

On Wednesday, May 27, 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 Mims 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 May 13, 2020, meeting. Commissioner Fairchild seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

There were no communications or petitions.

SPECIAL AWARDS/PRESENTATIONS

Mayor Whaley called upon Ms. Susan Vincent, Planner I, Planning and Community Development, for a community update.

Ms. Vincent said they are exploring ways to support outdoor seating of local restaurants in the public right-of-way. She said there are three ideas for outdoor dining, Parklets which are temporary patios that are installed in a parking parallel parking space, Modular Fencing which will expand sidewalks using planter boxes or pallets and sprucing them up, and Pedlets which is a sidewalk next to the sidewalk which will provide a continuous walkway for pedestrians.

Ms. Vincent said the proposal is to implement a city-wide pilot program through October 31, 2020, (this patio season) with an option to extend. The plan would publish a clear upfront guidance to ensure safety of all citizens, provide application support by partnering with local organizations, expedite review and approval processes for permits, provide installation support by connecting local partners to businesses, and conduct continuous analysis and review of the program.

Ms. Vincent said the timing of the program is that her team is working to have a final program guide ready in the next two weeks. She will await final approval from Dayton Montgomery County Public Health and city leadership, prior to making a public announcement or launching the program.

Ms. Vincent said her team will obtain guidance from Dayton Montgomery County Public Health, State of Ohio Liquor Control, Downtown Dayton Partnership and other cities (regionally and nationally), also from the Dayton Police, Economic Development, Public Works, and Planning and Community Development Departments.

Ms. Vincent said her team will monitor the program by scheduling regular touch-points with business owners to hear how the pilot program is working and address any concerns, and after the season ends, send follow-up surveys to determine what worked, what could be adjusted, and determine if the program might continue.

ADDITIONS OR DELETIONS TO THE CALENDAR

There were no additions or deletions to the calendar.

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:**

FINANCE

A1. Dell Marketing LP (computers and monitors) **\$17,697.67**

1.

FIRE

B1. Fire Service, Inc. (fire hoses and related items as needed through 12-31-20) **5,000.00**

POLICE

C1. Beau Townsend Ford, Inc. (pre-owned vehicles as needed through 12-31-20)
31,000.00

C2. Parr Public Safety Equipment (vehicle up-fitting parts and services for 20 Dodge Durango Pursuit Sport Utility Vehicles SUVs) **321,248.40**

C3. White Allen Chevrolet, Inc. (pre-owned vehicles as needed through 12-31-20)
31,000.00

WATER

D1. Innovyze, Inc. (annual software licensure, maintenance and support services as needed through 12-31-23) **74,802.00**

D2. SAP Public Services, Inc. (annual computer software maintenance and support services) **16,374.60**

D3. Rawdon Myers, Inc. (three swing check valves and six plug valves) **65,280.00**

D4. McCluskey Chevrolet, Inc. (one two-wheel drive Cargo Van including service manuals) **30,854.00**

-Depts. of Finance, Fire, Police and Water. **Total: \$593,256.67**

2. **CHWR Inc. dba CHW Mechanical Services – Contract Modification** – for the Safety Building HVAC Improvements (10% MBE Participation Goal/31% MBE Participation Achieved) **\$152,447.00**
(Thru 12/31/21)

3. **OpenGov, Inc. – Service Agreement** – for maintaining the City’s web-based financial data portal – Dept. of Procurement, Management and Budget/Management & Budget. **\$49,980.00**
(Thru 06/01/22)

4. **Relyco Sales, Inc – Contract Modification** – for the master services agreement for payroll direct deposit notices and W-2’s electronically – Dept. of Finance/Tax and Accounting. **\$15,250.00**
(Thru 02/28/21)

5. **Rumpke Of Ohio Inc. – Service Agreement** – for disposal of recyclable waste – Dept. of Public Works/Waste Collection. **\$180,000.00**
(Thru 05/31/21)

6. **SP Plus, Standard Parking Corp. – Contract Modification** – for reimbursable expenses for public parking facilities, shuttle bus service and taxi starter service – Dept. of Aviation/AP Admin and Finance. **\$375,000.00**
(Thru 10/31/20)

7. **The Entrepreneurs Center – Service Agreement** – to provide mentors and advisors to incubator tenants housed within the Creative Technology Accelerator at Tech Town – Dept. of Economic Development. **\$200,000.00**
(Thru 12/31/21)

B. Construction Contracts:

8. **Brian Bros. Painting & Restoration, LLC – Award of Contract** – for the 2020 Bridge Concrete Sealing (5% WBE Participation Goal/100% SBE Participation Achieved) (Permissive Tax Funds) – Dept. of Public Works/Civil Engineering. **\$144,918.00**
(Thru 09/04/22)
9. **Double Jay Construction, Inc. – Award of Contract**– for the Oberer Drive Reconstruction (5% MBE and 5% WBE Participation Goal/9.96% MBE and 5.02% WBE Participation Achieved) – Dept. of Public Works/Civil Engineering. **\$112,362.00**
(Thru 08/30/22)
10. **John R. Jurgensen Company – Award of Contract**– for the 2020 CDBG Residential Asphalt Resurfacing Rebid (10% HUD Section 3 Participation Goal/10% HUD Section 3 Participation Achieved) (Federal Construction Funds) – Dept. of Public Works/Civil Engineering. **\$852,336.36**
(Thru 08/14/21)
11. **L.J. DeWeese Co., Inc. – Award of Contract**– for the South Gettysburg Avenue Reconstruction & Water Main (15% MBE and 10% SBE Participation Goal/12.5% SBE and 15.4% MBE Participation Achieved) (State Issue I Funds) – Dept. of Public Works/Civil Engineering. **\$1,994,313.15**
(Thru 08/30/22)

C. Revenue to City:

12. **Air Wisconsin Airlines LLC – Other** – license agreement for aircraft storage – Dept. of Aviation/AP Admin & Finance. **\$27,103.20**
13. **Dayton Express Cab Co. – Contract Modification** – to continue to operate on-demand taxicab services to and from the Dayton International Airport – Dept. of Aviation/AP Admin & Finance. **\$30,600.00**
(Thru 05/31/22)
14. **Dayton/Montgomery County Convention and Visitors Bureau – Lease Agreement** – for office rental space located within the Dayton Convention Center – Dept. of Recreation and Youth Services/Convention Center. **\$78,057.00**
(Thru 05/31/21)
15. **Fifth Third Bankcorp – Contract Modification** – to continue to operate two Automated Teller Machines (ATM's) within the Dayton International Airport – Dept. of Aviation/AP Admin & Finance. **\$40,080.00**
(Thru 05/31/22)
16. **Relay Express Inc. – Lease Agreement** – to lease warehouse and office space at the Dayton International Airport – Dept. of Aviation/AP Admin & Finance. **\$150,000.00**
(Thru 04/01/25)

E. Other – Contributions, Etc.:

17. **St. Vincent de Paul Social Services, Inc. – Other** – Subrecipient Agreement for the Rapid Rehousing Program – Dept. of Planning and Community Development. **\$83,940.00**
(Thru 03/31/21)

CITIZENS' COMMENTS ON CALENDAR ITEMS

Citizens' comments were suspended for the meeting.

DISCUSSION OF CALENDAR ITEM

Calendar Item No. 5. Rumpke of Ohio Inc. – Service Agreement

The City Manager, Ms. Shelley Dickstein, said the cost of recycling is going up. She said there will be more education and outreach to citizens in the future on what is recyclable. Ms. Dickstein said the participation from citizens regarding recycling is extremely low at this time.

Calendar Item No. 7. The Entrepreneurs Center – Service Agreement

The City Manager, Ms. Shelley Dickstein, said the service agreement will provide mentoring and advising to Incubator and Arcade tenants. She said services will include access to lawyers, bankers, accountants, consultants, professors and technology experts at a discounted rate.

Calendar Item No. 8. Brian Bros. Painting & Restoration, LLC – Award of Contract, Calendar Item No. 9. Double Jay Construction, Inc. –Award of Contract, Calendar Item No. 10. John R. Jurgensen Company – Award of Contract, and Calendar Item No. 11. L.J. DeWeese Co., Inc. – Award of Contract

The City Manager, Ms. Shelley Dickstein, said all of the contractors were the lowest bidders and all contracts achieved the minority goal setting. She said Calendar Item No. 10, which is related to the Issue 9 investment, represents more infrastructure inside city neighborhoods.

Resolution No. 6507-20- Approving the Downtown Dayton Special Improvement District Petition and the Plan for Services to be Provided by the Downtown Dayton Special Improvement District.

Mayor Whaley invited Ms. Sandy Gudorf, President, Downtown Dayton Partnership, to provide clarification of the resolution.

Ms. Gudorf said the Special Improvement District (SID) is the major funding for the Downtown Dayton Partnership, and it has been in place since 1996. She said the Ohio Revised Code requires that every five years the Special Improvement District be renewed. She said once voters approve the renewal it is renewed for another twenty years.

Ms. Gudorf said all petitions have been submitted to the Clerk of Commission. She said Montgomery County passed a resolution to support the district as well.

Ms. Gudorf thanked the Dayton City Commission for their support.

Commissioner Mims thanked Ms. Gudorf for her hard work.

Calendar Item No. 17. St. Vincent de Paul Social Services, Inc. - Other

Commissioner Joseph said the rehousing program helps with Dayton's homelessness and he said is glad the Dayton City Commission is supporting this endeavor.

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 ORDINANCES – FIRST AND SECOND READING

Emergency Ordinance No. 31810-20- Determining to Proceed with the Acquisition, Construction, and Improvement of Certain Public Improvements in the City of Dayton, Ohio in Cooperation with the Dayton Regional Energy Special Improvement District, 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. 31810-20 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. 31811-20 Levying Special Assessments for the Purpose of Acquiring, Constructing, and Improving Certain Public Improvements in the City of Dayton 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 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. 31811-20 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. 31812-20- Authorizing and Approving an Energy Project Cooperative Agreement and Special Assessment Agreement; 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. 31812-20 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. 6503-20- Approving the Submission of a Grant Application and Authorizing the Acceptance of a Grant Award from the Montgomery County Solid Waste District in the Amount of Fifteen Thousand Nine Hundred Three Dollars and Seventy-Four Cents (\$15,903.74) on behalf of the City of Dayton, 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. 6503-20 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. 6504-20- Approving the Submission of a Grant Application and Authorizing the Acceptance of a Grant Award from the Montgomery County Solid Waste District in the Amount of Fifteen Thousand Seventy-Seven Dollars and Eighty-Two Cents (\$15,077.82) 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. 6504-20 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. 6505-20- Declaring the Intention to Appropriate Real Property Interests in Parcels 25-WD, 26-WD, 31-SH and 31-T in Connection with the Wright Dunbar Bikeway Project, 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. 6505-20 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. 6506-20- Objecting to the Renewal of Liquor Permit No. 7361376, Ricks Jazz Lab Inc., 1832 Lakeview Ave., Dayton, OH 45408, 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. 6506-20 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. 31813-20- Consenting to Performing Pedestrian Safety Improvements Within the City of Dayton, and Agreeing to Cooperate in Matters Incidental Thereto, Including the Execution of Agreements Necessary to Implement this Ordinance.

RESOLUTION – FIRST READING

Resolution No. 6507-20- Approving the Downtown Dayton Special Improvement District Petition and the Plan for Services to be Provided by the Downtown Dayton Special Improvement District.

ORDINANCES – SECOND 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.

The question being shall Ordinance No. 31806-20 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 Ordinance was passed.

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

The question being shall Ordinance No. 31807-20 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 Ordinance was passed.

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.

The question being shall Ordinance No. 31808-20 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 Ordinance was passed.

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

The question being shall Ordinance No. 31809-20 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 Ordinance was passed.

CITIZENS' COMMENTS

Citizens' 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. Rashella Lavender, said the City Commission meetings will resume weekly, but will continue to be held remotely until further notice. The next City Commission meeting will be held on June 3, 2020, at 6:00 p.m.

COMMENTS BY THE CITY COMMISSION

Commissioner Fairchild

Commissioner Fairchild encouraged citizens regarding Memorial Day to reflect on those who have lost lives and those who continue to serve during these times.

Commissioner Mims

Commissioner Mims encouraged citizens to continue to be safe during this pandemic and thanked those all over the world for their service on the front lines.

Commissioner Joseph

Commissioner Joseph thanked all citizens who are working hard to provide services to citizens during this pandemic.

Mayor Whaley

Mayor Whaley said that before the pandemic the committee was planning to celebrate the one year anniversary of the Tornados. She asked all citizens to place a rainbow in their windows in commemoration of the disaster because “after every storm there is always a rainbow”.

Mayor Whaley said although the work is not complete, she appreciates all the hard work to restore the region. She said we are all #daytonstronger.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:14 a.m.

Nan Whaley
Mayor

Attest: _____
Clerk of Commission