

On Wednesday, May 1, 2019, 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 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 and Shaw were present. The Clerk of Commission, Ms. Rashella Lavender, and the City Manager, Ms. Shelley Dickstein, were also present.

Commissioner Joseph made a motion to authorize the absence of Commissioner Fairchild from this week's City Commission meeting. Commissioner Shaw seconded the motion. The motion was unanimously approved.

APPROVAL OF MINUTES

Commissioner Joseph made a motion to approve the minutes from the April 24, 2019, meeting. Commissioner Shaw seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

Communication #21399

Stagnaro, Saba & Patterson - Written appeal - City Plan Board Case PLN019-00065

Communication #21400

OEPA - Public Notice No. 19-05-004

Communication #21401

Finance Committee Briefing handout

SPECIAL AWARDS/PRESENTATIONS

There were no awards or presentations.

ADDITIONS OR DELETIONS TO THE CALENDAR

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

Calendar Item No. 3 – John R. Jurgensen Company – Award of Contract

The City Manager, Ms. Shelley Dickstein, requested the contract be deleted from the calendar for further evaluation.

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 Orders:

AVIATION

- | | |
|--|-------------------|
| A1. Apex Mechanical Systems, Inc. (annual boiler inspection with maintenance and repair services) | \$9,650.00 |
| A2. Comptech Computer Technologies, Inc. (temporary staffing services as needed through 12-31-23) | 325,000.00 |

1. (Cont'd):

A3. DJL Materials & Supply, Inc. (rental equipment for crack sealing as needed through 12-31-19) **\$22,194.00**

CENTRAL SERVICES

B1. Southwestern Ohio Council for Higher Education (college intern program services as needed through 12-31-19) **9,000.00**

PUBLIC WORKS

C1. JCL Equipment Company, Inc. (roadway painting equipment maintenance and repair services) **5,500.00**

WATER

D1. Fryman Kuck General Contractors, Inc. (masonry and concrete repair services as needed through 05-31-20) **100,000.00**

D2. Wayne Overhead Door Sales of Dayton, Inc. (Overhead door repair services through 03-31-23) **200,000.00**

-Depts. of Aviation, Central Services, Public Works and Water. **Total: \$671,344.00**

2. **Benevate, Inc. dba Neighborly Software – Service Agreement** – for CDBG Service Agreement for Neighborly Software implementation – Dept. of Planning and Community Development. **\$15,000.00**
(Thru 05/31/20)

B. Construction Contracts:

3. **John R. Jurgensen Company – Award of Contract** – for 2019 Thoroughfare Resurfacing (10% WBE and 5% SBE Participation Goal/13.3% WBE and 5.9% SBE Participation Achieved) (Permissive Tax Funds) – Dept. of Public Works. **\$960,342.85**
(Thru 08/02/21)

C. Revenue to the City:

4. **City of Indianapolis, Indiana – Service Agreement** – for Mediation Training and Consulting services – Dept. of Planning & Community Development. **\$15,000.00**
(Thru 06/01/20)

5. **SSKY Hangar, Ltd. – Lease Agreement** – for Ground Lease and Development Agreement at the Dayton-Wright Brothers Airport – Dept. of Aviation. **\$79,411.68**
(Thru 04/30/39)

CITIZENS' COMMENTS ON CALENDAR ITEMS

There were no citizens' comments on calendar items.

DISCUSSION OF CALENDAR ITEM

Calendar Item No. 4 – City of Indianapolis – Service Agreement

The City Manager, Ms. Shelley Dickstein, invited Ms. Michelle Zaremba, Mediation Coordinator, Dayton Mediation Center, to the podium to provide a present on the Dayton Mediation Center's collaboration with the City of Indianapolis.

Ms. Zaremba said the Dayton Mediation Center is a City of Dayton service which provides services to the public. She said the Dayton Mediation Center has been in existence for 32 years. Last year, the Dayton Mediation Center received over 1,800 referrals and interviewed over 1,000 residents. She said they are a very busy entity.

Ms. Zaremba said the Dayton Mediation Center is part of a larger community called the Institute for the Study of Conflict Transformation which moved their headquarters to Dayton, Ohio in 2014.

Ms. Zaremba said community mediation is different from court-connected and other forms of mediation. She highlighted specific hallmarks that make up community mediation that are grass root efforts, citizens can take responsibility to address conflict and control the outcome, and that accessible barriers are removed so anyone can use the service.

Ms. Zaremba said in 2015, Mark Taxer, Probation Mediator, City of Indianapolis, began conversations as he researched different mediation centers and how they operated. She said in 2019, the City of Indianapolis created a city-sponsored mediation center called the James E. Waters, Jr. Eastside Mediation Center which is modeled after the Dayton Mediation Center. Ms. Zaremba said the Dayton Mediation Center will be providing training and consulting services as they create their city-sponsored mediation center.

Ms. Zaremba said they chose the Dayton Mediation Center because it was a part of the City of Dayton. The City of Indianapolis believe the Dayton Mediation Center is unique and they refer to Dayton as their "Sister Center".

APPROVAL OF CITY MANAGER'S REPORTS

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

LEGISLATION

EMERGENCY RESOLUTIONS – FIRST AND SECOND READING

Emergency Resolution No. 6412-19- Approving the Submission of a Grant Application for the Fiscal Year 2020 Ohio Airport Grant Program to the Ohio Department of Transportation, Office of Aviation; Authorizing the Acceptance of a Grant from the State of Ohio Department of Transportation, Office of Aviation in an Amount Not to Exceed One Million Five Hundred Ten Thousand Twenty-Five Dollars and Zero Cents (\$1,510,025.00) on behalf of the City of Dayton, and Declaring an Emergency.

Commissioner Shaw moved that this being an emergency measure for the immediate consideration of the Resolution. Commissioner Joseph seconded the motion. The motion was passed with a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims, and Shaw. The question being shall Emergency Resolution No. 6412-19 be adopted. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The Emergency Resolution was adopted.

PUBLIC HEARING

Mayor Whaley opened the Public Hearing on Plan Board Case PLN2019-00022- regarding the rezoning acres between Riverside Drive and Linwood Street. She asked Ms. Ann Schenking, Plan Board Secretary, to the podium to present.

Ms. Schenking said this is Plan Board Case No. PLN 2019-00022, which will rezone three acres between Riverside Drive and Linwood Street from MR-5 Mature Single-Family Residential to UBD Urban Business District. Ms. Schenking said during the Plan Board public hearing there was unanimous support for this case with a 5-0 vote. She said this request is consistent with the City's 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 site from MR-5 to UBD, deny the request by taking no action, or remand the case back to the Plan Board.

Mr. Jon White, Planner I, Planning and Community Development, said while the underlining zoning district is single-family residential, the actual existing land use is for offices. He gave an overview of the land that is for consideration. He said Urban Business District is a more flexible and accommodating zoning district for a mixed-use environment.

CITIZENS' COMMENTS ON PUBLIC HEARING

There were no citizens' comments on the Public Hearing.

Mayor Whaley closed the public hearing.

The pleasure of the City Commission is to move forward.

THIS ITEM WAS ADDED

EMERGENCY ORDINANCE – FIRST AND SECOND READING

Emergency Ordinance No. 31732-19- Amending the Official Zoning Map to Rezone 3.18 +/- Acres Between Riverside Drive and Linwood Street from MR-5 to UBD, and Declaring an Emergency.

Commissioner Mims 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 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The question being shall Emergency Ordinance No. 31732-19 be passed. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The Emergency Ordinance was passed.

PUBLIC HEARING

Mayor Whaley opened the Public Hearing on Plan Board Case PLN2019-00045- regarding the rezoning of property owned by the City of Dayton's Department of Aviation. She asked Ms. Ann Schenking, Plan Board Secretary, to the podium to present.

Ms. Schenking said this is Plan Board Case No. PLN2019-00045, which will rezone three sites owned by the City of Dayton and located within the City of Dayton Corporate limits from SR-1 Suburban Single Family Residential to AP Airport District. She said the three sites which are located at Lightner Road, Peters Pike, Dog Leg and West National Road are all owned by the City of Dayton and are within the City's corporate limits. She said they are reflected as future development sites/runway zones on the Airport's Master Plan. Ms. Schenking said during the Plan Board public hearing there was unanimous support for this case with a 6-0 vote. She said this request is consistent with the City's 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 amend the zoning map, deny the request by taking no action, or remand the case back to the Plan Board.

Ms. Suzanne Beck, Legal Counsel, Dayton International Airport, said the land is owned by the City of Dayton and its use will directly relate to the Airport. She said the zoning map amendment will apply appropriate zoning to the land that conforms to the surrounding uses, the airport environment, and the expected uses. She said the Airport District Zoning is consistent with the intent and purpose of the zoning code, and the zoning map Amendment is necessary because of changed conditions.

Ms. Beck said the uses permitted in AP District Zoning will be compatible with uses permitted on other properties in the immediate vicinity. Ms. Beck said the AP District Zoning must conform to the Airport's Master Plan which will ensure compatibility with Airport operations.

Ms. Beck said District Zoning is the only appropriate zoning for these properties, and will encourage economic development while protecting the Dayton International Airport land and its operations.

CITIZENS' COMMENTS ON PUBLIC HEARING

There were no citizens' comments on the Public Hearing.

Mayor Whaley closed the public hearing.

The pleasure of the City Commission is to move forward.

THIS ITEM WAS ADDED

EMERGENCY ORDINANCE – FIRST AND SECOND READING

Emergency Ordinance No. 31733-19- Amending the Official Zoning Map to Rezone Property Owned by the City of Dayton and Within the City of Dayton Corporate Limits from SR-1 to AP, 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 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The question being shall Emergency Ordinance No. 31733-19 be passed. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The Emergency Ordinance was passed.

CITIZENS' COMMENTS

Citizens' comments were received from the following:

1. **Bishop Richard Cox, 3044 Jewelstone Drive** - spoke about the corruption in the City of Dayton.
2. **Ms. Kathleen Galt, 5066 Safeway Drive** - spoke about the closing of Premier Health Hospital (Good Samaritan).
3. **Ms. Nancy Kiehl 309 Hacker Street** - spoke about the closing of Premier Health Hospital (Good Samaritan).
4. **Rev. Dr. Rockney Carter 1684 Earlham Drive** - spoke about the closing of Premier Health Hospital (Good Samaritan).

COMMENTS BY THE CITY MANAGER

The City Manager, Ms. Shelley Dickstein, said "For 22 years, I have worked side-by-side with many employees who exemplify what it means to be a public servant. Employees who in their role have been able to accomplish amazing feats that has helped to propel our community forward. Yesterday's announcement does not negate the dedication, hard work and commitment of service of the nearly 2,000 employees that are proud to serve this community.

As I mentioned yesterday, we are taking this matter seriously. We are fully cooperating with the Federal Bureau of Investigation and Department of Justice investigation. We have immediately begun an internal investigation through an independent third-party to ensure a fair and honest evaluation. We will immediately be reviewing all contracts in the Que. We have established a multidepartment team in conjunction with our external auditor to review the contracting process to identify all areas of concern.

Additionally, I anticipate this team bringing recommendations for longer term reorganization.

I am confident in our ability to lead the organization and community through this difficult time. I and the rest of the City team look forward to continuing our work and making Dayton a great place to live, work, and play."

COMMENTS BY THE CLERK OF COMMISSION

The Clerk of Commission, Ms. Rashella Lavender, had no closing comments.

COMMENTS BY THE CITY COMMISSION

Commissioner Joseph

Commissioner Joseph said he was shocked at the news report about corruption at the City of Dayton. He said the job of the City Commission going forward is to weed out any bad actors and bring them to justice. He said they will look at the processes very carefully and see which ones need to change. He thanked the City Manager, Ms. Shelley Dickstein, for initiating an independent investigation of contracts and said he looks forward to the outcome.

Commissioner Mims

Commissioner Mims said the issue of proposed wrong doing is something that needs to be corrected in order for trust to be restored. He said they will do everything they can to support the internal and external investigations. He said the progress that has been made in the past seven years is something they cannot risk or take for granted.

Commissioner Shaw

Commissioner Shaw said they will be very transparent and cooperate fully with the investigation. He said he wants to ensure that the public has trust in the City of Dayton. He said we will get through this as a community.

Mayor Whaley

Mayor Whaley said "my heart is broken for Dayton. I understand the anger and sadness that many people are feeling – because I feel it too. When our community has already overcome so much, this blow feels especially painful.

I have asked this Commission and directed the City Manager to evaluate the steps we can take to make sure that the City is always working for our residents. This Commission fully supports the City Manager as she pursues a thorough investigation to ensure that we are doing everything in our power to provide fair, transparent, and honest government.

I take federal authorities at their word that there may be more to come. We respect this process and will cooperate with the federal government and the Ohio Attorney General in any way that is required. No city wants to be under a cloud of suspicion, but we fully believe we must embrace this oversight and that Dayton will come out stronger at the end of this process.

I understand that the public's trust in the City is damaged. I and this Commission will continue to work every day to rebuild that trust and never lose sight of the job we are here to do - to serve the residents of the City of Dayton."

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:44 p.m.

Nan Whaley
Mayor

Attest: _____
Clerk of Commission

WORK SESSION

A copy of prepared material has been recorded as Communication & Petition Number 21401 dated May 1, 2019.

The Dayton City Commission met in a Work Session on Wednesday, May 1, 2019, at 4:35 p.m., prior to the regularly scheduled City Commission meeting. The meeting was held in the City Manager's Large Conference Room, located in City Hall. Mayor Whaley, Commissioners Joseph, Mims, and Shaw were present. Ms. Rashella Lavender, Clerk of the Commission, was also in attendance.

Ms. Shelley Dickstein, City Manager, Ms. Tammi Clements, Deputy City Manager, Mr. Joe Parlette, Deputy City Manager, Ms. Diane Shannon, Director of Procurement, Management and Budget, Mr. Gil Turner, Deputy Director of Aviation, Mr. Mike Powell, Director of Water, and Ms. Hilary Browning, Budget Analyst, were the presenters.

An overview was provided regarding the Finance Committee's Briefing by highlighting:

March Overview

Ms. Shannon reported revenues increased 2.2 percent and were 2.0 percent over the original forecast. Expenditures and investment funding increased by 3.4 percent. Expenditures were 2.5 percent over budget (unfavorable variance). Uses exceed Sources by \$10.5M for the first quarter of 2019.

Revenue Trends

Ms. Shannon reported that total income tax collections increased 0.2 percent and were \$218,200.00 over the original estimate. She said withholding collections decreased 0.7 percent. The taxes on business profits climbed 6.9 percent with partnership profits registering a 7.3 percent increase and corporate profits climbing 6.8 percent. Taxes paid by individuals climbed by 22.8 percent. Refunds were 13 percent higher than 2018.

Ms. Browning said waste collection revenues are up 3.4 percent (the increase is largely due to 1,930 new customers from the City of Moraine). Other Charges for Services were up 21 percent through March. The Municipal Court revenues gained six percent in the First Quarter of 2019. Indirect cost reimbursements are up 12 percent as a result of annual methodology adjustments. Parking revenues are up \$50,000. Revenues for parking at the Oregon Garage and Municipal Garage are up \$52,700; the gains are offset by a slight decline in parking meter revenue by \$2,700.

Other Revenue, which represents various sources, were up 15 percent in First Quarter of 2019. Miscellaneous Revenues were up 17 percent and Refunds were up 30 percent. The Revenue growth largely continues to be driven by Income Tax. Increases in Licenses and Permits have also contributed to growth in recent years, due to the first fee increase in decades that occurred in late 2017 and 2018.

Expenditure Trends

Ms. Browning said expenses for Contracts and Materials were up 17.5 percent year-over-year. The largest increase was related to timing. The tonnage of Tipped Waste increased, resulting in an increase of 11 percent compared to the First Quarter 2018. As of March, investments and operating transfers are \$12M compared to \$13.8M in March year-to-date.

Ms. Shannon said the 2018 employment levels in the Dayton MSA were revised lower, ending the last three months of the year lower than 2017. The trend has continued into 2019, with preliminary job counts in March at 388,300 or 2,300 less than the year prior.

At the completion of 2018, Sources exceeded Uses by \$3.4M.

Department of Water

Mr. Powell reported on the first quarter for the Water and Sewer Funds for the Department of Water.

Water Fund Revenue and Expenditure Review - Water Fund Revenues are up 3.4 percent or \$0.4M compared to the first three months of 2018. The revenue from City customers are under forecast by 7.2 percent compared to 2018. Billed revenue reflects consumption volumes for one quarter for residential and commercial customers. The revenue from other jurisdictions are below forecast by 8.3 percent compared to 2018. Expenditures were up 13.9 percent compared to 2018 due to higher Expense and Capital Transfers.

Sanitary Sewer Fund Revenue and Expenditure Review – Sanitary Sewer Fund Revenues are down 6.1 percent compared to 2018 due to a decrease in Billed Sewer Fees and Other Charges for Services. Revenue from City customers is down \$38,000 and other jurisdictions are down 10.01 percent due to lower volumes and delayed billings. Other charges for services are down by \$123,000 due mostly to lower Biological Oxygen Demand and Suspended Solids charges. Contracts and Materials costs are up 19.7 percent due to higher Water Utility, Supplies and Materials and Computer Maintenance costs, offset by lower Electric Utility, Consulting and Legal Services costs.

Department of Aviation

Mr. Turner reported on the first quarter for the Department of Aviation.

Total revenue, less PFC/CFC revenue, is up 1.2 percent due to a reduction in the airfield subsidy. Enplanements were 3.0 percent lower compared to 2018. Expenditures are below budget (favorable variance). At the end of first quarter, Sources exceeded Uses by \$54,700.

Airline revenue is up \$82,700 year-over-year. Landing fees increased 9.5 percent year-over-year as a result of a lower subsidy and Allegiant's incentives ending. The subsidy to the Airfield Cot Center in 2019 is \$390,800. Airline Space Rent has remained flat year-over-year. Rental Car Concessions are down 12.2 percent due to the decrease in the minimum annual guarantees in the new contracts put in place in July 2018.

Mr. Turner said Contracts, Materials are 11.1 percent lower than in 2018 due to the timing of 2018 and 2018 payments for parking management services. He said American Airlines is the largest carrier with 45 percent of the total enplanements. Mr. Turner said the Department will have a balanced budget for 2019.

Mayor Whaley thanked everyone for the updates and noted her appreciation for staff's work.

The Work Session concluded at 5:34 p.m.