

On Wednesday, May 12, 2021, at 8:30 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 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. 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 May 5, 2021, meeting. Commissioner Fairchild seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

Communication #21558

Letters/email received regarding Ordinance 31886-21- Surveillance Technology.

Communication #21559

Work Session handout – Finance Briefing.

Communication #21560

State of Ohio, Department of Liquor Control – Permit Application #6278710-New- D2 D3 D3A – Myracles Bar and Grill, LLP 1060 Patterson Road, Dayton, OH 45420.

The Clerk of Commission reported receipt of Permit Application #6278710 -New- D2 D3 D3A – Myracles Bar and Grill, LLP 1060 Patterson Road, Dayton, OH 45420. The application was referred through the City for investigation.

Communication #21561

State of Ohio, Department of Liquor Control – Permit Application #0346763-New- D3 D3A – B & B Lounge, 2914 Salem Avenue, Dayton, OH 45406.

The Clerk of Commission reported receipt of Permit Application #0346763-New- D3 D3A – B & B Lounge, 2914 Salem Avenue, Dayton, OH 45406. The application was referred through the City for investigation.

Communication #21562

State of Ohio, Department of Liquor Control – Permit Application #18420320005-New- D5J – Cryptos Deli LLC dba Flyboys Deli, 219 North Patterson Blvd, Dayton, OH 45402.

State of Ohio, Department of Liquor Control – Permit Application #18420320005-New- D5J – Cryptos Deli LLC dba Flyboys Deli, 219 North Patterson Blvd, Dayton, OH 45402. The application was referred through the City for investigation.

Communication #21563

State of Ohio, Department of Liquor Control – Permit Application #22625050035-New- C1 – DoorDash Essentials LLC, 630 Watervliet Avenue, Dayton, OH 45420.

State of Ohio, Department of Liquor Control - Permit Application #22625050035-New- C1 – DoorDash Essentials LLC, 630 Watervliet Avenue, Dayton, OH 45420. 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.

REPORTS

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

ECONOMIC DEVELOPMENT

A1. Comptech Computer Technologies, Inc. (temporary staffing services as needed through 12/31/21) **\$25,000.00**

FINANCE

B1. Montrose Ford LLC (one 2022 Hybrid Electric Vehicle (HEV) compact sports utility vehicle) **\$25,098.96**

B2. White Allen Chevrolet, Inc. (three 2022 regular cab pickup trucks) **87,000.00**

PUBLIC WORKS

C1. Valley Asphalt Corporation (asphalt paving material as needed through 12/31/2021) **45,000.00**

WATER

D1. Headworks, Inc. (replacement parts for Headworks bar screening equipment through 12/31/24) **48,000.00**

D2. JAGS Environmental, Inc. (pumps, parts and related items through 12/31/24) **120,000.00**

D3. Baker Vehicle Systems, Inc. (one Jacobsen brand wide area mower and replacement tires) **61,197.00**

D4. Cincinnati Belting & Transmission dba CBT Company (Allen Bradley brand replacement parts, supplies and related items) **31,760.01**

D5. FCX Performance, Inc., North Coast Instruments (sixteen Limitorque actuators and accessories) **113,472.00**

D6. Defries Copp LLC dba Copp Systems Integrator (replace existing cameras, new cameras, network video recorder, cabling and related items) **20,767.60**
-Depts. of Economic Development, Finance, Public Works and Water.

Total: \$577,295.57

2. **Arcadis U.S., Inc. – Contract Modification** – first amendment for additional services/work related to ongoing work with the Anderson Reservoir Rehabilitation and New Pump Station – Department of Water.

\$15,100.00
(Thru 12/31/22)

3. **NewOrg Management System, Inc. – Service Agreement** – for the implementation, support, maintenance, and subscription service of cloud-based software – Department of Planning & Community Development.

\$15,337.25
(Thru 5/15/22)

4. **Zan Creative Inc. dba Nova Creative – Contract Modification** – third amendment to cover additional services/work related to education, outreach, awareness, branding, and marketing collaterals – Department of Water.

\$144,900.00
(Thru 12/31/21)

B. Construction Contracts:

5. **Belgray, Inc – Award of Contract** – for 2021 City Facility Parking Lot Resurfacing and Concrete Repairs Re-Bid (10% MBE & 10% SBE Participation Goal /44.75% SBE & 46.37% MBE Participation Achieved - Department of Public Works.

\$302,436.88
(Thru 12/31/22)

6. **C.G. Construction and Utilities, Inc. – Award of Contract** – for Earl Avenue Water Main Improvements (15% MBE Participation Goal/15.05 % MBE Participation Achieved - Department of Water.

\$752,559.50
(Thru 12/15/22)

7. **Ohio Water Development Authority (OWDA) – Award of Contract** – for Odor Control Cover Replacement Project Loan Fee – Department of Water.

\$30,000.00
(Thru 6/30/21)

8. **Peterson Construction Company – Award of Contract** – for primary sludge piping project (5% SBE, 15% MBE Participation Goal/5.74% SBE, 16.95% MBE Achieved) – Department of Water.

\$459,800.00
(Thru 12/31/23)

C. Revenue to City:

9. **Montgomery County Juvenile Court -Service Agreement** – Service Understanding/Purchase of Service Contract with Montgomery County Juvenile Court for Mediation Services - Department of Planning and Community Development.

\$85,000.00
(Thru 6/30/22)

E. Other – Contributions, Etc.:

- 10. Hull & Associates, LLC – Payment of Voucher** – for environment cleanup project at the former Brinkman Auto Site on Riverside Drive – Department of Economic Development **\$10,027.17**
- 11. Sister City Foundation – Other** – for the 2021 financial support of the Dayton Sister City Committee – City Commission Office **\$15,000.00**

CITIZENS’ COMMENTS ON CALENDAR ITEMS

Citizen’s comments were suspended for the meeting.

DISCUSSION OF CALENDAR ITEMS

Calendar Item No. 3. NewOrg Management System, Inc. – Service Agreement

The City Manager, Ms. Shelley Dickstein said the contract is for cloud base software which will help the Mediation Center operate more efficiently with case management communication. Commissioner Joseph said he is glad this process is being implemented. He said the goal was to make the complaint process easy and transparent.

Calendar Item No. 6 C.G Construction and Utilities, Inc. – Award of Contract

The City Manager, Ms. Shelley Dickstein said the contract is for the Earl Avenue water main improvements which were install in the 1920’s and 1930’s and is supported 100 percent by the capital cash from the enterprise operation.

Emergency Ordinance No. 31886-21-Enacting Sections 34.09 through 34.15 of the Revised Code of General Ordinances to Establish a Process to Approve and Regulate New Law Enforcement Surveillance Technology.

Commissioner Joseph said they put together an ordinance where the needs of the police and citizens are met. He said this legislation will balance both. He said this legislation will allow everyone to know what is going on in neighborhoods and how the technology is being used.

Mr. Musto said the ordinance will establish a formal process for the Police Department to adopt new surveillance technologies. He said surveillance technology is defined as police using new technology to collect and retain information associated with specific individuals for the purpose of tracking or monitoring their activities. He said an example of this is automatic license plate readers.

Mr. Musto said the process is before deploying new surveillance technology the police must notify the public of the new technology, create a surveillance impact report and distribute it to the public, receive and consider public comment, put technology before the City Commission for further public comment and approval; and have the use policy approved by the City Manager.

Mr. Musto said the Surveillance Impact Report must include: a description of the technology and purpose, where it will be used, costs of use, community engagement and the use of data gathered.

Mr. Musto said the goals of the ordinance is to formally adopt a process for citizen notification and review, educate the public and improve confidence in law enforcement, ensure that technology is being used effectively and establish rules that maximize crime prevention and detection while protecting citizen privacy.

Mr. Musto said the Surveillance Use Policy must be adopted within 180 days of passage of the ordinance.

Commission Shaw thanked Mr. Musto for his work on the ordinance and said this process has taken a year to complete with input from the community. He said he believes it is a really good process.

Commissioner Mims said since it was a really challenging process, the transparency piece is invaluable.

Commissioner Fairchild thanked staff for their work on the ordinance and asked Mr. Musto how soon will the policy be written to fulfill the requirements of the ordinance and how will the policy impact the use of the license plate readers.

Mr. Musto said the policy must be adopted within 180 days of passage of the ordinance, therefore, the work will be started right away. He said there will be an individual policy for the use of the license plate readers.

Commissioner Joseph thanked Mr. John Musto, Law Department, Ms. Barb Doseck, Law Director, Ms. Torey Hollingsworth, Senior Policy Aide to Mayor Whaley, Major Paul Saunders, Dayton Police Department, Ms. Katie Kersh, ABLE Mr. Ellis Jacobs, ABLE Ms. Melissa Bertolo, Welcoming America and Ms. Ariel Walker, Director of Commission Office, for their work on the Ordinance.

Mayor Whaley thanked all for their work on the ordinance.

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 ORDINANCE – FIRST AND SECOND READING

Emergency Ordinance No. 31886-21- Enacting Sections 34.09 through 34.15 of the Revised Code of General Ordinances to Establish a Process to Approve and Regulate New Law Enforcement Surveillance Technology 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. 31886-21 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.

RESOLUTION – FIRST READING

Resolution No. 6574-21- Declaring the Intention of the Commission to vacate Shelby Avenue from Kling Drive to 100 Feet East of Kling Drive.

Resolution No. 6575-21- Declaring the Intention of the Commission to Vacate South Orchard Avenue from Home Avenue to US Route 35 Right of Way.

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 Fairchild

Commissioner Fairchild thanked Commission Joseph and citizens for their work on the Enforcement Surveillance Technology.

Commissioner Fairchild acknowledge the breaking of the fast for Ramadan.

Commissioner Mims

Commissioner Mims thanked citizens for their work on Gem City Market.

Commissioner Joseph

Commissioner Joseph acknowledged the breaking of the fast for Ramadan.

Commissioner Joseph wished Inn Port D’Vino Bar a Happy 10th Anniversary.

Commissioner Joseph thanked the partners who endorsed the Enforcement Surveillance Technology ordinance.

ADJOURNMENT

There being no further business the meeting was adjourned at 8:55 a.m.

Nan Whaley
Mayor

Attest: _____
Clerk of Commission