

On Wednesday, November 20, 2019, at 6:00 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.

INVOCATION

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.

APPROVAL OF MINUTES

Commissioner Mims made a motion to approve the minutes from the November 13, 2019, 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

City Flag

Mayor Whaley invited Ms. Maggie Schaller, Legislative Aide, to the podium to provide an update on the City flag re-design.

Ms. Schaller said the first flag was designed in 1917 by Mabel Griep who was an assistant art teacher at Steele High School. She said she grew up with the Wright Family and played with Katherine at the old bicycle shop. Ms. Schaller said while sketching the design, people thought she was a German spy. She said the blue and orange circles on the flag represents the globe.

Ms. Schaller said in 1958 the Dayton Area Chamber of Commerce opened a city-wide contest for the redesign of the flag. The winners were Michael J. Spahr and Karen Kross whose two designs were combined for the final flag.

Ms. Schaller said the purpose of the redesign is to show representation of who we are as Daytonians. She said for the redesign they will follow the rules put together by the North American Vexillological Association. She said the rules are: to keep it simple, use meaningful symbolism, use two or three basic colors, no lettering or seals, and be distinctive or related.

Ms. Schaller said the process for the redesign of the new flag includes a steering committee made up educational, economic and civic leaders and also local artists. She said submissions must follow the Vexillological Association rules, colors and themes, explanation of the design, designed of the must be US flag 1:1:67 proportions and submitted individually. Ms. Schaller said each person is allowed up to three submissions. She said submission started on October 1, 2019, and will end December 7, 2019, at 11:59 p.m. For more information, please contact Ms. Schaller at 937-333-3644.

Mayor Whaley commended her for her presentation.

Joseph T. Cline Awards

Mayor Whaley asked the City Manager, Ms. Shelley Dickstein, to proceed with a special presentation.

Ms. Dickstein said 35 years ago the Joseph T. Cline Awards were established to celebrate and honor public service. She said there are 1,900 employees representing the City of Dayton. Ms. Dickstein invited Ms. Carrie Dalrymple, Community Relations Program Officer, the Dayton Foundation and Meredith Cline, granddaughter of Joseph T. Cline, to the podium for comments.

Ms. Dalrymple said the memorial award fund was established in 1984 at the Dayton Foundation by Carolynne H. Cline, daughter of the late Joseph T. Cline. She said he was dedicated to the City of Dayton and worked as a volunteer for many civic organizations.

She said the fund was established to encourage civic achievement as evidenced by excellence in performance and dedication to service by the employees of the City of Dayton regardless of rank or position.

Ms. Dalrymple said she received 39 nominations for 30 individuals. She said as detailed in the award criteria, winners were selected by a committee comprised of a city administrative staff persons, three previous Cline award winners, a Priority Land Use Board Member and a Dayton Foundation representative. She said each award winner will receive \$490.00 and a certificate. Ms. Cline gave background information on her grandfather and said he was known as "Lucky Joe". She congratulated the winners of this award.

Ms. Dalrymple introduced the winners of the award: Amy Dunkin, Merritt Colton, Dominicka Kozlowski, Joseph Wiesman, Randy Beane, Stephanie Halfacre, Hilary Browning, Lamonte hall, Jr., Steve Hill, and Keshia Kinney.

The City Commission thanked them for their service.

ADDITIONS OR DELETIONS TO THE CALENDAR

There were no additions or deletions to the calendar.

REPORTS:

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

1. 2019 Purchase Orders:

AVIATION

A1. Oshkosh Corporation dba Oshkosh Airport Products LLC (one Class 5 Aircraft Rescue and Fire Fighting vehicle) **\$833,844.00**

1.

MUNICIPAL COURT

B1. Weiffenbach Marble & Tile Company (carpet and vinyl flooring including removal and installation services through 07-31-22) **35,490.00**

PUBLIC WORKS

C1. CHWR, Inc. dba CHW Mechanical Services (heating, ventilation and air conditioning – HVAC – preventative maintenance and repairs through 04-20-20) **10,000.00**

C2. Grainger, Inc. (electrical parts, supplies and related items through 12-31-19) **20,000.00**

C3. H P Products Corporation (janitorial supplies as needed through 01-31-21) **10,000.00**

C4. Kimmatt Corp. (installation of tempered glass through 03-31-20) **10,000.00**

C5. Roby Services Ltd. (janitorial supplies as needed through 01-31-21) **15,000.00**

C6. Trame Mechanical, Inc. (HVAC preventative maintenance and repair services as needed through 04-20-20) – P1900452 **12,000.00**

C7. Trame Mechanical, Inc. (HVAC preventative maintenance and repair services as needed through 04-20-20) – P1900670 **12,000.00**

C8. Weiffenbach Marble & Tile Company (carpet and vinyl flooring including removal and installation services through 07-31-22) **15,063.00**

WATER

D1. White Allen Chevrolet, Inc. (one full-size four-wheel drive extended cab pickup truck through 03-31-20) **67,900.00**

D2. Femco Holding, LLC (refurbish kiln roller including removal and installation services) **15,250.00**

D3. Kendall Electric, Inc. (electrical parts, supplies and related items through 12-31-19) **40,000.00**

D4. Truck Country of Indiana, Inc. dba Stoops Freightliner (one truck with pump hoist and well maintenance equipment) **230,476.00**

-Depts. of Aviation, Public Works, Water and The Municipal Court.

Total: \$1,327,023.00

2. **2020 Purchase Order:**

RECREATION & YOUTH SERVICES

A1. Green Velvet Sod Farms Ltd. (fungicides, herbicides and insecticides as needed through 12-31-20)

-Dept. of Recreation & Youth Services.

Total: \$40,031.00

3. **BI Incorporated – Service Agreement** – for services rendered to the court for the Electronic Home Detention Program – The Municipal Court/Court Administrator.
\$125,284.00
(Thru 12/31/20)
4. **Complete Computer Support, LLC – Contract Modification** – first renewal option for professional services – Dept. of Central Services/Information Technology. **\$74,897.16**
(Thru 12/31/20)
5. **The Forensic Psychiatry Center for Western Ohio, a Component of Eastway Behavioral Healthcare – Service Agreement** – for Forensic Evaluation Services for defendants charged with criminal offenses – The Municipal Court/Court Administrator.
\$18,000.00
(Thru 12/31/20)
6. **Julian & Grube, Inc. – Service Agreement** – for accounting services and Comprehensive Annual Financial Reporting preparation – Dept. of Finance/Tax & Accounting.
\$321,000.00
(Thru 12/31/22)
7. **Carlene Maynes – Service Agreement** – for the Montgomery County Operating a Vehicle While Impaired (OVI) Task Force Coordination – Dept. of Police.
\$17,000.00
(Thru 09/30/20)
8. **MAXIMUS Consulting Services, Inc. – Service Agreement** – for professional consulting services to review the Cost Allocation Plan and Indirect Cost Rate Plan – Dept. of Finance/Tax & Accounting.
\$27,000.00
(Thru 12/31/20)
9. **Janet Mueller – Service Agreement** – to provide professional support services for the Dayton Mediation Center – Dept. of Planning & Community Development/Mediation Center.
\$24,000.00
(Thru 01/31/22)
10. **SI Partners, Inc. – Service Agreement** – for Concession Consulting Services – Dept. of Aviation/AP Admin. & Finance.
\$64,920.00
(Thru 12/31/20)
11. **VentureComm, LLC – Service Agreement** – to provide support services for the Dayton Mediation Center – Dept. of Planning & Community Development/Mediation Center.
\$60,000.00
(Thru 01/31/22)
12. **Various – Service Agreement** – for the 2020 Operating a Vehicle While Impaired (OVI) Countywide Task Force Agreements:

Centerville	Montgomery County
Huber Heights	Trotwood
Kettering	

-Dept. of Police.

Total: \$69,000.00
(Thru 09/30/20)

B. Construction Contracts:

13. **Capital Electric Line Builders, Inc. – Contract Modification** – for Street Light Replacement Phase 5 Rebid (20% MBE Goal/20% MBE Participation Achieved) – Dept. of Public Works/Civil Engineering. **\$515,000.00**
(Thru 08/28/21)

C. Revenue to the City:

14. **Alcohol, Drug Addiction & Mental Health Services – Service Agreement** – for Memorandum of Understanding for the Specialized Docket Payroll Subsidy Award – The Municipal Court/Court Administrator. **\$50,000.00**
(Thru 06/30/20)
15. **Montgomery County Board of Commissioners – Service Agreement** – for the continuation of Electronic Home Detention Services – The Municipal Court/Court Administrator. **\$300,000.00**
(Thru 12/31/20)
16. **Techmetals – Other** – for a Special Use Permit to install fiber into the public right-of-way at 345 Springfield Street to 39 North Torrence Street – Dept. of Public Works/Civil Engineering. **\$200.00**

CITIZENS’ COMMENTS ON CALENDAR ITEMS

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

1. **Michael Roediger, 456 Belmonte Park North** – spoke in support of Resolution No. 6456-19-Honorarily Naming One Block Portion of Belmonte Park North as DAI Centennial Way.

Mayor Whaley thanked Mr. Roediger for his great leadership at the Dayton Art Institute.

DISCUSSION OF CALENDAR ITEM

There was no discussion of calendar items.

APPROVAL OF CITY MANAGER’S REPORTS

Commissioner Fairchild made the motion to approve the City Manager’s Reports. Commissioner Mims 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. 31762-19- Authorizing the Submission, Acceptance, Acquisition and Purchase of One Hundred Sixteen (116) Properties from Montgomery County, Ohio, and the Subsequent Disposition of those Properties in Connection with the Real Estate Acquisition (“REAP”), 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. 31762-19 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. 31763-19- Amending Section 33.01 of the Revised Code of General Ordinances to Eliminate the Department of Central Services and Create the Department of Information Technology, 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. 31763-19 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. 31764-19- Approving the Recommendations Contained in the City of Dayton Compensation Board Report, Authorizing Its Implementation, 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. 31764-19 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 RESOLUTIONS – FIRST AND SECOND READING

Emergency Resolution No. 6454-19- Approving the Petition and Supplemental Plan for Special Energy Improvement Projects Under Ohio Revised Code Chapter 1710, 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. 6454-19 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. 6455-19- Approving the Necessity of Acquiring, Constructing, and Improving Certain Public Improvements in the City of Dayton, Ohio in Cooperation with the Dayton Regional Energy Special Improvement District, 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. 6455-19 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.

RESOLUTIONS – FIRST READING

Resolution No. 6456-19- Honorarily Naming a One Block Portion of Belmonte Park North as DAI Centennial Way.

Resolution No. 6457-19- Declaring the Intention of the Commission to Vacate the Second Alley South of Stanley Avenue from Valley Street to Brandt Street.

BOARD APPOINTMENT

Commissioner Joseph made a motion to concur with the reappointment of Ford Weber to the Butler Township Dayton Joint Economic Development District Board, representing the City of Dayton, for a term ending November 22, 2023. Commissioner Shaw seconded the motion. The motion was unanimously approved.

CITIZENS' COMMENTS

Citizens' comments were received from the following:

1. **Jamica Garrison, 818 Meredith Street** – spoke about the closing of Premier Health Hospital (Good Samaritan) oversight of EPA Regulations.
2. **Lynn LaMance, 359 Kenilworth Avenue** - spoke about the closing of Premier Health Hospital (Good Samaritan) oversight of EPA Regulations.
3. **David Greer, 344 Middle Street** - spoke about the Contract Compliance Department of the Human Relations Council movement to the Law Department of the City of Dayton.
4. **Mark Donelson, 650 W. Siebenthaler Avenue** – spoke about the upkeep of the Miami Valley Golf Club.
5. **Willie Feaster, No Address** – spoke about the closing of Premier Health Hospital (Good Samaritan).

6. **Nancy Kiehl, 309 Hacker Road-** spoke about the closing of Premier Health Hospital (Good Samaritan) oversight of EPA Regulations.
7. **Bishop Richard Cox, 3044 Jewelstone Drive -** spoke about the closing of Premier Health Hospital (Good Samaritan) oversight of EPA Regulations.
8. **Kenneth Woods, 3324 Delphos Avenue-**spoke about various housing and city issues.
9. **Fred England, 2525 E. Fifth Street-**spoke about a housing issue with a neighbor regarding a fence.
10. **Shenise Turner-Sloss, 1205 Cornell Drive-**spoke about the Contract Compliance Department of the Human Relations Council movement to the Law Department of the City of Dayton.
11. **Kathleen Galt, 5066 Safeway Drive-** spoke about the closing of Premier Health Hospital (Good Samaritan) oversight of EPA Regulations.
12. **Eric Moyer, 1951 Woodbrier Drive-** spoke about the closing of Premier Health Hospital (Good Samaritan) oversight of EPA Regulations.
13. **Jeffrey Moore, 41 Grosvenon Avenue-** spoke about the Contract Compliance Department of the Human Relations Council movement to the Law Department of the City of Dayton.
14. **Al Washington, 1428 Cornell Drive-** spoke about the Contract Compliance Department of the Human Relations Council movement to the Law Department of the City of Dayton.
15. **Joel Thomas-Jones, 33 W. Babbitt Street-** spoke about the marketing video that was not inclusive of the citizens of Dayton.

Mayor Whaley asked the City Manager, Ms. Shelley Dickstein, for an update about the property surrounding the Miami Valley Golf Club located in Harrison Township. She also asked for an update surrounding the six foot fences around the City of Dayton.

Mayor Whaley said there has been no decisions regarding the Contract Compliance Department of the Human Relations Council movement to the Law Department of the City of Dayton.

Mayor Whaley said she would follow-up on issues surrounding storm water issues on Delphos Avenue. Mayor Whaley said the City of Dayton had no editorial rights of the video that was distributed by the Ohio Developmental Services Association. She said it was not a City of Dayton video.

The City Manager, Ms. Shelley Dickstein, said with regards to the Human Relations Council article in the Dayton Daily News, the City of Dayton was waiting for the investigation to be complete before making any recommendations.

Ms. Dickstein said with regards to the update of Premier Health Hospital (Good Samaritan) oversight of EPA Regulations are meeting or exceeding regulatory requirements at the demolition site. She said the EPA, RAPCA and Montgomery County Public Health are the regulatory oversight bodies and the City of Dayton does not oversee demotion removal requirements.

Ms. Dickstein said with regards to the removal of the underground storage tanks which is regulated by the Department of Commerce, State Fire Marshal's Office Bureau of Underground Storage Tank Regulation Buster, has not commenced. She said once the tanks are ready to be removed, the demolition company will contact the proper authorities who will be on site as they are removed.

Commissioner Fairchild asked who has the responsibility to monitor air at the demolition site.

Ms. Dickstein said all three agencies have addressed air quality.

Commissioner Fairchild said he was concerned with the quality of the air and respiratory issues around the demolition site.

COMMENTS BY THE CITY MANAGER

The City Manager, Ms. Shelley Dickstein, said during the 2019 City facilities inspection it was determined that the walkway on the third Floor of City Hall needs to be repaired. She said the walkway will be closed beginning December 4, 2019, for 60 days. All other entrances to City Hall will be opened.

Ms. Dickstein said to comply with the Americans with Disabilities Act, the City of Dayton will temporarily move certain city functions i.e. City Commission meeting, Work Sessions, budget hearings, and water payments to the Dayton Convention Center, in order to facilitate citizen access to City's programs, services and activities. Ms. Dickstein said anyone needing modification to access city services or have questions regarding the move, should contact Brent McKenzie, Deputy Director of Human Resources, at 937-333-4062.

COMMENTS BY THE CLERK OF COMMISSION

The Clerk of Commission, Ms. Rashella Lavender, said the Dayton Convention Center address is 22 East Fifth Street.

COMMENTS BY THE CITY COMMISSION

Commissioner Shaw

Commissioner Shaw thanked Bryan Stewart, Former Legislative Aide, who led the effort to resurface the basketball court at the Greater Dayton Recreation Center.

Commissioner Mims

Commissioner Mims thanked Marlon Shackelford and James Pate who painted the basketball court at the Greater Dayton Recreation Center.

Commissioner Mims highlighted his attendance at the Youth Town Hall meeting.

Commissioner Mims highlighted his attendance at the FROC community dinner.

Commissioner Mims said encouraged citizens to continue to bring their issues before the City Commission.

Commissioner Joseph

Commissioner Joseph highlighted the beginning of a City/County basketball league.

Mayor Whaley

Mayor Whaley congratulated Commissioner Shaw for his work on the Dayton Convention Center collaboration.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:46 p.m.

**Nan Whaley,
Mayor**

Attest: _____
Clerk of Commission