

On Wednesday, September 23, 2020, at 8:31 a.m., the Dayton City Commission met in regular session, remotely through electronic means, 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, 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 Shaw 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 Shaw were present. The Clerk of Commission, Ms. Rashella Lavender, and The City Manager, Ms. Shelley Dickstein, were also present through electronic means.

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

APPROVAL OF MINUTES

Commissioner Mims made a motion to approve the minutes from the September 16, 2020, meeting. Commissioner Joseph seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

There were no communications or petitions.

SPECIAL AWARDS/PRESENTATIONS

There were no awards or presentations.

ADDITIONS OR DELETIONS TO THE CALENDAR

The Clerk of Commission, Ms. Rashella Lavender, requested the addition of the legislation pertaining to the Public Hearing at the desire of the Dayton City Commission.

REPORTS

**A. Purchase Orders, Agreements and Contracts:
(All contracts are valid until delivery is complete or through December 31st of the current year).**

1. Purchase Orders:

ECONOMIC DEVELOPMENT

A1. Comptech Computer Technologies, Inc. (temporary staffing services as needed through 12-31-23) **\$10,000.00**

FIRE

B1. Dell Marketing LP (computers, monitors, and accessories) **37,831.54**
B2. Horton Emergency Vehicles Company (one ambulance) **251,838.00**
B3. Motorola Solutions, Inc. (Motorola brand radios and accessories) **14,949.46**

1. (Cont'd):

HUMAN RESOURCES

C1. Daniel Juday, LLC (departmental training as needed through 12-31-20) **\$37,300.00**

WATER

D1. Corporate Equipment Company LLC (pump station repairs) **57,325.00**

D2. Columbus Truck & Equipment Center LLC dba McMahon Truck Center (one truck with utility service body, compressor, generator and hydraulic pump) **213,451.00**

D3. Sunesis Construction Company (water main repairs at Keowee and Ottawa Streets) **1,442,260.50**

-Depts. of Economic Development, Fire, Human Resources, and Water. **Total: \$2,064,955.50**

2. **STEPCG, LLC – Service Agreement** – for the purchase of Extreme Networks brand hardware and software to replace the existing wireless network gear – Dept. of Information Technology. **\$239,847.44**
(Thru 03/31/21)

B. Construction Contracts:

3. **Bilbrey Construction, Inc. – Service Agreement** – for Professional Design Build Services – City Hall Mezzanine Area – Dept. of Public Works/Civil Engineering. **\$800,000.00**
(Thru 03/15/21)

C. Revenue to the City:

4. **United States Army Special Operations Command (USSO COM) – Service Agreement** – for off-duty police officer services – Dept. of Police. **\$22,886.46**
(Est. Rev.)

E. Other – Contributions, Etc.:

5. **Calfee Halter & Griswold, LLP – Payment of Voucher** – for legal services – Dept. of Law/Civil. **\$3,191.00**

CITIZENS' COMMENTS ON CALENDAR ITEMS

Citizens' comments were suspended for the meeting.

DISCUSSION OF CALENDAR ITEMS

Purchase Orders

The City Manager, Ms. Shelley Dickstein said the calendar includes several CARES Local Coronavirus Relief Fund (LCRF) related expenditures. She said these are the first of many expenditures that will take place over the next few weeks as staff continue to work diligently to meet the October 15th encumbrance deadline established by the State of Ohio when they appropriated these funds to the local municipalities. She said these items total just over \$1.1 million. Ms. Dickstein said on the next calendar, CARES expenditures will total nearly \$1.6 million and have a narrow eligibility parameter and very tight timelines. Specifically, all projects must be completed this calendar year and the State of Ohio has imposed an encumbrance deadline of October 15th. She said item's being purchased include emergency medical response related items, items to ensure the safety of our first responders (such as gear washers for gear that could be contaminated when responding to calls), and necessary hardware and software to support working remotely.

Ms. Dickstein said through two rounds of funding the City received \$12.3 million and is over 25 percent spent or encumbered. She said this does not account for any COVID-19 related personnel expenses; the City is currently reviewing new eligibility guidance on this topic that came out earlier this month from the U.S. Treasury. Ms. Dickstein said due to the overwhelming response to the free reusable cloth masks for families being available at Recreation Centers, they will likely run out by today. There are no more available for this round but the City is working to make more available in the coming weeks.

Ms. Dickstein said next week the first payment from the Small Business Capital Grant Program will be on the calendar for consideration. Applications are still being accepted through the end of this week and more

information can be found on the City's website by searching "Small Business CARES Grant" or at <https://www.daytonohio.gov/920/Small-Business-CARES-Grant>.

Ms. Dickstein said there is a very good chance the City will receive a third round of funding from the State; she hopes to know more by the end of the day. She said these funds will still have the same eligibility parameters and spending deadline of this calendar year, therefore, timing is critical. Ms. Dickstein said she certainly hopes the amendment extending the encumbrance deadline until November 20th remains part of the legislation because October 15th is only a couple weeks away.

Mayor Whaley said she met with the State Auditor, Mr. Keith Faber, and assured him that the City of Dayton will expend all funds given for the CARES Act.

Calendar Item No. 6. Emergency Ordinance No. 31841-20-Amending Sections of the Revised Code of Ordinances to Adopt Finding of the Third Generation Disparity Study

The City Manager, Ms. Shelley Dickstein, said the ordinance will put in place the new Disparity Study. She invited Ms. Erica Fields, Executive Director of the Human Relations Council, to give an overview of the Disparity Study.

Ms. Fields said in 2018 a Disparity Study was done to determine whether or not disparities exist between the utilization of minorities and women owned businesses and their availability to perform work in the City of Dayton. She said they studied whether or not there is a factual predicate to continue the City's Procurement Enhancement Program (PEP). Ms. Fields said in 2019 MGT America presented to the City Commission their findings and recommendations. She said the legislation presented outlines the major changes and updates. She said the City Commission is being asked to accept the findings of the Third Generation Disparity Study and provide authorization for the continuation of the Procurement Enhancement Program (PEP). Ms. Fields gave an overview of the changes.

Commissioner Mims said this study increases the pool of candidates and allows for dollars to circulate in the City of Dayton.

Commissioner Joseph congratulated staff who worked on the study and said it was a difficult thing to do.

Mayor Whaley thanked the team for working through this study and said this is the way to increase minority business participation in the community.

APPROVAL OF CITY MANAGER'S REPORTS

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

LEGISLATION

EMERGENCY ORDINANCES – FIRST AND SECOND READING

Emergency Ordinance No. 31841-20- Amending Sections 35.31, 35.32, 35.35, 35.371, 35.373, and 35.49 of the Revised Code of General Ordinances in Order to Adopt Certain Findings with Respect to a Third Generation Disparity Study, Establishing a Rebuttable Presumption that Businesses Owned by Minorities and Females are Disadvantaged, Renewing a Process for Participation by Small/Disadvantaged Business Enterprises in Contracting with the City of Dayton in Construction and Goods and Services, and Declaring an Emergency.

Commissioner Joseph moved that this being an emergency measure for the immediate consideration of the Ordinance. Commissioner Shaw seconded the motion. The motion was passed with a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, and Shaw. The question being shall Emergency Ordinance No. 31841-20 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 Shaw. The Emergency Ordinance was passed.

RESOLUTION – FIRST READING

Resolution No. 6531-20- Authorizing the City Manager to Accept Federal Fiscal Years 2021 and 2022 Federal Aviation Administration Airport Improvement Project Grants from the United States Department of Transportation for Airport Improvement Projects at the James M. Cox Dayton International Airport and Dayton-Wright Brothers Airport on Behalf of the City of Dayton in an Amount Not to Exceed Twenty-Five Million Dollars and Zero Cents (\$25,000,000.00).

PUBLIC HEARING

Mayor Whaley opened the Public Hearing on Plan Board Case PLN2020-00292 to establish a HD-3 Historic Overlay District for the Hallmark and Meridian Buildings. She asked Ms. Dickstein to proceed. Ms. Dickstein invited Mr. Tony Kroeger, Division Manager, Planning and Community Development and Ms. Abigail Free, Planner, Planning and Community Development, to present.

Mr. Kroeger said this case is a historic designation which operates in the fashion of a rezoning or zoning change. He said the purpose of this is to have the ability to preserve our historic fabric as well as to provide recognition for their contributions to the City of Dayton.

Ms. Free said this is Plan Board Case PLN2020-00292 which will establish a HD-3 Historic Overlay District for the Hallmark Building at 714 Plymouth Avenue and the Meridian Building located at 59 Central Avenue. She said the underlying zoning for the property will remain Mature Multi-Family (MMF). She said this designation will protect the buildings from demolition without the permission of the Landmark Commission.

Ms. Free said by a 5-0 vote, the Plan Board recommends City Commission approval of the request. She said the Plan Board believes the considerations outlined in Section 150.125.7 (1-8) of the Zoning Code can be made and the request is consistent with the comprehensive plan and the intent and purpose of the Zoning Code.

Ms. Free said the City Commission has three decision options, approve the Plan Board recommendation to establish a HD-3 designation for Hallmark and Meridian Apartments, remand the case back to the Plan Board, or deny the request.

CITIZENS' COMMENTS ON PUBLIC HEARING

There were no citizens' comments on the Public Hearing.

Mayor Whaley closed the hearing.

The pleasure of the City Commission is move forward.

THIS ITEM WAS ADDED

EMERGENCY ORDINANCE- FIRST AND SECOND READING

Emergency Ordinance No. 31842-20-Amending the Official Zoning Map to Establish a HD-3 Historic Overlay District for the Hallmark Building at 714 Plymouth Avenue and the Meridian Building at 59 Central Avenue, and Declaring an Emergency.

Commissioner Mims 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 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, and Shaw. The question being shall Emergency Ordinance No. 31842-20 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 Shaw. The Emergency Ordinance was passed.

CITIZENS' COMMENTS

Citizens' comments were suspended for the meeting.

COMMENTS BY THE CITY MANAGER

The City Manager, Ms. Shelley Dickstein, thanked her team who has been working creatively and with very tight restrictions and parameters around the CARES funding. She said they have been monitoring the ever changing legislation and the opinions or interpretations to the funding guidelines. Ms. Dickstein said they have done a phenomenal job putting together ways to expend the \$12 million in a very short period to make sure it has an impact for the City of Dayton.

Mayor Whaley thanked her for her work and said these are dollars well spent.

COMMENTS BY THE CLERK OF COMMISSION

The Clerk of Commission, Ms. Rashella Lavender, had no closing comments

COMMENTS BY THE CITY COMMISSION

Commissioner Shaw

Commissioner Shaw highlighted his attendance at the Miami Valley MC3 Building Futures Program.

Commissioner Mims

Commissioner Mims made a correction to his comment that the postage for mail-in ballots will cost more than the usual postage fee for a standard letter. He said the cost will continue to be \$0.55. Commissioner Mims said in some Ohio locations the ballots will be longer and therefore will require more postage but not in Montgomery County.

Mayor Whaley said she spoke with the Board of Elections and in 2016 they had 58,000 requested mail-in ballots. She said as of yesterday there are at 85,000 requested ballots.

Mayor Whaley

Mayor Whaley encouraged citizens to request their absentee ballots and complete the 2020 Census forms.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:00 a.m.

Nan Whaley
Mayor

Attest: _____
Clerk of Commission