

On Wednesday, March 9, 2022, at 8:29 a.m., the Dayton City Commission met in regular session in the Commission Chambers of City Hall.

**CALL TO ORDER**

Mayor Mims called the meeting to order.

**INVOCATION**

Commissioner Fairchild gave the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Mims led the public in the Pledge of Allegiance.

**ROLL CALL**

Roll call was taken, and Mayor Mims, Commissioners Joseph, Shaw, Fairchild and Turner-Sloss 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 Shaw made a motion to approve the minutes from the March 2, 2022, meeting. Commissioner Fairchild seconded the motion. The previous meeting minutes were unanimously approved.**

**COMMUNICATIONS AND PETITIONS**

There were no communications and petitions.

**SPECIAL AWARDS/PRESENTATIONS**

There were no special award or presentations.

**ADDITIONS OR DELETIONS TO THE CALENDAR**

The Clerk of Commission, Ms. Regina Blackshear, requested the deletion of Resolution No. 6637-22- Adopting the “City of Dayton City Commission Rules of Procedure and Order”, Repealing the Previously Adopted Rules. She also requested the addition of the legislation pertaining to the Public Hearing at the desire of the City Commission.

**DISCUSSION OF CALENDAR ITEMS**

**Calendar Item No. 4. L.J. DeWeese Company Inc.-Award of Contract**

Commissioner Turner-Sloss asked for clarification of the contract regarding PEP goals.

Ms. Joann Mawasha, Assistant Director of the Human Relations Council, said federal funding never receives PEP goals.

**Calendar Item No. 5. R.B. Jergens Contractors, Inc. – Award of Contract**

Commissioner Turner-Sloss asked for clarification of the contract regarding PEP goals.

Ms. Mawasha said they amended the PEP goals because a portion of the material is prefabricated.

Commissioner Turner-Sloss asked about the contractors that were available for the category.

Ms. Mawasha said the Human Relations Council works in conjunction with the department and they come up with a formula and the best way to proceed with the goal.

## REPORTS

### **1. Purchase Orders, Agreements and Contracts:**

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

#### AVIATION

**A1. Stryker Medical (P0220725)** (twenty-six (26) LifePak CR2 defibrillators) **\$38,526.54**

#### FIRE

**B1. Stryker Medical (P0220699)** (preventative maintenance and repair services as needed through 12/31/23) **\$60,000.00**

#### HUMAN RESOURCES

**C1. Government Jobs.Com, Inc. dba NEOGOV** (NeoGov learning training module as needed through 12/31/23) **57,958.37**

#### PUBLIC WORKS

**D1. Weiffenbach Marble & Tile Company** (carpet including removal and installation services) **20,000.00**

**D2. Henderson Products, Inc.** (snowplows and ice control truck equipment with installation services for tandem and single axle trucks) **283,289.00**

**D3. Truck Country of Indiana, Inc.** (one new tandem truck and one new single axel truck) **247,886.00**

#### RECREATION

**E1. Crown Personnel Service, Inc.** (temporary staffing services as needed through 12/31/23) **117,000.00**

#### WATER

**F1. Flottweg Separation Technology, Inc.** (centrifuge maintenance, repair parts, services and inspections as need through 12/31/24) **285,000.00**

**F2. Barrett Paving Materials Inc.** (sand, gravel, crushed stone and related materials as needed thru 12/31/24) **195,000.00**

**F3. Ohio CAT** (one new compact truck and multi terrain loader) **70,351.00**

**F4. Metropolitan Environmental Services** (industrial tank and pipe cleaning services as needed through 12/31/25) **357,500.00**

**F5. Phillips Companies** (sand, gravel, crushed stone and related materials as needed through 12/31/24) **195,000.00**

**F6. Superior Environmental Solutions, Inc.** (industrial tank and pipe cleaning services as needed through 12/31/25) **157,500.00**

-Depts. of Aviation, Fire, Human Resources, Public Works, Recreation and Water **Total: \$2,085,010.91**

2. **Fifth Third Bank – Contract Modification** – first renewal to banking services agreement – The Clerk of Courts **\$60,000.00**

**(Thru 3/31/24)**

3. **Martin + Wood Appraisal Group, Ltd. – Service Agreement** – for real estate appraisals, appraisal reviews, and counseling services commissioned by the Department of Aviation on an as needed basis – Department of

Aviation/Facilities & Operations Terminal **\$75,000.00**  
(Thru 1/31/25)

**B. Construction Contracts:**

4. **L J DeWeese Company Inc. – Award of Contract** – for Gettysburg Avenue sidewalks (5% DBE Participation Goal/5% DBE Participation Achieved) (Federal Safety Funds) - Department of Public Works/Civil Engineering **\$276,750.00**  
(Thru 7/1/24)

5. **R.B. Jergens Contractors, Inc. – Award of Contract** – for Bridge Street Wolf Creek Corridor Bike Path Bridge Rebid (10% SBE Participation Goal/10.55% SBE Participation Achieved) – Department of Public Works/Civil Engineering **\$252,092.21**  
(Thru 8/31/24)

**C. Revenue to City:**

6. **KCDayton Partners, LLC – Other** – for special use permit to construct concrete patio on the SW corner of East Monument and N. St. Clair Street – Department of Public Works/Civil Engineering **\$200.00**  
(Paid to the City)

**E. Other – Contributions, Etc.:**

7. **Mansfield Oil Company – Payment of Voucher** – for payment of motor fuel invoice dated October 5, 2021 – Department of Public Works/Fleet Management **\$15,545.05**

8. **Montgomery County Solid Waste – Payment of Voucher** – for payment of December 2021 invoice for trash disposal fees – Department of Public Works/Waste Collection **\$165,786.41**

**CITIZENS' COMMENTS ON CALENDAR ITEMS**

There were no citizens' comments on calendar items.

**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 Mims, Commissioners Joseph, Shaw, Fairchild and Turner-Sloss.**

**LEGISLATION**

**EMERGENCY RESOLUTION – FIRST READING**

**Resolution No. 6635-22-** Approving the Submission of a Grant Application and Authorizing the Acceptance of a Grant Award from the Montgomery County Solid Waste District in the Amount of Ten Thousand Four Hundred Nine Dollars and Fifty-Six Cents (\$10,409.56) on Behalf of the City of Dayton, and Declaring an Emergency.

**Commissioner Fairchild 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 Mims, Commissioners Joseph, Shaw, Fairchild and Turner-Sloss.**

**Resolution No. 6636-22-** Approving the Submission of a Grant Application and Authorizing the Acceptance of a Grant Award from the Montgomery County Solid Waste District in the Amount of Forty-Seven Thousand Five Hundred Eighty-Two Dollars and Zero Cents (\$47,582.00) 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 Ordinance. Commissioner Turner-Sloss seconded the motion. The motion was passed with a 5-0 vote. Voting in the affirmative were Mayor Mims, Commissioners Joseph, Shaw, Fairchild and Turner-Sloss.**

**EMERGENCY ORDINANCE – SECOND READING**

**Ordinance No. 31969-22-** Authorizing the Grant of Two Right of Way Easements, and Declaring an Emergency.

**The question being shall Emergency Ordinance No. 31969-22 be passed. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Mims, Commissioners Joseph, Shaw, Fairchild and Turner-Sloss. The Emergency Ordinance was passed.**

**EMERGENCY RESOLUTION – SECOND READING**

**Resolution No. 6634-22-** Authorizing the Acceptance of a Restrictive Grant Agreement with American Arbitration Association/International Centre for Dispute Resolution Foundation, Inc., in the amount of One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00) on Behalf of the City of Dayton, and Declaring an Emergency.

**The question being shall Emergency Resolution No. 6634-22 be adopted. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Mims, Commissioners Joseph, Shaw, Fairchild and Turner-Sloss. The Emergency Resolution was adopted.**

**PUBLIC HEARING**

Mayor Mims opened the Public Hearing on Plan Board Case PLN2021-00522 zoning map amendment for property 970 feet northeast of the intersection of Old Troy Pike and Needmore Road. He asked Ms. Dickstein to proceed. Ms. Dickstein invited Mr. Jeff Green, Planner, Planning, Neighborhoods and Development, to present.

Mr. Green said the applicant is Oaks Tree Development Company and is proposing to rezone the property from I-1(Light Industrial) to SR-2 (Suburban Residential) and establish a new Planned Development for 167 single family homes on site.

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

Mr. Green said the Northeast Plan Board voted unanimously to approve the request with a 6-0 vote with two conditions that sidewalks be added along the north side of Needmore Road and that each lot have a minimum of one shade tree in the tree lawn (street tree) and a tree between the sidewalk and the house. He said Planning staff also recommended approval. Mr. Green said there was petition received from Riverside residents last week.

Commissioner Turner-Sloss asked about the tree line and the wetlands and their disturbance and what measures are in place to make sure they are not touched.

Mr. Green said the tree line nor wetlands would not be disturbed. He said the planned development did not have any other measures in place to make sure they are not disturbed.

Commissioner Fairchild ask who is responsible for the new roads and the maintenance of the roads in regard to snow removal.

Mr. Green said the developer is responsible for the creation of the new roads, but they will be dedicated public streets, therefore, the city of Dayton would be responsible for snow removal.

Mr. Green 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. Lance Oakes, Developer, said the clientele they are targeting is an older demographic to live in place. He said Northern Circle has only an emergency connection because it could not handle traffic in that area. He said they are working with the City of Riverside on a traffic study for Needmore Road and any improvements that are necessary. Mr. Oakes said they have no intention of disturbing the tree line along Huber Heights. He said in regards to the wetlands they would only disturb an half acre to the north and he is in permitting with the EPA.

Commissioner Joseph asked about the communication with Huber Heights about traffic going to the north.

Mr. Oakes said he had spoken with Huber Heights and as long as citizens were good he would not petition to fight the development.

Commissioner Turner-Sloss commented staff for their work on diversifying housing in the City of Dayton.

**CITIZENS' COMMENTS ON THE PUBLIC HEARING**

There were no citizens comments on the Public Hearing.

Mayor Mims 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. 31970-22**-Amending the Official Zoning Map to Establish Planned Development -PD 184 for 45.45 acres 970 feet northeast of the intersection of Old Troy Pike and Needmore Road and Declaring an Emergency.

**Commissioner Shaw 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. 31970-22 be passed. A roll call vote was taken resulting in a 5-0 vote.**

**Voting in the affirmative were Mayor Mims, Commissioners Joseph, Shaw, Fairchild and Turner-Sloss. The Emergency Ordinance was passed.**

### **CITIZENS' COMMENTS**

Citizens' comments were received from the following:

1. **Ms. Jamica Garrison, 818 Meredith Street-** continued her comments made from last week (March 2, 2022) and spoke on various issues in the City of Dayton.
2. **Ms. Lynn LaMance, 1061 Betram Ave.** – spoke about the drug (suboxone) treatment center on Livingston Ave., cross-referencing projects, re-cooping demolition dollars, and in opposition of Resolution No. 6633-22.
3. **Ms. Allyson Youngblood, 111 Livingston Ave.-** spoke about the drug (suboxone) treatment center in her neighborhood (Livingston Ave.), the reunifying of the Brooks twins, and the Clifford Owensby incident.
4. **Mr. Carlos Buford, 2130 Della Dr.-** spoke in opposition of Resolution No. 6633-22.

### **COMMENTS BY THE CITY MANAGER**

The City Manager, Ms. Shelley Dickstein, said Issue 9 has a transparent portal for housing issues on the website.

Ms. Dickstein said in regard to the West Dayton Development Fund the city Commission appoints two members, the City Manager appoints two member, there is a financial institute representative and a West Dayton Priority Land Use representative.

### **COMMENTS BY THE CLERK OF COMMISSION**

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

### **COMMENTS BY THE CITY COMMISSION**

#### **Commissioner Turner-Sloss**

Commissioner Turner-Sloss thanked the residents of the City of Dayton for coming to the meeting and sharing their concerns.

Commissioner Turner-Sloss commended staff from Planning on their work with the Oakes Development project.

Commissioner Turner-Sloss highlighted the passing of Mr. George Roebuck, Community Activist.

#### **Commissioner Fairchild**

Commissioner Fairchild thanked residents of the City of Dayton for coming to the meeting to express their concerns.

Commissioner Fairchild invited citizens to watch the Work Session on ARPA funds. He said on March 16, 2022, there will be another Work Session regarding housing policies.

Commissioner Fairchild said they are still accessing which parks will be upgraded with the Recovery Plan.

Commissioner Fairchild said he is excited about the First Four events.

Commissioner Fairchild encouraged citizens to stay safe.

**Commissioner Shaw**

Commissioner Shaw congratulated the honorees of the Women of Influence.

**Commissioner Joseph**

Commissioner Joseph thanked Mr. Oakes and Planning staff for their work on the planned development.

**Mayor Mims**

Mayor Mims said schools are starting implement skilled trades through vocational training.

Mayor Mims said Issue 9 gave more police officers, emergency medical responders, park updates, fixed roads and preschool support.

Mayor Mims congratulated the Meadowdale High School Boys Basketball team for still being in the tournament.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:28 a.m.

---

**Jeffrey J. Mims, Jr.**  
**Mayor**

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