

On Wednesday, August 29, 2018, at 6:03 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 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.

APPROVAL OF MINUTES

Commissioner Mims made a motion to approve the minutes from the August 22, 2018, meeting. Commissioner Joseph seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

Communication #21336

State of Ohio, Department of Liquor Control – Permit Application D5H Permit #92671390005 – Victoria Theatre Association, DBA Arts Annex, 10 N. Ludlow Street, Unit 100V, Dayton, Ohio 45402.

The Clerk of Commission reported receipt of Permit Application D5H Permit #92671390005 – Victoria Theatre Association, DBA Arts Annex, 10 N. Ludlow Street, Unit 100V, Dayton, Ohio 45402. The application was referred through the City for investigation.

Communication #21337

Letter received from Miami Valley housing Opportunities – Restoration Housing/Scattered Sites.

Communications #21338

Work Session handout – Finance Committee Briefing

SPECIAL AWARDS/PRESENTATIONS

AmeriCorps

Mayor Whaley invited Dr. Hunt Phillips Goodman, Coordinator for Dayton Corps, University of Dayton Fitz Center for Leadership, to the podium to recognize the graduating class.

Dr. Goodman said Dayton Corps is a partnership between the City of Dayton and the University of Dayton's Fitz Center for Leadership in the community with strategic partners: Homefull, St. Vincent de Paul, Montgomery County Homeless Solutions, and Daybreak; Dayton Metro Libraries: Madden Hills and North West Dayton branches; City of Dayton Planning and Community Development: Carillon/Edgemont, Residence Park, and Westwood neighborhoods.

Dr. Goodman said as a review of the first year they had 62 slots for 59 members with a total of 21,813 hours of service and 2,098 hours of training for members.

Dr. Goodman said there were 201 individuals experiencing housing insecurity and those served received a range of services including employability help and housing services; 131 individuals who received more than two hours of employability services; 21 people received more than 100 hours of job modeling support; 180 received more than two hours of housing services.

Dr. Goodman said in the second year they have 70 AmeriCorps members who facilitate community buildings in Dayton's neighborhoods, aid families who are experiencing joblessness and housing insecurity, and provide neighborhood-based educational support. She said the program will begin September 15, 2018.

Dr. Goodman had the members introduce themselves who were Austin Smith, Catherine Livingston, Charles Simmons, Darius Beckham, Elisa Taylor, Erin Winchester, Jesseca Doherty, Leslie White, Marguerite Ebert, MaryPat Globig, Samantha Kennedy and Sharon Mitchell.

Mayor Whaley thanked them for their service.

ADDITIONS OR DELETIONS TO THE CALENDAR

The Clerk of Commission, Ms. Rashella Lavender, requested the addition of Emergency Ordinance No. 31666-18- Advisory Election, and Emergency Resolution No. 6362-18-Memorandum of Understanding with Dayton Public Schools.

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

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:

POLICE

A1. Brite Computers/Upstate Wholesale Supply (NetMotion mobility software maintenance and support renewal) **\$13,130.53**

1.

WATER

B1. Corporate Equipment Company LLC (pump repair and installation services) **60,475.00**

B2. South Ohio Horizons LLC DBA New Horizon (professional computer software and technical training services as needed through 12-31-18) **25,000.00**

B3. Allen Refractories Company (structural reconditioning replacement services as needed through 12-31-18) **50,000.00**

B4. Allied Builders, Inc. (fencing products and repair services as needed through 12-31-19) **20,000.00**

-Depts. of Police and Water. **Total: \$168,605.53**

2. Briggs Creative Services, LLC – Service Agreement – for professional surveying services in connection with the Salem Avenue Reconstruction Phase I and the Wright-Dunbar Bikeway projects – Dept. of Public Works/Civil Engineering. **\$54,636.00**
(Thru 12/31/24)

3. Evoqua Water Technologies LLC – Service Agreement – first amendment to cover additional services/work needed to continue with the Hydrogen Sulfide Feed Services for the corrosion and odor control in the sanitary sewer system and the Water Reclamation Facility – Dept. of Water/Water Reclamation. **\$96,000.00**
(Thru 12/31/20)

4. International Mountain Bicycling Association – Service Agreement – for the Welcome Park Bike Park Design/Build – Dept. of Planning & Community Development/Land Use Administration. **\$300,000.00**
(Thru 12/31/18)

5. Montgomery County Land Reutilization Corporation – Service Agreement – first amendment to Land Banking Agreement for the “Nine” Project – Dept. of Planning & Community Development. **\$200,000.00**
(Thru 12/31/21)

6. United States of America – Lease Agreement – for lease for Real Property at the Dayton International Airport for use by U.S. Customs and Border Protection – Dept. of Aviation. **N/A**
(Thru 08/31/38)

C. Revenue to the City:

7. Greek Orthodox Church – Contract Modification – first amendment for off-duty police officer services – Dept. of Police. **\$14,998.21**
(Thru 12/31/18)

8. **Hollywood Gaming at Dayton Raceway – Service Agreement** – for standby Emergency Medical Services during all scheduled racing events – Dept. of Fire. **\$76,915.80**
(Thru 01/01/19)
9. **YMCA of Greater Dayton – Lease Agreement** – for three acres of ground space at the Dayton-Wright Brothers Airport – Dept. of Aviation. **\$1,500.00**
(Thru 08/31/23)

D. Neighborhood Agreements:

10. **CityWide Development Corp. and Windsor Fire Blocks LLC – Development Agreement** – to offer a forgivable loan for the historic renovation and adaptive reuse of the Elks Building (100 East Third Street) and Huffman Blocks (111-129 East Third Street) in the Fire Blocks Historic District – Dept. of Economic Development. **\$250,000.00/ (CWDC)**
(Thru 12/31/24)

E. Other – Contributions, Etc.:

11. **Gregory S. Young, Co., LPA & Frank Allen – Other** – for full settlement of claim filed – Dept. of Law/Civil. **\$12,000.00**
12. **University of Dayton – Other** – for AmeriCorps Grant Agreement to administer the program – Dept. of Planning & Community Development. **\$370,625.00**
(Thru 08/31/19)

CITIZENS’ COMMENTS ON CALENDAR ITEMS

There were no citizens’ comments on calendar items.

DISCUSSION OF CALENDAR ITEM

Calendar Item No. 4. – International Mountain Bicycling Association Technologies –Service Agreement

The City Manager, Ms. Shelley Dickstein, said this contract will provide design and construction services and is a result of a private public partnership.

Emergency Resolution No. 6362-18-Memorandum of Understanding with Dayton Public School Board

The City Manager, Ms. Shelley Dickstein, said this memorandum of understanding will formalized operations with Dayton Public School Board and the City of Dayton

Ordinance No. 31666-18-Decriminalization of Misdemeanor Marihuana and Hashish Offenses

The City Manager, Ms. Shelley Dickstein, invited Ms. Barbara Doseck, Law Director, and Mr. Martin Gehres, Assistant City Attorney, to the podium to provide clarification of the ordinance.

Ms. Doseck said there will be question on the ballad this November in regards to Marihuana (Marijuana).

Mayor Whaley asked the Law Director about the different spelling of Marihuana (Marijuana).

Ms. Doseck said that is the way it was spelled in the charter and they wanted to remain consistent.

Mr. Gehres said recent polling data suggests that nearly six in every ten Americans now favor legalizing marijuana. He said it is extremely true in millennials. He said nine states, and Washington, D.C., have legalized the recreational use of marijuana for adults over the age of 21.

Mr. Gehres said the City of Dayton based their proposal on Toledo’s Issue 1. He said Toledo’s Issue 1 reduced the punishment for minor misdemeanor and felony marijuana and hashish offenses. He said Toledo’s Sensible Marihuana (Marijuana) Ordinance passed in September of 2015 with over 11,000 Toledo residents voting in favor of enacting the Ordinance.

Mr. Gehres said the ordinance was challenged by the Ohio Attorney General, the Lucas County Prosecutor, and the Lucas County Sheriff. He said an injunction was issued declaring specific portions of Toledo’s ordinance to be unconstitutional and in conflict with state laws; however, the minor misdemeanor city code offenses were not challenged by the state.

Mr. Gehres said a question will appear on the November 2018 General Election ballot to determine whether citizens are in favor of decimalizing specific Marihuana (Marijuana) and hashish offenses. He said once placed on the ballot, citizens have the option to vote for or against reducing misdemeanor marijuana and hashish penalties.

Mayor Whaley said citizens have asked for this ordinance. She said she will be voting for the decriminalization of Marihuana (Marijuana) and Hashish.

APPROVAL OF CITY MANAGER'S REPORTS

Commissioner Fairchild made a 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

ORDINANCE – FIRST READING

Ordinance No. 31664-18- Consenting to the Repair of a Bridge Deck within the City of Dayton, and Agreeing to Cooperate in Matters Incidental Thereto, Including the Execution of Agreements Necessary to Implement this Ordinance.

RESOLUTION – SECOND READING

Resolution No. 6361-18- Designating a Housing Officer for the City of Dayton as Required by Section 3735.66 of the Ohio Revised Code.

The question being shall Resolution No. 6361-18 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.

THESE ITEMS WERE ADDED

EMERGENCY ORDINANCE – FIRST AND SECOND READING

Emergency Ordinance No. 31666-18- Submitting a Question for an Advisory Election to the Electors of the City at the November 6, 2018 General Election concerning the Decriminalization of Misdemeanor Marihuana and Hashish Offenses under the Revised Code of General Ordinances; 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. 31666-18 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

Emergency Resolution No. 6362-18- Authorizing the City Manager to Enter into a Memorandum of Understanding with the Dayton Public Schools Board of Education, and Declaring an Emergency.

Commissioner Joseph moved that this being an emergency measure for the immediate consideration of the Resolution. 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 Resolution No. 6362-18 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.

BOARD APPOINTMENTS

Mayor Whaley said that she reappointed Judge Daniel Gehres to serve on the Compensation Board for a term ending August 30, 2022.

Commissioner Mims made the motion to appoint Jacquelyne Patterson to the Board of Zoning Appeals for a term ending June 30, 2021. Commissioner Joseph seconded the motion. The motion was unanimously approved.

Commissioner Shaw made the motion to appoint Tim Bement to the Board of Zoning Appeals for a term ending June 30, 2021. Commissioner Joseph seconded the motion. The motion was unanimously approved.

Commissioner Fairchild made the motion to appoint Julius Amin to the Welcome Dayton Committee for a term ending December 31, 2021. Commissioner Mims seconded the motion. The motion was unanimously approved.

Commissioner Joseph made the motion to appoint Thomas Wahrab to fill the unexpired term seat of Michelle Kaye to the Human Relations Council for a term ending August 31, 2021. Commissioner Shaw seconded the motion. The motion was unanimously approved.

CITIZENS' COMMENTS

Citizens' comments were received from the following:

1. **Mr. Willie Feaster – At Large** – spoke about issues on Third and Main Streets.

COMMENTS BY THE CITY MANAGER

The City Manager, Ms. Shelley Dickstein, invited Mr. Lamonte Hall, Recreation Program Coordinator, said the Reggae Festival is Sunday, September 2, 2018, at Riverscape with seven bands performing and various food vendors. He said there will be two parking options for citizens to park in.

COMMENTS BY THE CLERK OF COMMISSION

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

COMMENTS BY CITY COMMISSION

Commissioner Mims

Commissioner Mims highlighted Dayton Public School Men of Color forum. He also highlighted the EITC kick-off event.

Commissioner Shaw

Highlighted his attendance at the St. Anne's Hill Porch Festival.

Commissioner Fairchild

Commissioner Fairchild highlighted John Paddock's retirement. He also highlighted the Tour de Gem bike event.

Mayor Whaley

Mayor Whaley highlighted various events this week

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:40 p.m.

Mayor Nan Whaley

Attest: _____

Clerk of Commission

WORK SESSION

A copy of prepared material has been recorded as Communication & Petition Number 21338 dated August 29, 2018.

The Dayton City Commission met in a Work Session on Wednesday, August 29, 2018, at 4:39 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, Shaw and Fairchild were present. Ms. Ariel Walker Director, City Commission Office, and Ms. Rashella Lavender, Clerk of the Commission, were also in attendance. Commissioner Mims later joined the work session.

Ms. Shelley Dickstein, City Manager, Mr. Joe Parlette, Deputy City Manager, Ms. Diane Shannon, Director of Management and Budget, Ms. LaShea Lofton, Director of Finance, and Ms. Hillary Browning, Management Analyst, were the presenters.

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

- July Overview
- Revenue Trends
- Expenditure Trends

Ms. Dickstein said the Finance Committee Briefing will cover the first seven months of 2018 (January-July). She explained the new format will include detailed notes but the presentation will focus on more graphs, charts and other means to explain variances and trends in revenue, expenditures, and operating transfers.

July Overview

Ms. Shannon reported revenues have climbed 5.1 percent compared to the same period of 2017. Year-to-date revenue reflects the positive impacts of *Your Dollars, Your Neighborhood* due to the withholding lag attributable to January of 2017. She said expenditures for the first seven months of 2018 are under budget by 01.5 percent. Growth in Personnel costs have tempered while Contracts, Materials and Other Uses have climbed 3.6 percent. At the end of July, Sources exceed Uses by \$2.9M.

Revenue Trends

Ms. Shannon reported that baseline income tax increased five percent and were \$3.1M over the year-to-date estimate; while total income tax collections increased 6.2 percent. She said withholding collections climbed 5.9 percent. The tax on business profits grew 13.3 percent with Corporations posting most of the gains. Taxes paid by individuals rebounded and are up five percent for the July year-to-date period. Refunds climbed 22 percent during the period.

At the end of July, Other Charges for Services are down nine percent below the same period last year. The \$357,000 decline in parking garage revenues are due to revenue being recorded net of operating expenses, and the loss of the Transportation Center tenants.

Ms. Browning said Licenses and Permits have grown 89 percent compared to July of 2017. This is a result of a fee schedule increase enacted by the City Commission in 2017 and strong construction activity.

She said both Property and Hotel Tax are up over the same period last year. The largest component of the category is the City's ten mills of property tax: 5.5 mills fund ongoing debt service obligations and 4.5 mills support General Fund operations. Property tax collections have increased by 17 percent and Hotel Tax collections have increased by 11 percent.

Ms. Browning said at the end of July, EMS Fees declined 11.6 percent. Total billed runs were down 10.6 percent for the first seven months of 2018 when compared to the same period in 2017.

Other Intergovernmental Fund has declined by one percent. The loss of the Racino operator payment is offset by an increase in liquor and beer permits and greater collections on Casino Winnings Tax year-to-date.

Expenditure Trends

Ms. Browning said excluding transfers, expenses for Contracts and Materials are 2.4 percent higher year-to-date than at the same time in 2017. The increase reflects: Management and Public Service Contracts, Real Estate Taxes increase, payments to Internal Service Funds increase and Miscellaneous Expenses increase.

Ms. Lofton reported on Dayton's Debt by the Numbers. She reviewed the 2018 Debt Issuance next steps: City Commission approves Bond Ordinances at September 19, 2018, City Commission Meeting; the Department of Finance finalizes the Preliminary Official State, the City presents its debt issuance plan to rating agencies in early October, the rating agencies give the City their respective Credit Ratings, the Bond Counsel completes the Official Statement, the underwriter prices and sells the Bonds, and the City receives Bond proceeds.

Ms. Shannon said jobs in the Dayton MSA have increased by 800 compared to July of 2017; a slow down from growth in the first months of 2018. Counts are 31,500 higher than the low point of the Great Recession in December of 2009. Four industry sectors are showing declines on a year-ago basis including Information, Education and Health Services, Leisure and Hospitality, and Government.

The Nationwide GDP growth registered 4.1 percent for the second quarter of 2018. Activity in the manufacturing sector continues above the neutral threshold of 50. Inflation has continued slowly upward. Given the correlation between economic downturns and the inversion of the yield curve, activity will be monitored monthly.

Ms. Shannon said overall, income tax collections were strong during the first seven months of 2018, and total revenues to-date are performing \$3.3M over budget. The growth in Personnel Cost has slowed 1.5 percent. The three percent wage increase, holiday pay, and the escalation of the IAFF wage increase from June to January, are driving the growth. These increases were offset by the impact of employee turnover and wage support from grant funds. Contract, Materials and Other Uses are up 3.6 percent due to the elimination of the 14th accrual period in 2017, as well as the timing of transfers. Annual funding of investments for 2018 was completed in February to ensure timely bidding and commencement of projects.

She said at the end of July, the City is on track relative to the budget plan with sources exceeding uses.

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

The Work Session concluded at 5:25 p.m.