

# CITY COMMISSION MEETING AGENDA

CITY COMMISSION

DAYTON, OHIO

OCTOBER 28, 2009

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8:30 A.M.

## I. AGENDA SCHEDULE

**Please register to speak on items 9, 11 and 13 with the Clerk of the Commission.  
(Sign-up sheets at entrance of Commission Chambers.)**

1. Call Meeting to Order
  2. Invocation
  3. Pledge of Allegiance
  4. Roll Call
  5. Approval of Minutes
  6. Communications and Petitions Distribution (if any)
  7. Special Awards/Recognition
  8. Discussion of City Manager's and City Commission's Recommendations  
(See Sections II and III)
  9. Citizen Comments on City Manager's and City Commission's Recommendations
  10. City Commission Action on City Manager's and City Commission's  
Recommendations
  11. Public Hearing: **N/A**
  12. Discussion Item: **N/A**
  13. Comments by Citizens - Please register to speak with the Clerk of Commission -  
(Non - Calendar items) sign-up sheets at entrance of Commission Chambers
  14. Comments by City Manager
  15. Comments by City Commission
  16. Work Session: **Finance Briefing Committee – (B. LaBrier)**  
**City Manager's Large Conference Room**  
**Following the City Commission Meeting**
  17. Miscellaneous (See Section VI)
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## II. CITY MANAGER 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 31<sup>st</sup> of the current year).

#### 1. 2009 Purchase Orders:

##### AVIATION

|   |                    |
|---|--------------------|
| A1. TCI (annual maintenance services)             | <b>\$13,800.00</b> |
| (and for the period of 01-01-10 through 12-31-12) | <b>45,700.00</b>   |

1. (Cont'd):

**CENTRAL SERVICES**

**B1. Pulse Voice, Inc.** (annual maintenance services) **\$91,761.57**

**PUBLIC WORKS**

**C1. McNeilus Truck & Manufacturing Co.** (waste collection truck replacement parts and related labor as needed through 12-31-09) **15,000.00**

-Depts. of Aviation, Central Services, and Public Works. **Total: \$166,261.57**

2. **Earl Reeder Associates, Inc. – First Amendment to Contract CT8-14830** – for First Floor Renovations at the Water Administration Building – Dept. of Water/Water Engineering. **\$18,000.00**

**B. Construction Contracts/Estimates of Cost:**

3. **AKA Construction, Inc. – Change Order No. 1 to Contract CT9-14842** – for Modifications to Grit Dewatering Building at the Wastewater Treatment Plant – Dept. of Water/Water Engineering. **\$16,800.00**

4. **C & N Industrial Contractors, Inc. – Contract** – for Skylight Replacements and Brick Masonry Improvements on Various Buildings at the Wastewater Treatment Plant Re-Bid (10% S/DBE Participation) – Dept. of Water/Water Engineering. **\$334,000.00**

5. **Mainline Road & Bridge Construction – Contract** – for the Oregon District Improvements (15% MBE/5% FBE/5% HUD Section 3 Participation) (Federal Construction Funds) – Dept. of Public Works/Civil Engineering. **\$422,312.00**

6. **Mainline Rd. & Bridge Construction, Inc. – Contract** – for the Wright-Dunbar Village Transportation Enhancements, Phase 2 (15% MBE, 5% FBE, 5% HUD Section 3) (Federal Construction Funds) – Dept. of Public Works/Civil Engineering. **\$460,000.00**

**D. Neighborhood Grants:**

7. **Schwind Building Restoration Project, Inc. – Development Agreement** – to enhance the built environment and facilitate redevelopment in connection with the Downtown Façade Improvement Program – Office of Economic Development. **\$24,425.00**

8. **Medwork, LLC – Development Agreement** – for the relocation and expansion to the former Delphi office building located at 1435 Cincinnati Street – Office of Economic Development. **\$100,000.00**

**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 31<sup>st</sup> of the current year).

9. **Darreyl D. Davis – Purchase Order** – to provide professional services for the Minority Contractors Business Assistance Program – The Human Relations Council. **\$21,420.00**
10. **Lee’s Construction Mgt. Services – Purchase Order** – to provide professional services for the Minority Contractors Business Assistance Program – The Human Relations Council. **\$21,420.00**
11. **National City Bank – Amendment to Agreement** – to increase funds for bank fees for the deposit of public funds for a period through 12-31-11 – The Municipal Court/Clerk of Courts. **Total: \$55,000.00**

**IV. LEGISLATION:**

**Emergency Ordinances – First and Second Reading:**

12. **No. 30925-09** Authorizing the City Manager to Accept a Donation of Twenty Seven Real Estate Parcels, and Declaring an Emergency.
13. **No. 30926-09** Appropriating Property Designated as Parcel 15 WD & T in Connection with the Great Miami Boulevard Connector Project, and Declaring an Emergency.
14. **No. 30927-09** Authorizing Payments for the Relocation of Residents and Businesses in Connection with the MOT Great Miami Boulevard Project, and Declaring an Emergency.

**Emergency Resolution – First and Second Reading:**

15. **No. 5701-09** Authorizing the Acceptance of a Grant Award from the Ohio Department of Public Safety in the Amount of One Hundred Ninety Five Thousand Two Hundred Forty-Four Dollars and Sixty-Three Cents (\$195,244.63) on Behalf of the City of Dayton, and Declaring an Emergency.

**Informal Resolution:**

16. **No. 802-09** Endorsing Issue 40, a 1.75 Mill Issue, to Provide Local Funding to the Dayton Metro Library System, to Purchase Material for Circulation and to Provide Services for Children, Teenagers and Adults.

**VI. MISCELLANEOUS:**

**ORDINANCE NO. 30928-09**

**RESOLUTION NO. 5702-09**

**IMPROVEMENT RESOLUTION NO. 3598-09**

**INFORMAL RESOLUTION NO. 803-09**

By MR. LOVELACE

No 30925-09

**AN ORDINANCE**

Authorizing the City Manager to Accept a Donation of Twenty Seven Real Estate Parcels and Declaring an Emergency.

WHEREAS, The owner of certain real estate ("Property") has offered to donate the Properties to the City of Dayton; and

WHEREAS, This Commission finds it to be appropriate and in the best interest of the City of Dayton to acquire the Properties in order to preserve the quality of life and promote reutilization on non-productive land in the City in accordance with CitiPlan 20/20; and

WHEREAS, In order for the City to take title to the properties without further delay, and for the immediate preservation of public peace, property, health and safety, it is necessary that this ordinance take effect at an early date; now, therefore,

**BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:**

Section 1. That the City Manager is hereby authorized to accept deeds conveying the properties, as described in attached Exhibit A, to the City of Dayton.

Section 2. That said real estate is described as follows:

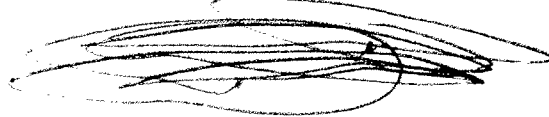
| City Lot | Parcel         | City Lot        | Parcel         |
|----------|----------------|-----------------|----------------|
| 16816PT  | R72 09001 0067 | 16815PT         | R72 09007 0035 |
| 16815PT  | R72 09007 0041 | 16814PT         | R72 09009 0016 |
| 16814PT  | R72 09009 0017 | 16814PT         | R72 09009 0018 |
| 16814PT  | R72 09009 0019 | 16834-16837PT   | R72 09011 0012 |
| 20125PT  | R72 09001 0011 | 30004           | R72 09102 0022 |
| 30010    | R72 09102 0028 | 30525           | R72 09302 0010 |
| 30526    | R72 09302 0011 | 30530           | R72 09302 0015 |
| 30532    | R72 09302 0017 | 30533           | R72 09302 0018 |
| 6-2-32   | R72 09007 0011 | 6-2-32, 90-7-45 | R72 09007 0012 |
| 23948    | R72 06012 0016 | 12754PT         | R72 08707 0028 |
| 13510    | R72 09904 0025 | 35508           | R72 08004 0018 |
| 5263     | R72 02506 0028 | 48179PT         | R72 13202 0038 |
| 33128    | R72 07006 0003 | 29238           | R72 10410 0001 |
| 33083    | R72 07005 0034 |                 |                |

Section 3. That the real estate described above shall be acquired for the purposes set forth in the various preambles of this ordinance:

Section 4. For the reasons stated in the preamble hereof, the Commission declares this ordinance to be an emergency measure that shall take effect immediately upon its passage.

Passed by the Commission October 28, 2009

Signed by the Mayor October 28, 2009



\_\_\_\_\_  
Mayor Rhine McLin, City of Dayton, Ohio

Attest:

Rachella Lavender  
Clerk of the Commission

Approved as to form:

Raymond P. Henderson for  
City Attorney

By MR. Williams No. 30926-09

**AN ORDINANCE**

Appropriating Property Designated as Parcel 15 WD & T in Connection with the Great Miami Boulevard Connector Project, and Declaring an Emergency.

**WHEREAS**, The City Commission, by Resolution No. 5613-08, adopted August 13, 2008, heretofore declared its intention to appropriate the property interests hereinafter described ("Property") in connection with the Great Miami Boulevard Connector Project ("Project"); and

**WHEREAS**, The Property being appropriated is for the Project to extend the Great Miami Boulevard between Forest Avenue and Great Miami Boulevard, which is a road that is open to the public without charge; and

**WHEREAS**, The owner of the parcel comprising the Property is unable to deliver clear title to the City; and

**WHEREAS**, The total appraised value of the parcels comprising the Property is Eighty-Five Thousand Five Hundred Dollars (\$85,500.00); and

**WHEREAS**, The estimated filing fees and other costs in connection with assessing the compensation to be paid for the Property are in the amount of Eight Hundred Dollars (\$800.00); and

**WHEREAS**, In order for the City to acquire the Property for the Project at the earliest date possible, and to avoid delay in the completion of the Project, and for the immediate preservation of the public peace, property, health and safety, it is necessary that this ordinance take effect immediately upon passage; now, therefore,

**BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:**

Section 1. That it hereby appropriates for the purposes stated in the preamble hereof, temporary construction easements in, under, over and through the real property described in Exhibit "A" attached hereto and a fee simple interest in the real property described in Exhibit "B" attached hereto (collectively, the "Property"), the owner of record and the appraised value for the real property being as follows;

|  |                  |
|--|------------------|
| Parcel:  | 15 WD & T        |
| Grantee in Deed Recorded in Microfiche 05-067536D in the Deed Records of the Montgomery County Records Office: | Rion MacConnell  |
| Appraised Value  | \$85,500.00      |
| BPI:   | R72-64-02-38, 39 |

Section 2. That the City Attorney is hereby authorized and directed to apply to the Court of Common Pleas, Montgomery County, Ohio, for the purpose of assessing the compensation to be paid for such property.

Section 3. That the costs and expense for such appropriation shall be paid out of the following account:

GREAT MIAMI BOULEVARD CONNECTOR PROJECT

26020-2610-1421-54

EIGHTY-SIX THOUSAND THREE HUNDRED DOLLARS

(\$86,300.00)

Section 4. For the reasons stated in the preamble hereof, this ordinance is declared to be an emergency measure and shall take effect immediately upon its passage.

Passed by the Commission October 28, 2009

Signed by the Mayor October 28, 2009



\_\_\_\_\_  
Mayor Rhine McLin, City of Dayton, Ohio

Attest:

Rashella Lavender

Clerk of the Commission

Approved as to form:

Raymond P. Amador

City Attorney

By MR. JOSEPH No. 30927-09

**AN ORDINANCE**

Authorizing Payments for the Relocation of Residents  
and Businesses in Connection with the MOT Great  
Miami Boulevard Project, and Declaring an Emergency.

WHEREAS, The City of Dayton consented to the MOT Great Miami Boulevard Project between Riverview Avenue and Riverside Drive ("Project") by Ordinance 30459-05, dated June 29, 2005; and

WHEREAS, The City of Dayton is in receipt of Community Development Block Grant and Surface Transportation Program funds to complete the acquisition of real property and the relocation of residents and businesses in connection with the Project; and

WHEREAS, The Uniform Acquisition and Relocation Act of 1970, as amended, requires relocation payments to individuals, families and businesses which will be displaced as a result of the acquisition of real property for the Project; and

WHEREAS, It is necessary to ensure that funds are available to assist the displacees in a timely manner; and

WHEREAS, In order for the City to relocate residents and businesses in connection with the Project at the earliest date possible, and to avoid delay in the completion of the Project, and for the immediate preservation of the public peace, property, health and safety, it is necessary that this Ordinance take effect immediately upon passage; now, therefore,

**BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:**

Section 1. That the City Manager or his designee is hereby authorized to make any and all required payments to displacees in connection with the MOT Great Miami Boulevard Project and to execute any agreements or documents necessary to make the required payments.

Section 2. Payments to displacees as set forth in Section 1 above shall be made from the following account:


GREAT MIAMI BOULEVARD PROJECT

26020-2610-1421-54  
EIGHTY-FIVE THOUSAND DOLLARS  
(\$85,000.00)

Section 3. For the reasons stated in the preamble hereof, the Commission declares this ordinance to be an emergency measure which shall take effect immediately upon its passage.

Passed by the Commission... October 28 ....., 2009

Signed by the Mayor... October 28 ....., 2009

  
\_\_\_\_\_  
Mayor Rhine McLin, City of Dayton, Ohio

Attest:

Rashella Lavender  
Clerk of the Commission

Approved as to form:

Devin R. Reynolds for  
City Attorney

By.....MS. Whaley.....

No.....5701-09.....

**A RESOLUTION**

Authorizing the Acceptance of a Grant Award from the Ohio Department of Public Safety in the Amount of One Hundred Ninety Five Thousand Two Hundred Forty-Four Dollars and Sixty-Three Cents (\$195,244.63) on Behalf of the City of Dayton, and Declaring an Emergency.

WHEREAS, The Ohio Department of Public Safety administers an Operating Vehicle while Intoxicated Task Force Grant; and

WHEREAS, The City of Dayton submitted an application for the 2010 Operating Vehicle while Intoxicated Task Force Grant seeking funding to implement speed enforcement and intoxicated checkpoints; and

WHEREAS, Pursuant to Section 36.10 of the Revised Code of General Ordinances of the City of Dayton, the City Manager executed the grant application on behalf of the City of Dayton; and

WHEREAS, The Ohio Department of Public Safety approved the City of Dayton's grant application and will award the City the 2010 Operating Vehicle while Intoxicated Task Force Grant subject to the City's acceptance; and

WHEREAS, To provide for the timely development and implementation of the grant program and for the immediate preservation of the public peace, property, health and safety, it is necessary that this resolution take effect at an early date; now, therefore,

**BE IT RESOLVED BY THE COMMISSION OF THE CITY OF DAYTON:**

Section 1. That the City Manager is authorized to accept the 2010 Operating Vehicle while Intoxicated Task Force Grant in the amount of One Hundred Ninety Five Thousand Two Hundred Forty-Four Dollars and Sixty-Three Cents (\$195,244.63) on behalf of the City of Dayton and is directed to execute any and all documents and agreements on behalf of the City of Dayton which are necessary to accept the grant from the Ohio Department of Public Safety.

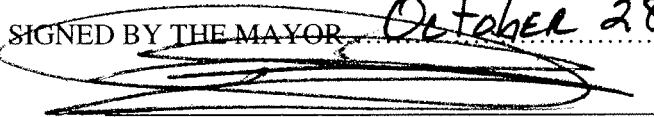
Section 2. That the City Manager or his designee is authorized to allocate and distribute funds to the participating jurisdictions and the OVI Task Force Coordinator, not to exceed the total grant award.

Section 3. The participating jurisdictions in addition to Dayton are Centerville, Clay Township, Clayton, Five Rivers Metro Parks, German Township, Huber Heights, Kettering, Jackson Township, Miami Township, Miamisburg, Montgomery County Sheriff's Office, Moraine, New Lebanon, Perry Township, Trotwood, Union and West Carrollton.

Section 4. That for the reasons set forth in the preamble hereof, the Commission declares this resolution to be an emergency measure which shall take effect immediately upon its adoption.

ADOPTED BY THE COMMISSION. October 28, 2009

SIGNED BY THE MAYOR. October 28, 2009

  
MAYOR RHINE MCLIN, CITY OF DAYTON, OHIO

ATTEST:

Rashelle Lavender  
Clerk of Commission

APPROVED AS TO FORM:

Reynold R. Donaldson for  
City Attorney

By MS. McLIN.....

No. 802-09.....

**AN INFORMAL RESOLUTION**

Endorsing Issue 40, a 1.75 Mill Issue, to Provide Local Funding to the Dayton Metro Library System, to Purchase Material for Circulation and to Provide Services for Children, Teenagers and Adults.

WHEREAS, Public libraries provide important services to residents from all walks of life and are where children learn to love to read, students use reference books for homework, adults search for jobs and write resumes, and everyone can open the world by opening a book, CD, DVD or video; and

WHEREAS, The Dayton Metro Library system includes a main library and 7 branches in the City of Dayton and 13 additional branches throughout Montgomery County that serve more than 220,000 residents and circulate more than 7.6 million books and items annually; and

WHEREAS, The Dayton Metro Library system is an important partner of the Dayton Public Schools in educating our youth, providing special classroom collections of age-appropriate reading material and complementing classroom learning with co-curricular activities; and

WHEREAS, State-provided funding has been reduced by \$6 million over two years, leading to reductions in operating hours, fewer new books and materials purchased, and elimination of special programs for children and teenagers; and

WHEREAS, Issue 40, a 1.75 mill issue placed on the November 3, 2009, ballot, will ensure continued local support to the Dayton Metro Library system to purchase new material and maintain services and programs; now, therefore,

**BE IT RESOLVED BY THE COMMISSION OF THE CITY OF DAYTON:**

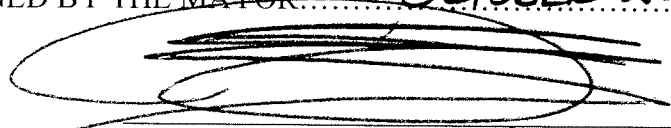
Section 1. That the Dayton City Commission hereby expresses its strong support of, and endorses for passage, the Dayton Metro Library Issue, Issue 40, to ensure continued local funding for the Dayton Metro Library system, and encourages Dayton residents to vote for Issue 40 on November 3, 2009.

Section 2. That the City Manager, or his designee, is hereby authorized to conduct activities, use City publications and cable shows, erect signs on City property,

and other efforts to encourage citizens and employees of the City of Dayton to vote for Issue 40 on the November 3, 2009, ballot.

ADOPTED BY THE COMMISSION October 28....., 2009

SIGNED BY THE MAYOR October 28....., 2009



MAYOR RHINE MCLIN, CITY OF DAYTON, OHIO

ATTEST:

Rashella Lawrence  
Clerk of the Commission

APPROVED AS TO FORM:

Ryan P. Donaldson Jr.  
City Attorney