

### **EXECUTIVE SESSION**

**On February 17, 2021, at 4:37 p.m., Commissioner Fairchild made a motion to convene into an Executive Session through electronic means to discuss personnel issues relating to employee appointment, employment, dismissal or demotion. Commissioner Mims second the motion. The motion was unanimously approved.**

### **ROLL CALL**

Roll call was taken and Mayor Whaley, Commissioners Joseph, Mims, Shaw and Fairchild were present.

### **RECONVENE**

**At 6:03 p.m., Commissioner Joseph made a motion to reconvene from Executive Session through electronic means and to continue with the meeting. Commissioner Shaw second the motion. The motion was unanimously approved.**

### **ROLL CALL**

Roll call was taken and Mayor Whaley, Commissioners Joseph, Mims, Shaw and Fairchild were present.

### **CITY COMMISSION MEETING**

On Wednesday, February 17, 2021, at 6:03 p.m., the Dayton City Commission met in regular session, remotely through electronic means, at 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 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, 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 February 10, 2021, meeting. Commissioner Fairchild seconded the motion. The previous meeting minutes were unanimously approved.**

### **COMMUNICATIONS AND PETITIONS**

#### **Communication #21520**

Letter from Scott Wilson regarding The Biden Administration and Amtrak

#### **Communication #21521**

Letter from Greater Dayton Premier Management - redevelopment of the former Day-Mont Behavioral Health Center

#### **Communication #21522**

Letter from St. Mary Development Corporation - West Carrolton Senior Lofts

**Communication #21523**

Letter from St. Mary Development Corporation - The Senior Village at Kettering Town Center

**Communication #21524**

**State of Ohio, Department of Liquor Control – Permit Application D5D, New, Permit #39938010075 – Host International Inc., DBA Max & Ermas, Dayton International Airport, 3600 Terminal Drive, Space M3, Dayton, OH 45377.**

The Clerk of Commission reported receipt of Permit Application Permit D5D, New, Permit #39938010075 – Host International Inc., DBA Max & Ermas, Dayton International Airport, 3600 Terminal Drive, Space M3, Dayton, OH 45377. The application was referred through the City for investigation.

**Communication #21525**

**State of Ohio, Department of Liquor Control – Permit Application D5D, New, Permit #39938010065 – Host International Inc., DBA MVP, Dayton International Airport, 3600 Terminal Drive, Space B3, Dayton, OH 45377.**

The Clerk of Commission reported receipt of Permit Application Permit D5D, New, Permit #39938010065 – Host International Inc., DBA MVP, Dayton International Airport, 3600 Terminal Drive, Space B3, Dayton, OH 45377. The application was referred through the City for investigation.

**Communication #21526**

**State of Ohio, Department of Liquor Control – Permit Application D5D, New, Permit #39938010070 – Host International Inc., DBA 12<sup>th</sup> Fairway Bar & Grill, Dayton International Airport, 3600 Terminal Drive, Space A3, Dayton, OH 45377.**

The Clerk of Commission reported receipt of Permit Application Permit D5D, New, Permit #39938010070 – Host International Inc., DBA 12<sup>th</sup> Fairway Bar & Grill, Dayton International Airport, 3600 Terminal Drive, Space B3, Dayton, OH 45377. The application was referred through the City for investigation.

**Communication #21527**

**State of Ohio, Department of Liquor Control – Permit Application D3, New, Permit #26887560006 – Fermentum Enterprises LLC, DBA Crafted & Cured, 45 W. Fourth Street, Dayton, OH 45402.**

The Clerk of Commission reported receipt of Permit Application Permit D3, New, Permit #26887560006 – Fermentum Enterprises LLC, DBA Crafted & Cured, 45 W. Fourth Street, Dayton, OH 45402. The application was referred through the City for investigation.

**Communication #21528**

**State of Ohio, Department of Liquor Control – Permit Application C1, C2, D6, TRFO, Permit #3087441 – Gayatri Drive Thru LLC, 3401 N. Main Street, Dayton, OH 45405.**

The Clerk of Commission reported receipt of Permit Application Permit C1, C2, D6, TRFO, Permit #3087441 – Gayatri Drive Thru LLC, 3401 N. Main Street, Dayton, OH 45405. The application was referred through the City for investigation.

**SPECIAL AWARDS/PRESENTATIONS**

**Public Health Dayton Montgomery County Community-COVID-19**

Mayor Whaley invited Mr. Jeff Cooper, Commissioner and Mr. Dan Suffoletto, Public Health Dayton Montgomery County, to present a community update on COVID-19.

Mayor Whaley thanked them for their leadership as they work through the pandemic and vaccines. She thanked them for the public health on equity.

Mr. Cooper said there is still a high spread of the virus in the state of Ohio. He said 84 of the 88 counties are at risk level three (Red). He said all 88 counties in the state exceed the CDC's high incidence threshold of more than 100 cases per 100,000 population over a two-week period. He said they will not transition out of Red anytime soon.

Mr. Cooper said the public needs to continue applying public health interventions, i.e., continue to social distance, stay at home if sick, cover cough, hand hygiene, vaccinations and wearing masks. He said just because there is a vaccine it does not mean dismissing with other interventions.

Mr. Cooper said there are two vaccines approved for use in the United States, Pfizer and Moderna. He said each requires two doses and are 95 percent effective. He said one is approved for ages 16 and up and the other for ages 18 and up. Mr. Cooper said on February 26, 2021, the Johnson and Johnson vaccine will receive emergency use authorization by the FDA. He said in the future, he anticipates other vaccines being approved for use.

Mr. Cooper said Ohio's Vaccination program has two phases. He said during phase one, vaccine supply will be limited and focused on reaching critical groups i.e. health care workers, residents and staff at nursing homes, assisted living facilities, state psychiatric hospitals, people with developmental disabilities, veterans and EMS responders. Mr. Cooper said the week of January 18, 2021, Phase 1B will begin for those citizens who are not 65 and older but have early childhood conditions that put them at even greater risk for adverse outcomes due to COVID-19 i.e. sickle cell anemia, down syndrome, cystic fibrosis, muscular dystrophy etc.

Mr. Cooper said 1.3 million Ohioans have received their first dose of the vaccine and about 500,000 of those individuals have received their second dose. He said when race is looked at, its clear there is a racial disparity. Mr. Cooper said because of the long-standing inequities, Public Health Dayton and Montgomery County has allocated 20 percent of vaccines to be distributed in the minority community.

Mayor Whaley asked about the scarcity of the vaccine.

Mr. Cooper said that over the next month they are anticipating an increase in vaccine supply in the county. He said it is not a guarantee but an indication from the Ohio Department of Health.

Mayor Whaley asked about the time frame for the appointments or reservations.

Mr. Cooper said citizens may call for an appointment at 937-225-6217 or register on their website at [www.phdmc.org](http://www.phdmc.org); however, within a half hour or less, all the reservations are taken because supply is limited.

Commissioner Joseph asked what is the potential of vaccines they could handle in a week.

Mr. Cooper said for this county and if they operated a large site on multiple days consecutively, 3,000 to 5,000 per day.

Mr. Suffoletto said to make the Dayton Convention Center site operate it takes 50 plus people. He said they are receiving a lot of support from Dayton Fire and Police Departments and staff.

Commissioner Mims asked about additional training for those who could possible administer the vaccine.

Mr. Cooper said the Director of the Ohio Department of public Health has made a journal entry as to who can help in an emergency. He said there is a list of individuals with specific credentials and licenses that can administer the vaccine. Mr. Cooper said those individuals interested in helping should go to the State of Ohio website Ohio Responds.

#### **Charter Review Update**

Mayor Whaley invited Mr. Ken Couch, Director of Human Resources, and Mr. John Musto, Law Department, to present a community update.

Mr. Couch said the Charter Review Committee was appointed on December 9, 2020. He said the committee met six times in January and February 2021. He said the committee members are Mr. Stanley Early, Mr. Mohammad Al Hamdani, Mr. Kery Gray, Mr. Mathew Kleppner, Mr. Daryl Smith, Mr. Benjamin Speer Hardy II and Mr. David Williamson. Mr. Couch said staff includes Ms. Ariel Walker, Ms. Barb Doseck and himself.

Mr. Couch said there are six recommendations for consideration to be placed on the ballot and gave an overview of each, which includes: Responsibilities of the Mayor, Compensation and Attendance, Meetings of the Commission, Chief Examiner Duties, Political Belief and Water as a Public Utility.

Commissioner Joseph thanked the Charter Review Committee for their hard work.

Mayor Whaley thanked Mr. Couch and the Charter Review Committee for the proposed charter amendments.

**ADDITIONS OR DELETIONS TO THE CALENDAR**

The Clerk of Commission, Ms. Rashella Lavender, requested the addition of legislation implementing the zoning changes pertaining to two public hearings at the desire of the commission.

The City Manager, Ms. Shelley Dickstein had no additions or deletions to the calendar.

**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:**

**FINANCE**

A1. **3SG Plus LLC** (data entry and digital imaging services as needed through 12-31-21)  
**\$71,000.00**

1.

A2. **Brinks, Inc.** (armored car services as needed through 12-31-21) **12,400.00**

**HUMAN RESOURCES**

B1. **Burrs, Dr. Linda J dba Step Up to Success! LLC** (professional executive coaching as needed through 12-31-21) **30,150.00**

**PUBLIC WORKS**

C1. **Henderson Products, Inc.** (dump body, deice equipment and installation services for the snow plow truck chassis) **108,362.00**

C2. **Truck Country of Indiana, Inc. Stoops Western Star of Ohio** (one snowplow truck chassis) **91,780.00**

C3. **Waste Management of Ohio/IWD** (dead animal carcass disposal services as needed through 12-31-21) **2,000.00**

**RECREATION & YOUTH SERVICES**

D1. **Green Velvet Sod Farms Ltd.** (golf course chemicals and application services as needed through 12-31-21) **30,445.00**

D2. **Tree Care, Inc.** (tree and stump removal services as needed through 12-31-21) **40,000.00**

**WATER**

E1. **Boone's Power Equipment, Inc.** (one commercial rotary mower) **21,011.00**

E2. **Century Equipment, Inc.** (two commercial rotary mowers) **125,222.84**

E3. **Kelden Equipment, Inc.** (two Hurst boiler tube replacements, one boiler control replacement and related items through 12-31-21) **197,364.00**

E4. **Westech Engineering, Inc.** (two bearing seat and drive mount shafts) **19,376.00**

E5. **CHWR, Inc. dba CHW Mechanical Services** (heating, ventilation and air conditioning – HVAC – preventative maintenance and repairs as needed through 04-30-21) **25,000.00**

E6. **McCarthy Industrial Contractors, Inc.** (odor testing and assessment) **12,500.00**

E7. **Pickrel Brothers, Inc.** (plumbing and related supplies as needed through 12-31-21) **30,000.00**

E8. **Fastenal Company** (first aid and safety equipment) **20,000.00**

E9. **Grainger, Inc.** (first aid and safety equipment through 02-01-22) **20,000.00**

-Depts. of Finance, Human Resources, Public Works, Recreation & Youth Services, and Water.

**Total: \$856,610.84**

2. **Alcohol Monitoring Systems, Inc. – Service Agreement** – to provide Secure Remote Alcohol Monitoring devices for defendants charged with offenses through the Court’s Probation Department – The Municipal Court/Court Administrator. **\$90,000.00**  
**(Thru 12/31/23)**

3. **Eastway Corporation – Service Agreement** – for a Memorandum of Understanding to provide mental health professionals to assist police officers with citizens having a mental health crisis – Dept. of Police. **\$120,000.00**  
**(Thru 12/31/21)**

4. **Faro Technologies, Inc. – Service Agreement** – for equipment and support services for Faro Crime Scene Mapping System – Dept. of Police.  
**\$68,585.03**  
**(Thru 02/29/24)**
5. **LeadsOnline, LLC – Contract Modification** – second renewal for Pawn Shop Database for law enforcement investigations – Dept. of Police.  
**\$16,878.00**  
**(Thru 02/28/22)**
6. **LexisNexis Risk Solutions FL, Inc. – Contract Modification** – renewal for Accurint Virtual Crime Center Online Subscription Services – Dept. of Police.  
**\$36,972.84**  
**(Thru 02/28/22)**
7. **The Railroad Associate Corporation – Service Agreement** – to provide inspection and reporting services in connection with the City’s publically-owned railroad lead track to ensure compliance with Federal Railroad Administration regulations – Dept. of Economic Development.  
**\$19,940.00**  
**(Thru 12/31/21)**
8. **Dr. Stephen McConnell – Service Agreement** – to provide psychological services for offenders on probation – The Municipal Court/Court Administrator.  
**\$15,000.00**  
**(Thru 12/31/21)**
9. **Vertex Data Utility Services, LLC dba Vertex Business Services – Contract Modification** – for a second one-year renewal for professional services for Utility Billing – Dept. of Finance.  
**\$282,000.00**  
**(Thru 02/28/22)**

**B. Construction Contracts:**

10. **Bladecutters, Inc. – Award of Contract** – for Nuisance Abatement Program CDBG Residential Demolition I – 2020 (10% HUD Section 3 Participation Goal/10% HUD Section 3 Participation Achieved) (Federal CDBG Funds) – Dept. of Planning & Comm. Dev./Housing Inspection.  
**\$622,000.00**  
**(Thru 12/31/22)**
11. **Turn-Key Environmental Consultants, Inc. – Award of Contract** – for Nuisance Abatement Program Residential Asbestos Surveys and Post Abatement Verification Inspections I – 2020 Re-Bid (10% HUD Section 3 Participation Goal/10% HUD Section 3 Participation Achieved) – Dept. of Planning & Comm. Dev./Housing Inspection.  
**\$37,380.00**  
**(Thru 12/31/22)**

**C. Revenue to City:**

12. **Aly Iman – Other** – for Special Use Permit to install steps into the public right-of-way at 1158 West Third Street – Dept. of Public Works/Civil Engineering.  
**\$200.00**  
**(Paid to the City)**
13. **Montgomery County Reutilization Corporation – Service Agreement** – for the Demolition Program Administration Service Agreement – Dept. of Planning & Comm. Dev./Housing Inspection.  
**\$240,000.00**  
**(Thru 12/31/24)**
14. **Montgomery County Sheriff – Service Agreement** – for Bail Agreement – The Municipal Court/Clerk of Courts.  
**\$428,414.00**  
**(Thru 12/31/22)**

**D. Neighborhood Agreements:**

15. **Economy Linen & Towel Service, Inc. – Development Agreement** – for the “Project Nemo” business expansion project – Dept. of Economic Development.  
**\$600,000.00**  
**(Thru 06/30/27)**

**E. Other – Contributions, Etc.:**

16. **CareSource Management Group Co. – Other** – for Agreement for Payment to the City – Dept. of Finance/Tax & Accounting. **\$260,000.00**
17. **Montgomery County Ohio – Other** – for full settlement of claim filed – Dept. of Law/Civil. **\$10,410.38**

**CITIZENS' COMMENTS ON CALENDAR ITEMS**

Citizens' comments were suspended for the meeting.

**DISCUSSION OF CALENDAR ITEMS**

**Calendar Item No. 3. Eastway Corporation- Service Agreement**

The City Manager, Ms. Shelley Dickstein, said this is a grant opportunity for this year; a pilot project, that will provide two mental health professionals to accompany police on mental health calls. She said funding is being provided by ADAHMAS.

**Calendar Item No. 10. Bladecutters, Inc.- Award of Contract**

The City Manager, Ms. Shelley Dickstein, said this contract for demolition services is for nuisance abatement removal, which will remove up to 75 residential buildings.

**Calendar Item No. 11. Turn-Key Environmental Consultants, Inc.- Award of Contract**

The City Manager, Ms. Shelley Dickstein, said this contract will assist with the asbestos removal and provide up to 65 residential structures surveys to accompany the demolition activity.

**Calendar Item No. 13. Montgomery County Reutilization Corporation – Service Agreement**

The City Manager, Ms. Shelley Dickstein, said this contract will demolish up to 240 properties. She said the Land Bank is partnering with the City of Dayton on a one-to-one match.

**Calendar Item No. 15. Economy Linen & Towel Service, Inc.- Development Agreement Calendar Item No. 18. Emergency Ordinance No. 31862-21- Authorizing a Community Reinvestment Area Tax Abatement Agreement with Economy Linen & Towel Service, Inc. for property located at 2100 McCall Street**

The City Manager, Ms. Shelley Dickstein, said this anchor business is expanding in the City of Dayton, which is investing \$10 million into the community, creating 70 new jobs and retaining 158 that already exist. She said Calendar Item No. 18 is a tax abatement associated with this item.

**APPROVAL OF CITY MANAGER'S REPORTS**

**Commissioner Fairchild made the motion to approve the City Manager's Reports. Commissioner Mims 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. 31862-21-** Authorizing a Community Reinvestment Area Tax Abatement Agreement with Economy Linen & Towel Service, Inc. for property located at 2100 McCall Street in the city of Dayton, Ohio, 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. 31862-21 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. 31863-21-** Accepting the Report Provided by the Charter Review Commission, 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. 31863-21 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. 31864-21-** Submitting to the Electors of the City at the May 4, 2021 Special Election a Proposal to Amend Section 38 of the Charter; Repealing Existing Section 38, 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. 31864-21 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. 31865-21-** Submitting to the Electors of the City at the May 4, 2021 Special Election a Proposal to Amend Section 36 of the Charter; Repealing Existing Section 36, and Declaring an Emergency.

**Commissioner Fairchild 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 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Fairchild. The question being shall Emergency Ordinance No. 31865-21 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. 31866-21-** Submitting to the Electors at the May 4, 2021 Special Election a Proposal to Amend Section 39 of the Charter, Repealing Existing Section 39, 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. 31866-21 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. 31867-21-** Submitting to the Electors of the City at the May 4, 2021 Special Election a Proposal to Amend Section 97 of the Charter, Repealing Existing Section 97, 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. 31867-21 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. 31868-21-** Submitting to the Electors of the City at the May 4, 2021 Special Election a Proposal to Amend Section 105 of the Charter; Repealing Existing Section 105, 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. 31868-21 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. 31869-21-** Submitting to the Electors of the City at the May 4, 2021 Special Election a Proposal to Enact Section 190 of the Charter, and Declaring an Emergency.

**Commissioner Fairchild 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 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, Shaw and Fairchild. The question being shall Emergency Ordinance No. 31869-21 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.**

#### **ORDINANCE – FIRST READING**

**Ordinance No. 31870-21-** Appropriating Funds for the Year 2021 to Provide for the Operating and Capital Expenses of Various Offices, Departments, and Divisions of the Government of the City of Dayton.

#### **RESOLUTION – SECOND READING**

**Resolution No. 6564-21-**Honorarily Naming West Hillcrest Avenue Between Salem Avenue and the West Corporation Line as “Ohio Players Way”.

**The question being shall Resolution No. 6564-21 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.**

#### **BOARD APPOINTMENTS**

**Commissioner Fairchild made a motion to reappoint Kevin Lydy, Merle Wilberding and Peggy Kelly to the Dayton Sister City Committee for a term ending December 31, 2023. Commissioner Mims seconded the motion. The motion was unanimously approved.**

**Commissioner Mims made a motion to appoint Youssef Elzein to the Dayton Sister City Committee for a term ending December 31, 2023. Commissioner Fairchild will seconded the motion. The motion was unanimously approved.**

**Commissioner Shaw made a motion to reappoint Burgess Neil Gow, Erin McNicholl, Charles Johnson and Scott Sliver to the Landmark Commission for a term ending June 30, 2023. Commissioner Joseph will seconded the motion. The motion was unanimously approved.**

#### **PUBLIC HEARING**

Mayor Whaley opened the Public Hearing on Plan Board Case PLN2020-00537 to rezone 1+/- acre located at 735 Dearborn Ave from ER-4 Eclectic Single-Family Residential to EMF Eclectic Multi-Family for a proposed future multi-family management structure. She asked Ms. Dickstein to proceed. Ms. Dickstein invited Ms. Susan Vincent, Planner I, Planning and Community Development, to present.

Ms. Vincent said this is a zoning map amendment request to change the underlying zoning from Eclectic Single-Family Residential (ER-4) to Eclectic Multi-Family Residential (EMF). She said the case is prompted by the owners desire to build a new office structure supportive of the multi-family use, and that no new residential units are being proposed as part of the zoning map amendment. Ms. Vincent said the zoning map amendment applies to four parcels, which are owned by the applicant and are a part of Lakeview Cooperative Estates housing development.

Ms. Vincent said the City Commission has three decision options: approve the Plan Board recommendation to grant the zoning map amendment, deny the request by taking no action or remand the case back to the Plan Board.



Commissioner Fairchild asked how many units would become available with the vacancy of the property management to the new space.

Mr. Basim Abdalla, Property Manager, said there would be one townhouse unit available for tenant rental.

**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. 31871-21**-Amending the Official Zoning Map to Rezone Property Located at 735 Dearborn Ave (Parcel Numbers R72- 13209 000-01, 06, and 21) from Eclectic Single-Family Residential District to EMF Eclectic Multi-Family Residential 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. 31871-21 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.**

**PUBLIC HEARING**

Mayor Whaley opened the Public Hearing on Plan Board Case PLN2020-00492 to establish Planned Development PD-181 for 20 Livingston Avenue and Repeal Planned Development PD-73. She asked Ms. Dickstein to proceed. Ms. Dickstein invited Ms. Abigail Free, Planner I, Planning and Community Development, to present.

Ms. Free said the applicant requests a zoning map amendment to amend PD73 located at 20 Livingston Avenue to allow for uses permitted conditionally and by right within the MMF Mature Multi-Family residential district and permits professional and medical offices. Ms. Free said the current underlying zoning includes an HD-2 Historic designation and requires a Certificates of Appropriateness for both major and minor modifications to the buildings exterior and site.

Ms. Free said the City Commission has three decision options: approve the Plan Board recommendation to repeal PD-73 and establish PD-181 to allow for medical/professional offices, deny the request by taking no action or remand the case back to the Plan Board.

Mr. John Pawelski, Full Circle Real Estate, said their intention is to beautify the existing establishment and turn vacant property into a usable office space.

**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. 31872-21**- Amending the Official Zoning Map to Establish Planned Development PD-181 for 20 Livingston Avenue and Repealing Planned Development PD-73; 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. 31872-21 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 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 thanked the mayor, commissioners, and staff for the charter changes to protect City of Dayton water from privatization.

Commissioner Fairchild said he was surprised there were not more comments from citizens about the budget. He said he will not be able to vote for the 2021 budget. He said he didn't see his priorities addressed i.e. children and youth. He said in July racism was declared a public health crisis and there was no funding placed behind that endeavor. Commissioner Fairchild said as they look at a possible relief package being poised to take advantage of that in terms of housing.

Commissioner Fairchild said the current funding of the Human Relations Council is not adequate to their needs. He said he is not sure how they are expected to function particularly regarding the important roles for the city including protecting civil rights. He said tonight they celebrated the inclusion of minority businesses in contracting work. Commissioner Fairchild said he is not sure how that will be sustained in the current funding. He said police reform work is around relationships and trust and the Human Relations Council is very critical in giving the city as a whole legitimacy on that issue.

**Commissioner Shaw**

Commissioner Shaw thanked Mayor Whaley and Commissioner Mims and volunteers for making a part of Hillcrest "Ohio Players Way".

**Commissioner Mims**

Commissioner Mims said it was very important for the City of Dayton to recognize the contribution of the "Ohio Players" and he is glad it they will be recognized for years to come.

Commissioner Mims recognized the winner of the valentine's roses Mr. Quincy Howard.

Commissioner Mims says Parity's Top Ten African-American Men's event has tickets on sale at Parityinc.org.

Commissioner Mims recognized Dr. Kizzy Corbett, a 35 year-old African-American who has led in the development of the moderna vaccine.

**Commissioner Joseph**

Commissioner Joseph thanked police reform working group. He said he is please and around about the recommendations coming forth.

Commissioner Joseph thanked everyone for continuing to stay safe during the COVID-19 pandemic.

**Mayor Whaley**

Mayor Whaley thanked Public Works for their work during the snowstorm.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:24 p.m.

\_\_\_\_\_  
**Nan Whaley**  
**Mayor**

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