

On Wednesday, November 4, 2020, 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 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 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 October 28, 2020, meeting.**

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

**COMMUNICATIONS AND PETITIONS**

**Communication #21502**

**State of Ohio, Department of Liquor Control – Permit Application C1, C2, Permit #3024990 – Gamma Oil LLC, 3406 E. Third Street, Dayton, OH 45403.**

The Clerk of Commission reported receipt of Permit Application Permit C1, C2, Permit #3024990 – Gamma Oil LLC, 3406 E. Third Street, Dayton, OH 45403. The application was referred through the City for investigation.

**SPECIAL AWARDS/PRESENTATIONS**

There were no special awards or presentations.

**ADDITIONS OR DELETIONS TO THE CALENDAR**

The Clerk of Commission, Ms. Rashella Lavender, requested the addition of the legislation implementing the zoning change 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 31<sup>st</sup> of the current year).**

**1. Purchase Orders:**

**AVIATION**

**A1. Stryker Medical (Lucas chest compression system) \$13,938.70**

**FINANCE**

**B1. Vertical Communications, Inc. (various software upgrades) 158,212.00**

1. (Cont'd):

**INFORMATION TECHNOLOGY**

**C1. Comptech Computer Technologies, Inc.** (temporary staffing services as needed through 12-31-23) **\$4,000.00**

**POLICE**

**D1. Chapel-Romanoff Technologies** (surveillance cameras and license services) **20,241.10**

**WATER**

**E1. Friends Service Company, Inc. dba FriendsOffice** (office furniture including delivery and installation services through 09-30-22) – PO201223 **10,240.50**

**E2. Dayton Parts Company** (various types of oil, lubricants and related items as needed through 12-31-20) **5,000.00**

**E3. Detection Instruments** (Hydrogen Sulfide meters) **6,339.26**

**E4. Badger Meter, Inc.** (new water meters as needed through 12-31-20) **14,025.00**

**E5. Friends Service Company, Inc. dba FriendsOffice** (office furniture including delivery and installation services through 09-30-22) – PO201224 **12,842.57**

-Depts. of Aviation, Finance, Information Technology, Police, and Water. **Total: \$244,839.13**

2. **Haley-Dusa Engineering & Surveying Group, LLC – Service Agreement** – to provide updated metes and bounds for properties transferred to the City of Dayton through the Lot Links program and the Montgomery County Land Bank Neighborhood Initiative Program – Dept. of Planning & Comm. Dev. **\$30,000.00**  
**(Thru 12/31/21)**

3. **Zan Creative Inc., dba Nova Creative – Service Agreement** – for second amendment/first renewal to renew and to cover additional work needed to continue services related to education, outreach, awareness, branding and marketing collaterals – Dept. of Water. **\$90,000.00**  
**(Thru 12/31/21)**

**B. Construction Contracts:**

4. **C. G. Construction and Utilities, Inc. – Award of Contract** – for East Monument Avenue Water Main Improvements (10% MBE and 5% WBE Participation Goal/10% MBE and 5% WBE Participation Achieved) – Dept. of Water/Water Engineering. **\$1,297,818.50**  
**(Thru 04/30/22)**

5. **Shook Construction Co. Inc. – Award of Contract** – for Total Phosphorus Treatment Improvements (10% MBE and 5% WBE Participation Goal/0.16% MBE and 0.76% WBE) – Dept. of Water/Water Reclamation. **\$7,084,027.50**  
**(Thru 12/31/23)**

**C. Revenue to the City:**

6. **The Ruhlin Company – Contract Modification** – first amendment for additional off-duty police officer services to provide security and traffic control in various locations within the municipal corporation limits – Dept. of Police. **\$40,495.00**  
**(Est. Rev.)**

**E. Other – Contributions, Etc.:**

7. **Austin's Grill & Spirits, Ltd. dba Carmel's Southwest Bar & Grill – Other** – for Dayton CARES Act Small Business Capital Grant Agreement – Dept. of Planning & Community Development/Land Use Admin. **\$11,650.00**  
**(Thru 11/30/20)**

8. **Mudlick Tap House LLC – Other** – for Dayton CARES Act Small Business Capital Grant Agreement – Dept. of Planning & Community Development/Land Use Admin. **\$14,959.00**  
**(Thru 11/30/20)**

9. **To Foods 3, LLC dba Salar Restaurant and Lounge – Other** – for Dayton CARES Act Small Business Capital Grant Agreement – Dept. of Planning & Community Development/Land Use Admin. **\$11,004.00**  
**(Thru 11/30/20)**

#### **CITIZENS' COMMENTS ON CALENDAR ITEMS**

Citizens' comments were suspended for the meeting.

#### **DISCUSSION OF CALENDAR ITEMS**

##### **Calendar Item No. 5. Shook Construction Co. Inc. – Award of Contract**

The City Manager, Ms. Shelley Dickstein, said the contract addresses an Environmental Protection Agency (EPA) directive regarding nutrient removal. She said this is a perfect example of unfunded regulatory changes that were spoken about during Water Department budget sessions. Ms. Dickstein said the Environmental Protection Agency's Division of Environmental and Financial Assistance offered a 30-year loan at a zero percent interest rate, therefore; no asset funding will be used. She said unfortunately some of the minority participation goals were not met.

Commissioner Mims asked if there was not enough of an opportunity for those goals to be met.

Ms. Dickstein said the contract was for design services and unfortunately, there are not enough minorities in this field, which made it difficult to reach the goal.

##### **Calendar Item No. 7. Austin's Grill & Spirits, Ltd. dba Carmel's Southwest Bar & Grill – Other, Calendar Item No. 8. Mudlick Tap House LLC–Other and Calendar Item No. 9. To Foods 3, LLC dba Salar Restaurant and Lounge- Other**

The City Manager, Ms. Shelley Dickstein, said these CARES Act funds will be used for necessary improvements and/or expansions of these establishments.

##### **Calendar Item No. 10. Emergency Ordinance No. 31849-20- Authorizing the Sale of Certain Real Estate Located Along the Frontage of Abbey Street at US Route 35 for Economic Development Purposes.**

The City Manager, Ms. Shelley Dickstein, said this ordinance is to move the West Dayton Metro Library forward at the Wright Factory site.

#### **APPROVAL OF CITY MANAGER'S REPORTS**

Commissioner Mims made the motion to approve the City Manager's Reports. Commissioner Fairchild 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 ORDINANCE – FIRST AND SECOND READING**

**Emergency Ordinance No. 31849-20-** Authorizing the Sale of Certain Real Estate Located Along the Frontage of Abbey Street at US Route 35 for Economic Development Purposes, 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. 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.

##### **EMERGENCY RESOLUTION – FIRST AND SECOND READING**

**Emergency Resolution No. 6546-20 -** Accepting a U.S. Economic Development Administration Financial Assistance Award for Advance Regional Disaster Recovery, and Declaring an Emergency.

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. 6546-20 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 Emergency Resolution was adopted.

**IMPROVEMENT RESOLUTION – SECOND READING**

**Improvement Resolution No. 3598-20-** Declaring that it is Necessary to Repair Sidewalks, Curbs and Gutters at 331 and 344 Smith Street.

**The question being shall Improvement Resolution No. 3598-20 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 Improvement Resolution was adopted.**

**MAYOR APPOINTMENTS**

**Mayor Whaley said she is adjusting the reappointment terms of Michele Roberts, Marcia Knox, and Frieda Brigner to the Compensation Board, for a term ending August 30, 2024.**

**PUBLIC HEARING**

Mayor Whaley opened the Public Hearing on Plan Board Case PLN2020-00357 to establish PD-175 at 4400 Old Troy Pike for a 256 single-family home development on a 100.6567 acre site. She asked Ms. Dickstein to proceed. Ms. Dickstein invited Ms. Abigale Free, Planner I, Planning and Community Development, to present.

Ms. Free said the request is for a zoning map amendment to eliminate PD-78 Suburban Multi-family and replace it with PD-175/SR-1 Suburban Single-family zoning. The Zoning amendment will allow for the development of 023 new single family dwellings on the 100.6567-acre site located at the 4400 block of Old Troy Pike.

Ms. Free said the plan was previously approved by the Plan Board in February 2019 and was previously reviewed by the Dayton City Commission in July 2020. However, it was withdrawn by the applicant before final approval. The Plan Board re-approved the Plan September 2020 with no changes made to the PD.

Ms. Free said there are water run-off problems in the area that lead to flooding on adjacent properties. She said the development will comply with all rules and regulations pertaining to water run-off and detention ponds and wetlands around the perimeter will reduce and slow water run-off. Ms. Free gave an overview of the area. She said approval is supported by the Planning staff and the Plan Board recommends approval and said the request is consistent with the Comprehensive Plan (CitiPlan 20/20) and with the intent and purpose of the Zoning Code.

Ms. Free said the City Commission has three decision options: approve the Plan Board recommendation to approve the zoning proposal as requested, remand the case back to the Plan Board, or deny the request.

Commissioner Shaw asked if citizen concerns had been addressed from the last public hearing.

Ms. Free said the citizen was notified of the hearing but was not sure why he didn't follow up.

**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 - 179 for 1.43 acres encompassing 633 West Grand Ave., 645 West Grand Ave., 634 North Ave., 702-704 North Ave., and 714 North Ave.; 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. 31850-20 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 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 extended his gratification for all those who worked on the 2020 elections.

Commissioner Fairchild said the Recreation and Youth Services Department’s drive-thru Fall Harvest Party was a great event.

Commissioner Fairchild asked citizens to be mindful of children returning to Dayton Public Schools in hybrid model.

**Commissioner Shaw**

Commissioner Shaw thanked the Board of Elections for their work on the 2020 elections.

**Commissioner Mims**

Commissioner Mims thanked everyone involved in the *Black Elected Officials* teen voting project.

Commissioner Mims asked citizens to be mindful of children returning to Dayton Public Schools in hybrid model.

**Commissioner Joseph**

Commissioner Joseph thanked his colleagues for their work on getting the word out about voting.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 6:23 p.m.

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**Nan Whaley**  
**Mayor**

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