

On Wednesday, January 18, 2023, at 6:00 p.m., the Dayton City Commission met in regular session in the Commission Chambers of City Hall.

CALL TO ORDER

The Acting Chairperson, Commissioner Joseph, called the meeting to order.

INVOCATION

Commissioner Turner-Sloss gave the invocation.

PLEDGE OF ALLEGIANCE

The Acting Chairperson, Commissioner Joseph, led the public in the Pledge of Allegiance.

ROLL CALL

Roll call was taken, and Commissioners Joseph, Shaw, Fairchild and Turner-Sloss were present. The Clerk of Commission, Ms. Regina Blackshear and the City Manager, Ms. Shelley Dickstein were also present.

Commissioner Shaw made a motion to excuse Mayor Mims from this week's meeting. Commissioner Fairchild seconded the motion. The motion was unanimously approved.

APPROVAL OF MINUTES

Commissioner Shaw made a motion to approve the minutes from the January 11, 2023, meeting. Commissioner Fairchild seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

Communication #21763

Email from Matthew Dunn – Parking on curbs, sidewalks and tree lawns.

Communication #21764

Various Email – Intersection takeovers.

SPECIAL AWARDS/PRESENTATIONS

There were no awards or presentations.

ADDITIONS OR DELETIONS TO THE CALENDAR

The Clerk of Commission, Ms. Regina Blackshear, requested the addition of legislation pertaining to the public hearing at the desire of the Commission.

DISCUSSION OF CALENDAR ITEMS

Calendar Item No. 2. App Architecture, Inc. – Service Agreement

The City Manager, Ms. Shelley Dickstein, said the agreement is for renovating floors at City Hall to create efficiencies in the building.

Calendar Item No. 3. The Chicken Spot, LLC – Grant Agreement

The City Manager, Ms. Shelley Dickstein, said the agreement will create a drive thru space on the adjacent lots at 865 North Main Street. She invited Chef Anthony Head, Executive Owner of The Chicken Spot LLC, to the podium for comments.

Chef Head said he was proud of the City of Dayton and its selection process and now he wanted to make the City of Dayton proud of him and his successes.

Calendar Item No. 4. Mount Enon Missionary Baptist Church -Grant Agreement

The City Manager, Ms. Shelley Dickstein, said the grant agreement is for work that will be done at Mission House and for capital equipment. She invited Pastor Cory Pruitt, Pastor of Mt. Enon Missionary Baptist Church, to the podium for comments.

Pastor Pruitt said they have done their best to serve their community pre COVID-19 but since then they have lost members and weren't able to carry on as before. He thanked the City Commission for their contribution to Mission House which is a converted apartment building used to serve the community.

Calendar Item No. 5. Good Neighbor House -Grant Agreement

The City Manager, Ms. Shelley Dickstein, said the grant will help ensure continuity for the dental clinic that is located at the Good Neighbor House. She invited Ms. Michelle Collier, Executive Director of Good Neighbor House and Mr. Ryan Todd, Development Specialist, Good Neighbor House, to the podium for comments.

Ms. Collier said the grant agreement will be used for a generator and a milling machine in the dental office to service more of the community.

Ordinance No. 32008-22 -Second Reading

The City Manager, Ms. Shelley Dickstein, said the ten-year 75 percent Tax Increment Financing (TIF) will support the construction of 46 homes that will attract investment to the city. She invited Mr. Lance Oaks, Developer, to the podium for questions and comments.

Commissioner Turner-Sloss thanked staff for their contribution towards the time to answer questions that she posed. She asked about the relationship and partnership with the builders in the area.

Mr. Oaks said there are about 19 lots that have been developed and built. He said there are 15 parcels near the site that he bought and has since sold.

Commissioner Turner-Sloss asked about the homes sold to Arbor Homes and any subsidies provided.

Mr. Oaks said it was a straightforward residential transaction deal.

Commissioner Turner-Sloss asked about the price range for the homes

Mr. Oaks said the price range is \$275K to \$350K.

Commissioner Turner-Sloss asked about low to median households and the affordability to them of his homes.

Mr. Oaks said he doesn't know how to market to those individuals in today's market.

Commissioner Turner-Sloss thanked all citizens who spoke on ARPA funding. She said there were several questions and concerns that were raised as it relates to Ordinance No. 32008-23 in regard to the development for the River Ridge area. She said she wanted to be clear that it is her hope that moving forward there will be a clear process and that they are able to identify when in fact these tools will be used that the process is clear and that as the legislative body have the necessary information in a timely manner to do our due diligence and make well-informed decisions.

Commissioner Turner-Sloss said her concern was the ambiguity and terms that were used and the time determining the use in the justification for utilizing the TIF. She said they classified and determined that this area was deemed as a blighted area. Commissioner Turner-Sloss said additional work is needed to make sure that they are clear in their process. She said the legislation does not define nor spell out green space for infrastructure.

Commissioner Turner-Sloss said she is sensitive to Mr. Oaks points they are in some challenging times; inflation is through the roof and housing is a priority of this body. She said they are dealing with a housing crisis across the country. Commissioner Turner-Sloss said she is asking that in the future, whenever these tools are being used, that the City Commission have the necessary information in a timely manner with details spelled out. She asked if the Law Department could comment on the issue.

Ms. Dickstein said outside counsel is used to provide expertise on public finance and development. She said it was aligned with the Ohio Revised Code (O.R.C.) and how blight properties are defined. She said Dayton is doing exactly what other municipalities do to try to attract investment and they do need market rate and affordable housing. Ms. Dickstein said the City of Dayton will not have any liability risk. She said the economic development staff is scrupulous when looking into these types of projects, however, the TIF and tax abatements are important for attracting investment that the City needs but still being responsible stewards of the public trust.

Commissioner Turner-Sloss said she appreciated the information from Ms. Dickstein and said she looks forward to the support of her colleagues to make sure the processes are in place to vet necessary information to complete their due diligence in a timely manner. She said even though they say past practices it doesn't mean they are the best or right practices, and they cannot continue operating business as usual.

Commissioner Joseph said the main issues are what qualifies them to use the Tax Increment Financing (TIF). He said he looked at the language and some things have been left out but Commissioner Turner-Sloss is asking how staff chooses to use the TIF and the guidelines. He said that is something they could discuss and learn more about.

Resolution No. 6704-23- Adopting the Comprehensive Plan Entitled “Dayton Forward: 2040 Comprehensive Plan.”

Commissioner Turner-Sloss thanked the Planning Neighborhoods and Development for their work on the comprehensive plan. She asked for an analysis on how the plan is doing and how they will measure the goals. She said the 2020 plan was the last plan and she would like to know what was and was not accomplished.

Commissioner Fairchild asked what the process is for changing the 2040 Comprehensive Plan.

Ms. Dickstein said all land use plans which are apart of the Comprehensive Plan have goals, outcomes and projects that are split into priorities with timelines. She said they even go into detail about the lead and possible funding sources. She said she is asking staff to make sure they have applied the equity measurements.

Commissioner Fairchild asked how they get an inclusionary housing policy in place. He asked would it be included in the 2040 Comprehensive Plan or would it be separate.

Ms. Dickstein said they will have a comprehensive development policy by mid-year and the inclusionary housing policy would be added to the 2040 Comprehensive Plan.

Commissioner Shaw thanked Ms. Dickstein and said they have a robust process in place that includes housing for everyone. He said he was able to converse with outside council on the elements of TIF. He said he wanted to make sure they are encouraging development instead of putting up barriers.

Commissioner Fairchild said it was never offered to him to speak with outside council regarding the TIF.

Commissioner Shaw said he did homework on his own and wanted to make sure he was up to speed on the intricacies of TIF.

Ms. Dickstein recommended a work session or presentation in order for everyone to hear about TIF from the experts.

REPORTS

1. Purchase Orders, Agreements and Contracts:

(All contracts are valid until delivery is complete or through December 31st of the current year).

INFORMATION TECHNOLOGY

A1. Cadre Computer Resources Company (checkpoint compliance and professional services as needed through 12/31/26) **\$469,736.60**

PUBLIC WORKS

B1. Southeastern Equipment Company – P0230600 – rear flail and right-hand interstate flail mower as needed through 12/31/23) **\$55,474.40**

B2. Southeastern Equipment Company – P0230601 – rear flail mower as needed through 12/31/23) **10,696.15**

WATER

C1. Utilities Instrumentation Services – Ohio (medium voltage electrical systems inspection and maintenance services as needed through 12/31/23) **20,000.00**

-Depts of Information Technology, Public Works, and Water.

Total: \$555,907.15

2. App Architecture, Inc. - Service Agreement – Dayton Recovery Plan – for design and construction administration services to fully renovate the fourth and sixth floors at City Hall and facility-wide HVAC improvements -Department of Public Works/Property Management. **\$405,146.00**
(Thru 07/01/26)

3. The Chicken Spot, LLC – Grant Agreement – Dayton Recovery Plan – for site acquisition, architectural plans, surveys, permits, vacation of right of ways, interior design, outside façade improvements, parking lot resurfacing and lighting – City Manager’s Office. **\$178,100.00**
(Thru 12/31/26)

4. **Mt. Enon Missionary Baptist Church – Grant Agreement-** Dayton Recovery Plan – to renovate the property being used for Mission House - Department of Human Resources. **\$45,500.00**
(Thru 12/31/26)

5. **Good Neighbor House– Grant Agreement** -to procure and install a building back-up generator system to ensure that the Dental Clinic remains powered, and all services will continue in the event of a grid outage, providing maximum community benefit from the capital project upgrades over the coming years. – Department of Human Resources. **\$200,000.00**
(Thru 12/31/26)

E. Other – Contributions, Etc.:

6. **Ohio Municipal League – Other** – 2023 membership dues - Department of Procurement, Management and Budget. **\$10,832.00**
(Thru 12/31/23)

CITIZENS’ COMMENTS ON CALENDAR ITEMS:

Citizen comments on calendar items were received from the following:

1. **Ms. Valerie Duncan, 523 Hayden Ave.** – spoke about the ARPA grant funding and its availability to various organizations.

2. **Ms. Victoria McNeal, 107 Neal Ave.** – spoke in support of the ARPA grant funding.

APPROVAL OF CITY MANAGER’S REPORTS

Commissioner Shaw made the motion to approve the City Manager’s Reports. Commissioner Fairchild seconded the motion. The City Manager’s Reports were approved with a 4-0 vote. Voting in the affirmative were Commissioners Joseph, Shaw, Fairchild and Turner-Sloss.

LEGISLATION

EMERGENCY RESOLUTION – SECOND READING

Emergency Resolution No. 6703-23- Objecting to the Issuance of Liquor Permit No. 1414535, Check Your Head LLC, 438 E. 5th Street, Dayton OH 45402, and Declaring an Emergency.

The question being shall Emergency Resolution No. 6703-23 be adopted. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Commissioners Joseph, Fairchild and Turner-Sloss. The Emergency Resolution was adopted.

ORDINANCE – FIRST READING

Ordinance No. 32019-23- Consenting to the Guardrail Replacement on SR 444 0.435 to 0.446, 0.535 to 0.546 and on Terminal Drive MR 5093 1.725 to 1.735 in the City of Dayton, and Agreeing to Cooperate in Matters Incidental Thereto, Including the Execution of Agreement Necessary to Implement this Ordinance.

ORDINANCE – SECOND READING

Ordinance No. 32008-23- Declaring the Improvement Of Certain Real Property Located in the City Of Dayton, Ohio to Be A Public Purpose; Designating Specific Public Infrastructure Improvements That, Once Made, Will Benefit the Parcels for Which Improvement Is Declared to Be A Public Purpose; Creating the Riva Ridge Extension Incentive District Within the City; Declaring the Improvements to Real Property Within the Incentive District to Be A Public Purpose; Exempting Seventy-Five Percent of the Value of Such Incentive District Improvements From Real Property Taxation For A Period of Ten Years; Requiring the Owners of Parcels for Which Improvements Are Declared to Be A Public Purpose to Make Annual Service Payments In Lieu of Taxes During the Period of Exemption; Describing the Public Infrastructure Improvements Made or to Be Made to Directly Benefit the Parcels for Which Improvements Are Declared to Be a Public Purpose; Establishing a Municipal Public Improvement Tax Increment Equivalent Fund For the Deposit of Such Service Payments; Authorizing the Execution of a Tax Increment Financing Agreement; Approving Related Matters, and Declaring an Emergency.

The question being shall Ordinance No. 32008-23 be passed. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Commissioners Joseph, Fairchild and Turner-Sloss. The Ordinance was passed.

RESOLUTION – FIRST READING

Resolution No. 6704-23- Adopting the Comprehensive Plan Entitled “Dayton Forward: 2040 Comprehensive Plan.”

BOARD APPOINTMENT

Commissioner Fairchild made a motion to reappoint Katherine Arnette, Timothy Pritchard and Hillery Spearman to the Environmental Advisory Board a term ending November 27, 2025. Commissioner Shaw seconded the motion. The motion was unanimously adopted.

PUBLIC HEARING

The Temporary Chairperson, Commissioner Joseph, opened the Public Hearing on Plan Board Case PLN2022-00410 zoning map amendment by Ohio P&R Holdings LLC. He asked Ms. Dickstein to proceed. Ms. Dickstein invited Mr. Tony Kroeger, Division Manager, Planning, Neighborhoods and Development, to present.

Mr. Kroeger said this is Plan Board Case PLN2022-00410 a zoning map amendment request by P& R Holdings LLC to apply a Planned Development Overlay for 2.32 acres at the southeast conner of North Main and Hershey Streets.

Mr. Kroeger gave an overview of maps and indicated boundaries of the subject area proposed to be rezoned. He said the Planned Development would allow for the construction of a car wash, attached single-family dwellings, and detached single family dwellings.

Mr. Kroeger said the Northeast Central Land Use Board unanimously recommended approval of the request and that Victoria McNeal, President of the Riverdale Neighborhood Association had no objections to the request. He said the Plan Board voted unanimously to approve the recommendation finding that the zoning map amendment met the required standards. The City Commission can approve the Plan Board recommendation, remand the case to Plan Board or deny the request.

Commissioner Turner-Sloss asked if they had a conversation to alert the car dealership of the planned development.

Mr. Kroeger said if they were within 300 feet they were notified.

Commissioner Turner-Sloss asked about traffic concerns for the future development.

Mr. Kroeger said everyone was satisfied with the traffic circulation. He invited Mr. Todd Pultz, Property Owner, to the podium for further clarification.

Mr. Pultz said the Planning Neighborhoods and Development team have been great to work with. He said he has a passion for the City of Dayton and the surrounding communities. Mr. Pultz said they have rehabbed and rehabilitated hundreds of homes and apartments. He said they have invested in every corner of the City of Dayton. Mr. Pultz said they came with an urban concept for a car wash and four town homes for the community.

Commissioner Turner-Sloss asked about the price points for the townhomes and if they will build the carwash first and then the townhomes.

Mr. Pultz said they would begin with the carwash then upon completion would begin with the townhomes.

CITIZENS' COMMENTS ON THE PUBLIC HEARING

Citizen comments on the public hearing were received from the following:

1. **Ms. Victoria McNeal, 107 Neal Ave.** – spoke in support of the zoning amendment.

The Temporary Chairperson Commissioner Joseph closed the hearing.

The pleasure of the City Commission is to move forward.

THIS ITEM WAS ADDED

ORDINANCE- FIRST READING

Ordinance No. 32020-23-Amending the Official Zoning Map to Establish Planned Development-185 for 2.32 Acres at the Southeast Corner of North Main and Hershey Streets.

CITIZENS' COMMENTS

Citizen comments were received from the following:

1. **David Greer, 344 Middle St.** – read a letter of encouragement to the Dayton City Commission.
2. **Kraig Robinson, 145 Warren St.** – spoke in support of Fire Station 10 which supports the Northwest community.
3. **George Dunning, 1740 S. Erie Blvd.** – spoke about a water issue with a property he purchased.
4. **Dr. Kimaru Wa-Tenza, 1200 W. Grand Ave.** – spoke about demolition of property in the City of Dayton and the lack of diversity. He thanked Commissioner Fairchild and Turner-Sloss for the stance on the 2023 Budget for the City of Dayton.
5. **Mr. Luke Chen, 104 E. Third St.** – spoke about a billboard sound close to his home that is annoying.
6. **Mr. Willie Feaster, No Address** – spoke about homicides in the City of Dayton.

COMMENTS BY THE CLERK OF COMMISSION

The Clerk of Commission, Ms. Regina Blackshear, had no closing comments.

COMMENTS BY THE CITY MANAGER

The City Manager, Ms. Shelley Dickstein, said there were honing incidents that happened around the City of Dayton. She invited Major Jason Hall, Dayton Police Department, to the podium for a community update.

Major Hall said he was asked to speak about the dangerous behavior as it relates to dangerous driving that was seen over the weekend. He said Honing is an aggressive dangerous showcase of driving. He said they have seen an increase of this type of driving since 2020. Major Hall said a large part of these vehicles are stolen therefore care is usually lacking.

Major Hall said they have been successful on Gettysburg Ave. due to the environmental changes. He said on Saturday at 1:00 a.m. in the morning the incident involving several vehicles took place. He said approximately 15 Dayton police officers responded downtown.

Major Hall said the responses are a collaboration with Montgomery County Sheriff's Office, Trotwood Police Department, and Ohio State Highway Patrol. He said they have designated overtime detail to prevent known events, strict enforcement when apprehended, photo enforcement trailers and proposed legislation changes.

COMMENTS BY THE CITY COMMISSION

Commissioner Turner-Sloss

Commissioner Turner-Sloss thanked presenters and citizens for voicing their concerns at the meeting.

Commissioner Turner-Sloss said the presentations on housing development exemplifies why it is important that policy is needed to make sure of the protection of residents in the City of Dayton. She said due to challenges in the area, inclusionary zoning is needed to make sure that decent and affordable housing.

Commissioner Turner-Sloss asked for an update on ARPA funds and their distribution

Commissioner Fairchild

Commissioner Fairchild highlighted various events happening around the city, the Public Hearing for the City of Dayton budget and the Wright State University's Black Student Union "Know Your Rights".

Commission Fairchild thanked citizens for voicing their concerns at the meeting.

Commissioner Shaw

Commissioner Shaw said there are great job opening is for the City of Dayton

Commissioner Joseph

Commissioner Joseph thanked Dr. Anthony Whitmore for his work on the Dr. Martin Luther King celebrations on Monday.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:18 p.m.

Jeffrey J. Mims, Jr.
Mayor

Attest: _____
Clerk of Commission