

On Wednesday, July 26, 2006, at 8:35 a.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 Rhine McLin, Commissioners Dean Lovelace, Joey D. Williams, and Nan Whaley were present. Interim City Manager, Rashad Young and the Clerk of Commission, Leonard Roberts were also present.

**Commissioner Williams made the motion to excuse Commissioner Matt Joseph. Commissioner Whaley seconded the motion. The motion passed unanimously. Voting in affirmative were Mayor McLin, Commissioners Lovelace, Williams, and Whaley.**

**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**

All communications and petitions have been distributed:

**SPECIAL AWARDS/RECOGNITIONS**

**SCLC National Convention**

The Mayor invited Ms. Cheryl Spencer, member of the National Board of Directors of SCLC, to the podium to provide a community update about the SCLC National Convention. Mr. Len Roberts, Clerk of Commission read the Greetings.

Ms. Spencer said the National Convention will start July 28<sup>th</sup> and run through August 2<sup>nd</sup>. She thanked the Commission for their continued support and invited them to attend several functions at the Conference.

Commissioner Lovelace congratulated the SCLC Group for being instrumental in bringing the Convention to Dayton.

At 8:45 a.m. the Mayor left the meeting and Commissioner Lovelace resumed the meeting as Temporary Chair.

**Wegeryzn Garden's Phase II Master Plan**

Commissioner Lovelace invited John Gower, Director of Planning and Community Development to the podium to introduce Mr. Charlie Shoemaker, Executive Director of Five Rivers Metroparks, to provide a community update on Wegeryzn Gardens.

Commissioner Williams left the meeting at 8:50 a.m. for another commitment.

Mr. Shoemaker talked about the following topics:

- Priority Projects 0-5 years
- Children's Discovery Garden
- Ohio Woods
- Wetlands & Wildlife Ponds
- Prairie
- Geology
- Backyard Fun
- Skeeter's Garden

Mayor McLin returned to the meeting at 8:55 a.m. and resumed as chair of the meeting.

The Mayor asked Mr. Shoemaker what was a music maze?

Mr. Schoemaker added it was a maze where children could pick up bells and chimes to play with.

Mr. Schoemaker said there are about 600 visitations to the garden per day, 900 children in May and June and 500 students in the past two months.

Commissioner Lovelace said he was glad that Wegeryzn Gardens were in Dayton, Ohio.

Mr. Schoemaker said thank you and proceeded to introduce his staff that were in attendance.

The Mayor asked Mr. Schoemaker to give Wegeryzn Garden’s address and contact information.

Mr. Schoemaker said the gardens were located on East Siebenthaler Avenue, their hours of operation were 9:00 a.m. to 8:00 p.m. and they could be contacted at 278-8231 and their e-mail is [www.metroparks.org](http://www.metroparks.org).

The Mayor said Wegeryzn Gardens is a real gem in our City.

Commissioner Whaley said Wegeryzn Gardens is an example of neighborhood assets.

**National Night Out**

The Mayor invited Dayton Police Chief, Julian Davis to the podium to accept the “National Night Out” Proclamation. Mr. Len Roberts read the Proclamation.

Chief Davis received the Proclamation for the 23<sup>rd</sup> National Night Out For Safer Neighborhoods. Chief Davis asked Mr. Ron Webb to come to the podium to give details for the evening events.

Mr. Ron Webb said this was the 23<sup>rd</sup> year for this event and Dayton has been a part of the event since the beginning. He said the event was an opportunity to honor neighborhood organizations who are concerned with crime prevention.

Mr. Webb said the Neighborhood Caravan Tour will be August 1, 2006 from 6:00 p.m. to 8:30 p.m. and would stop in the following locations for events:

- Residence Park
- McIntosh Park
- Burkhardt Community Center
- Mark’s Lutheran Church

**REPORTS:**

**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).**

<b>1. Purchase Orders:</b>	
<b><u>FIRE</u></b>	
<b>A1. Fryman Kuck General Contractors, Inc.</b> (concrete repairs as needed through 12-31-06)	<b>\$26,158.00</b>
<b>A2. International Code Council</b> (twenty-one code books and forms)	<b>3,927.48</b>
<b>A3. P &amp; R Communications, Inc.</b> (dispatching equipment installed)	<b>5,667.00</b>
<b><u>HUMAN RESOURCES</u></b>	
<b>B1. Everybody’s Workplace Solutions</b> (twenty fireproof file cabinets)	<b>35,457.80</b>
<b><u>PLANNING &amp; COMMUNITY DEVELOPMENT</u></b>	
<b>C1. Building Bridges, Inc.</b> (lawn mowing services as needed through 12-31-06)	<b>3,600.00</b>
<b>(and for the period of 01-01-07 through 12-31-07)</b>	<b>6,100.00</b>
<b><u>WATER</u></b>	
<b>D1. Vandalia Rental</b> (one concrete/asphalt saw and trailer)	<b>25,395.00</b>
<b>D2. Four O Corp.</b> (oil and lubricants as needed through 12-31-06)	<b>5,000.00</b>
<b>D3. Badger Meter, Inc.</b> (water meters and related items as needed through 12-31-06)	<b>375,000.00</b>
<b>(and for the period of 01-01-07 through 05-31-10)</b>	<b>1,569,000.00</b>
<b>D4. Vandalia Rental</b> (concrete/asphalt saw)	<b>17,779.00</b>
<b>D5. Allied Builders, Inc.</b> (fence and gate equipment and repairs as needed through 12-31-06)	<b>10,000.00</b>
<b>(and for the period of 01-01-07 through 12-31-07)</b>	<b>10,000.00</b>

- D6. Hose Solutions, Inc.** (flexible pipe, couplings and related items as needed through 12-31-06) **6,919.00**  
 - Depts. of Fire, Human Resources, Planning & Community Development, and Water. **Total: \$2,100,003.28**
2. **Carmen M. Toro-Wooten – Contract** – to provide services for the Driver License Intervention Program – Dept. of Law. **\$53,000.00**

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

3. **HD Water Services, Inc. – Contract** – for the Well Rehabilitation at Miami River and Mad River Well Fields - 2006 – Dept. of Water/Water Engineering. **\$275,000.00**
4. **John R. Jurgensen – Contract** – for the 2006 Asphalt Resurfacing Thoroughfare Streets Citywide (20% S/DBE Participation Goal) – Dept. of Public Works/Civil Engineering. **\$817,830.50**
5. **Mainline Road & Bridge Const. Inc. – Contract** – for the Curb Improvements at West Third Street and Ramp 53A-H (Open Market Contract) – Dept. of Public Works/Civil Engineering. **\$65,000.00**

**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).

6. **Dayton Board of Education – Purchase Order** – for professional educational services as needed through 06-30-07 – The Municipal Court/Court Administrator. **\$10,262.41**
7. **Fifth Third Bank – Western Ohio – Payment of Voucher** – for bank service fees – The Municipal Court/Clerk of Court. **\$9,679.96**
8. **National City Bank – Memorandum of Agreement for Deposit of Public Funds** – for deposit of public funds – The Municipal Court/Clerk of Court. **\$70,000.00**
9. **Sigma Data Systems, Inc. – Renewal of Technical Support Certificate** – for the renewal of maintenance and technical support for the “SIGMA 5” Automated Applicant Management System and Test Management System – The Civil Service Board. **\$9,259.75**

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

10. **Southern Christian Leadership Conference – Contribution** – for the 48<sup>th</sup> National Convention – The City Commission Office. **\$5,000.00**

**ADDITIONS TO THE CALENDAR**

The City Manager had no additions to deletions to the calendar.

The Clerk requested the addition of an Informal Resolution #698-06, Objecting to the Transfer of Ownership of a Type C1 and C2 Liquor Permit #9956801, from Twin Towers Food Mart, Inc., 504 Xenia Avenue, Dayton, Ohio, 45410 to ZMN, Inc. dba Dollar & Convenient Mart, 504 Xenia Ave., Dayton, Ohio 45410.

There was no objection to adding the above calendar item.

**DISCUSSION OF CALENDAR ITEMS**

**Calendar Item #4 – John R. Jurgensen- Contract- for the 2006 Asphalt Resurfacing Thoroughfare Streets City wide (20% S/DBE Participation Goal) - \$817,830.50.**

Commissioner Williams said he was glad the City could find ways to come up with the money to keep our streets in good repair. He said he hoped the City would move fast on this project so as not to inconvenience the citizens for too long of a time.

**Calendar Item #2 –Carmen M. Toro-Wooten – Contract – to provide services for the Driver License Intervention Program. - \$53,000.00.**

Commissioner Lovelace asked the City Manager for more information on the drivers' license program.

The City Manager called Ms. Deirdre Logan, Chief Prosecutor, to the podium.

Ms. Logan said the contact will assist persons whose driving privileges have been suspended in an effort to reduce the number of driver license suspension cases filed in the Dayton Municipal Court. Services to be provided include, but are not limited to, accompanying the prosecutor to morning traffic arraignments, reviewing traffic cases to determine if offender meets the criteria for referral into the program, assist offender with the proper Bureau of Motor Vehicle procedures, and other tasks as assigned by the City Prosecutor's Office. The Driver License Intervention Program is a new 12 month pilot program.

Commissioner Whaley asked if this program was based on other programs already in place around the area.

Ms. Logan said "yes" it was successful in Cincinnati and Butler County.

#### **CITIZEN COMMENTS ON CALENDAR ITEMS**

There were no citizens who wished to speak regarding calendar items.

#### **APPROVAL OF CITY MANAGER'S REPORTS**

**Commissioner Williams made the motion to approve six City Manager's Reports. Commissioner Whaley seconded the motion. The City Manager reports were unanimously approved. Voting in affirmative were Mayor McLin, Commissioners Lovelace, Williams, and Whaley**

#### **APPROVAL OF CITY COMMISSION'S REPORTS**

**Commissioner Whaley made the motion to approve four City Commission's Reports. Commissioner Williams seconded the motion. The City Commission reports were unanimously approved. Voting in affirmative were Mayor McLin, Commissioners Lovelace, Williams, and Whaley**

#### **LEGISLATION**

##### **ORDINANCE – FIRST READING:**

**Ordinance No. 30583-06** – Enacting Sections 95.200 through 95.211 of the Revised Code of General Ordinances of the City of Dayton to Establish a Downtown Newsrack District.

##### **ADDED CALENDAR ITEM:**

**Informal Resolution #698-06, Objecting to the Transfer of Ownership of a Type C1 and C2 Liquor Permit #9956801, from Twin Towers Food Mart, Inc., 504 Xenia Avenue, Dayton, Ohio, 45410, to ZMN, Inc. dba Dollar & Convenient Mart, 504 Xenia Ave., Dayton, Ohio, 45410.**

Commissioner Whaley made the motion to adopt Informal Resolution #698-06. Commissioner Williams seconded the motion. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor McLin, Commissioners Lovelace, Williams and Whaley. The Informal Resolution was adopted.

#### **APPOINTMENT**

Mayor McLin appointed Mr. Mark A. Cunningham to fill the unexpired term of Mary Wiseman on the Compensation Board.

#### **CITIZENS' COMMENTS**

.During citizens' comments, the City Commission heard from the following:

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1. **Mr. Keith Lander** – 429 S. Kilmer, talked about the shootings in and around Dayton. He said he was tired of seeing people being killed over materialistic things.
2. **Rev. Robert Watkins** – 1820 Rutland Rd., talked in support of DATV and indicated the Wellness Community Center for youth and elders would possible need City help for funding to be built after property had been acquired.

#### **COMMENTS BY THE INTERIM CITY MANAGER**

The City Manager had no additional comments.

#### **COMMENTS BY THE CLERK OF COMMISSION**

The Clerk of Commission had no closing comments.

**COMMENTS BY CITY COMMISSION**

**Commissioner Lovelace:**

Commissioner Lovelace mentioned the Airshow and SCLC Conference were going on this coming weekend and he sent his condolences to the family of Audrey-Norman Turner who passed away this week.

**Commissioner Whaley**

Commissioner Whaley noted she and the Mayor attended the FOP State Conference on Monday and the upcoming weekend was going to be busy with all the events scheduled around the area.

**Mayor McLin Noted the Following:**

- Wilberforce 150 years of existence
- FOP Reception
- NLI Alumni Graduation
- Celtic Festival
- SCLC Conference
- Future Fest
- July 31 will be the next Mayor’s Walk
- July 27<sup>th</sup> at 4:00 p.m. Mayor Shirley Franklin from Atlanta, Georgia will be at City Hall
- July 27<sup>th</sup> at 6:30 is the Community Float at Eastwood Metro Park

The Mayor asked Mr. Stanley Earley, Assistant City Manager and Mr. Harvey Wortham, Acting Director for the Airport, to tell everyone the wonderful things happening at the airport and the Airshow.

Mr. Wortham said Delta Airlines announced a non stop flight will be available from Dayton to Boston starting in September. He also noted Dayton had a 9% decrease in fares on the national average and Cincinnati has the highest.

Mr. Wortham said the Airshow starts this weekend and invited everyone to attend. He said the featured attraction was the US Navy Blue Angels and there were still tickets available.

Commissioner Whaley asked how much were the tickets?

Mr. Wortham said \$19.00 at the door or \$16.00 in advance.

Mayor McLin asked Cathy Shanklin, Director of Recreation and Youth Services to give an update on the annual Stay in School Rally.

Ms. Shanklin said the Stay in School Rally was this coming Saturday starting at 11:00 a.m. at the Convention Center. Children could pick up their school supplies after submitting a voucher.

Mayor McLin noted that Commissioner Lovelace was MC for the Stay in School Rally.

Commissioner Whaley asked how many students they were preparing for.

Ms. Shanklin said about 4,000.

The Mayor stated that crime is a serious issue and everyone needs to get involved and work with police to take back our communities and protect our quality of life.

**ADJOURNMENT**

There being no further business the City Commission meeting was adjourned at 9:30 a.m.

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Mayor Rhine McLin

Attest: \_\_\_\_\_  
Clerk of Commission