

On Wednesday, January 15, 2020, 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. Mayor Whaley asked for a moment of silence for Mr. John R. Smith, American Postal Workers Union, AFL-CIO, on his passing.

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.

APPROVAL OF MINUTES

Commissioner Mims made a motion to approve the minutes from the January 8, 2020, meeting. Commissioner Fairchild seconded the motion. The previous meeting minutes were unanimously approved.

Commissioner Mims made a motion to approve the minutes from the January 10-11, 2020, special meeting. Commissioner Fairchild seconded the motion. The special meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

Communication #21463

State of Ohio, Department of Liquor Control – Permit Application C1, C2, D6 Permit #6806733 – Peoples Choice Market, Inc., 4675 Hoover Ave. Dayton, Ohio 45417.

The Clerk of Commission reported receipt of Permit Application Permit C1, C2, D6 Permit #6806733 – Peoples Choice Market, Inc., 4675 Hoover Ave., Dayton, Ohio 45417. The application was referred through the City for investigation.

SPECIAL AWARDS/PRESENTATIONS

The Forgotten Hidden Heroes Dayton 1913 Flood: “The Untold Story of African American Contribution”
Mayor Whaley invited Mr. Johnnie Freeman, Published Author of *The Forgotten Hidden heroes Dayton 1913 Flood: The Untold Story of African-American Contribution* to the podium to provide a community update.

Mr. Freeman said he is the author and publisher of *The Forgotten Hidden Heroes, Dayton 1913 Flood: The Untold Story of African American Contribution*. He said it tells the story of contributions African-Americans made during the 1913 flood in Dayton, Ohio. He said it is available on Amazon for a reasonable price. Mr. Freeman said it was released in September 2019.

ADDITIONS OR DELETIONS TO THE CALENDAR

The Clerk of Commission, Ms. Rashella Lavender, requested the addition of Informal Resolution No. 974-20-Opposing the Reduction of Dayton Daily News Publication to three Days-a-Week.

Ms. Lavender requested the addition of the legislation implementing the zoning change regarding the public hearing at the desire of the City Commission.

REPORTS:

There were no City Manager’s Recommendations.

CITIZENS’ COMMENTS ON CALENDAR ITEMS

Citizen’s comments on calendar items were received from the following:

1. **Shelley Hulce, 2909 Whittier Avenue-** spoke in support of Informal Resolution No. 974-20-Opposing the Reduction of Dayton Daily News’ Publication to three days-a-week.
2. **Ellis Jacobs, 130 W. 2nd Street-** spoke in support of Informal Resolution No. 974-20-Opposing the Reduction of Dayton Daily News’ Publication to three days-a-week.

3. **Joel Pruce, 232 Park Drive.**- spoke in support of Informal Resolution No. 974-20-Opposing the Reduction of Dayton Daily News' Publication to three days-a-week.

DISCUSSION OF CALENDAR ITEM

Informal Resolution No. 974-20- Opposing the Reduction of Dayton Daily News Publication to three Days-a-Week

Mayor Whaley thanked residents who have been working on this endeavor for the past nine months. She said the City of Dayton has payed attention to the hedge fund that has purchased media in the City of Dayton. She said this gives them great concern. Mayor Whaley said it may seem odd that elected officials are supporting media, but for the local democracy to do well, that voice is needed in the community.

LEGISLATION

EMERGENCY RESOLUTION – FIRST AND SECOND READING

Emergency Resolution No. 6470-20- Amending Resolution No. 6467-19 Which Authorized the City Manager to Accept a Donation of Two (2) Dual Output Gateway North America, Bollard Electric Car Charging Units with One (1) Year of Services Valued at THIRTY-SEVEN THOUSAND THREE HUNDRED NINETY-FIVE DOLLARS AND ZERO CENTS (\$37,395.00), and Declaring an Emergency.

Commissioner Shaw moved that this being an emergency measure for the immediate consideration of the Resolution. 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 Resolution No. 6470-20 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.

ORDINANCE –SECOND READING

Ordinance No. 31786-20- To Vacate Hunter Avenue from Leo Street to Windham Street and the Eastern Eight Feet of the Alley East of Hillrose Avenue from the South Property Line of City Lot #33819 to Windham Street.

The question being shall Ordinance No. 31786-20 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 Ordinance was passed.

THIS ITEM WAS ADDED

INFORMAL RESOLUTION

Informal Resolution No. 974-20-Opposing the Reduction of Dayton Daily News' Publication to Three (3) Days-a-Week and Requesting that Apollo Global Management and Cox Media Ensure that Dayton Residents Continue to Receive Locally Reported Daily News.

Commissioner Mims made a motion to adopt Informal Resolution No. 974-20. Commissioner Fairchild seconded the motion. 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 Informal Resolution was adopted.

PUBLIC HEARING

Mayor Whaley opened the Public Hearing on Plan Board Case PLN2019-00586- repealing Planned Development PD-53 and replacing it with planned Development PD-177 which is developed for SugarCreek. She asked Ms. Ann Schenking, Plan Board Secretary, to the podium to present.

Ms. Schenking said this is Plan Board Case No. PLN 2019-00586, which will repeal PD-53 which is no longer needed since Kroger has closed and replace it with PD-177 and zone all property within PD-177 as EGC Eclectic General Commercial, which is needed by SugarCreek Packing Company.

Ms. Schenking said the Plan Board recommends approval of the PD-177 designation. She said this request is supported by the West Priority Land Use Board and 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 establish the PD-177 and zone all property within PD-177 as EGC Eclectic General Commercial, deny the request by taking no action, or remand the case back to the Plan Board.

Ms. Abigail Free, Planner I, Planning and Community Development, said the development standards for the property listed at 900 Gettysburg Avenue is that SugarCreek Packing Company proposes the use of the building as a warehouse storage facility (indoor) with offices and a training facility.

Ms. Free said the land use will be zoned for Eclectic General Commercial, light manufacturing, and warehouse sale and/or distribution (indoor). She said the existing trees will remain, and there is new ornamental seven foot fencing along Gettysburg Avenue and on the sides. She said there is chain link fencing on the side and in the rear of the building as well.

Ms. Free said there is no new construction proposed at this time. She said in the future, if new construction is desired, then major site design review will be required.

Ms. Free invited Mr. Pete Tamborski, General Counsel for SugarCreek Packing Company, and Mr. Ean Harris, Real Estate Acquisition, to the podium for clarification.

Mr. Tamborski said SugarCreek Packing Company has equipment stored in Iowa that they would like brought to Ohio; however, they need a place to store it. He said all the equipment will be repaired by mechanics and maintenance people located in Dayton, Ohio. He said SugarCreek may come back before the City Commission and ask for additional development opportunities.

Mr. Tamborski said on behalf of Mr. John Richards, Owner of SugarCreek Packing Company, that he is committed to the neighborhood and look forward to future endeavors.

Mayor Whaley said she appreciates Mr. Richards commitment to the neighborhood and the growth that seen there.

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. 31789-20-Amending the official Zoning Map to Repeal Existing Planned Development PD-53, Replace It with Planned Development PD-177, and Zone All Properties within the Boundaries of PD-177 EGC Eclectic General Commercial, 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. 31789-20 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.

CITIZENS' COMMENTS

Citizens' comments were received from the following:

1. **Willie Feaster, No Address**- thanked Commissioner Fairchild for his help and apologized for the way he spoke to him and his wife.
2. **Nancy Kiehl, 309 Hacker Street** - spoke about hazardous waste oversight at the old Good Samaritan Hospital site.
3. **Anthony Hubbard, 4103 E. 4th Street** – made general comments.

COMMENTS BY THE CITY MANAGER

The City Manager, Ms. Shelley Dickstein, invited Chief Jeff Payne, Dayton Fire Department, to the podium to be recognized for his retirement.

Ms. Dickstein said Chief Payne was hired on January 23, 1989, and was promoted to Lieutenant on June 29, 1996, Captain on March 8, 2002, Assistant Chief on October 27, 2008, and promoted Director and Chief on February 24, 2014.

Chief Payne served in the U.S. Marine Corps until February 13, 1988, when he received an honorable discharge.

Chief Payne received his Associates Degree from Sinclair Community College in November 2009, his Bachelor's Degree from Franklin University in August of 2012, and his Master's from the Naval Post-graduate School in Monterey, CA in September 2014.

Ms. Dickstein said while assigned to the TC 2002-2004, he oversaw the construction of the new burn building and the renovations of the 40 year old burn tower.

Chief Payne was the lead instructor for the 2006A Fire recruit class, and is the sponsoring agency chief for OHTF-1 from 2013 until the present. He was appointed to the FEMA Strategic Group for the Urban Search and Rescue representing all of the eastern Division Task Forces in the National System.

Chief Payne has been married for over 31 years and has two sons, one is in medical school, and the other is a public safety officer for the City of Oakwood. He has two grandchildren.

Mayor Whaley and the City Commission thanked Chief Payne for his service to the Dayton Community and wished him well.

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 reminded citizens of the events around the Dr. Martin Luther King holiday in the City of Dayton.

Commissioner Shaw

Commissioner Shaw highlighted his participation in the television show *In The Spotlight* hosted by Commissioner Mims.

Commissioner Shaw said the Dayton AFL-CIO and the Dayton Building and Construction Trades are accepting applications now for an apprenticeship program which will begin on March 2, 2020. He said it is a free program and will run for six weeks. He said applications are available in the City Commission Office.

Commissioner Shaw thanked Mayor Whaley for her moment of silence commemorating the life of Mr. John R. Smith.

Commissioner Mims

Commissioner Mims highlighted his show *In the Spotlight* which will showcase the Dayton AFL-CIO and the Dayton Building and Construction Trades jobs.

Commissioner Mims highlighted taking young men to the movie *Just Mercy* free of charge to all who attend. He said if citizens are interested in attending contact his office at 937-333-3641.

Commissioner Mims commemorated the passing of Mr. John R. Smith.

Commissioner Joseph

Commissioner Joseph thanked SugarCreek Packing Company for hiring local citizens.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:00 p.m.

Nan Whaley
Mayor

Attest: _____
Clerk of Commission