

On Wednesday, May 19, 2021, at 6:01 p.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](http://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 and Shaw were present. The Clerk of Commission, Ms. Regina D. Blackshear, and The City Manager, Ms. Shelley Dickstein, were also present through electronic means.

Mayor Whaley extended condolences to Commissioner Fairchild and family on the passing of his father in-law.

**Commissioner Mims made a motion to authorize the absence of Commissioner Fairchild from this week's City Commission meeting. Commissioner Shaw seconded the motion. The motion was unanimously approved.**

**APPROVAL OF MINUTES**

**Commissioner Mims made a motion to approve the minutes from the May 12, 2021, meeting. Commissioner Joseph seconded the motion. The previous meeting minutes were unanimously approved.**

**COMMUNICATIONS AND PETITIONS**

**Communication #21565**

Letter from Environmental Advisory Board in support of Renewable Energy Aggregation

**SPECIAL AWARDS/PRESENTATIONS**

There were no awards or presentations.

**ADDITIONS OR DELETIONS TO THE CALENDAR**

The Clerk of Commission, Ms. Regina Blackshear, requested the addition of Emergency Ordinance No. 31889-21 Repealing Ordinance 31821-20 Requiring Face Coverings in Public Spaces to Limit the Spread of COVID-19. It will receive first and second reading.

The Clerk of Commission, Ms. Regina Blackshear, requested the addition of Informal Resolution No. 988-21- Recognizing and Supporting the Updated Recommendations of the Centers for Disease Control Regarding Masks and Social Distancing for Those Fully Vaccinated Against COVID-19 and the Subsequent May 17, 2021 Ohio Department of Health Director’s Order and Encouraging Every Eligible Individual to Receive the COVID-19.

The Clerk of Commission, Ms. Regina Blackshear, requested the addition of Informal Resolution No. 989-21- Opposing Early Termination of Ohio’s Federally Funded Enhanced Unemployment Benefits.

Mayor Whaley said when the mask mandate was set at the end of June, Dayton was the first city in the state to set a mask mandate at the recommendation of Centers for Disease Control (CDC) guidelines and Public Health Dayton. She said the CDC made a new recommendation that fully vaccinated citizens do not need to wear masks inside or outside. However, they recommended that citizens still wear masks on public transit and in large gatherings.

Mayor Whaley said the added Informal Resolution is repealing that resolution and replacing it with a resolution that encourages citizens to continue to follow CDC guidelines.

Mayor Whaley encouraged citizens to continue getting vaccinated.

Commissioner Mims expressed his concern for the early termination of Ohio’s Federally Funded Enhanced Unemployment benefits. He said those dollars are really important, especially to parents. He said the money will help with food, healthcare and childcare.

Commissioner Mims thanked the City Commission in joining him to oppose the governor’s decisions to terminate the unemployment benefit.

Commissioner Joseph said it is the wrong time to stop helping citizens. He said this support is allocated by the federal government and available to citizens. He said sometimes assistance is taken away too soon which happened in the last recession.

Commissioner Shaw thanked the City Commission for their leadership and said this is not a handout but a workforce development issue.

**REPORTS**

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

**FIRE**

- A1. Stryker Medical** (one power-load system with the corresponding cot) **\$42,772.71**
- A2. Vogelpohl Fire Equipment, Inc** (fire apparatus parts as needed through 12/31/21) **\$5,000.00**

**POLICE**

**B1. Motorola Solutions, Inc.** (twenty Motorola radios and related items) **103,264.60**

**PUBLIC WORKS**

**C1. Total Tennis, Inc.** (conversion of the tennis court to a pickleball court) **16,250.00**

**WATER**

**D1. Metropolitan Environmental Services** (industrial cleaning) **25,000.00**

**D2. Agilent Technologies, Inc.** (four days of on-site training) **13,526.10**

**D3. Allied Builders, Inc.** (fencing products, related items and services as needed through 12/31/21) **30,000.00**

**D4. Allied Industrial Technologies** (miscellaneous bearings, belts and related items as needed through 12/31/24) **210,000.00**

**D5. BDI – Bearing Distributors, Inc.** (miscellaneous bearings, belts and related items as needed through 12/31/24) **70,000.00**

**D6. Best Equipment Company, Inc.** (one dual engine combination sewer cleaner truck) **495,244.00**

**D7. Dell Marketing LP** (computers with the required accessories) **11,087.46**  
-Depts. of Fire, Police, Public Works and Water. **Total: \$1,022,144.87**

**2. Accela Inc. – Service Agreement** – first amendment to the maintenance and support agreement. – Department of Water **\$51,134.11**  
**(Thru 6/25/22)**

**3. TargetSolutions Learning LLC.** – Contract Modification – for online training resources for DFD personnel – Department of Fire **\$29,716.16**  
**(Thru 6/1/22)**

**B. Construction Contracts:**

**4. R.B. Jergens Contractors, Inc.** – Award of Contract – for Keowee Street Rehabilitation (10% MBE & 10% SBE Participation Goal/ 12.9% SBE & 14.3% MBE Participation Achieved - Department of Public Works/Civil Engineering **\$950,000.00**  
**(Thru 11/01/23)**

**C. Revenue to City:**

**5. Host International, Inc. – Contract Modification** – first amendment to amended and restated Master Lease and Concession Agreement – Department of Aviation. **\$675,750.00 (Revenue)**  
**\$115,000.00 (Expense)**  
**(Thru 12/31/23)**

**CITIZENS' COMMENTS ON CALENDAR ITEMS**

Citizen's comments were suspended for the meeting.

**DISCUSSION OF CALENDAR ITEMS**

There was no discussion of calendar item.

**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 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw.**

**LEGISLATION**

**EMERGENCY ORDINANCE – FIRST AND SECOND READING**

**Emergency Ordinance No. 31887-21- Authorizing a Community Reinvestment Area Tax Exemption Agreement with Wright Dunbar REH, LLC for Property Located at 1153/1159/1171 W. Third Street in the City of Dayton, Ohio, 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 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The question being shall Emergency Ordinance No. 31887-21 be passed. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The Emergency Ordinance was passed.**

**Emergency Ordinance No. 31888-21- Authorizing a Community Reinvestment Area Tax Exemption Agreement with Wright Dunbar Inc. for Property Located at 1100 W. Third Street in the City of Dayton, Ohio, 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 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The question being shall Emergency Ordinance No. 31888-21 be passed. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The Emergency Ordinance was passed.**

**EMERGENCY RESOLUTION – FIRST AND SECOND READING**

**Emergency Resolution No. 6576-21- Authorizing the City Manager to Accept a Grant Award From the U.S. Department of Housing and Urban Development (“HUD”) for a Total Amount of Two Million Three Hundred Forty-Two Thousand Two Hundred Seventy-Six Dollars and Zero Cents (\$2,342,276.00) 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 Joseph seconded the motion. The motion was passed with a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The question being shall Emergency Resolution No. 6576-21 be adopted. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The Emergency Resolution was adopted.**

## **RESOLUTIONS – SECOND 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.

**The question being shall Resolution No. 6574-21 be adopted. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The Resolution was adopted.**

**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.

**The question being shall Resolution No. 6575-21 be adopted. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The Resolution was adopted.**

## **THESE ITEMS WERE ADDED**

### **EMERGENCY ORDINANCE – FIRST AND SECOND READING**

**Emergency Ordinance No. 31889-21-** Repealing Ordinance 31821-20 Requiring Face Coverings in Public Spaces to Limit the Spread of COVID-19; 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 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The question being shall Emergency Ordinance No. 31889-21 be passed. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The Emergency Ordinance was passed.**

## **INFORMAL RESOLUTIONS**

**Informal Resolution No. 988-21-** Recognizing and Supporting the Updated Recommendations of the Centers for Disease Control Regarding Masks and Social Distancing for Those Fully Vaccinated Against COVID-19 and the Subsequent May 17, 2021 Ohio Department of Health Director's Order and Encouraging Every Eligible Individual to Receive the COVID-19 Vaccine.

**Commissioner Joseph made a motion to adopt Informal Resolution No. 988-21. Commissioner Mims seconded the motion. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The Informal Resolution was adopted.**

**Informal Resolution No. 989-21-** Opposing Early Termination of Ohio's Federally Funded Enhanced Unemployment Benefits.

**Commissioner Mims made a motion to adopt Informal Resolution No. 989-21. Commissioner Shaw seconded the motion. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The Informal Resolution was adopted.**

## **BOARD APPOINTMENT**

**Commissioner Joseph made a motion to appoint Phillip Leppla to the Environmental Advisory Board for a term ending November 27, 2023. Commissioner Shaw seconded the motion. The motion was unanimously approved.**

## **PUBLIC HEARING**

Mayor Whaley opened the Public Hearing on the City of Dayton becoming a member of the Sustainable Ohio Public Energy Council of Governments organization (SOPEC). In preparation for taking this action, the City Commission will take comments on SOPEC's Operations and Governance Plans. If the plan is adopted, SOPEC will implement an electric aggregation program for the City, its residents, and businesses. SOPEC will be providing exclusive green electrical energy derived from wind power. She asked Ms. Dickstein to proceed.

Ms. Dickstein said the public hearing will reintroduce the electric aggregation program. She invited Ms. Megan Maloney, Sustainability Specialist, Office of Sustainability, to present.

Ms. Maloney said state law requires that the City of Dayton hold two public hearings before they can vote on restarting the Aggregation Program. She said it was advertised on May 2, 2021, and are accepting comments until May 21, 2021, at 9:00 a.m.

Ms. Maloney said Ohio has a deregulated energy market, meaning you can choose where you buy your electricity generation. Electricity aggregation allows the City of Dayton to provide a bulk price on electricity for all our eligible residents, non-profits, and small businesses. Aggregation also allows for the City of Dayton to choose where our energy generation comes from. Dayton previously offered an aggregation program from May 2016 to May 2018, but it ended due to market fluctuations

Ms. Maloney said the benefits to aggregation are 100 percent is renewable energy program content at a competitive price for residents and businesses, only one of several communities in the state who will be providing 100 percent renewable energy to residents and the Community Energy Grant program provides member governments with funding for innovative clean energy that will benefit the Dayton community

Ms. Maloney said the City of Dayton selected broker, SOPEC, which is a non-profit government agency. She said the City of Dayton will be represented on SOPEC's Board of Directors. SOPEC is currently supplied by AEP Energy and the current SOPEC program term ends in June of 2023 with a successive three year term.

Ms. Maloney said Dayton residents will have little change to their utility bill. She said AES Ohio (formerly known as DP&L) will remain the electric utility. She said the supply charges will change as the City of Dayton's aggregation provider, SOPEC, and AEP Energy, its energy supplier, will now supply the energy.

Ms. Maloney said citizens who wish to be enrolled in the City's program but would prefer to have fossil fuels, can choose the step-down option. She said at any time, citizens may choose to leave the aggregation program for free.

Ms. Maloney said citizen comments may be sent to Meg Maloney or Mark Charles in the Dayton Sustainability Office at: [Meg.Maloney@daytonohio.gov](mailto:Meg.Maloney@daytonohio.gov) or [Mark.Charles@daytonohio.gov](mailto:Mark.Charles@daytonohio.gov)

## **CITIZENS' COMMENTS ON THE PUBLIC HEARING**

There were no citizens comments on the Public Hearing.

Mayor Whaley closed the hearing.

**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 thanked the Commission for their thoughts and prayers on the passing of Mr. Otto Beatty, Jr.

**Commissioner Mims**

Commissioner Mims commemorated the passing of Mr. Otto Beatty, Jr.

**Commissioner Joseph**

Commissioner Joseph offered condolences to the family of Mr. Otto Beatty, Jr.

Commissioner Joseph said he is excited about the Electric Aggregate program.

**Mayor Whaley**

Mayor Whaley offered condolences to the family of Mr. Otto Beatty, Jr.

Mayor Whaley said June 9, 2021, will be the first in person City Commission meeting

**ADJOURNMENT**

There being no further business the meeting was adjourned at 6:29 p.m.

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

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