

On Wednesday, October 2, 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 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 Acting City Manager, Mr. Joe Parlette, were also present.

**APPROVAL OF MINUTES**

Commissioner Mims made a motion to approve the minutes from the September 25, 2019, 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**

There were no special awards or presentations.

**ADDITIONS OR DELETIONS TO THE CALENDAR**

The Clerk of Commission, Ms. Rashella Lavender, requested Calendar Item No. 7. Emergency Ordinance No. 31759-19-the Sale of Real Estate located at 1751 Danner Ave. to the Humane Society of Greater Dayton to be held for one week.

**REPORTS:**

**A. Purchase Orders, Price 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:**

**CENTRAL SERVICES**

**A1. Dell Marketing LP** (extended warranty on Dell PowerEdge Orca R720, Dell PowerEdge R730 and Dell Storage MD 1400 services through 12-31-21) **\$11,025.15**

**1.**

**PUBLIC WORKS**

**B1. Weiffenbach Marble & Tile Company** (carpet including removal and installation services through 07-31-22) **61,158.00**

**B2. Crown Personnel Service, Inc.** (temporary staffing services as needed through 12-31-23) **50,000.00**

**WATER**

**C1. Mississippi Lime Company** (quick lime as needed through 12-31-20) **100,000.00**

**C2. Roby Services Ltd** (janitorial supplies as needed through 01-31-21) **20,000.00**

**C3. Sewer Equip Company of America** (one Hydro-excavator truck) **421,136.37**

**C4. White Allen Chevrolet, Inc.** (one truck with utility body and stick boom crane) **96,250.00**

-Depts. of Central Services, Public Works and Water. **Total: \$759,569.52**

**2. Elite Line Services – Contract Modification** – first addendum to cover additional heavy maintenance to refurbish select Passenger Boarding Bridges at the Dayton International Airport – Dept. of Aviation. **\$249,998.19**  
**(Thru 03/31/22)**

3. **LWC Incorporated – Contract Modification** – first amendment to increase and extend the Master Professional Services Agreement – Dept. of Aviation. **\$8,000,000.00**  
(Thru 12/31/21)
4. **Montgomery County Transportation Improvement District – Contract Modification** – for NAPA Project Phase II Addendum to Dayton International Airport Projects Management and Financing Agreement with the Montgomery County Transportation Improvement District – Dept. of Aviation. **\$21,500.00**
5. **Woolpert – Contract Modification** – first amendment to increase and extend the Master Professional Services Agreement – Dept. of Aviation. **\$8,000,000.00**  
(Thru 12/31/21)

**C. Revenue to the City**

6. **Premier Plaza, LP – Other** – for a Special Use Permit to Install seating and aluminum railing into the public right-of-way at 110 North Main Street – Dept. of Public Works/Civil Engineering. **\$540.00**

**CITIZENS’ COMMENTS ON CALENDAR ITEMS**

There were no citizens’ comments on calendar items.

**DISCUSSION OF CALENDAR ITEM**

**Calendar Item No. 3. - LWC Incorporated – Contract Modification**

Mr. Parlette said the contract modification is a renewal of agreements for architectural and engineering design services at the Dayton International Airport regarding facilities and is driven by the ability of the airport to pay.

**Calendar Item No. 9. Emergency Resolution No. 6441-19-Ohio Tax Monies Collected for 2020**

Mr. Parlette said the annual resolution is to accept the property tax rates for 2020. He said they are divided between the general fund at 4.5 percent and debt reduction at 5.5 percent as stated in the Charter.

**APPROVAL OF CITY MANAGER’S REPORTS**

Commissioner Fairchild made the 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**

**EMERGENCY RESOLUTION – FIRST AND SECOND READING**

**Emergency Resolution No. 6440-19-** Authorizing the Submission of Five Rivers MetroParks Ohio Public Works Commission Clean Ohio Conservation Fund Grant Application, Authorizing the Acceptance of Ohio Public Works Commission Clean Ohio Conservation Fund Grant Application, and Declaring an Emergency.

Commissioner Mims moved that this being an emergency measure for the immediate consideration of the Resolution. 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 Resolution No. 6440-19 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.

**EMERGENCY RESOLUTION – FIRST READING**

**Emergency Resolution No. 6441-19-** Authorizing the Necessary Tax Levies, Requesting the Advance Payment by Montgomery County, Ohio to the City of Dayton, Ohio of Tax Monies Collected for 2020, Certifying the Same to the County Auditor, and Declaring an Emergency.

**ORDINANCES – SECOND READING**

**Ordinance No. 31757-19-** Consenting to the Replacement of a Traffic Signal Within the City of Dayton, and Agreeing to Cooperate in Matters Incidental Thereto, Including the Execution of Agreements Necessary to Implement this Ordinance.

The question being shall Ordinance No. 31757-19 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.

**Ordinance No. 31758-19-** Consenting to the Resurfacing of U.S. State Route 35 Within the City of Dayton, and Agreeing to Cooperate in Matters Incidental Thereto, Including the Execution of Agreements Necessary to Implement this Ordinance.

**The question being shall Ordinance No. 31758-19 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.**

#### **PUBLIC HEARING**

Mayor Whaley opened the Public Hearing regarding the Jefferson Fairgrounds Joint Economic Development District (JEDD). She asked Mr. Parlette to proceed.

Mr. Parlette invited Mr. Ford Weber, Director of Economic Development, to the podium to present.

Mr. Weber said there will be no legislative action tonight, they are just conducting the statutory required public hearing. He invited Mr. Steve Stanley, Executive Director, Montgomery County Transportation Improvement District, to the podium to present.

Mr. Stanley said the Jefferson Township Fairgrounds will be a joint economic development district (JEDD) which is a government created by an agreement between a township and at least one city that affects select properties. He said Jefferson Township and the City of Dayton are considering approval of an agreement that would create a JEDD affecting select parcels in Jefferson Township. Mr. Stanley said the public hearing is required to provide the opportunity for comment on the proposed JEDD agreement to the general public and affected property owners and businesses.

Mr. Stanley said the JEDD is proposed as a result of the location of the new Montgomery County Fairgrounds property which was previously owned by Montgomery County in Jefferson Township. He said ten parcels owned by Montgomery County, the Montgomery County Agricultural Society, Jefferson Township, and two private owners are proposed to be included within the boundaries of the JEDD. Mr. Stanley said businesses operating within the boundaries of the proposed JEDD include the Montgomery County Fairgrounds & Event Center, the Montgomery County Office of the Ohio State University Extension Service, Montgomery County's new Juvenile Treatment Center, and Jefferson Township's offices.

Mr. Stanley said the JEDD would be governed by a Board of Trustees that has a normal range of governmental powers set forth in the proposed agreement. He said the five-member Board of Trustees is proposed to be appointed as one member representing the City of Dayton appointed by the City of Dayton, one member representing the Jefferson Township appointed by Jefferson Township, one member representing the business owners in the district appointed by the Montgomery County Agricultural Society, one member representing persons employed in the District appointed by Montgomery County Commission, and one who will act as Chair of the Board, selected by a majority of the other members.

Mr. Stanley said the JEDD Board is proposed to levy a 2.5 percent income tax within its boundaries with revenue proposed to be distributed as .5 percent for long term maintenance of the JEDD, five percent to Montgomery County Agricultural Society, and the remaining 94.5 percent split with 95 percent going to Jefferson Township and five percent going to the City of Dayton.

Mr. Stanley said Jefferson Township will be the record keeper of the JEDD and the City of Dayton will be the income tax administrator. He said the initial term of the agreement is proposed to be ten years, renewable with consent of Jefferson Township and the City of Dayton.

Mr. Stanley said the next steps will be petitions signed by property owners and businesses with the final JEDD agreement approved by Jefferson Township Trustees and the City of Dayton. He said the agreement will take effect 31 days following the approval of the agreement by both parties.

#### **CITIZENS' COMMENTS ON THE PUBLIC HEARING**

There were no citizens' comments on the public hearing.

Mayor Whaley closed the hearing.

**CITIZENS' COMMENTS**

Citizens' comments were received from the following:

1. **Kathleen Galt, 5066 Segway Dr.** – spoke about hazardous waste oversight at the old Good Samaritan Hospital site.
2. **Theresa Darr, 3901 E. Third St.**-spoke about drug and alcohol addiction treatment services.
3. **Nancy Kiehl, 309 Hacker Rd.** - spoke about hazardous waste oversight at the old Good Samaritan Hospital site.
4. **Willie Feaster, No Address** – spoke about Dayton Police Officer Ramadan and his police work.

**COMMENTS BY THE CITY MANAGER**

The Acting City Manager, Mr. Joe Parlette, 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 highlighted the passing of Father David Brinkmoeller, one time pastor of Ascension Catholic Church.

**Commissioner Mims**

Commissioner Mims thanked Pastor Joel for the Reclaim Dayton for Christ event at the Levitt Pavilion.

Commissioner Mims highlighted his attendance at the Men of Color “My Brother’s Keeper Conference” in Columbus, Ohio.

**Commissioner Joseph**

Commissioner Joseph highlighted his attendance at the Fire Fighter Employee’s Recognition Program.

**Mayor Whaley**

Mayor Whaley congratulated Sugarcreek Packaging for their announcement of the purchasing of the old Kroger Store on Gettysburg Ave.

Mayor Whaley congratulated Crawford Hoyne on the purchase of the last Mendelson property in Downtown Dayton.

Mayor Whaley thanked RSM Global for their thoughtfulness to the City of Dayton during the Oregon District Mass Shooting.

Mayor Whaley thanked Dayton Police Chief Richard Biehl for traveling with her to Washington D.C. to testify before the Judiciary Committee for a ban on assault weapons.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 6:32 p.m.

\_\_\_\_\_  
**Nan Whaley, Mayor**

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

## **WORK SESSION**

A copy of prepared material has been recorded as Communication & Petition Number 21438 dated October 2, 2019.

The Dayton City Commission met in a Work Session on Wednesday, October 2, 2019, at 4:34 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 and Commissioners Joseph, Mims, Shaw and Fairchild were present. Ms. Ariel Walker Director, City Commission Office, and Ms. Rashella Lavender, Clerk of the Commission, were also in attendance.

Mr. Joe Parlette, Acting City Manager, Ms. Diane Shannon, Director of Procurement, Management and Budget, and Ms. Hilary Browning, Budget Analyst, were the presenters.

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

- August Results
- Revenue Trends
- Expenditure Trends

### August Overview

Ms. Shannon reported revenues have climbed 2.2 percent compared to the same quarter of 2018. Year-to-Date revenue growth is a change in accounting treatment for EMS as well as higher Income and Property Taxes, Local Government Fund and other charges for services. She said four revenue categories are under-performing compared to the year-to-date revenue budget, although the largest variances is the result of anticipated FEMA reimbursements and the BWC rebate. Expenditures for the first eight months of 2019 are under budget by 2.5 percent. However, personnel costs have exceeded budget by \$300,000 as a result of higher unplanned overtime. At the end of August, Sources exceed Uses by \$1.9M.

### Revenue Trends

Ms. Browning reported that net collections of income tax increased 0.9 percent and the year-to-date growth in now registering at 1.8 percent. She said withholding collections has advanced 1.1 percent. The taxes on business profits grew 11.5 percent with Corporation and Partnerships posting nearly all of the gains. Taxes paid by individuals are higher registering 2.5 percent. As of August, revenue is 1.3 percent over budget and will be revised higher in the final forecast.

Ms. Browning said at the end of August, Other Charges for Services have increased \$534,400 year-to-date when compared to August 2018. The 2019 increase is a result of several factors; an increase in Indirect Cost Reimbursement from Enterprise funds, increased revenue from parking, police patrol services and Municipal Courts. She said parking revenues have increased at the Oregon District Garage. She said contracted and non-contracted police patrol services climbed 17.3 percent.

Fines and Forfeits continues a multi-year trend of declining revenues. Year-to-Date, Fines and Forfeits are down 20.7 percent compared to August 2018. Losses in the category were offset by increased revenues from parking ticket collections and criminal fines. Parking ticket fines increased 14.4 percent year-to-date, and criminal fines increased by 9.6 percent.

Licenses and Permits have increased 5.1 percent year-over-year. However, there are indications growth has started to slow in this category. Skilled Trades Licenses are up 47.9 percent and Mechanical Trades Permits are up 6.1 percent. Zoning Permits advanced 12.5 percent. The gains were offset by a slight decline of 0.8 percent in Construction Permits and a reduction in Public Safety Permits of 18.2 percent.

Since 2016, General Fund revenues have grown 14.9 percent. Income Tax collections comprise 72.1 percent of the City's General Fund revenues. Income Tax collections grew 20.3 percent compared to 2016. The other 27.9 percent of General Fund revenues have grown modestly over the last four years. Drivers of growth in non-income tax categories are Licenses and Permits, followed by Property and Other Tax, and the restoration of the Municipal Direct Allocation in the Local Government Fund. All other categories have seen stagnate or decreased revenues since August 2016.

### Expenditure Trends

Ms. Browning said Personnel costs are up 7.0 percent when compared to August 2018. Health insurance costs are up 15.2 percent compared to year-to-date 2018. The largest growth sectors are Police and Fire Safety overtime and Civilian overtime. Higher than normal overtime use is also contributing to the 4.9 percent increase in Fringes. When taken together, Police, Fire and Public Works overtime are up \$902,100 compared to year-to-date 2018.

Contracts and Materials grew 4.8 percent higher than at the same time in 2018. The Internal Service Fund charges are up 4.7 percent, driven by increased fuel and heavy equipment usage in the aftermath of the Memorial Day tornadoes. Management and Public Service Contracts have increased 30.5 percent. Half of the increase is timing of the RDC payment. The remaining increases are attributed to legal services, procurement review and structural engineering services needed after the Memorial Day tornadoes. Maintenance Costs increased 2.7 percent. Utilities have increased 6.5 percent driven by increasing electric costs for streetlights and facilities. Rental costs are up 15.7 percent driven by equipment rentals needed for the debris removal and power generation, and other costs are up 14.4 percent. Ms. Browning said increases were offset by reductions in Waste Disposal Charges, Professional Services and Taxes and Public Expenses.

Ms. Shannon said the Dayton Region once again outpaced growth at the state level, registering a 6.2 percent increase since January of 2014. She said income tax growth started off the year in negative territory, rebounded mid-year, but then began to slow. Total revenues to-date are performing \$900,000 below the budget target, largely due to FEMA reimbursements but are up 2.2 percent compared to 2018. The growth of Personnel Costs have ramped up in 2019 to seven percent, as a result of an increase in the health insurance rate. Contracts, Materials and Other Uses are up 7.1 percent due to the earlier payment of the RDC contract, unplanned event costs and an increase in operating transfers. At the end of August, Sources exceeded Uses by \$600,000. However, the Capital transfer of \$1.9M is still pending.

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

The Work Session concluded at 5:09 p.m.