

On Wednesday, September 30, 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 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 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 September 23, 2020, meeting. Commissioner Joseph seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

Communication #21493

Petition – Alley vacation – alley east of Brown Street from Wyoming Street to North Property Line of City Lot #84003.

Communication #21494

County Corp – Wolf Creek Homes – notification of residential rental development.

SPECIAL AWARDS/PRESENTATIONS

There were no special awards or presentations.

ADDITIONS OR DELETIONS TO THE CALENDAR

The Clerk of Commission, Ms. Rashella Lavender, requested the addition of Calendar Item No. 8A. Montgomery County Board of County Commission-Eviction Mediation Services Agreement in the amount of \$60,000.00 through 12-31-21. She said the Department of Planning and Community Development is requesting the approval also, she requested the addition of Resolution No. 6535-20-Authorizing the City Manager to Accept a Donation of Masks Valued at Twelve Thousand Dollars and Zero Cents (\$12,000.00); and Authorizing the Donation of Masks to St. Vincent de Paul and House of Bread.

Ms. Lavender also requested the addition of the legislation implementing the zoning change 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 31st of the current year).

1. Purchase Orders:

FIRE

**A1. H-M Company (installation of 16 turnout gear extractors including accessories)
\$28,701.00**

1. (Cont'd):

A2. Pellerin Milnor Corp. (16 turnout gear extractors through 09-14-23)	\$154,925.92
A3. Stryker Medical (One Life-Pak 15 monitor/defibrillator) – PO201106	27,776.68
A4. Stryker Medical (six automated CPR Lucas three devices and accessories) – PO201107	85,222.60
A5. Stryker Medical (Power Pro cot and Power Load System) – PO201114	43,479.35
A6. Stryker Medical (Lifepak monitor/defibrillator and accessories) – PO201115	32,380.70
A7. Stryker Medical (Lucas three chest compression system and accessories) – PO201116	14,995.00

INFORMATION & TECHNOLOGY

B1. Dell Marketing LP (Microsoft licenses) – PO201103	337,529.48
B2. Dell Marketing LP (Dell PowerEdge M640 servers) – PO201105	31,886.98
B3. Ohio State University (VMware Horizon Licenses and professional services)	138,478.00

POLICE

C1. Santos & Santos, Ph.D., Inc. (Stratified problem solving training as needed through 12-31-20)	27,500.00
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PROCUREMENT, MANAGEMENT & BUDGET

D1. Dell Marketing LP (work stations and accessories)	378,654.52
D2. Onespan North America, Inc. (electronic signature software)	79,500.00

PUBLIC WORKS

E1. Meridian Rapid Defense Group LLC (street barriers, trailer, hauler with installation and training services)	334,785.27
E2. Bladecutter's Lawn Service, Inc. (clean out, mold abatement and asbestos surveying)	41,525.00
E3. Garland/DBS, Inc. (roof repair and replacement including removal and installation services)	448,196.00

WATER

F1. Evoqua Water Technologies LLC (replacement parts, supplies and materials for clarifiers)	20,000.00
F2. Baker Vehicle Systems, Inc. (one Jacobsen brand wide area mower)	61,373.00
F3. Brehob Air Compressor (maintenance services for air compressors and dryers as needed through 12-31-20)	25,000.00

1.

F4. RL Parsons & Son Equipment Co., Inc. (one Bomford brand remote control slope mower)	\$96,037.00
F5. Southeastern Equipment Company (one CASE brand backhoe)	110,264.49
F6. Weiffenbach Marble & Tile Company (carpet, LVT flooring including removal and installation services through 07-31-22)	13,038.00

-Depts. of Fire, Information & Technology, Police, Procurement, Management & Budget, Public Works and Water. **Total: \$2,531,248.99**

2. **Sinclair Community College – Service Agreement** – to provide one Coordinator/Victim Advocate, one Victim Advocate and one student intern and/or volunteer to support the Prosecutor's Victim Witness Coordination Unit – Dept. of Law/Criminal. **\$113,199.00**
(Thru 09/30/21)

B. Construction Contracts:

3. **Double Jay Construction, Inc. – Award of Contract** – for Forest, Great Miami, and Riverview Intersection Improvements Re-Bid (10% MBE Participation Goal/18% MBE Participation Achieved) – Dept. of Public Works/Civil Engineering. **\$125,000.00**
(Thru 11/02/22)

4. **Security Fence Group, Inc. – Award of Contract** – for MGY Wildlife Fence Replacement (#MGY-2020001) 90% DBE Participation, 23% DBE Goal – Dept. of Aviation/AP Admin. & Finance.
\$157,710.00
(Thru 02/01/22)
5. **Sunesis Construction Co. – Award of Contract** – for Successful Way Sanitary Lift Station Improvements (5% WBE Goal/5.02% WBE Achieved) – Dept. of Water/Water Engineering.
\$1,036,080.66
(Thru 06/30/22)
6. **W.C. Jones Asphalt Paving Co., Inc. – Award of Contract** – for 2020 CDBG Alley Asphalt Resurfacing (10% HUD Section 3 Participation Goal/100% HUD Section 3 Participation Achieved) – Dept. of Public Works/Civil Engineering.
\$149,634.75
(Thru 09/30/22)

D. Neighborhood Agreement:

7. **Battle Sight, LLC – Development Agreement** – to assist growth and relocation to 601 East Third Street – Dept. of Economic Development.
\$100,000.00
(Thru 06/30/26)

E. Other – Contributions, Etc.:

8. **St. Peters Partners LLC dba The Dayton Steam Plant – Other** – for Dayton CARES Act Small Business Capital Grant Agreement – Dept. of Planning & Community Development/Land Use Admin.
\$15,000.00

CITIZENS’ COMMENTS ON CALENDAR ITEMS

Citizens’ comments were suspended for the meeting.

DISCUSSION OF CALENDAR ITEMS

The City Manager, Ms. Shelley Dickstein, said the calendar includes several CARES Local Coronavirus Relief Fund (LCRF) related expenditures. She said this week’s calendar has just under \$2 million of grants activity. She thanked the grant team for their diligent work.

Calendar Item No. 3. Double Jay Construction, Inc.-Award of Contract

The City Manager, Ms. Shelley Dickstein, said this item is for intersection improvements at Forest Park, Great Miami and Riverview Avenues and will enhance safety into the gateway at the Dayton Art Institute.

Calendar Item No. 6. W.C. Jones Asphalt Paving Co., Inc.-Award of Contract

The City Manager, Ms. Shelley Dickstein, said this is an exciting investment for neighborhoods. She said this contract will be comprised of alley resurfacing projects that includes Community Development Block Grant (CDBG) funding which will include Westwood, Grafton Hill, Old North Dayton, South Park, and Five Oaks Neighborhoods.

Calendar Item No. 7. Battle Sight, LLC-Development Agreement

The City Manager, Ms. Shelley Dickstein, said this company is a part of the Entrepreneur center and are expanding with new high tech jobs.

Emergency Ordinance No. 31843-20-Amending the City’s Appropriations for the Year 2020

The City Manager, Ms. Shelley Dickstein, said this is the third revision of appropriations for operational adjustments that increased the budget. She said 50 percent is related to changes to the new Governmental Accounting Standards Board (GASB) classifications regarding the treatment of general funds. She said \$8.6 million in miscellaneous grants due to COVID-19 local relief fund. Ms. Dickstein said there are some decreases in Aviation and Golf Operating funds to reflect reorganizational changes.

Emergency Resolution No. 6532-20-Implementing the Governmental Accounting Standards Board (“GASB”) Statement No. 84

The City Manager, Ms. Shelley Dickstein, said the resolution will align the City of Dayton’s fiscal policies with the chart of accounts.

Mayor Whaley commended staff for their work on the CARES Act.

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 ORDINANCES – FIRST AND SECOND READING

Emergency Ordinance No. 31843-20- Amending the City's Appropriations for the Year 2020, 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. 31843-20 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 RESOLUTIONS – FIRST AND SECOND READING

Emergency Resolution No. 6532-20- Implementing the Governmental Accounting Standards Board ("GASB") Statement No. 84, 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. 6532-20 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 Emergency Resolution was adopted.

Emergency Resolution No. 6533-20- Authorizing the City Manager to Apply for, Accept, and Enter Into a Water Pollution Control Loan Fund ("WPCLF") Loan Agreement on Behalf of the City of Dayton, Ohio for the Construction of the Total Phosphorus Treatment Facilities, and Designating a Dedicated Repayment Source for the Loan, 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. 6533-20 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 Emergency Resolution was adopted.

Emergency Resolution No. 6534-20- Authorizing the Necessary Tax Levies, Requesting the Advance Payment by Montgomery County, Ohio to the City of Dayton, Ohio of Tax Monies Collected for 2021, Certifying the Same to the County Auditor, 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 Whaley, Commissioners Joseph, Mims, Shaw and Fairchild. The question being shall Emergency Resolution No. 6534-20 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 Emergency Resolution was adopted.

RESOLUTION – SECOND READING

Resolution No. 6531-20- Authorizing the City Manager to Accept Federal Fiscal Years 2021 and 2022 Federal Aviation Administration Airport Improvement Project Grants from the United States Department of Transportation for Airport Improvement Projects at the James M. Cox Dayton International Airport and Dayton-Wright Brothers Airport on Behalf of the City of Dayton in an Amount Not to Exceed Twenty-Five Million Dollars and Zero Cents (\$25,000,000.00).

The question being shall Emergency Resolution No. 6531-20 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 Emergency Resolution was adopted.

THIS ITEM WAS ADDED

EMERGENCY RESOLUTION – FIRST AND SECOND READING

Emergency Resolution No. 6535-20-Authorizing the City Manager to Accept a Donation of Masks Valued at Twelve Thousand Dollars and Zero Cents (\$12,000.00); and Authorizing the Donation of Masks to St. Vincent de Paul and House of Bread, 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. 6535-20 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 Emergency Resolution was adopted.

BOARD APPOINTMENT

Commissioner Fairchild made a motion to appoint Roselyn Miller, to fill the unexpired term of Beverly Pendergast, to the City Plan Board, for a term ending June 30, 2022. Commissioner Mims seconded the motion. The motion was unanimously approved.

Commissioner Joseph made a motion to reappoint Pamela Cone and Paul Bradley, to the Human Relations Council, for a term ending August 31, 2023. Commissioner Shaw seconded the motion. The motion was unanimously approved.

Commissioner Mims made a motion to appoint Ebony Davenport, to the Human Relations Council, for a term ending August 31, 2023. Commissioner Fairchild seconded the motion. The motion was unanimously approved.

Commissioner Shaw made a motion to appoint Cady Landa, to the Human Relations Council, for a term ending August 31, 2022. Commissioner Joseph will seconded the motion. The motion was unanimously approved.

Commissioner Fairchild made a motion to appoint Amaha Sellassie, to fill the unexpired term of Cherish Cronmiller, to the Human Relations Council, for a term ending August 31, 2021. Commissioner Mims seconded the motion. The motion was unanimously approved.

Commissioner Joseph made a motion to appoint Kenneth Marcellus, to the West Priority Land Use Board, for a term ending December 31, 2021. Commissioner Shaw seconded the motion. The motion was unanimously approved.

Commissioner Mims made a motion to concur with the reappointment of Mike Cross, to the Miami Township Dayton Joint Economic Development District Board, representing the Businesses within the Territory, for a term ending September 20, 2024. Commissioner Fairchild seconded the motion. The motion was unanimously approved.

PUBLIC HEARING

Mayor Whaley opened the Public Hearing on Plan Board Case PLN2020-00216 to rezone properties located at 633 and 645 West Grand Avenue, and 634 North Avenue, 702-704 North Avenue and 714 North Avenue to establish Planned Development -179 and allow for multi-family dwelling units with associated regulations. She asked Ms. Dickstein to proceed. Ms. Dickstein invited Mr. Tony Kroeger, Division Manager, Planning and Community Development and Ms. Abigail Free, Planner, Planning and Community Development, to present.

Mr. Kroeger said the request is for a zoning map amendment from single-family residential, MR-5 to the same underlying zoning with a Planned Development overlay. He said this property has a long list of public processing history back to November 2019. He said originally the applicant proposed a site plan that 62 units and 85 parking spaces. The new site plan includes 56 units and 76 parking spaces.

Mr. Kroeger said the area in which this site is located is somewhat eclectic, although the immediately predominant land use is single-family homes. He said the proposed Planned Development calls for the reuse of four vacant structures, including two apartment buildings. Mr. Kroeger gave an overview of the area. He said the final plans as will be submitted for review and approval of the City of Dayton Plan Board and the final plan is not included in this approval. He said all approved site plan improvements will be completed, with compliance verified by the City of Dayton, and all necessary certificates of appropriateness issued, before a Certificate of Occupancy will be obtained.

Ms. Kroeger said the City Commission has three decision options, approve the Plan Board recommendation to rezone the site from MR-5 to MR-5/PD, remand the case back to the Plan Board, or deny the request.

Commissioner Fairchild asked about the timing for the certificate of appropriateness to go to the Landmarks Commission and the number of buildings.

Mr. Kroeger said there are four structures all in the historic district. He said the timing depends on when the applicant would like to propose the changes.

Commissioner Fairchild asked about the CitiPlan 20/20 and the criteria of balancing percentages of neighborhoods with lower economic housing. He asked about the price points of the apartments.

Mr. Kroeger said the apartments will not be low income housing.

Commissioner Fairchild asked about code violations for the property.

Mr. Kroeger said property maintenance is an essential foundation and the applicant will have to adhere to all maintenance and housing codes.

CITIZENS' COMMENTS ON PUBLIC HEARING

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

1. **Mr. Tim Bement** - 615 Woodside Drive– spoke in support of the plan.
2. **Mr. David Lemberg-** 2443 South Dixie Drive – spoke in support of the plan.
3. **Mr. Loren Nelson, 623 West Grand Ave.** – spoke in support of the plan.
4. **Mr. Steve Makovec, 6533 Pond Ridge Drive** – spoke in opposition of the plan.
5. **Ms. Kristine Bertrand** – 2443 South Dixie Drive– spoke in support of the plan.
6. **Mr. Will Jacobs, 4015 Madison Drive** – spoke in support of the plan.
7. **Mr. Ed Hammond 1020 Hidden Landing Trail-** spoke in support of the plan.

Mayor Whaley closed the hearing.

The pleasure of the City Commission is move forward.

THIS ITEM WAS ADDED

EMERGENCY ORDINANCE- FIRST AND SECOND READING

Emergency Ordinance No. 31844-20-Amending the Official Zoning Map to Establish Planned Development - 179 for 1.43 acres encompassing 633 West Grand Ave., 645 West Grand Ave., 634 North Ave., 702-704 North Ave., and 714 North Ave.; 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. 31844-20 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 Clerk of Commission, Ms. Rashella Lavender, had no closing comments

COMMENTS BY THE CITY COMMISSION

Commissioner Fairchild

Commissioner Fairchild said the deadline for voter registration is Monday, September 28, 2020.

Commissioner Shaw

Commissioner Shaw encouraged citizen to complete their 2020 Census forms.

Commissioner Mims

Commissioner Mims thanked the Dayton City Commission for their support in teen voting. He thanked the Mr. Fred Strahorn for his support in encouraging citizens to vote.

Commissioner Joseph

Commissioner Joseph thanked citizens for taking care of their neighbors during the pandemic.

Mayor Whaley

Mayor Whaley thanked the City Commission and staff for their hard work during the fourth quarter.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:33 p.m.

Nan Whaley
Mayor

Attest: _____
Clerk of Commission