

On Wednesday, September 29, 2021, at 6:01 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 Mims gave the invocation. Commissioner Joseph asked for a moment of silence to commemorate the passing of former Fire Chief Larry Collins.

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 City Manager, Ms. Shelley Dickstein and Miami Valley Interpreters, were also present.

APPROVAL OF MINUTES

Commissioner Mims made a motion to approve the minutes from the September 22, 2021, meeting. Commissioner Fairchild seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

Communication #21601

State of Ohio, Department of Liquor Control – Permit Application #2618200-0005 – New- C1- Fair Price Oil Co LLC dba Fair Price Oil, 1739 Woodman Drive, Dayton, OH 45402.

The Clerk of Commission reported receipt of Permit Application #2618200-0005 – New- C1- Fair Price Oil Co LLC dba Fair Price Oil, 1739 Woodman Drive, Dayton, OH 45402. The application was referred through the City for investigation.

Communication #21602

State of Ohio, Department of Liquor Control – Permit Application #7955293 – New – D3 – Seelys Ditch LLC dba Seelys Ditch, 1712 E 3rd Street, Dayton OH 45403

The Clerk of Commission reported receipt of Permit Application #7955293 – New – D3 – Seelys Ditch LLC dba Seelys Ditch, 1712 E 3rd Street, Dayton OH 45403. The application was referred through the City for investigation.

Communication #21603

State of Ohio, Department of Liquor Control – Permit Application #9885450 – Transfer of Ownership – D5- D6 – Zan Lounge LLC & Patio & Bsmt, 121 North Ludlow Street, Dayton, OH 45402.

The Clerk of Commission reported receipt of Permit Application Permit Application #9885450 – Transfer of Ownership – D5- D6 – Zan Lounge LLC & Patio & Bsmt, 121 North

Ludlow Street, Dayton, OH 45402. The application was referred through the City for investigation.

SPECIAL AWARDS/PRESENTATIONS

The City Manager, Ms. Shelley Dickstein invited Mr. Steve Gondol, Deputy Director of Planning, Neighborhoods and Development and Mr. Jordan Lewis, Legislative Aide, Dayton City Commission, to the podium for a community update on *Live In Dayton*.

Ms. Dickstein said *Live in Dayton* promotes 65 planning districts in the City of Dayton. She said this program, which is modeled after a program in Baltimore, MD, will compliment a grant by the National League of Cities.

Mr. Lewis said the *Know Your Neighborhood Campaign* originated from the National League of Cities, who liked the 2020 Census work and outreach, opened another source of funding for the City of Dayton to apply. He said the focus would be on increasing civic engagement for underrepresented groups.

Mr. Lewis said the ad campaign would target neighborhood awareness and engagement and would be an additional tool for recruitment with an emphasis on connection, projects and amenities.

Mr. Lewis said advertising products will include: 30,000 palm cards in eight languages (English, Spanish, Turkish, Kinyarwanda, Arabic, Russian, Swahili, Chinese), 100 yard signs, 24 banners for recreation centers, a social media campaign: Facebook, Instagram, billboards and radio advertisements.

Mr. Gondol said the Liveindayton.org is a great vehicle for connecting existing and potential Daytonians eager to learn about and engage with the 65 residential planning districts. He said they have taken intentional measures to ensure barriers to this information is removed. Mr. Gondol gave an overview of the new website. He said the livingdayton.org website will be an active resource reflecting the continual change of neighborhoods and the go-to resource for residents to project their communities to broader audiences.

ADDITIONS OR DELETIONS TO THE CALENDAR

The Clerk of Commission, Ms. Regina Blackshear, requested the addition of Emergency Ordinance No. 31920-21- Accepting a Proposed Collective Bargaining Agreement with the Officers' Unit of the Fraternal Order of Police, John C. Post Lodge No. 44; Authorizing the City Manager to Execute Said Agreement, Emergency Ordinance No. 31921-21- Accepting a Proposed Collective Bargaining Agreement with the Supervisors' Unit of the Fraternal Order of Police, John C. Post Lodge No. 44; Authorizing the City Manager to Execute Said Agreement, Emergency Ordinance No. 31922-21-Fixing the Compensation of the Unclassified Service, Establishing Policy Regarding the Fixing of Compensation for All Other Employees Who Are Not Members of a Collective Bargaining Unit, and Emergency Resolution No. 6610-21-Authorizing the Acceptance of a Grant Award from the State of Ohio, Department of Public Safety, Office of Criminal Justice Services in the Amount of Thirty-One Thousand Seventy-Seven Dollars and Fifty Cents (\$31,077.50) on Behalf of the City of Dayton.

The City Manager, Ms. Dickstein, said she was excited to bring all of the added legislation before commission. She said Mr. Ken Couch and team has worked non-stop since COVID-19. She said all of the contracts are fair and responsive to the working units.

REPORTS

1. Purchase Orders, Agreements and Contracts:

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

AVIATION

- A1. Azteca Systems Holdings LLC dba Azteca Systems LLC** (Cityworks AMS software maintenance and support renewal) **\$15,000.00**
- A2. Ohio CAT** (parts, supplies and repair services as needed through 12/31/21) **20,000.00**
- A3. Parr Public Safety Equipment** (vehicle up-fitting parts and services for two 2021 model Dodge Durango Pursuit Sport Utility vehicles) **11,259.52**
- A4. Tim Lally Chevrolet, Inc.** (one 2021/2022 full-size SUV) **38,074.00**
- A5. White Allen Chevrolet** (one 2022 four-wheel drive extended cab pick-up truck) **34,375.00**

FIRE

- B1. Cellco Prtnshp dba Verizon Wireless** (cellular broadband card services as needed through 12/31/21) **21,500.00**

INFORMATION TECHNOLOGY

- C1. OneSpan North America, Inc.** (electronic signature software subscription renewal) **10,600.00**

PROCUREMENT, MANAGEMENT AND BUDGET

- D1. QYK Brands LLC** (COVID safety supplies as needed through 12/31/21) **14,395.40**
- D2. Worksmart Office Furnishings LLC** (COVID safety supplies as needed through 12/31/21) **11,754.11**

PUBLIC WORKS

- E1. Crown Personnel Service, Inc.** (temporary staffing services as needed through 12/31/21) **20,000.00**
- E2. Cargill, Inc.** (rock salt as needed through 12/31/21) **50,000.00**

WATER

- F1. Sunco Power Systems, Inc.** (four Eurus blowers as needed through 2/28/22) **102,497.00**

-Depts. of Aviation, Fire, Information Technology, Procurement, Management and Budget, Public Works and Water.

Total: 349,455.02

2. Montgomery County Land Reutilization Corporation – Contract

Modification – change order for Montgomery County Land Reutilization Corporation Neighborhood Initiative Program Community Agreement - Department of Planning, Neighborhoods and Development. **\$150,000.00**

(Thru 12/31/24)

3. **Moonlight Security Inc. – Service Agreement** – to provide security guard services for all Water Supply and Treatment locations, Ottawa Yards Security Booth, all Water Supply and Treatment facilities, Well Fields, Water Administration and closed Kittyhawk Golf Course – Department of Water. **\$428,199.55**
(Thru 12/31/22)
4. **Sinclair Community College – Service Agreement** – for services to support the City Prosecutor’s Victim Witness Coordination Unit – Department of Law. **\$117,315.00**
(Thru 9/30/22)
5. **Xylem Vue, Inc. – Service Agreement** – smart water metering (10% SBE Goal/3.8% SBE Achieved) – Department of Water. **\$2,600,000.00**
(Thru 12/31/26)

B. Construction Contracts:

6. **Sunesis Construction Co. – Award of Contract** – for Dayton Parallel Sanitary Interceptor Phases C & D (10% SBE, 5% MBE, & 5% WBE Goal/10.2% SBE, 5.04% MBE, & 5.05% WBE Achieved) – Department of Water. **\$19,621,919.90**
(Thru 12/31/25)

CITIZENS’ COMMENTS ON CALENDAR ITEMS

Citizens’ comments on calendar items were received from the following:

1. **Ms. Rhonda Miller, 1117 Wisconsin Blvd.** – spoke about Calendar Item No. 7. Emergency Ordinance No. 31918-21.

Mayor Whaley told Ms. Miller that Civil Engineering would look into her request.

2. **Mr. Julio Mateo, 215 Ice Ave.-** spoke in opposition of Emergency Ordinance No. 31920-21.

Commissioner Joseph said the Police Reform Oversight Committees first recommendation was to retain officer records for ten years. He said it was met with some concern because of the time period. He said they came to an agreement that police officer records would be retained for ten years.

Commissioner Fairchild ask about the threshold for disciplinary actions.

Ms. Dickstein said the police misconduct records will be retained for ten years; however, they would not be used in a disciplinary fashion that he was speaking about beyond five years depending on the offense.

Commissioner Fairchild clarified the records for excessive force.

Commissioner Fairchild asked for an update on police reform at a City Commission meeting.

Mayor Whaley said she would request an update.

Mayor Whaley commended Mr. Ken Couch and team for their work on keeping employees safe during the pandemic, in addition to working on contracts.

DISCUSSION OF CALENDAR ITEMS

Emergency Resolution No. 6610-21-Authorizing the Acceptance of a Grant Award from the State of Ohio, Department of Public Safety, Office of Criminal Justice Services in the Amount of Thirty-One Thousand Seventy-Seven Dollars and Fifty Cents (\$31,077.50) on Behalf of the City of Dayton.

The City Manager, Ms. Shelley Dickstein, apologized for the late notice of the legislation; however, she said they did not receive notice of the grant until late and it had an immediate deadline.

Calendar Item No. 5. Xylem Vue, Inc.-Service Agreement

The City Manager, Ms. Shelley Dickstein, said the agreement will provide real-time information for operational support and capital planning.

Calendar Item No. 6. Sunesis Construction Co. – Award of Contract

The City Manager, Ms. Shelley Dickstein, said the contract will modernize and create great effectiveness within the wastewater treatment system.

Commissioner Mims commended staff on the Procurement Enhancement Program (PEP) goals on the contact.

APPROVAL OF CITY MANAGER’S REPORTS

**Commissioner Shaw made the motion to approve the City Manager’s Reports
Commissioner Joseph 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 ORDINANCES – FIRST AND SECOND READING

Emergency Ordinance No. 31918-21- Authorizing the Sale of Certain Real Estate located at 1116 W. Stewart Street to ENS Truck Repair, Inc. for Economic Development Purposes, 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 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Fairchild. The question being shall Emergency Ordinance No. 31918-21 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 Ordinance No. 31919-21- Amending the City’s Appropriations for the Year 2021, 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 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Fairchild. The question being shall Emergency Ordinance No. 31919-21 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. 6608-21- Authorizing the Acceptance of a Grant Award for a Fair Housing Assistance Program from the United States Department of Housing and Urban Development in the Amount of Sixty Thousand Three Hundred Dollars and Zero Cents (\$60,300.00) on Behalf of the City of Dayton, 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 5-0 vote. Voting in the affirmative were Commissioners Joseph, Mims, Shaw and Fairchild. The question being shall Emergency Resolution No. 6608-21 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.

Emergency Resolution No. 6609-21- Authorizing the Necessary Tax Levies, Requesting the Advance Payment by Montgomery County, Ohio to the City of Dayton, of Tax Monies Collected for 2022, Certifying the Same to the County Auditor, and Declaring an Emergency.

Commissioner Shaw moved that this being an emergency measure for the immediate consideration of the Resolution. Commissioner Joseph 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. 6609-21 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.

THESE ITEMS WERE ADDED

EMERGENCY ORDINANCES-FIRST AND SECOND READING

Emergency Ordinance No. 31920-21-Accepting a Proposed Collective Bargaining Agreement with the Officers’ Unit of the Fraternal Order of Police, John C. Post Lodge No. 44; Authorizing the City Manager to Execute Said Agreement, 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 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Fairchild. The question being shall Emergency Ordinance No. 31920-21 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 Ordinance No. 31921-21- Accepting a Proposed Collective Bargaining Agreement with the Supervisors’ Unit of the Fraternal Order of Police, John C. Post Lodge No. 44; Authorizing the City Manager to Execute Said Agreement, 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 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Fairchild. The question being shall Emergency

Ordinance No. 31921-21 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 Ordinance No. 31922-21-Fixing the Compensation of the Unclassified Service, Establishing Policy Regarding the Fixing of Compensation for All Other Employees Who Are Not Members of a Collective Bargaining Unit, 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 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Fairchild. The question being shall Emergency Ordinance No. 31922-21 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 RESOLUTION – FIRST AND SECOND READING

Emergency Resolution No. 6610-21-Authorizing the Acceptance of a Grant Award from the State of Ohio, Department of Public Safety, Office of Criminal Justice Services in the Amount of Thirty-One Thousand Seventy-Seven Dollars and Fifty Cents (\$31,077.50) on Behalf of the City of Dayton, and Declaring an Emergency.

Commissioner Shaw moved that this being an emergency measure for the immediate consideration of the Resolution. Commissioner Joseph 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. 6610-21 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.

CITIZENS' COMMENTS

Citizens' comments were received from the following:

1. **Ms. Leslie Sheward, 428 Clover St.** – spoke about license plate cameras being placed back into her neighborhood.
2. **Mr. Greg West, 1323 Kinsley Ave.** – spoke about an incident with a police officer.
3. **Mr. Edward Evans, 719 Bowen St.** – spoke in support of the Ombudsman's Office.
4. **Ms. Culpatrice Foster, No Address** - spoke in support of the Ombudsman's Office.

COMMENTS BY THE CITY MANAGER

The City Manager, Ms. Shelley Dickstein, gave an overview and update of the police chief recruitment process. She said the consulting team has worked closely with the community to build the position profile. She said they met with 25 residents to provide input. Ms. Dickstein said they are in the next step which is having the top four candidates go through an assessment, exercise activity and then panel interviews.

The City Manager, Ms. Shelley Dickstein, invited Ms. Susan Vincent, Planner I, Planning, Neighborhoods and Development, to provide a community update on the Dayton Bike Yard at Welcome Park.

Ms. Vincent said the Dayton Bike Yard is located at Welcome Park behind Welcome Stadium. She gave an overview of the new park and said the total construction cost is between \$1.6M and \$2M (depending upon final construction materials). She said the funding plan consists of the CDBG Investment Grant Funding and private donations/sponsorships.

Ms. Vincent said the phasing plan is to issue bid for construction between January and March of 2022 and to launch construction of majority of the trails and features between Summer and Fall of 2022. She said programming will include two to three youth events and collaboration with neighborhood events to help build capacity in the Fall of 2021. She said bicycle playground activities and collaborate with neighborhood to support their programming efforts in Spring/Summer of 2022 and launch trail days and other activities, including competitions and larger regional events in the Fall of 2022.

Commissioner Fairchild asked about a safer bike path along Edwin C. Moses Boulevard and Stewart Street.

Ms. Vincent said there have talks about a potential project that will slow traffic on Stewart Street at the intersection.

Commissioner Fairchild said he participated in the Major Taylor Ride and asked if some kind of exhibition for those cyclists could be done.

Commissioner Shaw said the work that Bon Bright Distributing has done has been great.

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 highlighted PaPa Pie at Partial Pie.

Commissioner Fairchild highlighted several events that was celebrated around the City of Dayton.

Commissioner Shaw

Commissioner Shaw highlighted his attendance at the 25th Anniversary of the Congressional Black Caucus.

Commissioner Mims

Commissioner Mims highlighted several events around the City of Dayton.

Commissioner Mims highlighted House Bill 248 a bill to suppress the authority of local government to require tests, vaccinations and mask wearing.

Commissioner Joseph

Commissioner Joseph thanked the City Commission for attending Belmont Days.

Commissioner Joseph highlighted the City of Dayton winning the 2021 Sustainable Community of the Year Award.

ADJOURNMENT

There being no further business the meeting was adjourned at 7:18 p.m.

Nan Whaley
Mayor

Attest: _____
Clerk of Commission