

On Wednesday, March 18, 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.

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 March 11, 2020, meeting. Commissioner Fairchild seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

Communication #21478

State of Ohio, Department of Liquor Control – Permit Application Liquor Agency Contract Permit #5575469 – Mahaganapathi LLC - Carryout, dba Smiths Liquor, Unit 7, 1024 S. Smithville Rd, Dayton, Ohio 45403.

The Clerk of Commission reported receipt of Permit Application Permit D5J Permit #4179850 – JM Enterprise LLC, DBA 3rd Perk Coffeehouse & Wine Bar & Patio, 46 W. Fifth Street – 1st FL Only, Dayton, OH 45402 . The application was referred through the City for investigation.

Communication #21479

State of Ohio, Department of Liquor Control – Permit Application C1, C2 Permit #9278473 – Vigneshwara Enterprises LLC, 2621 S. Smithville Rd, Dayton, OH 45420.

The Clerk of Commission reported receipt of Permit Application Permit C1, C2 Permit #9278473 – Vigneshwara Enterprises LLC, 2621 S. Smithville Rd, Dayton, OH 45420. The application was referred through the City for investigation.

Communication #21480

State of Ohio, Department of Liquor Control – Permit Application C1, C2 Permit #5575469 – Mahaganapathi LLC, dba Smiths Liquor, Unit 7, 1024 S. Smithville Rd, Dayton, Ohio 45403.

The Clerk of Commission reported receipt of Permit Application Permit C2, C2 Permit #5575469 – Mahaganapathi LLC, dba Smiths Liquor, Unit 7, 1024 S. Smithville Rd, Dayton, Ohio 45403. The application was referred through the City for investigation.

Communication #21481

State of Ohio, Department of Liquor Control – Permit Application Liquor Agency Contract Permit #9278473 – Vigneshwara Enterprises LLC - Carryout, 2621 S. Smithville Rd, Dayton, OH 45420 .

The Clerk of Commission reported receipt of Permit Application Permit Liquor Agency Contract Permit #9278473 – Vigneshwara Enterprises LLC - Carryout, 2621 S. Smithville Rd, Dayton, OH 45420. The application was referred through the City for investigation.

SPECIAL AWARDS/PRESENTATIONS

There were no awards or presentations.

ADDITIONS OR DELETIONS TO THE CALENDAR

The Clerk of Commission, Ms. Rashella Lavender, requested the addition of Calendar Item Number 8A, a Service Agreement with Fifth Third Bank, to maintain Commercial Credit Card Accounts as the City’s P-Card provider, in the amount of \$78,750,000.00 through June 30, 2026. The Department of Procurement Management and Budget is recommending approval.

Ms. Lavender also requested the addition of Informal Resolution Number 977-20; To Urge Federal Regulators to Reconsider Certain Proposed Changes to The Community Reinvestment Act.

Also Ms. Lavender requested the addition of the legislation implementing the zoning change regarding the public hearings at the desire of the 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:

FIRE

A1. Motorola Solutions, Inc. (Motorola batteries, parts and repair services for various City owned radios) **\$20,000.00**

1.

INFORMATION TECHNOLOGY

B1. 3SG Plus LLC (renewal of software maintenance services) **18,563.07**

PLANNING & COMMUNITY DEVELOPMENT

C1. Sinclair Community College (various community engagement events for the Neighborhood Leadership Institute Program as needed through 12-31-20) **12,498.40**

PUBLIC WORKS

D1. Utility Truck Equipment, Inc. (one aerial tower bucket truck) **134,770.00**

D2. Crane 1 Services, Inc. (one free standing crane system including installation services) **36,103.00**

D3. L J DeWeese Company, Inc. (concrete removal and replacement of walkways, sidewalks and curbs) **14,105.00**

D4. Deere & Company (one commercial wide area mower) **52,739.38**

D5. Henderson Products, Inc. (two dump bodies with 14’ v-box spreader, snow plows, and hitches including installation services) **250,294.00**

D6. Southeastern Equipment Company (one articulated wheel loader with accessories) **199,083.56**

D7. Truck Country of Indiana, Inc. dba Stoops Western Star of Ohio (two plow trucks) **210,070.00**

WATER

E1. Kendall Electric, Inc. (electrical parts, supplies and related items as needed through 12-31-23) **120,000.00**

E2. Pelton Environmental Products, Inc. (Sulzer - formerly ABS - brand parts and related services as needed through 12-31-20) – PO200262 **20,000.00**

E3. Pelton Environmental Products, Inc. (two Sulzer – formerly ABS – brand VUPX pumps) – PO200759 **210,108.00**

E4. Xylem Water Solutions USA, Inc. (maintenance and repair of Flygt pumps as needed through 12-31-20) **20,000.00**

-Depts. of Fire, Information Technology, Planning & Community Development, Public Works and Water.

Total: \$1,318,334.41

2. International Mountain Bicycling Association, Inc. (IMBA) – Service Agreement – to provide Phase 1 planning and design services for a bike park at Welcome Park – Dept. of Planning & Community Development. **\$19,038.77**

(Thru 12/31/20)

B. Construction Contracts:

3. **ATC Group Services, LLC – Service Agreement** – for consulting services for the Jefferson Street Reconstruction, Springfield Street Reconstruction Phase 3, Wyoming Street Reconstruction Phase 2, Valley Street Realignment, Washington Street Bike Path, and City Hall Basement Areaway Agreement – Dept. of Public Works/Civil Engineering.
\$34,830.00
(Thru 12/31/22)
4. **Double Jay Construction, Inc. – Award of Contract** – for the Washington Street Bike Path (6% DBE Participation Goal/6% DBE Participation Achieved) (Federal Construction Funds) – Dept. of Public Works/Civil Engineering.
\$438,353.00
(Thru 08/30/22)
5. **Lithko Restoration Technologies LLC – Award of Contract** – for the Lohrey Recreation Center Pool Deck Structural Concrete Repairs – Dept. of Public Works/Prop. Mgmt.
\$95,000.00
(Thru 12/31/21)
6. **Montgomery County Engineer – Service Agreement** – first amendment to the Cost Participation Agreement for Keowee Street Bridge Water Main Improvements – Dept. of Water/Water Engineering.
\$55,508.34
(Thru 12/31/20)

C. Revenue to City:

7. **Michael Weprin – Other** – for Special Use Permit to Install a Fence into the public right-of-way at 520 Dellrose Street – Dept. of Public Works/Civil Engineering. **\$200.00**

E. Other – Contributions, Etc.:

8. **AOMWA c/o Northeast Ohio Regional Sewer Dist. – Other** – for 2020 annual membership – Dept. of Water/Water Reclamation.
\$14,040.00
(Thru 12/31/20)

THIS ITEM WAS ADDED

- 8A. Fifth Third Bank – Service Agreement** – to maintain Commercial Credit Card Accounts as the City’s P-Card provider – Dept. of Procurement Mgmt. & Budget. **\$78,750,000.00**
(Thru 06/30/26)

CITIZENS’ COMMENTS ON CALENDAR ITEMS

There were no citizen’s comments on calendar items.

DISCUSSION OF CALENDAR ITEM

Calendar Item No. 8A. Fifth Third Bank – Service Agreement

The City Manager, Ms. Shelley Dickstein, said this agreement will proactively ensure that P-Card authorizations are in place until calendar year 2026.

APPROVAL OF CITY MANAGER’S REPORTS

Commissioner Shaw made the motion to approve the City Manager’s Reports. Commissioner Joseph 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. 31796-20- Repealing Ordinance Number 31346-14 and Describing the Boundaries of the Midpark Community Reinvestment Area in the City of Dayton, 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. 31796-20 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.

Emergency Ordinance No. 31797-20- Enacting Section 30.14 of the Revised Code of General Ordinances Permitting City Commissioners to Attend Commission Meetings Via Electronic Means, Allowing Public Attendance Via Electronic Means, Allowing for Electronic Signatures, 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. 31797-20 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.

Emergency Ordinance No. 31798-20- Authorizing an Adjustment to the Boundary Line Between the City of Dayton, Ohio and the City of Vandalia, Ohio by Agreement of Both Municipalities, Pursuant to Ohio Revised Code Section 709.37, 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. 31798-20 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.

EMERGENCY RESOLUTION –FIRST AND SECOND READING

Emergency Resolution No. 6479-20- Amending the Sanitary Sewer Agreement with the City of Vandalia Regarding the North Dixie Fire Station Property, 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. 6479-20 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 Resolution was adopted.

ORDINANCES –SECOND READING

Ordinance No. 31793-20- Authorizing the Acceptance of an Easement from Taylor Summerville Battery Company, Inc. for Construction and Maintenance of a Sanitary Sewer Lift Station.

The question being shall Ordinance No. 31793-20 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.

Ordinance No. 31794-20- To Vacate the Second Alley South of Stanley Avenue from Valley Street to Brandt Street.

The question being shall Ordinance No. 31794-20 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.

Ordinance No. 31795-20- Establishing the Boundaries and Controls of the Oregon Designated Outdoor Refreshment Area.

The question being shall Ordinance No. 31795-20 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.

INFORMAL RESOLUTION

Informal Resolution No. 976-20- Accepting the 2020 Recommendation of the Tax Incentive Review Council.

Commissioner Fairchild made a motion to adopt Informal Resolution No. 976-20. Commissioner Mims 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.

THIS ITEM WAS ADDED

INFORMAL RESOLUTION

Informal Resolution No. 977-20-To Urge Federal Regulators to Reconsider Certain Proposed Changes to the Community Reinvestment Act.

Commissioner Shaw made a motion to adopt Informal Resolution No. 977-20. Commissioner Joseph 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 PLN2019-00629- amending the provisions of Planned Development PD-124 for Rosa Parks Early Learning Center. She asked Ms. Ann Schenking, Plan Board Secretary, to the podium to present.

Ms. Schenking said this is Plan Board Case No. PLN 2019-00629, which will amend Planned Development PD-124 to allow for parking improvements at Rosa Parks Early Learning Center located at 3705 Lori Sue Avenue.

Ms. Schenking said the Plan Board recommends approval of the amended PD-124. She said this request is supported by the North Central 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 amend PD-124, deny the request by taking no action, or remand the case back to the Plan Board.

Ms. Susan Vincent, Planner I, Planning and Community Development, said the development would add a new parking lot with 83 additional spaces and update R-6 references to SR-2. She said it will update zoning code references for bulk regulations, signage, off-street parking and the amendment process. Ms. Vincent said landscaping requirements would be met prior to permit issuance.

Ms. Vincent said the purpose of the change is for child safety, accommodate new staff, better serve existing staff, completely separate parent drop-off and accommodate bus traffic.

Dr. Gary Dickstein, with Dayton Public Schools, said both projects are for the safety of students, parents, and bus traffic. He said in the River's Edge project it will help with utilization of the facility for events.

CITIZENS' COMMENTS ON PUBLIC HEARING

There were no citizen's 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. 31799-20-Amending the Provisions of Planned Development PD-124 for Rosa Parks Early learning Center at 3705 Lori Sue Avenue, 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. 31799-20 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.

PUBLIC HEARING

Mayor Whaley opened the Public Hearing on Plan Board Case PLN2019-00630, amending the provisions of Planned Development PD-146 for Rivers Edge Montessori School, located at 108 Linwood Avenue. She asked Ms. Ann Schenking, Plan Board Secretary, to the podium to present.

Ms. Schenking said this is Plan Board Case No. PLN 2019-00630, which will amend Planned Development PD-146 to add more parking and update references within the Planned Development to reflect the current Zoning Code.

Ms. Schenking said the Plan Board recommends approval of the amended PD-146. She said this request is supported by the North Central 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 amend PD-146, deny the request by taking no action, or remand the case back to the Plan Board.

Ms. Susan Vincent, Planner I, Planning and Community Development, said the amendment will add a new parking lot with 56 additional spaces and update the Zoning Code for the amendment process. She said the zoning code will be updated for the required tree replacement/retention prior to the permit issuance. Ms. Vincent said the decision to expand the existing lot is driven by a desire to ease parking issues and increase student safety during pick-up and drop-off times.

Commissioner Fairchild asked about the field that would be reduced. He said if the parking spots were amended would Dayton Public Schools need to come before the Dayton City Commission again for approval.

Ms. Vincent said if there is a site change then it would need to go back to the Planning Commission.

Ms. Schenking said site changes or adjustments would need to be approved by the Zoning Commission and the Director of Planning and Community Development. Therefore, it would not need to come before the City Commission again.

Dr. Gary Dickstein said it will not require the entire green space as depicted in the presentation slides.

Commissioner Mims said during construction of the school, they did not anticipate the amount of traffic at that location.

CITIZENS' COMMENTS ON PUBLIC HEARING

There were no citizen's 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. 31800-20-Amending the Provisions of Planned Development PD-146 for River’s Edge Montessori School at 108 Linwood Street, 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. 31800-20 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. **Anthony Hubbard, 4103 E. 4th Street** – made general comments and spoke about police services.
2. **Charlene Bayless, 2422 Patterson Boulevard** – thanked Mayor Whaley for her proclamation for Margaret Peters. She also spoke about the closing of Premier Health Hospital (Good Samaritan).
3. **Kathleen Galt, 5066 Safeway Drive**- spoke about the degradation of neighborhoods and asked the City Commission to work on securing federal funds to rebuild a hospital in Northwest Dayton.
4. **Nancy Kiehl, 309 Hacker Street** - asked the City Commission to work on securing federal funds to rebuild a hospital in Northwest Dayton.

COMMENTS BY THE CITY MANAGER

The City Manager, Ms. Shelley Dickstein, said “the past couple of weeks have been challenging for our entire community. We have been working in concert with Public Health to provide critical messaging and guidance on what we all need to do to remain healthy and safe.

As City Manager, our employees are central in maintaining services and providing continuity of critical operations in our community. It is important to know that we have measures in place to ensure our workforce and their families remain healthy.

Our leadership teams have been meeting on a daily basis to assess the health and wellness of our employees. We have made provisions for employees who are considered vulnerable due to their age and health status to work remotely. We have also allowed flexibility for those employees with childcare or elder care needs.

Starting tomorrow we have closed all of our customer service counters to reduce the risk to employees and decrease the spread to the community. Employees who are continuing to work from our City facilities have been practicing social distancing and meeting electronically when possible.

As we move forward in this new reality, we will continue to assess the health and wellness of our City workforce and make thoughtful changes as necessary.”

Mayor Whaley said she appreciates all efforts in these endeavors.

COMMENTS BY THE CLERK OF COMMISSION

The Clerk of Commission, Ms. Rashella Lavender, said in light of the Ohio Department of Health confirming cases of CORVID-19 in the State of Ohio, Governor DeWine declaring a State of Emergency in the state on March 9, 2020, and the City of Dayton declaring a State of Emergency on March 12, 2020, and to protect the health and welfare of citizens and staff, the City Commission Meetings scheduled for March 25, 2020, and April 1, 2020 will be cancelled.

COMMENTS BY THE CITY COMMISSION

Commissioner Fairchild

Commissioner Fairchild thanked staff for their hard work around the pandemic. He thanked his colleagues for the passing of the informal resolution related to the changes of the Community Reinvestment Act.

Commissioner Shaw

Commissioner Shaw thanked the Mayor for her leadership and staff for their hard work during this pandemic.

Commissioner Mims

Commissioner Mims reminded citizens to fill out the application regarding the 2020 Census.

Commissioner Mims complimented Dayton Public School in making sure students still have access to school lunches.

Commissioner Mims invited Dr. Dickstein to the podium for stats regarding school lunches.

Mr. Dickstein said since the pandemic they have served 8,154 meals to students. He said under the program they may feed anyone in the household that is 18 years of age and under. Mr. Dickstein said they have since moved from a daily food plan to a weekly food plan. He said this week 27,490 meals were picked up.

Commissioner Joseph

Commissioner Joseph said it is unacceptable that we rely on schools to provide meals for children in this country.

Commissioner Joseph thanked staff for their dedication during this pandemic.

Commissioner Joseph said we will come out of this disaster.

Mayor Whaley

Mayor Whaley said due to the impending pandemic all City of Dayton buildings are closed to the public. She said there will be no Dayton City Commission meetings for the next two weeks.

Mayor Whaley thanked everyone who has worked on the pandemic. She asked citizens to do something not related to the CORVID-19 virus to keep the social fabric of our community.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:03 p.m.

Nan Whaley
Mayor

Attest: _____
Clerk of Commission