

On Wednesday, October 21, 2020, at 6:02 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 Shaw 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 and Shaw were present. The Acting Clerk of Commission, Ms. Ariel Walker, and The Acting City Manager, Mr. Joe Parlette, were also present through electronic means.

Commissioner Joseph made a motion to authorize the absence of Commissioner Fairchild from this week's meeting. Commissioner Shaw seconded the motion. The motion was unanimously approved.

APPROVAL OF MINUTES

Commissioner Mims made a motion to approve the minutes from the October 14, 2020, meeting. Commissioner Shaw 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 special awards or presentations.

ADDITIONS OR DELETIONS TO THE CALENDAR

The Acting Clerk of Commission, Ms. Ariel Walker, requested the addition of the legislation regarding the Public Hearing, at the desire of the 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:

AVIATION

**A1. DeFries Copp LLC dba Copp Systems Integrator (card access system and cameras)
\$63,935.16**

FIRE

B1. IVIDEO Technologies LLC (video conferencing televisions)

10,213.29

B2. MVATION Worldwide, Inc. (interactive training boards)

10,362.08

1. (Cont'd):

INFORMATION TECHNOLOGY

C1. Hervey, Inc. (annual computer software license renewal including professional software consulting and support services) **\$28,500.00**

POLICE

D1. Kiesler Police Supply (19 Survival Armor Paragon 6 Level IIIA vests with shock shields through 08-31-22) **16,663.00**

D2. Parr Public Safety Equipment (vehicle up-fitting parts and services for one passenger transit van through 04-30-22) **11,448.72**

PROCUREMENT, MANAGEMENT & BUDGET

E1. Vertical Communications, Inc. (soft phone licenses and upgrades) **24,140.15**

PUBLIC WORKS

F1. CHWR, Inc. dba CHW Mechanical Services (heating, ventilation and air conditioning preventative maintenance and repairs through 04-20-21) **10,000.00**

F2. Garland/DBS, Inc. (roof repair services) **68,175.00**

F3. Grainger, Inc. (electrical parts, supplies and related items as needed through 12-31-23) **7,000.00**

F4. Johnson Controls (air handling refurbishment) – PO201175 **26,183.66**

F5. Johnson Controls (air handling refurbishment) – PO201176 **10,068.78**

F6. Johnson Controls (air handling refurbishment) – PO201186 **62,981.90**

F7. Johnson Controls (air handling refurbishment) – PO201187 **33,664.36**

F8. Johnson Controls (air handling refurbishment) – PO201188 **38,863.61**

F9. Johnson Controls (air handling refurbishment) – PO201189 **25,780.75**

F10. Pickrel Brothers, Inc. (plumbing and related supplies as needed through 12-31-20) **10,000.00**

F11. Sherwin Williams Company (paint and related supplies as needed through 10-31-23) **3,000.00**

F12. State Industrial Products Corp dba State Chemical (foggers and sanitizing cleaners) **10,600.00**

WATER

G1. Springfield Overhead Door LLC (Overhead door maintenance and repair services as needed through 03-31-23) **63,000.00**

1. (Cont'd):

G2. FCX Performance, Inc. (four Limitorque actuators paired with plug valves) **\$23,976.00**

G3. Genesis Safety & Engineering LLC (repair of overhead fall protection equipment) **27,810.00**

G4. Pickrel Brothers, Inc. (plumbing and related supplies as needed through 12-31-20) **15,000.00**

G5. Process Pump & Seal, Inc. (rehabilitation/repair of two pumps through 08-31-22) **52,014.00**

-Depts. of Aviation, Fire, Information Technology, Police, Procurement, Management & Budget, Public Works, and Water. **Total: \$653,380.46**

2. **Briggs Creative Services, LLC – Service Agreement** – for professional surveying services in connection with the MOT (Montgomery County) Gettysburg Walk project – Dept. of Public Works/Civil Engineering. **\$18,896.00**
(Thru 12/31/25)

3. **Dayton Society of Natural History, Inc. – Service Agreement** – for CARES – Child Care and E-Learning Pods for the Children of Current Employees – Dept. of Human Resources. **\$91,312.00**
(Thru 12/18/20)

4. **Hull & Associates, Inc. – Contract Modification** – second amendment for environmental consulting and testing services –Dept. of Economic Development. **\$50,000.00**
(Thru 12/31/21)
5. **Terracon Consultants, Inc. – Contract Modification** – second amendment for environmental consulting and testing services –Dept. of Economic Development. **\$25,000.00**
(Thru 12/31/21)

C. Revenue to the City:

6. **Prior To Tee Time LLC – Service Agreement** – for Golf Professional Services and Use of Space at Community Golf Club – Dept. of Recreation & Youth Services/Golf. **\$105,000.00**
(Thru 12/31/20)
7. **James C. Weiler, Inc. – Other** – for Special Use Permit to Remove Bollards at 324 East Second Street – Dept. of Public Works/Civil Engineering. **\$1,000.00**
(Paid to the City)

E. Other – Contributions, Etc.:

8. **Hector, Inc. DBA Coco’s Bistro – Other** – for Dayton CARES Act Small Business Capital Grant Agreement – Dept. of Planning & Community Development/Land Use Admin. **\$14,750.00**
(Thru 11/30/20)
9. **South Park Ventures Inc. – Other** – for Dayton CARES Act Small Business Capital Grant Agreement – Dept. of Planning & Community Development/Land Use Admin. **\$10,813.82**
(Thru 11/30/20)
10. **Speakeasy Yoga, LLC – Other** – for Dayton CARES Act Small Business Capital Grant Agreement – Dept. of Planning & Community Development/Land Use Admin. **\$14,189.00**
(Thru 11/30/20)
11. **Stoan Holdings, LLC – Other** – for Dayton CARES Act Small Business Capital Grant Agreement – Dept. of Planning & Community Development/Land Use Admin. **\$15,000.00**
(Thru 11/30/20)

CITIZENS’ COMMENTS ON CALENDAR ITEMS

Citizens’ comments were suspended for the meeting.

DISCUSSION OF CALENDAR ITEMS

Calendar Item No. 1. Sub-Item F4. Johnson Controls, Calendar Item No. 1. Sub-Item F5., Johnson Controls Calendar Item No. 1. Sub-Item F6., Johnson Controls Calendar Item No. 1. Sub-Item F7., Johnson Controls Calendar Item No. 1. Sub-Item F8., Johnson Controls Calendar Item No. 1. Sub-Item F9., Calendar Item No. 8. Hector, Inc. dba Coco’s Bistro-Other, Calendar Item No. 9. South Park Ventures Inc.-Other, Calendar Item No. 10. Speakeasy Yoga, LLC-Other, and Calendar Item No. 11. Stoan Holdings, LLC - Other

The Acting City Manager, Mr. Joe Parlette, said the CARES Act work continues on the calendar with HVAC work regarding ventilation upgrades throughout city buildings. He said there are small business capital grants for consideration as well.

Calendar Item No. 6. Prior To Tee Time LLC-Service Agreement

The Acting City Manager, Mr. Joe Parlette, said golf revenue is up 40 percent at Community Golf.

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 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw.

LEGISLATION

EMERGENCY RESOLUTIONS – FIRST AND SECOND READING

Emergency Resolution No. 6545-20- Authorizing the Acceptance of a Grant Award from the Attorney General of Ohio in an Amount Not to Exceed Forty-Nine Thousand Three Hundred Sixty-Two Dollars and Zero Cents (\$49,362.00) on Behalf of the City of Dayton, 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 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The question being shall Emergency Resolution No. 6545-20 be adopted. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The Emergency Resolution was adopted.

MAYOR APPOINTMENTS

Mayor Whaley said she is re-appointing Michele Roberts, Marcia Knox, and Frieda Brigner to the Compensation Board, for a term ending August 30, 2023.

Mayor Whaley said she is appointing Virginia Platt Gehres, to fill the unexpired term to the Compensation Board, for a term ending August 30, 2022.

PUBLIC HEARING

Mayor Whaley opened the Public Hearing on Plan Board Case PLN2020-00346 to rezone 1.26 acres encompassing the 600 Block of Warren Street to modify Planned Development-174 and to approve the Final Plan for The Flats At South Park II. She asked Mr. Parlette to proceed. Mr. Parlette invited Ms. Susan Vincent, Planner I, Planning and Community Development, to present.

Ms. Vincent said this request is for an amendment to Planned Development-174, which was heard at the Plan Board meeting in September. She said the request is to modify the existing plan to reflect the revised site plan and change the use from condos to apartments, change the number of units from 27 to 51, to change the number of surface-parking spaces from 64 to 70 and request to approve the Final Plan for the Flats II Phase One building located at the 600 block of Warren Street.

Ms. Vincent said the plan was presented to the Historic South Park leadership and was supported by Downtown Priority Land Use Board and by Planning and Community Development staff. She said at the Plan Board public hearing the plan received majority support vote. Ms. Vincent said the request is consistent with City's comprehensive plan, intent, purpose, and regulations of Zoning Code and meets the required standards found in R.C.G.O.

Ms. Vincent said the City Commission has three decision options, approve the Plan Board recommendation to approve the amendment to PD-174, remand the case back to the Plan Board, or deny the request.

Commissioner Joseph asked why the decision was made to change from condominiums to apartments.

Mr. Bill Hibner, Developer, said it would take too long to build condominiums versus apartments.

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. 31849-20-Amending the Provisions of Planned Development PD-174 for the Residence at South Park; and Declaring an Emergency.

Commissioner Mims 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 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The question being shall Emergency Ordinance No. 31849-20 be passed. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The Emergency Ordinance was passed.

Commissioner Fairchild joined the meeting at 6:19 p.m.

PUBLIC HEARING

Mayor Whaley opened the Public Hearing on Plan Board Case PLN2020-00339 to Amend the Zoning Map, adopt Planned Development overlay PD-180, and approve Dayton Metro Library's final plan at the Wright Factory Development Site (W. Third Street and Abbey Avenue). She asked Mr. Parlette to proceed. Mr. Parlette invited Ms. Susan Vincent, Planner I, Planning and Community Development, to present.

Ms. Vincent said this request is for an amendment to Planned Development-180, which was heard at the Plan Board meeting in September. She said this plan is to amend the Zoning Map to rezone 34 acres from General Industrial (I-2) to Mixed-Use Hub (MX) with a Planned Development (PD) overlay and the review and approval of the Final Plan for the Dayton Metro Library's new West Branch. She said the subject property is city owned, vacant land that has undergone brownfield remediation and received a no-further action letter from the EPA. Ms. Vincent noted this location is the place of the first airplane factory in the United States.

Ms. Vincent said the plan was presented at a community meeting with property neighbors and association leadership. She said the plan was supported by West Priority Land Use Board and Planning and Community Development staff. She said at the Plan Board public hearing, the plan received a majority support vote. Ms. Vincent said the request is consistent with City's comprehensive plan, intent, purpose, and regulations of Zoning Code and meets the required standards found in R.C.G.O.

Ms. Vincent said the City Commission has three decision options, approve the Plan Board recommendation to approve the amendment to overlay PD-180, remand the case back to the Plan Board, or deny the request.

Mr. Tim Kimbitsch, Executive Director, Dayton Metro Library, said he was happy to work with City of Dayton staff on this project. He thanked the City of Dayton for the purchase of the property.

Commissioner Shaw thanked Mr. Kimbitsch for his steadfast tenacity on this project.

Commissioner Mims complimented the architects on the rendering of drawings for the new library.

Mayor Whaley thanked Mr. Kimbitsch for his work on building library spaces in the City of Dayton and through all of the challenges faced by citizens.

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. 31850-20-Amending the Official Zoning Map to Establish Planned Development 180 for the Wright Company Factory Development Site and Rezoning the Property Within the Planned Development as MX Mixed-Use Hub District, and Declaring an Emergency.

Commissioner Mims 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. 31849-20 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 Acting Clerk of Commission, Ms. Ariel Walker, had no closing comments.

COMMENTS BY THE CITY COMMISSION

Commissioner Fairchild

Commissioner Fairchild said he voted on Friday. He encouraged citizens with disabilities to early vote and said there are special parking accommodations for them to vote curbside.

Commissioner Shaw

Commissioner Shaw encouraged citizens to early vote.

Commissioner Mims

Commissioner Mims encouraged citizens to early vote.

Commissioner Joseph

Commissioner Joseph encouraged citizens to early vote.

Mayor Whaley

Mayor Whaley encouraged citizens to early vote.

Mayor Whaley thanked everyone on police reform.

ADJOURNMENT

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

Nan Whaley
Mayor

Attest: _____
Clerk of Commission