

On Wednesday, May 13, 2020, at 8:30 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, 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. Rashella Lavender, 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 22, 2020, meeting. Commissioner Fairchild seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

Communication #21484

A letter received from Lee White, a citizen, expressing concerns regarding the closure of golf courses.

SPECIAL AWARDS/PRESENTATIONS

There were no awards or presentations.

ADDITIONS OR DELETIONS TO THE CALENDAR

The Clerk of Commission, Ms. Rashella Lavender, requested the addition of Emergency Ordinance No. 31809-20; Creating a Special Project Fund Within the General Fund and Committing Any Net Revenues to Recreational Activities. She said it will receive first reading only.

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:

AVIATION

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

ECONOMIC DEVELOPMENT

B1. Bladecutter's Lawn Service, Inc. (commercial ground maintenance services through 12-31-20) **61,005.00**

FIRE

C1. Acme Spring, Inc. (heavy duty fire equipment repair parts and services as needed through 04-30-21) **9,000.00**

1. (Cont'd):

- C2. **P H & S Products LLC** (EMS examination gloves through 03-31-21) **\$10,000.00**
- C3. **Stryker Medical** (one Stryker power load system and cot) – PO200878 **43,479.34**
- C4. **Stryker Medical** (eight automated CPR Lucas three devices) – PO200879
111,509.60
- C5. **Stryker Medical** (two Lifepak monitors/defibrillators and accessories) – PO200880
57,831.12

INFORMATION TECHNOLOGY

- D1. **Dell Marketing LP** (Microsoft computer software licensure and support agreement through 12-31-22) – PO200869 **1,482,768.81**
- D2. **Dell Marketing LP** (Microsoft server and cloud enrollment – SCE through 12-31-22) – PO200870 **428,203.53**

LAW

- E1. **Calfee Halter & Griswold LLP** (professional legal services as needed through 12-31-20) **70,000.00**

POLICE

- F1. **Kiesler Police Supply** (Patrol rifle upgrades through 03-31-23) **97,748.80**
- F2. **Moonlight Security, Inc.** (armed security services as needed through 12-31-23)
10,700.00

PUBLIC WORKS

- G1. **Dailey's Lawn and Landscaping** (repair damaged brick work) **10,450.00**
 - G2. **Quality Masonry Company, Inc.** (repair damaged brick work) **14,600.00**
 - G3. **Garland/DBS, Inc.** (roof repair and replacement including removal and installation services) – PO200863 **235,339.00**
 - G4. **Garland/DBS, Inc.** (roof repair and replacement including removal and installation services) – PO200864 **245,476.00**
- 1.
- G5. **Kimmatt Corp.** (installation of tempered glass through 03-31-21) **12,000.00**
 - G6. **Site-Safe Products LLC dba Site-Safe LLC** (crash attenuator parts and related traffic safety products as needed through 12-31-20) **27,815.94**

WATER

- H1. **DXP Enterprises, Inc.** (Pulsa feeder brand parts and related items as needed through 12-31-20) **15,000.00**
 - H2. **M L Johnson Company** (repair and calibration of gas flow meters, level sensors and magmeters) **15,000.00**
 - H3. **Miami Industrial Trucks, Inc.** (one forklift) **33,321.54**
-Depts. of Aviation, Economic Development, Fire, Information & Technology, Law, Police, Public Works, and Water. **Total: \$3,004,448.68**
2. **Avenu Government Systems, LLC – Service Agreement** – for Remote Database Administration services and maintenance for the Banner System – Dept. of Central Services/Information Technology. **\$27,200.00**
(Thru 04/31/21)
3. **Briggs Creative Services, LLC – Service Agreement** – for professional surveying services in connection with the Salem Avenue Reconstruction Phase 3 and the Wayne Avenue Widening projects – Dept. of Public Works/Civil Engineering. **\$70,172.00**
(Thru 12/31/25)
4. **Development Projects Inc. – Service Agreement** – to manage and administer the activities of the Dayton Region Israel Trade Alliance – DRITA – Dept. of Economic Development. **\$113,000.00**
(Thru 12/31/21)

5. **Fifth Third Bank – Contract Modification** – to receive a currency processing solution – Dept. of Economic Development. **\$18,780.00**
(Thru 5 years)
6. **Hazen & Sawyer – Service Agreement** – for the design phase of the Phase 1 Anaerobic Digester Project for the Water Reclamation Facility – Dept. of Water/Water Reclamation. **\$8,500,000.00**
(Thru 12/31/26)
7. **O. R. Colan Associates LLC – Service Agreement** – to perform property acquisition services in connection with the Salem Avenue Reconstruction Phase 2 and the West Hillcrest Sidewalk Phase 2 projects – Dept. of Public Works/Civil Engineering. **\$116,880.00**
(Thru 12/31/26)
8. **Progress Corporation – Service Agreement** – for licensing, maintenance and support services for the Progress Relational Database Management System platform that supports the Public Safety Management Information System – Dept. of Central Services/Information Technology. **\$52,650.68**
(Thru 12/31/20)
9. **Turn-Key Environmental Consultants, Inc. – Service Agreement** – for environmental consulting and testing services on an as-needed basis – Dept. of Economic Development. **\$50,000.00**
(Thru 12/31/22)
10. **Wood Environment & Infrastructure Solutions, Inc. – Service Agreement** – for environmental consulting and testing services on an as-needed basis – Dept. of Economic Development. **\$50,000.00**
(Thru 12/31/22)

B. Construction Contracts:

11. **Brumbaugh Construction, Inc. – Award of Contract**– for the 2020 Wyoming Street 2 Reconstruction (10% MBE and 5% WBE Participation Goal/10.58% MBE and 5.08% WBE Participation Achieved) (State Issue I Funds) – Dept. of Public Works/Civil Engineering. **\$630,123.00**
(Thru 08/30/22)
12. **Double Jay Construction, Inc. – Award of Contract**– for the Springfield Street Reconstruction & Water Main Replacement Phase III (8% DBE Participation Goal/12.4% DBE Participation Achieved) (Federal Construction Funds) – Dept. of Public Works/Civil Engineering. **\$1,646,636.80**
(Thru 08/30/22)
13. **John R. Jurgensen Company – Award of Contract**– for the 2020 Residential Asphalt Resurfacing II (5% SBE & 15% MBE Participation Goal/5.03% SBE and 15.19% MBE Participation Achieved) – Dept. of Public Works/Civil Engineering. **\$2,310,180.96**
(Thru 08/14/22)

C. Revenue to City:

14. **Miami Valley Hospital – Other** – for Special Use Permit to install storm pipe beneath Wyoming Street east of the intersection of North Main Street into the public right-of-way at One Wyoming Street – Dept. of Public Works/Civil Engineering. **\$200.00**

D. Neighborhood Agreement:

15. **Wright-Dunbar, Inc. – Development Agreement** – to assist with funding building improvements, HVAC system upgrades, machinery and equipment, signage and lighting for property located at 1100 West Third Street – Dept. of Economic Development. **\$250,000.00**
(Thru 12/31/21)

E. Other – Contributions, Etc.:

16. **Vandalia-Butler City Schools – Other** – for the Community Reinvestment Area (CRA) Income Tax Sharing Payments – Dept. of Economic Development. **\$215,430.79**
(Thru 12/31/20)

BY THE BOARD OF REVISION OF ASSESSMENTS

17. In the Matter of Declaring the Intention of the Commission to Vacate the Alley North of East Third Street from the Alley East of More Avenue to the East Property Line of City Lot #30313 - Recommendation to Proceed.
18. In the Matter of Declaring the Intention of the Commission to Vacate the Alley North of West Second Street from North Conover Street to the Railroad Right-of-Way - Recommendation to Proceed.

CITIZENS' COMMENTS ON CALENDAR ITEMS

Citizens' comments were suspended for the meeting.

DISCUSSION OF CALENDAR ITEM

Calendar Item No. 4. Development Projects Inc. – Service Agreement

The City Manager, Ms. Shelley Dickstein, said this agreement is to manage and administer the activities of the Dayton Region Israel Trade Alliance to help build business alliances in the aerospace sectors.

Calendar Item No. 6. Hazen & Sawyer – Service Agreement and Emergency Resolution No. 6500-20- Water Pollution Control Loan Fund Loan Agreement

The City Manager, Ms. Shelley Dickstein, said the service agreement is for the design phase of the Anaerobic Digest Project which is identified as a priority from the 2018 Water Reclamation Facility Master Plan. She said it will expand the treatment capacity to treat sludge more effectively. Ms. Dickstein said that Emergency Resolution No. 6500-20-authorizes the city manager to apply and enter into an agreement to seek funds from the Ohio Environmental Protection Agency related to the Water Reclamation Facility Anaerobic Digester project.

Calendar Item No. 11. Brumbaugh Construction, Inc. – Award of Contract, Calendar Item No. 12. Double Jay Construction, Inc. –Award of Contract, and Calendar Item No. 13. John R. Jurgensen Company – Award of Contract

The City Manager, Ms. Shelley Dickstein, said all of the contracts exceeded the minority goal setting. She said Calendar Item No. 11, is the Wyoming Street Reconstruction Project which will occur this summer, Calendar Item No. 12, is the final phase of the Springfield Street reconstruction which includes a water main replacement, and Calendar Item No. 13, is the continuation of residential asphalt resurfacing.

Calendar Item No. 15. Wright Dunbar, Inc. – Development Agreement

The City Manager, Ms. Shelley Dickstein, said the agreement will assist in funding building improvements, HVAC system upgrades, machinery equipment signage and lighting for the property located at 1100 West Third Street. She said it is the former conference center which is being turned into an entrepreneurial food hall.

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 ORDINANCES – FIRST AND SECOND READING

Emergency Ordinance No. 31804-20- Authorizing the City of Dayton to enter into a Guarantee Agreement with Victoria Theatre Association for a Public Purpose, 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. 31804-20 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. 31805-20- Authorizing the Submission, Acceptance, Acquisition and Purchase of Two Hundred Sixteen (216) Properties from Montgomery County, Ohio, and the Subsequent Disposition of those Properties in Connection with the Real Estate Acquisition Program (“REAP”), and Declaring an Emergency.

Commissioner Fairchild moved that this being an emergency measure for the immediate consideration of the Ordinance. 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 Ordinance No. 31805-20 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. 6498-20- Authorizing the Acceptance of Equipment from the Montgomery County Emergency Management Agency 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 Whaley, Commissioners Joseph, Mims, Shaw and Fairchild. The question being shall Emergency Resolution No. 6498-20 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. 6499-20- Ratifying the Acceptance of a Technology Grant Award from the Ohio Supreme Court in the Amount of Fourteen Thousand Eight Hundred Fifty-Eight Dollars and Fifty Cents (\$14,858.50), 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. 6499-20 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. 6500-20- Authorizing the City Manager to Apply for, Accept, and Enter Into a Water Pollution Control Loan Fund (“WPCLF”) Loan Agreement on Behalf of the City of Dayton, Ohio for Design of the Water Reclamation Facility Phase I Anaerobic Digester Project, and Designating a Dedicated Repayment Source for the Loan, 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. 6500-20 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. 6501-20- Approving the Petition and Supplemental Plan for Special Energy Improvement Projects Under Ohio Revised Code Chapter 1710, 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. 6501-20 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. 6502-20- Approving the Necessity of Acquiring, Constructing, and Improving Certain Public Improvements in the City of Dayton, Ohio in Cooperation with the Dayton Regional Energy 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. 6502-20 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. 31806-20- To Vacate the Alley North of East Third Street from the Alley East of More Avenue to the East Property Line of City Lot #30313.

Ordinance No. 31807-20- To Vacate the Alley North of West Second Street from North Conover Street to the Railroad Right of Way.

Ordinance No. 31808-20- Consenting to the Painting Bridges of U.S. State Route 35 Within the City of Dayton, and Agreeing to Cooperate in Matters Incidental Thereto, Including the Execution of Agreements Necessary to Implement this Ordinance.

RESOLUTION – SECOND READING

Resolution No. 6492-20- Honorarily Naming Barnett Street Between Home Avenue and West Fifth Street as Ronald C. Foster Way.

The question being shall Resolution No. 6492-20 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.

THIS ITEM WAS ADDED

ORDINANCE- FIRST READING

Ordinance No. 31809-20- Creating a Special Project Fund Within the General Fund and Committing Any Net Revenues to Recreational Activities.

BOARD APPOINTMENT

Mayor Whaley stated she is reappointing Michele Roberts to the Greater Dayton Premier Management Board for term ending June 30, 2025.

CITIZENS' COMMENTS

Citizens' comments were suspended for the meeting.

COMMENTS BY THE CITY MANAGER

The City Manager, Ms. Shelley Dickstein, said the July 3, 2020, fireworks festival has been cancelled due to the COVID-19 virus. She said there is no way to responsibly ensure social distancing during the activity.

Ms. Dickstein said all the public events scheduled through May 2020 have been cancelled. She said she will continue to evaluate and discuss in conjunction with Dayton Montgomery County Public Health other city amenities.

Mayor Whaley said she appreciates all efforts in these endeavors.

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 COVID-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 May 20, 2020, will be cancelled.

COMMENTS BY THE CITY COMMISSION

Commissioner Fairchild

Commissioner Fairchild thanked the Mayor, City Manager and frontline employees for their leadership and service during the pandemic. He said he is mindful of citizens who may be under financial stress right now.

Commissioner Shaw

Commissioner Shaw encouraged citizens to participate in the 2020 Census.

Commissioner Mims

Commissioner Mims encouraged citizens to fill out the application for the 2020 Census. He said on May 27, 2020, Census workers will follow-up with citizens who have not completed their 2020 Census.

Commissioner Joseph

Commissioner Joseph thanked all citizens who are working hard to provide services to citizens during this pandemic. He thanked citizens who have stayed at home during this time as well.

Commissioner Joseph thanked staff for their dedication during this pandemic.

Mayor Whaley

Mayor Whaley asked all citizens to remember to wear their masks in public.

Mayor Whaley thanked the City Manager for her work with Downtown Dayton Partnership in conjunction with other groups as restaurants prepare to open.

Mayor Whaley said the City of Dayton is moving slower than other municipalities because there is still no public health testing in place. She said on Friday, May 8, 2020, she visited Dayton Children's Hospital, who has done an amazing job putting together a system to test for the COVID-19 virus, however, it will not be ready until Monday, May 18, 2020. Mayor Whaley said once the test is ready, 10,500 tests will be administered per week for the entire region.

Mayor Whaley said systems are not yet in place for testing and until they are she will not expand spaces for outdoor restaurants. She said she looks forward to expanding outdoor restaurant spaces in the future. Mayor Whaley said Montgomery County has only had ten deaths due to the COVID-19 virus which will rise due to the re-opening of retail, restaurants and other establishments; however, it should be done as safe as possible.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:58 a.m.

Nan Whaley
Mayor

Attest: _____
Clerk of Commission