

On Wednesday, May 26, 2021, at 8:32 a.m., the Dayton City Commission met in regular session, remotely through electronic means, at City Hall.

CALL TO ORDER

Mayor Whaley called the meeting to order. She said due to the current COVID-19 order, we are conducting the meeting remotely through electronic means. To protect the safety of the community, during the state of emergency related to COVID-19, in-person citizen comments will be suspended for City Commission Meetings.

Citizens interested in making public comment related to calendar items, are asked to do so in writing. Items related to a calendar item will be included in the meeting records under Communications and Petitions.

Citizens who wish to make the City Commission aware of an issue not related to the Commission Meeting Calendar, may also do so. These items will be distributed to the Dayton City Commission for reference.

For complete information on how to submit a comment, please visit daytonohio.gov/CoronaResources or call 937-333-3636.

INVOCATION

Commissioner Fairchild 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 and Fairchild were present. The Clerk of Commission, Ms. Regina D. Blackshear, and The City Manager, Ms. Shelley Dickstein, were also present through electronic means.

Commissioner Joseph made a motion to authorize the absence of Commissioner Shaw from this week's City Commission meeting. Commissioner Fairchild seconded the motion. The motion was unanimously approved.

APPROVAL OF MINUTES

Commissioner Mims made a motion to approve the minutes from the May 19, 2021, meeting. Commissioner Joseph seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

Communication #21566

Petition for Vacation Alley East of June Street from 78'South of the Alley South of East Fourth Street to 25' North of the Norfolk Southern Right of Way Line.

Communication #21567

Email asking commission to reconsider the Sale of Deeds Point Real Estate - Emergency Ordinance No. 31890-21.

Communication #21568

State of Ohio, Department of Liquor Control – Permit Application #3397612 - New- D5J– Grist Provisions LLC dba Grist Café Retail Shop, 46 West Firth Street, Dayton, OH 45402.

The Clerk of Commission reported receipt of Permit Application #3397612 - New- D5J– Grist Provisions LLC dba Grist Café Retail Shop, 46 West Firth Street, Dayton, OH 45402. The application was referred through the City for investigation.

SPECIAL AWARDS/PRESENTATIONS

Festival of Lights Fireworks

Mayor Whaley asked Ms. Shelley Dickstein, City Manager, to talk about the Festival of Lights. Ms. Dickstein invited Mr. Stephan Marcellus, Division Manager of Recreation and Youth Services, to present.

Mr. Marcellus said the Festival of Lights celebration will take place on Saturday, July 3, 2021, from 10:00 a.m. until 10:00 p.m. He said there will be food vendors and entertainment. Mr. Marcellus said the festivities are sponsored by Marion’s Piazza. He said for more information or to volunteer, please call Mr. Nick Trebey at 937-333-1751.

ADDITIONS OR DELETIONS TO THE CALENDAR

The Clerk of Commission, Ms. Regina Blackshear, requested the addition of the legislation pertaining to the Public Hearing at the request of the Dayton City Commission.

The Clerk of Commission, Ms. Regina Blackshear, requested the addition of Emergency Ordinance No. 31892-21- Authorizing The City to Enter into the Southeast Ohio Public Energy Council (“SOPEC”) the Execution and Delivery of the Agreement Establishing SOPEC, Approving the Bylaws of SOPEC and Declaring an Emergency. She also requested the addition of Ordinance No. 31893-21- Approving the Plan of Operation and Governance for the Southeast Ohio Public Energy Council (“SOPEC”) Electricity Aggregation Program, for the Purpose of Jointly Establishing and Implementing an Electricity Aggregation Program and Declaring an Emergency. The legislation will receive first and second reading.

REPORTS

1. Purchase Orders, Agreements and Contracts:

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

RECREATION AND YOUTH SERVICES

A1. Mid Ohio Golf Car, Inc. (twenty-one Yamaha brand gasoline powered golf carts) **\$96,180.00**

WATER

B1. University of Dayton (professional services to study the effects of storm water runoff and community outreach as needed through 12/31/22) **60,000.00**

B2. Allied Builders, Inc. (fencing products, related items and services as needed through 12/31/21) **88,635.00**

B3. ML Johnson Company (repair and calibration of gas flow meters, level sensors and magmeters as needed through 12/31/24) **60,000.00**

- B4. Pelton Environmental Products, Inc.** (one Sulzer brand VUPX pump)
\$107,455.62
 - B5. Truck Country of Indiana, Inc. dba Stoops Freightliner** (one 2021 truck
with dump body and hydraulic self-loader) **223,034.00**
 - B6. Truck Country of Indiana, Inc. dba Stoops Freightliner** (one 2023 truck
with 10-foot dump body) **116,968.00**
- Depts. of Recreation and Youth Services and Water. Total: **\$752,272.62**

- 2. Copp Integrated Systems – Contract Modification** – to increase spending
authority to cover the remainder of the service agreement at Dayton International
Airport. – Department of Aviation **\$111,000.00**
(Thru 12/31/21)

B. Construction Contracts:

- 3. Barrett Paving Material Inc. – Award of Contract** – for 2021 thoroughfare
resurfacing (10% MBE & 5% WBE Participation Goal/ 10.6% MBE and 5.6%
WBE Participation Achieved - Department of Public Works/Civil Engineering
\$1,044,032.00
(Thru 8/30/23)
- 4. Double Jay Construction, Inc. - Award of Contract** – for Wright-Dunbar
Cycle Track (5% DBE Participation Goal/8.7% DBE Participation Achieved)
(Federal Construction Funds) -Department of Public Works/Civil Engineering
\$223,855.00
(Thru 9/10/23)

C. Revenue to the City:

- 5. CareSource – Other** – for permit to install outdoor patio fencing into the right
of way at Gulzars located at 217 N. Patterson Blvd. - Department of Public
Works /Civil Engineering **\$200.00**
(Paid to the City)

CITIZENS’ COMMENTS ON CALENDAR ITEMS

Citizen’s comments were suspended for the meeting.

DISCUSSION OF CALENDAR ITEMS

Calendar Item No. 3. Barret Paving Material Inc. – Award of Contract

The City Manager, Ms. Shelley Dickstein, said this contract is for the 2021 Thoroughfare Resurfacing Program and is responsible for paving a variety of streets in the City of Dayton.

Emergency Ordinance No. 31890-21-Sale of Real Estate Known as Deeds Point

The City Manager, Ms. Shelley Dickstein, said the ordinance is for the sale of a closed park located near the two rivers north of downtown. She said this property, which will be used for a greater Dayton school investment of \$25 million, is for a private non-religious affiliated school that includes academic education and enrichment services for students and families. Ms. Dickstein said the dog park will be relocated to a permanent location.

Resolution No. 6582-21- Concurring with the Adoption of the Northeast Dayton Neighborhoods Vision Plan.

The City Manager, Ms. Shelley Dickstein, invited Mr. Todd Kinskey, Director of Planning and Community Development, to present on the Northeast Dayton Neighborhoods Vision Plan.

Mr. Kinskey said he is very excited about the Northeast Dayton Neighborhoods Vision Plan. He said they are editing the Southeast Plan and in few months that version will be available. Mr. Kinskey invited Mr. Jeff Green, Planner I, to present.

Mr. Green said the collaborative effort of the City of Dayton, CityWide, neighborhood leaders, businesses, institutions, and Urban Design Associates for a strategic, focused plan in four geographic areas covering the City.

Mr. Green said the public process included the kickoff and understanding, building and documenting the vision. He said the common themes of the plan is to support local and ethnic businesses, connect neighborhoods to the rivers and open space amenities, improve gateways and build new housing options. Mr. Green said the plan is supported by Planning staff and at the March 9, 2020, City Plan Board Meeting, the board voted six to zero to recommend approval.

Commissioner Joseph said he was excited about the project. He asked about the community input that went into the plan.

Mr. Green said there was data sharing and mapping, field work-tour of Northeast Dayton Neighborhoods and Stakeholder meetings. He said they identified the issues and opportunities that are there.

Mr. Kinskey said there were a lot of input along the way, and they were very happy regarding the turn out.

Commissioner Fairchild asked if Huffman and St. Anne's Hill Neighborhoods were included in the plan. He asked if Xenia Avenue would be included in the Southeast Neighborhood Vision Plan.

Mr. Kinskey said Huffman and St. Anne's were included and Xenia Avenue would be included in the Southeast Neighborhood Vision Plan.

Commissioner Fairchild asked if guidance was received from the Treasury Department for the rescue funds.

Ms. Dickstein said they have not received final guidance from the Treasury Department. She said Mayor Whaley is working tenaciously with the US Conference of Mayors for broader use of the funding.

APPROVAL OF CITY MANAGER'S REPORTS

Commissioner Joseph made the motion to approve the City Manager's Reports. Commissioner Fairchild 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 Fairchild.

LEGISLATION

EMERGENCY ORDINANCE – FIRST AND SECOND READING

Emergency Ordinance No. 31890-21- Authorizing the Sale of Real Estate Known as Deeds Point, for a Public Purpose, and Declaring an Emergency.

Commissioner Mims moved that this being an emergency measure for the immediate consideration of the Ordinance. Commissioner Fairchild seconded the motion. The motion was passed with a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Fairchild. The question being shall Emergency Ordinance No. 31890-21 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 Fairchild. The Emergency Ordinance was passed.

Emergency Ordinance No. 31891-21- Appointing Ms. Shelley Dickstein as City Manager of the City of Dayton, Ohio, Establishing Her Salary and Other Employment Benefits, and Declaring an Emergency.

Commissioner Fairchild moved that this being an emergency measure for the immediate consideration of the Ordinance. Commissioner Mims seconded the motion. The motion was passed with a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Fairchild. The question being shall Emergency Ordinance No. 31891-21 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 Fairchild. The Emergency Ordinance was passed.

EMERGENCY RESOLUTION – FIRST AND SECOND READING

Emergency Resolution No. 6577-21- Authorizing the Acceptance of a Dayton Foundation Donation from the Dilip A. Soni Restorative Justice Fund in the amount of Nineteen Thousand Nine Hundred Eighty-Seven Dollars and Twenty-Five Cents (\$19,987.25) 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 Fairchild seconded the motion. The motion was passed with a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Fairchild. The question being shall Emergency Resolution No. 6577-21 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 Fairchild. The Emergency Resolution was adopted.

Emergency Resolution No. 6578-21- Authorizing the Application for the Acceptance of a Grant In the Amount of One Hundred Twenty-Five Thousand Dollars and Zero Cents (\$125,000.00) from the State of Ohio, Ohio Department of Natural Resources, and Declaring an Emergency.

Commissioner Mims moved that this being an emergency measure for the immediate consideration of the Resolution. Commissioner Fairchild seconded the motion. The motion was passed with a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Fairchild. The question being shall Emergency Resolution No. 6578-21 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 Fairchild. The Emergency Resolution was adopted.

Emergency Resolution No. 6579-21- Approving the Submission of a Grant Application and Authorizing the Acceptance of a Grant Award from the Montgomery County Solid Waste District in the Amount of Ten Thousand One Hundred Sixty Dollars and Sixty-Six Cents (\$10,160.66) on behalf of the City of Dayton, and Declaring an Emergency.

Commissioner Fairchild moved that this being an emergency measure for the immediate consideration of the Resolution. Commissioner Mims seconded the motion. The motion was passed with a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Fairchild. The question being shall Emergency Resolution No. 6579-21 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 Fairchild. The Emergency Resolution was adopted.

Emergency Resolution No. 6580-21- Approving the Submission of a Grant Application and Authorizing the Acceptance of a Grant Award from the Montgomery County Solid Waste District in the Amount of Five Thousand Four Hundred Sixty-Four Dollars and Twenty-Nine Cents (\$5,464.29) 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 Fairchild seconded the motion. The motion was passed with a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Fairchild. The question being shall Emergency Resolution No. 6580-21 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 Fairchild. The Emergency Resolution was adopted.

RESOLUTIONS – FIRST READING

Resolution No. 6581-21- Authorizing the Donation of Funds in Honor of the Victims affected by the August 4, 2019 Mass Shooting.

Resolution No. 6575-21- Concurring with the Adoption of the Northeast Dayton Neighborhoods Vision Plan.

PUBLIC HEARING

Mayor Whaley opened the Public Hearing on the City of Dayton becoming a member of the Sustainable Ohio Public Energy Council of Governments organization (SOPEC). In preparation for taking this action, the City Commission will take comments on SOPEC's Operations and Governance Plans. If the plan is adopted, SOPEC will implement an electric aggregation program for the City, its residents, and businesses. SOPEC will be providing exclusive green electrical energy derived from wind power. She asked Ms. Dickstein to proceed.

Ms. Dickstein said this is the second required public hearing to reintroduce the electric aggregation program. She invited Mr. Mark Charles, Sustainability Manager, Office of Sustainability, to present.

Mr. Charles said this is the second of two public hearings that state law requires of the City of Dayton before they can vote on restarting the Aggregation Program. He said public comments were accepted on May 2, 2021, until May 21, 2021, at 9:00 a.m. He said there was only one comment received which was in support of program.

Mr. Charles said in Ohio you may choose where you buy your electricity generation. Electricity aggregation allows the City of Dayton to provide a bulk price on electricity for all our eligible residents, non-profits, and small businesses. He said they are proposing that an Aggregator is hired that will provide a green power purchase for all customers. He said the previous aggregation program was based on fossil fuel generated power from May 2016 to May 2018, but it ended due to market fluctuations.

Mr. Charles said the City of Dayton selected broker, Southeast Ohio Public Energy Council (SOPEC), which is a non-profit government agency. He said the City of Dayton will be represented on SOPEC's Board of Directors. SOPEC is currently supplied by AEP Energy and the current SOPEC program term ends in June of 2023 with a successive three-year term.

Mr. Charles said the benefits to aggregation are 100 percent is renewable energy program content at a competitive price for residents and businesses, only one of several communities in the state who will be providing 100 percent renewable energy to residents and the Community Energy Grant program provides member governments with funding for innovative clean energy that will benefit the Dayton community

Mr. Charles said Dayton residents will have little change to their utility bill. He said AES Ohio (formerly known as DP&L) will remain the electric utility. He said the supply charges will change as the City of Dayton's aggregation provider, SOPEC, and AEP Energy, its energy supplier, will now supply the energy.

Mr. Charles said citizens who wish to be enrolled in the City's program but would prefer to have fossil fuels, can choose the step-down option. He said at any time, citizens may choose to leave the aggregation program for free.

CITIZENS' COMMENTS ON THE PUBLIC HEARING

There were no citizens comments on the Public Hearing.

Mayor Whaley closed the hearing.

The pleasure of the City Commission is to move forward.

THESE ITEMS WERE ADDED

EMERGENCY ORDINANCE – FIRST AND SECOND READING

Emergency Ordinance No. 31892-21- Authorizing The City to Enter into the Southeast Ohio Public Energy Council ("SOPEC") the Execution and Delivery of the Agreement Establishing SOPEC, Approving the Bylaws of SOPEC, and Declaring an Emergency.

Commissioner Mims moved that this being an emergency measure for the immediate consideration of the Ordinance. Commissioner Fairchild seconded the motion. The motion was passed with a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Fairchild. The question being shall Emergency Ordinance No. 31892-21 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 Fairchild. The Emergency Ordinance was passed.

Emergency Ordinance No. 31893-21- Approving the Plan of Operation and Governance for the Southeast Ohio Public Energy Council ("SOPEC") Electricity Aggregation Program, for the Purpose of Jointly Establishing and Implementing an Electricity Aggregation Program, and Declaring an Emergency.

Commissioner Joseph moved that this being an emergency measure for the immediate consideration of the Ordinance. Commissioner Mims seconded the motion. The motion was passed with a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Fairchild. The question being shall Emergency Ordinance No. 31893-21 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 Fairchild. The Emergency Ordinance was passed.

CITIZENS' COMMENTS

Citizen's comments were suspended for the meeting.

COMMENTS BY THE CITY MANAGER

The City Manager, Ms. Shelley Dickstein, said the horrific crisis at 1119 Linda Vista Avenue was unimaginable. She thanked city staff for their leadership in rectifying the situation. She said all residents have been moved to a near by hotel and the property owner will be held accountable.

Mayor Whaley thanked staff and the community for coming together to solve this issue.

COMMENTS BY THE CLERK OF COMMISSION

The Clerk of Commission, Ms. Regina D. Blackshear, had no closing comments.

COMMENTS BY THE CITY COMMISSION

Commissioner Fairchild

Commissioner Fairchild thanked the City Commission for their expressions of sympathy for he and his family, in the death of his father-in law.

Commissioner Fairchild thanked everyone involved in the police reform process.

Commissioner Fairchild thanked the Africana Elders Council and others for the African Liberation Celebration. He thanked staff for their help as well.

Commissioner Fairchild thanked staff for their help with the 1119 Linda Vista Avenue Crisis.

Commissioner Mims

Commissioner Mims thanked the City Commission, staff, and the community for their help at the 1119 Linda Vista Avenue Crisis.

Commissioner Mims thanked everyone involved in the police reform process. He said he is proud of this work.

Commissioner Mims encouraged everyone to be safe at the Holiday.

Commissioner Joseph

Commissioner Joseph thanked everyone involved in police reform process. He said he is proud of this work.

Commissioner Joseph said he is excited about the Electric Aggregate program.

ADJOURNMENT

There being no further business the meeting was adjourned at 6:29 p.m.

Nan Whaley
Mayor

Attest: _____
Clerk of Commission