

On Wednesday, March 11, 2020, at 8:30 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 Joseph 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 February 26, 2020, meeting. Commissioner Fairchild seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

Communication #21474

State of Ohio, Department of Liquor Control – Permit Application D5J Permit #4179850 – JM Enterprise LLC, DBA 3rd Perk Coffeehouse & Wine Bar & Patio, 46 W. Fifth Street – 1st FL Only, Dayton, OH 45402.

The Clerk of Commission reported receipt of Permit Application Permit D5J Permit #4179850 – JM Enterprise LLC, DBA 3rd Perk Coffeehouse & Wine Bar & Patio, 46 W. Fifth Street – 1st FL Only, Dayton, OH 45402 . The application was referred through the City for investigation.

Communication #21475

State of Ohio, Department of Liquor Control – Permit Application C1, C2, Permit #5377780 – MS 2 Carryout LLC, DBA Delphos Carryout, 2903 W. Third Street, Dayton, OH 45417.

The Clerk of Commission reported receipt of Permit Application Permit C1, C2, Permit #5377780 – MS 2 Carryout LLC, DBA Delphos Carryout, 2903 W. Third Street, Dayton, OH 45417. The application was referred through the City for investigation.

Communication #21476

Petition - Shaw Avenue from Great Miami Boulevard to East Property Line of City Lot #13986

SPECIAL AWARDS/PRESENTATIONS

Coronavirus Update

Mayor Whaley invited Mr. Jeff Cooper, Montgomery County Health Commissioner, to the podium to provide a community update on the Coronavirus. She thanked Mr. Cooper for his leadership on this endeavor

Mr. Cooper thanked the commission for an opportunity to share information and said they recognize this is a rapidly evolving situation. He said the key is as a community not to overact but implement best practices based on the evidence base of public health and use that in decision making.

Mr. Cooper introduced Dr. Michael Doan, Medical Director, Public Health, Dayton and Montgomery County.

Mr. Cooper said there are 113,702 total cases worldwide and 647 total cases in the United States. He said there have been 4,012 total death cases and 25 total United States deaths.

Mr. Cooper said most people in the United States have a low risk of exposure. He said people who are at the most risk are people who come into close contact with a person who has the virus, healthcare workers, and older adults, those with weakened immune systems and travelers.

Mr. Cooper said COVID-19 symptoms are fever, cough, and shortness of breath. He said symptoms may show up between two and 14 days. He said if symptoms arise, contact a healthcare provider for instructions.

Dr. Doan said a six-foot distance is recommended.

Mayor Whaley thanked them for their presentation.

Miami Valley Prayer Revival

Mayor Whaley invited Bishop Jennings to the podium to provide a community update on the Miami Valley Prayer Revival.

Bishop Jennings announced the Miami Valley Prayer Revival began on Tuesday, January 14, 2020, at Tabernacle Baptist Church to commemorate the mass shooting in the Oregon District. He said the prayer service is open to all citizens.

Mayor Whaley thanked him for his leadership.

Ohio Veterans Hall of Fame

Mayor Whaley invited Mr. Merle Wilberding to the podium to be recognized for his induction into the Ohio Veterans Hall of Fame.

Commissioner Joseph congratulated Mr. Wilberding on receiving the award and said his involvement and dedication in the community is very much appreciated. He said his service to the Dayton Literary Peace Accords is in measurable.

Mr. Wilberding thanked the City Commission and said he is very proud to receive the recognition from them. He said as he looks back on his service in the armed forces, he continues to appreciate the opportunities and experiences he had.

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

National Procurement Month

Mayor Whaley invited the City Manager, Ms. Shelley Dickstein, to recognize National Procurement Month.

Ms. Dickstein invited Ms. Dianne Shannon, Director of Procurement, Management and Budget, and Ms. Melissa Wilson, Purchasing Agent, to the podium for National Procurement Month.

Ms. Shannon said she is recognizing a talented and dedicated group of professionals that make a difference in the efficiency and effectiveness of City service each day. She recognized Ms. Melissa Wilson, Purchasing Agent, who has 15 years of experience in procurement and 20 years of public service.

Ms. Wilson recognized her team Ms. Donita Garner, Senior Buyer, Ms. Nicole Fox , Senior Buyer, Mr. Jovan Lewis, Senior Buyer, Mr. Jason Georgian, Senior Buyer, and Ms. Bobbi Reno Assistant Buyer. She said they collectively make sure the City of Dayton has properly secured the necessary goods and services for successful daily operations and emergency procurements.

The City Commission congratulated them for their work.

ADDITIONS OR DELETIONS TO THE CALENDAR

Ms. Lavender requested the addition of the legislation implementing the zoning change regarding the public hearing at the desire of the City Commission.

REPORTS:

A. Purchase Orders, Price Agreements and Contracts:

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

1. Purchase Orders:

INFORMATION TECHNOLOGY

**A1. CommValult Systems, Inc. (computer software maintenance and support services)
\$81,965.87**

1. (Cont'd):

A2. Comptech Computer Technologies, Inc. (temporary staffing services as needed through 12-31-23) **\$12,000.00**

PLANNING & COMMUNITY DEVELOPMENT

B1. HRS & S Ltd. (marketing services for the 2020 United States Census) **35,000.00**

POLICE

C1. Motorola Solutions, Inc. (Motorola brand radios) **86,627.65**

C2. Powerdms, Inc. (document management software and system) **10,093.60**

PUBLIC AFFAIRS

D1. Progressive Printers, Inc. (printing services as needed through 02-28-22) **122,000.00**

PUBLIC WORKS

E1. Allied Builders, Inc. (fencing products and repair services as needed through 12-31-21) **20,000.00**

E2. MD Solutions LLC (guardrails, impact attenuators and related items as needed through 06-30-20) **25,000.00**

E3. Midway Trailer Sales, LLC (four low deck utility trailers) **12,940.00**

WATER

F1. Allied Builders, Inc. (fencing products and repair services as needed through 12-31-21) – PO200698 **20,000.00**

F2. Pelton Environmental Products, Inc. (Sulzer (formerly ABS) brand parts and related services as needed through 12-31-20) **180,000.00**

F3. Allied Builders, Inc. (fencing products and repair services as needed through 12-31-21) – PO200685 **74,800.00**

F4. Day-Con Supplies, LLC (hardware, tools and related items as needed through 12-31-23) **60,000.00**

F5. Grainger, Inc. (hardware, tools and related items as needed through 12-31-23) **100,000.00**

F6. MRO Express LLC (hardware, tools and related items as needed through 12-31-23) **60,000.00**

-Depts. of Information Technology, Planning & Community Development, Police, Public Affairs, Public Works, and Water. **Total: \$900,427.12**

2. **Optica Consulting, Inc. – Contract Modification** – Second Renewal of Technology Consulting Services Agreement – Dept. of Central Services/Information Technology. **\$811,248.00**
(Thru 03/31/21)

3. **RA Consultants LLC – Service Agreement** – for Professional Services Agreement for Staff Supplementation Engineering Support – Dept. of Water/Water Engineering. **\$150,000.00**
(Thru 03/31/22)

4. **Transmap Corporation – Service Agreement** – for Engineering Services for Pavement Inventory Summary and Software for City of Dayton Streets – Dept. of Public Works/Civil Engineering. **\$183,217.30**
(Thru 12/31/22)

B. Construction Contracts:

5. **CPM Enterprises, LLC – Award of Contract** – for Nuisance Abatement Program, Residential and Commercial Securing I – 2020 (20% MBE Participation Goal/20% MBE Participation Achieved) – Dept. of Planning & Comm. Development/Housing Inspection. **\$175,545.00**
(Thru 12/31/21)

6. **Peterson Construction Co. – Award of Contract** – for Lime Reclamation Facility Conveyance Improvements Rebid II (Open Market) – Dept. of Water/Water Supply & Treatment. **\$274,670.00**
(Thru 10/31/21)
7. **Saturn Electric, Inc. – Award of Contract** – for the Electrical Switchgear and Panel Replacement for City Hall (10% SBE Participation Goal/14% SBE Participation Achieved) – Dept. of Public Works/Property Mgmt. **\$509,295.00**
(Thru 12/31/23)

C. Revenue to City:

8. **The Big Hoopla Inc. – Service Agreement** – for Officer Overtime Service Agreement for The Big Hoopla in the Oregon District on Sunday, March 15, 2020 – Dept. of Police. **\$14,894.23**
(Est. Revenue)
9. **United States of America – Contract Modification** – for Lease Amendment No. 7 for office and administrative space for the Transportation Security Administration in support of security checkpoint and baggage screening functions at the Dayton International Airport – Dept. of Aviation/AP Properties & Concessions. **\$142,922.48**
(Thru 08/31/22)

E. Other – Contributions, Etc.:

10. **Department of Veterans Affairs – Other** – for Revocable License for Non-Federal Use of Real Property – Dept. of Water/Water Engineering. N/A

BY THE BOARD OF REVISION OF ASSESSMENTS

11. In the Matter of Declaring the Intention of the Commission to Vacate the Second Alley South of Stanley Avenue from Valley Street to Brandt Street - Recommendation to Proceed.

CITIZENS' COMMENTS ON CALENDAR ITEMS

There were no citizen's comments on calendar items.

DISCUSSION OF CALENDAR ITEM

Calendar Item No. 4. Transmap Corporation – Service Agreement

The City Manager, Ms. Shelley Dickstein, said this agreement is very important because it updates the pavement inventory index of city neighborhoods by assessing the existing condition of every lane mile.

Commissioner Mims said he appreciates Ms. Dickstein for making the distinctions about street maintenance.

Commissioner Fairchild reiterated that pot holes are temporarily repaired in the City of Dayton until the permanent repavement can be made.

Calendar Item No. 5. CPM Enterprises, LLC – Award of Contract

The City Manager, Ms. Shelley Dickstein, said this contract will help further nuisance abatements in neighborhoods.

Emergency Ordinance No. 31792-20-Prohibiting the Concealing of One's Identity During the Commission of a Crime

The City Manager, Ms. Shelley Dickstein, invited Mr. Martin Gehres, Assistant City Attorney, to the podium for clarification.

Mr. Gehres said the legislation was developed from legislation from the State of Georgia. The legislation states if you commit a crime while concealing your identity that it is a first degree misdemeanor. He said Emergency Ordinance No. 31792-20 will take effect immediately after passage.

Mayor Whaley thanked the Law Department and the City of Dayton for making sure its citizens remain safe.

APPROVAL OF CITY MANAGER'S REPORTS

Commissioner Mims made the motion to approve the City Manager's Reports. Commissioner Fairchild 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. 31792-20- Enacting Section 137.22 of the Revised Code of General Ordinances Prohibiting the Concealing of One's Identity During the Commission of a Crime or to Intimidate Another, 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. 31792-20 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. 6477-20- Authorizing the City Manager to Enter into An Intergovernmental Agreement Between the City of Dayton and the Montgomery County, Ohio, 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. 6477-20 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 Resolution was adopted.

Emergency Resolution No. 6478-20- Authorizing the City Manager to Enter into An Intergovernmental Agreement Between the City of Dayton and the Montgomery County, Ohio, 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. 6478-20 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 Resolution was adopted.

ORDINANCES –FIRST READING

Ordinance No. 31793-20- Authorizing the Acceptance of an Easement from Taylor Summerville Battery Company, Inc. for Construction and Maintenance of a Sanitary Sewer Lift Station.

Ordinance No. 31794-20- To Vacate the Second Alley South of Stanley Avenue from Valley Street to Brandt Street.

PUBLIC HEARING

Mayor Whaley opened the Public Hearing on Designated Outdoor Refreshment Area (DORA). She asked Ms. Dickstein to proceed. Ms. Dickstein invited Mr. Tony Kroeger, Planning Division Manager, Planning and Community Development, to the podium to present.

Mr. Kroeger said legislation was added to Ohio Revised Code in 2015. He said Dayton may have up to two DORAs, which may be up to 320 acres each. He said on December 7, 2019, the City received a proposal from the Oregon District Business Association (ODBA) to establish this area. Mr. Kroeger said the proposal was reviewed and appropriately modified by city staff from Law, Public Works, Planning and Community Development, Economic Development, Police, and Fire Departments.

Mr. Kroeger said the proposed implementation will include: the hours between 12:00 p.m. until 12:00 a.m. He said it must be in an approved cup – from participating permitted establishments only and patron may not take a cup into another permitted establishment but they can take the cup into a non-liquor serving establishment if establishment allows. He said signage, sanitation, and public safety are all detailed in the implementation plans with the Ordinance and signs and trash receptacles are to be provided by participating establishments.

Mr. Kroeger said if the incremental increase in operating costs for sanitation and safety creates an undue burden, such costs can be charged to participating permit holders.

Mr. Kroeger said the proposed implementation may be discontinued at any time and there will be periodic reviews (specifically after the first and fifth year). He said the ordinance will take effect 30 days after approval, but only after the establishment of necessary infrastructure (which take longer than 30 days).

Mayor Whaley invited Ms. Emily Mendenhall, Vice President of the Oregon District Business Association, for comments.

Ms. Mendenhall said it's very rare that all business owners agree on something and they did agree on the Designated Outdoor Refreshment Area (DORA). She said the Downtown Dayton Partnership did a good job reaching out to other cities to find out best practices, which was tailored to Dayton's Designated Outdoor Refreshment Area (DORA). She said the reason for the Designated Outdoor Refreshment Area (DORA) is to create a walkable area that is vibrant, dynamic and brings people together.

CITIZENS' COMMENTS ON PUBLIC HEARING

There were no citizens' comments on the Public Hearing.

Mayor Whaley closed the hearing.

The pleasure of the City Commission is to move forward.

THIS ITEM WAS ADDED

ORDINANCE – FIRST READING

Ordinance No. 31795-20- Establishing the Boundaries and Controls of the Oregon Designated Outdoor Refreshment Area.

CITIZENS' COMMENTS

There were no citizens' comments.

COMMENTS BY THE CITY MANAGER

The City Manager, Ms. Shelley Dickstein, said the City of Dayton is ready if there is an elevated COVID-19 situation. She said there are emergency operational plans that are regularly updated and exercised in the event that there are large spikes of absenteeism. She said the operational plans will be tailored to address that essential services continue to be delivered.

Commissioner Joseph thanked Ms. Dickstein for being prepared and advised citizens to stay home if they are sick.

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 asked for a moment of silence for Pastor Robert E. Jones, College Hill Church, on his passing.

Commissioner Shaw

Commissioner Shaw expressed condolences for Pastor Robert E. Jones, College Hill Church, family on his passing.

Commissioner Mims

Commissioner Mims expressed condolences for Pastor Robert E. Jones', College Hill Church, family on his passing.

Commissioner Joseph

Commissioner Joseph expressed condolences for Pastor Robert E. Jones', College Hill Church, family on his passing.

Mayor Whaley

Mayor Whaley expressed condolences for Pastor Robert E. Jones', College Hill Church, family on his passing.

Mayor Whaley expressed condolences for Mr. Dick McBride, St. Mary's Development Corporation, family on his passing.

Mayor Whaley said it's important to take care of each other during this epidemic.

EXECUTIVE SESSION

At 9:52 a.m., Commissioner Joseph made a motion to convene into an Executive Session to discuss personnel issues relating to employee appointment, employment, dismissal or demotion. Commissioner Shaw 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 Fairchild made a motion to reconvene from Executive Session and to continue with the meeting in the Commission Chambers of City Hall. Commissioner Shaw seconded the motion. The motion was unanimously approved.

ROLL CALL

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

ADJOURNMENT

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

Nan Whaley
Mayor

Attest: _____
Clerk of Commission