

On Wednesday, January 20, 2021, at 6:00 p.m., the Dayton City Commission met in regular session, remotely through electronic means, at City Hall.

CALL TO ORDER

Mayor Whaley called the meeting to order. She said due to the current COVID-19 order, we are conducting the meeting remotely through electronic means. To protect the safety of the community, during the state of emergency related to COVID-19, in-person citizen comments will be suspended for City Commission Meetings.

Citizens interested in making public comment related to calendar items, are asked to do so in writing. Items related to a calendar item will be included in the meeting records under Communications and Petitions.

Citizens who wish to make the City Commission aware of an issue not related to the Commission Meeting Calendar, may also do so. These items will be distributed to the Dayton City Commission for reference.

For complete information on how to submit a comment, please visit daytonohio.gov/CoronaResources or call 937-333-3636.

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 Acting City Manager, Mr. Joe Parlette, were also present through electronic means.

APPROVAL OF MINUTES

Commissioner Mims made a motion to approve the minutes from the January 13, 2021, 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

There were no special awards or presentations.

ADDITIONS OR DELETIONS TO THE CALENDAR

The Clerk of Commission, Ms. Rashella Lavender, requested the addition of Calendar Item No. 4.A-Palisades Arcadia Baseball LLC dba Dayton Professional Baseball Club LLC-Contract Modification, Emergency Ordinance No. 31860-21- Authorizing the Sale of Certain Real Estate located at 2100 McCall Street to McCall Acquisitions, LLC and Emergency Resolution No. 6563-21- Authorizing the City Manager to enter into an Intergovernmental Agreement between the City of Dayton and Montgomery County, Ohio. She said the ordinance and resolution would receive first and second readings.

Ms. Lavender also requested the addition of the legislation implementing the zoning change pertaining to the public hearing at the pleasure of the Commission.

REPORTS

1. Purchase Orders:

AVIATION

A1. Comptech Computer Technologies, Inc. (temporary staffing services as needed through 12-31-23) **\$60,000.00**

FINANCE

B1. State of Ohio Treasurer (financial and auditing services as needed through 12-31-21) **159,920.00**

1. (Cont'd):

INFORMATION TECHNOLOGY

C1. Vermont Systems, Inc. (annual software maintenance and support services) **\$10,648.00**

POLICE

D1. Healthcare Claims Solutions, Inc. (professional third party administration services as needed through 12-31-21) **50,000.00**

D2. State of Ohio (Law Enforcement Automated Data Services as needed through 12-31-21) **15,000.00**

WATER

E1. SAP Public Services, Inc. (annual computer software maintenance and support services) **16,374.60**

E2. The Safety Company LLC dba M Tech Company (sewer cleaning, maintenance, repair and supplies as needed through 12-31-21) **20,000.00**

E3. Xylem Water Solutions USA, Inc. (Flygt pump service and repairs as needed through 12-31-24) **75,000.00**

-Depts. of Aviation, Finance, Information Technology, Police, and Water. **Total: \$406,942.60**

2. **Axon Enterprise Inc. – Contract Modification** – second amendment for in-car cameras – Dept. of Police. **\$2,389,728.00**
(Thru 12/31/23)

3. **OpenGov Inc. – Contract Modification** – for renewal and amendment for the City’s web-based financial data portal, Dayton Open Data – Dept. of Procurement, Management & Budget. **\$47,066.67**
(Thru 06/01/22)

4. **SJN Data Center LLC DBA Encore Technologies – Service Agreement** – to provide remote tier one technology help desk user support – Dept. of Central Services/Information Technology. **\$20,928.00**
(Thru 12/31/21)

THIS ITEM WAS ADDED

4A. **Palisades Arcadia Baseball LLC, dba Dayton Professional Baseball Club LLC – Contract Modification** – first amendment to lease agreement – Dept. of Economic Development. **\$300,000.00**

CITIZENS’ COMMENTS ON CALENDAR ITEMS

Citizens’ comments were suspended for the meeting.

DISCUSSION OF CALENDAR ITEMS

Calendar Item No. 2. Axon Enterprise Inc.-Contract Modification

The Acting City Manager, Mr. Joe Parlette, said due to reform group recommendations they thought it best to add body cameras with the vendor already selected for other work. He said additionally, the contract will upgrade the database platform.

Commissioner Mims said the recommendation of this calendar item came from his committee who felt strong about the issue across the nation stemming from use of force incidents of citizens who are unarmed and are unfortunately injured or killed.

Commissioner Joseph said as this legislation was drafted he wanted to give residents an update on work that they are doing. He said as they consider how surveillance technology can benefit the process, they also want to review what the introduction of new technologies can mean for privacy and particularly how that data is collected and secured. He said this commission recognizes there are valid concerns about privacy and data. Commissioner Joseph said there are three ways they are working to mitigate those concerns. First, working with groups to write and pass legislation that clearly defines how surveillance technology can be purchased. Second, strengthening rules around data collection by this technology. Last, do a better job of communicating with residents about potential new technologies being considered. He said in the next few months, they will work with neighborhood groups and presidents on notification, education and feedback.

Calendar Item No. 4.A-Palisades Arcadia Baseball LLC dba Dayton Professional Baseball Club LLC-Contract Modification

The Acting City Manager, Mr. Joe Parlette, said another 30 years of baseball has been secured in the City of Dayton. He said major league baseball is working to refine minor league baseball in order for the quality of the leagues to be the same.

Mayor Whaley congratulated staff and Dayton Dragons Baseball for their work on this contract.

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 RESOLUTION –FIRST AND SECOND READING

Emergency Resolution No. 6562-21 – Objecting to the Issuance of Liquor Permit No. 60766850015, Modern Food & Gas LLC, 2951 Salem Ave., Dayton, OH 45406, 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. 6562-21 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.

THESE ITEMS WERE ADDED

EMERGENCY ORDINANCE –FIRST AND SECOND READING

Emergency Ordinance No. 31860-21- Authorizing the Sale of Certain Real estate located at 2100 McCall Street to McCall Acquisitions, LLC for Economic Development Purposes, 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. 31860-21 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 –FIRST AND SECOND READING

Emergency Resolution No. 6563-21-Authorizing the City Manager to enter into an Intergovernmental Agreement between the City of Dayton an Montgomery County, Ohio 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. 6563-21 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.

PUBLIC HEARING

Mayor Whaley opened the Public Hearing on Plan Board Cases PLN2020-00490 and PLN2020-00491 to rezone 2013-2027 and 2101 E. Fifth Street from Transition (T) to Mature Neighborhood Commercial (MNC). The site shall retain its HD-2 historic district overlay.

She asked Mr. Parlette to proceed. Mr. Parlette invited Mr. Tony Kroeger, Division Manager, Planning and Community Development, and Ms. Jennifer Hanauer, Planner I, Planning and Community Development, to present.

Mr. Kroeger said this hearing is to rezone two properties at Fifth and Huffman Streets but for the purposes of zoning, they are essentially continuous to one another. He said it was two different cases at Plan Board but combined for the purpose of doing it right comprehensively and looking at the two properties together. He asked Ms. Hanauer to proceed.

Ms. Hanauer said the applicants Mr. and Mrs. Evan and Aspasia Bambakidis request a zoning map amendment from Transitional (T) to Mature Neighborhood Commercial (MNC) for 2013 to 2101 E. Fifth Street in the Huffman neighborhood, which has an HD-2 historic overlay and lies within the Historic Inner East planning district. The amendment is requested in order that the property may host additional uses not permitted in Transitional districts, such as retail, restaurants, and bed and breakfasts. She said the property is surrounded by Mature Single-family Residential (MR-5) to the north and east, Open Space (OS) to the south, and Mature Neighborhood Commercial (MNC) to the west.

Ms. Hanauer said the Huffman Neighborhood association has said the applicants have been open and communicative. She said the community is eager for the buildings to be rehabilitated and to see more housing options in their area. She said the Northeast Land Use Committee on November 3, 2020, voted unanimously to recommend approval. Ms. Hanauer said staff recommended approval to the Plan Board as the City would like to see the corner of this thriving neighborhood activated and the applicant has provided a clear plan for how this can be sustainably accomplished. She said the Plan Board voted unanimously to recommend approval of the cases based on their ability to make the required determinations specified in the Zoning Code.

Ms. Hanauer said the City Commission has three decision options: approve the Plan Board recommendation to rezone 2013-2027 and 2101 E. Fifth St. from Transitional (T) to Mature Neighborhood Commercial (MNC), deny the request by taking no action or remand the case back to the Plan Board.

CITIZENS' COMMENTS ON THE 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. 31861-21-Amending the Official Zoning Map to rezone 2013-2027 and 2101 E. Fifth Street from Transitional (T) to Mature Neighborhood Commercial (MNC) and Declaring 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. 31861-21 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.

CITIZENS' COMMENTS

Citizens' comments were suspended for the meeting.

COMMENTS BY THE CITY MANAGER

The Acting City Manager, Mr. Joe Parlette, had no closing comments.

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 highlighted the inauguration ceremony of President Joseph R. Biden, Jr. He quoted from the poem by Ms. Amanda Gorman that was read at the inauguration ceremony encouraging all citizens to "be brave".

Commissioner Shaw

Commissioner Shaw said the election of President Joseph R. Biden, Jr. is a great opportunity to re-engage with the Federal Government.

Commissioner Mims

Commissioner Mims highlighted President Biden's speech unifying and inspiring America.

Commissioner Joseph

Commissioner Joseph highlighted President Joseph R. Biden, Jr.'s speech, which said the unity that is needed is of common goals. He quoted from the poem by Ms. Amanda Gorman that said, "The nation isn't broken, it's just unfinished".

Mayor Whaley

Mayor Whaley said the poetry that Ms. Amanda Gorman quoted provided hope for our country and will be remembered for decades.

Mayor Whaley said that President Biden's speechwriter is Vinay Reddy, Centerville High School graduate, who worked on a congressional race with the Mayor and her husband. She said she is very proud of him.

Mayor Whaley said our sister city of Augsburg, Germany, congratulated the United States on the inauguration of President Joseph R. Biden with the playing of the bells, which played the U.S. National Anthem.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:38 p.m.

Nan Whaley
Mayor

Attest: _____
Clerk of Commission