

On Wednesday, November 7, 2007 at 6:00 p.m., the Dayton City Commission met in regular session in the Commission Chambers of City Hall.

CALL TO ORDER

Mayor McLin called the meeting to order.

INVOCATION

Commissioner Lovelace gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor McLin led the public in the Pledge of Allegiance.

ROLL CALL

Roll call was taken and Mayor McLin, Commissioners Lovelace, Williams, Joseph and Whaley were present. The Clerk of Commission, Len Roberts, and the Deputy City Manager, Stanley Earley, were also present.

APPROVAL OF MINUTES

Commissioner Williams made the motion to approve the minutes from the previous meeting. Commissioner Whaley seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

All communications and petitions have been distributed:

Communication #20227

Handout from Major General David Hartley recognizing the City of Dayton for levels of human resource support for Guard and Reserve employees with the Department of Defense.

Communication #20228

Handout from Mr. Joseph Koussa (Words to Live By)

SPECIAL AWARDS/RECOGNITIONS

SugarPlum Festival

Mayor McLin invited Ms. Karen Satterwaite, President of the TWIGS Auxiliary of Children's Medical Center of Dayton, to the podium to provide a community update about the SugarPlum Festival.

Mr. Len Roberts, Clerk of Commission, read a Greeting.

Ms. Satterwaite thanked the City Commission for the recognition. She said TWIGS stands for (Terrific Women in Giving.) Twigs is a group of volunteer ladies who works for the Children's Medical Center. The SugarPlum Festival will be held this weekend.

She said there are 20 different chapters of TWIGS throughout the United States with 350 members in the Miami Valley. Each chapter has fundraisers throughout the year, but SugarPlum is the largest fund raiser. The festival will be held on November 9th through November 11th.

Ms. Satterwaite highlighted the various activities scheduled for the festival. She said the festival opens at 10:00 am. on Saturday, and at 9:30 a.m. on Sunday. She explained the various types of trees that would be available at the festival.

Mayor McLin encouraged everyone to attend the SugarPlum Festival.

5-Star Statement of Support for the Guard and Reserve

Mayor McLin invited retired Major General David Hartley to the podium along with Mr. Joe Ellis, West Region Director and Mr. Anthony Augello, State Committee Executive Director, of the Employer Support for the Guard and Reserve, to provide a presentation on the City of Dayton's Five-Star State of Support for the Guard and Reserve.

Major Hartley thanked the City Commission for the opportunity to make the presentation. He said recognition is being extended to the City of Dayton for the outstanding level of human resource support for guard and reserve employees with the Department of Defense. He briefly explained the mission of the human resource support.

Mayor McLin thanked Major Hartley for the recognition.

World Diabetes Day

Mayor McLin invited Mr. Tony Parziale, President of the Greater Dayton Chapter of the Juvenile Diabetes Foundation, along with Mr. Walt Hibner, Former President, to the podium to provide a community update on World Diabetes Day.

Mr. Len Roberts, Clerk of Commission, read a proclamation proclaiming November 14, 2007 as World Diabetes Day.

Mr. Hibner thanked the City Commission for the recognition, and introduced his son, Ian, who has diabetes. He asked his son to provide a demonstration to the City Commission on the instrument he uses to give himself insulin to level his sugar.

Mr. Parziale said throughout the month of November the goal is to increase the awareness of Type I diabetes. He said the Juvenile Diabetes Research Foundation (JDRF) is the largest national funder of diabetes research. World Diabetes Day was developed by the United Nation in conjunction with the (JDRF) to raise awareness about diabetes and to encourage other governments to support the care of diabetes. He said diabetes is the sixth largest cause of death in the United States.

Mr. Parziale highlighted the symptoms and the early warning signs of diabetes. He briefly highlighted the advances in technology with the use of medical equipment to treat patients with diabetes.

Mayor McLin wished Mr. Ian Hibner the best, and encouraged everyone to support World Diabetes Day.

Dayton Theatre Guild

Mayor McLin invited Ms. Barbara Jorgenson, Executive Secretary for the Dayton Theatre Guild, to the podium to provide a community update on their upcoming production, I Ought To Be In Pictures.

Mr. Len Roberts, Clerk of Commission, read a Greeting.

Ms. Jorgenson thanked the City Commission for the recognition. She provided a brief update about the 2007-2008 Dayton Theatre Guild season. She said the opening will begin with a comedy I Ought To Be In Pictures. She said the first performance given was in 1945, and that the Dayton Theatre Guild emphasizes high quality performances at an affordable price.

She said tickets are \$15.00 with special prices for senior citizens and students. The tickets can be purchased from the website of www.daytontheatreguild.org or call (937) 278-5993.

Ms. Jorgenson explained the set up of the stage and highlighted the capability of audience participation as a result of the stage set up.

Commissioner Whaley asked about the amount of money Dayton Theatre Guild is trying to raise.

Ms. Jorgenson said they are seeking any levels of contributions.

Mayor McLin asked about contact information.

Ms. Jorgenson said the Dayton Theatre Guild is located at 2330 Salem Avenue, the website is www.daytontheatreguild.org, and the phone number is (937) 278-5993. She said the Friday shows are at 8:00 p.m., Sunday shows are at 3:00 p.m., and the Saturday shows are at 5:00 p.m.

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. Earhart Petroleum, Inc. (gasoline and diesel fuel as needed through 12-31-07)	\$45,000.00
(and for the period of 01-01-08 through 12-31-08)	195,000.00
A2. Robert Half International (temporary professional personnel services as needed through 12-31-07)	10,000.00

CENTRAL SERVICES

B1. White Allen Chevrolet (one cargo van)	21,095.00
B2. Software House International, Inc. (annual computer anti-virus software licensure with maintenance and support services)	32,813.25

FIRE

C1. Wells Fargo Insurance Services of Ohio LLC (Garage and Garage Keepers' Legal Liability insurance – one year policy)	21,778.00
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PUBLIC WORKS

- D1. Baldwin & Sours, Inc.** (traffic signal parts as needed through 12-31-07) **9,094.00**
D2. Wright State University (training and development) **2,814.00**

RECREATION & YOUTH SERVICES

- E1. Kaffenbarger Truck Equipment Company** (purchase and installation of one snow plow) **3,652.10**

WATER

- F1. American Highway Products Ltd.** (manhole cover adjustment rings as needed through 12-31-07) **6,000.00**
(and for the period of 01-01-08 through 12-31-08) **15,000.00**
F2. Electric Motor Technologies (two motors) **15,100.00**
F3. Polychem Systems (four sprocket assemblies) **3,505.00**
F4. White Allen Chevrolet (one cargo van) **18,398.00**
F5. EIMCO Water Technologies LLC (two housing drives) **15,592.00**
F6. R. A. Ross & Associates, Inc. (one chemical storage tank) **15,717.00**
F7. Cincinnati Belting & Transmission (one drive and related electrical components) **6,135.58**
F8. Rexel Electric (one drive and related electrical components) **7,577.29**
-Depts. of Aviation, Central Services, Fire, Public Works, Recreation & Youth Services, and Water. **Total: \$444,271.22**

2. **David W. Conger – Contract** – for audio visual services at the Dayton Police Academy – Dept. of Police. **Not to Exceed \$43,000.00 Total for Two Payments**
3. **Gates McDonald & Company – Amendment to Contract** – to assist with the administration of workers' compensation claims – Dept. of Human Resources. **\$198,000.00**
4. **Levin Porter Associates – Professional Services** – to provide architectural design services for the Street Maintenance Facility – Dept. of Public Works. **\$265,000.00**
5. **Metcalf & Eddy of Ohio, Inc. – Contract** – for the Broadway Pump Station Capital Improvement Plan – Dept. of Water/Water Engineering. **\$140,000.00**

B. Construction Contracts/Estimates of Cost:

6. **Reynolds Inliner, LLC – Contract** - for the 2007 Citywide Sanitary Sewer Improvements – Dept. of Water/Water Engineering. **\$94,580.00**

D. Neighborhood Grants.:

7. **CityWide Development Corporation – Subrecipient Agreement Amendment** – for the Phoenix Nuisance Abatement Project – Dept. of Planning & Community Development. **\$200,000.00**
8. **Community Blood Center/Community Tissue Services – Development Agreement** – for the construction of a 50,000 sq. ft. expansion building – Office of Economic Development. **\$350,000.00**
9. **Composite Advantage – Development Agreement** – for funding towards the project activities for the purchase, upgrade, and relocation to 401 Kiser Street – Office of Economic Development. **\$100,000.00**

E. Other – Contributions, Enterprise Zone Agreements, Etc.:

10. **Dayton Northwest Weed and Seed (Spirit of Peace Community Dev. Corp.) – Contribution** – for a contribution to the Dayton Northwest Weed and Seed – Dept. of Police. **\$27,500.00**
11. **Moraine Embassy Restaurant C/O Dwight Brannon, Esq. – Settlement of Claim** – for full settlement of claim filed – Dept. of Law/Civil. **\$10,000.00**
12. **Cosina Stevens-Thomas C/O Dennis A. Lieberman, Esq. – Settlement of Claim** – for full settlement of claim filed – Dept. of Law/Civil. **\$22,500.00**

III. CITY COMMISSION RECOMMENDATIONS (Item #8 above)

The following recommendations are offered for City Commission approval.

A. Purchase Orders, Price Agreements and Contracts:

(All contracts are valid until delivery is complete or through December 31st of the current year).

13. **DMS – Payment of Voucher** – for mailing services – The City Commission Office. **\$1,298.80**

ADDITIONS TO THE CALENDAR

The Deputy City Manager, Mr. Stanley Earley, requested the addition of an emergency ordinance to accept the proposed collective bargaining agreement with the Dayton Public Service Union, Local 101. Also, he requested to provide the City Commission with a brief overview about Calendar Item No. 8, a development agreement with Community Blood Center/Community Tissue Services.

The Clerk of Commission, Mr. Len Roberts, said the emergency ordinance added by the Deputy City Manager is number 30699-07.

DEPUTY CITY MANAGER'S PRESENTATION

The Deputy City Manager, Mr. Stanley Earley, asked Ms. Joy Rogers, from the Community Blood Center/Community Tissue Services, to come to the podium to provide an update about the Community Blood Center.

Ms. Rogers provided a brief overview of Community Blood Center/Community Tissue Services and their future projects. She displayed a PowerPoint presentation highlighting the proposed expansion of the facility. She said the vision is to save and enhance lives, and the mission is to provide donors the opportunity to save and enhance lives through resources from transfusion and transplantation.

She highlighted the services offered at the Community Blood Center/Community Tissue Services and the history of the center. She said the main headquarters is located in Dayton, Ohio, and she explained the various uses of tissue used as skin.

Ms. Rogers said the proposed expansion would provide more space for tissue recovery operations, and various other needs. Along with the expansion, new medical devices would be provided. She displayed the design concept of the proposed expansion, and said it is an estimated \$17 million dollar project.

Commissioner Whaley asked how a person donates tissue.

Ms. Rogers said a person needs to sign up to be a tissue donor.

Commissioner Whaley pointed out her appreciation for the project and their support.

Commissioner Lovelace asked about the types of jobs available with the expansion.

Ms. Rogers said there will be a wide range of positions available.

Commissioner Joseph pointed out his appreciation for the project, and asked about parking space.

Ms. Rogers said arrangements have been made to provide additional parking for the new jobs.

Commissioner Williams pointed out his appreciation for the project, and asked about a time frame for the project and the new jobs.

Ms. Rogers said 2012 will be the estimated completion date.

DISCUSSION OF CALENDAR ITEMS

Calendar Item No. 10, Contribution – Dayton Northwest Weed and Seed

Commissioner Lovelace highlighted Calendar Item No. 10, a contribution to Dayton Northwest Weed and Seed. He briefly highlight the services provided by the Weed and Seed, and stated his appreciation for the contribution.

Calendar Item No. 15, Ordinance No. 30698-07 – Prohibit Discriminatory Practices

Commissioner Lovelace highlighted Calendar Item No. 15, Ordinance No. 30698-07 regarding discriminatory practices. He stated the importance of holding public meetings to discuss the dialog about discriminatory practices. He asked that the ordinance be held until public meetings have been held to discuss the topic in its entirety.

Commissioner Williams stated the importance of establishing a process to discuss such topics holding public meetings to discuss the dialog about discriminatory practices. He asked that the ordinance be held until public meetings have been held to discuss the topic in its entirety.

Calendar Item No. 14, Ordinance No. 30697-07 – Collection of Income Taxes

Commissioner Joseph stated his appreciation for Calendar Item No. 14, Ordinance No. 30697-07, regarding the collection of income taxes. He asked for additional clarification regarding the agreement.

Ms. Cheryl Garrett, Director of Finance, said the ordinance would authorize the City of Dayton to enter into an agreement with the City of Cleveland to collect income tax delinquency and to identify unfiled taxes. She said this would allow the City to utilize the data IRS tapes. Ms. Garrett said when the law was changed this year it allows a regional collection agency to obtain the tapes, but must be a member of the CCA to obtain the tapes. She said the City of Cleveland is a member.

Commissioner Lovelace asked about the revenue.

Ms. Garrett said the process would help identify City workers and Dayton residents who have paid the I.R.S. but have not paid the City of Dayton taxes. The collection process would be the revenue.

Commissioner Lovelace asked about tax collection agents in the past and what amount of revenue that was collected.

Ms. Garrett said on known balances, over one million dollars was collected each year.

Mr. Earley said due to the complexity and the security processes of working with the I.R.S., the best way to move forward is to work with an agency that already has an I.R.S. relationship established.

Commissioner Joseph asked about the charge to Dayton for the service.

Ms. Garrett said five percent will be charged.

CITIZEN COMMENTS ON CALENDAR ITEMS

The following citizens were registered to speak on calendar items.

1. **Bishop Richard Cox**, 61 E. Norman Street – Spoke on behalf of the Southern Christian Leadership Conference. He stated his opposition to Ordinance Number 30698-07 and the proposed dismantling of the Human Relations Council. He asked that the calendar item be pulled to allow for public meetings to discuss discriminatory practices.
2. **Pastor Tommy Byrd**, 2670 N. Gettysburg – Spoke on behalf of the Calvary Missionary Baptist Church. He stated his opposition to Ordinance Number 30698-07 and the proposed dismantling of the Human Relations Council. He asked that the calendar item be pulled to allow for public meetings to discuss discriminatory practices.
3. **Dr. Robert Baines**, 1009 W. Hillcrest Avenue – Spoke on behalf of the Interdenominational Ministry Alliance and the Macedonia Missionary Baptist Church. He stated his opposition to Ordinance Number 30698-07 and the proposed dismantling of the Human Relations Council. He asked that the calendar item be pulled to allow for public meetings to discuss discriminatory practices.
4. **The Reverend Junior Greenlee**, 1900 West Third Street – Spoke on behalf of the Zion Missionary Baptist Church and the Dayton Pastor's Ministers Union. He stated his opposition to Ordinance Number 30698-07 and the proposed dismantling of the Human Relations Council. He asked that the calendar item be pulled to allow for public meetings to discuss discriminatory practices.
5. **The Reverend Raleigh Trammell**, 1505 Olmstead Place – Stated his opposition to Ordinance Number 30698-07 and the proposed dismantling of the Human Relations Council. He asked that the calendar item be pulled to allow for public meetings to discuss discriminatory practices.

APPROVAL OF CITY MANAGER'S REPORTS

Commissioner Williams made the motion to approve the 12 City Manager's Reports. Commissioner Whaley seconded the motion. The City Manager's Reports were approved with a 5-0 vote. Voting in affirmative were Mayor McLin, Commissioners Lovelace, Williams, Joseph and Whaley.

APPROVAL OF CITY COMMISSION'S REPORTS

Commissioner Joseph made the motion to approve the City Commission's Report. Commissioner Whaley seconded the motion. The City Commission's Report was approved with a 5-0 vote. Voting in affirmative were Mayor McLin, Commissioners Lovelace, Williams, Joseph and Whaley.

LEGISLATION

EMERGENCY ORDINANCE – FIRST AND SECOND READING

Ordinance No. 30697-07 – Authorizing an Agreement with the City of Cleveland, Ohio, for Services Relating to the Collection of Income Tax, and Declaring an Emergency.

Commissioner Whaley moved that this being an emergency measure for the immediate consideration of the ordinance. Commissioner Williams seconded the motion. The motion passed with a 5-0 vote. Voting in the affirmative were Mayor McLin, Commissioners Lovelace, Williams, Joseph and Whaley. The question being shall Emergency Ordinance No. 30697-07 be passed. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor McLin, Commissioners Lovelace, Williams, Joseph and Whaley. The Emergency Ordinance was passed.

THIS ITEM WAS ADDED

Ordinance No. 30699-07 – Accepting a Proposed Collected Bargaining Agreement with the Dayton Public Service Union, Local 101, A.F.S.C.M.E. Ohio Council 8 – City of Dayton and Clerical Chapters; Authorizing the City Manager to Execute Said Agreement; and Declaring an Emergency.

Commissioner Whaley moved that this being an emergency measure for the immediate consideration of the ordinance. Commissioner Williams seconded the motion. The motion passed with a 5-0 vote. Voting in the affirmative were Mayor McLin, Commissioners Lovelace, Williams, Joseph and Whaley. The question being shall Emergency Ordinance No. 30699-07 be passed. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor McLin, Commissioners Lovelace, Williams, Joseph and Whaley. The Emergency Ordinance was passed.

ORDINANCE – FIRST READING

Ordinance No. 30698-07 – Amending Sections 32.02, 32.03, 32.04, 32.05, 32.06, 35.14, and 35.16 of the Revised Code of General Ordinances to Prohibit Discriminatory Practices within the City, and Repealing Existing Sections 32.02, 32.03, 32.04, 32.05, 32.06, 35.14 and 35.16 of the Revised Code of General Ordinances.

RESOLUTIONS – SECOND READING

Resolution No. 5560-07 – Accepting a Grant Award from the Ohio Office of Criminal Justice Services in the Amount of Thirty-Four Thousand, Three Hundred Twenty-Five Dollars (\$34,325) on Behalf of the City of Dayton.

The question being shall Resolution No. 5560-07 be passed. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor McLin, Commissioners Lovelace, Williams, Joseph and Whaley. The Resolution was adopted.

Resolution No. 5561-07 – Accepting a Grant Award from the Ohio Office of Criminal Justice Services in the Amount of Ninety-Eight Thousand, Five Hundred Thirty-Three Dollars (\$98,533) on Behalf of the City of Dayton.

The question being shall Resolution No. 5561-07 be passed. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor McLin, Commissioners Lovelace, Williams, Joseph and Whaley. The Resolution was adopted.

BOARD APPOINTMENT

Commissioner Williams made the motion that Stanley Earley be re-appointed to the Butler-Township Dayton Joint Economic Development Board for a term ending November 22, 2010. Commissioner Whaley seconded the motion. The motion was unanimously approved.

CITIZENS' COMMENTS

The following citizens were registered to speak:

1. **Mr. Joseph Koussa**, 1537 Beaver Creek Lane, - Prayed for the troops, spoke about jobs in America, and passed out "word to live by".
2. **Ms. Mary Ann Hill**, 5608 Chukar Drive - Spoke about the upcoming Dayton Neighborhood Ball scheduled for December 1st to be held at the Engineer's Club. For additional information to contact www.daytonneighborhoodball.org or call Sandy Simmons at (937) 278-3955.

Mayor McLin encouraged everyone to attend the Dayton Neighborhood Ball.

COMMENTS BY THE CITY MANAGER

The Deputy City Manager, Mr. Stanley Earley, had no closing comments.

COMMENTS BY THE CLERK OF COMMISSION

The Clerk of Commission, Mr. Len Roberts, had no closing comments.

COMMENTS BY CITY COMMISSION

Mayor McLin asked Ms. Shelley Dickstein, Assistant City Manager, to speak about the article in the paper regarding the 275 business visits from the Office of Economic Development.

Ms. Dickstein said the Office of Economic Development has an annual work plan where they ensure contact with businesses on an annual basis. She said 275 visits are scheduled each year with those businesses located in the City of Dayton. To arrange for visits, they can call the Office of Economic Development at (937) 333-3805.

She said the retention and expansion efforts over the past five years includes on average annual basis of over 300 visits to businesses per year, completion of over 30 projects that has created over and retained 1,600 jobs, and leveraged \$88 million dollars of private investment.

Mayor McLin asked about Biz Bytes, and how can someone sign up for that.

Mr. Tom Biedenharn, Director of Public Affairs, said Biz Bytes is an electronic newsletter that is distributed weekly. The website address is www.cityofdayton.org, and people can sign up there to receive a copy. Also, they can call (937) 333-3333.

Mayor McLin asked how long has Biz Bytes been in production.

Mr. Biedenharn said for two years.

Mayor McLin asked how many subscribers receive Biz Bytes.

Mr. Biedenharn said 3,000 people receive the circulation, and that count continues to grow weekly.

Mayor McLin asked Mr. Harvey Wortham to the podium. She said it was the consensus of the Human Relations Council Board and the Dayton City Commission to appoint Mr. Wortham as Interim Director for the Human Relations Council. She said for the record, there is no intention by the Dayton City Commission to dismantle the Human Relations Council.

Mr. Wortham thanked the City Commission for the opportunity to serve as Interim.

Commissioner Whaley

Commissioner Whaley thanked the voters who supported Issues 23, 24, and 25 and the Human Services Levy.

Commissioners Williams, Lovelace and Joseph thanked the voters who supported Issues 23, 24, and 25 and the Human Services Levy.

Mayor McLin congratulated both Commissioners Lovelace and Joseph for their re-election to office, and she thanked the voters who supported Issues 23, 24, and 25 and the Human Services Levy.

Commissioner Whaley highlighted her attendance at the "Radio Day Rhythm and Shoes Shuffle Ball", and the graduation of the police recruit class.

Commissioner Lovelace

Commissioner Lovelace highlighted his attendance at the community meetings to discuss the Kroger's closing. He said there will be a community meeting held either November 13th, 15th or the 19th. Commissioner Lovelace pointed out the importance in making a case to another retailer to invest in the Kroger's site, and asked staff to work with those retailers who may be interested.

Commissioner Joseph

Commissioner Joseph highlighted the discrimination ordinance. He said he is proud that the Commission has taken the issue on and said the goal is to protect a certain group of citizens who should be treated like everyone else. He thanked his colleagues who are standing firm with him, and that he is proud to serve with them.

Mayor McLin

Mayor McLin highlighted the following:

Dayton Council on World Affairs 60th Anniversary

Save the Night Gracie at the Victoria Theatre

Sunset Limited at the Loft

Oscar Mayer Weiner Mobile

Convention Center Open House

Beerman Family Thanksgiving Dinner tickets at the Dayton Job Center

Mayor McLin highlighted the upcoming events:

Community Ambassador Awards Breakfast at the Mandalay

Greater Dayton African American Chamber of Commerce – Black History Month Promotion – at Mr. Hyman's Homestead Exemption Thank You Reception at the RTA Cultural Center

Oregon District Ribbon Cuttings for new businesses (John Henry's, Jimmy Modern, G2 Digital Solutions,

Hollywood Handbags, and Inn Port D'Vino)
Book Fair Preview Party at Montgomery County Fair Grounds
Chamber of Commerce Breakfast Briefing
Donate Life Ohio (organ and tissue donor sign-up at Sinclair Ponitz Center)
Romantic Legends – Dayton Philharmonic Orchestra
American Friend's Society
Urban League Gala
SugarPlum Festival
Tea Party Program at the Wright Dunbar Interpretive Center
Dayton Ballet Nutcracker Ball
Anthem's Diabetes Expo at Sinclair Community College
Veteran's Day (say thank you to a Veteran)
2008 Crowns Calendar on sale in City Hall lobby
Sleep Out and Speak Out for the Homeless – St. Vincent Hotel
Waffle Shop at Christ Episcopal Church
University of Dayton Lecture Series featuring Juan Williams at the UD Kennedy Center
National Philanthropy Dayton Luncheon at the Schuster Center
Northwest Priority Board Annual Recognition and Awards Banquet at the Antioch Shrine Center

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:29 p.m.

Mayor Rhine McLin

Attest: _____
Clerk of Commission