

On Wednesday, November 21, 2007 at 6:01 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 Joseph 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 City Manager, Rashad Young, were also present.

APPROVAL OF MINUTES

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

COMMUNICATIONS AND PETITIONS

Communication #20232

State of Ohio department of Liquor Control - Liquor Application No. 77319600005 Permit Type D, Santana DBA Santanas, 135 E. Third Street Dayton, OH 45402.

The Clerk of Commission reported receipt of Liquor Application No. 77319600005, Permit type D Santana DBA Santanas 135 E. Third Street Dayton, OH 45402. The application was referred to the Department of Police for investigation and recommendation.

Communication #20233

Computer Disc, of the Dr. Pat Murray Ministries, given by Mary Kilsheimer.

Communication #20234

Handout, from Ms. Lynette Lynn Frazier, from the Mount Vernon Neighborhood Association, containing speakers' speeches at the City Commission Meeting.

SPECIAL AWARDS/RECOGNITIONS

Dayton Holiday Festival

Mayor McLin invited Ms. Sandy Gudorf, President of the Downtown Dayton Partnership, to the podium to give a community update on the Annual Dayton Holiday Festival.

The City Commission Clerk, Len Roberts, read a Greeting.

Ms. Gudorf thanked the Commission for the opportunity to speak. Ms. Gudorf said the Dayton Holiday Festival will kick off on Friday at 4:00 pm. She said it is the 35th Dayton Holiday Festival, and it was started by Virginia Kettering. Ms. Gudorf said there will be music, entertainment and a holiday hunt throughout downtown, along with Gingerbread displays at the Old Courthouse. On Friday, the event will culminate with the lighting of the Holiday Tree on Courthouse Square.

The Dayton Children's Parade will be held on Sunday at 2:00 p.m. Ms. Gudorf said all of the activities are free and thanked the over one hundred sponsors, contributors and donors. She said she hopes the community will keep the tradition going.

Ms. Gudorf said there will be a special addition this year, immediately after the lighting of the tree there will be a 15 minute music and light show. The show will occur everyday at Noon, and will run again in the evenings between 6:00 p.m. and 9:00 p.m seven days a week.

Ms. Gudorf thanked the City of Dayton for having downtown looking so nice.

Mayor McLin thanked Ms. Gudorf for the update and mentioned the Christmas displays at the Schuster Center. She asked Ms. Gudorf about the Winter Wonderland at the National City Building, and Five Rivers Metro Parks Laser Light show at Riverscape.

Ms. Gudorf spoke about the events on Riverscape, including the carriage rides, and said the Ice Skating has been delayed due to weather, but there will be ice skating at Riverscape.

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. K.E. Rose (one salt spreader installed) **\$2,962.00**
A2. Pomeroy IT Solutions, Inc. (computer software maintenance and support services) **29,924.00**

FIRE

B1. Advantech Service and Parts (parts and repair services) **\$5,410.27**
B2. Clarke GM Diesel (motor replacement and repair services) **23,852.00**
B3. Hagemeyer North America, Inc. (emergency medical and first aid supplies as needed through 12-31-07) **5,500.00**
B4. Total Fire Group (protective clothing for structural firefighting as needed through 12-31-07) **17,000.00**

LAW

C1. Squire, Sanders & Dempsey (professional legal services as needed through 12-31-07) **15,000.00**

POLICE

D1. Booher Carpet Sales (carpet, tile and flooring materials) **20,000.00**

PUBLIC WORKS

E1. Traffic Control Products, Inc. (Traffic signal parts) **6,520.00**

RECREATION & YOUTH SERVICES

F1. Green Velvet Sod Farms, Ltd. (fungicide products) **49,480.00**
(and for the period of 01-01-08 through 08-31-08) **30,000.00**

WATER

G1. Barrett Paving Materials, Inc. (sand, gravel and limestone products as needed through 12-31-07) **10,000.00**
G2. Martin Marietta Aggregates (sand, gravel and limestone products as needed through 12-31-07) **10,000.00**
G3. Prolift Industrial Equipment Co. (one 5,000 lb. capacity fork lift) **21,515.00**
G4. Copp Systems, Inc. (one card access system installed) **6,142.28**
G5. Wayne Overhead Door Sales of Dayton, Inc. (door maintenance and repair as needed through 12-31-07) **3,000.00**
G6. Terrycorp (chemical grout injection services) **8,470.00**
G7. Pomeroy ITS Solutions, Inc. (one data storage unit and installation services) **3,585.00**
G8. Gardner Denver, Inc. (Hoffman brand blower parts) **23,387.46**
G9. Hach Company (laboratory supplies and equipment) **19,708.14**
-Depts. of Central Services, Fire, Law, Police, Public Works, Recreation & Youth Services, and Water. **Total: \$311,456.15**

B. Construction Contracts/Estimates of Cost:

2. Steve R. Rauch, Inc. – Change Order #1 (CT5-14217) – for Change Order #1 to Demolition and Disposal Services Contract – Dept. of Aviation. **\$14,941.00**

3. **Revised Estimate of Cost** – for the Cement Storage Facility at the Ottawa Yards – Dept. of Water/Water Engineering. **\$250,000.00**

C. Revenue to the City:

4. **Commander-Aero, Inc. – Lease Agreement** – for a Lease Agreement Covering a Fixed Base Operation at the Dayton-Wright Brothers Airport – Dept. of Aviation. **\$18,900.00/Year**
(\$75,600.00/4 Years)
(Paid to the City)
5. **University of Dayton – Agreement** – to provide emergency medical services at the University of Dayton Arena and Welcome Stadium:

\$70.92/hr for each Lieutenant/Paramedic
\$61.90/hr for each Firefighter/Paramedic
\$61.66/hr for each Fire Prevention Specialist I
\$67.38/hr for each Fire Prevention Specialist II
-Dept. of Fire. **(Revenue to the City)**

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

6. **Dayton Holiday Festival, Inc. – Contribution** – for the 2007 Contribution to Dayton Holiday Festival – Dept. of Planning & Community Development. **\$8,000.00**
7. **Project READ c/o Sinclair Community College – Contribution** – for the 2007 Contribution to Project READ – Dept. of Planning & Community Development. **\$5,000.00**

ADDITIONS TO THE CALENDAR

The City Manager, Mr. Rashad Young, had no additions or deletions to the calendar.

The Clerk of Commission, Mr. Len Roberts, had no additions or deletions to the calendar.

DISCUSSION OF CALENDAR ITEMS

Calendar Item No. 10 Ordinance No. 30698-07

Commissioner Lovelace asked for the ordinance to be held, if possible, until there has been some community discussion regarding what the ordinance means and it's implications.

Mayor McLin stated that Commissioner Lovelace asked the item to be held in its first week and it was. She stated that this being the third week she will consult the other Commissioners and move forward.

Commissioner Whaley is in favor to move forward.

Commissioner Williams stated that if there is a majority in favor he will move forward, although the process he wanted to see has not occurred. He has an issue with the item being on the calendar, but he will move forward with the majority.

The Mayor said they will move forward.

CITIZENS' COMMENTS ON CALENDAR ITEMS

The following citizens were registered to speak on calendar items:

1. **Reverend Thomas Wise, 6873 Garber Road Dayton, OH** – spoke in opposition to Calendar item 10.
2. **Michael Wietzel, 17 Plumwood Road Dayton, OH** – spoke in opposition to Calendar item 10.
3. **Ann Bratton, 101 Rockwood Ave. Dayton, OH** – spoke in opposition to Calendar item 10.
4. **John H. Alexander, 440 Dayton Tower Dr. Dayton, OH** – spoke in support of

Calendar item 10.

5. **Pastor LeRoy Thomas, 1720 Linnbrook Dr. Dayton, OH**- spoke in opposition to Calendar item 10.
6. **Tojuan W. Minus, 2535 Bridgeport Dr. Dayton, OH** - spoke in opposition to Calendar item 10.
7. **Wilma Richter, 1512 Cory Dr. Dayton, OH** – spoke in opposition to Calendar item 10.
8. **Mary Kilsheimer 37 Gabriel St. Dayton, OH** – spoke in support of Calendar item 10.
9. **Kelly Robe,y 2751 Latonia Dayton, OH** – spoke in support of Calendar item 10.
10. **Junior F. Greenlee, 1900 W. Third St. Dayton, OH** – spoke in opposition to Calendar item 10.
11. **Rev. Tommy Byrd Jr., 2067 N. Gettysburg Ave. Dayton, OH** – spoke in opposition to Calendar item 10.
12. **Wilbert O. Shanklin, 512 Otterbien Ave. Dayton, OH** - spoke in reference to Calendar item 10.
13. **Raliegh Trammell, 1505 Olmsted Pl.** - spoke in opposition to Calendar item 10.
14. **Richard Cox, 61 E. Norman Ave. Dayton, OH** - spoke in opposition to Calendar 10.

In response to the Citizen's comments, Commissioner Williams stated that the discussions that should have taken place in regard to calendar item no. 10 have not been done to his satisfaction. If the community had an opportunity for an open discussion more people may have been brought to a similar position. He stated that he will be abstaining from Calendar item no. 10.

Commissioner Lovelace stated that he had hoped for more two-sided dialogue regarding this matter and that it hasn't been done. He stated that while it is the right thing to do, it is being done in the wrong way. He stated that he will be voting no.

Commissioner Joseph said that his personal goal was to make sure everyone is treated the same, and that after looking at it this is the way to do it. He stated that the number of hate crimes increasing is an indication for this legislation. He said Richard Florida and others who help cities rebuild themselves look at how cities are successful and say cities that are more accepting are more successful. He stated that he will be voting yes.

Commissioner Whaley stated that she found it troubling that people believe that this legislation was drafted secretly by a majority of the Commission without public input, when there has been three solid weeks of public discussion. She stated that this ordinance is not new and that it was introduced eight years ago by then Commissioner Mary Wiseman. She said Commissioner Wiseman followed the process, but was defeated by the work of the Human Relations Council and by her fellow Commissioners.

Commissioner Whaley stated that over the summer every Commissioner was approached by the community advocating the ordinance, and that the majority of the Commission has been forthright about the issue. Commissioner Whaley said that this is open and honest discourse and that the Commission was elected to deliberate and decide. She said eight years of near non existent dialogue is enough and that she supports the change to the non discrimination law.

Mayor McLin stated that she has been challenged by friends on both sides of the issue to make the right decision. She said that the politically right thing to do would be to abstain or find some obscure reason to vote no, but it would not be the right thing to do as Mayor of the City of Dayton.

APPROVAL OF CITY MANAGER'S REPORTS

Commissioner Whaley made a motion to approve the 11 City Managers Reports. Commissioner Williams seconded the motion. Mayor McLin abstained on Calendar item 1, sub item B-2. The remainder of the City Manager's Reports were unanimously approved with a vote of 5-0. Voting in the affirmative were Mayor McLin, Commissioners Lovelace, Williams, Joseph, and Whaley.

LEGISLATION

EMERGENCY ORDINANCE – FIRST AND SECOND READING

Emergency Ordinance No. 30701-07 Authorizing the Purchase of Real Estate Located at 1200 West Fifth Street and 209-211 South Williams Street in Connection with the Wright - Dunbar Urban Renewal Project, and Declaring an Emergency.

Commissioner Lovelace moved that this being an emergency measure for the immediate consideration of the Ordinance. Commissioner Joseph 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 Number 30701 -07 be approved. 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 approved.

ORDINANCE – FIRST READING

No. 30702-07 – Approving the Recommendations Contained in the City of Dayton Compensation Board Report and Authorizing its Implementation.

ORDINANCE SECOND 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.

The question being shall Ordinance No. 30698-07 be passed. A roll call vote was taken resulting in a 3-1-1. Voting in the affirmative were Mayor McLin, Commissioner Joseph and Commissioner Whaley. Commissioner Lovelace voted no. Commissioner Williams abstained. The Ordinance was passed.

ORDINANCE NO. 30700-07- To Provide for the Issuance and Sale of One Year Notes Totaling \$79,570.76 in Anticipation of the Collection of Special Assessments, the Uncollected Property Owners' Portion of the Cost of Improving Certain Streets in the Central Business District by the Operation of Ornamental Lighting.

The question being shall Ordinance No. 30700-07 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.

CITIZENS' COMMENTS

The following citizens were registered to speak:

1. **Lynette Lynn- Frazier - 617 Ridgedale Dayton, OH** – spoke about the need for improvement in the Mount Vernon Neighborhood and her desire to see market rate housing built on the old Colonel White High School site upon it's demolition.
2. **Igor V. Golovcsenko- 655 Ridgedale Rd. Dayton, OH-** spoke about a problem with a swimming pool in Marathon Street with many violations in the Mount Vernon Neighborhood.
3. **Sheila Crane 626- Ridgedale Rd. Dayton, OH-** spoke about the Mount Vernon Neighborhood and her desire to have it improved.
4. **Joseph Koussa 1537 Beaver creek Lane Kettering Ohio-** asked God to support our troops overseas and wished everyone a Happy Thanksgiving.
5. **Eunice Andrews 642 Hickory Hill Dr. Dayton, OH-**spoke about the closing on Gettysburg.
6. **Mabel Vaughn 3517 Hoover Ave. Dayton OH-** spoke about the closing of Kroger on Gettysburg.
7. **Rev.Jerome McCrory- 5216 West Third St. Dayton, OH-** spoke about Kroger on Gettysburg and the anti-discrimination ordinance.
8. **Mary Johnson- 4925 Teneshaw Dr. Dayton, OH** – spoke about Kroger on Gettysburg.

Mayor McLin asked the City Manager if he would give a response to the people in Mount Vernon regarding the swimming pool on Marathon Avenue and an update on the Kroger on Gettysburg Ave.

City Manager, Rashad Young, stated that the issue regarding the swimming pool on Marathon has been an on-going problem. Staff is going through the process of resolving the issue.

Commissioner Whaley noted that small issues such as this really upset neighborhoods, and the issue should be closely monitored. The City Manager, Rashad Young, said they will also be looking at ways to streamline the process to get problems resolved quicker.

Mayor McLin noted that the neighborhood association's newsletters are very helpful in informing the Commission and the citizens about what is happening in the neighborhoods.

The City Manager, Rashad Young, responded to the issue regarding Kroger. He said the City was notified by the Regional President of Kroger that the store was closing one day prior to the story being printed in the Dayton Daily News. Mr. Young stated, that in subsequent meetings with Kroger representatives, they said there was nothing the City could do at this time to keep the Gettysburg Avenue Kroger open. He stated that in talking with the actual owners of the Kroger site there were five potential tenants identified as possibly being able to move into that site, and that those prospects were being pursued.

Commissioner Williams wanted to reiterate that the City did make overtures to try and keep the store in place and received no response.

The City Manager said that was correct. It was obvious that Kroger did not want to stay.

COMMENTS BY THE CITY MANAGER

The City Manager, Mr. Rashad Young, had no closing comments.

COMMENTS BY THE CLERK OF COMMISSION

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

Commissioner Lovelace

Commissioner Lovelace wanted to speak about some of the citizens who spoke despairingly about West Dayton. He wanted to recognize there are good neighborhoods in West Dayton, and that the Westown Shopping Center serves the Westside very well.

Commissioner Whaley

Commissioner Whaley spoke on how busy she has been this week and all the issues happening in Dayton, and thanked the citizens for being so active. She also mentioned a meeting she had last week at Sinclair with the Lt. Governor on how to strategically position the state that was held at Sinclair. She also noted that the City was moving forward with the regional dispatch and thanked the City Manager and staff for all the hard work.

Commissioner Joseph

Commissioner Joseph wished everyone a Happy Thanksgiving.

Commissioner Williams

Commissioner Williams talked about the Community Blood Center Event honoring Dr. Judith Wahl. He also talked about the meeting he had with the Lt. Governor regarding urban renewal and economic development.

Mayor McLin

Mayor McLin highlighted the following:

Girl's in IT event at Sinclair Community College that was attended by Governor Strickland.

Northwest Priority Boards Annual Recognition Dinner.

AFL-CIO Town Hall Meeting.

Koran Temple Charity Ball.

Ring in the Holidays at Carillon Park.

Meeting with the Dayton View Triangle Federation at the Omega Harvard Campus.

Ribbon Cutting of the YMCA Neighborhood Development Center at Grace United Methodist Church.

Visited the Entrepreneur Center .

The Beerman Family Food tasting.

The I-75 Construction Kick-Off.

The ARISE Closing Program.

Mayor McLin highlighted the upcoming events:

Mama Mia at the Schuster Center,

The Beerman Family Dinner at the Dayton Convention Center,

The Ebony Fashion Fair Fashion Show at the Convention Center,

The Grande Illumination Downtown on Friday,
The Dayton Children's Parade on Sunday,
Mayor's Day Tuesday at the Dayton Job Corp,
Unified Health Solutions honoring John North,
Cultureworks Affair of the Arts at the Ponitz Center,
Parity's Reception for The Top Ten African American Males,
Firefighter Recruit Graduation,
Winter Wonderland at Riverbend Friday,
The Neighborhood Ball,

Commissioner Whaley wanted to say goodbye and good luck to her Legislative Aide Sarah Abernathy.

Mayor McLin wished everyone a Happy Thanksgiving.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:53 pm.

Mayor Rhine McLin

Attest: _____
Clerk of Commission