

On Wednesday, September 15, 2021, at 6:02 p.m., the Dayton City Commission met in regular session in the Commission Chambers of City Hall.

CALL TO ORDER

Mayor Whaley called the meeting to order. She said due to the current COVID-19 order, the City of Dayton is requiring masks to be worn in all City facilities to protect the safety of the staff and community. If you need a mask, there are some at the entrance of the Commission Chambers. Those not wearing a mask during the Commission Meeting may be ruled out of order and removed from the meeting.

INVOCATION

Commissioner Joseph 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, Shaw and Fairchild were present. The Clerk of Commission, Ms. Regina D. Blackshear, The Acting City Manager, Mr. Joe Parlette and Miami Valley Interpreters, were also present.

APPROVAL OF MINUTES

Commissioner Mims made a motion to approve the minutes from the September 8, 2021, meeting. Commissioner Fairchild seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

Communication #21595

Email from citizen's regarding mask mandate.

Communication #21596

State of Ohio, Department of Liquor Control – Permit Application #5930804 – D5J - Midwest Cold Cuts LLC dba Tony & Petes, 129 E. Third Street, Dayton OH 45402.

The Clerk of Commission reported receipt of Permit Application #5930804 – D5J - Midwest Cold Cuts LLC dba Tony & Petes, 129 E. Third Street, Dayton OH 45402. The application was referred through the City for investigation.

SPECIAL AWARDS/PRESENTATIONS

Commissioner Joseph introduced a group of students and three teachers that are visiting from Bosnia and Herzegovina. He said the state department gave a grant to bring students to the United States to talk about ways to make change in a democratic society. He said Michelle Zaremba and her team has done an excellent job and have worked hard to make the exchange happen. Commission Joseph had them introduce themselves. He thanked them for coming.

Mayor Whaley invited Ms. Melissa Wilson, Purchasing Agent, Procurement, Management and Budget, to the podium to present on the American Rescue Plan Act (ARPA).

Mr. Parlette said with the City of Dayton being considered a metropolitan city by the federal government, it has been awarded a large grant in the amount of \$138M as part of the American Rescue Plan. He said as there is still no final guidance from the Treasury

Department in terms of the exact parameters for which the money may used. Mr. Parlette said they are operating under the interim final guidance for this program. He said they decided to use quantitative and analytical data as a foundation to make decisions regarding the funding with the goal of disrupting multi-generational poverty and health disparities in the community. Mr. Parlette said the city leadership team has been working on framework which they have termed the Dayton Recovery Plan to identify opportunities for transformational investments.

Ms. Wilson said the American Rescue Plan Act (ARPA) funds provide governments with an infusion of resources (\$350 million) to meet pandemic response needs. She said the City of Dayton was awarded \$138 million in two equal tranches for one-time funding. She said eligible uses are to respond to negative economic impacts, support public health response, and serve the hardest hit communities and families.

Ms. Wilson said the Notice of Funding Opportunities (NOFO) categories are broad to allow for more applications and robust ideas. She said the categories are Community Investment, small business/hospitality and ideas and recommendations for the eligible use of ARPA funds.

Ms. Wilson said the technical assistant workshops will include: an overview of ARPA guidelines, NOFO requirements, key dates, preview of how to apply and questions and answer sessions. She said there will be three workshops in person and two virtual the locations will be one in West Dayton, Northwest Dayton and East Dayton. She said the dates will be between September 15, 2021, and October 15, 2021.

ADDITIONS OR DELETIONS TO THE CALENDAR

The Clerk of Commission, Ms. Regina Blackshear, requested the addition of Emergency Ordinance No. 31917-21-Requiring Face Coverings in Any Public Indoor Space to Limit the spread of COVID-19.

REPORTS

1. Purchase Orders, Agreements and Contracts:

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

POLICE

A1. Kiesler Police Supply (police equipment as needed through 07/31/25)
\$124,787.20

POLICE

A2. Vance Outdoors, Inc. dba Vance's Law Enforcement (police equipment needed though 07/31/25)
72,823.95

PUBLIC WORKS

B1. McNeilus Truck and Manufacturing Company (McNeilus brand refuse packer parts, supplies and repair services as needed through 12/31/21)
50,000.00

B2. CHWR, INC. dba CHW Mechanical Services (heating, ventilation and air conditioning (HVAC) preventative maintenance and repairs as needed through 12/31/24)
80,000.00

1. (Cont'd):

RECREATION

C1. The Fishel Co. (underground boring cabling services) **19,014.54**

WATER

D1. Pace Analytical Services, Inc. (laboratory testing services as needed through 12/31/21) **15,000.00**

D2. DXP Enterprises, Inc. (pulsafeeder pump related items and services as needed through 12/31/21) **14,517.00**

D3. Lake Erie Construction Company (guardrails with traffic and mobilization services as needed through 12/31/21) **5,025.00**

D4. Allied Builders, Inc. (fencing products, related items and services as needed through 12/31/21) **20,000.00**

D5. Crane 1 Services, Inc. (annual crane inspection and repair services as needed through 12/31/23) **90,000.00**

D6. Purafil, Inc. (Purafil Chlorsober Ultra media) **250,588.00**

D7. Rotork Controls, Inc. (Rotork parts, supplies, materials, related items and services as needed through 12/31/24) **38,500.00**

D8. CHWR, Inc. dba CHW Mechanical Services (heating, ventilation and air conditioning (HVAC) preventative maintenance and repairs as needed through 12/31/21) **26,015.00**

D9. Wayne Overhead Door Sales of Dayton, Inc. (nine hollow metal entry doors, frames and related services) **33,410.00**

-Depts. of Police, Public Works Recreation and Water.

Total: 839,680.69

2. **Haley-Dusa Engineering & Surveying Group LLC – Service Agreement** – first amendment to provide updated metes and bounds for properties being transferred to the City of Dayton through the Lot Links program and the Montgomery County Land Bank Neighborhood Initiative Program (NIP) – Department of Planning, Neighborhoods & Development. **\$30,000.00**
(Thru 12/31/22)

B. Construction Contract:

3. **Setterlin Building Company – Award of Contract** – Day Public Circulation Enhancement 23% DBE Participation Goal (4.3% DBE Participation Achieved) project to include the TSA Checkpoint renovation, replacement of windows in Concourse A, renovation of Concourse A elevator, re-roofing the majority of the Terminal, replacement of the HVAC cooling towers, and brick masonry tuckpointing of the Aircraft Rescue and Fire Fighting (ARFF) firehouse - Department of Aviation. **\$5,695,738.78**
(Thru 12/31/23)

C. Revenue to the City:

4. **Air Wisconsin LLC – Lease Agreement** - for 1,617 square feet of office space located inside the passenger terminal building – Department of Aviation. **\$538,784.40**
(Thru 9/15/26)
(Paid to the City)

5. **Dayton Public Schools – Service Agreement** – allowing a DFD firefighter to serve as a Fire Instructor during the 2021-2022 and 2022-2023 academic school years – Department of Fire.

\$122,010.00
(Thru 7/31/23)
(Paid to the City)

6. **Dayton Public Schools – Service Agreement** – allowing a DPD officer to serve as a Police Instructor during the 2021-2022 and 2022-2023 academic school years – Department of Police.

\$107,400.00
(Thru 7/31/23)
(Paid to the City)

DISCUSSION OF CALENDAR ITEMS

Calendar Item No. 3. Setterlin Building Company-Award of Contract

The Acting City Manager, Mr. Joe Parlette, said the contract will continue renovation at the Dayton International Airport specifically Concourse A and other roofing and HVAC work.

Calendar Item No. 4. Air Wisconsin LLC-Lease Agreement

The Acting City Manager, Mr. Joe Parlette, said Air Wisconsin will be relocating their support staff to Dayton International Airport site.

Commissioner Mims asked how many additional positions would be relocated or created.

Mr. Gil Turner, Director of Aviation, said Air Wisconsin will be bringing their flight crews and attendants therefore the estimate is between 30 to 110 people.

Calendar Item No. 5. Dayton Public Schools and Calendar Item No. 6. Dayton Public Schools- Service Agreement

The Acting City Manager, Mr. Joe Parlette, said these calendar items represent continuing the career tech educational programs for first responder’s police and fire with Dayton Public Schools.

Emergency Ordinance 31917-21- Requiring Face Coverings in Any Public Indoor Space to Limit the spread of COVID-19.

Mayor Whaley invited Ms. Barb Doseck, Law Director and Ms. Torey Hollingsworth, Director of the Commission Office, to the podium to provide a community update on the new mask ordinance.

Ms. Hollingsworth said on July 27, 2021, the Centers for Disease Control updated their mask guidelines to encourage vaccinated people to wear masks in indoor spaces in communities with substantial community spread. She said on September 9, 2021, Public Health – Dayton and Montgomery County urged local jurisdictions to issue mask mandates to combat the rising spread of COVID-19 cases.

Ms. Hollingsworth said the Ordinance will require masks in indoor, public spaces regardless of vaccination status. She said this will only apply to indoor locations and will not apply to outdoor or open-air venues, like stadiums, open-air concerts, offices and other work facilities that are not generally open to the public. Ms. Hollingsworth said the key exemptions are people who have medical conditions, mental health

conditions and/or developmental disabilities, children under six years of age, restaurant and bar patrons while eating or drinking, settings where it is not practicable, like receiving dental services or swimming and while actively exercising if six feet of distance can be maintained.

Ms. Hollingsworth said someone who is not wearing a mask in the circumstances described may be cited by the Dayton Police Department and those cited will receive a civil citation and be fined \$85.

Ms. Doseck said the individual that may be cited is one not wearing the mask.

Commissioner Fairchild said he is voting for the emergency ordinance because the Charter gives the city the power to abate anything detrimental to the health of the city and they are empowered by the Charter. He also said his daughter and other children who are not old enough to receive the vaccination are at risk. He also said his faith compels him which is a component of his faith obedience.

Commissioner Shaw said his is voting for the emergency ordinance because its about the children that need the support.

Commissioner Mims shared about the death of his mother due to COVID-19.

Commissioner Joseph said he is voting in for the emergency ordinance because his daughter who is at risk cannot receive the vaccine. He said the hospitals are near their capacity limits that they have seen since December 2020.

Mayor Whaley said this disease is becoming the pandemic of the unvaccinated. She said if you are vaccinated you are less likely to enter the hospital and die from this disease.

CITIZENS' COMMENTS ON CALENDAR ITEMS

Citizen comments on calendar items were received from the following:

1. **Mr. Keith Lander, 429 S. Kilmer Street** – spoke in support of Ordinance No. 31917-21- Requiring face coverings in any public indoor space.
2. **Rennes Bowers 1404 Hillpoint Lane** – spoke in opposition of Ordinance No. 31917-21- Requiring face coverings in any public indoor space.
3. **Mr. William Dixon, 708 Hillcrest** - spoke in opposition of Ordinance No. 31917-21- Requiring face coverings in any public indoor space.

APPROVAL OF CITY MANAGER'S REPORTS

**Commissioner Mims made the motion to approve the City Manager's Reports
Commissioner Fairchild seconded the motion. The City Manager's Reports were approved with a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Fairchild.**

LEGISLATION

EMERGENCY ORDINANCE – FIRST AND SECOND READING

Emergency Ordinance No. 31916-21- Appropriating Property Designated as Parcels 10 T, 13 T, 16 T, 24, T, and 28 T in Connection with the West Hillcrest Sidewalk Phase 2 Project, and Declaring an Emergency.

Commissioner Shaw moved that this being an emergency measure for the immediate consideration of the Ordinance. Commissioner Joseph seconded the motion. The motion was passed with a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Fairchild. The question being shall Emergency Ordinance No. 31916-21 be passed. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Fairchild. The Emergency Ordinance was passed.

EMERGENCY RESOLUTIONS – FIRST AND SECOND READING

Emergency Resolution No. 6606-21- Authorizing the City Manager to Apply for, Accept, and Enter Into State of Ohio Water and Wastewater Infrastructure Grant Agreements on Behalf of the City of Dayton for construction and/or design projects, 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 5-0 vote. Voting in the affirmative were Commissioners Joseph, Mims, Shaw and Fairchild. The question being shall Emergency Resolution No. 6606-21 be adopted. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Commissioners Joseph, Mims, Shaw and Fairchild. The Emergency Resolution was adopted.

RESOLUTION -FIRST READING

Resolution No. 6607-21- Declaring the Intention of the Commission to Vacate Jackson Boulevard, Milwaukee Avenue, Windsor Street, Leeland Street, Florida Avenue, St. Clair Avenue, Island Park Avenue, Boden Street and associated alleys within the grounds of Carillion Historical Park.

BOARD APPOINTMENTS

Commissioner Shaw made a motion to appoint Darryl R. Smith to the Civil Service Board for the term ending December 31, 2021. Commissioner Fairchild seconded the motion. The motion was unanimously approved.

CITIZENS' COMMENTS

Citizens' comments were received from the following:

1. **Ms. Julia Capers, 3606 Lakeside Drive** – Invited the Mayor and City Commissioners to a neighborhood event.
2. **Ms. Gina McFarlane-EL, 2261 Philadelphia Drive** – spoke in support of the Ombudsman's Office.
3. **Ms. Kathleen Galt, 5066 Safeway Drive** – spoke about the closing of Premier Health Hospital (Good Samaritan).

4. **Mr. Wesley Hartshorn, 1353 Creighton Avenue** – spoke about city owned properties.
5. **Ms. Nancy Kiehl, 309 Hacker Road** - spoke about the closing of Premier Health Hospital (Good Samaritan).
6. **Pastor Rockney Carter, 1684 Earlham Drive** – spoke about the closing of Premier Health Hospital (Good Samaritan).
7. **Mr. Chuck Walden, 623 San Bernardino Trail** - spoke in opposition of Ordinance No. 31917-21- Requiring face coverings in any public indoor space.
8. **Mr. Warren Easterling, 71 Arlington Avenue** – made general comments.

COMMENTS BY THE CLERK OF COMMISSION

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

COMMENTS BY THE ACTING CITY MANAGER

The Acting City Manager, Mr. Joe Parlette, had no closing comments.

COMMENTS BY THE CITY COMMISSION

Commissioner Fairchild

Commissioner Fairchild highlighted a housing resource fair at Mt. Enon Church on Saturday, September 18, 2021.

Commissioner Fairchild encouraged citizens to continue wearing their masks and highlighted several events around the city of Dayton.

Commissioner Shaw

Commissioner Shaw encouraged citizens to continue wearing their masks and to get vaccinated.

Commissioner Mims

Commissioner Mims highlighted the *Know Your Rights* presentation.

Commissioner Joseph

Commissioner Joseph encouraged citizens to continue wearing their masks and to get vaccinated.

Commissioner Joseph spoke in support of legislation that was passed in “1965” which was the creation of Medicare and Medicaid, Immigration Nationality Act and the Voting Rights Act.

Mayor Whaley

Mayor Whaley thanked the Commission for their continued support for Public Health.

Mayor Whaley highlighted she and Commission’s Fairchild participation at the Redistricting Hearing in Washington Township.

Mayor Whaley expressed sympathy for the passing of Ms. Ann Szabo.

ADJOURNMENT

There being no further business the meeting was adjourned at 7:30 p.m.

Nan Whaley
Mayor

Attest: _____
Clerk of Commission