

On Wednesday, April 24, 2019, at 8:32 a.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.

**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, Shaw and Fairchild were present. The Clerk of Commission, Ms. Rashella Lavender, and the City Manager, Ms. Shelley Dickstein, were also present.

**APPROVAL OF MINUTES**

**Commissioner Mims made a motion to approve the minutes from the April 17, 2019, meeting.**

**Commissioner Fairchild seconded the motion. The previous meeting minutes were unanimously approved.**

**COMMUNICATIONS AND PETITIONS**

**Communication #21396**

**State of Ohio, Department of Liquor Control – Permit Application C2 Permit #6547916 – 1316 Wyoming Food Mart LLC, 1316 Wyoming Street, Dayton, Ohio 45414.**

The Clerk of Commission reported receipt of Permit Application Permit C2 #6547916 – 1316 Wyoming Food Mart LLC, 1316 Wyoming Street, Dayton, Ohio 45414. The application was referred through the City for investigation.

**Communication #21397**

For recording of The Moorish National Republic for Yeshua ibn Yusef al-Malik Dey El.

**Communication #21398**

Handout at City Commission meeting- The Miami Valley National Day of Prayer.

**SPECIAL AWARDS/PRESENTATIONS**

**National Day of Prayer**

Mayor Whaley invited Pastor Robert Jackson, Harvest Grove Missionary Baptist Church, and Mr. Joe Koenig, to the podium to provide a community update on National Day of Prayer.

Pastor Jackson said this year it's important to come together to show unity, therefore, on Thursday, May 2, 2019, the nation will come together for the Annual National Day of Prayer. He said the event will take place on Courthouse Square at 12:00 noon.

Mr. Koenig said this is the eighth year that Dayton has participated and they will be praying for the government, families and the church. He said he is welcoming everyone to participate.

Mayor Whaley thanked Pastor Jackson and Mr. Koenig for coming every year to represent the National Day of Prayer.

The Clerk of Commission, Ms. Rashella Lavender, read a proclamation.

**Dayton Arab American Heritage Month**

Mayor Whaley invited Mohammed Al Hamdani, Dayton Arab American Forum, Dayton Arab-American Forum President, Lamees Mubaslat, Dayton Arab-American Forum Webmaster Jad Mubaslat, and, Dayton Arab-American Forum Board Members Kandice Abdul Kader and Angy El Khatib, to the podium to celebrate Arab-American Heritage Month.

Ms. Mubaslat said she is honored to receive the recognition, and said the City of Dayton is one of two municipalities in the State of Ohio to present a proclamation. She said on behalf of the Arab-American Communities, she thanked the Dayton City Commission for their leadership and said they are really blessed to call Dayton their home.

Mayor Whaley thanked them for coming.

The Clerk of Commission, Ms. Rashella Lavender, read a proclamation.

**National Community Development Week**

Mayor Whaley invited Ms. Sarah Geist, Community Development Grant Administrator, with the Department of Planning and Community Development, to the podium to acknowledge National Community Development Week.

Ms. Geist said there are several Entitlement Grants that are received from the Department of Housing and Urban Development.

She said April 22-26, 2019, is Community Development Week. Community Development Week is a nation-wide celebration of the local community development efforts that would be increasingly challenging, if not impossible, without the support of Entitlement Programs like the Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME). She said this week is used to highlight local accomplishments pertaining to affordable housing, increased economic opportunity, and fostering suitable living environments, while also highlighting the need for continued and increased funding for CDBG and HOME.

Ms. Geist said locally, the HOME program helps to construct, maintain, and improve affordable housing for Dayton residents. Typically, the City receives approximately \$1 Million in HOME funding annually.

Ms. Geist said the CDBG program is utilized to support residential street and alley resurfacing, slum and blight removal through nuisance abatement, youth and senior services, homelessness outreach, and emergency home repairs. Last year, the City received over \$5.7 Million in CDBG funding, and are hoping to receive a similar allocation this year.

Ms. Geist said the annual competitive process for projects funded through CDBG will kick off within the next month, and are encouraging all partners and community organizations to apply through our RFP process.

She said there can never be enough individuals that champion these great programs. Many of the programs funded through HUD find themselves up against the congressional chopping block on an annual basis, and it's through advocacy and support that these programs have continued to thrive for all of these years.

Mayor Whaley thanked her for her presentation.

The Clerk of Commission, Ms. Lavender, read a proclamation.

**ADDITIONS OR DELETIONS TO THE CALENDAR**

The Clerk of Commission, Ms. Rashella Lavender, said she would like to replace Calendar Item No. 1, with a revised Calendar Item No. 1, that includes the addition of purchase orders for the Department of Police, Sub-Item B1, with Kiesler Police Supply (for ammunition) for a period through March 31, 2023, for a total amount of \$558,135.00, Sub-Item B3, a purchase order with Vance Outdoors, Inc. (for ammunition) for a period through March 31, 2023, for a total amount of \$120,826.00 – P.O. 1900877, Sub-Item B4, a purchase order with Vance Outdoors, Inc. (for ammunition) for a total amount of \$42,965.00 – P.O. 1900876.

Also, the addition of Emergency Ordinance Number 31731-19, Authorizing the City Manager to Execute a Development Agreement and a Real Estate Purchase Agreement, Emergency Resolution Number 6407-19 – Objecting to the Renewal of Liquor Permit No. 1399544, Charles Wilson Enterprises dba Ashwood Lounge, 3500 North Main Street, Dayton, Ohio 45405, Emergency Resolution Number 6408-19 – Objecting to the Renewal of Liquor Permit No. 1465623, Chris Place Inc. dba Chris Band Box, 3001 E. Third Street & Patio, Dayton, Ohio 45403, Emergency Resolution Number 6409-19 – Continuing its Objection to the Issuance of Liquor Permit Number 26312752060 Family Dollar Stores of Ohio, Inc., dba Family Dollar Store 27551, 3222 Salem Avenue, Dayton, Ohio 45406, Emergency Resolution Number 6410-19 – Continuing its Objection to the Issuance of Liquor Permit Number 26312750570 (New), Family Dollar Store of Ohio, Inc., dba Family Dollar 4898, 645 Troy Street, Dayton, Ohio 45404, and Emergency Resolution Number 6411-19 – Continuing its Objection to the Issuance of Liquor Permit Number 26312750735 (New), Family Dollar Store of Ohio, Inc., dba Family Dollar 4040, 1130 North Main Street, Dayton, Ohio 45405. She said the legislation will receive a first and second reading.

**REPORTS:**

**A. Purchase Orders, Price Agreements and Contracts:**

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

1. **Purchase Orders:**

**FIRE**

**A1. Clarke Power Services, Inc.** (parts, supplies and repair services as needed through 12-31-19) **\$24,000.00**

**A2. Finley Fire Equipment Company, Inc.** (self-contained breathing apparatus and related items as needed through 12-31-22) **263,000.00**

1.

**POLICE**

**B1. L.N. Curtis & Sons dba Curtis Blue Line** (System dash mounted control module) **26,000.00**

**PUBLIC WORKS**

**C1. Reliable Transmission Service Midwest, Inc.** (parts, supplies and labor to repair heavy equipment transmissions as needed through 12-31-19) **30,000.00**

**C2. Valley Asphalt Corporation** (asphalt paving materials as needed through 12-31-21) **20,000.00**

-Depts. of Fire, Police, and Public Works. **Total: \$363,000.00**

2. **Steven Gondol – Service Agreement** – for Consulting Services for Strategic Marketing and Branding for City Neighborhoods – Dept. of Planning and Community Development. **\$36,000.00**  
**(Thru 12/31/19)**

3. **Urban Design Associates, Ltd. – Service Agreement** – for Urban Planning and Visioning Services – Dept. of Planning and Community Development. **\$365,000.00**  
**(Thru 12/31/21)**

**B. Construction Contracts:**

4. **Able & Affordable – Award of Contract** – for the Greater Dayton Recreation Center and Dayton View Basketball Court Resurfacing (20% MBE Participation Goal/39.66% MBE Participation Achieved) – Dept. of Planning and Community Development. **\$100,000.00**  
**(Thru 07/15/20)**

5. **John R. Jurgensen Company – Award of Contract** – for the 2019 CDBG Residential Asphalt Resurfacing (10% HUD Section 3 Participation Goal/10.4% HUD Section 3 Participation Achieved) (Federal Construction Funds) – Dept. of Public Works/Civil Engineering. **\$1,158,375.00**  
**(Thru 08/02/21)**

**E. Other – Contributions, Etc.:**

6. **Airport Council International – North America – Other** – for annual ACI-NA Membership – Dept. of Aviation/AP Admin. & Finance. **\$29,622.00**

7. **GBQ Consulting, LLC – Other** – for a payment of voucher for professional auditing and investigation services – Dept. of Law/Civil. **\$5,812.00**

8. **Homefull – Other** – for a first amendment to Subrecipient Agreement – 2018 Emergency Solutions Grant – Dept. of Planning & Community Development. **\$93,256.00**  
**(Thru 10/31/19)**

**CITIZENS' COMMENTS ON CALENDAR ITEMS**

There were no citizens' comments on calendar items.

**DISCUSSION OF CALENDAR ITEM**

**Calendar Item No. 5 – John R. Jurgensen Company – Award of Contract**

The City Manager, Ms. Shelley Dickstein, said this contract is for paving of residential streets in the City of Dayton. She said residents may check daytonohio.gov website to see the full listing of streets to be paved.

**Calendar Item No. 7 – GBQ Consulting, LLC – Other**

The City Manager, Ms. Shelley Dickstein, said this item for professional auditing and investigative services is a payment of voucher, due to staff oversight.

**Emergency Ordinance Number 31731-19, Authorizing the City Manager to Execute a Development Agreement and a Real Estate Purchase Agreement**

The City Manager, Ms. Shelley Dickstein, said this is an agreement with Northpointe Developers who will continue to work to attract another large vendor to the Dayton International Airport.

**Calendar Item No. 2 – Steven Gondol – Service Agreement**

The City Manager, Ms. Shelley Dickstein, invited Mr. Todd Kinskey, Director of Planning and Community Development, to the podium to provide clarification of the service agreement.

Mr. Kinskey said this agreement will provide branding and marketing opportunities for the neighborhoods in order to promote and attract residents to our community.

**Calendar Item No. 3 – Urban Design Associates, Ltd. – Service Agreement**

The City Manager, Ms. Shelley Dickstein, invited Mr. Todd Kinskey, Director of Planning and Community Development, to the podium to provide clarification of the service agreement.

Mr. Kinskey said Urban Design is working on the West Dayton planning effort to create the document needed to go through the Plan Board process and for City Commission consideration.

Mr. Kinskey said the overall plan is knitting together the Riverfront, Choice, Carillon/Edgemont, and Wright Dunbar plans. He said they asked Urban Design Associates to look at the plans the City has done already and find gaps and identify new opportunities.

Mr. Kinskey said the timing is good for this agreement because CitiPlan 2020 will be expiring soon. He said if approved, the process will begin May 2019. He said Urban Design will spend six months in each of the geographies to critique the plans and then present them to the Plan Board for approval.

Mr. Kinskey said he is looking forward to engaging our neighborhoods in future planning.

Mayor Whaley thanked Mr. Kinskey for his work.

**Emergency Resolution Number 6407-19 – Objecting to the Renewal of Liquor Permit No. 1399544, Charles Wilson Enterprises dba Ashwood Lounge, 3500 North Main Street, Dayton, Ohio 45405, Emergency Resolution Number 6408-19 – Objecting to the Renewal of Liquor Permit No. 1465623, Chris Place Inc. dba Chris Band Box, 3001 E. Third Street & Patio, Dayton, Ohio 45403, Emergency Resolution Number 6409-19 – Continuing its Objection to the Issuance of Liquor Permit Number 26312752060 Family Dollar Stores of Ohio, Inc., dba Family Dollar Store 27551, 3222 Salem Avenue, Dayton, Ohio 45406, Emergency Resolution Number 6410-19 – Continuing its Objection to the Issuance of Liquor Permit Number 26312750570 (New), Family Dollar Store of Ohio, Inc., dba Family Dollar 4898, 645 Troy Street, Dayton, Ohio 45404, and Emergency Resolution Number 6411-19 – Continuing its Objection to the Issuance of Liquor Permit Number 26312750735 (New), Family Dollar Store of Ohio, Inc., dba Family Dollar 4040, 1130 North Main Street, Dayton, Ohio 45405.**

The City Manager, Ms. Shelley Dickstein, invited Mr. Martin Gehres, Assistant City Attorney, to the podium to provide clarification of Annual Liquor Renewals.

Mr. Gehres said every year the City of Dayton has an opportunity to object to renewals within City limits that have had ongoing issues. He said the Departments of Police, Planning and Community Development, and Law review information on liquor establishments and then make their recommendations to the City Commission.

Mayor Whaley encouraged the community to be engaged with the Dayton Police Department and Neighborhood Land Use Boards to go after the worst sites.

**APPROVAL OF CITY MANAGER'S REPORTS**

Commissioner Joseph made the motion to approve the City Manager's Reports. Commissioner Shaw 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. 31730-19-** Authorizing the Acceptance of an Easement from Five Rivers MetroParks for the Installation of Electrical Power, 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. 31730-19 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.

**ORDINANCE – SECOND READING**

**Ordinance No. 31723-19-** To Vacate the Alley East of North Dutoit Street from East Third Street to the Alley North of East Third Street.

The question being shall Ordinance No. 31723-19 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 Ordinance was passed.

**THESE ITEMS WERE ADDED**

**EMERGENCY ORDINANCE – FIRST AND SECOND READING**

**Emergency Ordinance No. 31731-19-** Authorizing the City Manager to Execute a Development Agreement and a Real Estate Purchase Agreement, Authorizing the Conveyance of Real Property 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. 31731-19 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. 6407-19-** Objecting to the Renewal of Liquor Permit No. 1399544, Charles Wilson Enterprises dba Ashwood Lounge, 3500 N Main Street, Dayton, Ohio 45405, and Declaring an Emergency.

Commissioner Joseph moved that this being an emergency measure for the immediate consideration of the Resolution. 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 Resolution No. 6407-19 be adopted. 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 Resolution was adopted.

**Emergency Resolution No. 6408-19-** Objecting to the Renewal of Liquor Permit No. 1465623, Chris Place Inc dba Chris Band Box 3001 E. Third St & Patio, Dayton, Ohio 45403, 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 Mayor Whaley, Commissioners Joseph, Mims, Shaw and Fairchild. The question being shall Emergency Resolution No. 6408-19 be adopted. 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 Resolution was adopted.

**Emergency Resolution No. 6409-19-** Continuing the Objection to the Issuance of Liquor Permit #26312752060 Family Dollar Stores of Ohio Inc., dba Family Dollar Store 27551, 3222 Salem Ave., Dayton, Ohio 45406, 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 Mayor Whaley, Commissioners Joseph, Mims, Shaw and Fairchild. The question being shall Emergency Resolution No. 6409-19 be adopted. 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 Resolution was adopted.**

**Emergency Resolution No. 6410-19-** Continuing the Objection to the Issuance of Liquor Permit #26312750570 (NEW), Family Dollar Store of Ohio, Inc. dba Family Dollar 4898, 645 Troy Street, Dayton, OH 45404, 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 Mayor Whaley, Commissioners Joseph, Mims, Shaw and Fairchild. The question being shall Emergency Resolution No. 6410-19 be adopted. 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 Resolution was adopted.**

**Emergency Resolution No. 6411-19-** Continuing its Objection to the Issuance of Liquor Permit #26312750735 (NEW), Family Dollar Store of Ohio, Inc. dba Family Dollar 4040, 1130 North Main Street, Dayton, Ohio 45405, and Declaring an Emergency.

**Commissioner Joseph moved that this being an emergency measure for the immediate consideration of the Resolution. 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 Resolution No. 6411-19 be adopted. 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 Resolution was adopted.**

#### **BOARD APPOINTMENT**

**Commissioner Joseph made a motion to appoint Gabriela Pickett to the Welcome Dayton Committee for a term ending December 31, 2021. Commissioner Shaw seconded the motion. The motion was unanimously approved.**

**Commissioner Mims made a motion to appoint Yvette Kelly-Fields to fulfill the unexpired term of Bryan martin to the Human Relations Council for a term ending August 31, 2020. Commissioner Fairchild seconded the motion. The motion was unanimously approved.**

#### **CITIZENS' COMMENTS**

Citizens' comments were received from the following:

1. **Ms. Charlene Bayless, 2422 Patterson Boulevard** - spoke about the closing of Premier Health Hospital (Good Samaritan).

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

The City Manager, Ms. Shelley Dickstein, had no closing comments.

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

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

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

##### **Commissioner Fairchild**

Commissioner Fairchild thanked Greater Dayton Christian Connection for their Good Friday Walk and 78<sup>th</sup> Annual Sunrise Service at Carillon Park.

**Mayor Whaley**

Mayor Whaley said the Montgomery County Prevention Coalition and Community Overdose Action Team are partnering with the DEA for the Spring DEA Drug Take Back Day Event. This event helps to promote safe drug disposal, which is a key strategy when addressing how to prevent prescription drug misuse. She said the DEA Drug Take Back Day Event will be held on Saturday, April 27<sup>th</sup> from 10:00 am until 2:00 pm. Citizens can bring their unused or expired medications to approved locations across the county. To locate the nearest approved disposal site visit <https://takebackday.dea.gov/>. Mayor Whaley said Montgomery County residents brought in 2,548.5 pounds of medication to dispose of at the Fall DEA Drug Take Back Day. She said her hope is to double that amount on April 27<sup>th</sup>!

**EXECUTIVE SESSION**

**On April 24, 2019, at 9:27 a.m., Commissioner Fairchild made a motion to convene into an Executive Session to discuss personnel issues relating to employee appointment, employment, dismissal or demotion. Commissioner Mims seconded the motion. The motion was unanimously approved.**

**ROLL CALL**

Roll call was taken and Mayor Whaley, Commissioners Joseph, Mims, Shaw and Fairchild were present.

**RECONVENE**

**At 10:44 a.m., Commissioner Mims made a motion to reconvene from Executive Session and to continue with the meeting in the Commission Chambers of City Hall. Commissioner Fairchild seconded the motion. The motion was unanimously approved.**

**ROLL CALL**

Roll call was taken and Mayor Whaley, Commissioners Mims, Shaw and Fairchild were present.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 10:45 a.m.

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**Nan Whaley**  
**Mayor**

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