

On Wednesday, July 15, 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 Joseph 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 Acting Clerk of Commission, Ms. Ariel Walker, 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 July 8, 2020, meeting.

Commissioner Fairchild seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

There were no communications or petitions.

SPECIAL AWARDS/PRESENTATIONS

Mayor Whaley invited Mr. Phil Parker, President Dayton Area Chamber of Commerce, to present.

Mr. Parker said the *2019 Jonathan Dayton Public Partner Award* is awarded to the City of Dayton for their outstanding leadership during the past year. He said in 2019, the City of Dayton stepped in after the Memorial Day Tornado and the Oregon District Massacre to help businesses clean and recover the area. He said under the leadership of Mayor Whaley, the Gem City Shine event helped raise money and give hope of better days. He thanked the City of Dayton for being a great partner.

Mayor Whaley said she was very touched that the City of Dayton was nominated and said it was the whole team that made things happen.

ADDITIONS OR DELETIONS TO THE CALENDAR

The Acting Clerk of Commission, Ms. Ariel Walker, requested the addition of Emergency Resolution No. 6519-20, Objecting to the Issuance of Liquor Permit Number 01519080005, AM/PM Market Inc. 2317 Salem Ave., Dayton, Ohio 45406

Ms. Walker also requested the addition of the legislation 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:

AVIATION

A1. Oracle Elevator Holdco, Inc. dba Oracle Elevator Company (four UV Escalator Handrail Sanitizers) **\$34,880.00**

1. (Cont'd):

INFORMATION TECHNOLOGY

B1. Avalon Technologies, Inc. (professional services as needed through 12-31-20)
\$13,448.00

POLICE

C1. Key Chrysler Jeep & Dodge, Inc. (four 2020 Dodge Durango Pursuits) **120,856.00**
C2. Middletown Ford, Inc. (one 2020 passenger van) **32,766.00**

PUBLIC WORKS

D1. Jam Distribution LLC (self-contained sanitizer stations and refills) **50,325.00**
D2. Roby Services LTD (janitorial supplies as needed through 12-31-20) **10,000.00**
D3. Belson Outdoors LLC (14 recycled plastic waste receptacles with lids and liners
and 24 recycled plastic benches) **15,903.74**
-Depts. of Aviation, Information Technology, Police and Public Works **Total:**
\$278,178.74

2. **L.J. DeWeese Co., Inc. – Award of Contract** – for the West Third Street Water Main
Improvements (15% MBE, 5% SBE-Goal/15.01% MBE, 5.23% SBE-Achieved) – Dept. of
Water/Water Engineering. **\$1,302,909.30**
(Thru 05/31/22)

E. Other – Contributions, Etc.:

3. **2J Supply, Inc. – Other** – Enterprise Zone Agreement – Dept. of Economic Development.
N/A

CITIZENS' COMMENTS ON CALENDAR ITEMS

Citizens' comments were suspended for the meeting.

DISCUSSION OF CALENDAR ITEM

Calendar Item 2. L. J. DeWeese Co., Inc.-Award of Contract

The City Manager, Ms. Shelley Dickstein, said the contractor will replace two water main lines that were constructed in 1923 and 1927.

Calendar Item 3. 2J Supply, Inc.-Other

The City Manager, Ms. Shelley Dickstein, said the company will relocate to 1450 N. Keowee Street. She said they are building a 55,000 square foot facility which will retain 34 full-time positions and create five new positions. Ms. Dickstein said the agreement includes a 75 percent property tax abatement.

APPROVAL OF CITY MANAGER'S REPORTS

Commissioner Mims 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

ORDINANCE – SECOND READING

Ordinance No. 31820-20- To Vacate Shaw Avenue from Great Miami Boulevard to the East Property Line of City Lot #13986.

The question being shall Ordinance No. 31820-20 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 Ordinance was passed.

RESOLUTION – SECOND READING

Emergency Resolution No. 6515-20- Acknowledging Notification of the Plan Board's Decision to Extend the Expiration Date of CitiPlan Dayton: The 20/20 Vision to December 31, 2022.

The question being shall Resolution No. 6515-20 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 Resolution was adopted.

THIS ITEM WAS ADDED

EMERGENCY RESOLUTION – FIRST AND SECOND READING

Emergency Resolution No. 6519-20- Objecting to the Issuance of Liquor Permit Number 01519080005, AM/PM Market Inc. 2317 Salem Ave., Dayton, Ohio 45406.

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. 6519-20 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 Resolution was adopted.

PUBLIC HEARING

Mayor Whaley opened the Public Hearing on Planned Development PD-175 located at 4400 Old Troy Pike. She asked Ms. Dickstein to proceed. Ms. Dickstein invited Ms. Ann Schenking, Plan Board Secretary, Planning and Community Development and Ms. Abigail Free, Planner, Planning and Community Development, to present.

Ms. Schenking said this is a Public Hearing for Plan Board Case 2018-00716, which would establish Planned Development PD-175 at 4400 Old Troy Pike for a 256 single-family home development on a 100 plus acre site which is proposed by Oberer Companies. She said all property within the boundaries of PD-175 would be zoned SR-1 Suburban Single-Family Residential. Ms. Schenking said the current planned Development for the site, PD-78 which was for a 300 unit manufactured home development that never materialized, would be replaced with PD-175. The new development would be called Willow Hill.

Ms. Schenking said changes were made to the proposal in response to comments made by residents and Plan Board members during the two Plan Board hearings on the case. She said a secondary access to the development that would use an adjacent residential street was eliminated, a sidewalk would be constructed along the development's Old Troy Pike frontage, and if the Public Works Department determined that right of way improvements were needed, then they would be constructed.

Ms. Schenking said there are water run-off problems in the area that lead to flooding on adjacent properties. She said this issue was brought up repeatedly at the Plan Board hearings on the case. It is not known what all the sources and causes of the run-off problems are. However, as part of the City's permit approval process, the developer will calculate the water run-off the project will create. She said if the run-off is greater than the storm water system can handle, the developer will be required to figure out a Best Management Practice (BMP) which the Water Department supports that detains the water run-off until it can be handled by the storm water system. Ms. Schenking said the development will include several detention basins and wetlands to control water run-off so it is not increased over the present situation and most likely will be reduced.

Ms. Schenking said by a 4-1 vote, the Plan Board recommends City Commission approval of the request. She said the Plan Board believes the considerations outlined in Section 150.125.7 of the Zoning Code can be made and the request is consistent with the comprehensive plan and the intent and purpose of the Zoning Code.

Ms. Schenking said the City Commission has three decision options, approve the Plan Board recommendation to rezone the property as requested, remand the case back to the Plan Board, or deny the request.

Ms. Schenking said if it is the desire of City Commission to approve the rezoning, Oberer Companies is requesting that action on the approved ordinance occur at a subsequent meeting. She said Oberer is in negotiations regarding the project which are not concluded yet. If the City Commission moves forward they should state its desire to proceed and direct staff to place the approved ordinance on a subsequent calendar when Oberer's negotiations are concluded but no later than August 5.

Ms. Free gave an overview of the current PD-78 development standards and the new PD-175 to replace the PD-78.

CITIZENS' COMMENTS ON PUBLIC HEARING

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

1. **Mr. James Fetters, 4305 Old Troy Pike** - spoke in opposition of the development plan.
2. **Mr. Bill Bullock, 4339 Old Troy Pike** - spoke about concerns he has of the development plan.

Ms. Schenking asked Mr. Greg Smith, Developer, Oberer Company, for remarks.

Mr. Smith said the traffic study has been complete and recommendations have been turned into the City of Dayton. He said the property includes a retention pond in the southwest corner and the situation of the storm water run-off will improve.

Commissioner Mims said he likes the proposed project and the concerns of the speakers will be addressed.

Mayor Whaley closed the hearing.

The pleasure of the City Commission is the approval of the ordinance occur at a subsequent date no later than August 5, 2020.

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 Acting Clerk of Commission, Ms. Ariel Walker, had no closing comments.

COMMENTS BY THE CITY COMMISSION

Commissioner Fairchild

Commissioner Fairchild said he would like to for the City Commission to look at mixed income uses in regards to the 2020 Plan.

Commissioner Fairchild highlighted his work group *De-Escalation, Implicit Bias and Cultural Competency* for their work and engagement.

Commissioner Fairchild thanked residents for wearing their masks and for social distancing.

Commissioner Shaw

Commissioner Shaw encouraged citizens to complete the 2020 Census. He encouraged citizens to book the Census Van.

Commissioner Mims

Commissioner Mims highlighted his meeting with the new President of Central State University, Mr. Jack Thomas.

Commissioner Mims highlighted students going back to school and their safety. He encouraged citizens to continue to wear their masks to mediate the COVID-19 virus.

Commissioner Joseph

Commissioner Joseph thanked citizens for wearing their masks and keeping everyone safe. He congratulated the Red Scare team for their advancement in the finals.

Mayor Whaley

Mayor Whaley congratulated Deputy City Manager, LaShea Lofton, on her promotion and said she looks forward to working with her.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:58 p.m.

Nan Whaley
Mayor

Attest: _____
Clerk of Commission