

On Wednesday, June 24, 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](http://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 June 17, 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 invited Lt. Jason Hall, Dayton Police Department, and Mr. Matthew Kortjohn, Dayton City Prosecutor, to present on Fireworks in the City of Dayton.

Mr. Kortjohn said there are three types of fireworks, Commercial Grade, Consumer Grade and Novelty Fireworks. He said an example of Novelty Fireworks are sparklers, party poppers, snappers, snake, and smoke bombs. Mr. Kortjohn said the Ohio Revised Code does not prohibit these items. Mr. Kortjohn said they are legal for purchase, possession and use, and present a relatively low threat of injury and should only be used under adult supervision.

Mr. Kortjohn said Consumer Grade are legal to purchase and possess, but illegal to discharge without exhibitor's license, and possess a higher risk of injury and property damage. This includes bottle rockets, firecrackers and roman candles.

Mr. Kortjohn said Commercial Grade are illegal to purchase or possess without exhibitor's licensing and possess a significant risk of death, injury and damage.

Lt. Hall said local critical incidents include an intoxicated individual igniting a Commercial Firework inside his vehicle in the 900 block of Delphos Avenue resulting in life-threatening injuries.

Lt. Hall said an intoxicated individual accidentally ignited a Commercial Firework inside her vehicle resulting in a fatality.

Lt. Hall said a commercial grade firework was detonated adjacent to an apartment building causing damage to property.

Lt. Hall said training has been provided by the Dayton Regional Bomb Squad to police recruits, patrol officers and other first responders on fireworks/explosives awareness. He said holiday fireworks procedures are distributed annually to department personnel. Lt. Hall said Dayton Police Policy requires Bomb Squad notification in the event of an explosion or seizure of commercial fireworks.

Mr. Kortjohn said the Ohio Legislature is debating a bill that would permit citizens to discharge Consumer Grade (1.4G) fireworks without a license. He said the bill has been passed by the Ohio House (H.B. 253) and similar legislation is pending in the Ohio Senate (S.B. 72). Mr. Kortjohn said the bill, even if passed, will not be enacted before this year's July 4<sup>th</sup> holiday.

Lt. Hall said citizens observing fireworks being discharged in the City of Dayton are encouraged to call dispatch at 937-333-COPS and provide as much information as possible. He said for situations involving a fire or injury, residents should call 911.

Mayor Whaley said she appreciates their work and encouraged citizens to use the non-emergency number to report any information regarding this issue.

### **ADDITIONS OR DELETIONS TO THE CALENDAR**

The Clerk of Commission, Ms. Rashella Lavender, requested the addition of Calendar Item 8A, purchase orders and routine acquisitions for the following:

The Department of Aviation, Sub-Item A1, with Global ARFF Services LLC, for roof and monitor replacement including removal and installation services in the amount of \$23,413.60.

The City Manager's Office, Sub-Item B1, with Daniel Juday LLC, for Professional Relationship Building Training as needed through December 31, 2020, in the amount of \$68,500.00.

The Department of Information Technology, Sub-Item C1, with Dell Marketing LP, for Dell PowerEdge R740 and M640 servers, in the amount of \$233,570.56.

The Department of Water, Sub-Items D1, with Everett J. Prescott, Inc., for plumbing and related supplies as needed through December 31, 2020, in the amount of \$19,000.00. Sub-Item D2, with Rush Truck Centers of Ohio, Inc., for one truck with tandem dump body, backup camera system and extended warranty in the amount of \$129,836.22 – P.O. Number 200940 and Sub-Item D3, with Rush Truck Centers of Ohio, Inc., for one truck with tandem dump body, backup camera system and extended warranty in the amount of \$129,836.22 – P.O. Number 200941. She said the total amount for the purchase orders/routine acquisitions is \$604,156.60.

Ms. Lavender also requested the addition of Informal Resolution Number 978-20, Urging the Ohio General Assembly to Maintain the Law Regarding the Use of Fireworks in Ohio.

### **REPORTS**

#### **A. Purchase Orders, Agreements and Contracts:**

**(All contracts are valid until delivery is complete or through December 31<sup>st</sup> of the current year).**

1. **David E. Rager Management Consulting, LLC – Contract Modification** – fourth amendment to cover additional as-needed Utility Management Consulting Services – Dept. of Water/Water Engineering.  
**\$60,000.00**  
**(Thru 12/31/22)**
2. **Raftelis Financial Consultants, Inc. – Contract Modification** – third amendment for additional as-needed consulting services – Dept. of Water/Water Engineering.  
**\$125,000.00**  
**(Thru 12/31/22)**

#### **C. Revenue to City:**

3. **Greater Dayton Premier Management – Service Agreement** – for Community Based Police Officer Services – Dept. of Police.  
**\$297,700.00**  
**(Thru 06/30/21)**

**D. Neighborhood Agreement:**

- 4. **Sunlight Village, Inc. – Development Agreement** – to assist with interior/exterior building improvements, electrical/plumbing, HVAC upgrades, signage and lighting activities for property located at 3320 West Third Street – Dept. of Economic Development. **\$60,000.00**  
**(Thru 12/31/21)**
  
- 5. **UrbanNovation Development Group, LLC – Development Agreement** – to assist with interior/exterior building improvements, electrical/plumbing, HVAC upgrades, signage and lighting activities for property located at 1000 West Third Street – Dept. of Economic Development. **\$175,000.00**  
**(Thru 12/31/21)**

**E. Other – Contributions, Etc.:**

- 6. **City of Kettering, Ohio – Other** – for Mutual Aid Payment to remove dangerous debris in the public right-of-way – Dept. of Public Works. **\$80,316.94**
  
- 7. **City of Oakwood, Ohio – Other** – for Mutual Aid Payment to remove dangerous debris in the public right-of-way – Dept. of Public Works. **\$15,953.86**
  
- 8. **Vandalia-Butler City Schools – Other** – for the Community Reinvestment Area (CRA) Income Tax Sharing Payments – Dept. of Economic Development. **\$721,647.66**  
**(Thru 12/31/20)**

**THIS ITEM WAS ADDED**

**8A. Purchase Orders:**

**AVIATION**

- A1. Global ARFF Services LLC** (roof turret and monitor replacement including removal and installation services) **\$23,413.60**

**CITY MANAGER'S OFFICE**

- B1. Daniel juday LLC** (Professional Relationship Building Training as needed through 12-31-20) **68,500.00**

**INFORMATION & TECHNOLOGY**

- C1. Dell Marketing LP** (Dell PowerEdge R740 and M640 servers) **233,570.56**

**WATER**

- D1. Everett J. Prescott, Inc.** (plumbing and related supplies as needed through 12-31-20) **19,000.00**
  - D2. Rush Truck Centers of Ohio, Inc.** (one truck with tandem dump body, backup camera system and extended warranty) – PO200940 **129,836.22**
  - D3. Rush Truck Centers of Ohio, Inc.** (one truck with tandem dump body, backup camera system and extended warranty) – PO200941 **129,836.22**
- Depts. of Aviation, Information & Technology, Water and The City Manager's Office. **Total: \$604,156.60**

**CITIZENS' COMMENTS ON CALENDAR ITEMS**

Citizens' comments were suspended for the meeting.

**DISCUSSION OF CALENDAR ITEM**

**Calendar Item 8. Sub-item B1. Daniel Juday LLC**

The City Manager, Ms. Shelley Dickstein, said the City of Dayton has been working on enhancing diversity and inclusion throughout the organization. She said Daniel Juday was one of the trainers from the Ohio Diversity Council. Ms. Dickstein said his services will be used throughout the organization to further professional relationship building and will be offered to the Police Department.

**Calendar Item No. 4. Sunlight Village, Inc.-Development Agreement**

The City Manager, Ms. Shelley Dickstein, said the agreement will expand Sunlight Village’s mental health and wellness center.

**Calendar Item No. 5. UrbanNovation Development Group, LLD – Development Agreement**

The City Manager, Ms. Shelley Dickstein, said the agreement will redevelop 1000 West Third street building into retail and restaurant uses.

**Calendar Item No. 6. City of Kettering, Ohio – Other and Calendar Item No. 7. City of Oakwood, Ohio – Other**

The City Manager, Ms. Shelley Dickstein, said this item is for reimbursements related to mutual aid for the recovery of the Memorial Day tornados.

**Calendar Item No. 8. Vandalia Butler City Schools - Other**

The City Manager, Ms. Shelley Dickstein, said this agreement is revenue sharing payments associated with new employment payroll between 2017 through 2019 regarding development around the Dayton International Airport.

**Emergency Resolution No. 6513-20-Acceptance of Funds Under Section I of the Coronavirus Aid, Relief, and Economic Security Act, 116 Public Law 136**

Mayor Whaley said the City of Dayton will receive \$8.2 million from the CARES ACT. She said it can’t be used for revenue replacements but it will allow work in the community to address people affected by COVID-19.

Mayor Whaley thanked Governor Mike DeWine for his work on this legislation. She said she is disappointed with the leadership of Montgomery County for not sharing a portion of the CARES ACT with cities under their jurisdiction and for not being more transparent of where they are spending the money.

**APPROVAL OF CITY MANAGER’S REPORTS**

**Commissioner Joseph made the motion to approve the City Manager’s Reports. Commissioner Shaw 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 RESOLUTIONS – FIRST AND SECOND READING**

**Emergency Resolution No. 6513-20-** Authorizing Acceptance of Funds Under Section I of the Coronavirus Aid, Relief, and Economic Security Act, 116 Public Law 136, 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. 6513-20 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. 31820-20-** Authorizing the City Manager to Accept a Grant Award from the Ohio Department of Transportation for an Amount of Three Hundred Twenty-Six Thousand Seven Hundred Dollars and Zero Cents (\$326,700.00) in Federal Safety Funds.

**ORDINANCE- SECOND READING**

**Ordinance No. 31819-20-** Consenting to Repair Concrete Pavement on U.S. 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. 31819-20 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.**

**THIS ITEM WAS ADDED**  
**INFORMAL RESOLUTION**

**Informal Resolution No. 978-20-** Urging the Ohio General Assembly to Maintain the Law Regarding the Use of Fireworks in Ohio.

Commissioner Joseph made a motion to adopt Informal Resolution No. 978-20. Commissioner Shaw 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, Shaw and Fairchild. The Informal Resolution was adopted.

**BOARD APPOINTMENTS**

Commissioner Shaw made the motion to appoint Daj'za Demmings and Peter Matthews to the Human Relations Council for a term ending August 31, 2022. Commissioner Joseph seconded the motion. The motion was unanimously approved.

Commissioner Fairchild made the motion to appoint Zachary Zugelder, filling the unexpired term of Steven Kniffley, to the Human Relations Council for a term ending August 31, 2021. Commissioner Mims seconded the motion. The motion was unanimously approved.

Commissioner Mims made the motion to reappoint Wanda Sloan to the Human Relations Council for a term ending August 31, 2022. Commissioner Fairchild seconded the motion. The motion was unanimously approved.

**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, had no closing comments.

**COMMENTS BY THE CITY COMMISSION**

**Commissioner Fairchild**

Commissioner Fairchild encouraged residents to participate in the YWCA 21-Day Challenge to Eliminate Racism and Increase Social Justice.

Commissioner Fairchild highlighted his viral attendance at the Poor Peoples campaign.

**Commissioner Shaw**

Commissioner Shaw thanked the City Commission and staff for the framework of the five points of police reform. He encouraged citizens to participate in the 2020 census.

**Commissioner Mims**

Commissioner Mims highlighted and thanked the NASCAR Association for removing the confederate flag.

**Commissioner Joseph**

Commissioner Joseph thanked the City Commission and staff for addressing the disparities in the City of Dayton police force.

Commissioner Joseph thanked citizens for continuing to wear their masks.

**Mayor Whaley**

Mayor Whaley highlighted the spikes of COVID-19 in 45417, 45426 and 45424 zip codes.

Mayor Whaley highlighted the work surrounding police reform.

Mayor Whaley highlighted John Legend's Father's Day Special and the announcement that the City of Dayton will be one of the recipients of the *Dollars to People* that have been affected by COVID-19.

Mayor Whaley encouraged citizens to participate in the 2020 census.

Mayor Whaley said she is happy that the Dayton Library Board, ADAMAS, Community Action Partnership, and many businesses from the Dayton Area Chamber of Commerce have declared Racism a Public Health Crisis.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:26 a.m.

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**Nan Whaley**  
**Mayor**

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