

On Wednesday, September 21, 2022, at 6:02 p.m., the Dayton City Commission met in regular session in the Commission Chambers of City Hall.

**CALL TO ORDER**

Mayor Mims called the meeting to order.

**INVOCATION**

Commissioner Turner-Sloss gave the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Mims led the public in the Pledge of Allegiance.

**ROLL CALL**

Roll call was taken, and Mayor Mims, Commissioners Joseph, Shaw, Fairchild and Turner-Sloss were present. The Clerk of Commission, Ms. Regina Blackshear and the City Manager, Ms. Shelley Dickstein were also present.

**APPROVAL OF MINUTES**

**Commissioner Joseph made a motion to approve the minutes from the September 14, 2022, meeting. Commissioner Fairchild seconded the motion. The previous meeting minutes were unanimously approved.**

**COMMUNICATIONS AND PETITIONS**

**Communication #21724**

**State of Ohio, Department of Liquor Control – Permit Application No. 4423551 – TRFO –C1 -C2 – KR & RR Liquor LLC, 2227-29 Germantown Street, Dayton OH 45417.**

The Clerk of Commission reported receipt of – State of Ohio, Department of Liquor Control – Permit Application No. 4423551 – TRFO –C1 -C2 – KR & RR Liquor LLC, 2227-29 Germantown Street, Dayton OH 45417. The application was referred through the city for investigation.

**Communication #21725**

**State of Ohio, Department of Liquor Control – Permit Application No. 3238560 – TRFO –C1 -C2 – GNR Market LLC, 1627 E Third Street, Dayton OH 45403.**

The Clerk of Commission reported receipt of – State of Ohio, Department of Liquor Control – Permit Application No. 3238560 – TRFO –C1 -C2 – GNR Market LLC, 1627 E Third Street, Dayton OH 45403. The application was referred through the city for investigation.

**Communication #21727**

**State of Ohio, Department of Liquor Control – Permit Application No. 6330648 – New - C2 - Need1More Drive Thru Inc., dba Need1More Dive Thru, 3241 Needmore Road, Dayton OH 45414.**

The Clerk of Commission reported receipt of – State of Ohio, Department of Liquor Control Permit Application No. 6330648 – New - C2 - Need1More Drive Thru Inc., dba Need1More Dive Thru, 3241 Needmore Road, Dayton OH 45414. The application was referred through the city for investigation.

**Communication #21728**

**State of Ohio, Department of Liquor Control – Permit Application No. 4423551 – LIQUOR AGENCY CONTRACT – KR & RR Liquor LLC, 2227-29 Germantown Street, Dayton OH 45417.**

The Clerk of Commission reported receipt of – State of Ohio, Department of Liquor Control – Permit Application No. 4423551 – LIQUOR AGENCY CONTRACT– KR & RR Liquor LLC, 2227-29 Germantown Street, Dayton OH 45417. The application was referred through the city for investigation.

**SPECIAL AWARDS/PRESENTATIONS**

**National Day of Service and Remembrance**

Mayor Mims invited Mr. Youssef Elzein to the podium for a reading of a Proclamation in Honor of National Day of Service and Remembrance.

Mr. Youssef said it means a lot that they are reading the proclamation in remembrance of a veteran and Colonel in the United States Air Force who was killed on 9/11.

The Clerk of Commission, Ms. Regina Blackshear, read the proclamation.

**Habitat for Humanity**

Mayor Mims invited Mr. Norm Moizzi, Executive Director for Habitat for Humanity of Greater Dayton, to the podium for a community update.

Mr. Moizzi said Habitat for Humanity appreciates the City’s efforts for ARPA funding being dispersed to the community. He said Dayton, like nowhere else, has made sure the community sees things happening in their neighborhoods.

Mr. Moizzi said Habitat for Humanity provides home ownership opportunities for families that are unlikely to be able to achieve it through traditional means. He said that is achieved through receiving support from organizations that work throughout the community.

Mr. Moizzi said Habitat for Humanity also provides home repairs for citizens who are on fixed incomes and cannot afford them. He said he appreciates the City of Dayton recognizing and utilizing ARPA dollars for the repairs.

Mayor Mims asked about home repairs and home repair classes.

Mr. Moizzi said they have always done home repairs, but it wasn’t until the Memorial Day Tornadoes that the critical home repair program sought ways to bring funding into the community.

**ADDITIONS OR DELETIONS TO THE CALENDAR**

The Clerk of Commission, Ms. Regina Blackshear, said on September 7, 2022, there was a first reading of the following Emergency Ordinance: Amending Sections 152.55 through 152.99 of the Revised Code of General Ordinances Concerning Floodplains and Flood Damage Reduction, and Declaring an Emergency. The Emergency Ordinance was read using the number 31992-22 and was on the printed agenda. On September 14, 2022, there was a second reading of the same Emergency Ordinance, however, it was read using the number 31991-22. After realizing the numbering error and with Law Department direction, I will be re-reading the Emergency Ordinance during this meeting, utilizing the number that was originally read on September 7, 2022. The Emergency Ordinance will be 31992-22 and will

receive a first and second reading. This is being done to correct the numbering error and to clarify the official minutes.

**DISCUSSION OF CALENDAR ITEMS**

**Calendar Item No. 3. Glenwood Electric, Inc. – Award of Contract**

The City Manager, Ms. Shelley Dickstein, said the contract received a 15 percent goal achieved for Minority Business Enterprise (MBE) which is exciting.

**Calendar Item No. 4. Security Fence Group, Inc. – Award of Contract**

The City Manager, Ms. Shelley Dickstein, said the contract received an 88 percent participation goal which is exciting as well.

**Emergency Ordinance No. 31993-22**

The City Manager, Ms. Shelley Dickstein, said the legislation is for the Wolfcreek Homes Development Project and is part of the NIP program which will develop ten lots for a cost of \$10M. She said this emergency ordinance will not be on the calendar for the September 28, 2022, because there will only be three commissioners present.

Commissioner Tuner-Sloss asked if the ascetics of the project would compliment what is already present and what is the succession plan after the 30-year period.

Ms. Dickstein said she would have a full presentation on the development at next week's meeting.

Commissioner Shaw thanked the City Manager, Ms. Shelley Dickstein, for the future design work on the project.

**Emergency Ordinance No. 31995-22**

The City Manager, Ms. Shelley Dickstein, said this is the second revised appropriation. She said the appropriation establishes the City of Dayton's legal spending limit approved by the City Commission.

Ms. Dickstein said the appropriation is the City's legal spending limit, approved by the City Commission. As such, no revenues, or sources, are reflected in the legislation. Adjustments are funded from budget reallocations, increases in revenues, ARPA revenue loss and other grant opportunities, or the use of cash balances. She said consistent with city policy, new and/or increased projects and expenditures will still come before Commission for approval in the form of POs, Contracts, and other similar spending mechanisms.

Ms. Dickstein invited the Acting Procurement, Management and Budget Director, Ms. Monica Jones to the podium for clarification.

Ms. Jones said this is the second revised appropriations which across all funds has a net increase of \$53.4M and is a 5.8 percent increase over the first revised appropriation which was brought forward in June. She said most of the appropriations, as the City Manager indicated, is transfers out and that total is \$39M. She said of that \$39M, \$37.5M is related to ARPA funding and the Dayton Recovery Plan.

Ms. Jones said a transfer out is occurring in order to claim eligible revenue loss as allowed in the treasury's final rule and to fund the Dayton Recovery plan. She said they are asking for \$14M of additional budget approval spending limit across multiple funds. In the general

fund, there's an increase of \$41.5M and that is because ARPA is in that group of funds, not counting the transfer out.

Ms. Jones said the \$4M adjustments include increases in civil services budget for testing facility improvements in order to be more compliant with ADA standards as well as additional medical evaluations when the number of EMTs in the firefighter recruit class increased. She said there is an increase in the Planning, Neighborhood and Development budget of \$80,000, which is a result of an RFP and is for examination services. Ms. Jones said the Fire Department has an increase of \$1M for overtime. She said they have been talking about how finance committee briefings trends are high and have been using additional leave through the summer; therefore, additional authority is needed to cover over-time through the end of the year.

Ms. Jones said there's a small amount \$17,000 because a fire truck came over budget when they went out for new quotes, (because of supply chain delays and cost increases). She said there is an increase of \$313 000 to cover increased commercial property and casualty insurance for the entire City. Insurance trends and costs are going up. Ms. Jones gave an overview of other accounts as well.

## **REPORTS**

### **1. Purchase Orders, Agreements and Contracts:**

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

#### **AVIATION**

**A1. CHWR, INC. dba CHW Mechanical Services** (heating, ventilation and air conditioning (HVAC) preventative maintenance and repairs as needed through 12/31/22) **\$50,000.00**

#### **FIRE**

**B1. Carroll Wuertz Tire Company** (tires, tubes and related goods and services as needed through 12/31/22) **\$20,000.00**

#### **POLICE**

**C1. American Blast Systems, Inc.** (fifty-six (56) ballistic rifle plates) **20,874.22**

**C2. Aramsco, Inc.** (personal protection equipment (PPE) **43,975.20**  
-Depts of Aviation, Fire and Police. **Total: \$134,849.42**

**2. Level One LLC, a Doxim Company - Contract Modification** – first amendment to professional services agreement for electronic bill presentment and payment processing (EBPP) and bill print and mail services – Department of Finance/Utility Revenue Administration.

**\$657,000.00**  
**(Thru 05/18/25)**

**B. Construction Contracts:**

3. **Glenwood Electric, Inc. – Award of Contract** – for Water Treatment Plants Stand-By Power Improvements (15% MBE Participation/15% MBE Achieved) - Department of Water/Water Supply and Treatment. **\$8,520,600.00**  
**(Thru 07/31/25)**
  
4. **Security Fence Group, Inc. – Award of Contract** - for Dayton-Wright Brothers Airport Wildlife Fence Replacement Phase 5 – Expanded (FAA 3/3) (23% DBE Participation/88% DBE Achieved) – Department of Aviation/AP Admin & Finance **\$983,149.95**  
**(Thru 12/31/24)**

**E. Other – Contributions, Etc.:**

5. **Fifth Third Bank – Payment of Voucher** – for cost incurred from July 2022 P-Card statement – Human Relations Council **\$4,399.99**  
**(Thru 12/31/22)**

**BY THE BOARD OF REVISION OF ASSESSMENTS**

6. In the Matter of Declaring the Intention of the Commission to Vacate the Second Alley North of West Norman Avenue from Rugby Road to 30 Feet East of the Alley West of Rugby Road.

**CITIZENS’ COMMENTS ON CALENDAR ITEMS**

There were no citizens’ comments on calendar items.

**APPROVAL OF CITY MANAGER’S REPORTS**

**Commissioner Joseph made the motion to approve the City Manager’s Reports with the exception of Calendar Item No. 6. Commissioner Shaw seconded the motion. The City Manager’s Reports were approved with a 5-0 vote. Voting in the affirmative were Mayor Mims, Commissioners Joseph, Fairchild and Turner-Sloss.**

**Commissioner Joseph made the motion to approve the City Manager’s Report Calendar Item No. 6. Commissioner Shaw seconded the motion. The City Manager’s Report was approved with a 4-1-0 vote. Voting in the affirmative were Mayor Mims, Commissioners Joseph, Shaw and Turner-Sloss. Commissioner Fairchild abstained.**

**LEGISLATION**

**EMERGENCY ORDINANCE - FIRST READING**

**Emergency Ordinance No. 31993-22-** Authorizing the Sale of Certain Real Estate located in the City of Dayton for Development Purposes, and Declaring an Emergency.

**Commissioner Joseph moved that this being an emergency measure for the immediate consideration of the Resolution. Commissioner Turner-Sloss seconded the motion. The motion was passed with a 5-0 vote.**

**Emergency Ordinance No. 31995-22-** Amending the City's Appropriations for the Year 2022, and Declaring an Emergency.

**Commissioner Shaw 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 5-0 vote.**

**EMERGENCY RESOLUTION-SECOND READING**

**Emergency Resolution No. 6674-22-** Authorizing the Acceptance of a Grant Award from the State of Ohio Department of Development through its Broadband Ohio Program in the amount of Two Hundred Fifty Thousand Dollars and Zero Cents (\$250,000.00) for the Benefit of the City of Dayton, and Declaring an Emergency.

**The question being shall Emergency Resolution No. 6674-22 be adopted. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Mims, Commissioners Joseph, Shaw, Fairchild and Turner-Sloss. The Emergency Resolution was adopted.**

**ORDINANCE – FIRST READING**

**Ordinance No. 31994-22-** To Vacate the Second Alley North of West Norman Avenue from Rugby Road to 30 Feet East of the Alley West of Rugby Road.

**RESOLUTION – SECOND READING**

**Resolution No. 6673-22-** Authorizing the City Manager, or Her Designee, to Apply for, Accept, and Execute Program Year 2023 Water Supply Revolving Loan Account Funding Agreements Administered by the State of Ohio on Behalf of the City of Dayton, Ohio for (1) a Design Project for the 36" Raw Water Main within the Miami Well Field, (2) a Design Project for the Expansion of the Miami Well Field Recharge Lagoon, (3) a Design Project for the Raw Water Lines at the Intersection of Needmore and Wagner Ford Roads, (4) a Planning Project for End of Pipe Treatment at the Ottawa Treatment Plant, (5) a Planning Project for a Lead Service Compliance Program, (6) a Construction Project for the Raw Water Lines at the Intersection of Needmore and Wagner Ford Roads, (7) a Construction Project for the Installation of Four Production Wells at the Miami Well Field, and (8) a Construction Project for the Installation of Monitoring Wells along Springfield Street, and Designating a Dedicated Repayment Source for the Loans.

**The question being shall Resolution No. 6673-22 be adopted. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Mims, Commissioners Joseph, Shaw, Fairchild and Turner-Sloss. The Resolution was adopted.**

**THIS ITEM WAS ADDED**

**EMERGENCY ORDINANCE – FIRST AND SECOND READING**

**Emergency Ordinance No. 31991-22-** Amending Sections 152.55 through 152.99 of the Revised Code of General Ordinances Concerning Floodplains and Flood Damage Reduction, and Declaring an Emergency.

**Commissioner Joseph moved that this being an emergency measure for the immediate consideration of the Ordinance. Commissioner Turner-Sloss seconded the motion. The motion was passed with a 5-0 vote. Voting in the affirmative were Mayor Mims, Commissioners Joseph, Shaw, Fairchild and Turner-Sloss. The question being shall Emergency Ordinance No. 31991-22 be passed. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Mims, Commissioners Joseph, Shaw, Fairchild and Turner-Sloss. The Emergency Ordinance was passed.**

### **CITIZENS' COMMENTS**

Citizen comments were received from the following:

1. **Bishop Richard Cox, 1453 Liscum Drive** – spoke in opposition of Calendar Item No. 3. YMCA of Greater Dayton Foundation, LLC
2. **Ms. Nancy Kiehl, 309 Hatcher** – spoke in opposition of Calendar Item No. 3. YMCA of Greater Dayton Foundation, LLC
3. **Dr. Merritt Worthen, 138 Weitherburn Dr.** – spoke in opposition of Calendar Item No. 3. YMCA of Greater Dayton Foundation, LLC
4. **Mr. Tim Bruce, 417 Otterbein Ave.** - spoke in opposition of Calendar Item No. 3. YMCA of Greater Dayton Foundation, LLC
5. **Ms. Charlene Bayless, 2422 Patterson Blvd.** - spoke in opposition of Calendar Item No. 3. YMCA of Greater Dayton Foundation, LLC
6. **Ms. Wanda Merritt, 4021 W. Second St.** - spoke in opposition of Calendar Item No. 3. YMCA of Greater Dayton Foundation, LLC
7. **Mr. Ivy Young, 323 W. Hillcrest Ave.** - spoke in opposition of Calendar Item No. 3. YMCA of Greater Dayton Foundation, LLC
8. **Mr. William Davis, 7231 Hardwick Place**- spoke in opposition of Calendar Item No. 3. YMCA of Greater Dayton Foundation, LLC
9. **Ms. Jo Love, No Address**- spoke in opposition of Calendar Item No. 3. YMCA of Greater Dayton Foundation, LLC
10. **Ms. Rebecca Holbrood, 615 Wicklow Place** spoke in opposition of Calendar Item No. 3. YMCA of Greater Dayton Foundation, LLC
11. **Pastor Renard Allen Jr., 2262 N. Gettysburg Ave.** - spoke in opposition of Calendar Item No. 3. YMCA of Greater Dayton Foundation, LLC
12. **Ms. Crystal Allen, 1828 W. Stewart St.** – spoke about the Boys and Girls Club in West Dayton and its needs.

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

The City Manager, Ms. Shelley Dickstein, said the Boys and Girls Club contract will be coming before the City Commission next week.

Ms. Dickstein said the Northwest YMCA was a program that was submitted by an external applicant. She said the Dayton Recovery Plan called for external projects that was approved December 2021. Ms. Dickstein said this is a project that leverages critical new services and brings new services into Northwest Dayton which was highlighted last week and includes medical services, health programming to address diabetes and some of the other issues in the community.

Ms. Dickstein said home ownership support and assistance and fitness programming are projects that align well with the Phoenix 2.0 plan. It had over 600 community residents from the Northwest area engaged in a 18-month redevelopment plan and they provided their input to help create the final plan. She said education, wellness and fitness were two very high prioritized values in that plan.

Ms. Dickstein said the Community Neighborhood and Development Advisory Board, which is the community group, reviewed, evaluated, and highly prioritized the project to receive funding as part of the Dayton Recovery Plan.

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

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

#### **COMMENTS BY THE CITY COMMISSION**

##### **Commissioner Turner-Sloss**

Commissioner Turner-Sloss thanked the presenters and citizens for their attendance at tonight's meeting.

Commissioner Turner-Sloss thanked staff for their work on the Health and Safety Fair.

Commissioner Turner-Sloss thanked staff for their attendance at the last Mayor's Conversation Tour and Greenwich Village Neighborhood conversation.

##### **Commissioner Fairchild**

Commissioner Fairchild thanked the citizens for voicing their concerns at tonight's meeting.

Commissioner Fairchild thanked the City Manager for her comments on the YMCA.

Commissioner Fairchild thanked staff for their work on the Health and Safety Fair.

Commissioner Fairchild highlighted various events happening around the city, the October Fest at the Dayton Art Institute, Independent Film Festival at the Neon, Safe Sleep Awareness Month.

##### **Commissioner Shaw**

Commissioner Shaw thanked the citizens for attending the meeting and voicing their concerns.

Commissioner Shaw thanked Ms. Allen for attending the meeting on behalf of the Boys and Girls Club of Dayton.

##### **Commissioner Joseph**

Commissioner Joseph highlighted festivals around the city of Dayton and the volunteers.



**Mayor Mims**

Mayor Mims highlighted various events happening around the City of Dayton: Belmonte Days, Hispanic Festival, Miami Valley Urban League Community Day, Edgemont Community, Dayton Philharmonic, Funk Festival, Golf Clinic.

Mayor Mims thanked staff for the Health and Safety Fair. He thanked Mr. Stovall for his work in the community.

Mayor Mims thanked citizens for voicing their concerns at tonight's meeting.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:35 p.m.

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**Jeffrey J. Mims, Jr.**  
**Mayor**

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