

On Wednesday, July 1, 2020, at 6:01 p.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**

Mayor Whaley asked for a moment of silence to commemorate the passing of Judge John Pickrel. Commissioner Shaw 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 24, 2020, meeting. Commissioner Fairchild seconded the motion. The previous meeting minutes were unanimously approved.**

### **COMMUNICATIONS AND PETITIONS**

#### **Communication #21485**

**State of Ohio, Department of Liquor Control – Permit Application C2, Permit #01519080005 – AM PM Market Inc., 2317 Salem Avenue, Dayton, Ohio 45406.**

The Clerk of Commission reported receipt of Permit Application Permit C2, Permit #01519080005 – AM PM Market Inc., 2317 Salem Avenue, Dayton, OH 45406. The application was referred through the City for investigation.

#### **Communication #21487**

Citizens' comments received related to calendar items on Ordinance Number 31821-20 regarding facial mask covering requirement.

### **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 Calendar Item 8A, a Service Agreement with Frost, Brown, Todd, LLC, for professional legal services on an as-needed basis in the amount of \$600,000.00 through December 31, 2022. The Department of Water is requesting approval.

The Clerk of Commission, Ms. Rashella Lavender, requested the addition of Emergency Ordinance Number 31821-20; Requiring Face Coverings in Any Public Space to Limit the Spread of COVID-19, and Declaring an Emergency. The ordinance will receive a first and second reading.

She also requested the addition of Emergency Resolution Number 6515-20; Authorizing the Donation of Masks to the Greater Dayton Regional Transit Authority, Downtown Dayton Partnership and United Way, and Declaring an Emergency. The resolution will receive a first and second reading.

The City Manager, Ms. Shelley Dickstein, requested the deletion of Calendar Item 5, a Lease Agreement with Griffin Farms at the Wright Brothers Airport.

**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. **Purchase Orders:**

**POLICE**

- A1. **Kiesler Police Supply** (ammunition through 03-31-23) **\$94,085.00**
- A2. **Vance Outdoors, Inc.** (Less lethal Tasers and Taser accessories) **33,020.28**

1.

**PUBLIC WORKS**

- B1. **Bell Equipment Company** (parts, supplies and related items as needed through 12-31-20) **40,000.00**
  - B2. **Jack Doheny Supplies Ohio, Inc.** (sewer equipment parts and sublet repair services as needed through 12-31-20) **25,000.00**
  - B3. **Site-Safe Products LLC dba Site-Safe LLC** (Crash attenuator with related traffic safety products) **27,815.94**
- Depts. of Police and Public Works. **Total: \$219,921.22**

- 2. **Accela Inc. – Service Agreement** – for licensing, maintenance and support services for the Accela Land Management System – Dept. of Information Technology. **\$47,788.88**  
(Thru 06/25/21)

- 3. **Oregon Group Architects Inc. – Contract Modification** – fifth amendment for professional design, engineering and construction administration services for the Safety Building renovations – Dept. of Public Works/Property Mgmt. **\$30,850.00**  
(Thru 12/31/21)

**B. Construction Contracts:**

- 4. **L. J. DeWeese Co., Inc. – Award of Contract** – for Citywide Sidewalk Repairs due to Tornado Damage Rebid (Open Market) – Dept. of Public Works. **\$64,357.75**  
(Thru 10/30/21)

**C. Revenue to City:**

- 5. **Griffin Farms – Lease Agreement** – for lease of land at the Dayton-Wright Brothers Airport – Dept. of Aviation. **\$65,539.80**  
(Thru 07/01/23)

**D. Neighborhood Agreement:**

- 6. **Habitat for Humanity – Development Agreement** – for the West Dayton Development Trust Fund to assist with providing home repairs, renovations and potential land acquisition designated for new home construction and ownership to home and properties located in the Edgemont and Miami Chapel neighborhoods – Dept. of Economic Development. **\$100,000.00**  
(Thru 12/31/22)

- 7. **Rebuilding Together Dayton – Development Agreement** – for the West Dayton Development Trust Fund to fund inspections, contractor services, exterior maintenance, furnace services, fire safety and fall prevention services for low-income senior citizen homeowners in the West Dayton Development Trust fund service area with special emphasis on the Edgemont, Miami Chapel, and Pineview neighborhoods – Dept. of Economic Development. **\$100,000.00**  
(Thru 12/31/22)

**E. Other – Contributions, Etc.:**

8. **Homefull – Other** – for the Community Development Block Grant Subrecipient Agreement to administer the West Dayton Food and Jobs Program – Dept. of Planning & Community Development. **\$110,000.00**  
(Thru 12/31/21)

**THIS ITEM WAS ADDED**

- 8A.Frost, Brown, Todd LLC – Service Agreement** – for professional legal services on an as-needed basis – Dept. of Water/Water Engineering. **\$600,000.00**  
(Thru 12/31/22)

**CITIZENS’ COMMENTS ON CALENDAR ITEMS**

Citizens’ comments were suspended for the meeting.

**DISCUSSION OF CALENDAR ITEM**

**Calendar Item 6. Habitat for Humanity-Development Agreement**

The City Manager, Ms. Shelley Dickstein, said the agreement will assist in providing home repairs, renovations and potential land acquisition.

**Calendar Item 7. Rebuilding Together Dayton-Development Agreement**

The City Manager, Ms. Shelley Dickstein, said the agreement will fund inspections, contractor services, exterior maintenance, fire and fall preventative services for low-income senior citizens.

**Calendar Item 8. Homefull-Other**

The City Manager, Ms. Shelley Dickstein, said the agreement will provide job training and workforce development programming within an urban farm environment.

**Calendar Item 8A. Frost, Brown, Todd, LLC-Service Agreement**

The City Manager, Ms. Shelley Dickstein, said the agreement will provide ongoing legal assistance around (PFAS) a broad group of perfluoroalkyl and polyfluoroalkyl substances.

**Ordinance No. 31521-20- Requiring Face Coverings in Any Public Space to Limit the Spread of COVID-19**

Mayor Whaley invited Public Health Commissioner, Mr. Jeff Cooper, to present on the recommendation of the ordinance.

Mr. Cooper thanked the Dayton City Commission for the opportunity to convey the importance of this legislation. He said the responsible re-opening of Ohio is underway, and the Health Department has documented a significant increase in the community, of the virus, which causes COVID-19 disease. Mr. Cooper said they are seeing an increase spread, more individuals who are actively ill with the infection who are reporting for medical care, and an increase in clusters or outbreaks in large businesses and congregate living and care facilities. He said the virus is continuing to spread from person to person.

Mr. Cooper said in March 2020 they documented 13 new cases per day; however, with the Responsible Restart Ohio Campaign, and the lifting of restrictions, the cases have risen to 43 new cases per day. He said when he looks at all the data, because of the lifting of restrictions, most individuals are not complying with public health recommendations around social distancing and maintaining a six-foot physical distance, as well as wearing a face covering.

Mr. Cooper said when considering all the data, wearing a face covering is perhaps the driving force for how to continue to control the pandemic and the spread of the virus.

Mr. Cooper said he commends the City of Dayton for their leadership in moving forward with the resolution.

Commissioner Shaw said he is glad that the resolution is being considered.

Commissioner Joseph said he received a text message from a small business owner and said he hopes he votes in favor of the resolution because he believes it’s the right thing to do.

Commissioner Mims said he was glad for team taking this step to underscore the importance of wearing a face mask.

### **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 RESOLUTION – FIRST AND SECOND READING**

**Emergency Resolution No. 6514-20-** Authorizing the Submission of the 2019 Action Plan Amendment for CARES Act CV Funding and the Citizen Participation Plan Amendment to the U.S. Department of Housing and Urban Development; Authorizing the Acceptance of Grant Awards Under Two (2) Community Planning and Development Formula Programs from the U.S. Department of Housing and Urban Development on Behalf of the City of Dayton and the Dayton Kettering HOME Consortium, 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. 6514-20 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 – SECOND 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.

The question being shall Ordinance No. 31820-20 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**

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

**Emergency Ordinance No. 31821-20-** Requiring Face Coverings in Any Public Space to Limit the Spread of COVID-19, 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. 31821-20 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 RESOLUTION – FIRST AND SECOND READING**

**Emergency Resolution No. 6515-20-** Authorizing the Donation of Masks to the Greater Dayton Regional Transit Authority, Downtown Dayton Partnership and United Way, 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. 6515-20 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.

#### **BOARD APPOINTMENT**

Commissioner Fairchild made the motion to reappoint David Williamson and John Lumpkin to the Greater Dayton Regional Transit Authority for a term ending September 25, 2023. Commissioner Mims 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, said City Hall will reopen to the community on Monday, July 6, 2020, at 8 a.m. The building has been closed to visitors since March 18, 2020, because of COVID-19 concerns.

Ms. Dickstein said visitors may enter City Hall at the Ludlow Street entrance only and will be required to wear protective masks or face coverings, and will be screened by security guards through questions and temperature checks. She said visitors without masks or face coverings will be provided with a mask.

Ms. Dickstein said if ADA accommodations are needed, citizens should use the third floor entrance, accessible from the Municipal Parking Garage at 123 W. Third St.

Ms. Dickstein said hand sanitizing stations will be installed at entrances and high traffic areas, and high-traffic areas will continue to be cleaned multiple times daily.

Ms. Dickstein said at Dayton's One Stop Center (371 W. Second St.), public access will be available only at the Second Street door.

Ms. Dickstein said the City continues to practice public health guidelines limiting public gatherings or meetings to 10 or fewer individuals. She said public meetings, including City Commission meetings, will continue to be conducted remotely until further notice, with many meetings available for viewing live at [daytonohio.gov/govtv](http://daytonohio.gov/govtv).

### **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 asked the City Manager, Ms. Shelley Dickstein to give an update on water shut-off.

Ms. Dickstein said resuming of water shutoffs for delinquent accounts is July 11, 2020, because the governor's order expires July 10, 2020. She said the decision was not made in isolation. She said they spoke with public utilities in the region to make sure collectively they were acting in the most humane way with the understanding that citizens are still struggling with the economic impact of COVID-19.

Mr. Dickstein said staff worked to find how many delinquent accounts exists which was 3,200 with the average bill amount at \$300.00. She said the collection of outstanding bills are important because they pay for utility operations, capital investment debt service and future investments. Ms. Dickstein said delinquent accounts are receiving postcards letting them know if they are having a hard time making payments to contact the City of Dayton call center at 937-333-3550, for a referral for help to make utility payments. She said if citizens find they are not eligible, the City of Dayton will continue to work with them on a payment plan.

Commissioner Fairchild thanked waste collection and street maintenance for their hard work.

Commissioner Fairchild said he looks at the Face Mask Ordinance asking himself *am I my brother's keeper* and the answer is always yes. He said as city leaders they have the responsibility to keep their citizens safe. He quoted the three W's- Wash your hands, Watch your distance, and Wear a face mask.

#### **Commissioner Shaw**

Commissioner Shaw said the 2020 Census Van, which provides a mobile hot-spot, will provide families a chance to respond to the 2020 Census online and in person. He encouraged citizen groups to book the van for their next event at [www.daytonohio.gov/census](http://www.daytonohio.gov/census).

#### **Commissioner Mims**

Commissioner Mims said he is still checking on HB680 which does detrimental damage to all Americans, especially those in urban communities. He said the bill reduces the time for early voting, requesting a mail in ballot, time for poll workers to clean and prepare polling places, and blocks the state's ability to request federal funds for free prepaid postage return envelopes. He encouraged citizens to call Senator Bill Coley's office at 614-466-8072 to express their concerns about this bill which reduces potential time to increase the vote of the election in November.

Commissioner Mims wished citizens a safe and healthy July 4<sup>th</sup>.

**Commissioner Joseph**

Commissioner Joseph thanked the City Commission and staff for their work on Rebuilding Together Dayton and Habitat for Humanity. He said they do excellent work in and for the community.

Commissioner Joseph thanked Mayor Whaley for the moment of silence for Judge John Pickrel. He said he ran his campaign in 2002 for municipal court for probate judge. He said Judge Pickrel was a good man and very humble, a true public servant. Commissioner Joseph said there are not many people like him. He expressed his condolences to his three children and partner Commissioner Judy Dodge and family. He said he will be missed.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 6:37 p.m.

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**Nan Whaley**  
**Mayor**

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