

On Wednesday, May 17, 2023, at 6:00 p.m., the Dayton City Commission met in regular session in the Commission Chambers of City Hall.

CALL TO ORDER

Mayor Mims called the meeting to order.

INVOCATION

Commissioner Fairchild gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Mims led the public in the Pledge of Allegiance.

ROLL CALL

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

APPROVAL OF MINUTES

Commissioner Shaw made a motion to approve the minutes from the May 10, 2023, meeting. Commissioner Fairchild seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

Communication #21806

State of Ohio, Department of Liquor Control – Permit Application No. 73084800005 – New- D1– Reserve on Third LLC, 452 E 3rd Street, Dayton OH 45402

The Clerk of Commission reported receipt of State of Ohio, Department of Liquor Control Permit Application No. 73084800005 – New- D1– Reserve on Third LLC, 452 E 3rd Street, Dayton OH 45402. The application was referred through the city for investigation.

Communication #21807

E-mail from Stanley Hirtle – MBAC

Communication #21808

City Commission Handout - Dayton Bike Yard Presentation

Communication #21809

State of Ohio, Department of Liquor Control – Permit Application No. 2538702 – New- D5J – EST EST EST Dayton LLC dba EST EST EST, 45 W 4th Street, Dayton OH 45402.

The Clerk of Commission reported receipt of State of Ohio, Department of Liquor Control Permit Application No. 2538702 – New- D5J – EST EST EST Dayton LLC dba EST EST EST, 45 W 4th Street, Dayton OH 45402. The application was referred through the city for investigation.

Communication #21810

State of Ohio, Department of Liquor Control – Permit Application No.8105035 – TRFO-C1- C2 - Shivay Ohio LLC, 1918 E 5th Street, Dayton OH 45403.

The Clerk of Commission reported receipt of State of Ohio, Department of Liquor Control – Permit Application No. 8105035 – TRFO- C1 C2 -Shivay Ohio LLC, 1918 E 5th Street, Dayton OH 45403. The application was referred through the city for investigation.

Communication #21811

State of Ohio, Department of Liquor Control – Permit Application No. 8395263 – New-D3, D3A – South Park Ventures, Inc. dba South Park Pizza Tavern, Storage Area and Walk in Cooler, 1301 Wayne Avenue, 1st & 2nd FL & Patio, Dayton OH 45410.

The Clerk of Commission reported receipt of State of Ohio, Department of Liquor Control – Permit Application No. 8395263 – New- D3, D3A – South Park Ventures, Inc. dba South Park Pizza Tavern, Storage Area and Walk in Cooler, 1301 Wayne Avenue, 1st & 2nd FL & Patio, Dayton OH 45410. The application was referred through the city for investigation.

Communication #21812

State of Ohio, Department of Liquor Control – Permit Application No. 4160540 – TRFO – C1 C2 D6 – Ivaan Inc. dba Marathon Quick Stop, 4575 Little Richmond Road, Dayton OH 45427.

The Clerk of Commission reported receipt of State of Ohio, Department of Liquor Control Permit Application No. 4160540 – TRFO – C1 C2 D6 – Ivaan Inc. dba Marathon Quick Stop, 4575 Little Richmond Road, Dayton OH 45427. The application was referred through the city for investigation.

SPECIAL AWARDS/PRESENTATIONS

Miami Valley Regional Planning Commission

Mayor Mims invited Mr. Brian Martin, Executive Director, Miami Valley Regional Planning Commission, to the podium for a community update on Miami Valley Friendly Communities Initiative.

Mr. Martin said his staff and City of Dayton staff has been working on the age friendly community’s initiative. He said the Miami Valley is the regions first age-friendly region. He said Commissioner Joseph has been the representative for the institute of livable and equitable communities. Mr. Martin said communities that are included in the network are Miami County, Harrison Township, Washington Township, Bellbrook, Brookville, Centerville, Huber Heights, Kettering, Xenia, and Yellow Springs. He said most of the communities received grants of \$5K to \$10K to help with the age-friendly plans.

Mr. Martin said by 2034, older adults will outnumber children for the first time in history. He said the changing demographics are already happening in the Miami Valley Region, which reflects that this region is an aging region. He said the Dayton Forward Comprehensive Plan compliments the work by life expectancy, strategic vision and principals, equity and livability, and the city of Dayton is staffed to implement age friendly communities.

Mr. Martin said the next steps in joining the age-friendly network are enrollment in AARP World Health Organization, conduct community survey and listening sessions, create an action plan around eight domains of livability, and update the progress/status. He said the application for funding is due June 16, 2023.

Mayor Mims said they value Mr. Martin in making the initiative happen.

Commissioner Joseph said even though they are not an official member they have had a seat at the table during the process. He said he thinks there is good value in joining the network and the funds are going into a diverse group of communities and he urges his colleagues to move forward with initiative.

Commissioner Turner-Sloss thanked Mr. Martin for his presentation and thanked Commissioner Joseph for his commitment and for providing additional background details. She said she looks forward to joining.

Commissioner Fairchild asked if there is data for percentage of older adults to children for the City of Dayton.

Ms. Dickstein said they would have that through Census data.

Commissioner Shaw said he would like to see the data as well. He thanked Commissioner Joseph for being at the table.

Commissioner Joseph added the work has already begun by staff talking to citizen in neighborhoods about the potential opportunities by joining.

Mr. Martin introduced his staff Ms. Donna Kastner, Delmar Fellow and Ms. Leslie King, University of Dayton, and will be responsible for the initiative.

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 City Commission.

DISCUSSION OF CALENDAR ITEMS

Emergency Resolution No. 6727-23-Grant Award

The City Manager, Ms. Shelley Dickstein, said the legislation is pass through grant funding related to the first round of federal earmark and will support the third-floor renovation at the hub and the 6888 Kitchen. She said they have been waiting for the funding and that is the reason for two readings at one meeting.

Commissioner Turner-Sloss thanked Ms. Dickstein for her comments as it relates to the emergency legislation

REPORTS

1. Purchase Orders, Agreements and Contracts:

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

PLANNING, NEIGHBORHOODS, AND DEVELOPMENT

A1. Bladecutter's Lawn Service, Inc. (building demolition) \$45,750.00

PUBLIC WORKS

B1. McNeilus Truck & Manufacturing Company (McNeilus brand refuse packer parts, supplies and repair services as needed through 12/31/23) 70,000.00

- B2. Ohio Machinery Co. Ohio CAT** (Caterpillar brand parts, supplies and repair services as needed through 12/31/23) **\$40,000.00**
- B3. White Allen Chevrolet, Inc.** (one new 2024 truck with platform body, snowplow, and salt spreader system) **75,900.00**

WATER

- C1. Jack Doheny Companies, Inc.** (sewer cleaning, maintenance, repair, and supplies as needed through 12/31/23) **40,000.00**
 -Depts of Planning, Neighborhoods and Development, Public Works, and Water. **Total: \$271,650.00**

2. **Passero Associates, LLC – Service Agreement** – for the One Stop Restroom Renovation Design Services Project - Department of Public Works/Property Management. **\$56,000.00**
(Thru 12/31/24)

B. Construction Contract:

3. **L. J. DeWeese Co., Inc. – Award of Contract** – for the Carr Street Reconstruction (20% MBE Participation Goal/20.6% MBE Participation Achieved) – Department of Public Works/Civil Engineering. **\$460,770.50**
(Thru 08/04/25)

E. Other – Contributions, etc.:

4. **SAMBA Holdings, Inc. dba Samba Safety – Payment of Voucher** – for payment of outstanding 2023 invoices - Department of Human Resources. **\$5,915.75**

CITIZENS’ COMMENTS ON CALENDAR ITEMS

There were no citizen comments on calendar items.

APPROVAL OF CITY MANAGER’S REPORTS

Commissioner Shaw made the motion to approve the City Manager’s Reports. Commissioner Turner-Sloss seconded the motion. The City Manager’s Reports were approved with a 5-0 vote. Voting in the affirmative were Mayor Mims, Commissioners Joseph, Shaw, Fairchild and Turner-Sloss.

LEGISLATION

EMERGENCY RESOLUTION – FIRST AND SECOND READING

Emergency Resolution No. 6727-23-Authorizing the Acceptance of Grant Awards Under Two Economic Development Initiatives – Community Project Funding Grants from the U.S. Department of Housing and Urban Development on Behalf of the City of Dayton, and Declaring an Emergency.

Commissioner Joseph moved that this being an emergency measure for the immediate consideration of the Resolution. Commissioner Shaw seconded the motion. The motion was passed with a 5-0 vote. Voting in the affirmative were Mayor Mims, Commissioners Joseph, Shaw, Fairchild and Turner-Sloss. The question being shall Emergency Resolution No. 6727-23 be adopted. A roll call vote was taken resulting in a 5-0 vote.

Voting in the affirmative were Mayor Mims, Commissioners Joseph, Shaw, Fairchild and Turner-Sloss. The Emergency Resolution was adopted.

EMERGENCY RESOLUTION – SECOND READING

Emergency Resolution No. 6723-23- Objecting to the Issuance of Liquor Permit No. 26312758455, Family Dollar Stores of Ohio, LLC dba Family Dollar Store 24040, 1130 N. Main Street, Dayton, Ohio 45405, and Declaring an Emergency.

The question being shall Emergency Resolution No. 6723-23 be adopted. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Mims, Commissioners Joseph, Shaw, Fairchild and Turner-Sloss. The Emergency Resolution was adopted.

Emergency Resolution No. 6724-23- Objecting to the Issuance of Liquor Permit No. 8798980, Taqueria Los Cabos LLC, 210 North Troy Street, Dayton, Ohio 45404, and Declaring an Emergency.

The question being shall Emergency Resolution No. 6724-23 be adopted. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Mims, Commissioners Joseph, Shaw, Fairchild and Turner-Sloss. The Emergency Resolution was adopted.

Emergency Resolution No. 6725-23- Objecting to the Issuance of Liquor Permit No. 26312758450, Family Dollar Stores of Ohio, LLC dba Family Dollar Store 23786, 2601 E. Third Street, Dayton, Ohio 45403, and Declaring an Emergency.

The question being shall Emergency Resolution No. 6725-23 be adopted. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Mims, Commissioners Joseph, Shaw, Fairchild and Turner-Sloss. The Emergency Resolution was adopted.

Emergency Resolution No. 6726-23- Objecting to the Issuance of Liquor Permit No. 26312758470, Family Dollar Stores of Ohio, LLC dba Family Dollar Store 23687, 3295 W.

Siebenthaler Avenue, Dayton, Ohio 45406, and Declaring an Emergency.

The question being shall Emergency Resolution No. 6726-23 be adopted. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Mims, Commissioners Joseph, Shaw, Fairchild and Turner-Sloss. The Emergency Resolution was adopted.

ORDINANCE – SECOND READING

Ordinance No. 32039-23- Officially Renaming a Portion of Bainbridge Street from E. Fourth Street to the Northern Railroad Right-of-way to Engagement Lane.

The question being shall Ordinance No. 32039-23 be passed. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Mims, Commissioners Joseph, Shaw, Fairchild and Turner-Sloss. The Ordinance was passed.

RESOLUTION – FIRST READING

Resolution No. 6728-23- Authorizing the City Manager to Execute a Revenue Sharing Agreement and to Accept Funding from the City of Vandalia in the Maximum Amount of Sixty-Seven Thousand Five Hundred Dollars and Zero Cents (\$67, 500.00) on Behalf of the City of Dayton.

PUBLIC HEARING

Mayor Mims opened the Public Hearing on the Proposed Downtown Designated Outdoor Refreshment Area (DORA). He asked Ms. Dickstein to proceed. Ms. Dickstein invited Mr. Tony Kroeger, Division Manager, Planning, Neighborhoods and Development, to present.

Mr. Kroeger said a Designated Outdoor Refreshment Area (DORA) allows for outdoor off-premise consumption of alcoholic beverages purchased at participating establishments. He said currently there is one DORA in Dayton (the Oregon DORA). He said cities of Dayton's size are allowed up to six DORAs and can be up to 640 acres. Mr. Kroeger said there are 123 DORAs in the State of Ohio, including, Miamisburg, Austin Landing, Centerville, Tipp City, Troy, Piqua, Hamilton, Middletown, Springfield, Springboro, four (4) in Cincinnati, two (2) in Toledo, and one (1) in Columbus and Akron.

Mr. Kroeger said the Downtown Dayton Partnership (DDP) submitted a proposal for a new Downtown DORA on March 15, 2023. He said the proposed DORA is 391 acres covering much of downtown, Webster Station, and Oregon (the business area). The application, in cooperation with the Oregon District Business Association, also proposed dissolving the current Oregon DORA and incorporating that area in the Downtown DORA. He said legal notice requirements met on March 31, 2023, April 21, 2023, and May 5, 2023.

Mr. Kroeger said in 2015 a resolution was established that outlined the process and the importance of review of staff. He said the application received review and comments from applicable City departments. He said the review occurred through application development, and upon submittal pursuant to Resolution 6121-15. Mr. Kroeger showed a map of the proposed DORA area.

Mr. Kroeger said the ordinance includes the city may dissolve this DORA at any time, in full or in part. a required review after five years, dissolution of the Oregon DORA, establishment of the Safety and Security Plans (which may be modified as needed), DDP required to furnish signage and trash receptacles, signage requirements (80 to 100 in total), hours of operation: noon to midnight, daily (except as specified in the Safety Plan), city manager or police chief may suspend DORA in extenuating circumstances and requirement that beverages shall only be consumed from official plastic cup.

Mr. Kroeger said the safety plan includes use of DDP Ambassadors to monitor conditions, participation in education programs such as "bar safe", convening of "Downtown DORA Oversight Committee", the need for Police staffing to be monitored, adjusted if necessary, DORA suspended on St. Patrick's Day, special event organizers may be asked to contract overtime detail workers, chief of police may suspend the DORA in the event of a "civil emergency, curfew, or threat to public order", department of fire director/chief may modify safety plan to protect life and safety and establishes rules that must be posted.

Mr. Kroeger said the sanitation plan required additional 35 waste receptacles, monitoring by Downtown Ambassadors, "Good Neighbor Agreement" between business owners and DDP outside of SID, ODBA to pay for additional waste collection on Sundays during "Out on Fifth", and the convening of the Downtown DORA Oversight Committee.

Mr. Kroeger said a DORA does not require street closures and use of the street. The ordinance will be written as an emergency (two meetings), urgency of small business recovery and support, time of year (loss of opportunity). He said there are many ways to address any unforeseen issues, the ability to modify the safety or sanitation plans. Safety can be modified by Police or Fire; sanitation can be modified by Public Works. Mr. Kroeger said the City Manager or Police Chief may modify the hours or days of the DORA at their discretion. He said the City Manager or Police Chief may suspend the hours or days of operation from time to time at their discretion, the City Commission can dissolve the entire DORA by Ordinance, or they may dissolve parts of the DORA by Ordinance. He said some combination that suspends days or hours until a part of the area can be dissolved by Ordinance.

Mr. Kroeger invited Ms. Sandy Gudorf, President, Downtown Dayton Partnership, to the podium for more information on the DORA.

Ms. Gudorf said staff has worked hard to ensure all requirements to expand the DORA will be operated in the best way. She said the differences between Out on 5th and the DORA is it does not include closing any streets. Ms. Gudorf said there were few DORA's in place in 2015; however, once COVID-19 hit they were throughout the state of Ohio. She said they talked with all types of communities to find out best practices and what worked and what didn't. Ms. Gudorf said downtown Toledo wanted to help their small businesses, therefore, they expanded their DORA to all of downtown.

Ms. Gudorf said the reason for the expansion is downtown Dayton's action plan for COVID-19 recovery, asked for frequently by downtown businesses and visitors, assists struggling small, independent businesses, provides additional revenue, encourages visitors to explore more businesses, creates more vibrancy, increases street activity, enhances downtown amenities, promotes foot traffic, very successful in the Oregon District, and helps downtown compete with other area destinations that have DORAs as a draw.

Ms. Gudorf said the DORA Expansion Task Force was made up of wide variety of constituents. She said they had one-on-one meetings with key stakeholders and constituents, Downtown community input meeting, meetings with downtown business owners – excited, in favor of expansion, meetings with Oregon District businesses and neighborhood – in favor of expansion, have had no issues with current DORA, meetings with DDP and SID boards – on board with expansion, and surveys of downtown business owners and residents – 70 percent in favor of expansion, only 4 percent (businesses) and 13percent (residents) opposed.

Ms. Gudorf said signage would include boundary signs to be installed at 51 key entry/exit points to delineate boundaries of DORA district, signage provided to downtown businesses to indicate: DORA drinks sold here, DORA drinks welcome inside business, DORA drinks not welcome inside business. She said there will be posters with DORA “how-to” / “DOs and DON'Ts” and temporary signage showing expanded boundaries and information.

Ms. Gudorf said the timeline includes Dayton City Commission approval on May 24, 2023. The state liquor control approval in next two to three weeks, and the anticipated start date on June 14, 2023.

Commissioner Turner-Sloss asked if the trash receptacles include recyclable cans.

Ms. Gudorf said they the cups they are using are made from recyclable material and the trash cans are not recyclable containers.

Commissioner Turner-Sloss said she the St. Patrick's Day Celebration the DORA would be paused, she asked about the Fourth of July celebration.

Ms. Gudorf said there is language in the ordinance that at the discretion of the Dayton Police Department the DORA may be suspended. She said the fourth of July was not requested.

Commissioner Turner-Sloss asked if there could be a quarterly review before going into the DORA season.

Ms. Gudorf said there is an opportunity to have quarterly meetings to address any issues.

Commissioner Turner-Sloss asked if they could pay close attention to public safety, no additional strain on Dayton police department, protections in place for young people, residents and businesses.

Commissioner Fairchild said the chief will look at the calls for services and crime report. He requested that information in their weekly packets.

Commissioner Shaw thanked Ms. Gudorf for her work on the DORA. He said he appreciates the work her staff has done with businesses and stakeholders.

Commissioner Joseph said residents were concerned with how this works in residential areas. He said he is glad that other areas haven't had any problems. He said another area is being able to review the information and make changes as necessary.

Mayor Mims thanked Ms. Gudorf for her presentation.

CITIZENS' COMMENTS ON THE PUBLIC HEARING

Citizens comments on the Public Hearing were received from the following:

1. **Ms. Amanda Byers, 8 N. Main St. Suite 100** – spoke in support of the DORA expansion.
2. **Ms. Jennifer Dean, 135 E. Second St.** – spoke in support of the DORA expansion.
3. **Mr. Nick Bowman, 26 Wyandot St.** – spoke in support of the DORA expansion.
4. **Ms. Marla Glander, 204 Sears St.** – spoke in support of the DORA expansion.
5. **Ms. Chris Dimmick, 112 W. Fifth St.** – spoke in support of the DORA expansion.
6. **Ms. Nikki Stargel, 1117 Broadmoor Dr.** – spoke in support of the DORA expansion.

Mayor Mims closed the hearing.

The pleasure of the City Commission is to move forward.

THIS ITEM WAS ADDED

EMERGENCY ORDINANCE- FIRST READING

Emergency Ordinance No. 32040-23- Establishing and Describing the Boundaries and Controls of the Downtown Dayton Designated Outdoor Refreshment area and Dissolving the Oregon District Designated Outdoor Refreshment Area, and Declaring an Emergency.

Commissioner Fairchild 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.

CITIZENS' COMMENTS

Citizen comments were received from the following:

1. **Ms. Ysabel Moore, 2602 W. Riverview Ave.**– spoke in about the Linden Center, Roosevelt Center and Denver House and their lack of amenities.
2. **Ms. Kyra Wood, 4579 Wilmington Pike** – made general comments.
3. **Mr. Robert Huggins, No Address** – made general comments.
4. **Mr. Paul Manning, 25 Springfield St.** – spoke about a missing person.
5. **Mr. Daniel Mauro, 519 Burkhardt Ave.** - spoke about speeding and traffic concerns in his neighborhood.

COMMENTS BY THE CLERK OF COMMISSION

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

COMMENTS BY THE ACTING CITY MANAGER

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

COMMENTS BY THE CITY COMMISSION

Commissioner Turner-Sloss

Commissioner Turner-Sloss thanked staff and presenters for their work at today's meeting.

Commissioner Turner-Sloss thanked citizens and business leaders for their attendance at today's meeting and she is working on their concerns.

Commissioner Fairchild

Commissioner Fairchild thanked citizens for their attendance at today's meeting.

Commissioner Fairchild highlighted various event around the city: Bike to Work, Baker Benji's Bakery Grand Opening, Dayton Bike Park Opening, Dayton Ballet School spring performance. He thanked citizens for the attendance at the budget meeting.

Mayor Mims

Mayor Mims congratulated the Dayton Police Department for the beginning of Police Week.

Mayor Mims highlighted his attendance at Belle Haven School community night.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:31 p.m.

Jeffrey J. Mims, Jr.
Mayor

Attest: _____
Clerk of Commission