

On Wednesday, March 16, 2016, at 6:01 p.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.

INVOCATION

Commissioner Williams 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 Williams, Joseph and Mims were present. The Clerk of Commission, Ms. Rashella Lavender, and the City Manager, Ms. Shelley Dickstein, were also present.

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

APPROVAL OF MINUTES

Commissioner Mims made the motion to approve the minutes from the March 9, 2016, meeting. Commissioner Williams seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

Communication #21121

State of Ohio, Department of Liquor Control – Permit Application C1, C2, D6 Permit #1990617 – Dayton Super Duper Inc., DBA North Main Super Duper, 3108 N. Main Street, 1st Floor Only, Dayton, Ohio 45405.

The Clerk of Commission reported receipt of Permit Application C1, C2, D6 Permit #1990617 – Dayton Super Duper Inc., DBA North Main Super Duper, 3108 N. Main Street, 1st Floor Only, Dayton, Ohio 45405. The application was referred through the City for investigation.

Communication #21122

State of Ohio, Department of Liquor Control – Permit Application D5 Permit #8775025 – Table Thirty Three LLC, DBA Table Thirty Three, Ste L2 & L3 & Patio, Dayton, Ohio 45402.

The Clerk of Commission reported receipt of Permit Application D5 Permit #8775025 – Table Thirty Three LLC, DBA Table Thirty Three, Ste L2 & L3 & Patio, Dayton, Ohio 45402. The application was referred through the City for investigation.

SPECIAL AWARDS/PRESENTATIONS

Wesley Community Center's 50th Anniversary

Mayor Whaley invited Ms. Yvette Kelly Fields, Executive Director of the Wesley Center, to the podium to present the 50th Anniversary of the Wesley Center.

Ms. Fields said the 50th Anniversary kicks off with the Juneteenth weekend celebration. She said the official 2016 Juneteenth Festival takes place at McIntosh Park. She said Juneteenth is celebrated in over 250 cities nationally and recognized by 40 million African-Americans as their Freedom and Independence Day.

Ms. Fields said on Saturday, June 18, 2016, from 7 a.m. until 5 p.m. there will be a 5K Red Velvet Cupcake Run and Juneteenth Festival. She said the 5K is reflective of one of Wesley Center's key area of service – health and wellness. Ms. Fields said this run is a tasty way to get people moving and active.

ADDITIONS OR DELETIONS TO THE CALENDAR

The Clerk of Commission, Ms. Rashella Lavender, requested the addition of the legislation regarding the public hearing at the desire of the City Commission.

REPORTS:

A. Purchase Orders, Price Agreements and Contracts:

(All contracts are valid until delivery is complete or through December 31st of the current year).

1. Purchase Order:

AVIATION

A1. Hydrotech, Inc. (Rexroth brand hydraulic pumps and motors, maintenance and repairs as needed through 12-31-16) **\$20,000.00**

1. (Cont'd):

CENTRAL SERVICES

B1. Data Security Management Systems, Inc. (annual computer software maintenance and support services agreement) **\$33,925.15**
(and for the period of 01-01-17 through 12-31-18) **70,000.00**

WATER

C1. M & R Electric Motor Service (motors and pumps, maintenance and repairs as needed through 12-31-16) **20,000.00**

(and for the period of 01-01-17 through 09-30-18) **35,000.00**

-Depts. of Aviation, Central Services and Water. **Total: \$178,925.15**

2. Montgomery County – Payment of Voucher – for portion of the Justice Assistance Grant – Dept. of Police. **\$37,442.00**

B. Construction Contracts/Estimates of Cost:

3. Bladecutters, Inc. – Change Order No. 1 (CT15-1150) – for the Nuisance Abatement Program Residential Securing I – 2015 (100% SBE Participation Goal/100% SBE Participation Achieved) – Dept. of Planning & Community Development/Housing Conservation. **\$37,350.00**
(Thru 05/01/17)

C. Revenue to the City:

4. Varikay Enterprise, LLC – Agreement – for food and beverage services at Kittyhawk Golf Center – Dept. of Recreation & Youth Services/Golf. **\$75,000.00**
(Revenue to the City)

E. Other – Contributions, Enterprise Zone Agreements, Etc.:

5. Jason P. Matthews, LLC & Anita Hauser – Settlement of Claim – for full settlement of claim filed – Dept. of Law/Civil. **\$17,500.00**

6. Waterwheel Farm, Inc. – Settlement of Lawsuit – for full settlement of law suite – Dept. of Law/Civil. **\$400,000.00**

CITIZENS' COMMENTS ON CALENDAR ITEMS

There were no citizens' comments on calendar items.

DISCUSSION OF CALENDAR ITEMS

There was no discussion of calendar items.

APPROVAL OF CITY MANAGER'S RECOMMENDATIONS

Commissioner Joseph made the motion to approve the City Manager's Reports. Commissioner Williams seconded the motion. The City Manager's Reports were approved with a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph and Mims.

LEGISLATION

EMERGENCY RESOLUTIONS -FIRST AND SECOND READING

Emergency Resolution No.6173-16- Authorizing the Submission and Acceptance of a Grant Award from the Ohio Office of Criminal Justice Services (OCJS) in an Amount up to Fifty Thousand Dollars and Zero Cents (\$50,000.00), and Declaring an Emergency.

Commissioner Mims moved that this being an emergency measure for the immediate consideration of the Resolution. Commissioner Williams seconded the motion. The motion was passed with a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph and Mims. The question being shall Emergency Resolution No. 6173-16 be adopted. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph, Mims. The Emergency Resolution was adopted.

ORDINANCES -SECOND READING

Ordinance No. 31477-16- Consenting to the Improvement of U.S. Route 35 within the City of Dayton and Agreeing to Cooperate in Matters Incidental Thereto, Including the Execution of Agreements Necessary to Implement this Ordinance.

The question being shall Ordinance No. 31477-16 be passed. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph and Mims. The Ordinance was passed.

Ordinance No. 31478-16- Vacating the Alley East of Creston Avenue from the South Property Line of City Lot No. 6908 to Herman Avenue.

The question being shall Ordinance No. 31478-16 be passed. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph and Mims. The Ordinance was passed.

INFORMAL RESOLUTION

Informal Resolution No. 918-16- Accepting the 2016 Recommendation of the Tax Incentive Review Council.

Commissioner Williams made a motion to adopt Informal Resolution No. 918-16. Commissioner Mims seconded the motion. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph and Mims. The Informal Resolution was adopted.

BOARD APPOINTMENT

Commissioner Joseph made the motion to reappoint John Lumpkin, Jr. and Herb Burton to the West Dayton Development Trust Fund Advisory Board for a term ending March 17, 2019. Commissioner Mims seconded the motion. The motion was unanimously approved.

PUBLIC HEARING

Mayor Whaley opened the Public Hearing regarding the Plan Board Case Z-001-2016-BP Business Park rezoning. She asked Ms. Ann Schenking, Plan Board Secretary, to the podium to present.

Ms. Schenking said this case is Plan Board Case No. Z-001-2016. She said this plan will rezone approximately 25 acres with a Parcel Identification Number of R72 03007 0021 from BP Business Park to Park/OpenSpace/Planned Development (OS/PD-172), and permit an Outdoor Sports Facility for the City of Oakwood to be built on the site.

Ms. Schenking said the Greater Downtown Priority Land Use Board and the University of Dayton both support this plan. She said no opposition was voiced at Plan Board hearing and no correspondence in opposition was received. She said the Plan Board recommends approval.

Ms. Schenking said the City Commission has three decision options: Approve the Plan Board recommendation to rezone the property and establish PD-172, deny the request, or remand the case to the Plan Board.

Ms. Abigail Free, Planner I, Planning and Community Development, said the Outdoor Sports Facility highlights are an entrance plaza, multi-purpose synthetic field, track and field, 500-seat grandstand, four field lights, and a support building. Ms. Free said there will be landscaping, 30 natural turf fields of various sizes, and 100 on-site and 250 off-site parking spaces.

Mr. Jay A. Weiskircher, Assistant City Manager/Director of Personnel/Zoning, City of Oakwood, said the City of Oakwood owns the 25 Acres and will continue to own the land but the Oakwood School Board will maintain and operate the facility.

Commissioner Joseph said he hopes there will be a strong north entrance.

Mr. Weiskircher said there will be two entrances to the facility in order to handle the traffic.

Commissioner Joseph asked if the land that was annexed by the City of Oakwood was adjacent to this property.

Mr. Weiskircher said that it was.

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. 31479-16- Amending the Official Zoning Map to Establish Planned Development PD-172 for the Oakwood Outdoor Sports Facility, Rezoning All Property Within the Boundaries of PD-172 from BP Business Park to OS Park/Open Space, and Declaring an Emergency.

Commissioner Williams moved that this being an emergency measure for the immediate consideration of the Ordinance. Commissioner Mims seconded the motion. The motion was passed with a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph and Mims. The question being shall Emergency Ordinance No. 31479-16 be passed. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph and Mims. The Emergency Ordinance was passed.

CITIZENS' COMMENTS

Citizens' comments were received from the following:

1. **Mr. Kenneth J. Conant III, 203 W. Parkwood Drive** - spoke about resurfacing city streets.

Mr. Fred Stovall, Director of Public Works, said citizens can report potholes to the Public Works call center at 937-333-4800 and give the nearest address of the pot hole.

2. **Ms. Jacqueline Baker, 4113 W Second St.** - spoke about community policing.

Chief Biehl said the Project Safe Neighborhood Grant has allowed the City of Dayton to implement an extensive neighborhood policing program. Also, the Community Initiative to Reduce Gun Violence (CIRVG) initiative has been in existence since 2008 to address community policing concerns.

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 CITY COMMISSION

Commissioner Joseph

Commissioner Joseph congratulated the HOOPLA organization for their work on the First Four events.

Mayor Whaley

Mayor Whaley said Mayor Brad Sellers of Warrensville Heights, Ohio was in our City for the First Four basketball games.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:40 p.m.

Mayor Nan Whaley

Attest: _____
Clerk of Commission