

On Wednesday, April 28, 2021, at 8:00 a.m., the Dayton City Commission met in regular session, remotely through electronic means, at City Hall.

CALL TO ORDER

Mayor Whaley called the meeting to order. She said due to the current COVID-19 order, we are conducting the meeting remotely through electronic means. To protect the safety of the community, during the state of emergency related to COVID-19, in-person citizen comments will be suspended for City Commission Meetings.

Citizens interested in making public comment related to calendar items, are asked to do so in writing. Items related to a calendar item will be included in the meeting records under Communications and Petitions.

Citizens who wish to make the City Commission aware of an issue not related to the Commission Meeting Calendar, may also do so. These items will be distributed to the Dayton City Commission for reference.

For complete information on how to submit a comment, please visit daytonohio.gov/CoronaResources or call 937-333-3636.

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. Regina D. Blackshear, and The City Manager, Ms. Shelley Dickstein, were also present through electronic means.

APPROVAL OF MINUTES

Commissioner Mims made a motion to approve the minutes from the April 21, 2021, meeting. Commissioner Fairchild seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

Communication #21547

State of Ohio, Department of Liquor Control – Permit Application #8730268 - (Transfer of Ownership)– SWARA LLC, 1918 E. Fifth Street, Dayton, OH 45403.

The Clerk of Commission reported receipt of Permit Application #8730268 - (Transfer of Ownership) – SWARA LLC, 1918 E. Fifth Street, Dayton, OH 45403. The application was referred through the City for investigation.

Communication #21548

State of Ohio, Department of Liquor Control – Permit Application #10574870005- A- (New) – Black Barn Creamery, LLC dba Black Barn Creamery, 521 Wayne Avenue, Dayton OH 45410.

The Clerk of Commission reported receipt of Permit Application #10574870005-

A – (New) - Black Barn Creamery, LLC, dba Black Barn Creamery, 521 Wayne Avenue, Dayton OH 45410. The application was referred through the City for investigation.

Communication #21549

State of Ohio – Department of Commerce – Division of Liquor Control – Notice to Legislative Authorities - Objections to Renewal of a Liquor Permit.

The Clerk of Commission reported receipt of correspondence notifying of Annual Objection to Renewal of Liquor Permits.

Communication #21550

State of Ohio, Department of Liquor Control – Permit Application #2840146 – Transfer of Ownership – Four Points 1023 Inc., 1017 N. Gettysburg Avenue, Dayton OH 45417.

The Clerk of Commission reported receipt of Permit Application #2840146 - Transfer of Ownership - Four Points 1023 Inc., 1017 N. Gettysburg Avenue, Dayton OH 45417. The application was referred through the City for investigation.

Communication #21551

State of Ohio, Department of Liquor Control – Permit Application #60766850015 – New -C2 – Modern Food & Gas LLC, 2951 Salem Avenue, Dayton OH 45406.

The Clerk of Commission reported receipt of Permit Application #60766850015 – New -C2 – Modern Food & Gas LLC, 2951 Salem Avenue, Dayton OH 45406. The application was referred through the City for investigation.

Communication #21552

State of Ohio, Department of Liquor Control – Permit Application #22348155080 – New -C2 – Dolgen Midwest, LLC dba Dollar General Store #20394, 3119 Third Street, Dayton OH 45403.

The Clerk of Commission reported receipt of Permit Application #22348155080 – New -C2 – Dolgen Midwest, LLC dba Dollar General Store #20394, 3119 Third Street, Dayton OH 45403. The application was referred through the City for investigation.

Communication #21553

State of Ohio, Department of Liquor Control – Permit Application #7735370015 – New -C2 – Santosh Enterprises LLC, 477 Patterson Road, Dayton OH 45419.

The Clerk of Commission reported receipt of Permit Application #7735370015 – New -C2 – Santosh Enterprises LLC, 477 Patterson Road, Dayton OH 45419. The application was referred through the City for investigation.

Communication #21554

State of Ohio, Department of Liquor Control – TREX Transfer- Permit Application #29674090010 – Transfer-D5/D6 – Dayton Area Lift, LLC, 141 Ringgold Street, Dayton, OH 45403.

The Clerk of Commission reported receipt of TREX Transfer Permit Application #29674090010 – D5/D6 – Dayton Area Lift, LLC, 141 Ringgold Street, Dayton, OH 45403. The application was referred through the City for investigation.

SPECIAL AWARDS/PRESENTATIONS

Police Reform Update

Mayor Whaley invited Mr. Will Smith, Police Reform Group Organizer, to present.

Mr. Smith said this is the fourth quarter of police reform, which took place in December, January and February.

Mr. Smith said there were 99 recommendations submitted the final workgroup meeting was April 1, 2021. He said information sharing continued through infographics and recommendation tracker. He said long standing structures are beginning to take shape with group members sharing their stories.

Mr. Smith said the Cross-Group (a.k.a Super Group) table met bi-weekly to discuss progress in working groups and to share concerns or questions. He said they discussed topics that cross scopes and their next steps. He said the benefits of the cross group is lack of duplicated efforts and increased efficiency.

Mr. Smith said the major takeaways were that it was a long and tiring process, there was appreciation at the close of the recommendation phase, staff support was phenomenal, increased conversation between police and other working group members and increased focus on implementation and impact.

Mr. Smith said the next steps will be implementation of 16 members from recommendation working groups, monthly meetings to hear updates, ensure implementations align with goals of the groups and creation of longstanding accountability structure. He said the first meeting will take place on Wednesday, April 28, 2021.

Commissioner Mims said this is tremendous work with diverse segments of the community. He said they are all committed to this process.

Commissioner Joseph thanked Mr. Smith for his key role in the process. He said Mr. Smith's practical knowledge and experience in the community was key to its success.

Commissioner Shaw said there was tremendous work from behind by staff and community members. He thanked all involved for their participation.

Commission Fairchild thanked staff and community members for their participation. He said this was important and urgent work because of the huge investment.

Mayor Whaley thanked the Mr. Smith and the City Commission for their work on Police Reform. She wished Mr. Smith a happy birthday.

ADDITIONS OR DELETIONS TO THE CALENDAR

There were no additions or deletions to the calendar.

REPORTS

- 1. Purchase Orders, Agreements and Contracts:**
(All contracts are valid until delivery is complete or through December 31st of the current year).

AVIATION

A1. American Association of Airport Executives (annual service, maintenance, and support agreement for the Interactive Employee Training System) **\$13,200.00**

FIRE

B1. CHWR, INC. dba CHW Mechanical Services (removal and installation of the Mitsubishi FRF system) **360,000.00**

B2. Comptech Computer Technologies, Inc. (social worker services as needed through 12/31/21) **25,000.00**

B3. Roby Services LTD (janitorial supplies as needed thorough 12/31/21) **70,000.00**

PUBLIC WORKS

C1. Truck Country of Indiana, Inc. dba Stoops Freightliner (Freightliner and Autocar brand parts and repair services as needed through 12/31/21) **40,000.00**

C2. H P Products Corporation dba Ferguson Facilities Supply (janitorial supplies as needed through 12/31/21) **90,000.00**

C3. Roby Services, LTD (janitorial supplies as needed through 12/31/21) **190,000.00**

WATER

D1. Precision Laser & Instrument, Inc. (Trimble brand survey equipment and accessories as needed through 12/31/21) **28,341.83**

D2. Lowe's (lumber, hand tools and related items as needed through 12/31/21) **60,000.00**

D3. M & R Electric Motor Service (electrical motor repair, parts, supplies and related items as needed through 09/30/21) **20,000.00**

D4. Rawdon Myers, Inc. (DeZurik brand valves, parts and related items as needed through 12/31/21) **110,000.00**

D5. Rebuild-It Services Group, LLC (retrofit fourteen drive units for clarifiers) **430,434.00**

D6. Sullivan Environmental Technologies (replacement of original equipment manufacturer (OEM) parts as needed through 12/31/21) **380,000.00**

D7. White Allen Chevrolet, Inc. (one 2021 pickup truck with heavy-duty utility body) **51,752.00**

D8. Ixom Watercare, Inc. (annual maintenance agreement) **11,521.00**

D9. MRO Express, LLC (hardware, tools and related items as needed through 12/31/21) **60,000.00**

D10.P & R Communications Service, Inc. (annual maintenance agreement for the Supervisory Control and Data Acquisition System (SCADA)) **38,000.00**

D11.Roby Services, LTD (janitorial supplies as needed through 12/31/21) **70,000.00**

D12.Truck County of Indiana, Inc. dba Stoops Freightliner (one 2023 truck with custom enclosed utility service body. **256,090.00**

D13. White Allen Chevrolet, Inc. (one 2021 cargo van) **30,300.00**

-Depts. of Aviation, Fire, Public Works and Water.

Total: \$2,334,638.83

2. **Avenu Government Systems, LLC. – Service Agreement** – for Remote Database Administration (RDBA) services and maintenance - Department of CS/Information Technology **\$25,200.00**
(Thru 04/30/22)
3. **Evans, Mechwart, Hambleton & Tilton – Service Agreement** – to perform stream mitigation services in connection with the Wesleyan Bike project - Department of Public Works/Civil Engineering **\$133,006.00**
(Thru 12/31/27)

B. Construction Contracts:

4. **John R. Jurgensen Company – Award of Contract** – for 2021 CDBG Residential Asphalt Resurfacing (10% HUD Section 3 Participation Goal 10% HUD Section 3 Participation Achieved (Federal CDBG Funds) - Department of Public Works/Civil Engineering **\$1,136,791.15**
(Thru 8/13/23)
5. **John R. Jurgensen Company – Award of Contract** – for 2021 Residential Asphalt Resurfacing I (9% SBE & 11% MBE Participation Goal/9% SBE & 11% MBE Participation Achieved – Department of Public Works/Civil Engineering **\$2,075,736.00**
(Thru 8/13/23)
6. **John R. Jurgensen Company – Award of Contract** – for 2021 Residential Asphalt Resurfacing II (10% SBE & 10% MBE Participation Goal/10% & 10% MBE Participation Achieved – Department of Public Works/Civil Engineering **\$2,109,884.70**
(Thru 8/13/23)

CITIZENS’ COMMENTS ON CALENDAR ITEMS

Citizen’s comments were suspended for the meeting.

DISCUSSION OF CALENDAR ITEMS

Calendar Item No. 4. John R. Jurgensen Company – Award of Contract, Calendar Item No. 5, John R. Jurgensen Company – Award of Contract and Calendar Item No. 6. John R. Jurgensen Company – Award of Contract

The City Manager, Ms. Shelley Dickstein said these award of contracts represent \$5.2 million for repaving of city streets. She said staff is finalizing the 2021 Street Repaving Brochure which will be released shortly.

Commissioner Mims thanked staff for meeting the PEP Goals for these contracts.

Emergency Ordinance No. 31882-21-Authorizing the Disposition of Certain Real Estate Located Near South Ludlow Street to the Montgomery County Land Reutilization Corporation for Economic Purposes

The City Manager, Ms. Shelley Dickstein said the former Schwind and Dayton Daily Newspaper property will to the Montgomery County Land bank which will facilitate future development centered around the Arcade project moving forward.

Emergency Resolution No. 6573-21- Renewing the Tornado Relief Program Related To The May 27, 2019 Tornadoes.

The City Manager, Ms. Shelley Dickstein said this resolution is for the Tornado Relief Program which expired December 20, 2020. She said citizens couldn't take advantage of the program due to the pandemic which slowed/stopped progress on projects.

Ordinance No. 31884-21- Authorizing the City Manager to Accept a Grant Award from the Ohio Department of Transportation for an Amount of Four Million Seven Hundred Forty-One Thousand Seventy Dollars and Zero Cents (\$4,741,070.00) in Federal Safety Funds.

The City Manager, Ms. Shelley Dickstein said this award will implement safety measures along Main Street in the City of Dayton. She said the project will begin in 2024.

Emergency Ordinance No. 31883-21- Amending the Revised Code of General Ordinances by the Amendment of Section 44.29 to Ratify the Adoption of the Governorate of Salfit, Palestine, as a Sister City.

Commissioner Joseph thanked his colleagues for their support of the ordinance. He said they have been working on this agreement for a long time and is looking forward to this affiliation.

Commissioner Fairchild said citizen diplomacy gives people a glance on how the world can be. He thanked Youssef Elzein for his work and constructive spirit to work for a better world and Commission Joseph for his leadership with Sister Cities and bringing the ordinance forward.

APPROVAL OF CITY MANAGER'S REPORTS

Commissioner Shaw made the motion to approve the City Manager's Reports. Commissioner Joseph 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. 31882-21- Authorizing the Disposition of Certain Real Estate located Near South Ludlow Street to the Montgomery County Land Reutilization Corporation for Economic Development Purposes 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. 31882-21 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. 31883-21- Amending the Revised Code of General Ordinances by the Amendment of Section 44.29 to Ratify the Adoption of the Governorate of Salfit, Palestine, as a Sister City and Declaring and 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. 31883-21 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. 6573-21- Renewing the Tornado Relief Program Related To The May 27, 2019 Tornadoes; and Declaring an Emergency.

Commissioner Fairchild 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. 6573-21 be adopted. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Fairchild. The Emergency Resolution was adopted.

ORDINANCE – FIRST READING

Ordinance No. 31884-21- Authorizing the City Manager to Accept a Grant Award from the Ohio Department of Transportation for an Amount of Four Million Seven Hundred Forty-One Thousand Seventy Dollars and Zero Cents (\$4,741,070.00) in Federal Safety Funds.

CITIZENS' COMMENTS

Citizen's comments were suspended for the meeting.

COMMENTS BY THE CITY MANAGER

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

COMMENTS BY THE CLERK OF COMMISSION

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

COMMENTS BY THE CITY COMMISSION

Commissioner Shaw

Commissioner Shaw highlighted the congressional seat that was lost due to Census 2020 data.

Commissioner Mims

Commissioner Mims said needed congressional seats where the ones that was lost. He thanked Commissioner Shaw for his leadership on the Census 2020.

Commissioner Joseph

Commissioner Joseph thanked the Census 2020 workers. He said hopefully the city and county level data will be better.

Mayor Whaley

Mayor Whaley encouraged citizens to vote on Tuesday, May 4, 2021. She said early vote has already begun.

EXECUTIVE SESSION

at 9:05 a.m., Commissioner Shaw made a motion to convene into an Executive Session to discuss personnel issues relating to employee appointment, employment, dismissal or demotion. Commissioner Joseph second 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 9:50 a.m., Commissioner Fairchild made a motion to reconvene from Executive Session Commissioner Joseph 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 through electronic means.

ADJOURNMENT

There being no further business the meeting was adjourned at 9:51 a.m.

Nan Whaley
Mayor

Attest: _____
Clerk of Commission