

On Wednesday, June 28, 2023, at 8:30 a.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 Turner-Sloss asked for a moment of silence to commemorate the passing of Dr. Joann Mawasha, Deputy Director of the Human Relations Council. She 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 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.

APPROVAL OF MINUTES

Commissioner Shaw made a motion to approve the minutes from the June 21, 2023, meeting. Commissioner Fairchild seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

Communication #21818

State of Ohio, Department of Liquor Control – Permit Application No. 2750843 – New-D5J– Five Rivers Metroparks, 237 E Monument Avenue, Dayton OH 45402.

The Clerk of Commission reported receipt of Permit Application No. 2750843 – New- D5J– Five Rivers Metroparks, 237 E Monument Avenue, Dayton OH 45402. The application was referred through the city for investigation.

Communication #21819

Email from John Hastings – LED Lighting.

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 City Commission.

DISCUSSION OF CALENDAR ITEMS

Calendar Item No. 2. Accela, Inc.-Service Agreement, Calendar Item No. 3. -Accela, Inc-Service Agreement, and Calendar Item No. 4, Accela Inc. – Service Agreement

The City Manager, Ms. Shelley Dickstein, said the agreements essentially catches them up from being six releases behind which will allow greater efficiencies and effectiveness for staff and customers. She said it will add a mobile element that housing inspection will be able to optimize their work in the field.

Commissioner Joseph thanked Ms. Dickstein for highlighting the item and said it's a key piece to an earlier assessment of the process that was made for the Housing and Inspection Department. He said residents will notice the difference to quality and speed of service.

Calendar Item No. 7. Dayton Arcade New Community Authority - Other

The City Manager, Ms. Shelley Dickstein, said the item is for intergovernmental funding agreement. She invited Mr. Scott Koorndyk, Entrepreneur Center President and Chairperson for the New Community Authority established with the Dayton Arcade.

Mr. Koorndyk said the Community Benefit Agreement is a three-party agreement that was effective April 2019 between the City of Dayton, Dayton Arcade Partners, and the Arcade Innovation Hub. He said its 15-year agreement term and contain specific activities and financial obligations of the partners. Mr. Koorndyk said the CBA was designed to create "pathways for economic opportunity and workforce development and enabling the Dayton Community to benefit from the City's investment in this project.

Mr. Koorndyk said the CBA is funded through a New Community Authority, a quasi-governmental entity. He said NCA funding comes from initial developer contributions, City of Dayton contribution and community development charges. He said though COVID significantly impacted the pace of NCA activities all initial developer contributions have been received and community development charges are in process.

Mr. Koorndyk said the CBA contains a series of Activities to be undertaken by the parties, including Arcade Innovation Hub Scholarships, sponsorships, and facility usage, entrepreneurial and arts programming, signage, and materials. He said the CBA creates the Arcade Neighborhood Opportunity Lab; a network of collaborative partners joined together to ensure that Arcade opportunities are broadly available to communities across the City of Dayton.

Mr. Koorndyk said the Community Benefit Coordinator is a full-time position, reporting to the organization and will be selected by the NCA and approved by the City of Dayton. He said the responsibilities will include CBA coordination, small business counseling and training, program and small business promotion and reporting.

Commissioner Turner-Sloss thanked Mr. Koorndyk for his presentation and asked about a report to the City Commission.

Mr. Koorndyk said the Entrepreneur Center and the University Dayton may have presented a preliminary CBA report a year ago to the City Commission.

Commissioner Turner-Sloss asked if the position had been posted.

Mr. Koorndyk said the position had not been posted.

Commissioner Turner-Sloss asked once the position is filled the information about scholarships and internships will be shared with community.

Mr. Koorndyk the Arcade Neighborhood Opportunity lab is the vehicle that they want to use to make sure that the opportunities are broadly understood.

Commissioner Fairchild said he is excited about this step which is an important enhancement of the Arcade for small and individual entrepreneurs who may not be ready to come to the Hub.

Commissioner Shaw said they never looked at the Arcade being a stand-alone building. He said its good they are reaching out into the community. He thanked Mr. Koorndyk for his work.

Commissioner Joseph said this is cutting edge tool for usage and he appreciates his work.

Mayor Mims said showing the community as whole how it benefits them. He said he is looking forward to all the information that will be generated from the process.

REPORTS

1. Purchase Orders, Agreements and Contracts:

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

AVIATION

A1. KONE, Inc. (elevator and escalator maintenance as needed through 12/31/23) **\$100,000.00**

CITY COMMISSION OFFICE

B1. Professional Sports Catering (goods and services for the City's suite during Dayton Dragon's home games as needed through 12/31/26) **\$63,700.00**

FINANCE

C1. Plattenburg and Associates, Inc. (financial and auditing services as needed through 12/31/23) **19,843.00**

HUMAN RELATIONS COUNCIL

D1. Comptech Computer Technologies, Inc. (temporary staffing services as needed through 12/31/23) **120,588.00**

LAW

E1. Kegler, Brown, Hill and Ritter Company (professional legal services as needed through 12/31/23) **10,000.00**

E2. Subashi, Wildermuth and Justice (professional legal services as needed through 12/31/23) **40,000.00**

PLANNING, NEIGHBORHOODS AND DEVELOPMENT

F1. MAG Consulting LLC. (to cover evidence of real estate ownership and title reporting services as needed through 12/31/25) **60,000.00**

F2. First Title Agency, Inc. (to cover evidence of real estate ownership and title reporting services as needed through 12/31/25) **60,000.00**

PROCUREMENT, MANAGEMENT AND BUDGET

G1. USI Midwest LLC dba The Cincinnati Insurance Company (Ambulance Errors and Omissions liability insurance through 07/13/24) **105,009.00**

PUBLIC WORKS

H1. Acme Spring, Inc. (heavy-duty equipment suspension repair parts and services as needed through 12/31/23) **25,000.00**

WATER

I1. Tree Care, Inc. (tree and stump removal service) **20,000.00**

I2. DXP Enterprises, Inc., dba Corporate Equipment Company
(rehabilitation/repair of various pumps) **30,000.00**

-Depts of Aviation, City Commission Office, Finance, Human Relations Council, Law, Planning, Neighborhoods and Development, Procurement Management, and Budget, Public Works, and Water. **Total: \$654,140.00**

2. **Hurley Social Science Consulting, LLC – Service Agreement** – for consulting services aimed at developing a strategic plan that enhances its public safety mission for the citizens of Dayton - Department of Police/ Support Services. **\$57,500.00**
(Thru 12/31/24)

3. **Optica Consulting, Incorporated - Service Agreement** for technical services and consulting in support of the day-to-day operations of the Dayton Police Department - Department of Information Technology. **\$342,144.00**
(Thru 06/30/24)

4. **P&R Communications Service, Inc. – Lease Agreement** – to lease space on the radio tower to be used as a Continuously Operating Reference Station site for the Department of Water Global Positioning System (GPS) - Department of Water/Water Engineering. **\$18,250.00**
(Thru 05/31/28)

C. Revenue to the City:

5. **Montgomery County Juvenile Court – Service Agreement** –to provide mediation services for the Juvenile Court Mediation Program – Department of Planning, Neighborhoods and Development/Mediation Center. **\$170,000.00**
(Thru 06/30/24)

E. Other – Contributions, etc.:

6. **Butler Township– Other** – Airport TIF annual tax-sharing payment - Department of Planning, Neighborhoods and Development/Development. **\$367,567.86**
(Thru 12/31/23)

7. **Miami Valley Career Technology Center – Other** - Airport TIF annual tax-sharing payment – Department of Planning, Neighborhoods and Development/Development. **\$24,558.27**
(Thru 12/31/23)

8. **Ohio Water Development Authority (OWDA) – Other** – one-time application fee for the End of Pipe Treatment Design being funded by the Water Supply Revolving Loan Account (WSRLA) Program through the Ohio EPA Division of Environment and Financial Assistance (DEFA) – Department of Water/Water Reclamation. **\$47,250.00**
(Thru 12/31/23)

9. **Vandalia-Butler City Schools – Other-** Airport Community Reinvestment Area (CRA) annual tax-sharing payments – Department of Planning, Neighborhoods and Development/Development. **\$884,001.61**
(Thru 12/31/23)

10. **Vandalia-Butler City Schools – Other** – Airport TIF Annual Tax-Sharing Payment - Department of Planning, Neighborhoods and Development. **\$379,847.00**
(Thru 12/31/23)

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 Fairchild 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 READING

Emergency Resolution No. 6733-23- Authorizing the Acceptance of the Fiscal Year 2022 Assistance to Firefighters Grant in the Amount of Three Hundred Seventy-Two Thousand Five Hundred Seventy-Eight Dollars and Eighteen Cents (\$372,578.18) from the Federal Emergency Management Agency (“FEMA”), and Authorizing the Required Matching Funds in the amount of Thirty-Seven Thousand Two Hundred Fifty-Seven Dollars and Eighty-two Cents (\$37,257.82), 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

Emergency Resolution No. 6734-23- Authorizing the City Manager to Accept a Continuum of Care Grant Award from the U.S. Department of Housing and Urban Development (“HUD”) for a Total Amount of Two Million Four Hundred Forty-Four Thousand Seven Hundred Fifty-Six Dollars and Zero Cents (\$2,444,756.00) on Behalf of the City of Dayton, and Declaring an Emergency.

Commissioner Turner 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 Mims, Commissioners Joseph, Shaw, Fairchild and Turner-Sloss

EMERGENCY RESOLUTIONS – SECOND READING

Emergency Resolution No. 6731-23 - Approving the Submission of a Grant Application and Authorizing the Acceptance of a Grant Award from the Greater Dayton Regional Transit Authority (RTA) in an amount of Thirty-Two Thousand Seven Hundred Twenty-Seven Dollars and Ninety-Six Cents (\$32,727.96) on behalf of the City of Dayton, and Declaring an Emergency.

The question being shall Emergency Resolution No. 6731-23 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. 6732-23 - Authorizing the Acceptance of a Grant Award from the Ohio Department of Rehabilitation and Corrections in the Amount of One Hundred Ninety-Six Thousand Eight Hundred Sixteen Dollars and Zero Cents (\$196,816.00) for the \ Grant Period of July 1, 2023, to June 30, 2025, on Behalf of the City of Dayton and Declaring an Emergency.

The question being shall Emergency Resolution No. 6732-23 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. 32046-23- To Vacate the Alley West of South Ludlow Street from Zeigler Street to the Alley South of Zeigler Street.

The question being shall Ordinance No. 32046 -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.

Ordinance No. 32047-23- To Vacate the Alley South of Valley Street to the South Property Line of Parcel R72 05108-0007.

The question being shall Ordinance No. 32047-23 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.

Ordinance No. 32048-23- Consenting to the Resurfacing of State Route 4 in the City of Dayton MOT-4-4.30/8.13, and Agreeing to Cooperate in Matters Incidental Thereto, Including the Execution of Agreement Necessary to Implement this Ordinance.

The question being shall Ordinance No. 32048-23 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.

PUBLIC HEARING

Mayor Mims opened the Public Hearing on Case No. PLN2023-00107 Gem City Solar 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 an application to rezone approximately 70.155 acres located at 5114 Little Richmond Road from Eclectic Single Family Residential (ER-3) to Business Park (BP)

for freestanding solar panels. He said the property is currently used for agricultural purposes and there are no structures on the property. He said the planning area contains both the Cities of Dayton and Trotwood. He said properties to the north, south, and east are in the City of Trotwood. Mr. Kroeger said several parcels already meet zoning requirements for the installation of solar panels. He said this is the only parcel that is not zoned Business Park (BP).

Mr. Kroeger said they received one email in opposition citing potential health concerns. He said the West Priority Land Use Board voted five to zero to recommend approval of the zoning map amendment. Mr. Kroeger said the Dayton City Commission has three decision options, to approve plan board recommendation, remand the case to Plan Board or deny the request.

Mr. Kroeger invited Mr. Ian Edward, Manager, Project Development, Gem City Solar, to the podium for clarification. Mr. Edwards commended staff for the work on this endeavor and said they have been very patient and great to work with.

Mr. Edwards said TED Renewables stands for Tier Energy Development. He said they are the development arm of Tier Energy based out of Kansas City. Mr. Edwards said Tier Energy has been in business for 20 years, and they own and operate 7,000 megawatts of generation across the entire United States.

Mr. Edwards said they are requesting a proposed rezoning for the Gem City Solar Project which is a proposed 49.9-megawatt solar project in the City of Dayton, and 49.9-megawatts in terms of the scale in Ohio which is on the smaller scale of utility scales for renewable development. He said enough generation will be produced by this project to power over 13,000 homes in the City of Dayton annually. Mr. Edwards said the project will include vegetation management, operations, and maintenance plans. He said the construction start date, which is a moving target, is set for the fourth quarter of 2024.

Mr. Edward said they hosted informational meetings for the project at the Dayton Metro Library West Branch in February 2023. He said they mailed out over 1,250 invitations to Dayton and Trotwood residents and posted project details to their Facebook page. Mr. Edwards said they had 30 attendees that asked questions and received additional information about the project. He said many of the attendees were excited to see Dayton embrace renewable energy.

Commissioner Turner-Sloss said she is excited about the project. She asked is there concerns regarding security.

Mr. Edwards said the project will be surrounded by a security fence which is made with cedar posts. He said there will be employees on site.

Commissioner Turner-Sloss asked if the City of Trotwood was in support of the project.

Mr. Edwards said the City of Trotwood was fully engaged.

Commissioner Fairchild said he is excited about the project. He said he had installed solar panels on their house in March and are happy to extend the ability to harvest energy that is clean and sustainable.

Commissioner Shaw said he is very supportive of the project. He said he hopes they do more.

Commissioner Joseph said there are plans to do more. He said the Ohio Power Siding Board and the state legislature made more rules on where the solar panels may go and the City of Dayton along with Montgomery County is a haven for the panels.

Mayor Mims thanked Mayor McDonald and the City of Trotwood for their support. He said last year the City of Dayton won four awards for sustainability and this endeavor helps to reduce the cost of energy for the citizens of Dayton.

CITIZENS' COMMENTS ON THE PUBLIC HEARING

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

1. **Mr. Rap Hankins, 4455 Filburn Lane** – spoke in support of the zoning map amendment.
2. **Mr. Christopher Wettle, 319 Storms** – spoke in support of the zoning map amendment.
3. **Mr. Khalid Karriem, 5519 Little Richmond Road** – spoke in opposition of the zoning map amendment.

Commissioner Turner-Sloss asked about Mr. Karriem's concerns and asked that they be addressed by staff.

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. 32049-23- Amending the Official Zoning Map to Change the Zoning at 5114 Little Richmond Road From Eclectic Single-Family Residential (ER-3) to Business Park (BP).

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

There were no citizen comments.

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, invited Mr. Stephan Marcellus, Deputy Director of Recreation to the podium for a community update on Lights in Flight.

Mr. Marcellus said the Department of Recreation will present the "Lights in Flight" on Monday, July 3, 2023, beginning at 10:00 p.m. at Kettering Field Softball Complex at 444 N. Bend Boulevard. He said this will be the best location to view the show. Mr. Marcellus thanked Marion's Piazza for their continued sponsorship of the event and said Marion's Piazza will be available for purchase.

Mr. Marcellus said if citizens wish to view the show at Kettering Field, they should be aware that E. Helena Street will be closed to through traffic. He suggested that citizens arrive early and plan where they will park because parking will be limited. Mr. Marcellus said he wanted everyone to attend the event and have a great time. He asked citizens to watch the news for further updates.

Commissioner Fairchild asked is there recommendations where citizens should park.

Mr. Marcellus said he does not have any recommendations for parking. He asked citizens to be mindful of businesses still in operation during the event and not to block their businesses.

COMMENTS BY THE CITY COMMISSION

Commissioner Turner-Sloss

Commissioner Turner-Sloss thanked staff, presenters, and citizens for their comments at the meeting.

Commissioner Turner-Sloss thanked the Mayor of Trotwood Ms. Mary McDonald and the City of Trotwood for their collaboration on the Gem City Solar Plan.

Commissioner Fairchild

Commissioner Fairchild commended staff for their work on the Draft Housing Policy Public Meeting. He said attended three out of the four and said they were well attended.

Commissioner Fairchild congratulated graduating students of the Neighborhood Leadership Institute.

Commissioner Fairchild highlighted the Mayors Porch Tours being in Five Oaks, Lights in Flight. He wished everyone from the Muslim Community a blessed Eid al-Adha.

Commissioner Shaw

Commissioner Shaw congratulated graduating students of the Neighborhood Leadership Institute.

Commissioner Shaw highlighted events around the City of Dayton particularly Princeton Park Block Party and Wright Dunbar Day.

Commissioner Joseph

Commissioner Joseph thanked Commissioner Turner-Sloss for her commemoration of Dr. Joann Mawasha. He expressed condolences to her family and friends and said she was a very compassionate, kind, and calm person.

Commissioner Joseph expressed condolences to Former Fire Captain Larry Abels family and friends and said he helped him learn what fire fighters do daily.

Mayor Mims

Mayor Mims highlighted his attendance at Freedom Schools kick-off, Foodbank and CareSource, Lela Francis Award Luncheon, Urban League Pillar Award, Firefighters graduation, Wright Dunbar Day, West Dayton Block Party, Young Ladies Aspiring Greatness, and the NAACP meeting on gun violence.

Mayor Mims wished a Happy Birthday to his granddaughter Chase.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:29 a.m.

Jeffrey J. Mims, Jr.
Mayor

Attest: _____
Clerk of Commission