project. She listed all the partners involved since its conception. She congratulated all involved.

APPROVAL OF CITY MANAGER'S RECOMMENDATIONS

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

LEGISLATION

EMERGENCY RESOLUTION – FIRST AND SECOND READING

Emergency Resolution No. 6334-18-Authorizing the acceptance of Equipment from the Montgomery County Emergency Management Agency 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 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The question being shall Emergency Resolution No. 6334-18 be adopted. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The Emergency Resolution was adopted.

ORDINANCE - SECOND READING

Ordinance No. 31645-18- Enacting Section 75.10 of the Revised Code of General Ordinances and Amending Section 137.15 of the Revised Code of General Ordinances Regarding Pedestrian Use of Specified Highways.

The question being shall Ordinance No. 31645-18 be passed. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The Ordinance was passed.

RESOLUTIONS – SECOND READING

Resolution No. 6332-18- Declaring the Intention of the Commission to Vacate Creston Avenue from Tony Stein Way to the Alley North of Tony Stein Way.

The question being shall Resolution No. 6332-18 be adopted. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The Resolution was adopted.

Resolution No. 6333-18- Declaring the Intention of the Commission to Vacate the Alley South of Valley Street from the West Property Line of City Lot No. 7298 to the Eastern Terminus.

The question being shall Resolution No. 6333-18 be adopted. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The Resolution was adopted.

THIS ITEM WAS ADDED

EMERGENCY ORDINANCE – FIRST AND SECOND READING

Emergency Ordinance No. 31646-18- Authorizing the Execution of a Development Agreement Related to the Redevelopment of the South Dayton Arcade, Authorizing Disposition and Acquisition of Certain Real Estate, Authorizing Internal Borrowing of Funds in the Amount of Ten Million Dollars and Zero Cents (\$10,000,000.00) Including an Early Release of Loan funds in an Amount Not to Exceed Two Million Dollars and Zero Cents (\$2,000,000.00) for the south Dayton Arcade Redevelopment. Determining that Economic Development is a Public Purpose, and Declaring an Emergency.

Commissioner Mims 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, Mims and Shaw. The question being shall Emergency Ordinance No. 31646-18 be passed. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The Emergency Ordinance was passed.

BOARD APPOINTMENTS

Commissioner Mims made the motion to reappoint Brian Walker and Katie Joseph to the Board of Tax Review for a term ending June 30, 2020. Commissioner Shaw seconded the motion. The motion was unanimously approved.

CITIZENS' COMMENTS

Citizens' comments were received from the following:

1. **Ms. LaTosha Rountree – 4609 St. James Ave.** – spoke about medical marijuana issues.
2. **Mr. Ellis Hutchinson – 212 S. Wilkerson St. Apt. 210-** spoke about a celebration event to commemorate the birthday of Malcolm X.

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, said the swearing- in ceremony for Commissioner-Elect Darryl Fairchild is Wednesday, May 30, 2018, at 4:00 p.m. in the City Commission Chambers.

COMMENTS BY CITY COMMISSION

Commissioner Joseph

Commissioner Joseph said homelessness and poverty reduction is an ongoing mission and priority of the Dayton City Commission.

Commissioner Mims

Commissioner Mims said the Human Services Levy has addressed some of the issues related to homelessness and they continue to work on this issue

EXECUTIVE SESSION

On May 23, 2018, at 9:24 a.m., Commissioner Mims 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 and Shaw were present.

RECONVENE

At 10:28 a.m., Commissioner Joseph made a motion to reconvene from Executive Session and to continue with the meeting. Commissioner Shaw seconded the motion. The motion was unanimously approved.

ROLL CALL

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

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:28 a.m.

Mayor Nan Whaley

Attest: _____
Clerk of Commission