

On Wednesday, April 17, 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 Acting Clerk of Commission, Ms. Ariel Walker, and the City Manager, Ms. Shelley Dickstein, were also present.

APPROVAL OF MINUTES

Commissioner Mims made a motion to approve the minutes from the April 10, 2019, meeting.

Commissioner Fairchild seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

Communication #21391

State of Ohio, Department of Liquor Control – Permit Application D5, Permit #0605544– Belmont Gym LLC dba Belmont Club 638 Watervliet Avenue, Dayton, Ohio 45420.

The Clerk of Commission reported receipt of Permit Application D5 Permit #0605544 – Belmont Gym LLC dba Belmont Club 638 Watervliet Avenue, Dayton, Ohio 45420. The application was referred through the City for investigation.

Communication #21392

State of Ohio, Department of Liquor Control – Permit Application C1 and C2, Permit #0348855– B & G Foodmart Inc., 2141 N Main Street, Dayton, Ohio 45405.

The Clerk of Commission reported receipt of Permit Application C1 and C2 Permit #0348855 – B & G Foodmart Inc., 2141 N Main Street, Dayton, Ohio 45405. The application was referred through the City for investigation.

Communication #21393

State of Ohio, Department of Liquor Control – Permit Application C2, Permit #6840130 – Perfecto V Garcia dba La Tapatia #2, 2721 Linden Avenue, Dayton, Ohio 45410.

The Clerk of Commission reported receipt of Permit Application C2 Permit #6840130 – Perfecto V Garcia dba La Tapatia #2, 2721 Linden Avenue, Dayton, Ohio 45410. The application was referred through the City for investigation.

Communication #21394

Handout at City Commission meeting regarding the Healthcare Justice for West Dayton.

Communication #21395

Handout at the City Commission meeting regarding Macfarlane Park.

SPECIAL AWARDS/PRESENTATIONS

Wright State Project

Mayor Whaley invited Mr. Tyler Rupert, and team from Wright State University, to the podium to provide a community update on the Agents of Change.

Mr. Rupert said Agents of Change is a multi-disciplinary civic agency that engages with the Dayton community to apply design thinking to be active citizens. He said this is learned by power dynamics which means empowering themselves and others to be helpers in their community.

Mr. Rupert said activities they have engaged in are the Living City Project and supporting the Dakota Center. He said a Gem City Day of Hope proclamation was also submitted to recognize those on the road to recovery and those who are affected by drug addiction in the Dayton area.

Mr. Rupert thanked Commissioner Joseph and staff for their help and support throughout the process.

Mr. Rupert said the Agents of Change will continue with a fellowship in the Fall of 2019.

Commissioner Joseph thanked them for their work and said Mayor Whaley signed the proclamation for Hope Day.

Jazz Appreciation Month

Mayor Whaley invited Mr. John Cedrick, Executive Board Member of the Dayton Musicians Association, to the podium to celebrate Jazz Appreciation Month.

Mr. Cedrick said he is representing the Dayton Musicians Association and in support Mr. Eddie Brookshire for his work in the Dayton community by promoting Jazz as a performer and an educator.

The Acting Clerk of Commission, Ms. Ariel Walker, read a proclamation.

Mr. Brookshire thanked the City Commission for the proclamation and said that he has performed all over the United States and Europe. He said most jazz enthusiasts in Europe know about Gilly's Night Club, he said Dayton is everywhere.

Commissioner Mims said he has attended many events where Mr. Brookshire has performed. He said he appreciates his gift. He also acknowledged his wife and said she is a Dayton Public School teacher.

Commissioner Shaw thanked Mr. Brookshire and said when he thinks of Gilly's he thinks of Mr. Brookshire.

ADDITIONS OR DELETIONS TO THE CALENDAR

The Acting Clerk of Commission, Ms. Ariel Walker, requested the addition of the following legislation related to the Arcade Redevelopment Project; Emergency Ordinance Number 31724-19, Determining to Proceed, Emergency Ordinance No. 31725-19-Levying Special Assessments, Emergency Ordinance No. 31726-19-Authorizing Three Cooperative Special Assessment Agreements, Emergency Ordinance No. 31727-19-Declaring the Improvement of Certain Real Property located in the City of Dayton, and Emergency Ordinance No. 31728-19-Authorizing the City Manager to Enter into a Housing Development Agreement with Dayton Housing, LLC.

Ms. Walker also requested the legislation pertaining to the Public Hearing at the request of the Dayton City Commission.

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. Purchase Orders:

POLICE

A1. Motorola Solutions, Inc. (Motorola brand audio and visual equipment) **\$90,699.75**

PUBLIC WORKS

B1. Ozark Materials LLC (roadway paint as needed through 12-31-20) **15,839.28**

B2. Cincinnati Flooring Company (gym floor resurfacing through 10-31-19) **58,500.00**

B3. Sonrai Systems LLC (Radio Frequency Identification – RFID – system with installation services and monthly modem fee) **100,415.00**

1. (Cont'd):

WATER

C1. Siebenthaler Company (landscaping and maintenance services as needed through 04-30-23) **\$80,000.00**

C2. Fairborn Cement Company LLC (Portland concrete as needed through 12-31-19) **10,000.00**

-Depts. of Police, Public Works, and Water.

Total: \$355,454.03

2. **Zan Creative Inc. dba Nova Creative – Service Agreement** – for Marketing Strategies, Media Advertising and Collateral Services – Dept. of Water. **\$75,000.00**
(Thru 12/31/20)

B. Construction Contracts:

3. **Messer Construction Co. – Contract Modification** – for Airport Terminal Modernization Program Phase I.d Amendment (10% SBE/8% MBE/5% WBE Goal) – Dept. of Aviation/AP Admin. & Finance. **\$711,910.00**
(Thru 09/30/19)

4. **Milcon Concrete, Inc. – Award of Contract** – for the Springfield Street Reconstruction Phase II (7% DBE Participation Goal/14.2% DBE Participation Achieved) (Federal Construction Funds) – Dept. of Public Works/Civil Engineering. **\$2,009,928.00**
(Thru 05/22/22)

C. Revenue to the City:

5. **Annunciation Greek Orthodox Church – Contract Modification** – first amendment to continue off-duty police officer services – Dept. of Police. **\$28,233.80**
(Thru 12/31/19)

E. Other – Contributions, Etc.:

6. **Miami Valley Housing Opportunities, Inc. – Other** – for the Continuum of Care Agreement – Shelter Plus Care Tenant-Based Rental Assistance – Dept. of Planning & Community Development. **\$2,178,044.00**
(Thru 04/30/20)

BY THE BOARD OF REVISION OF ASSESSMENTS

7. In the Matter of Declaring the Intention of the Commission to Vacate the Alley East of North Dutoit Street from East Third Street to the Alley North of East Third Street – Recommendation to Proceed.

CITIZENS' COMMENTS ON CALENDAR ITEMS

There were no citizens' comments on calendar items.

DISCUSSION OF CALENDAR ITEM

Calendar Item No. 3 – Messer Construction Co.-Contract Modification

The City Manager, Ms. Shelley Dickstein, invited Mr. Terry Slaybaugh, Director of Aviation, to the podium to give an update on the contract.

Mr. Slaybaugh said this is the fourth amendment to the contract for additional funding for HVAC and lighting work. He said this project will be completed by October 2019 and it is on time and on budget. He said under the title of Constructional Management and Risk, Messer Construction is able to sub-contract with other vendors which in turn gets more participation which helps meet Procurement Enhancement Program (PEP) goals.

Mayor Whaley said it's exciting to see all of the investment coming into the airport.

Emergency Ordinance Number 31724-19, Determining to Proceed, Emergency Ordinance No. 31725-19- Levying Special Assessments, Emergency Ordinance No. 31726-19- Authorizing Three Cooperative Special Assessment Agreements, Emergency Ordinance No. 31727-19-Declaring the Improvement of Certain Real Property located in the City of Dayton, Emergency Ordinance No. 31728-19-Authorizing the City Manager to Enter into a Housing Development Agreement with Dayton Housing, LLC.

Ms. Dickstein said the five items of legislation related to the Arcade Project two of which are for the Dayton Regional Energy Special Improvement District (ESID) and three are for the low income house tax credit. She said they are looking to close on April 24, 2019.

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

ORDINANCE – FIRST READING

Ordinance No. 31723-19- To Vacate the Alley East of North Dutoit Street from East Third Street to the Alley North of East Third Street.

RESOLUTION – SECOND READING

Resolution No. 6404-19-Authorizing the Acceptance of Donation of a Regulation Professional Football Field for the Benefit of and Use by the City of Dayton, Ohio at Triangle Park 2500 Ridge Avenue Dayton, Ohio.

The question being shall Resolution No. 6404-19 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 Resolution was adopted.

THESE ITEMS WERE ADDED

EMERGENCY ORDINANCES – FIRST AND SECOND READING

Emergency Ordinance No. 31724-19- Determining to Proceed With the Acquisition, Construction, and Improvement of 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 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. 31724-19 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. 31725-19- 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 Joseph, Mims, Shaw and Fairchild. The question being shall Emergency Ordinance No. 31725-19 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. 31726-19- Authorizing and Approving Three Cooperative Special Assessment Agreements; 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. 31726-19 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. 31727-19-Declaring the Improvement of Certain Real Property Located in the City of Dayton, Ohio to be a Public Purpose in Connection with the Establishment of a Tax Increment Financing Program Under Revised Code Section 5709.41, Declaring Such Property to be Exempt from Real Property Taxation, Designating Improvements to be made that will Benefit Such Property, Requiring the Owner thereof to Make Service payments in Lieu of Taxes, Authorizing a Service Payment Agreement, Establishing an Urban Redevelopment Tax Increment Equivalent Fund for the Deposit of Such Service payments, 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. 31727-19 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. 31728-19-Authorizing the City Manager to Enter Into a Housing Development Agreement With Dayton Housing, LLC for Property located in the South Dayton Arcade in the City of Dayton, Ohio; 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. 31728-19 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.

PUBLIC HEARING

Mayor Whaley opened the Public Hearing on Plan Board Case PLN2019-00020- regarding the rezoning of 112 South Dutoit Street. She asked Ms. Ann Schenking, Plan Board Secretary, to the podium to present.

Ms. Schenking said this is Plan Board Case PLN2019-00020, which will rezone 1.35 +/- acres at 112 South Dutoit Street and 1.07 +/- acres at the southwest corner of Bacon and south Dutoit Streets from I-5 General Industrial to Urban Business District (UBD). She said the zoning changes will allow the four sites to have the same zoning designation as the rest of the campus. Ms. Schenking said during the Plan Board public hearing, there was unanimous support for this case with a 6-0 vote. She said this request is consistent with the City's comprehensive plan and the intent and purpose of the zoning code.

Ms. Schenking said the City Commission has three decision options, approve the Plan Board recommendation to rezone the site from I-2 to UBD, deny the request by taking no action, or remand the case back to the Plan Board.

Ms. Rachel Bankowitz, Planner II, said the rezoning is being prompted by heavy industrial zoning which is in close proximity to St. Anne's Hill historic district. She said it was established as a historic district in 1972 and has become a desirable place to live. She showed the history of the area in slides.

CITIZENS' COMMENTS ON PUBLIC HEARING

There were no citizens' comments on the public hearing.

Mayor Whaley closed the hearing.

The pleasure of the City Commission is to move forward.

THIS ITEM WAS ADDED

EMERGENCY ORDINANCE – FIRST AND SECOND READING

Emergency Ordinance No. 31729-19-Amending the Official zoning map to Rezone 2.42 +/- Acres Along South Dutioit Street from I-2 to UBD, 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. 31729-19 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.

CITIZENS' COMMENTS

Citizens' comments were received from the following:

1. **Ms. Kathleen Galt, 5066 Safeway Drive** - spoke about the closing of Premier Health Hospital (Good Samaritan).
1. **Ms. Nancy Kiehl, 309 Hacker Road**- spoke about the closing of Premier Health Hospital (Good Samaritan).
2. **Mr. Keith Lander, 429 S. Kilmer Ave.** – spoke about Ohio House Bill 174 regarding the right to carry conceal weapons.

COMMENTS BY THE CITY MANAGER

The City Manager, Ms. Shelley Dickstein, had no closing comments.

COMMENTS BY THE CLERK OF COMMISSION

The Acting Clerk of Commission, Ms. Ariel Walker, had no closing comments.

COMMENTS BY THE CITY COMMISSION

Commissioner Shaw

Commissioner Shaw highlighted his attendance at the Rwanda Genocide Memorial. He also highlighted his attendance at the Dayton Chamber of Commerce annual meeting.

Commissioner Mims

Commissioner Mims highlighted his attendance at a news conference recruiting Dayton Public School students to apply for firefighting opportunities with the City of Dayton.

Commissioner Fairchild

Commissioner Fairchild thanked Pleasant Green Missionary Baptist Church for inviting him to celebrate Pastor Coates 30th Anniversary. He also said the Police and Community Engagement conference will take place at Belmont High School on Saturday, May 4, 2019.

Mayor Whaley

Mayor Whaley highlighted her attendance at Chaminade-Julienne High School's Ohio Historical Marker for Henderson's printing.

Mayor Whaley reminded citizens that the City of Dayton will closed on Friday, April 19, 2019, for the Good Friday holiday.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:44 a.m.

Nan Whaley
Mayor

Attest: _____
Acting Clerk of Commission