On Wednesday, November 3, 2021, at 6:03 p.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**
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 27, 2021, meeting. Commissioner Fairchild seconded the motion. The previous meeting minutes were unanimously approved.

**COMMUNICATIONS AND PETITIONS**
- Communication #21618
  - Handout - American Rescue Plan Target Investment Zones
- Communication #21619
  - Letter from David K. Greer regarding IAA Auditor

**SPECIAL AWARDS/PRESENTATIONS**
Commissioner Mims invited Ms. Elisa Vukasinovich, President of Dayton Chapter of Jack and Jill of America and members to the podium for recognition.

Ms. Vukasinovich said the Dayton Chapter of Jack and Jill of America is the premier organization for the African American family where the focus is on children and putting them first. She said their focus is on civic activities, teaching children about entrepreneurship, cultural activities, and educational activities. She said this is their civic activity that is led by Ms. Ladawn Mims.

Commissioner Mims asked everyone to introduce themselves. He asked Ms. Blackshear to read the proclamation.

**ADDITIONS OR DELETIONS TO THE CALENDAR**
The Clerk of Commission, Ms. Regina Blackshear, requested the addition of Ordinance No. 31933-21-Accepting the Proposed Collective Bargaining Agreement with the Dayton Public Service Union, Local 101 A.F.S.C.M.E. Ohio Council 8 – City of Dayton Chapter; Authorizing the City Manager to Execute Said Agreement and Ordinance No. 31934-21-
Repealing Ordinance 31917-21 Requiring Face Coverings in any Public Indoor Space. She said both item will receive first and second reading.

Mayor Whaley requested the deletion of Ordinance No. 31929-21-for further clarification.

**DISCUSSION OF CALENDAR ITEMS**

*Emergency Ordinance No. 31933-21- Accepting the Proposed Collective Bargaining Agreement with the Dayton Public Service Union, Local 101 A.F.S.C.M.E. Ohio Council 8 – City of Dayton Chapter; Authorizing the City Manager to Execute Said Agreement*  
The City Manager, Ms. Shelley Dickstein, thanked Ms. Ann Sulfridge and Mr. Pete McClendon for their leadership and Mr. Ken Couch, Ms. Dawn Manuel and Mr. Brent McKenzie for their work on behalf of the City of Dayton.

Mayor Whaley thanked Ms. Ann Sulfridge, President of Local 101 A.F.S.C.M.E. Ohio Council 8– City of Dayton Chapter, for her dedication and wished her well on her retirement.

**REPORTS**

1. **Purchase Orders, Agreements and Contracts:**  
   (All contracts are valid until delivery is complete or through December 31st of the current year).

   **AVIATION**
   
   A1. BNC Group USA LLC (crash phone system upgrade and software maintenance renewal)  
       $44,367.00

   **FINANCE**
   
   B1. Friends Service Company, Inc. dba FriendsOffice (office furniture including delivery and installation services)  
       29,186.94

   **FIRE**
   
   C1. Atlantic Emergency Solutions, Inc. (rescue ropes and shore trench kit)  
       28,767.50
   
   C2. Howell Rescue Systems, Inc. (Genesis brand rescue tools, preventative maintenance and repairs as needed through 12/31/24)  
       89,950.00
   
   C3. Montgomery County (radio communication user fees as needed through 12/31/21)  
       68,585.00

   **PUBLIC WORKS**
   
   D1. Garland/DBS, Inc. PO211246 (building gutter repairs)  
       36,202.00
   
   D2. Garland/DBS, Inc. PO211248 (roof repair and replacement including removal and installation services)  
       375,000.00
   
   D3. Graybar Electric Company, Inc. (street lighting poles, materials and related items as needed through 12/31/21)  
       20,000.00
   
   D4. Kendall Electric, Inc. (electrical parts supplies and related items as needed through 12/31/21)  
       40,000.00
   
   D5. Pryor Funeral Home LLC, formerly Greater Dayton Crematory Service (indigent burial services as needed through 12/31/21)  
       10,000.00
D6. Weiffenbach Marble & Tile Company (carpet tiles and related items including removal and installation services) 14,704.00
D7. WESCO Distribution Inc. (street lighting poles, materials and related items as needed through 12/31/21) 30,000.00

WATER
E1. DXP Enterprises Inc. (Vertiflo 720 Duplex Pump and Control System) 31,382.00
E2. WESCO Distribution Inc. (Eaton and Westinghouse electrical parts as needed through 12/31/23) 120,000.00
E3. A-C Equipment Services Corp. (lime kiln maintenance and repair services as needed through 12/31/21) 55,000.00
E4. Univar Solutions USA, Inc. (hydrofluosilicic acid as needed through 12/31/22) 175,000.00
-Depts. of Aviation, Finance, Fire, Public Works, and Water.
Total: $1,168,144.44

2. ARCADIS US, Inc. – Service Agreement - for engineering evaluation, design and construction services for generator installation - Department of Water. $465,000.00 (Thru 12/31/24)

3. Green & Green Lawyers – Service Agreement – for professional services on an “as-needed” basis to assist in the development of Department of Water goals, objectives, and priorities as identified by the City – Department of Water. $150,000.00 (Thru 12/31/23)

B. Construction Contracts:

4. Double Jay Construction, Inc. – Award of Contract – for the Huffman Area Water Main Improvements (10% SBE and 10% MBE Participation Goal/10.01% SBE and 10% MBE Participation Achieved) - Department of Water $1,594,835.00 (Thru 9/30/23)

5. L.J. DeWeese Co. Inc. – Award of Contract – for the Morton Avenue & Garrett Street Water Main Improvements (10% MBE Participation Goal/10% MBE Participation Achieved) - Department of Water $1,012,594.17 (Thru 5/31/23)

CITIZENS’ COMMENTS ON CALENDAR ITEMS
Citizens’ comments on calendar items were received from the following:


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.

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. 31931-21 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. 31932-21- Authorizing the City Manager to Execute a Real Estate Sale Contract, Authorizing the Conveyance of Real Property, 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. 31932-21 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 Resolution No. 6615-21- Authorizing the Acceptance of a Cooperative Agreement with the U.S. Department of State, U.S. Embassy Bosnia and Herzegovina, in the amount of One Hundred and Twenty Thousand Dollars and Zero Cents ($120,000.00) on Behalf of the City of Dayton, 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 Mims, Shaw and Fairchild. The question being shall Emergency Resolution No. 6615-21 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.

Commissioner Joseph said the resolution will give the City of Dayton another grant to welcome students from Bosnia Herzegovina, a sister city to the City of Dayton. He said for over 25 year, since the Peace Accords were signed in 1995, there has been a relationship with them. Commissioner Joseph said this will give students a chance to live with American families and experience the culture.

Emergency Resolution No. 6616-21- Withdrawing the Objection to the Issuance of Liquor Permit No. 0346763, B&B Lounge, 2914 Salem Avenue, Dayton, Ohio 45406, 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. 6616-21 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.

**Emergency Resolution No. 6617-21**- Authorizing the Acceptance of a Grant Award from the Attorney General of Ohio in an Amount not to exceed Thirty-Two Thousand Two Hundred Eighty-Two Dollars and Zero Cents ($32,282.00) on behalf of the City of Dayton, 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. 6617-21 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.

**ORDINANCE – SECOND READING**

Ordinance No. 31930-21- Enacting Sections 112.45 through 112.48 of the Revised Code of General Ordinances to Establish Regulation of Massage Services.

The question being shall Ordinance No. 31930-21 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.

**RESOLUTION – FIRST READING**

Resolution No. 6618-21- Honorarily Naming South Orchard Avenue Between West Third Street and Home Avenue as “John McClendon, Jr. Way.”

**THESE ITEMS WERE ADDED**

**EMERGENCY ORDINANCES – FIRST AND SECOND READING**

Emergency Ordinance No. 31933-21- Accepting the Proposed Collective Bargaining Agreement with the Dayton Public Service Union, Local 101 A.F.S.C.M.E. Ohio Council 8 – City of Dayton Chapter; Authorizing the City Manager to Execute Said Agreement, and Declaring an Emergency.

Commissioner Mims moved that this being an emergency measure for the immediate consideration of the Ordinance. Commissioner Fairchild, 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. 31933-21 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. 31934-21- Repealing Ordinance 31917-21 Requiring Face Coverings in any Public Indoor Space, 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. 31934-21 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.

Mayor Whaley said with the support of Public Health Dayton and Montgomery County they are repealing the ordinance because of the lessening of the variant and the addition of children being able to be vaccinated between the ages of 5 through 11. She said they are still encouraging citizens to wear masks and the City of Dayton’s buildings continue with mask mandates.

CITIZENS’ COMMENTS
Citizens’ comments were received from the following:

1. **Ms. Laura Roesch, 922 W. Riverview Drive** – spoke in support of the Ombudsman’s Office.

2. **Mr. David K Greer, 344 Middle Street** – made general comments about Ordinance No. 31929-21-IAA.

3. **Mr. Christopher Locket, No Address** - made general comments.

4. **Mr. John Lawson, No Address** - spoke about the Linden Center.

5. **Mr. Julio Mateo, 215 Ice Ave.** – made general comments about Ordinance No. 31929-21-IAA.

6. **Ms. Wendy Parker, 41 Livingston Ave.** - spoke about a suboxone clinic in her neighborhood.

Mayor Whaley clarified that Ordinance No. 31931-21 that was pulled would be clarified before moving forward with it.

COMMENTS BY THE CITY MANAGER
The City Manager, Ms. Shelley Dickstein, invited Mr. Nick Terbay, Recreation Program Coordinator, Department of Recreation to the podium for a community update on the 2021 Fall Harvest.

Mr. Terbay said the department of recreation offers an alternative to trick-or-treating called Fall Harvest. He said this year they chose a drive-through style event on October 31, 2021, at the Kettering Field Complex. He said leading up to the event they had local and national news coverage on the drive-through style event. He said they wanted to ensure the safety of both staff and participants.

Mr. Terbay thanked all participants and volunteers.
COMMENTS BY THE CLERK OF COMMISSION
The Clerk of Commission, Ms. Regina D. Blackshear, had no closing comments.

COMMENTS BY THE CITY COMMISSION
Commissioner Shaw
Commissioner Shaw congratulated Mayor-Elect Mims and Commissioner Fairchild on winning their elections.

Commissioner Mims
Commissioner Mims thanked citizens of Dayton for electing him the next Mayor of the city of Dayton, Ohio.

Commissioner Joseph
Commissioner Joseph congratulated Mayor-Elect Mims and Commissioner Fairchild on winning their elections.

Mayor Whaley
Mayor Whaley congratulated Mayor-Elect Mims and Commissioner Fairchild and Commissioner-Elect Turner-Sloss on winning their elections.

ADJOURNMENT
There being no further business the meeting was adjourned at 6:59 p.m.

___________________________________
Nan Whaley
Mayor

Attest: _____________________________
            Clerk of Commission
WORK SESSION
A copy of prepared material has been recorded as Communication & Petition Number 21618 dated November 3, 2021.

The Dayton City Commission met in a Work Session on November 3, 2021, at 4:39 p.m., before the regularly scheduled City Commission meeting. Mayor Whaley, Commissioners Joseph, Mims Shaw and Fairchild were present. Regina D. Blackshear, Clerk of Commission and Ms. Torey Hollingsworth Director, City Commission Office were also in attendance.

Ms. Shelley Dickstein, City Manager, Deputy City Manager Joe Parlette, Deputy City Manager, Ms. LaShea Lofton were in attendance. Diane Shannon, Director, Procurement, Management and Budget and Hillary Browning, Budget and Grant Supervisor, Department of Planning, Neighborhoods & Development were the presenters of the American Rescue Plan Act – Target Investment Zones.

Ms. Shannon began the presentation with background on American Rescue Plan Act. She stated that on March 11, 2021, President Biden signed the $1.9 trillion American Rescue Plan Act (ARPA) into law. Based on a modified CDBG formula, the Local Fiscal Relief section of the bill provides $138 million to the City in two equal installments: the largest grant in the City’s history. On June 2, the City Commission adopted Resolution 988-21-A outlining the City’s intention to invest the proceeds into six investment areas: Neighborhood Investments, Amenities, Major Catalytic Investments, City Organization Projects, as well as funding for Community Proposals and Support for Small Businesses (i.e., External Awards). In keeping with our commitment to accountability and transparency, the City posted an online survey to gather community input on the six investment areas; conducted seven listening sessions across the City; and published a dedicated ARPA web-page.

Ms. Shannon stated that on September 16, the Notice of Funding Opportunity (NOFO) for community proposals was released and publicized, and 10 technical assistance workshops with in-person or virtual office hours were offered to assist the community with completing applications. She said that the application period closed at 5 p.m. on Friday, Oct. 29. A total of 173 applications were received, with funding requests totaling about $308 million.

She noted the three proposal areas consist of: Community Investment (C-ARPA), Small Business & Hospitality (SBH-ARPA) and the Idea Box. Community awards under C-ARPA are intended for projects benefiting the community that may involve single or multiple organizations. Non-profit and for-profit organizations are eligible for Community ARPA awards; however, projects must have a community impact. Small Business & Hospitality ARPA awards are for organizations with a capital improvement project that falls within ARPA guideline, specifically vulnerable sectors, may apply. Special emphasis for awards will also be given to those projects impacting communities most negatively impacted by the pandemic. The Idea Box ARPA awards are ideas and recommendations for use of ARPA funds submitted by individuals, non-profits, or businesses.

Ms. Shannon explained that even before the bill’s passage, the City Manager mobilized the organization to develop a framework, The Dayton Recovery Plan, for this unprecedented funding with the goal of disrupting multi-generational poverty, income, and health disparities. She said that consistent with the Interim Treasury Guidance, criteria for project awards were created that included special focus on Black and Brown businesses and addressing racial equity and inclusion. She said assisting and establishing PEP-certified companies to advance opportunity and wealth creation in historically underserved Black and Brown communities
was a principled value for this funding. She noted the goal of The Dayton Recovery Plan is to create long-term transformational and sustainable impacts in our City, especially in targeted geographies. The Dayton Recovery Plan is being developed using a data-driven approach that analyzes socio-economic, health, and demographic data to make informed funding decisions that benefit minority communities disproportionately impacted by the pandemic while also addressing long-standing economic and social inequities in our city.

Ms. Browning explained the Qualified Census Tract as contained in Pages 21-23; 34; 37-41 in 31 CRF Part 35, ARPA Interim Final Rule saying that generally, ARPA eligibility is limited to mitigating the COVID-19 public health emergency and a handful of other specific uses. However, the ARPA Interim Treasury Guidance deems projects in Qualified Census Tracts, specifically those that address housing, economic issues, mitigate disproportionate harm, address environmental hazards and implement other public benefit programs as expressly eligible. Under section 42(d)(5)(c) of the Federal Revised code, a Qualified Census Tract is any census tract in which at least 50% of households have an income less than 60% of the Area Median Gross Income (AMGI). Many, but not all, Dayton census tracts are Qualified by the Department of Housing and Urban Development.

Ms. Browning also explained the Centers for Disease Control Social Determinants Health as follows: Education Access and Quality, Health Care and Quality; Neighborhood and Built Environment, Social and Community Context and Economic Stability.

Ms. Browning discussed the Census Tract Index Data and Methodology. She said that using the Social Determinants of Health as a guide, two metrics were chosen to represent the five social determinant types. The lowest geographic unit is the Census Tract; the lowest statistical unit is a person. All data is taken from the most recent data release. The data is identified, high level outcomes from Federal data sources, such as the CDC, the Census Bureau, Housing & Urban Development and the US Department of Agriculture.

She continued by stating that the methodology is informed by the EPA Justice Screen, known as EJSCREEN, an aggregate index scoring method created to measure disproportionate harm. One of the hallmarks of EJSCREEN is ensuring a data tool that reflects a balance between simplicity and high-quality data. Each of the ten measures was scored on a 100-point scale and calculated as a percentage compared to the City as a whole. Results were aggregated to create an index for each Census Tract. The index score was analyzed for frequency distribution, then normalized.

Ms. Browning explained the Census Tract Index Results. She said that a “high” numerical value on the index indicates an area that is in the greatest need or is experiencing the highest level of social harm. Raw score average was 106.70; scores were normalized to an average of 100 for simplicity. Of the 56 census tracts in the city, 30 had a score greater than 100. The highest need census tract had a score of 184, which is in the Wolf Creek area. Omitting the area around the airport, the lowest need census tract had a score of 33, the Pheasant Hill neighborhood.

**Take-Aways**
Our commitment to a data-driven approach for the development of The Dayton Recovery Plan resulted in the selection of targeted geographies in West, Northwest, and the tornado-stricken area of Northeast Dayton with the goal of disrupting multigenerational poverty, income, and health disparities. We hope to seed transformational projects, that will incent further
investment and development other federal, state, and local sources, along with the City’s own resources, will be layered to create maximum impact.

The Dayton Recovery Plan data tool provides a useful baseline to track our progress toward transformational and sustainable impacts in these geographies.

Mayor Whaley noted her appreciation for this information regarding ARPA, as the timing for spending these dollars must be within the timeline that has been set by the City Manager.

The Work Session concluded at 5:20 pm.