

On Wednesday, September 16, 2020, at 6:00 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**

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 September 9, 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**

There were no awards or presentations.

**ADDITIONS OR DELETIONS TO THE CALENDAR**

The Clerk of Commission, Ms. Rashella Lavender, requested the addition of Emergency Resolution No. 6530-20- Objecting to the Issuance of Liquor Permit No. #2497784, ELM Growth LLC, 111 W. First St. Ste. 110, Dayton, OH 45402. She said the resolution will receive first and second reading.

**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:**

**FIRE**

**A1. Bound Tree Medical LLC (medical first aid supplies as needed through 12-31-20)  
\$2,000.00**

**POLICE**

**B1. Vance Outdoors, Inc. (less lethal Tasers and Taser accessories) 34,889.05**

**PUBLIC WORKS**

**C1. Wayne Overhead Door Sales of Dayton, Inc. (overhead speed door replacement) 24,286.00**

**C2. CHWR, Inc. dba CHW Mechanical Services (heating ventilation and air conditioning preventative maintenance and repairs as needed through 12-31-20) 111,212.00**

1. (Cont'd):

**RECREATION AND YOUTH SERVICES**

**D1. Rain Drop Products LLC** (splash pad replacement features) **\$10,085.50**

**WATER**

**E1. Defries Copp LLC dba Copp Integrated Systems** (access control including video observation to the new gate) **11,054.10**

**E2. Allied Builders, Inc.** (fencing with removal installation and repair services) **12,250.00**

**E3. Barrett Paving Materials, Inc.** (sand gravel crushed stone and related materials as needed through 12-31-20) **40,000.00**

**E4. Best Equipment Company, Inc.** (one VAC-CON brand dual engine combination sewer cleaner)-PO201073 **464,020.00**

**E5. Best Equipment Company, Inc.** (one VAC-CON brand dual engine combination sewer cleaner)-PO201074 **464,020.00**

-Depts. of Fire, Police, Public Works, Recreation and Youth Services and Water.

**Total: \$1,173,816.65**

**B. Construction Contracts:**

2. **Becker Construction, Inc. – Award of Contract – Water Distribution Building Restroom Renovations** (10% SBE and 10% MBE Participation Goal/11.7% SBE and 17.01% MBE Participation Achieved) – Dept. of Water/Water Engineering. **\$322,300.00**  
**(Thru 06/30/22)**

3. **Double Jay Construction, Inc. – Award of Contract – Jim Nichols Tennis Court Fence Replacement Re-Bid** (10% SBE Participation Goal/59% SBE Participation Achieved) – Dept. Recreation and Youth Services. **\$80,000.00**  
**(Thru 09/16/22)**

**C. Revenue to the City:**

4. **Children’s Hospital – Other – Special Use Permit to Install Anchors** –Dept. of Public Works/Civil Engineering. **\$3,690.00**  
**(Paid to the City)**

5. **Dayton Public Schools – Other - for a Dayton Fire Department Firefighter to serve as Fire Instructor during the 2020 academic school year** -Dept. of Fire/Emergency Services. **\$122,010.00**  
**(Thru 7/31/21)**

6. **Dayton Public Schools – Other - for a Dayton Police Department Officer to serve as Police Instructor during the 2020 academic school year** -Dept. of Police Director. **\$53,700.00**  
**(Thru 7/31/21)**

**E. Other – Contributions, Etc.:**

7. **Siemens Industrial Inc. – Other – for the Broadway Pump Station Motor Replacement Purchase Agreement** – Dept. of Water/Water Reclamation. **\$1,172,500.00**  
**(Thru 12/31/21)**

**CITIZENS’ COMMENTS ON CALENDAR ITEMS**

Citizens’ comments were suspended for the meeting.

**DISCUSSION OF CALENDAR ITEM**

**Calendar Item No. 8. Emergency Ordinance No. 31831-20, Calendar Item No. 9. Emergency Ordinance No. 31832-20, Calendar Item No. 10. Emergency Ordinance No. 31833-20, Calendar Item No. 11. Emergency Ordinance No. 31834-20, Calendar Item No. 12. Emergency Ordinance No. 31835-20, Calendar Item No. 13. Emergency Ordinance No. 31836-20, Calendar Item No. 14. Emergency Ordinance No. 31837-20, and Calendar Item No. 15. Emergency Ordinance No. 31838-20-Bonds**

The City Manager, Ms. Shelley Dickstein, said this is a series of emergency ordinances that will provides authority for the issuance of the sale or refunding of bonds. She said every two years they look at opportunities to reinvest in the area of capital improvement.

Ms. Dickstein invited Ms. LaShea Lofton, Deputy City Manager, to comment on the bonds.

Ms. Lofton said a sweet spot in the sour economy for the City of Dayton is that they are issuing debt at a time when the market is really ripe and in their favor. She said this is a low interest environment and tax exempt interest rates have hit an all-time low in early August and remain low. Ms. Lofton said this is a good time to issue and refinance bonds. She said the City of Dayton will be issuing \$21.4 million of new GEO debt. Ms. Lofton said the last time GEO debt was issued was in 2018 with an average interest rate of 3.4 percent. She said the underwriter estimates that when going out to market in October, the true interest rate will be 1.74 percent. Ms. Lofton gave an overview of each of the bonds.

Commissioner Joseph said the last time bonds were passed it saved the City of Dayton large amounts of 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 ORDINANCES – FIRST AND SECOND READING**

**Emergency Ordinance No. 31831-20-** To Provide for the Issuance and Sale of Bonds in an Amount Not to Exceed Eleven Million One Hundred Seventy Thousand Dollars and Zero Cents (\$11,170,000.00), for the Purpose of Providing Funds for Improving the City's Transportation System by Improving Streets, Including Resurfacing Major Thoroughfares, Residential Streets and Alleys Throughout the City, Improving and Installing Curbs and Sidewalks, Including Constructing and Reconstructing Sidewalks, Bicycle Lanes, Bikeway Connectors, Bikeway Ramps, Bicycle Paths and Cycle Tracks, and Constructing and Reconstructing Portions of and Extensions to Streets, Together with All Necessary Appurtenances, 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. 31831-20 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. 31832-20-** To Provide for the Issuance and Sale of Bonds in an Amount Not to Exceed Three Million Six Hundred Fifty-Five Thousand Dollars and Zero Cents (\$3,655,000.00), for the Purpose of Providing Funds for Acquiring Motor Vehicles, Motorized Equipment, Fire Department Apparatus and Equipment and Other Equipment for Various Departments of the City, Together with All Necessary Appurtenances, 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. 31832-20 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. 31833-20-** To Provide for the Issuance and Sale of Bonds in an Amount Not to Exceed Three Million Ninety Thousand Dollars and Zero Cents (\$3,090,000.00) for the Purpose of Providing Funds for making Stormwater Improvements, Together with All Necessary Appurtenances; 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. 31833-20 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. 31834-20-** To Provide for the Issuance and Sale of Bonds in an Amount Not to Exceed Three Million Five Hundred Twenty-Five Thousand Dollars and Zero Cents (\$3,525,000.00), for the Purpose of Providing Funds for Acquiring, Constructing, Improving, Renovating, Rehabilitating, Equipping and Otherwise Improving of the City's Public Facilities, Including HVAC, Elevator and Roof Improvements as well as Parking Lot Resurfacing, Together with All Necessary Appurtenances, 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. 31834-20 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. 31835-20-** To Provide for the Issuance and Sale of Bonds in an Amount Not to Exceed Four Million Seven Hundred Eighty-Five Thousand Dollars and Zero Cents (\$4,785,000.00), for the Purpose of Refunding at a Lower Interest Cost Certain of the City's Various Purpose Bonds, Series 2009A (Tax-Exempt), Which Were Issued, In Part, for the Purpose of (A) Improving City Buildings By Providing Energy Conservation Measures, (B) Improving The City's Transportation System By Improving Streets, Including Resurfacing Major Thoroughfares And Residential Streets And Sealing Various Streets and Alleys Throughout The City, Improving And Installing Curbs And Sidewalks, Including Constructing And Reconstructing Wheelchair Ramps, Reconstructing And Installing Traffic Signals, Constructing And Reconstructing Portions Of And Extensions To Streets, And Constructing, Reconstructing And Repairing Various Bridges Within The City, (C) Revitalizing The Wayne And Wyoming Project Area By Acquiring, Clearing And Improving, And (D) Acquiring, Constructing, Furnishing, Equipping And Otherwise Improvement he City's Street Maintenance Facility, Each Together With All Necessary Appurtenances Thereto; 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. 31835-20 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. 31836-20-** To Provide for the Issuance and Sale of Bonds in an Amount Not to Exceed Twenty-Three Million Seven Hundred Twenty-Five Thousand Dollars and Zero Cents (\$23,725,000.00), for the Purpose of Refunding at a Lower Interest Cost Certain of the City's Various Purpose Improvement and Refunding Bonds, Series 2012, Which Were Issued, In Part, for the Purpose of (A) improving the City's water system by constructing, installing, reconstructing and replacing water mains; together with all necessary appurtenances; (B) improving the City's sewer system by replacing, reconstructing and rehabilitating sewer mains, together with all necessary appurtenances; (C) improving the municipal street system and related facilities, as designated, including streets, expressways, roadways, driveway approaches, walkways and bikeways, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, lighting, curbing and ramping, installing gutters, sidewalks and related pedestrian and site improvements, constructing and improving retaining walls, resetting and constructing catch basins and other storm drainage facilities, constructing, reconstructing, replacing, renovating and rehabilitating bridges, acquiring any real estate and interests in real estate, including easements, necessary for such purpose, and installing signs, signals, markings and other devices for traffic control purposes, together with the payment of all associated preliminary costs and costs of site clearance and all necessary and incidental appurtenances; (D) constructing, renovating, remodeling, rehabilitating, furnishing, equipping and otherwise improving City buildings and facilities housing and providing for City functions and services, together with all necessary appurtenances; and (E) providing funds for acquiring motor vehicles, motorized equipment and other equipment for various departments of the City, Each Together With All Necessary Appurtenances Thereto; 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. 31836-20 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. 31837-20-** To Provide for the Issuance and Sale of Economic Development Revenue Bonds in an Amount Not to Exceed Fourteen Million Eight Hundred Forty Thousand Dollars and Zero Cents (\$14,840,000.00) under Section 13 of Article VIII of the Constitution of the State of Ohio and Chapter 165 of the Ohio Revised Code for the Purpose of Refunding Bonds Previously Issued for the Purpose of Assisting in Financing the costs of a project as defined in Section 165.01 of the Ohio Revised Code; Authorizing Documents Relating to the Bonds; Authorizing and Approving Related Matters; 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. 31837-20 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. 31838-20-** To Provide for the Issuance and Sale of Sewer System Revenue Bonds in an Amount Not to Exceed Eighteen Million Eight Hundred Twenty Thousand Dollars and Zero Cents (\$18,820,000.00), for the Purpose of Paying Costs of Improvements to the Utility; Authorizing a Supplemental Trust Agreement and Other Documents Relating to the Series 2020 Bonds, 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. 31838-20 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. 31839-20-** Approving the Report of the Assessment Equalization Board Regarding the Proposed Assessment for the Plan for Services Adopted by the Downtown Dayton Special Improvement District, Inc., and Approved by the Commission, 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. 31839-20 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. 31840-20-** Determining to Proceed with the Implementation of the Plan for Services Adopted by the Downtown Dayton Special Improvement District, Inc., and Approved by the Commission, 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. 31840-20 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.**

**THIS ITEM WAS ADDED**

**EMERGENCY RESOLUTION – FIRST AND SECOND READING**

**Emergency Resolution No. 6530-20-** Objecting to the Issuance of Liquor Permit No. #2497784, ELM Growth LLC, 111 W. First St. Ste. 110, Dayton, OH 45402; 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. 6530-20 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 Emergency Resolution was adopted.**

**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 highlighted the United States Air Force Base Marathon. He encouraged parents and students to continue doing their best work in virtual learning.

**Commissioner Shaw**

Commissioner Shaw thanked staff for their work on the 2020 Census and encouraged citizens to complete their 2020 Census forms.

**Commissioner Mims**

Commissioner Mims highlighted the United Negro College Funds virtual fundraiser.

Commissioner Mims said the Ohio Legislature voted against supplying postage for the mail-in ballots. He encouraged citizens to be cognizant that postage for mail-in ballots will cost more than the usual postage fee for a standard letter.

Commissioner Mims encouraged citizens to pray for children during these trying times of learning virtually.

**Commissioner Joseph**

Commissioner Joseph thanked Commissioner Shaw for his work on the 2020 Census. He encouraged citizens to complete their 2020 Census forms.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 6:36 p.m.

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**Nan Whaley**  
**Mayor**

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