

On Wednesday, January 12, 2022, at 8:30 a.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. He 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 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, Fairchild and Turner-Sloss were present. The Clerk of Commission, Ms. Regina D. Blackshear, The City Manager, Ms. Shelley Dickstein, and Miami Valley Interpreters, were also present.

**Commissioner Joseph made a motion to excuse Commissioner Shaw from this week's City Commissioner Meeting. Commissioner Fairchild seconded the motion. The motion was unanimously approved.**

**APPROVAL OF MINUTES**

**Commissioner Joseph made a motion to approve the minutes from the January 5, 2022, meeting. Commissioner Turner-Sloss seconded the motion. The previous meeting minutes were unanimously approved.**

**COMMUNICATIONS AND PETITIONS**

**Communication #21643**

**State of Ohio, Department of Liquor Control – Permit Application #3468009 – TRFO – C1-C2-D6- H&S Foods, LLC dba H&S Foods, 2100 S. Edwin C. Moses, Dayton OH 45408.**

The Clerk of Commission reported receipt of Permit Application #3468009 – TRFO – C1-C2-D6- H&S Foods, LLC dba H&S Foods, 2100 S. Edwin C. Moses, Dayton OH 45408. The application was referred through the City for investigation.

**Communication #21644**

**State of Ohio, Department of Liquor Control – Permit Application #2843965-0001 – TRFL – D5 - 446 Patterson Inc dba Shroyer, 1028 Shroyer Road, Dayton OH 45419.**

The Clerk of Commission reported receipt of – Permit Application #2843965-0001 – TRFL – D5 - 446 Patterson Inc dba Shroyer, 1028 Shroyer Road, Dayton OH 45419. The application was referred through the City for investigation.

**Communication #21645**

Handout from Gregory T. Ackerman at the January 5, 2022 Commission Meeting.

### **Communication #21646**

Handout from Alyson Youngblood at the January 5, 2022 Commission Meeting.

### **Communication #21647**

**State of Ohio, Department of Liquor Control – Permit Application #9532570 – TREX – D5 - West Social Operations, LLC dba W Social Tap and Table, 1100 West Third Street, Dayton OH 45402.**

The Clerk of Commission reported receipt of – Permit Application #9532570 – TREX – D5 - West Social Operations, LLC dba W Social Tap and Table, 1100 West Third Street, Dayton OH 45402. The application was referred through the City for investigation.

### **SPECIAL AWARDS/PRESENTATIONS**

Mayor Mims invited Ms. Sarah Hackenbracht, President and CEO, Greater Dayton Area Hospital Association (GDAHA), to the podium for a community update on COVID-19.

Ms. Hackenbracht said unfortunately the situation with COVID-19 continues to escalate rapidly in the community. She said she wants to provide the community with a very important update to understand the situation within hospitals. She said we are currently the highest level of the COVID-19 pandemic cases. She said hospitalizations have now peaked at yet a new level, and 609 patients have been hospitalized across the region with COVID-19. Last week there were several days of triple digit occupancy in intensive care units across the region. Ms. Hackenbracht said they are providing data covering eight counties across West Central Ohio because it is very important to understand the health care infrastructure. She said smaller independent hospitals across the region rely on hospitals here in the City of Dayton and Montgomery County to assist with transfers for patients who require higher levels of acute care than what can sometimes be provided at smaller independent facilities, that do not perform those types of procedures on a regular basis.

Ms. Hackenbracht said over the last ten days, the numbers have increased sharply and dramatically. She said they have been working across all facilities to build additional space within hospitals and increase the number of staff beds available at facilities. Unfortunately, the number of staff beds that can be provided to the community has limitations. She said it is critical to understand that they are seeing very high admissions for COVID-19 every day, and this is causing a strain on the region's emergency departments and first responders. She said what this means for the region is that transfers to facilities in Montgomery County are not able to be completed or it takes much longer to find space for a patient who needs care in our hospitals.

Ms. Hackenbracht said the we have been managing our capacity well but in the last ten days we are starting to see yet another uptick in cases and hospitalizations. She said they are very concerned that we would be one of the next regions in the State of Ohio that will experience the same level of patient volume that the Cleveland area has experienced. She said unfortunately they have heard from their counterparts in the Cleveland area their health systems and their hospitals are being crushed by the volume of COVID-19 patients. She said not only is it impacting their ability to care for patients with COVID-19, they are experiencing difficulties in providing normal routine care that hospitals are expected to provide to the community daily.

Ms. Hackenbracht said the pandemic is not only impacting the older population or those individuals who may have compromised immune systems, even though they are at greater

risk, but COVID-19 is now impacting every age and demographic in our community, including the young children in the region. She said these are the hospitalizations and admissions over the last two weeks. She said they have held steady in terms of admissions of very young people in our community, but they have also had increasing admissions in those demographics that are between the ages of 18 and 40. Ms. Hackenbracht said this is the population that needs to be connected with better and help them understand that they are in fact at risk for COVID-19.

Ms. Hackenbracht said as of last week, 83 percent of the people that were seen for COVID-19 at the hospital are unvaccinated. She said 89 percent of the people needing the most acute type of care in intensive care units are unvaccinated and unfortunately in the last 28 days of the individuals who have passed in our hospitals because of COVID-19, 84 percent of those individuals have been unvaccinated.

Ms. Hackenbracht said those wanting to protect themselves and loved ones, should get the vaccination. She said those individuals that have already started their vaccination process should get their second dose or get their booster. She said they are looking at a surge. She said data and modeling data from the state of Ohio and the Ohio Hospital Association has them very concerned about the potential of this current situation escalating and peaking in the next three weeks. She said that means they have to be able to maintain the current situation of operations while dealing with an escalating patient population needing care.

Ms. Hackenbracht said she is grateful to Governor DeWine and his support to provide additional National Guard Troops to the region to help support these efforts; however, but Troops are limited because of the situation in Northeast Ohio they are getting the vast majority of those resources. She said she is asking the leaders of the community to reach out to those in their network and those individuals who are trusted messengers across the community to help everyone understand the true gravity of this situation and the need for action and the desire to reinstate some of the public health measures in order to make it through the next four to six weeks.

Commissioner Turner-Sloss thanked Ms. Hackenbracht for her presentation and leadership and said as leaders they will continue to encourage citizens to wear their mask, social distance and to become vaccinated.

Commissioner Fairchild thanked Ms. Hackenbracht for her presentation. He said this is sobering news. He said it is a need to get back to social distancing, wearing masks, washing hands and everyone becoming vaccinated. Commissioner Fairchild said in his work at Dayton Children's Hospital, he can attest that space at the hospital is limited. He said he would add that coping skills are needed through this pandemic.

Commissioner Joseph thanked Ms. Hackenbracht for her leadership. He asked about city facilities being considered for surge capacity. Ms. Hackenbracht said their model is to surge within the walls of hospital facilities to ensure they are connected to all services patients may need, and the primary concern of capacity was capable, healthy staff. She clarified staff at area hospitals have high levels of vaccinations.

Mayor Mims thanked Ms. Hackenbracht for her leadership. He highlighted the numbers associated with COVID-19 especially the mortality rates. He asked about high school athletes being vaccinated and encouraging other young people to become vaccinated.

Ms. Hackenbracht said the relationship with coaches is extremely important. She highlighted the death of Chaminade Julianne Coach, Mr. Richard Kidd.

**ADDITIONS OR DELETIONS TO THE CALENDAR**

There were no additions or deletions to the calendar.

**DISCUSSION OF CALENDAR ITEMS**

**Calendar Item No. 3. The HomeOwnership Center of Greater Dayton, Inc.-Service Agreement**

The City Manager, Ms. Shelley Dickstein, said this agreement is part of the Community Development Block Grant (CDBG) and is a subrecipient agreement to administer down payment assistance program which will provide residents with low to moderate income in West Dayton, along the North Main Street Corridor, home buyer education classes.

**Calendar Item No. 4. The HomeOwnership Center of Greater Dayton, Inc.-Service Agreement**

The City Manager, Ms. Shelley Dickstein, said this agreement is part of the Community Development Block Grant (CDBG) and is a subrecipient agreement to administer counseling and financial wellness program for 50 potential home buyers. She said it will include foreclosure prevention counseling to 40 homeowners.

Commissioner Joseph said he was glad to see these items on the calendar. He said he and his wife took advantage of the program.

Commissioner Turner-Sloss commended staff for their efforts in restarting this program. She said it is a vital service and asked residents to be patient. She said for more information to contact the HomeOwnership Center at 937-853-1600.

Commissioner Fairchild said he and his wife took advantage of the program. He encouraged citizens to participate in the program.

**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. Enterprise Roofing & Sheet Metal Company** (roofing maintenance, repairs and related items as needed through 12/31/23) **\$30,000.00**
- A2. Kendall Electric, Inc.** (electrical supplies and related items as needed through 12/31/22) **\$30,000.00**

**PLANNING, NEIGHBORHOODS & DEVELOPMENT**

- B1. Longs Lawn Care** (commercial ground maintenance services as needed through 12/31/23) **175,800.00**

**PUBLIC WORKS**

- C1. Allied Builders, Inc.** (fencing products, related items and services as needed through 12/31/22) **15,000.00**

**C2. Valley Asphalt Corp. (P0220307)** (asphalt paving material and related items as needed through 12/31/22) **495,000.00**

**WATER**

**D1. Benedict Enterprises, Inc.** (pebble lime hauling as needed through 12/31/24) **290,000.00**

**D2. Phillips Companies** (ready mixed, rapid set concrete and related materials as needed through 12/31/24) **60,000.00**

**D3. Valley Asphalt Corp. (P0220279)** (asphalt paving material and related items as needed through 12/31/24) **480,000.00**

-Depts. of Aviation, Planning, Neighborhoods and Development, Public Works and Water. **Total: \$1,575,800.00**

2. **Moonlight Security, Inc. – Service Agreement**– to provide court security and transportation of defendants – The Municipal Court **\$365,910.00**  
(Thru 12/31/22)

3. **The HomeOwnership Center of Greater Dayton, Inc. – Service Agreement** - for a CDBG Subrecipient Agreement to administer the Down Payment Assistance Program – Department of Planning, Neighborhoods and Development **\$250,000.00**  
(Thru 12/31/23)

4. **The HomeOwnership Center of Greater Dayton, Inc. – Service Agreement** - for a CDBG Subrecipient Agreement to administer the Housing Counseling and Financial Wellness Program - Department of Planning, Neighborhoods and Development **\$80,000.00**  
(Thru 12/31/23)

**C. Revenue to City:**

5. **Alcohol, Drug Addiction & Mental Health Services– Service Agreement** - to provide funding for psychological services provided to probationers and a portion of salary/benefits for a Specialized Probation Officer assigned to Dayton Regional Mental Health Court – The Municipal Court **\$88,192.00**  
(Thru 12/31/22)

**CITIZENS’ COMMENTS ON CALENDAR ITEMS**

There were no citizens comments on calendar items.

**APPROVAL OF CITY MANAGER’S REPORTS**

**Commissioner Shaw made the motion to approve the City Manager’s Reports. Commissioner Fairchild seconded the motion. The City Manager’s Reports were approved with a 4-0 vote. Voting in the affirmative were Mayor Mims, Commissioners Joseph, Shaw, and Fairchild.**

**LEGISLATION**

There was no legislation.

**CITIZENS’ COMMENTS**

Citizens’ comments were received from the following:

1. **Ms. Wendy Parker, 41 Livingston Ave.** – spoke about a drug rehabilitation clinic in her neighborhood.
2. **Mr. Joseph Abrams, 117 Park Dr.** – spoke about the Clifford Owensby investigation findings.
3. **Mr. Greg Ackerman, 556 Shadowlawn Ave.** – spoke about litigation regarding his home.
4. **Ms. Allyson Youngblood, 111 Livingston Ave.**– spoke about a drug rehabilitation clinic in her neighborhood.

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

The City Manager, Ms. Shelley Dickstein, said due to the Covid-19 Pandemic, the City of Dayton is experiencing staff shortages, however, she has implemented the 2020 Robust Continuity of Workforce plan and said citizens should not experience any service interruptions.

Commissioner Fairchild said he had received complaints of trash not being picked up. He asked if that was due to staff shortages.

Ms. Dickstein said it was probably due to missed pick up due to having new drivers with new routes. She said if citizens experience missed trash, they should call customer service at 937-333-4800.

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

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

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

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

Commissioner Turner-Sloss thanked staff members for their work. She thanked the residents of the city of Dayton for coming to the meeting to air their grievances.

Commissioner Turner-Sloss said, “This is a very unfortunate situation for families, city leadership, and all of Dayton residents. I am confident that the leadership and residents of Dayton are going to continue to build community, find solutions to resolve this matter for the benefit of all residents, and to become a city that we can all be proud of, and where the very best of the region will be seen. I am personally committed to bringing the energy and new ideas that warrant for solutions during these challenging times when we are faced with difficult circumstances such as this. I applaud Dayton residents and leadership for it’s willingness to be held accountable and responsive for ensuring our public safety.”

Commissioner Turner-Sloss asked citizens who did not submit their speakers forms on time, to meet with her after the meeting.

##### **Commissioner Fairchild**

Commissioner Fairchild said, “The first thing I want to say, because it is the most important thing to say this morning, and because it is true is this – the announcement of the Professional Standard Bureau is a significant event, but only one point in the process of this case. The litigation that has been initiated by Mr. Owensby will be another important component. That litigation extends the process and limits what can be said by me, Mayor Mims and my fellow city commissioners.

I will highlight that we have posted the PSB findings on the city's website and every citizen has the opportunity to read that report. Part of the process forward will be citizens and content experts reviewing that report and providing their input into our ongoing police reform work. I believe our posting of this finding is a significant act of transparency. From my experience, this level of transparency is relatively rare in the area of police and community relationships.

Mayor Mims in his statement yesterday did a good job of highlighting the investment we have made in police reform, its ongoing nature, and some of the important changes that have been made or are in progress. I want to highlight 4 items: 1) The independent auditor will be hired in the near future and I believe it will be in their scope to review this case and that report will add to this process; 2) We have added additional citizen input and oversight into our policing through the creation or expansion of the permanent police committees; 3) A new use of force policy is being developed and will be adopted; 4) And note, beyond the recommendations – our administration and police leadership have created an ADA compliance officer.

My last point – it is tempting to make easy platitudes or premature apologies. However, those will not serve us well, especially when the relationship between police and the community is strained, nor be the strong leadership we need to sustain this critical work. I have 1453 days in my current term. I am not going anywhere. Two to three weeks ago – I observed as we put the permanent police reform committees in place – there is an essential conversation that was started with the Community Police Council – and remains to be had. The content of that conversation is two fold – What are our expectations – what are the community expectations of the police; and what are the police's expectations of the community? I am committed to sustaining this conversation.

One of Sir Robert Peel's principles is this:

"To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police, the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence."

I am committed to cultivating the best police community relationships in the nation. It is important to recognize there is an imbalance of power in that relationship - police have more structural power. I will work hard to make sure the community's voices and participation is fair and substantial. We are in this together. I look forward to working with each of you to do this work."

Commissioner Fairchild highlighted Mr. Marlon Shackelford and the Peace Ambassadors (which is a part of the Street Soldiers) for raising \$3,008 for families in the Kentucky tornados.

Commissioner Fairchild highlighted the 39<sup>th</sup> Recognition of Dr. Martin Luther King Day. He encouraged citizens not to celebrate but to put his legacy into action to secure the right to vote for every citizen.

Commissioner Fairchild asked citizens who did not submit their speakers forms on time, to meet with him after the meeting.

### **Commissioner Joseph**

Commissioner Joseph said, "Like many of you, I'm very disappointed with how Mr. Owensby's interaction with Dayton Police occurred. At the same time, I understand that

officers cannot be held accountable to policies that were not in place at the time of the incident. It's an uncomfortable place to be. I know, like always, we will use this as an opportunity to learn and to create better outcomes in the future.

Given what I have seen from Chief Afzal's leadership, I am very optimistic about the future of Dayton Police – particularly because I know that dedicated citizens and officers will always be pushing the department to a higher and higher standard.

For my part, I intend to focus on implementation of the process and accountability reforms that will make these improvements permanent and ensure just and transparent processes for our residents.”

Commissioner Joseph encouraged citizens to continue wearing their masks.

Commissioner Joseph highlighted the passing of Mr. Richard Kidd, long time Coach at Chaminade Julianne.

**Mayor Mims**

Mayor Mims said “After this incident we said that we would have an external investigation and that is what we have done. I recognize that some may not be happy with the findings. We will be working toward new policy and training for Dayton police to address future interactions with people who have disabilities.

The City Commission has been working for over 18 months to address issues that create a lack of trust between the community and police. Police reform has resulted in key recommendations – including a new de-escalation policy and training, creation of independent accountability auditor, and the creation of a non-police responder for non-violent calls. These recommendations are already in progress and some have been completed.

I'm committed to the work of strengthening our community's relationship with police and optimistic that we are on the right path to do that.”

Mayor Mims highlighted the passing of Mr. Richard Kidd, long time Coach at Chaminade Julianne.

Mayor Mims encouraged citizens to get vaccinated.

**ADJOURNMENT**

There being no further business the meeting was adjourned at 9:33 a.m.

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

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