

On Wednesday, October 3, 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 Fairchild 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 September 26, 2018, meeting. Commissioner Fairchild seconded the motion. The previous meeting minutes were unanimously approved.**

**COMMUNICATIONS AND PETITIONS**

**Communication #21345**

Work Session handout - Finance Committee Briefing

**SPECIAL AWARDS/PRESENTATIONS**

Mayor Whaley invited Mr. Caleb Ingram, Executive Director of Declare Worship Community, to podium to talk about the Declare Dayton Worship Concert.

Mr. Ingram introduced Pastor Tokunbo Adelekan, Tabernacle Baptist Church, to the podium and said on Saturday, October 7, 2018, beginning at 6:00 p.m. there will be a worship concert at Fifth Third Field. He said the concert will inspire the Church and declare hope over the City of Dayton.

Mr. Ingram said the proceeds from the concert will support Rebuilding Together Dayton and a recovery scholarship. He said tickets are on sale for the event at Daytondragons.com.

Commissioner Mims congratulated and thanked Mr. Ingram for his work.

**ADDITIONS OR DELETIONS TO THE CALENDAR**

There were 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 31<sup>st</sup> of the current year).**

**1. Purchase Orders:**

**AVIATION**

**A1. Dell Marketing LP** (one OptiPlex 5050 SFF, two Dell brand monitors, one Dell brand sound bar, 60 Cisco transceiver modules and one Epson document scanner)  
**\$12,046.12**

**A2. 72 Hour LLC dba National Auto Fleet Group** (one four-wheel drive pickup truck with bed liner and theft deterrent system) **29,914.19**

**LAW**

**B1. GBQ Consulting LLC** (professional auditing services as needed through 12-31-18)  
**28,000.00**

**MUNICIPAL COURT**

**C1. Middletown Ford, Inc.** (one mid-size four door sedan vehicle) **19,296.00**

1. (Cont'd):

**POLICE**

**D1. Kiesler Police Supply** (22 Paragon 6 Level IIIA body armor with shock shield through 08-31-22) **\$259,514.00**

**PUBLIC AFFAIRS**

**E1. Progressive Printers, Inc.** (printing services as needed through 01-31-20) **25,000.00**

**PUBLIC WORKS**

**F1. Garland/DBS, Inc.** (roof replacement including removal and installation services) **97,465.00**

**RECREATION & YOUTH SERVICES**

**G1. Commercial Fitness Solutions, Inc.** (three treadmills, two ellipticals, one adaptive motion trainer, two recumbent bikes, one upright bike and one Jacob's ladder) **31,300.00**

**WATER**

**H1. Bob Ross Buick, Inc.** (one compact four-wheel drive utility vehicle) **29,174.00**

**H2. Defries Copp LLC dba Copp Systems Integrator** (security surveillance system upgrade including installation services) **38,726.93**

**H3. Roberts Water Technologies, Inc.** (Roberts Filter Group parts) **48,520.00**

-Depts. of Aviation, Law, Police, Public Affairs, Public Works, Recreation & Youth Services, Water and The Municipal Court. **Total: \$618,956.24**

**B. Construction Contracts:**

2. **C.G. Construction and Utilities, Inc. – Contract Modification** – Change Order 1, DIA Northwest Development Area Water and Sanitary Sewer Improvements – Additional Scope (10.03% MBE Participation, 10% MBE Goal) – Dept. of Aviation. **\$130,480.00**  
**(Thru 07/31/19)**

3. **C. G. Construction and Utilities, Inc. – Award of Contract** – for the Kensington Drive and Harvard Boulevard Water Main Improvements (10% MBE, 5% WBE & 5% SBE Goal/10% MBE, 5% WBE & 5% SBE Achieved) – Dept. of Water/Water Engineering. **\$488,271.30**  
**(Thru 06/30/20)**

**C. Revenue to the City:**

4. **NorthPoint Development, LLC – Development Agreement** – first amendment to provide additional infrastructure improvements for the construction of commercial buildings at the Dayton International Airport – Dept. of Aviation. **\$137,980.00**  
**(Thru 12/31/18)**

**E. Other – Contributions, Etc.:**

5. **Dayton Montgomery County Port Authority – Other** – for a loan agreement for design and construction costs associated with Levitt Pavilion Dayton – Dept. of Economic Development. **\$674,821.00**  
**(Thru 12/31/20)**

6. **Jefferson Township – Other** – second amendment for curbside weekly trash, bi-weekly recycling and scheduled bulk waste services – Dept. of Public Works. **\$516,000.00**  
**(Thru 12/31/19)**

**CITIZENS' COMMENTS ON CALENDAR ITEMS**

There were no citizens' comments on calendar items.

## **DISCUSSION OF CALENDAR ITEM**

### **Calendar Item No. 2. – C.G. Construction and Utilities, Inc. – Contract Modification and Calendar Item No. 4. – North Point Development, LLC – Development Agreement**

Ms. Dickstein said this modification is for the buildings at the Dayton International Airport. She said this is the third development agreement.

### **Calendar Item No. 5. – Dayton Montgomery County Port Authority – Other**

Ms. Dickstein said this loan is to monetize the pledge support for the Levitt building.

### **Calendar Item No. 8. – Emergency Ordinance No. 31686-18 – Option Agreement**

Ms. Dickstein said this agreement will allow for the purchase of the Wright Factory site.

Mayor Whaley invited Mr. Tim Kambitsch, Executive Director of Dayton Metro Library, Ms. Mackensie Wittmer, Executive Director of National Heritage Aviation Heritage Area, and Mr. Kendall Thompson, Ranger, National Aviation Heritage Area, to the podium to talk about the agreement.

Mr. Kambitsch said the agreement is great for the library, west Dayton, and the community at large. He said it help bring the City of Dayton together.

Ms. Wittmer and Mr. Thompson thanked the City Commission for their leadership on this effort.

Commissioner Shaw said this is an integral part of the strategy of West Dayton development.

Commissioner Joseph said this agreement will bring jobs and institutions to an area that really needs it.

Commissioner Mims said he appreciated all the hard work on the agreement and said it will make a major difference to the area.

Commissioner Fairchild congratulated everyone involved with this endeavor and said he has high expectations of this agreement.

Mayor Whaley congratulated Commissioner Shaw and Ms. Dickstein on their work. She said she is happy to have control of the area where the first airplane was built.

## **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**

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

**Emergency Ordinance No. 31685-18-** Authorizing the Submission, Acceptance, Acquisition and Purchase of Sixty-Six (66) Properties from Montgomery County, Ohio, and the Subsequent Disposition of those Properties in Connection with the Real Estate Acquisition Program ("REAP"), 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. 31685-18 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 Ordinance No. 31686-18-** Authorizing the City Manager to Execute an Option Agreement and Promissory Note, Authorizing the Acceptance of Real Property, 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. 31686-18 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-FIRST AND SECOND READING**

**Emergency Resolution No. 6366-18-** Declaring the Intention to Appropriate Real Property Interests in Parcel 6 WD, in Connection with the Wolf Creek Bikeway Project, 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. 6366-18 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.

**EMERGENCY RESOLUTION – FIRST READING**

**Emergency Resolution No. 6367-18-** Authorizing the Necessary Tax Levies, Requesting the Advance Payment by Montgomery County, Ohio to the City of Dayton, Ohio of Tax Monies Collected for 2019, Certifying the Same to the County Auditor, and Declaring an Emergency.

**EMERGENCY RESOLUTION – SECOND READING**

**Emergency Resolution No. 6365-18-** Approving the Submission of Grant Applications and Authorizing the Acceptance of Grant Awards from the Miami Valley Regional Planning Commission Under the Transportation Improvement Program for State Fiscal Year 2024, 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. 6365-18 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.

**RESOLUTION - FIRST READING**

**Resolution No. 6368-18-** Concurring with the Adoption of the Dayton Riverfront Plan.

**ORDINANCES – SECOND READING**

**Ordinance No. 31683-18-** Authorizing the Donation of a Model 1914 Hotchkiss Machine Gun and Two Tripods Located on the Victory Oak Knoll World War One Memorial.

The question being shall Emergency Ordinance No. 31683-18 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 Ordinance was passed.

**Ordinance No. 31684-18-** Consenting to the Widening 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 Emergency Ordinance No. 31684-18 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 Ordinance was passed.

**CITIZENS' COMMENTS**

Citizens' comments were received from the following:

1. **Ms. Ysabel Moore** – 2602 W. Riverview – spoke about vacant homes in her neighborhood.
2. **Ms. Margaret Merle** – 26 Mercer Ave. – spoke about vacant lots near Fifth and Williams Streets.

**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 Shaw**

Commissioner Shaw highlighted his participation at the Black Elected Officials Gala Saturday, September 29, 2018, at Sinclair Community College.

### **Commissioner Fairchild**

Commissioner Fairchild highlighted the Longest Table event held on Thursday, October 4, 2018, at Sinclair Community College.

Commissioner Fairchild said he will be holding a Town Hall Meeting on Monday, October 8 2018, at the Dayton Metro Library Main Branch at 215 E. Third Street from 6:00 p.m. until 7:30 p.m.

### **Mayor Whaley**

Mayor Whaley said voter registration deadline is October 9, 2018, citizens who have questions may call the Montgomery County Board of Elections at 225-5656. She encouraged citizens to vote yes on Issue 8.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 6:34 p.m.

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**Mayor Nan Whaley**

**Attest:** \_\_\_\_\_

**Clerk of Commission**

## **WORK SESSION**

A copy of prepared material has been recorded as Communication & Petition Number 21345 dated October 3, 2018.

The Dayton City Commission met in a Work Session on Wednesday, October 3, 2018, at 4:37 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, Shaw and Fairchild were present. Ms. Rashella Lavender, Clerk of the Commission, was also in attendance.

Ms. Shelley Dickstein, City Manager, Mr. Gil Turner, Interim Deputy City Manager, Ms. Diane Shannon, Director of Management and Budget, and Mr. Chris Wimsatt, Management Analyst, were the presenters.

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

- August Overview
- Revenue Trends
- Expenditure Trends

Ms. Dickstein said the Finance Committee Briefing will cover the first eight months of 2018 (January-August). 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.

### **August Overview**

Ms. Shannon reported revenues have climbed 4.5 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 eight months of 2018 are under budget by 1.6 percent. Personnel costs are under budget while Contracts, Materials and Other Uses have climbed 2.9 percent. At the end of August, Sources exceed Uses by \$2.7M.

### Revenue Trends

Ms. Shannon reported that baseline income tax collections increased 4.6 percent and were \$3.7M over the year-to-date estimate; while total income tax collections increased 6.5 percent. She said withholding collections climbed 6.1 percent. The tax on business profits grew 15.6 percent with Corporations posting most of the gains. Taxes paid by individuals are up 4.9 percent for the August year-to-date period. Refunds climbed 25 percent during the period.

Both withholding and non-withholding categories are performing well eight months into the fiscal year, with a little less than half of the growth coming from the single month of January.

Mr. Wimsatt said of the local cities that responded to the City's survey question, all but Moraine were up year-over-year in Income Tax Collections. Locally, Kettering and Centerville lead in Income Tax growth (Centerville increased their rate from 1.75% to 2.25%). He said per August story in the Columbus Dispatch, Columbus' Income Tax; while growing modestly, is not keeping up with projections. He said this could be partially due to delays in distributing the centralized business tax collected by the state.

Springfield increased their rate from two percent to 2.4%, and Akron's figures also represent baseline revenue growth. He said while national trends suggest a slowing of overall revenue, Ohio, Kentucky and New York cities are relatively unique in their reliance on Income Taxes (according to the 2018 City Fiscal Conditions report from the NLC, average Income Tax growth among cities is 1.3% compared to 2.4% for the prior year).

Mr. Wimsatt said Waste Collection revenues have climbed 2.2 percent over year-to-date 2017 collections. Collections from the City of Dayton are up 6.2 percent, but collections from Jefferson Township have declined by 33.9 percent due to the timing of \$215,000 reduction to revenue that will be certified to the property tax bill.

Ms. Wimsatt said at the end of August, EMS Fees declined 9.3 percent. On a cash basis, EMS fees are down 7.5 percent due in part to a reduction in the number of opioid-related calls.

Fines and Forfeitures have increased by 16.4 percent year-over-year but remain 25 percent under the year-to-date budget. False Alarm Fines are up 8.6 percent over the prior year. Criminal Fines have continued a downward trend, and the slight uptick in Traffic Fines is mostly attributable to \$65,000 in General Fund revenue from Public Safety Photo Enforcement prior to the establishment of the separate fund in 2018. When adjusted for the Public Safety Photo Enforcement anomaly, the category is down 4.5 percent from 2017.

Overall, General Fund Sources through August are up 13.7 percent. The increase is attributable to growth of the Income Tax associated with new and expanded jobs within the city as well as the passage of "Your Dollars, Your Neighborhood". All other sources of General Fund Revenue combined have declined by 11.6 percent. The declines, while broad-based, are primarily attributable to state revenue sharing cuts to the Local Government Fund and Estate Tax as well as declines in Fines and Forfeits.

### Expenditure Trends

Ms. Shannon said expenses for Contracts, Materials and Other Uses are 2.9 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 Maintenance costs increase.

Ms. Shannon said jobs in the Dayton MSA have rebounded in August by 5,300 compared to August of 2017. Counts are 36,300 higher than the low point of the Great Recession in December of 2009. All industry sectors are showing improved employment levels compared to the same period in 2017.

The Dayton Region once again outpaced growth at the state level, registering a 7.0 percent increase. The Nationwide GDP growth registered 4.2 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 eight seven months of 2018, and total revenues to-date are performing \$4.0M over budget. The growth in Personnel Cost has picked up in August due to an extra SA pay. 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 2.9 percent at the end of August. Annual funding of investments for 2018 was completed in February to ensure timely bidding and commencement of projects.

She said at the end of August, 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 5:00 p.m.