

On Wednesday, April 8, 2020, at 8:34 a.m., the Dayton City Commission met in regular session, remotely through electronic means, in the Commission Chambers of City Hall.

**CALL TO ORDER**

Mayor Whaley called the meeting to order. She said due to the current COVID-19 order, the meeting is conducted remotely through electronic means. Therefore, public comments are suspended for the meeting.

**INVOCATION**

Commissioner Shaw 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 through electronic means.

Mayor Whaley emphasized that the City Commission Meeting is held to address essential items to keep the important work of the City moving forward, and to ensure that the City provides the services that are incredibly essential during the pandemic in a safe and effective way.

**APPROVAL OF MINUTES**

Commissioner Joseph made a motion to approve the minutes from the March 18, 2020, meeting. Commissioner Shaw seconded the motion. The previous meeting minutes were unanimously approved.

**COMMUNICATIONS AND PETITIONS**

**Communication #21482**

**State of Ohio, Department of Liquor Control – Permit Application Liquor Agency Contract Permit #4422371 (TRFO) – KJM Tables LLC, dba Back Home Tavern & Table & Patio, 1151 Brown Street, Dayton, Ohio 45409.**

The Clerk of Commission reported receipt of Permit Application Permit D1, D2, D3, D3A, D6 Permit #4422371 (TRFO) – KJM Tables LLC, dba Back Home Tavern & Table & Patio, 1151 Brown Street, Dayton, Ohio 45409. The application was referred through the City for investigation.

**Communication #21483**

**State of Ohio, Department of Liquor Control – Permit Application Liquor Agency Contract Permit #5240170 (NEW) – Little Gem Inc., DBA Little Gem Social Club, 132 E. Third Street, Dayton, OH 45402.**

The Clerk of Commission reported receipt of Permit Application Permit D5J Permit #5240170 (NEW) – Little Gem Inc., DBA Little Gem Social Club, 132 E. Third Street, Dayton, Ohio 45402. The application was referred through the City for investigation.

**SPECIAL AWARDS/PRESENTATIONS**

There were no awards or presentations.

**ADDITIONS OR DELETIONS TO THE CALENDAR**

There were no additions or deletions to the calendar.

The City Manager, Ms. Shelley Dickstein, said the items on the calendar for consideration consist of essential items related to the COVID-19 emergency, as well as non-essential items that are time sensitive and related to the services that the City delivers.

**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:**

**AVIATION**

**A1. M & R Electric Motor Service** (electrical motor repair, parts, supplies and related items as needed through 09-30-20) **\$10,000.00**

**FINANCE**

**B1. Beau Townsend Ford, Inc.** (one four-wheel drive pickup truck with air compressor) **48,225.00**

**B2. Sherry Chrysler Dodge Jeep, Inc.** (two two-wheel drive regular cab pickup trucks) **51,852.00**

**FIRE**

**C1. CHWR, Inc. dba CHW Mechanical Services** (one five ton HVAC unit through 04-30-20) **15,000.00**

**C2. Cellco Prtnshp dba Verizon Wireless** (cellular and broadband card services as needed through 12-31-20) **18,000.00**

**C3. Dayton Parts Company** (automotive repair parts and related item as needed through 12-31-23) **20,000.00**

**C4. Fire Service, Inc.** (one custom chassis rear mount 100' aerial ladder) **1,076,299.00**

**C5. Galls LLC** (body armor through 08-31-22) **13,040.47**

**C6. Horton Emergency Vehicles Company** (medic repair services) – P0200809 **50,000.00**

**C7. Horton Emergency Vehicles Company** (one previously owned medic vehicle) – P0200821 **52,000.00**

**C8. Roby Services Ltd.** (janitorial supplies as needed through 01-31-21) **10,000.00**

**C9. Truck Country of Indiana, Inc. dba Stoops Freightliner** (automotive repair parts and related items as needed through 07-01-20) **15,000.00**

**C10. Weiffenbach Marble & Tile Company** (carpet and LVT flooring including removal and installation services through 07-31-22) **16,535.00**

**INFORMATION & TECHNOLOGY**

**D1. Vertical Communications, Inc.** (on-site technician and annual maintenance services for VoIP network and IVR systems as needed through 12-31-20) **20,153.28**

**LAW**

**E1. Thompson Hine** (professional legal services as needed through 12-31-20) **60,000.00**

**PROCUREMENT, MANAGEMENT & BUDGET**

**F1. American Minority Business Forms Inc., dba American Diversity Business Solutions** (Personal Protective Equipment to include surgical masks, kn95 masks and safety goggles) **168,460.00**

**F2. Julian & Grube, Inc.** (professional financial analysis, auditing, and consulting services as needed through 12-31-20) **\$40,000.00**

**PUBLIC WORKS**

**G1. Boone's Power Equipment, Inc.** (mower parts, supplies, related items as needed through 12-31-21) **20,000.00**

**G2. Carl's Body Shop, Inc.** (automobile shop repair services as needed through 12-31-21) **80,000.00**

**G3. Thoma-Kraft Body Shop, Inc. dba Thoma-Kraft Automotive Repair, Inc.** (automotive shop repair services as needed through 12-31-21) **80,000.00**

**G4. McNeilus Truck and Manufacturing Company** (two side loader bodies and two rear loader bodies) **555,862.00**

**G5. Truck Country of Indiana, Inc. dba Stoops Freightliner** (four chassis with cabs) **677,812.00**

**G6. M & R Electric Motor Service** (electrical motor repair, parts, supplies and related items as needed through 09-30-20) **4,000.00**

1. (Cont'd):

**RECREATION & YOUTH SERVICES**

- H1. Green Velvet Sod Farms Ltd** (herbicides, fertilizers, and insecticides including application services through 12-31-20) **\$45,080.80**  
**H2. MT Orab CDJR** (one extended cab pickup truck through 04-30-20) **28,415.00**

**WATER**

- I1. Pace Analytical Services, Inc.** (laboratory testing services as needed through 12-31-23) **60,000.00**  
**I2. Flottweg Separation Technology, Inc.** (one rotating assembly) **246,500.00**  
**I3. Rumpke of Ohio, Inc.** (garbage, trash removal, and disposal services as needed through 06-30-20) **45,000.00**  
**I4. The Tarp Depot, Inc.** (custom detritus bin liners through 01-31-23) **81,200.00**  
**I5. Xylem Water Solutions USA, Inc.** (two Flygt submersible pumps and accessories) **151,415.22**  
**I6. Process Pump & Seal, Inc.** (mechanical seals and repair parts as needed through 12-31-20) **26,000.00**
1. **I7. Sullivan Environmental Technologies** (replacement parts and pumps as needed through 12-31-20) **275,000.00**  
**I8. FCX Performance, Inc.** (16 Limitorque actuators) **110,880.00**  
-Depts. of Aviation, Finance, Fire, Information & Technology, Law, Procurement, Management & Budget, Public Works, Recreation & Youth Services, and Water. **Total: \$4,171,729.77**
2. **Alcohol Monitoring Systems – Service Agreement** – second renewal to provide Secure Continuous Remote Alcohol Monitoring to indigent defendants – The Municipal Court/Court Administrator. **\$30,000.00**  
**(Thru 12/31/20)**
3. **ARCADIS U.S., Inc. – Contract Modification** – third amendment for the Water Reclamation Facility Master Plan – Dept. of Water/Water Reclamation. **\$749,640.00**  
**(Thru 12/31/22)**
4. **Harrison Township – Service Agreement** – for the technical and economic development services in association with the Multi-Jurisdictional Source Water Protection Program – Dept. of Water/Environmental Protection. **\$162,277.00**  
**(Thru 12/31/21)**
5. **Jessica Best – Service Agreement** – to provide professional support services for the Dayton Mediation Center – Dept. of Planning & Community Development/Mediation Center. **\$52,000.00**  
**(Thru 03/31/22)**
6. **Fritz-Rumer Cooke, Inc. – Contract Modification** – fourth amendment for the Northwest Lead Track – Annual Inspection and Maintenance – Dept. of Economic Development. **\$70,000.00**  
**(Thru 12/31/20)**
7. **Dr. Stephen McConnell – Service Agreement** – to provide psychological services to offenders on Probation – The Municipal Court/Court Administrator. **\$15,000.00**  
**(Thru 12/31/20)**
8. **Think Patented – Contract Modification** – first amendment and renewal for Source Water Protection Marketing Materials – Dept. of Water/Environmental Protection. **\$40,000.00**  
**(Thru 03/31/21)**

**E. Other – Contributions, Etc.:**

9. **HistoryWorks, LLC – Other** – for CDBG Agreement – National Register Historic District Nominations Services - Dept.– of Planning & Community Development/Land Use Admin. **\$41,452.00**  
(Thru 12/31/22)
  
10. **Sinclair Community College – Other** – to amend agreement related to the removal of traffic signals and the installation of signage identifying locations for pedestrian crossings for its project to rebuild Fourth Street and Fifth Street – Dept. of Public Works/Civil Engineering. N/A

**CITIZENS’ COMMENTS ON CALENDAR ITEMS**

Citizens’ comments were suspended for the meeting.

**DISCUSSION OF CALENDAR ITEM**

There was no discussion of calendar items.

**APPROVAL OF CITY MANAGER’S REPORTS**

**Commissioner Fairchild made the motion to approve the City Manager’s Reports. Commissioner Mims seconded the motion. The City Manager’s Reports were approved with a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Fairchild.**

**LEGISLATION**

**EMERGENCY ORDINANCES – FIRST AND SECOND READING**

**Emergency Ordinance No. 31801-20-** Authorizing the Sale of Real Estate Located at 101 Bainbridge Street to Oregon Innovation District II, LLC, an Entity of Weyland Ventures, for a Public Purpose, and Declaring an Emergency.

**Commissioner Joseph moved that this being an emergency measure for the immediate consideration of the Ordinance. Commissioner Shaw seconded the motion. The motion was passed with a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Fairchild. The question being shall Emergency Ordinance No. 31801-20 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 Ordinance No. 31802-20-** Amending Revised Code of General Ordinances Section 72.03 to Prohibit Parking Over Curbs, in Tree Lawns, and Other Locations, 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. 31802-20 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 RESOLUTIONS –FIRST AND SECOND READING**

**Emergency Resolution No. 6480-20-** Authorizing the Execution of All Documents and in All Ways to Act as the Authorized Agent Relative to the Federal Emergency Management Agency (“FEMA”) Public Assistance Grants and Other State and Federal Disaster Aid, 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. 6480-20 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. 6481-20-** Authorizing the Participation of the City of Dayton in the Ohio Department of Transportation Cooperative Purchasing Program, 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. 6481-20 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. 6482-20-** Authorizing the City Manager to Accept a Grant from the United States Department of Transportation, Department of Homeland Security TSA National Explosives Detection Canine Team Program on Behalf of the City of Dayton in an Amount Not to Exceed Seven Hundred Fifty-Seven Thousand Five Hundred Dollars and Zero Cents (\$757,500.00), 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. 6482-20 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. 6483-20-** Authorizing the City Manager to Accept a Grant Award from the Ohio Department of Health in an Amount Not to Exceed Forty-Five Thousand Dollars and Zero Cents (\$45,000.00) on Behalf of the City of Dayton, and Declaring an Emergency.

**Commissioner Mims moved that this being an emergency measure for the immediate consideration of the Resolution. Commissioner Fairchild seconded the motion. The motion was passed with a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Fairchild. The question being shall Emergency Resolution No. 6483-20 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. 6484-20-** Declaring the Intention to Appropriate Real Property Interests in Parcels 13T, 16T, 28T, 36T, 37T, 41WD, and 41T in Connection with the Salem Avenue Reconstruction Phase I Project, 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. 6484-20 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. 6485-20-** Authorizing the City Manager to Accept Three (3) Grant Awards from the U.S. Department of Housing and Urban Development (“HUD”) for a Total Amount of Two Million Seven Hundred Ninety-Five Thousand Seven Hundred Nine Dollars and Zero Cents (\$2,795,709.00) 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 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. 6485-20 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. 6486-20-** Authorizing the City Manager to Sign a Petition on Behalf of the City of Dayton as a Member of the Downtown Dayton Special Improvement District, 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. 6486-20 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.**

**ORDINANCE – FIRST READING**

**Ordinance No. 31803-20-** Authorizing the City Manager to Accept a Grant Award From the Ohio Department of Transportation For An Amount of Two Hundred Ninety-Nine Thousand Five Hundred Dollars and Zero Cents (\$299,500.00) in Federal Safety Funds and State Safety Funds.

**RESOLUTIONS – FIRST READING**

**Resolution No. 6487-20-** Approving the Submission of an Application for a Water Pollution Control Loan Fund Loan Supplement on Behalf of the City of Dayton, Ohio for the Design and Construction Administration of the Total Phosphorus Treatment Facilities; Authorizing the Acceptance of Said Loan Supplement; Designating a Dedicated Repayment Source for the Loan, and Authorizing the City Manager to Execute All Necessary Documents.

**Resolution No. 6488-20-** Honorarily Naming Midway Avenue Between Malden and Whitmore Avenues as Lucinda Williams Adams Way.

**Resolution No. 6489-20-** To Vacate Shaw Avenue from Great Miami Boulevard to the East Property Line of City Lot #13986.

**CITIZENS' COMMENTS**

Citizens' comments were suspended for the meeting.

**COMMENTS BY THE CITY MANAGER**

The City Manager, Ms. Shelley Dickstein, provided an update regarding how the City is managing through the crisis. She explained the City is in compliance with the Governor's order Stay-at-Home, and the extension. She said the City has extended leave for employees deemed non-essential through May 3, 2020. She said it is about 25-30 percent of the City's workforce, and that there are under ten percent of employees working remotely; to continue the social distancing and keeping employees as safe as possible while continuing the critical services delivery for the community. To date, the organization is responding well, and that there is a high attendance rate so there has not been an impact due to illness and/or employees having to be quarantined. The service delivery is continuing with minimum interruption. However, she will continue to monitor the workforce and service delivery on a daily basis to be proactive to address any changes throughout the crisis to ensure continued service delivery.

**COMMENTS BY THE CLERK OF COMMISSION**

The Clerk of Commission, Ms. Rashella Lavender, said in light of the Ohio Department of Health confirming cases of CORVID-19 in the State of Ohio, Governor DeWine declaring a State of Emergency in the state on March 9, 2020, and the City of Dayton declaring a State of Emergency on March 12, 2020, and to protect the health and welfare of citizens and staff, the City Commission Meeting scheduled for April 15, 2020, will be cancelled.

**COMMENTS BY THE CITY COMMISSION**

**Commissioner Fairchild**

Commissioner Fairchild thanked the Humphreys' in the North Main community and City staff for their hard work on the ordinance to prohibit parking over curbs. He suggested that during these difficult times that citizens should be more gracious with one another and recommended keeping a gratitude journal. He said there are three things he is grateful for; Governor DeWine, Mayor Nan Whaley, and the Senior Leadership, for the leadership provided during this difficult time, he's grateful for the front-line workers who are doing incredible work during difficult situations, and he is grateful for the citizens who continue to do the best they can during difficult and financially anxious times.

**Commissioner Shaw**

Commissioner Shaw acknowledged the passing of the founder and owner of *Dayton Weekly News*, Mr. Don Black. He asked everyone to stay home and to stay safe, and to fill out the Census form.

**Commissioner Mims**

Commissioner Mims thanked Governor DeWine and Mayor Whaley for their great leadership during this difficult time, and thanked them for identifying ways to keep the citizens safe. He said these are uncharted waters for us, and it is critical to continue with the recommendations to remain safe. He asked that everyone listen to the Governor regarding safety, the Stay at Home order, and to be safe. He said everything we are doing is to help protect the citizens of Dayton. He acknowledged Ms. Lucinda Adams and her accomplishments, and said that the City Commission is proud for the honorary street designation. During the Easter holiday, he asked all churches to remain mindful about the Governor’s order regarding social distancing.

**Commissioner Joseph**

Commissioner Joseph thanked the City Manager and her staff for all their work and for keeping everyone informed during these difficult times. He thanked the City Manager for leading through another emergency. He thanked the employees, essential and non-essential, for their continued work. He said for those employees who are experiencing some uncertainty, it’s tough right now, but we are doing our best to hold things together so that when we come back we will be stronger than ever. He said he want to thank everyone for their contribution to make things go, and said their dedication and work is important. He told everyone to keep it up, you’re doing a good job, to stay at home for the most part, and said for everyone that is staying at home is saving lives. He said we will get through this eventually. He said citizens have asked where he is getting his updated information from, and he said he is able to get his information from Governor DeWine and Doctor Amy Acton’s press conference every day at 2:00 p.m., and from Mayor Whaley’s update every day at 4:00 p.m. on Facebook Live. He said you will be able to get good information, and recommended everyone to tune in. He thanked the Mayor and City Commissioners for their work during this crisis.

**Mayor Whaley**

Mayor Whaley said she appreciates the City Manager and staff for their work during this difficult time. She said this one is difficult because we do not know what things will look like on the other side. She said she appreciates everyone’s patience throughout this.

She said from the data, the numbers show that Ohio has the lowest death rate in the country. She said she is concerned that as the weather gets warmer the citizens may get anxious by the Stay at Home order and begin to gather. She emphasized that we will have to enforce the Stay at Home order. She said this is a State Order by the Governor and by Law. She said she is proud of the community, and asked everyone to continue practicing safe and social distancing. She said in the spirit of the Easter Holiday, and to follow the lead of science and data, she recommended for churches to convene and fellowship online and/or use the digital media. She said this week is an important time to pray, if you are a prayerful person. She said something like this has never happened before, and said she appreciates the community for staying home.

She said they are thinking of ways to get the message out to the citizens about the importance of social distancing in order to save lives primarily for the at-risk community. She commended the City Manager and front-line employees for keeping the citizens safe. She recognized the employees working at grocery stores and nursing homes, etc. for their work and thanked them for keeping citizens safe.

She said it is an honor to be the Mayor for the citizens, and said we will get through this crisis.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:10 a.m.

\_\_\_\_\_  
**Nan Whaley**  
**Mayor**

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