

On Wednesday, September 2, 2020, at 6:00 p.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](http://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 Clerk of Commission, Ms. Rashella Lavender, and The Acting City Manager, Mr. Joe Parlette, were also present through electronic means.

### **APPROVAL OF MINUTES**

**Commissioner Mims made a motion to approve the minutes from the August 26, 2020, meeting. Commissioner Fairchild seconded the motion. The previous meeting minutes were unanimously approved.**

### **COMMUNICATIONS AND PETITIONS**

#### **Communication #21491**

**State of Ohio, Department of Liquor Control – Permit Application D5D, D6 Permit #2497784 – Elm Growth LLC, DBA One Eleven Restaurant, 111 W. First Street – Ste. 110, Dayton, Ohio 45402.**

The Clerk of Commission reported receipt of Permit Application Permit D5D, D6 Permit #2497784 – Elm Growth LLC, DBA One Eleven Restaurant, 111 W. First Street – Ste. 110, Dayton, OH 45402. The application was referred through the City for investigation.

### **SPECIAL AWARDS/PRESENTATIONS**

Mayor Whaley invited Mr. Will Smith, Project Manager for the Police Reform Working Groups, to give a community update on the Police Reform Working Groups.

Mr. Smith said the first quarter of the Police Reform Working Group were as follows: the plan was announced on June 3, 2020, in response to racial tensions regarding the Dayton Police Department. He said the working groups were finalized on June 29, 2020, with the first meeting taking place on July 14, 2020. Mr. Smith said there have been a total of 16 workgroup meetings with 125 people involved in the process.

Mr. Smith said they have five individual workgroups, Oversight; which will review the current complaint process and will review processes used in other cities, Use of Force; which will gather use of force statistics and what constitutes as use of force, Training, Recruitment and Promotion; which will review the current recruitment and application process and will show what the police academy is and the requirements for becoming a police officer, and Community Engagement; which will demonstrate current engagement activities.

Mr. Smith said the next steps will be administering a quarterly survey, cross group small sessions, and community listening sessions.

Mayor Whaley thanked him for his update and thanked the Dayton Police Department for their help and ideas.

Commissioner Fairchild encouraged citizens to look at the individual charters for each group. He asked if other groups have a recommendation to present.

Mr. Smith said no because every group is in a different place.

Commissioner Shaw said the pre-work is critically important and his group is close to getting recommendations. He commended Mr. Smith for summaries of the groups.

Commissioner Mims said his group is dealing with the spark of all the trouble across the nation. He thanked staff for their work on this issue.

Commissioner Joseph thanked Mr. Smith for his help. He thanked staff and his group for working on this issue.

Mr. Parlette thanked all the groups involved in this work and said it is very critical work.

#### **ADDITIONS OR DELETIONS TO THE CALENDAR**

The Clerk of Commission, Ms. Rashella Lavender, requested the addition of Informal Resolution No. 979-20-Urging Secretary of State Frank LaRose To Immediately Reverse the Ban of Secure Off-Site Absentee Ballot Drop Boxes, Directing the Law Department to Explore Legal Action to Protect the Residents of Dayton's Right to Vote.

Ms. Lavender also requested the addition of the legislation pertaining to the Public Hearing 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 31<sup>st</sup> of the current year).**

##### **1. Purchase Orders:**

###### **PLANNING & COMMUNITY DEVELOPMENT**

**A1. Bladecutter's Lawn Service Inc. (building demolition) \$25,787.00**

##### **1.**

###### **POLICE**

**B1. Brite Computers/UpState Wholesale Supply (NetMotion mobility software maintenance and support renewal) 15,931.13**

**B2. CDW Government, Inc. (computer tablets and accessories) 41,355.50**

**B3. Tri-Tech Forensics, Inc. (active shooter response kits and combat application tourniquets) 19,768.55**

###### **PUBLIC AFFAIRS**

**C1. iVideo Technologies, LLC (replacing existing camera system and hardware) 106,144.87**

###### **WATER**

**D1. Sullivan Environmental Technologies (replacement parts and pumps as needed through 12-31-20) 234,979.00**

**D2. Day-Con Supplies LLC (medical first aid supplies as needed through 07-31-21) 8,000.00**

**D3. CHWR, Inc. dba CHW Mechanical Services (heating, ventilation and air conditioning preventative maintenance and repairs as needed through 04-30-21) 7,500.00**

**D4. JNJ Fabrication and Welding LLC (machine shop and fabricating services as needed through 06-30-24) 280,000.00**

-Depts. of Planning & Community Development, Police, Public Affairs, and Water.

**Total: \$739,466.05**

**2. Dayton Area Chamber of Commerce, Education and Public Improvement Foundation – Service Agreement – for the Dayton International Airport Business Traveler Center – Dept. of Aviation. \$380,500.00**

**(Thru 12/31/23)**

**B. Construction Contracts:**

3. **Peterson Construction, Co. – Award of Contract** – for the Centrate Force Main (10% SBE Participation Goal/10.5% SBE Participation Achieved) – Dept. of Water/Water Reclamation.  
**\$152,229.00**  
**(Thru 12/31/21)**

**C. Revenue to the City:**

4. **Dayton Montgomery County Port Authority – Other** – first amendment to add the Friends of Levitt as a party to the agreement for Levitt Pavilion Dayton – Dept. of Economic Development.  
**\$415,078.00**  
**(Thru 12/31/31)**

**CITIZENS' COMMENTS ON CALENDAR ITEMS**

Citizens' comments were suspended for the meeting.

**DISCUSSION OF CALENDAR ITEM**

**Informal Resolution No. 979-20-Urging Secretary of State Frank LaRose To Immediately Reverse the Ban of Secure Off-Site Absentee Ballot Drop Boxes, Directing the Law Department to Explore Legal Action to Protect the Residents of Dayton's Right to Vote.**

Mayor Whaley said she appreciates the addition to the calendar regarding drop boxes. She said because of the election and COVID-19, citizens will have the opportunity to utilize drop boxes to vote in the general election at Montgomery County Board of Elections.

**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 RESOLUTION – FIRST AND SECOND READING**

**Emergency Resolution No. 6529-20-** Authorizing the Purchase of Equipment and the Subsequent Reimbursement for the costs incurred by the Federal Bureau of Investigation Agency to the City of Dayton, and Declaring an Emergency

**Commissioner Mims moved that this being an emergency measure for the immediate consideration of the Resolution. 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 Resolution No. 6529-20 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.**

**RESOLUTION – SECOND READING**

**Resolution No. 6527-20-** Declaring the Intention of the Commission to Vacate Cooper Street from Meigs Street to the East Property Line of City Lot #2913.

**The question being shall Resolution No. 6527-20 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.**

**INFORMAL RESOLUTION**

**Informal Resolution No. 979-20-** Urging Secretary of State Frank LaRose To Immediately Reverse the Ban of Secure Off-Site Absentee Ballot Drop Boxes, Directing the Law Department to Explore Legal Action to Protect the Residents of Dayton's Right to Vote.

**Commissioner Joseph made a motion to adopt Informal Resolution No. 979-20. Commissioner Shaw 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 regarding Plan Board Case PLN2020-00142-Zoning Map Amendment for a Multi-Family Development. She asked Mr. Parlette to proceed. Mr. Parlette asked Mr. Tony Kroeger, Division Manager, Planning and Community Development, to present.

Mr. Kroeger said this case is Plan Board Case No. PLN2020-00142. He asked Ms. Jen Lumpkin, Planner, Planning and Community Development to present.

Ms. Lumpkin said the zoning map amendment is for a property that is currently vacant land. She said the plan will rezone approximately 12.5 acres located on Needmore road near Old Troy Pike from SR-2 Suburban Single Family Residential to SMF Suburban Multi-Family for a proposed future multi-family development. She gave an overview of the property.

Ms. Lumpkin said the neighboring property owners and the North Land Use Board both support this plan. She said the request is consistent with the City's Comprehensive Plan, intent, purpose and regulations of the Zoning Code. The Plan Board recommends approval.

Ms. Lumpkin said the City Commission has three decision options: Approve the Plan Board recommendation to rezone the property at Needmore and Old Troy Pike, deny the request, or remand the case to the Plan Board.

Commissioner Shaw asked is the only access to Old Troy Pike is pedestrian access because of density concerns.

Ms. Lumpkin said that is correct there is no vehicle access to Old Troy Pike.

### **CITIZENS' COMMENTS ON THE PUBLIC HEARING**

There were no citizen comments on the Public Hearing.

The Mayor closed the Public Hearing and the City Commission moved forward with the legislation.

### **THIS ITEM WAS ADDED**

#### **EMERGENCY ORDINANCE – FIRST AND SECOND READING**

**Emergency Ordinance No. 31830-20** Amending the Official Zoning map to Rezone Property Located on Needmore road Near Old Troy Pike from SR-2 Suburban Single-Family Residential to SMF Suburban Multi-Family, 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. 31830-20 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 Acting City Manager, Mr. Joe Parlette, had no closing comments.

### **COMMENTS BY THE CLERK OF COMMISSION**

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

### **COMMENTS BY THE CITY COMMISSION**

#### **Commissioner Fairchild**

Commissioner Fairchild highlighted his attendance at the Tour de Gem beginning August 21, 2020 and ending September 6, 2020.

#### **Commissioner Shaw**

Commissioner Shaw encouraged citizens to complete the 2020 Census.

#### **Commissioner Mims**

Commissioner Mims highlighted the 10<sup>th</sup> year of the Black Elected Officials Teen voting project.

**Commissioner Joseph**

Commissioner Joseph thanked Commissioner Mims for his work on teen voting. He thanked citizens who are still practicing social distance and who are wearing their masks.

**Mayor Whaley**

Mayor Whaley welcomed Ms. Jen Lumpkin, Planner, Planning and Community Development.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:01 p.m.

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**Nan Whaley**  
**Mayor**

**Attest:** \_\_\_\_\_  
**Clerk of Commission**