

On Wednesday, May 29, 2019, 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 Joseph 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 May 22, 2019, meeting.

Commissioner Fairchild seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

Communication #21405

Petition Number 21405 – Alley Vacation – City of Dayton – Pease Avenue from Norwood Avenue to Germantown Street, alley west of Pease Avenue from Norwood Avenue to the vacated alley south of Norwood Avenue, and the alley south of Norwood Avenue from Germantown Street to Pease Avenue.

SPECIAL AWARDS/PRESENTATIONS

Miami Valley Alzheimer's Association

Mayor Whaley invited Ms. Edwina Blackwell Clark, Director of Communications, Miami Valley Alzheimer's Association, to the podium to give a community update.

Ms. Clark extended condolences for those who were impacted by the tornados.

Ms. Clark said on Wednesday, June 5, 2019, the Alzheimer's Association in conjunction with WHIO AM 1290 and News 95.7 is hosting a 13-hour radio telethon event called Dial & Donate. She said the event will be at 5:00 a.m. She said the number to call is 937-275-2003.

Ms. Clark invited the City Commission to attend the event and lend their support to help bring awareness to this disease.

Commissioner Mims reminded Ms. Clark that there will be a golf tournament on June 18, 2019, to help bring awareness and raise funds for this disease.

Commissioner Joseph thanked Commissioner Mims for his participation in this endeavor.

NAACP Unity Event

Mayor Whaley invited Mr. Derrick Foward, President of the NAACP, to the podium to talk about the unity events around the City of Dayton.

Mr. Foward thanked everyone that participated in the unity events, especially the police and fire departments around the county. He thanked the City Commission for protecting the citizens of the City of Dayton.

Mayor Whaley thanked Mr. Foward for his work on all the events around the city.

ADDITIONS OR DELETIONS TO THE CALENDAR

The Clerk of Commission, Ms. Rashella Lavender, requested the addition of the legislation pertaining to the Public Hearing at the request of the Dayton City Commission.

The City Manager, Ms. Shelley Dickstein, had no additions or deletions to the calendar.

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:**

CITY COMMISSION OFFICE

A1. Cox Ohio Publishing (legal publication services as needed through 12-31-19)
\$5,000.00

1.

ECONOMIC DEVELOPMENT

B1. USI Midwest LLC, USI Insurance Services LLC (annual railroad liability insurance policy through 12-31-22) **98,825.00**

PUBLIC WORKS

C1. Beau Townsend Ford, Inc. (two mid-sized extended cab pickup trucks) **58,350.00**

C2. Weiffenbach Marble & Tile Company (carpet and vinyl flooring including removal and installation services) **10,838.00**

RECREATION & YOUTH SERVICES

D1. Dell Marketing (20 Dell OptiPlex 3050 computers) **14,819.00**

D2. Miami Products & Chemicals Company (pool chemicals as needed through 12-31-19) **7,000.00**

WATER

E1. P & R Communications Service, Inc. (Supervisory Control and Data Acquisition – SCADA – system parts and professional services) **234,438.86**

E2. University of Dayton (professional services to study the effects of storm water runoff and community outreach as needed through 12-31-20) **59,858.00**

E3. Allied Technical Services dba Allied Pump Rentals (installation of a temporary pumping system) **31,560.00**

E4. Corporate Equipment Company LLC (vertical turbine pump) **27,406.00**

E5. L.J. Irving Jr. & Sons, Inc. (labor and equipment for demolition) **69,200.00**

E6. Metropolitan Environmental Services (labor and equipment for sludge removal) **18,349.45**

E7. Sullivan Environmental Technologies (Moyno brand pumps and parts as needed through 12-31-22) **95,000.00**

E8. Neenah Foundry Company (street casting products) **450,000.00**

-Depts. of Economic Development, Public Works, Recreation & Youth Services, Water and The City Commission Office. **Total: \$1,177,119.31**

2. **Bricker & Eckler LLP – Contract Modification** – for fourth amendment for additional legal services and to extend the agreement – Dept. of Economic Development.

\$75,000.00
(Thru 10/31/20)

B. Construction Contracts:

3. **John R. Jurgensen Company – Award of Contract** – for 2019 Residential Asphalt Resurfacing I (20% MBE Participation Goal/20.09% MBE Participation Achieved) – Dept. of Public Works/Civil Engineering. **\$2,239,925.00**
(Thru 08/02/21)

4. **John R. Jurgensen Company – Award of Contract** – for 2019 Residential Asphalt Resurfacing II (20% MBE Participation Goal/20.05% MBE Participation Achieved) – Dept. of Public Works/Civil Engineering. **\$2,242,345.00**
(Thru 08/02/21)

CITIZENS' COMMENTS ON CALENDAR ITEMS

There were no citizens' comments on calendar items.

DISCUSSION OF CALENDAR ITEM

There were no discussion of calendar items.

APPROVAL OF CITY MANAGER'S REPORTS

Commissioner Mims made the motion to approve the City Manager's Reports. Commissioner Fairchild 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

There was no legislation.

PUBLIC HEARING

Mayor Whaley opened the Public Hearing on Plan Board Case PLN2019-00044- regarding the amending of various sections of the Zoning Code to clarify terminology and provisions, correct omissions, make certain regulations consistent from one zoning district to another and update regulations to reflect experience to date and best practices. She asked Ms. Ann Schenking, Plan Board Secretary, to come to the podium to present.

Ms. Schenking said this is Plan Board Case No. PLN2019-00044, which will amend sign regulations to reflect the decision of the U.S. Supreme Court regarding sign content in Reed vs. Gilbert case. She said it will amend fence definition to prevent use of atypical materials and atypical design. She said it will add to all of the City's commercial districts through mixed use/residential, as a new conditional use with specific requirements for that use.

Ms. Schenking said during the Plan Board public hearing, there was unanimous support for the case with a 6-0 vote. She said the request 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 the zoning map, deny the request by taking no action, or remand the case back to the Plan Board.

CITIZENS' COMMENTS ON PUBLIC HEARING

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

1. **Mr. Nick Keys, 50 East Third Street** - spoke in support of the Public Hearing.

Mayor Whaley closed the Public Hearing.

The pleasure of the City Commission is to move forward.

THIS ITEM WAS ADDED

EMERGENCY ORDINANCE – FIRST AND SECOND READING

Emergency Ordinance No. 31738-19- Amending, Enacting, or Repealing Various Sections of the Revised Code of General Ordinances Relating to the Zoning code, 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. 31738-19 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. **Mr. Tyrone Martin, 2216 Chamberlin Ave.** - spoke about the Hate Rally at Courthouse Square.
2. **Ms. Brenda Jewett, 344 Edison St.** – spoke about tornado sirens in the City of Dayton.
3. **Ms. Cameron Walker, 1035 Superior Ave.** - spoke about the Hate Rally at Courthouse Square.

COMMENTS BY THE CITY MANAGER

The City Manager, Ms. Shelley Dickstein, said the storm and tornados were extraordinary and catastrophic. She said the impact the storms had on the power service with multiple sub stations and transmission towers were unprecedented.

Ms. Dickstein said at 2:00 a.m. on the morning after the storm emergency operations were started for organizing debris removal. She said the search and rescue efforts involved 6,000 structures, along with the power outage to the City's water plants, were addressed as well.

Ms. Dickstein said by 3:00 a.m., generators were brought in to deal with the power supply necessary for the water plants. She said within 24 hours the first plant went online because Dayton Power and Light worked feverishly to restore the power. She said earlier today, the Ottawa Plant came online and is now providing water service and working to pressurize and stable the entire system.

Ms. Dickstein said by tomorrow she is hopeful that full water service will return. She said the Department of Public Works have worked diligently to clear roadways. Ms. Dickstein said she is working with jurisdictional neighbors to bring mutual aide to citizens, regarding their private property.

Ms. Dickstein said there are no storm warning sirens in place because they were deemed obsolete because of maintenance costs and age of the system. She said the decision was made not to replace the system years ago and it would be better for citizens to rely on news stations and radios.

Deputy Director Chief Lykins said storm warning sirens were never made to warn people inside their homes. He said it was an outside warning mechanism. He said because power is needed to sound the alarms when there is no power they will not work.

COMMENTS BY THE CLERK OF COMMISSION

The Clerk of Commission, Ms. Rashella Lavender, had no closing comments.

COMMENTS BY THE CITY COMMISSION

Commissioner Joseph

Commissioner Joseph thanked everyone who helped plan for the Hate Rally at Courthouse Square.

Commissioner Joseph highlighted his attendance at various tornados sites and said ice is needed in Old North Dayton. He thanked his colleagues for their service in the various neighborhoods. He thanked the various people who are helping with the recovery.

Commissioner Joseph said it is unacceptable to price gauge during a major catastrophe.

Commissioner Joseph said the contact person to volunteer in Old North Dayton is Ms. Donna McCoy and she can be reached at 937-476-1428.

Commissioner Mims

Commissioner Mims commended citizens for their participation in the Hate Rally at Courthouse Square.

Commissioner Shaw

Commissioner Shaw highlighted his participation in helping with the catastrophic tornados in the City of Dayton. He asked citizens who doesn't live in the affected areas to stay clear if they are not helping in the recovery efforts.

Commissioner Fairchild

Commissioner Fairchild thanked everyone who helped plan and worked the Hate Rally at Courthouse Square.

Commissioner Fairchild said there is a lot of work to be done with regards to the tornado recovery and he asked citizens to be patient during the process.

Mayor Whaley

Mayor Whaley thanked staff who helped and planned for the safety of citizens at the Hate Rally at Courthouse Square. She said she is grateful for community leaders and their input on the rally.

Mayor Whaley thanked the Food Bank, Red Cross, the Dayton Foundation and Sinclair Community College for their efforts on answering the needs of the community for the tornado recovery. She thanked elected officials from the state and Whitehouse for their calls, concerns and visits to the community.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:05 p.m.

Nan Whaley
Mayor

Attest: _____
Clerk of Commission