

On Wednesday, June 23, 2021, at 8:33 a.m., the Dayton City Commission met in regular session, in the Commission Chambers of City Hall.

CALL TO ORDER

Mayor Whaley called the meeting to order.

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, The City Manager, Ms. Shelley Dickstein and Miami Valley Interpreters, LLC Ms. Vickey Emerson and Mr. Jesse Dorland, were also present.

APPROVAL OF MINUTES

Commissioner Mims made a motion to approve the minutes from the June 16, 2021, meeting. Commissioner Fairchild seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

Communication #21579

State of Ohio, Department of Liquor Control – Permit Application- TREX - SMG Food and Beverage LLC, 22 E. 5th Street, Dayton, OH 45402.

The Clerk of Commission reported receipt of Permit Application Permit Application – TREX - SMG Food and Beverage LLC, 22 E. 5th Street, Dayton, OH 45402. The application was referred through the City for investigation.

SPECIAL AWARDS/PRESENTATIONS

There were no awards or presentations.

ADDITIONS OR DELETIONS TO THE CALENDAR

The Clerk, Ms. Regina Blackshear, requested the addition of Resolution No.6588-21- Objecting to the Issuance of Liquor Permit No. 22348155080, Dolgen Midwest LLC, DBA, Dollar General Store 20394, 3119 E. Third St. Dayton, Ohio 45403 at the pleasure of the City Commission.

REPORTS

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

PROCUREMENT MANAGEMENT AND BUDGET

- A1. Crown Personnel Service, Inc. (temporary staffing services as needed through 12/31/21) **\$50,000.00****

1. (Cont'd):

WATER

B1. Sunesis Construction Company (additional parts for water main repairs at Keowee and Ottawa Streets) **\$275,771.97**

B2. George E. Booth Co., Inc. (flow meters, parts, and services as needed through 12/31/23) **60,000.00**

B3. Everett J. Prescott, Inc. (water main pipes, fittings, valves and related supplies as needed through 12/31/21) **20,000.00**

-Depts. of Procurement Management and Budget and Water.

Total: \$405,771.97

2. RDA Group Architects, LLC – Service Agreement – for Building Envelope Evaluation and Design (Open Market) – Department of Water/Water Engineering

\$572,528.00

(Thru 12/31/28)

3. Rumpke of Ohio, Inc. – Service Agreement – customer service agreement for disposal of recyclable waste – Department of Public Works/Waste Collection

\$525,000.00

(3 years from execution)

4. Rumpke of Ohio, Inc. – Service Agreement - for waste recycling disposal and transportation services agreement – Department of Water /Water Reclamation

\$435,000.00

(Thru 6/30/24)

5. Waverly Partners LLC – Service Agreement – for executive recruitment and selection for Chief of Police – Department of Human Resources

\$60,400.00

(Thru 12/31/21)

B. Construction Contracts:

6. Bladecutters, Inc. – Award of Contract – for Nuisance Abatement Program Residential Garage Demolition I – 2021 (10% HUD Section 3 Participation Goal/100% HUD Section 3 Participation Achieved (Federal CDBG FUNDS) - Department of Planning & Community Development/Housing Inspection

\$105,140.00

(Thru 12/31/22)

7. Peterson Construction Company – Award of Contract – for Digester Gas Conditioning Improvements (10% SBE and 5% MBE Participation Goal/ 11.03% SBE and 5.51% MBE Achieved) - Department of Water/Water Reclamation

\$797,500.00

(Thru 6-30-23)

C. Revenue to City:

- 8. Charles S. Barnhart – Other** - special use permit to operate outdoor patio space adjacent to Lock 27 Brewing on Don Crawford Plaza - Department of Public Works/Civil Engineering
\$200.00
(Paid to the City)
- 9. Greater Dayton Regional Transit Authority – Service Agreement** – to continue Community Policing Collaboration with Greater Dayton Regional Transit Authority (RTA) - Department of Police
\$312,189.28
(Thru 12/31/21)
(Paid to the City)

E. Other – Contributions, Etc.:

- 10. Butler Township - Other** – Airport TIF Site Annual Compensation Payment – Department of Economic Development
\$184,396.76
(Thru 12/31/21)
- 11. Miami Valley Career Technology Center - Other** – Airport TIF Site Annual Compensation Payment – Department of Economic Development
\$1,750.00
(Thru 12/31/21)
- 12. Vandalia-Butler City Schools - Other** – Airport TIF Site Annual Compensation Payment – Department of Economic Development
\$182,646.76
(Thru 12/31/21)
- 13. Vandalia-Butler City Schools - Other** – Community Reinvestment Area (CRA) Income Tax Sharing Payment – Department of Economic Development
\$1,028,681.53
(Thru 12/31/21)
- 14. Acadia Lead Management and RSM US, LLP** – Dayton Economic Attraction Program (DEAP) Annual Payments – Department of Economic Development
\$63,448.22
(Thru 12/31/21)

CITIZENS’ COMMENTS ON CALENDAR ITEMS

There were no citizens’ comments on calendar items.

DISCUSSION OF CALENDAR ITEMS

Calendar Item No. 5. Waverly Partners LLC-Service Agreement

The City Manager, Ms. Shelley Dickstein, said this agreement is for the Chief of Police position and which will be completed in October 2021.

Calendar Item No. 6. Bladecutters, Inc.-Award of Contract

The City Manager, Ms. Shelley Dickstein, said this contract is for demolition debris removal for 55 garages across the City of Dayton.

Calendar Item No. 10. Butler Township-Other, Calendar Item No. 11. Miami Valley Career Technology Center-Other, Calendar Item No. 12. Vandalia Butler City Schools-Other, Calendar Item No. 13. Vandalia Butler City Schools-Other and Calendar Item No. 14. Arcadia Lead Management and RSM US, LLP-Other

The City Manager, Ms. Shelley Dickstein, said these items represent compensation payments due to great economic development at the Dayton International Airport and job creation. Ms. Dickstein invited Mr. Ford Weber, Director of Economic Development to the podium for further explanation.

Mr. Weber said the payments are generated by income tax revenue that was a result of job creation at the Dayton International Airport. He said he said the first three items relate to revenue sharing as a result of a TIFF District that was created along Dog Leg Road. He said the fourth item is profit sharing as a result of a Community Reinvestment Area (CRA) which is generated by companies such as Chewy, PSA and Energizer STP and is paid to Vandalia Butler Schools. Mr. Weber said the last item is a result of the Dayton Economic Attraction Program (DEAP) annual payments that have two companies in the last year of income payments.

Ms. Dickstein said an audit revealed that 50 percent of employees in jobs of companies at the airport are Dayton residents.

Emergency Ordinance No. 31896-21- Amending the City's Appropriations for the Year 2021 and Declaring an Emergency.

The City Manager, Ms. Shelley Dickstein, said the ordinance is the second revised appropriation for the year 2021. She invited Ms. Diane Shannon, Director of Procurement Management and Budget to the podium for an update.

Ms. Shannon said this is the second revised appropriation. She said the City Commission adopted the first revised appropriation in May with the only change being the additional \$73.6 million for the Local Fiscal Recovery Fund, which is the first of two installments from the American Rescue Plan Act. Ms. Shannon said the second revised appropriation has a net increase of \$12.3 million across all funds, or a 1.7 percent increase to the appropriation.

Ms. Shannon said specifically, the General Fund reflects an increase of \$6.2 million or 3.2 percent. These increases are funded largely by higher than projected revenues and anticipated use of ARPA grant proceeds.

Ms. Shannon said the General Fund adjustments of \$1.1 million include reinstating both a Fire (in August) and a Police (in November) recruit class. Also, an additional \$165,000 was added to the Civil Service budget for recruitment costs.

Ms. Shannon said funding for Police Reform initiatives such as implementing the Alternative Response Model, an additional Mediation Specialist, and professional services for the Human Relations Council added an additional \$279,500. She said reorganization of the newly formed Department of Planning, Neighborhoods and Development, which includes new positions for Community Engagement as well as the addition of Welcome Dayton are included in the revision (\$364,800). Also, restructuring of the Human Relations Council, which involves the reinstatement and creation of new positions (\$93,800).

Ms. Shannon said positions were also re-established in Recreation and Youth Services as programs are reinstated (\$269,500). She said there will be more information on operation improvements in the near future. Ms. Shannon said other adjustments include funding for

Police Chief recruitment and assessment center (\$80,000), a new waste collection vehicle (\$362,000--two other units will be debt-financed--\$653,600) that was destroyed by fire, and leadership training (\$40,000).

Ms. Shannon an increase to the Photo Enforcement Fund budget is recommended due to higher than projected revenues (\$930,000) along with additional funding for future development projects (\$500,000).

Ms. Shannon said after announcement of the American Rescue Plan Act (ARPA) funding awards, a \$2,000 lump sum payment for all participating employee groups was approved (does not include Police and Fire as negotiations are still underway) as well as, beginning in April, the roll back of cost savings days deductions from participating employees pay. She said together these represent \$1.5 million of the increase.

Ms. Shannon said the Special Revenue Budget has a net increase of \$3.2 million that is covered by grants and other funding sources. Chief among these are higher budget authority for emergency shelter (\$1.2 million) and future anticipated development grant awards in the northwest and west geographies (\$888,500).

Ms. Shannon said the enterprise funds (Aviation, Water, Sewer, and Storm Water) also had adjustments for the \$2,000 lump sum payments and the Cost Savings Days (CSD) rollbacks totaling \$900,100.

Mayor Whaley thanked Ms. Shannon and said the work could not have been done without the American Rescue Plan. She said this is good news.

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 ORDINANCE – FIRST AND SECOND READING

Emergency Ordinance No. 31896-21- Amending the City's Appropriations for the Year 2021 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. 31896-21 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. 6587-21- Declaring the Intention to Appropriate Real Property Interests in Parcels 10T, 12T, 13T, 16T, 24T, 27T, 28T, 31WD and 31T in Connection with the West Hillcrest Sidewalk Phase 2 Project 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. 6587-21 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 – SECOND READING

Ordinance No. 31895-21- Reducing the Speed Limit to 45MPH on Harshman Road – Needmore Road from 1870 Feet South of Brandt Pike to 1080 Feet Northwest of Brandt Pike.

The question being shall Ordinance No. 31895-21 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 Ordinance was passed.

THIS ITEM WAS ADDED

EMERGENCY RESOLUTION – FIRST AND SECOND READING

Resolution No. 6588-21- Objecting to the Issuance of Liquor Permit No. 22348155080, Dolgen Midwest LLC, DBA, Dollar General Store 20394, 3119 E. Third St. Dayton, Ohio 45403, 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. 6588-21 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.

CITIZENS' COMMENTS

Citizens' comments were received from the following:

1. **Mr. Willie Feaster, At Large** - spoke about the judicial system.

COMMENTS BY THE CITY MANAGER

The City Manager, Ms. Shelley Dickstein, said there were two incidents involving police. The first was on Superior Avenue where Dayton Police received a request for assistance from law enforcement in Minnesota for a felony search warrant. She said upon arrival the suspect fled into the residence and refused to come out, therefore, Special Weapons And Tactics Unit (S.W.A.T) and hostage negation teams responded. She said additional response teams include mobile crisis and police psychologist and after five hours the suspect was taken into custody.

Ms. Dickstein said on Nassau Street police responded to an assault. She said crews found a victim in an alley with multiple facial injuries. She said the suspect fled into the residence and refused to come out, therefore, swat and hostage negation teams responded. Ms. Dickstein said there were issues with full compliance and less lethal rounds and the suspect was detained. She said a search warrant was served and detectives found 19 handguns, 25 long guns and multiple lock gun safes.

Ms. Dickstein said this is an example of police de-escalation and the desired out is a suspect brought into custody without incident.

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 Ms. Dickstein for updating citizens on the incident on Superior Ave.

Commissioner Fairchild asked about an update on the Human Relations Council reorganization.

Commissioner Fairchild ask citizen not to park in the tree lawns in Hillview and Walnut Hill neighborhoods.

Commissioner Fairchild encouraged citizens to attend various events around the City of Dayton.

Commissioner Shaw

Commissioner Shaw thanked staff for their efforts in the incident on Superior Ave. He highlighted alternative responders.

Commissioner Mims

Commissioner Mims thanked police staff for their presence at the Suits in Solidarity II event held on Father’s Day.

Commissioner Mims highlighted various events around the City of Dayton.

Commissioner Joseph

Commissioner Joseph highlighted his police reform group suggestions that was reflected in the budget.

Mayor Whaley

Mayor Whaley highlighted the Vaccination Caravan event at Sugar Creek on Gettysburg Ave. She encouraged all citizens to become vaccinated.

Mayor Whaley thanked the City Manager for work regarding police reform and work on the incident at Superior Ave.

ADJOURNMENT

There being no further business the meeting was adjourned at 9:07 a.m.

Nan Whaley
Mayor

Attest: _____
Clerk of Commission