

On Wednesday, July 8, 2020, at 8:32 a.m., the Dayton City Commission met in regular session, remotely through electronic means, in the Commission Chambers of 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 Fairchild 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 Acting Clerk of Commission, Ms. Ariel Walker, and the City Manager, Ms. Shelley Dickstein, were also present through electronic means.

APPROVAL OF MINUTES

Commissioner Mims made a motion to approve the minutes from the July 1, 2020, 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 awards or presentations.

ADDITIONS OR DELETIONS TO THE CALENDAR

The Acting Clerk of Commission, Ms. Ariel Walker, noted that Emergency Resolution No. 6516-20-Declaring the Necessity to Implement the Plan for Services Adopted by the Downtown Special Improvement District and Emergency Resolution No. 6517-20-Appointing an Assessment Equalization Board regarding the proposed assessments for the Plan for Services Adopted by the Downtown Dayton Special Improvement District, would be presented in their revised form.

Ms. Walker also requested the addition of the legislation pertaining to the Public Hearings at the desire of the Dayton City Commission.

REPORTS

**A. Purchase Orders, Agreements and Contracts:
(All contracts are valid until delivery is complete or through December 31st of the current year).**

1. Purchase Orders:

POLICE

A1. Parr Public Safety Equipment (parts, supplies and related items to retrofit vehicles) **\$18,538.65**

1. (Cont'd):

PUBLIC WORKS

B1. Service Supply Ltd., Inc. (playground expansion) **\$397,072.10**

WATER

C1. BNR, Inc./Jan Products (Wallace & Tiernan parts as needed through 12-31-23)
116,000.00

C2. Detmer Business Group, Inc., dba Summit Industries (Rittal electrical console parts)
19,964.70

-Depts. of Police, Public Works and Water. **Total: \$551,575.45**

2. **ARCADIS U.S., Inc. – Service Agreement** – for Land Optimization Study at the Water Reclamation Facility – Dept. of Water/Water Reclamation. **\$100,000.00**
(Thru 06/30/21)

3. **Bricker & Eckler LLP – Contract Modification** – fifth amendment for additional legal services and to extend the agreement – Dept. of Economic Development. **\$20,000.00**
(Thru 03/31/21)

4. **Dr. Linda Burrs – Service Agreement** – for executive coaching – Dept. of Water. **\$75,000.00**
(Thru 12/31/22)

C. Revenue to City:

5. **Miller Pipeline LLC – Contract Modification** – first amendment for off-duty police officer services – Dept. of Police. **\$140,070.00**
(Est. Revenue)

E. Other – Contributions, Etc.:

6. **Sonrai Systems LLC – Payment of Voucher** – for monthly modem fees for the RFID Truck Systems – Dept. of Public Works/Waste Collection. **\$5,610.00**

BY THE BOARD OF REVISION OF ASSESSMENT

7. In the Matter of Declaring the Intention of the Commission to Vacate Shaw Avenue from Great Miami Boulevard to the East Property Line of City Lot #13986 – Recommendation to Proceed.

CITIZENS' COMMENTS ON CALENDAR ITEMS

Citizens' comments were suspended for the meeting.

DISCUSSION OF CALENDAR ITEM

Calendar Item 1. Sub-Item B1. Service Supply Ltd., Inc.-Purchase Order

The City Manager, Ms. Shelley Dickstein, invited Mr. Fred Stovall, Director of Public Works, to present on City of Dayton park improvements.

Mr. Stovall said the play parks that will be installed with new equipment are Highview Hills, Belmont Park, Stuart Patterson Park, and Princeton Park. He said the playground equipment will be more elaborate with new standards in physical fitness challenges. Mr. Stovall said he hopes to have the equipment installed in September 2020.

Commissioner Joseph said children will be excited to play on the new playground equipment.

Mayor Whaley asked if they should be worried about the height of the playground equipment.

Mr. Stovall said there are safety mechanisms around the equipment.

Commissioner Mims said density of the mulch will minimize injuries.

Mr. Stovall agreed about the density of the mulch and added that the playgrounds will be ADA compliant.

Resolution No. 6518-20- Acknowledging Notification of the Plan Board’s Decision to Extend the Expiration Date of CitiPlan Dayton: The 20/20 Vision to December 31, 2022

The City Manager, Ms. Shelley Dickstein, said this item will allow having a comprehensive plan in place while working through Urban Design Associates (UDA) planning and visioning work, which take all five geographical areas into consideration for future investments.

Resolution No. 6516-20- Declaring the Necessity to Implement the Plan for Services Adopted by the Downtown Dayton Special Improvement District, Inc., and Approved by the City Commission and Resolution No. 6517-20-Appointing an Assessment Equalization Board Regarding the Proposed Assessments for the Plan for Services Adopted by the Downtown Dayton Special Improvement District, Inc., and Approved by the City Commission

Mayor Whaley invited Ms. Sandy Gudorf, President, Downtown Dayton Partnership to give an update.

Ms. Gudorf said the City Commission will discuss and vote on another step in the Special Improvement District process. She said the district is renewed every five years and has been since its establishment in 1996. Ms. Gudorf said she and her Board of Trustees thank the City Commission for their continued support and participation financially in the Downtown Dayton Special Improvement District. She thanked all contributors and said they need the support of private and public neighbors to put in the resources to strengthen downtown. She said in tough times like now, it’s even more important to work together.

Mayor Whaley said it’s amazing how Ms. Gudorf and her team worked to get the amount of signatures for the Special Improvement District (SID) during the COVID-19 virus. She thanked Ms. Gudorf for her work during the crisis the City of Dayton has faced these past few years.

Commissioner Shaw thanked Ms. Gudorf for her work with small businesses Downtown.

Commissioner Mims thanked Ms. Gudorf for her work during all the challenges.

APPROVAL OF CITY MANAGER’S REPORTS

Commissioner Joseph made the motion to approve the City Manager’s Reports. Commissioner Shaw 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 ORDINANCE – FIRST AND SECOND READING

Emergency Ordinance No. 31822-20- Amending and Approving the Rules and Regulations of Electric Transportation Devices, 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. 31822-20 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. 6516-20- Declaring the Necessity to Implement the Plan for Services Adopted by the Downtown Dayton Special Improvement District, Inc., and Approved by the City Commission, 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. 6516-20 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.

Emergency Resolution No. 6517-20- Appointing an Assessment Equalization Board Regarding the Proposed Assessments for the Plan for Services Adopted by the Downtown Dayton Special Improvement District, Inc., and Approved by the City Commission, and Declaring an Emergency.

Commissioner Fairchild moved that this being an emergency measure for the immediate consideration of the Resolution. 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 Resolution No. 6517-20 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.

ORDINANCE – FIRST READING

Ordinance No. 31820-20- To Vacate Shaw Avenue from Great Miami Boulevard to the East Property Line of City Lot #13986.

RESOLUTION – FIRST READING

Emergency Resolution No. 6515-20- Acknowledging Notification of the Plan Board’s Decision to Extend the Expiration Date of CitiPlan Dayton: The 20/20 Vision to December 31, 2022.

PUBLIC HEARING

Mayor Whaley opened the Public Hearing on Planned Development PD-84 located at 1500 North Keowee Street. She asked Ms. Dickstein to proceed. Ms. Dickstein invited Ms. Ann Schenking, Plan Board Secretary, Planning and Community Development and Mr. Jeff Green, Planner, Planning and Community Development, to present.

Ms. Schenking said this is a public hearing for Plan Board Case 2020-00066, which will repeal existing Planned Development PD-84 located at 1500 North Keowee Street, retain I-1 zoning for all property within the boundaries of the repealed PD-84, and rezone five associated parcels from EGC Eclectic General Commercial to I-1Light Industrial for construction of a wholesale sales and distribution building for 2J Supply/TREI.

Ms. Schenking said the construction of a 61,050 square foot, landscaped facility on this site offers the opportunity for this business to remain in Dayton. It will also vastly improve the appearance of the stretch of North Keowee Street which once housed the Royal Motel and two vacant restaurants. She said the proposal is supported by the McCook Field Neighborhood Strategic Development Plan.

Ms. Schenking said the City Commission has three decision options, approve the Plan Board recommendation to rezone the property as requested, remand the case back to the Plan Board, or deny the request.

Mr. Green said the PD-84 was approved on March 5, 1997, consisting of one parcel with 4.14 acres. PD-84 principally allows for industrial uses in the I-1 zoning district. He said upon approval it was to be split off and sold to individual owners which has not occurred. He said it is important to note, the city updated the Zoning Code in 2006 with amendments happening as needed. Mr. Green gave an overview of the land.

Commissioner Joseph thanked staff for work on this project and thanked 2J Supply for locating in the City of Dayton. He said he doesn’t believe there has been anyplace in the City of Dayton as transformed as much as Keowee has been over the past 15 years.

Commissioner Mims said he looks forward to seeing the completed project.

Mr. Larry Trimbach, Owner of 2J Supply, said 2J Supply has been a part of the Dayton community since 1962. He said his father started the company on Valley Street since 1972 and have outgrown that location. He said this move will benefit the hospital as well. Mr. Trimbach said he is very excited about the project and is excited to stay in the downtown corridor.

Mr. Mike Twiss, Architect, said he is very excited to start on the project and if the commission members rode pass the project they would see work already beginning.

CITIZENS’ COMMENTS ON 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. 31824-20- Amending the Official Zoning Map to Repeal Existing Planned Development PD-84, Retain I-1 Zoning for All Property Within the Boundaries of Repealed PD-84, Rezone Five Associated Parcels from EGC to I-1; 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. 31824-20 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 Planned Board Case PLN2019-00612, which will remove the Pedestrian Oriented Design designated streets from the Zoning Map. She asked Ms. Dickstein to proceed. Ms. Dickstein invited Ms. Ann Schenking, Plan Board Secretary, Planning and Community Development to present.

Ms. Schenking said this is a public hearing for Plan Board Case PLN2019-00612, which will remove the Pedestrian Oriented Design designated streets from the Zoning Map. She said this case would remove the Pedestrian Oriented Design POD-1 and POD-2 designated streets from the Zoning Map. POD designated streets were located in the CBD Central Business District and UBD Urban Business District and had particular design principles that applied to them. Ms. Schenking said Zoning Code text amendments approved in May 2019 repealed the Zoning Code regulations for the PODs and enacted regulations that applied the POD design principles to the entire CBD and UBD, thereby raising the design bar for applicable uses in the CBD and UBD. She said over time this will assist in the making the CBD and UBD places that meet the expectations contained in the Greater Downtown Dayton Plan, a component of the comprehensive plan. Ms. Schenking said since the POD-1 and POD-2 regulations have been removed from the Zoning Code, there is no reason to show the POD designated streets on the Zoning Map.

Ms. Schenking said the Plan Board recommends approval of the request. She said The Plan Board believes the considerations outlined in Section 150.125.7 of the Zoning Code can be made, and that the proposal is consistent with the comprehensive plan and with the intent and purpose of the Zoning Code.

Ms. Schenking said the City Commission has three decision options, approve the Plan Board recommendation to rezone the property as requested, remand the case back to the Plan Board, or deny the request.

CITIZENS' COMMENTS ON 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. 31825-20- Amending the Official Zoning Map to Remove the Pedestrian Oriented Design Designated Streets, 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. 31825-20 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 suspended for the meeting.

COMMENTS BY THE CITY MANAGER

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

COMMENTS BY THE CLERK OF COMMISSION

The Acting Clerk of Commission, Ms. Ariel Walker, had no closing comments.

COMMENTS BY THE CITY COMMISSION

Commissioner Fairchild

Commissioner Fairchild thanked Mr. Trimbach for staying in the City of Dayton.

Commissioner Fairchild highlighted Ms. Libby Nicholson for receiving an award from Children’s Medical Hospital.

Commissioner Fairchild highlighted the Big Read Event at the Dayton Montgomery County Metro Library.

Commissioner Shaw

Commissioner Shaw encouraged citizens to complete the 2020 Census.

Commissioner Mims

Commissioner Mims highlighted his attendance at the Wright Dunbar Day.

Commissioner Joseph

Commissioner Joseph thanked the Mayor for the proclamation for the Team Red Scare Day.

Mayor Whaley

Mayor Whaley commended and thanked the City Commission and staff for passing the mask ordinance. She said she continues to watch the COVID-19 numbers rise and encouraged young citizens to stop going to bars and to wear their masks.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:37 p.m.

Nan Whaley
Mayor

Attest: _____
Acting Clerk of Commission