

On Wednesday, August 2, 2023, at 6:00 p.m., the Dayton City Commission met in regular session in the Commission Chambers of City Hall.

**CALL TO ORDER**

Mayor Mims called the meeting to order.

**INVOCATION**

Commissioner Shaw gave the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Mims led the public in the Pledge of Allegiance.

**ROLL CALL**

Roll call was taken, and Mayor Mims, Commissioners Joseph, Shaw, and Turner-Sloss were present. The Clerk of Commission, Ms. Regina Blackshear, the Acting Clerk of Commission, Ms. Verletta Jackson, and the City Manager, Ms. Shelley Dickstein, were also present.

Commissioner Joseph made a motion to excuse Commissioner Fairchild from this week's City Commission meeting. Commissioner Shaw seconded the motion. The motion was unanimously approved.

**APPROVAL OF MINUTES**

**Commissioner Joseph made a motion to approve the minutes from the July 26, 2023, meeting. Commissioner Shaw seconded the motion. The previous meeting minutes were unanimously approved.**

**COMMUNICATIONS AND PETITIONS**

**Communication #21827**

Letter – Five Oaks Neighborhood Association

**SPECIAL AWARDS/PRESENTATIONS**

**House of Bread**

Mayor Mims invited Ms. Melody Bennett, Executive Director of the House of Bread, for a community update.

Ms. Bennett thanked the City Commission for recognizing their 40th Anniversary. She said the House of Bread has been serving meals to the community since 1983. Ms. Bennett said to date, they have served over 160,000 meals per year. She said although it is tragic to have the need for the services they provide, however, it is heartwarming to be able to respond to the needs of the community.

Ms. Bennett said on Friday, August 4, 2023, from 3:00 p.m. until 6:00 p.m. there will be a block party at the House of Bread celebrating their 40th Anniversary. She invited the community to the event.

Commissioner Turner-Sloss thanked Ms. Bennett for her leadership and congratulated her on their 40th Anniversary.

Commissioner Shaw asked for the address of the event.

Ms. Bennett said the address is 9 Orth Ave.

Commissioner Shaw thanked her for her work.

Commissioner Joseph thanked her for her excellent work.

Mayor Mims asked her about the process of acquiring, processing, and distributing food to the community.

Ms. Bennett said they are a community kitchen that receives food from Gordon Foods, Fresh Tyme, and Trader Joe's all locally. She said they are also members of the Food Bank. She said they have culinary and support staff that receives and prepares the food.

Mayor Mims thanked her for her work and asked the Clerk of Commission to read a proclamation.

The Clerk of Commission, Ms. Regina Blackshear, read a proclamation.

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

The Acting Clerk of Commission, Ms. Verletta Jackson requested the addition of the legislation pertaining to the public hearing at the desire of the Commission.

#### **DISCUSSION OF CALENDAR ITEMS**

##### **Calendar Item No. 5. Urban League of Southern Ohio Inc. dba Miami Valley Urban League (MVUL)-Contract Modification**

The City Manager, Ms. Shelley Dickstein, said the contract modification is a change of scope and does not increase the amount of the contract. She said the modification will help with the rising costs of materials and labor. Ms. Dickstein invited Ms. Nikol Miller, Executive Director of the Miami Valley Urban League, to the podium to answer questions.

Ms. Miller said they embarked on the project in late 2021 to provide micro-grants to black and brown businesses that are located within the City of Dayton through the Dayton Recovery Plan. She said what they didn't anticipate was the increase in costs in order to do leaseholder improvements for their new location, and because of the supply chain issues that occurred during the pandemic, they agreed that modifying the scope of the contract will allow them the capacity to cross the finish line and move into their new location. Ms. Miller said as a part of this contract they have already done two rounds of the micro-grants and to date they have issued \$222,000 to 43 black and brown businesses located in the City of Dayton and they are wrapping up round three.

Commissioner Turner-Sloss asked about the micro-grants and the specific areas in which the funds will be allocated.

Ms. Miller said of the 43 businesses funds were dispersed to three businesses in round one and 20 businesses in round two and have ranged from \$1,000 to \$10,000 increments and are based on how long they have been in business and annual revenue. She said the typical rejection has been because they are outside the city limits.

Commissioner Turner-Sloss asked Ms. Dickstein if she foresees the other ARPA projects running into the same situation.

Ms. Dickstein said she has heard of many projects that are dealing with inflationary increases, but she does not anticipate more of the same situation.

**Ordinance No. 32053-23 – Accepting a Proposed Collective Bargaining Agreement with the International Association of Firefighters, Local 136, A.F.L.-C.I.O., Authorizing the City Manager to Execute Said Agreement, and Declaring an Emergency, and Ordinance No. 32054-23- Fixing the Compensation of the Unclassified Service, Establishing Policy Regarding the Fixing of Compensation for All Other Employees Who Are Not Members of a Collective Bargaining Unit, and Declaring an Emergency.**

The City Manager, Ms. Shelley Dickstein, thanked the Human Resources Director, Mr. Ken Couch, and his team for their work on the legislation. She said it is a good deal for employees for attracting and retaining them. She invited Mr. Couch to the podium for clarification.

Mr. Couch thanked the IFF136 labor partners for their work on the contract. He said wages and health insurance are the big items in the contract. He said wages for the next three years effective January 1, 2024, Firefighters will receive a \$.60 equity adjustment which amounts to \$1,500 for the year, and the next day everyone receives a five percent increase which totals a seven percent increase for the year. He said in 2025 everyone will receive a four percent increase and in 2026 a three percent increase.

Mr. Couch said they are eliminating the ladder hiring process for EMTs, firefighters, and paramedics which has been the process of the Dayton Police Department. He said for health insurance the cost for 2024 and 2025 will remain the same. Mr. Couch said in 2026 they will transition to a four-tier system: a single employee, an employee with a child or children, an employee with a spouse, and a family. He said they are trying to keep the employee share at 13 percent.

Mr. Couch said they have agreed to a tobacco surcharge. He said in 2021 the Wellness Committee tried to make the City of Dayton tobacco-free by 2017. In 2019 they instituted no tobacco on city property with exceptions on Ottawa Yards. He said the new policy will be if you smoke you will pay more for health insurance to offset the costs. Mr. Couch said they also agreed to explore alternative health insurance next year. He said the last item they agreed to is an employee-paid vision plan.

Commissioner Turner-Sloss congratulated Mr. Couch and his team and thanked the labor organizations.

Commissioner Shaw thanked Mr. Couch for his leadership.

Commissioner Joseph thanked him and his staff for their work and said it was great news for everyone.

Mayor Mims thanked Mr. Couch and the staff for their hard work.

**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).

**AVIATION**

- A1. Deere & Company** (grounds maintenance equipment)     **\$199,278.13**  
**A2. Vance Outdoors, Inc.** (twenty-seven (27) Glocks and accessories)  
**\$10,476.00**

**FIRE**

**B1. Sutphen Corporation** (design changes on heavy-duty custom pumper) **10,723.36**

**MUNICIPAL COURT**

**C1. Dell Marketing LP** (computers and monitors) **19,602.52**  
**C2. White Allen Chevrolet, Inc.** (one pre-owned vehicle) **30,000.00**

**PLANNING, NEIGHBORHOODS AND DEVELOPMENT**

**D1. Feldman Ford LLC -P0231072-** (one all-electric pick-up truck) **64,385.00**

**POLICE**

**E1. Bode Cellmark Forensics, Inc.** (DNA testing services as needed through 12/31/25) **75,000.00**  
**E2. Feldman Ford LLC – P0231100-** (one passenger van) **60,675.00**  
**E3. Othram, Inc.** (DNA testing services as needed through 12/31/25) **45,000.00**

**PUBLIC WORKS**

**F1. Midwest Maintenance, Inc.** (concrete repair services as needed through 12/31/23) **56,800.00**  
**F2. Pickrel Brothers, Inc.** (plumbing and related supplies as needed through 12/31/23) **30,000.00**

**WATER**

**G1. DXP Enterprises, Inc** (one Peerless pump) **43,073.00**  
**G2. Motion Industries, Inc.** (wastewater lubrication system) **12,967.89**  
**G3. Debra-Kuempel, Inc.** (heating, ventilation, and air conditioning (HVAC) preventative maintenance and repairs as needed through 12/31/23) **40,000.00**  
**G4. Feldman Ford LLC -P0231085-** (one electric cargo van) **59,785.00**  
-Depts of Aviation, Fire, Municipal Court, Planning, Neighborhoods and Development, Police, Public Works, and Water. **Total: \$757,765.90**

2. **Black & Veatch Corporation – Contract Modification** – first amendment for professional engineering consulting services for planning the City’s Lead Service Compliance Program – Department of Water/Water Engineering. **\$750,000.00**  
**(Thru 12/31/24)**
3. **Bongorno Consulting LLC – Service Agreement** – for professional zoning administration services to review zoning and land use cases – Department of Planning, Neighborhoods and Development/Housing and Inspections. **\$75,000.00**  
**(Thru 12/31/24)**
4. **ESO Solutions, Inc.- Contract Modification** – third amendment for Software as a Service module for Fire and Inspections – Department of Fire/Strategic Program and Safety. **\$25,526.54**  
**(Thru 08/31/24)**

5. **Urban League of Southern Ohio Inc. dba Miami Valley Urban League (MVUL) – Contract Modification** – Dayton Recovery Plan – to allow the MVUL, as part of their administration fee, to utilize up to \$150,000.00 to assist with leasehold improvements, furniture, and fixtures at their downtown location – City Manager’s Office. **(Change of Scope)**

### **CITIZENS’ COMMENTS ON CALENDAR ITEMS**

Citizens’ comments on calendar items were received from the following:

1. **Mr. Darryl Letlow, 1706 Neva Dr.**– spoke in support of Resolution No. 6741-23 Honorarily Naming South Euclid Avenue Pastor Ozell Northern, Sr. Way.
1. **Mr. Jerry Bowling III, 522 Herbert St.** – spoke in support of Ordinance No. 32051-23 and Ordinance 32052-23-Authorizing the sale of real estate at 1100 and 1280 Brandt Pike.

### **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 Mims, Commissioners Joseph, Shaw, and Turner-Sloss.**

### **LEGISLATION**

#### **EMERGENCY ORDINANCES – FIRST READING**

**Emergency Ordinance No. 32051-23-** Authorizing the Purchase of Real Estate Located at 1100 Brandt Pike, 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 Mims, Commissioners Joseph, Shaw, and Turner-Sloss.**

**Emergency Ordinance No. 32052-23-** Authorizing the Purchase of Real Estate Located at 1280 Brandt Pike, 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 Mims, Commissioners Joseph, Shaw, and Turner-Sloss.**

**Emergency Ordinance No. 32053-23-** Accepting a Proposed Collective Bargaining Agreement with the International Association of Firefighters, Local 136, A.F.L.-C.I.O., Authorizing the City Manager to Execute Said Agreement, and Declaring an Emergency.

**Commissioner Turner-Sloss 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 Mims, Commissioners Joseph, Shaw, and Turner-Sloss.**

**Emergency Ordinance No. 32054-23-** Fixing the Compensation of the Unclassified Service, Establishing Policy Regarding the Fixing of Compensation for All Other Employees Who Are Not Members of a Collective Bargaining Unit, and Declaring an Emergency.

**Commissioner Joseph moved that this was an emergency measure for the immediate consideration of the Ordinance. Commissioner Turner-Sloss seconded the motion. The motion was passed with a 4-0 vote. Voting in the affirmative were Mayor Mims, Commissioners Joseph, Shaw, and Turner-Sloss.**

#### **ORDINANCE – SECOND READING**

**Ordinance No. 32050-23 -** Authorizing the Sale of Certain Real Estate Located at 1520 Germantown Street for Development Purposes.

**The question being shall Ordinance No. 32050-23 be passed. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Mims, Commissioners Joseph, Shaw, and Turner-Sloss. The Ordinance was passed.**

#### **RESOLUTIONS – FIRST READING**

**Resolution No. 6740-23-** Approving the Submission of Grant Applications to the District 4 (Montgomery County, Ohio) Public Works Commission Integrating Committee; Authorizing the Acceptance of Grant Awards from the State of Ohio Public Works Commission for the State Issue 1 Program for Public Capital Infrastructure Improvements in an Amount Not to Exceed Three Million Fifty-Five Thousand Dollars and Zero Cents (\$3,055,000.00) on Behalf of the City of Dayton.

**Resolution No. 6741-23-** Honorarily Naming South Euclid Avenue Between Germantown Street and Bancroft Street as “Pastor Ozell Norther, Sr. Way”.

#### **RESOLUTION – SECOND READING**

**Resolution No. 6739-23-** Declaring the Intention of the Commission to Vacate the Alley West of Stanley Avenue from the Alley North of Valley Street to Brandt Street and the Alley North of Valley Street from the Alley West of Stanley Avenue to Stanley Avenue.

**The question being shall Emergency Resolution No. 6739-23 be adopted. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Mims, Commissioners Joseph, Shaw, and Turner-Sloss. The Emergency Resolution was adopted.**

#### **BOARD APPOINTMENTS**

Commissioner Shaw made a motion to appoint Mr. Tom Wahrab as Chairperson of the Human Relations Council Board. Commissioner Joseph seconded the motion. The motion was unanimously approved.

Commissioner Turner-Sloss made a motion to appoint Ms. Tinisha N. McClain as Vice President of the Human Relations Council Board. Commissioner Joseph seconded the motion. The motion was unanimously approved.

Commissioner Joseph made a motion to appoint Mr. Brian Heitkamp to the Pre-School Promise Board for a term ending December 31, 2024. Commissioner Joseph seconded the motion. The motion was unanimously approved.

## **PUBLIC HEARING**

Mayor Mims opened the Public Hearing on Plan Board Case PLN2023-00159 an application for a Planned Development Zoning Overlay. He asked Ms. Dickstein to proceed. Ms. Dickstein invited Mr. Tony Kroeger, Division Manager, Planning, Neighborhoods and Development, to present.

Mr. Kroeger said this is Plan Board Case PLN2023-00159 an application from Magnus Capital Partners for a Planned Development zoning overlay and to change the underlying zoning from Mature Single-Family Residential (MR-5) to Mature Multi-Family (MMF) for 12.78 acres at 325 Homewood Avenue and 707 Forest Avenue allowing for the construction of multi-family residential units and ground floor commercial space along Forest Avenue.

Mr. Kroeger said the development includes 260 residential units and they would be in 11 separate structures. He said the applicant has worked with a number of different appearances of the buildings proposed on Old Orchard. He said staff and the applicant acknowledge there is still work to be done on the appearance of the buildings. Mr. Kroeger gave an overview of maps and indicated the boundaries of the subject area.

Mr. Kroeger said on May 5, 2023, he visited two existing HoM Flats Developments in Holland and Wyoming, Michigan, and said the amenities offered are extensive properties that were well maintained and quiet, and programming for residents was a major part of the operations. He said there were different architectural styles as well.

Mr. Kroeger said the Plan Board voted unanimously to approve the recommendation of the zoning map amendment. He invited Mr. Vishal Arora, Magnus Capital Partners, to the podium for remarks.

Mr. Arora said his company has been active since 2009 in major and minor markets. He said they have done their best to organize their activities in order to be thematic and deliberate with what they do. He said the most important thing they do is develop long-term public and private partnerships. Mr. Arora said the brand they created HoM Flats Development is about creating better living conditions for the workforce. He said they felt strongly there was and is a persistent shortage of quality housing. Mr. Arora gave an overview of the unit features, programs, and amenities they offer.

Commissioner Turner-Sloss thanked Mr. Arora for his presentation and Mr. Kroeger for visiting the other sites. She asked Mr. Arora for the price point of the units.

Mr. Arora said the price will be between \$1,000 and \$1,400 depending on the number of bedrooms.

Commissioner Turner-Sloss asked if their portfolio included accepting housing choice vouchers.

Mr. Arora said they are required to accept housing choice vouchers.

Commissioner Turner-Sloss asked if the traffic concerns were addressed.

Mr. Arora said there is enough capacity in the street network to accommodate anticipated new households. Commissioner Turner-Sloss thanked Mr. Arora and said she is excited about the project.

Commissioner Shaw thanked Mr. Arora for his engagement with the residents of the community. He said that is very important.

Commissioner Joseph thanked Mr. Arora for realizing how unique the site is and he is glad something is happening at the old school site.

Mayor Mims said he is glad something is happening at that site.

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

Citizens' comments on the Public Hearing were received from the following:

1. **Mr. Jule Rastikis, 1905 Salem Ave.** – spoke in support of the zoning amendment recommendation.
1. **Mr. Bill Marvin, 319 Rockwood Ave.** - spoke in support of the zoning amendment recommendation.
1. **Mr. Joe Craig, 425 Forest Ave.** spoke in support of the zoning amendment recommendation.

Mayor Mims closed the hearing.

The pleasure of the City Commission is to move forward.

### **THIS ITEM WAS ADDED**

#### **EMERGENCY ORDINANCE- FIRST READING**

**Emergency Ordinance No. 32055-23**-Amending the Official Zoning Map to Establish Planned Development-188 and Change the Underlying Zoning from Mature Single-Family Residential (MR-5) to Mature Multi-Family (MMF) for 12.78 Acres at 325 Homewood Avenue and 707 Forest Avenue.

**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 Mims, Commissioners Joseph, Shaw, and Turner-Sloss.**

### **CITIZENS' COMMENTS**

Citizens' comments were received from the following:

1. **Ms. Kyra Wood, 4519 Wilmington** – was ruled out of order and asked to take her seat.

**At 7:30 p.m. Mayor Mims requested a recess due to an unruly citizen.**

**At 7:40 Commissioner Shaw made a motion to adjourn the meeting. Commissioner Joseph seconded the motion. The motion was approved.**

2. **Ms. Shatyra Patterson, 316 Albers Ave.** – spoke about her dance team and needing donations.
3. **Ms. Tammy Dulaney, 122 Puritan Place** – spoke about crime in the Belmont neighborhood and Belmont Days.

4. **Ms. Karen Ehlers, 2231 King Ave.** – spoke about crime in the Belmont neighborhood.
5. **Mr. Kevin Keuer, 3922 E. Third St.** – spoke about blight in the City of Dayton.
6. **Mr. Mark D. Fritz, Homeless**– made general comments.

#### **COMMENTS BY THE ACTING CLERK OF THE COMMISSION**

The Acting Clerk of Commission, Ms. Verletta Jackson, had no closing comments.

#### **COMMENTS BY THE CITY MANAGER**

The City Manager, Ms. Shelley Dickstein said soon there will be a community block grant to help support youth programming. She asked Ms. Patterson for her information to be placed on the list for more information.

Ms. Dickstein said she will make police leadership aware of the concerns for the Belmont neighborhood and the crimes taking place. She said she will have the police have a conversation with Ms. Ehlers and Ms. Dulaney.

Ms. Dickstein thanked staff for their work on National Night Out.

#### **COMMENTS BY THE CITY COMMISSION**

##### **Commissioner Turner-Sloss**

Commissioner Turner-Sloss expressed her gratitude to the staff for their work on National Night Out.

Commissioner Turner-Sloss thanked presenters and citizens for their comments at the meeting.

Commissioner Turner-Sloss encouraged citizens to attend the Fudge Foundation event on Friday, August 4, 2023, from 5:00 p.m. until 8:00 p.m. commemorating the nine lives that were lost in the Oregon District. She also said there will be a get-out-the-vote event at Liberation Park.

Commissioner Turner-Sloss said they appreciate everyone that comes out and speaks before this body.

She said it is an exercise of their First Amendment. She said they may not agree with the comments, but citizens have the opportunity as residents of the City of Dayton to raise concerns to redress and address this body.

Commissioner Turner-Sloss said it is their First Amendment right.

##### **Commissioner Shaw**

Commissioner Shaw highlighted his attendance at the YEP Youth Camp at the Kroc Center and the services that are offered.

##### **Commissioner Joseph**

Commissioner Joseph highlighted his attendance at the National Night Out and thanked everyone that worked on the event.

**Mayor Mims**

Mayor Mims said that he will be at Waymen CME Church on Sunday at 5:00 p.m. for a panel discussion on Issue 1. He thanked Congressman Mike Turner for his work on the Wright Factory site. He highlighted the memorial event for Pastor Joel Burton. Mayor Mims highlighted Obi Toppen playing in Indiana this season.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:10 p.m.

\_\_\_\_\_  
**Jeffrey J. Mims, Jr.**  
**Mayor**

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