

On Wednesday, February 22, 2023, at 8:31 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.

**INVOCATION**

Commissioner Joseph 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 Shaw made a motion to approve the minutes from the February 15, 2023, meeting. Commissioner Fairchild seconded the motion. The previous meeting minutes were unanimously approved.**

**COMMUNICATIONS AND PETITIONS**

**Communication #21778**

**State of Ohio, Department of Liquor Control – Permit Application No. 5196756 – New-D1– Dayton Area Lift LLC, 131 Ringgold Street, Dayton OH 45403.**

The Clerk of Commission reported receipt of – Permit Application No. 5196756 – New- D1– Dayton Area Lift LLC, 131 Ringgold Street, Dayton OH 45403. The application was referred through the city for investigation.

**SPECIAL AWARDS/PRESENTATIONS**

Mayor Mims invited Ms. Erica Fields, Executive Director of the Human Relations Council and Mr. Marty Gehres, Clerk of Courts to give a community overview of Ordinance No. 32024-23-Source of Income as a Prohibited Form of Housing Discrimination.

Mr. Gehres said Source of Income Discrimination is the practice of refusing to rent to a housing applicant because of that person’s lawful form of income. Usually, this involves the denial of housing based on the tenant receiving a voucher, disability benefits, or social security benefits.

He said this is most seen in advertisements stating that a housing provider does not accept rental assistance or other forms of lawful income.

Mr. Gehres said currently, there are no protections for individuals to pay rent with disability benefits, veteran’s benefits, social security benefits, rental assistance, housing choice vouchers, and other non-wage sources of income. He said tenants (especially, recipients of housing choice vouchers) are finding it increasingly difficult to secure quality housing in the Miami Valley Region. If a voucher recipient cannot locate housing, then the voucher will be reallocated to another applicate. Mr. Gehres said approximately 300-400 families with federal backed vouchers unable to secure housing

Mr. Gehres said the Eviction Task Force identified source of income discrimination as an issue that faced many Dayton residents and their families. He said as a result, he chaired a group to develop legislation to present to the Dayton City Commission. This group was made up of housing provider groups, tenant advocates, public health experts, and other community leaders. Mr. Gehres said the group considered legislation from around the country and Ohio, to include Columbus, Cincinnati, Toledo, and Bexley. He said they identified concerns that housing providers have with accepting housing choice vouchers: including, ratio utility billing, inspection periods, and other issue surrounding HUD compliance.

Mr. Gehres said what is included in the legislation is a definition of "Source of Income", a prohibition of discrimination based on an applicant's "Source of Income", an enforcement mechanism and empowering the Human Relations Council to suggest legislation to the City Commission.

Mr. Gehres said the definition of Source of Income includes any lawful source of income that can be verified and substantiated, including but not limited to, income derived from wages, social security, disability benefits, supplemental security income, public or private sources, all forms of federal, state, or local assistance payments or subsidies, including but not limited to rent vouchers, child support, spousal support, and public assistance, court ordered payments, payments received as gifts, bequests, and/or annuities or life insurance policies.

Mr. Gehres said the prohibition is if a person fails or refuse to rent, lease, or otherwise deny or make unavailable housing accommodations for an applicant because of their source of income.

Mr. Gehres said the discrimination could be against any person because of race, color, religion, sex, sexual orientation, gender identity, national origin, ancestry, age, marital status, familial status, disability, or source of income. He said complaints would be filed with the HRC, who would then investigate the claim of discrimination.

Mr. Gehres said the legislation would give the HRC the right to recommend to the City Commission legislation to promote and insure equal rights and opportunities for all persons regardless of their race, color, religion, sex, sexual orientation, gender identity, ancestry, national origin, place of birth, marital status, age, handicap, or source of income.  
Empowering HRC to recommend legislation to promote source of income.

Ms. Fields said since 1962 HRC has been doing this work. She said Dayton had a city ordinance that have long protected the most vulnerable communities to ensure that they are free from discrimination. She said the HRC is responsible for working on behalf of the City Commission to enforce the city's anti-discrimination ordinances. Ms. Fields said this is done in the areas of housing, employment, public accommodations, and credit transactions. She said they investigate and potentially can adjudicate complaints of discrimination and the same would be true for source of income. Ms. Fields said where somebody believes that their rights have been violated, they can bring those complaints to them, and they will investigate. She said they will go through a process of either doing conciliation to create a negotiated settlement between the two parties, or they will represent, free of charge, the complainant in front of a public hearing officer. She said if they do believe that discrimination existed, the HRC, per the ordinance, has the ability to grant damages, civil penalties, and work with a housing provider to include policies and procedures that would prevent this happening again. Ms. Fields said a crucial part of the process is education and outreach to make sure tenants understand their rights and housing providers understand their responsibilities. She said for

more information citizens may contact the Montgomery County Clerk of Courts or the Human Relations Council.

Commissioner Turner-Sloss asked what some of the other reasons citizens are denied housing.

Mr. Gehres said some of the reasons are criminal history, utility billing, and minimum requirements of HUD.

Ms. Fields said the majority of cases they receive and report to HUD is discrimination based on disability or race. She said Source of Income is not a protection they currently have and, therefore, no data is available, but they will be tracking them forthwith.

#### **ADDITIONS OR DELETIONS TO THE CALENDAR**

There were no additions or deletions to the calendar.

#### **DISCUSSION OF CALENDAR ITEMS**

##### **Calendar Item No. 6. Urban League of Greater Southwestern Ohio dba Miami Valley Urban League-Service Agreement**

The City Manager, Ms. Shelley Dickstein, said this is the second year they have entered into an agreement with the Urban League to support capacity building around the EITC and Mini Grant Programs.

Commissioner Turner-Sloss asked if the agreement is only for the EITC and Mini Grants and not the competitive CDBG process.

Ms. Dickstein said the agreement only covers EITC and Mini Grants. She said they have had conversations about similar work for the competitive CDBG process.

##### **Calendar Item No. 7. Double Jay Construction, inc. – Award of Contract**

The City Manager, Ms. Shelley Dickstein, said the contract will address a long-term issue around dedicated parking at McIntosh Park.

Commissioner Turner-Sloss asked exactly where the parking lot will be built.

Ms. Dickstein said it will be built on the old tennis court area.

Commissioner Turner-Sloss asked if residents were made aware of other options of where citizens may play tennis going forward.

Ms. Dickstein said McKinley Park is available for citizens to use to play tennis. She said the tennis courts were not in high use at McIntosh Park.

##### **Emergency Ordinance No. 32023-23- Determining that a Petition to Establish the Delco New Community Authority is Sufficient and Complies with Requirement of Ohio Revised Code Section 349.03 in Form and Substance; Setting the time and Place for a Public Hearing on the petition; Authorizing Notice by Publication of Such Public Hearing**

The City Manager, Ms. Shelley Dickstein, said this is a \$100M investment in downtown Dayton that requires no funding from the City of Dayton. She said upon approval by the City Commission the petition has to be advertised for three consecutive weeks then there will be a public hearing at the meeting on March 22, 2023.

Commissioner Turner-Sloss asked about the part the City Commission will have in the application and selection processes of board members.

Ms. Dickstein said the City Commission approves the appointments. She said staff will put together recommendations of diverse community members that the Mayor will meet with and then the selection would come from the City Commission.

Commissioner Turner-Sloss asked to be a part of the recommendations.

**Ordinance No. 32022-23- Appropriating Funds for the Year 2023 to Provide for Operating and Capital Expenses of Various Offices, Departments, and Divisions of the Government of the City of Dayton.**

Commissioner Turner-Sloss said “This has been a long and difficult budget process. We have identified changes to our protocol for future years such as the need for seven public hearings throughout the community on the budget to incorporate priorities from the residents and moving the budget process to earlier in the year to provide more transparency and time for review by the public.

We also uncovered some information that I found concerning. In our Special Commission Meeting on December 10, the City Manager admitted that the priorities that I brought forward from the community were not reflected in the budget. I have gone back to review the video to ensure I heard it correctly. She said “we haven’t done a confirmation of priorities as a collective body with the new commissioners” and also that this “probably got lost in the shuffle” because the Commission priorities were just carried over from the “established priorities over the last several budgets”. This confirmed to me that my voice and the voices of the residents that have brought their priorities to me have not been reflected in this budget. I am looking to the City Manager and my colleagues to commit to this updating of Commission priorities as soon as possible.

This Commission has repeatedly said that HRC is a priority. The public has repeatedly said that HRC is a priority. This is no surprise. Nationwide data reveals that discrimination in this country is not only still a big problem – it is getting worse. In 2022, one out of every three Black workers, one out of every three disabled workers, and two out of every three transgender workers faced workplace discrimination. Nationally there has been a 9% increase in housing discrimination complaints. These are just some of the services that HRC provides and if we want them to be able to be there to defend the civil rights of our residents we need to ensure they are fully funded.

In spring of 2022, HRC requested an additional \$85,000 for 2023. That was denied. HRC then made a new request for just an additional \$37,327.81. That was also denied. In this proposed budget, HRC is receiving only an additional \$10,000 that is earmarked for the PEP Response Program. This still leaves gap from what HRC originally requested for 2023 in order to do their work to support and protect the civil rights of Dayton residents. That \$10,000 earmark is a good start, but now is not the time to defund HRC. My colleagues and the City Manager have agreed that there will be a midyear review of HRC’s budget, and I ask my colleagues to follow the recommendations of that review if the conclusion is that additional funding is needed.

Our firefighters are the first responders in many tragedies and emergencies in our community. They have said that the closure of Engine 10 is a safety concern both for the firefighters that protect us but also for the surrounding neighborhoods that do not have the appropriate level of access to emergency services. We must do more. We can do more.

Let me be clear, my comments this morning do not mean that there are no good things in the proposed budget. For example, it is my understanding that Medic 10 is now operating in full service. Physical examinations for our fire fighters are now moving to every year instead of once every three years as they have requested. \$10,000 is now earmarked for the HRC PEP Response Program. These are first steps towards addressing some of the priorities that I have been laying out since I joined the Commission. I recognize that these first steps are a show of good faith from the City Manager and my colleagues and that is why I am intending to vote in favor of the proposed 2023 budget, but with the expectation that there is a commitment to appropriate additional funds to HRC if recommended by the mid-year review and also that Engine 10 will be sufficiently staffed once the 2023 fire fighter recruiting class graduates.”

## **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).**

#### **FIRE**

**A1. Atlantic Emergency Solutions, Inc.** (Pierce brand parts and services as needed through 12/31/23) **\$80,000.00**

#### **INFORMATION TECHNOLOGY**

**B1. CDW Government, Inc.** (Splunk logging services and a 10GB/day license) **14,500.00**

#### **LAW**

**C1. Dinsmore & Shohl LLP** (professional legal services as needed through 12/31/23) **\$20,000.00**

#### **PLANNING, NEIGHBORHOODS AND DEVELOPMENT**

**D1. Xpex LLC** (building plan examination services as needed through 12/31/23) **86,120.00**

#### **POLICE**

**E1. American National Red Cross, American Red Cross – P0230719** (first aid training and certification as needed through 12/31/25) **26,232.00**

#### **PUBLIC WORKS**

**F1. Weiffenbach Marble and Tile Company** (carpet to include removal and installation services) **30,000.00**

**F2. Duraedge Products, Inc.** (infield surface improvements as needed through 12/31/23) **20,000.00**

**F3. McNeilus Truck & Manufacturing Company** (two heavy duty rear loader refuse truck bodies) **252,504.00**

**F4. Truck Country of Indiana, Inc. dba Stoops Freightliner** (two Freightliner refuse truck chassis) **334,274.00**

#### **WATER**

- G1. American National Red Cross, American Red Cross - P0230720**  
(first aid training and certification as needed through 12/31/25)  
**29,788.00**
  - G2. Bricker & Eckler LLP** (professional legal services as needed  
through 12/31/23) **40,000.00**
  - G3. Ford Hall Company** (maintenance of automated weir cleaning  
system as needed through 12/31/26) **100,000.00**
  - G4. M&R Electric Motor Service** (electrical motor repair, parts, supplies  
and related items as needed through 12/31/25) **220,000.00**
- Depts of Fire, Information Technology, Law, Planning, Neighborhoods  
and Development, Police, Public Works and Water. **Total: \$1,253,418.00**

- 2. **Dinsmore & Should, LLP – Service Agreement** – professional legal  
services for the preparation of annual information filings, material event  
notices and other continuing disclosure of items as needed for the City of  
Dayton’s outstanding general obligation and revenue bonds – Department  
of Finance/Tax & Accounting. **\$40,000.00**  
**(Thru 12/31/23)**
- 3. **National Processing Solutions – Contract Modification** – second  
renewal and third amendment to the merchant service agreement – Clerk of  
Courts. **\$141,000.00**  
**(Thru 03/31/24)**
- 4. **Optica Consulting, Inc. – Contract Modification** – second renewal of  
technology consulting services agreement – Department of Information  
Technology. **\$669,288.00**  
**(Thru 03/31/24)**
- 5. **Signature Technologies, Inc. dba Com-Net Software – Contract  
Modification** – third amendment to provide the Department of Aviation  
Airport Vision Evolve and Airport voice hardware and software support  
for the flight information displays and paging systems and the  
OAG/Flightview data feed, air traffic map and web content – Department  
of Aviation/AP Admin & Finance. **\$392,280.00**  
**(Thru 02/22/25)**
- 6. **Urban League of Greater Southwestern Ohio dba Miami Valley Urban  
League – Service Agreement** – to assist with the Volunteer Income Tax  
Credit/Earned Income Tax Credit (VITA/EITC) Program and the Dayton  
Neighborhood Mini-Grant Program – Department of Planning,  
Neighborhoods and Development/Community Engagement. **\$61,500.00**  
**(Thru 12/31/24)**

**B. Construction Contract:**

- 7. **Double Jay Construction, Inc. – Award of Contract** – Dayton Recovery  
Plan – McIntosh Parking Lot Construction and Sidewalk Repair (25%  
MBE Participation Goal/25.11% MBE Achieved) - Department of Public  
Works/Civil Engineering. **\$365,000.00**  
**(Thru 12/31/25)**

**E. Other – Contributions, etc.:**

8. **Prior to Tee Time, LLC. – Payment of Voucher** – payment for under projected increases in pro shop revenue for the fourth quarter 2022 – Department of Recreation/Sports Division. **\$14,087.38**

**CITIZENS’ COMMENTS ON CALENDAR ITEMS:**

Citizen comments on calendar items were received from the following:

1. **Ms. Jenifer Heapy, 400 Wayne Ave.** – spoke in support of Ordinance No. 32024-23-Source of Income as a Prohibited Form of Housing Discrimination.
2. **Mr. Don Brunner, 7265 Kenwood Road** - spoke in opposition of Ordinance No. 32024-23-Source of Income as a Prohibited Form of Housing Discrimination.
3. **Ms. Carol Bowling, 4031 Col. Glenn Hwy.** - spoke in opposition of Ordinance No. 32024-23-Source of Income as a Prohibited Form of Housing Discrimination.
4. **Mr. Sham Ready, 513 Windsor Park Drive** - spoke in opposition of Ordinance No. 32024-23-Source of Income as a Prohibited Form of Housing Discrimination.
5. **Jennifer Allanz, 7265 Kenwood Road** - spoke in opposition of Ordinance No. 32024-23-Source of Income as a Prohibited Form of Housing Discrimination.
6. **Mr. Greg Blatt, 2532 Indian Wells Trl.** - spoke in opposition of Ordinance No. 32024-23-Source of Income as a Prohibited Form of Housing Discrimination.
7. **Ms. Marie Vera, 2 Stafford Ave.** - spoke in support of Ordinance No. 32024-23-Source of Income as a Prohibited Form of Housing Discrimination.

**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 Mims, Commissioners Joseph, Shaw, Fairchild and Turner-Sloss.**

**LEGISLATION**

**EMERGENCY ORDINANCES – FIRST READING**

**Ordinance No. 32023-23-** Determining that a Petition to Establish the Delco New Community Authority is Sufficient and Complies with Requirement of Ohio Revised Code Section 349.03 in Form and Substance; Setting the time and place for a Public Hearing on the petition; Authorizing Notice by Publication of Such Public Hearing, and Declaring an Emergency.

**Commissioner Shaw 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 Mims, Commissioners Joseph, Shaw, Fairchild and Turner-Sloss.**

**Ordinance No. 32024-23-** Amending Sections 32.02, 32.05, and 32.16 of the Revised Code of General Ordinances to Include Source of Income as a Prohibited Form of Housing Discrimination within the City of Dayton, and Declaring an Emergency.

**Commissioner Turner-Sloss 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 Mims, Commissioners Joseph, Shaw, Fairchild and Turner-Sloss.**

**EMERGENCY RESOLUTIONS – FIRST READING**

**Emergency Resolution No. 6708-23-** Approving the Submission of a Grant Application and Authorizing the Acceptance of a Grant Award from the Montgomery County Solid Waste District in the Amount of Fifty-Nine Thousand Three Hundred Eight-Eight Dollars and Ninety-Two Cents (\$59,388.92) on behalf of the City of Dayton, and Declaring an Emergency.

**Commissioner Fairchild 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 Mims, Commissioners Joseph, Shaw, Fairchild and Turner-Sloss.**

**Emergency Resolution No. 6709-23-** Approving the Submission of a Grant Application and Authorizing the Acceptance of a Grant Award from the Montgomery County Solid Waste District in the Amount of Thirteen Thousand Twenty-Three Dollars and Fifty-Three Cents (\$13,023.53) on behalf of the City of Dayton, 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 Mims, Commissioners Joseph, Shaw, Fairchild and Turner-Sloss.**

**ORDINANCES – SECOND READING**

**Ordinance No. 32021-23-** Consenting to the Resurfacing of MOT SR 201 SLM 2.04 to 3.76 & SR 202 SLM 2.06 to 4.37 with Asphalt Concrete and MOT SR 835 SLM 0.02 to 0.61 with Super Pave Asphalt Including a Portion of SR 202 in the City of Dayton, and Agreeing to Cooperate in Matters Incidental Thereto, Including the Execution of Agreement Necessary to Implement this Ordinance.

**The question being shall Ordinance No. 32021-23 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 Ordinance was passed.**

**Ordinance No. 32022-23-** Appropriating Funds for the Year 2023 to Provide for Operating and Capital Expenses of Various Offices, Departments, and Divisions of the Government of the City of Dayton.

**The question being shall Ordinance No. 32022-23 be passed. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Mims, Commissioners Joseph, Shaw, Fairchild and Turner-Sloss. The Ordinance was passed.**



## **RESOLUTION – SECOND READING**

**Resolution No. 6706-23-** Authorizing the Submission of an Application for Funding Consideration by the United States Department of Transportation under the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Program.

**The question being shall Resolution No. 6706-23 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.**

## **CITIZENS' COMMENTS**

Citizen comments were received from the following:

1. **Ms. Brianna Reynolds, 1133 S. Edwin C. Moses Blvd.** – spoke about the upcoming 2023 Mentoring and Re-Engagement Summit at Sinclair Community College on March 16, 2023.
2. **Mr. Willie Feaster, No Address** – spoke about an incident with a student at Wogaman Middle School in the City of Dayton.

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

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

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

The City Manager, Ms. Shelley Dickstein, invited Mr. Michael Powell, Director of Water, to the podium for a community update on the Palestine, Ohio train derailment and its effect on Dayton water

Mr. Powell said there has been no negative impact due to the train derailment of Palestine, Ohio for the City of Dayton water. He said they are 260 miles away and is not connected to the source of drinking water for the City of Dayton.

Commissioner Turner-Sloss asked for information to be dispersed to City of Dayton residents with the information that Mr. Powell has shared

Ms. Dickstein said the Public Affairs team coordinated the interview with the Dayton Daily news and they will share that information with citizens.

## **COMMENTS BY THE CITY COMMISSION**

### **Commissioner Turner-Sloss**

Commissioner Turner-Sloss thanked presenters and citizens for voicing their concerns at the meeting.

Commissioner Turner said in correction to narrative of Mr. Willie Feaster she said she appreciates his concerns however, she does not have all of the information regarding the incident and therefore will not speak on the matter. She encouraged him to raise his concerns with the Dayton Public School Board.

Commissioner Turner-Sloss said to the member of the Dayton Apartment Association and the Dayton Realtors Association not to take her support of the Source of Income legislation as a

means of not hearing your concerns and it warrants to have a deeper conversation to work collectively together. She thanked all partners for their work on the legislation.

**Commissioner Fairchild**

Commissioner Fairchild highlighted Bing Davis studio Visual Voices 2023 depicting the Poetry of Paul Laurence Dunbar.

Commissioner Fairchild highlight County Recorder Brandon McClain’s tweets on Black History.

Commissioner Fairchild encouraged citizens to read Clinton Smith’s “How the Word is Passed” is a non-fiction exploration of slavery.

Commissioner Fairchild said his religious tradition starts the season of Easter and he is observing Ash Wednesday today. He invited everyone to a season of reflection and for everyone to grow closer in their relationship to God.

**Commissioner Shaw**

Commissioner Shaw highlighted the RAISE program which presents a great opportunity to connect West Dayton with all of the development work that is happening downtown.

**Commissioner Joseph**

Commissioner Joseph thanked staff for their work under adverse conditions and tough demands by the City Commission.

**Mayor Mims**

Mayor Mims thanked Parity Inc. for their continued work on the Top Ten African American Men Luncheon.

Mayor Mims highlighted the Ohio Mayor’s Alliance luncheon in Columbus, Ohio.

Mayor Mims highlighted the ribbon cutting of Dragon Arena for those who like to play games.

Mayor Mims highlighted the EITC program that will prepare taxes for free. He said for more information contact the City Commission office at 937-333-3636.

Mayor Mims said the pancake breakfast for the winners of the United Way will take place on Thursday, February 23, 2023.

Mayor Mims said the incident at Wogaman School is still under investigation and is not under the jurisdiction of the City of Dayton.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 10:12 a.m.

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

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