

On Wednesday, September 8, 2021, at 8:31 a.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. She said due to the current COVID-19 order, the City of Dayton is requiring masks to be worn in all City facilities to protect the safety of the staff and community. If you need a mask, there are some at the entrance of the Commission Chambers. Those not wearing a mask during the Commission Meeting may be ruled out of order and removed from the meeting.

INVOCATION

Commissioner Fairchild asked for a moment of silence commemorate the 9/11 attacks on the United States. 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, Shaw and Fairchild were present. The Clerk of Commission, Ms. Regina D. Blackshear, The City Manager, Ms. Shelley Dickstein and Miami Valley Interpreters, were also present.

APPROVAL OF MINUTES

Commissioner Mims made a motion to approve the minutes from the September 1, 2021, meeting. Commissioner Fairchild seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

Communication #21594

Work Session handout – Finance Committee Briefing – General Fund -July 2021 YTD Results.

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 the legislation pertaining to the public hearing at the pleasure of the City Commission.

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. M & R Electric Motor Service (electrical motor repairs, parts, supplies and related items as needed through 09/30/21) **\$9,000.00**

LAW

B1. Crown Personnel Service, Inc. (temporary staffing services as needed though 12/31/21) **40,000.00**

1. (Cont'd):

POLICE

- C1. Brite Computers/Upstate Wholesale Supply** (twenty (20) Getac Tablets) **44,800.00**
- C2. Invisio Communications, Inc.** (over the ear headsets and communication cables) **24,318.10**

PROCUREMENT, MANAGEMENT AND BUDGET

- D1. Bound Tree Medical LLC** (PPE gloves) **89,775.00**

PUBLIC WORKS

- E1. Graybar Electric Company, Inc.** (electrical parts, supplies, and related items as needed through 12/31/21) **10,000.00**

WATER

- F1. Sullivan Environmental Technologies** (two Trillium (WEMCO) pumps) **54,604.00**
- F2. Mississippi Lime Company** (quick lime as needed through 12/31/21) **40,000.00**
- E3. Pelton Environmental Products, Inc.** (pinion gear, shaft, and key as needed through 12/31/24) **43,398.00**
-Depts. of Aviation, Law, Police, Procurement, Management and Budget, Public Works and Water. **Total: 355,895.10**

- 2. **Passport Parking, Inc. – Service Agreement** – for a mobile payment solution for on street parking – Department of Public Works. **\$85,000.00**
(Thru 12/31/23)

C. Revenue to the City:

- 3. **Webster 2020, LLC – Other** - special use permit to install conduit to connect new construction to existing facilities at 2043 Webster Street - Department of Public Works. **\$200.00**
(Paid to the City)

E. Other – Contributions, Etc.:

- 4. **Dayton Montgomery County Port Authority -Other-** intergovernmental agreement to contract with the Port Authority for specialized real estate consulting services related to potential business attraction project opportunities. **\$50,000.00**
(Thru 12/31/23)

DISCUSSION OF CALENDAR ITEMS

Calendar Item No. 2. Passport Parking, Inc.-Service Agreement

The City Manager, Ms. Shelley Dickstein, invited Ms. Monica Jones, Division Manager, Management and Budget, and Mr. Joe Brzozowski, Chief Traffic Engineer, Public Works, to the podium to give a community presentation.

Ms. Jones said this service agreement will offer citizens a third option for payment at parking meters. She said citizens will still have the option to pay by credit card and cash, but will also be able to pay by mobile app. Ms. Jones said this came about during a consultant recommendation. She said five vendors responded to a request for proposal and Passport Parking Inc. was chosen. Ms. Jones said it will not require new capital or infrastructure but will work with existing meters.

Mr. Brzozowski, said once approved, Passport Parking, Inc. will assign a project team which will include current participants, Civil Engineering, Police, IT, Courts and Parking Enforcement. He said the Implementation and Project team will determine zone and space structure. Mr. Brzozowski said Public Affairs will have a press release with the goal of going live on December 1, 2021.

Mayor Whaley asked about the coin only parking meters.

Ms. Jones said citizen will be able to use the app city wide.

Mayor Whaley asked about the timeline for changing to the credit card option.

Ms. Jones said there is no date at this time.

Commissioner Fairchild said the current meters are hard see for wheelchair users, therefore, the app will make them more accessible for everyone.

CITIZENS' COMMENTS ON CALENDAR ITEMS

There were no citizens' comments on calendar items.

APPROVAL OF CITY MANAGER'S REPORTS

Commissioner Shaw made the motion to approve the City Manager's Reports Commissioner Joseph 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. 31912-21- Determining to Proceed with the Acquisition, Construction, and Improvement of Certain Public Improvements in the City of Dayton, Ohio in Cooperation with the Dayton Regional Energy Special Improvement District 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. 31912-21 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 Ordinance No. 31913-21- Authorizing the Grant of an Access and Utility Easement for the Benefit of Parcels of Land Located at the Dayton International Airport, and Declaring an Emergency.

Commissioner Shaw moved that this being an emergency measure for the immediate consideration of the Ordinance. 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 Ordinance No. 31913-21 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 RESOLUTIONS – FIRST AND SECOND READING

Emergency Resolution No. 6605-21- Declaring the Intention to Appropriate Real Property Interests in Parcels 11WD &T, 12SH & T, 60WD, 61WD &T, 62WD &T, 63WD & T, 65WD & T, 66WD & T, 67WD & T, 68WD & T, 69WD &T, 70WD & T, 71WD & T,

72WD & T, 74WD & T, 76T, 77WD & T, 78 T, 79 WD & T, 81WD & T, 82T, 83T, 84T, 85T, 86 WD & T and 68A WD & T in Connection with the Salem Avenue Reconstruction Phase 2 Project, 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 Commissioners Joseph, Mims, Shaw and Fairchild. The question being shall Emergency Resolution No. 6605-21 be adopted. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Commissioners Joseph, Mims, Shaw and Fairchild. The Emergency Resolution was adopted.

PUBLIC HEARING

Mayor Whaley opened the Public Hearing on Plan Board Case PLN2021-00282 to establish PD-181 for 4.91 acres at the southeast corner of South Main Street and East Stewart Street. She asked Ms. Dickstein to proceed. Ms. Dickstein invited Mr. Tony Kroeger, Secretary to the City Plan Board, Planning and Community Development, to present.

Mr. Kroeger said the planned development would allow for the construction of a performing arts center, the retention of a band practice field, and the installation of 56 new trees of various types and sizes along with the removal of five Ginkgo trees. He said the underlying zoning district (Campus Institutional) would not change.

Mr. Kroeger described the background of the case and presented plans and current photos.

Mr. Kroeger said the area would contain a new performing arts center with associated parking, landscaping, and other site amenities, including the maintenance of the band practice field. He said the performing arts center would be 51,000 square feet in area. The Downtown Land Use Board voted in support of the request.

Mr. Kroeger said the City Commission has three decision options: approve the proposed zoning map amendment based on the ability to make a determination specified in the R.C.G.O. (four votes are needed), remand the case back to the Plan Board, or deny the request.

Mr. Mark Thurnauer, Architect, Champlin Architecture, said they were very fortunate to work with the University of Dayton on helping them create this vision for this facility. He said they put together a team of some of the nation's leading designers for a facility of this nature. Mr. Thurnauer said they worked with the national design architecture firm HGA which has extensive experience in designing performing arts and arts facilities of this nature. He said one of the conditions that was given by the Plan Board to maintain and preserve the Southern Ginkgo Trees on Main Street was explored but could not be accomplished without significantly impacting either the educational programs housed in the building or the educational band practice space to the east of the facility. Mr. Thurnauer gave an overview of the presentation slides.

Mr. Rick Krysiak, University of Dayton, gave more detail of the proposed development plan and the conditions that were given by the Plan Board. He said in addition to the economic impact the \$40 million dollar project brings to the city, the project also brings educational benefits to University of Dayton students and environmental benefits to the community. He said they recognize the existing trees have value. He said they took a hard look at the trees, building's location and the educational mission and regretfully concluded the trees would not survive the construction process. Mr. Krysiak said the educational and environmental sustainability benefits of the new building to the students in the community makes this project a good investment in not only the University of Dayton but also in the city of Dayton.

Commissioner Joseph said he appreciated the hard work that's gone into this project; however, he is not unsympathetic to the importance of maintaining a tree canopy. He said the Dayton City Commission does not overrule the Plan Board very often. He said he has a good respect for the

work they do. Commissioner Joseph said because of the number of trees that will be planted, some of which will be five inches across, ameliorates the situation.

Commissioner Mims said the educational investment, long-term development and benefit for this community as well as University of Dayton students involved in the program, justifies support for this endeavor.

Mayor Whaley said she had a conversation with the City Manager and the Chair of the Plan Board and determined it was lack of communication due to the pandemic. She said moving forward because the University of Dayton is an important partner, they will shore up the lines of communication.

CITIZENS' COMMENTS ON THE 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. 31915-21-Amending the Official Zoning Map to Establish Planned Development -182 for 4.91 acres at the southeast corner of South Main Street and East Stewart Street 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. 31915-21 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. **Dr. Robert Walker, Sr. 4516 College View Drive** – spoke in support of the Ombudsman's Office.
2. **Mr. Richard Schaefer, 1234 Wabash Ave.** – spoke in support of the Ombudsman's Office.
3. **Ms. Alice McCollum, 805 Foxfire Trail** – spoke in support of the Ombudsman's Office.

COMMENTS BY THE CLERK OF COMMISSION

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

COMMENTS BY THE CITY MANAGER

The City Manager, Ms. Shelley Dickstein, said invited Mr. Scott Adams, Outstanding Public Official by the Dayton Builders Exchange, whose duties include making sure buildings that are being constructed or renovated are built according to code and remain safe for their intended purposes to the podium for recognition.

Mr. Adams said it was an honor to receive the award and thanked the City Commission for their support.

Mayor Whaley said the City Commission appreciated Mr. Adams impressive leadership. Ms. Dickstein invited Mr. Gil Turner, Director of Aviation, Showcase Award, Dayton Builders Exchange, Mr. Mike Cross, Planning and Engineering Manager, Aviation, Mr. John Fabelo LWC, Inc., and Ms. Ashley Bielefeld, Messer Construction.

Ms. Dickstein said Dayton International Airport was awarded the Showcase Award for Phase One of the Terminal Modernization Project. She said the modernization project had a positive impact on the Dayton community. Ms. Dickstein said it highlighted Dayton's aviation heritage with aircraft on the terrazzo floor. She said the architectural design was prepared by LWC and the construction was completed by Messer Construction. Ms. Dickstein noted that the DBX Showcase Award is not presented every year, it is only presented to projects that will have a major impact to the positive image of the Dayton area. She said the outstanding architect for the year was Mr. John Fabelo, LWC, Inc.

Mr. Turner thanked the City Commission for the recognition. He said the project was completed two years ago but was ecstatic that the award-winning design for the front canopy was selected. He said the other person that helped with the design was Mr. Brady Kress, President and CEO, Carillon Historical Park.

Mr. Cross said the project highlights the heritage of the airport. He said the it's a welcoming facility and the work that was done by Messer Construction made the project move smoothly.

Mr. Fabelo thanked the City Commission and said it has been a pleasure working with for the airport.

Ms. Bielefeld said she appreciates the opportunity of being a part of the process and to meet and exceed Procurement Enhancement Program goals.

COMMENTS BY THE CITY COMMISSION

Commissioner Fairchild

Commissioner Fairchild highlighted citizens from Wesleyan Community in attendance.

Commissioner Fairchild encouraged citizens to continue wearing their masks and to get vaccinated.

Commissioner Shaw

Commissioner Shaw encouraged citizens to continue wearing their masks and to get vaccinated.

Commissioner Mims

Commissioner Mims congratulated Mr. Mark Allen on his retirement from WDTN Channel 2.

Commissioner Mims highlighted an award for Dr. Robert Walker from the United Negro College Fund.

Commissioner Joseph

Commissioner Joseph encouraged citizens to continue wearing their masks and to get vaccinated.

Commissioner Joseph thanked the Plan Board and staff for the work that they do.

Commissioner Joseph highlighted the timeline for finding additional funding for the Ombudsman's Office.

Mayor Whaley

Mayor Whaley thanked Commissioner Joseph for his comments and added that the Ombudsman's Office is being used by other municipalities, but they are not contributing and the City of Dayton cannot continue to foot the bill.

Mayor Whaley encouraged citizens to continue wearing their masks and to get vaccinated.

ADJOURNMENT

There being no further business the meeting was adjourned at 9:46 a.m.

Nan Whaley
Mayor

Attest: _____
Clerk of Commission