

On Wednesday, October 13, 2021, at 8:31 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. She said due to the current COVID-19 order, the City of Dayton is requiring masks to be worn in all City facilities to protect the safety of the staff and community. If you need a mask, there are some at the entrance of the Commission Chambers. Those not wearing a mask during the Commission Meeting may be ruled out of order and removed from the meeting.

**INVOCATION**

Mayor Whaley asked for a moment of silence for Leo Lehner, Chaminade Julianne High School Student who drowned in the Great Miami River. Commissioner Fairchild 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, were also present.

**APPROVAL OF MINUTES**

**Commissioner Mims made a motion to approve the minutes from the October 6, 2021, 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 Mr. Jeffrey Trzeciak, Dayton Metro Library, to the podium to provide a community update on the Dayton Metro Library

Mr. Trzeciak said he is a Dayton Native and former Library Aide. He said he has 30 plus years of working in academic and public libraries in the United States and Canada, and has helped to grow libraries relevance through public programming, community partnerships, initiatives for post-secondary education and collaborations. Mr. Trzeciak said he has long commitments to diversity and social justice.

Mr. Trzeciak said the Dayton Metro Library's COVID response is meeting needs for all ages through distance or online experiences which began in April 2020 and has continued and grown through virtual programs, dial-a-story and curbside service. He said they have been following CDC guidelines by, launching pop up programs, physically distancing and outdoor programming. He said librarians host story time, STEM workshops, and summer reading adventures on their property or at neighborhood parks near the Branches.

Mr. Trzeciak said the Dayton Metro Library has hosted vaccination sites, free at-home COVID test kits and a tele health center.

Mr. Trzeciak said they are meeting basic needs for youth with meal distribution. He said in June 2020, even before libraries re-opened, they launched regular meal service. He said individual volunteers and volunteer groups donated more than 700 hours of service to the library for the initial launch of the program. He said the program has continued, with meal pick-up at every branch location through the school year (five meals/week) and summer (10 meals/week). They have fresh produce which is available at select branches. Mr. Trzeciak said in the first 14 months (June 2020 – present) the program has provided 350,000 meals.

Mr. Trzeciak said Dayton Metro Library's commitment to equity has a bold impact in the community with Undesign the Redline: Dayton Metro Library, August 6-September 25, 2021. The first public exhibit in region, focusing on education and conversation for civic groups, high school students, community organizations, local neighborhood associations and interested individuals.

Mr. Trzeciak said trusted programs that serve the community are back which include Rock Your Homework, back in schools with First Club and Middle Ground, Felix and Fiona's Musical Adventures for DPS Third Graders and Career Adventures Day which welcomes hundreds of Middle School Students to the Main Library taking place on November 4<sup>th</sup> and 5<sup>th</sup>. He said the West Branch will open in early 2022.

Mr. Trzeciak said looking toward the future, they will stay focused for impact using a strategic plan as guide, enhance specialized positions to support community goals and intensify partnerships for positive outcomes with equity, early literacy, school readiness, workforce and access.

Commissioner Joseph thanked Mr. Trzeciak for his and his staff's participation in Welcome Dayton. He thanked Mr. Trzeciak for focusing on bringing material into the library in other languages.

Commissioner Mims thanked Mr. Trzeciak for the exhibit on Undesign The Redline. He asked about the statue of Paul Laurence Dunbar at the West Branch of the Metro Library.

Mr. Trzeciak said the Dayton Metro Library has built the foundation for the statue and they are ready to accept it once its available.

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

There were no additions or deletions to the calendar.

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

**Calendar Item No. 3. Emergency Ordinance No. 31924-21- Levying Special Assessments for the Purpose of Acquiring, Constructing and Improving Certain Public Improvements in the City of Dayton in Cooperation with the Dayton Regional Energy Special Improvement District and Calendar Item No. 4. Emergency Ordinance No. 31925-21- Authorizing and Approving a Cooperative Agreement and Special Assessment Agreement, and Declaring an Emergency.**

The City Manager, Ms. Shelley Dickstein, said these ordinances are related to PACE support that is being provided to Dayton Phoenix.

## 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. ADB Safegate Americas Holdings, Inc. dba ADB Safegate Americas LLC** (airfield signs, lighting and control equipment as needed through 12/31/21) **\$3,000.00**
- A2. Enterprise Roofing & Sheet Metal Company** (roofing maintenance, repairs and related items) **30,000.00**
- A3. Johnson Controls US Holdings LLC dba Johnson Controls Fire Protection LP** (fire alarm annual maintenance services, sprinkler inspections and repairs as needed through 12/31/21) **31,000.00**
- A4. Koorsen Fire and Security** (inspection and servicing of fire extinguishers as needed through 12/31/21) **47,000.00**
- A5. Pelton Environmental Products, Inc.** (Gorman-Rupp pump, parts, accessories and service as needed through 12/31/21) **15,000.00**
- A6. Pickrel Brothers, Inc.** (plumbing and related supplies as needed through 12/31/21) **5,000.00**
- A7. Springfield Overhead Door LLC** (overhead door maintenance and related services) **35,000.00**

#### INFORMATION TECHNOLOGY

- B1. Dell Marketing LP** (extended warranty on Dell M1000E chassis, MXL network switches, and PowerEdge R730 Server) **10,203.17**

#### POLICE

- C1. Friends Service Company, Inc. dba FriendsOffice** (office furniture including delivery and installation services) **20,337.46**

#### RECREATION

- D1. Zan Creative, Inc. dba Nova Creative Group** (marketing and rebranding services as needed through 12/31/21) **22,000.00**

#### WATER

- E1. Daniel Juday LLC.** (departmental training as needed through 12/31/21) **17,500.00**
- E2. Step CG LLC** (implementation services for the configuration and installation of network switch hardware) **85,991.49**
- E3. Process Pump & Seal, Inc.** (Chesterton split mechanical seals and spare parts as needed through 12/31/21) **60,000.00**
- E4. Biss Nuss, Inc.** (five slaker grit screw replacements) **151,715.00**
- E5. VWR Scientific Products Corporation** (laboratory equipment and supplies as needed through 12/31/21) **25,000.00**

-Depts. of Aviation, Information Technology, Police, Recreation and Water.

**Total: \$558,747.12**

**C. Revenue to the City:**

2. **Dayton Board of Education (Dayton Public Schools) – Contract Modification** – for off-duty police to provide traffic control, security, and/or crowd control in various school locations within the municipal corporation limits of the City of Dayton, Ohio - Department of Police. **\$30,000.00**  
**(Thru 6/30/22)**  
**(Paid to the City)**

**CITIZENS' COMMENTS ON CALENDAR ITEMS**

There were no citizens' comments on calendar items.

**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. 31924-21-** Levying Special Assessments for the Purpose of Acquiring, Constructing and Improving Certain Public Improvements in the City of Dayton in Cooperation with the Dayton Regional Energy Special Improvement District 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 Mims, Shaw and Fairchild. The question being shall Emergency Ordinance No. 31924-21 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 Ordinance No. 31925-21-** Authorizing and Approving a Cooperative Agreement and Special Assessment Agreement, 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 Mims, Shaw and Fairchild. The question being shall Emergency Ordinance No. 31925-21 be passed. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Shaw and Fairchild. The Emergency Ordinance was passed.**

**Emergency Ordinance No. 31926-21-** Authorizing the Purchase or Real Estate at 2800 Philadelphia Drive 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 Mims, Shaw and Fairchild. The question being shall Emergency Ordinance No. 31926-21 be passed. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Shaw and Fairchild. The Emergency Ordinance was passed.**

**EMERGENCY RESOLUTION – FIRST AND SECOND READING**

**Emergency Resolution No. 6614-21- Declaring That Public Safety Personnel are Substantially Dedicated to Mitigating or Responding to the COVID-19 Public Health Emergency, 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. 6614-21 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.**

**HUMAN RELATIONS COUNCIL**

Commissioner Fairchild made a motion to create and fill the new Human Relations Council positions of Justice and Inclusion Administrator, Equal Opportunity Specialist I, Equal Opportunity Specialist II, MBAC Director and Office Manager per Section 32.19 of the RCGO. Commissioner Shaw seconded the motion. The motion was unanimously approved.

**CITIZENS' COMMENTS**

Citizens' comments were received from the following:

1. **Bishop Richard Cox, 3044 Jewelstone Drive** – spoke about the police incident involving the paraplegic citizen.
2. **Ms. Iris Blanchard, 329 Imogene Road** – spoke about the police incident involving the paraplegic citizen.
3. **Ms. Leronda Jackson, 4525 Northglenn Court** - spoke about the police incident involving the paraplegic citizen.
4. **Ms. Allyson Youngblood, 111 Livingston Ave.-** spoke about the police incident involving the paraplegic citizen.
5. **Mr. Tommy L. Owens Jr., 1300 W. Second Street** - spoke about the police incident involving the paraplegic citizen.
6. **Ms. Daja Demmings, 4654 Owens Drive-** spoke about the police incident involving the paraplegic citizen.
7. **Mr. Julio Mateo, 215 Ice Ave.** - spoke about the police incident involving the paraplegic citizen.
8. **Ms. Melissa Bertolo, 1137 Harvard Blvd.-** spoke about the police incident involving the paraplegic citizen.

9. **Mr. Carlos Buford, 2130 Della Drive-** spoke about an ARPA proposal regarding an outdoor skating arena in West Dayton.
10. **Mr. Christopher Lockatt, 309 E. Bruce Street** - spoke about the police incident involving the paraplegic citizen.

Mayor Whaley said she appreciates everyone coming forward today for the morning meeting. She said she wanted to be clear that she is glad they are here and that she hears them. She said on a human level watching the video was incredibly painful for everyone. She said she wanted to make sure that the video went public and there was no hiding of information. She said because of the work that the police reform group had begun, there were body cameras. Mayor Whaley said there was a process in place on how to release the video, which was done. She said she expected a response from the community. She said everyone deserves to see the rest of the video and everything that happened in the back of the cruiser. She said she appreciates the comments and the City Commission has not shied away from these issues. Mayor Whaley said she is proud of her colleagues for the work that they continue to do. She said the work is not over there is still a lot to do; however, they are committed to making sure that everybody in our community is treated with dignity and respect

Commissioner Joseph said they really need to focus on treating everybody with dignity and respect. He said he is proud of the work his committee has done and implemented by suggesting an independent accountability auditor to investigate incidents like this. He said they would have the power to look at any case, to be in any meeting and to look at any record in order to root out anything that happens. Commissioner Joseph said they have work to do and they are going to get it done.

Commissioner Mims said he is a black man and has spoken with many repeatedly about these issues. He said he understands that they are upset, as is he. When he looks across the nation at the type of treatment that's given to people of color, having rights disrespected, some winding up injured and some losing their lives. He said they try very hard in Dayton and are still trying to combat this issue. He said it's the reason why they put together those committees to address these issues. He said its overdue. Commissioner Mims said they are trying to move the Dayton Police Force into a better position for these types of situation would not happen. He said they would not have the information had it not been for the suggestion of his committee to implement body cameras.

Commissioner Shaw said this situation is very painful and disturbing. He said they have gone through a police reform process and that's just what it is a process. He said its not going to change everything overnight but it's to set up the opportunity for change in the community. He said they have come a long way but have an awful long way to go. Commissioner Shaw said he would urge everyone to be patient. He said they want to get it right. He said again this is a process and as a community they are going to work through this process and make policing in Dayton better and safe for citizens.

Commissioner Fairchild thanked everyone who spoke before the City Commission. He said from the beginning he's known that the success of the police reform work hinges on the quality of relationships that are cultivated between the police and the community. He said an incident like what Mr. Owensby experienced takes them a step back. He said the test of the community is how we work through this strain of the relationship. He said the video feels like a kick to the gut and it hits him personally as a person with a disability.

Commissioner Fairchild said a couple weeks ago he talked about getting an update on where they are in police reform. He said they talked about waiting for the implementation group to conclude their work; however, an update is needed sooner. He said de-escalation was one of the key pieces. He said they learned that in de-escalation officers have the ability to use time, distance and shielding as tactics in the midst of encounters as a way to help de-escalate a situation. Commissioner Fairchild said in the report, they would like to know if those measures were used. He encouraged training around cultural competency and how the disabled are more vulnerable than other people.

The City Manager, Ms. Shelley Dickstein, said “I am aware that there has been substantial community conversation around the incident that occurred between the Dayton Police and Mr. Owensby and that it has gained national attention. Our leadership has repeatedly demonstrated our commitment to transparency and as we process and work to thoroughly understand what occurred, we remain committed to being transparent. It is critical that the community understands our investigative process and likely timeline for review.

The primary purpose of a Professional Standards Investigation is to determine whether the officer’s actions were consistent with departmental policies, procedures, and training. To facilitate this, the assigned detective reviews and documents all available relevant materials. This review is extensive and includes: crime and informational reports, field interview contacts, citations, regional dispatch center records, radio traffic, all video (body worn and cruiser), photos, witness interviews, special reports, citizen complaint forms, criminal history, hospital documentation, medical records, applicable transcripts, training records, and all other relevant documentation.

PSB’s review is detailed and exhaustive in that it will include anything just listed that is relevant to the investigation. Once all relevant materials have been reviewed and analyzed. The detective concludes their investigation by conducting interviews of witnessing officers and involved officer interviews. These interviews are transcribed and then detailed by the detective in their investigative summary. The investigative summary is given to the Professional Standards Bureau Commander (lieutenant). Once the lieutenant reviews it, the investigative findings are drafted and sent to the Deputy Director and Assistant Chief for approval. Once approved, it is sent to the Director and Chief of Police for approval.

Considering the depth of an investigation of this nature and multi-levels of review, this process can and should take time. This is not a quick process because it is a thorough process. As of today, we are just thirteen days from when the interaction occurred, and it will take time to complete the investigation. We anticipate at least an additional 4-6 weeks of necessary review before the investigation is concluded.”

**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. Regina D. Blackshear, had no closing comments.

**COMMENTS BY THE CITY COMMISSION**

**Commissioner Fairchild**

Commissioner Fairchild highlighted events around the city.

Commissioner Fairchild thanked everyone for their donations to Tour de Gem Bicycle ride.

**Commissioner Shaw**

Commissioner Shaw highlighted the Third Street Bridge ribbon cutting.

**Commissioner Mims**

Commissioner Mims invited citizens to continue coming to the City Commission meeting to express themselves.

**Commissioner Joseph**

Commissioner Joseph encouraged everyone to get vaccinated.

Commissioner Joseph said that PaPa Pie was very good.

**ADJOURNMENT**

There being no further business the meeting was adjourned at 9:47 a.m.

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**Nan Whaley**  
**Mayor**

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