

On Wednesday, March 2, 2016, at 6:00 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 Williams, Joseph, Mims, and Shaw were present. The Clerk of Commission, Ms. Rashella Lavender, and the City Manager, Ms. Shelley Dickstein, were also present.

Mayor Whaley requested a moment of silence for Rev. William Schooler, Pastor of St. Peters Baptist Church, who passed away on Sunday.

APPROVAL OF MINUTES

Commissioner Mims made the motion to approve the minutes from the February 24, 2016, meeting. Commissioner Williams seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

Communications No. 21119

Work Session handout – Finance Committee Briefing.

Communications No. 21120

Handout at City Commission meeting from Ms. Garrison regarding Neighborhood Over Politics.

SPECIAL AWARDS/PRESENTATIONS

Martial Arts Students

Mayor Whaley invited Mr. Roger Haines, Martial Arts Instructor, to the podium to recognize students in the field of Martial Arts.

Mr. Haines said the program has taught students from the inner city in Martial Arts for 50 years.

He said the program teaches students discipline, respect, and to stay away from drugs and gangs. He said they also have mentoring program to help with their studies. He said these five students have been recognized nationally for the past two years. Mr. Haines asked the students introduce themselves.

Mayor Whaley thanked Mr. Haines for his dedication with the students and said she hoped that one day they will run for City Commission.

Commissioner Williams said he is very impressed with the program as his son had attended in the past.

Commissioner Mims congratulated Mr. Haines and the students.

Meadowdale High School Student

Mayor Whaley invited Coach Chad Miller, Meadowdale High School, to the podium to introduce Ms. Nattia Ward.

Coach Miller said Ms. Nattia Ward is the number one basketball player to come out of Meadowdale High School. He said she will attend The Ohio State University on a full Academic Scholarship. Coach Miller said her highest game was a record 43 points which missed the boy's highest score by seven points.

Mayor Whaley congratulated Ms. Ward and said she hoped that she will do well at the Ohio State University and come home with her degree and work for the City of Dayton.

Commissioner Williams said he was at Meadowdale High School a few weeks ago and he observed her with her teammates and how she conducted herself. He congratulated her for her academics, athletics and for showing what a leader she is.

Commissioner Mims congratulated Ms. Ward and wished her luck.

Mr. Brian Urquhart, Athletic Director for Meadowdale High School, said not only is Nattia a basketball star but she has a 3.8 grade point average. He said she is part of Upward Bound and Young Scholars. Mr. Urquhart said, in addition to playing basketball, she plays softball, track, golf, and tennis. Mr. Urquhart said she was the Penn Station Athlete of the Month and the Jack Huelsman Athlete of the Week, she was highlighted on Channels 2 and 7 and she was featured on Chanel 22.

The Clerk of Commission, Ms. Rashella Lavender, read a greeting from the Mayor.

ADDITIONS OR DELETIONS TO THE CALENDAR

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

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 Order:

FIRE

A1. Finley Fire Equipment Company, Inc. (self-contained breathing apparatus parts and related supplies) **\$40,000.00**

(and for the period of 01-01-17 through 12-31-18) 80,000.00

A2. Morning Pride Manufacturing LLC dba Honeywell First Responder Products (protective clothing for structural firefighting) **142,281.60**

1. (Cont'd):

A3. Zoll Medical Corp. (Defibrillator equipment and related supplies as needed through 12-31-16) **25,000.00**

(and for the period of 01-01-17 through 12-31-18) 50,000.00

PLANNING & COMMUNITY DEVELOPMENT

B1. Bladecutter's Lawn Service Inc. (building demolition for five properties) **15,000.00**

POLICE

C1. A. E. David's Uniform Company (uniforms as needed through 12-31-16) **9,700.00**

C2. Vance Outdoors, Inc. (tasers and related items) **69,000.00**

RECREATION & YOUTH SERVICES

D1. Tree Care, Inc. (tree removal services as needed through 12-31-16) **55,000.00**

WATER

E1. Interstate Ford, Inc. (three four-wheel drive extended cab pickup trucks) **102,156.00**

E2. Middletown Ford, Inc. (one mid-sized four-wheel drive sport utility vehicle) **29,263.68**

-Depts. of Fire, Planning & Community Development, Police, Recreation & Youth Services and Water. **Total: \$617,401.28**

2. City of Riverside – Contract – for technical and economic development services in association with the City of Dayton's Multi-Jurisdictional Source Water Protection Program – Dept. of Water/Environmental Mgmt. **\$84,254.00**
(Thru 12/31/16)

CITIZENS' COMMENTS ON CALENDAR ITEMS

There were no citizens' comments on calendar items.

DISCUSSION OF CALENDAR ITEMS

There was no discussion of calendar items.

APPROVAL OF CITY MANAGER'S RECOMMENDATIONS

Commissioner Mims made the motion to approve the City Manager's Reports. Commissioner Williams seconded the motion. The City Manager's Reports were approved with a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph, Mims and Shaw.

LEGISLATION

EMERGENCY RESOLUTION -FIRST READING

Emergency Resolution No.6169-16- Authorizing the City Manager to Accept a Grant from the Greater Dayton Regional Transit Authority in an Amount Not to Exceed Three Hundred Thousand Dollars and Zero Cents (\$300,000.00) of Federal Transit Administration Funds.

ORDINANCE -SECOND READING

Ordinance No. 31476-16- Authorizing the City Manager to Purchase Fuel for 2018.

The question being shall Ordinance No. 31476-16 be passed. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph, Mims and Shaw. The Ordinance was passed.

BOARD APPOINTMENTS

Commissioner Joseph made the motion to appoint Joseph Shaw, Jr. to the West Priority Land Use Board, for a term ending December 31, 2017. Commissioner Mims seconded the motion. The motion was passed with a 4-0-1 vote. Commissioner Shaw abstained.

Commissioner Shaw made the motion to appoint David Greer and Daryl Ward to the Community Police Council, for a term ending December 31, 2017. Commissioner Joseph seconded the motion. The motion was unanimously approved.

Commissioner Williams made the motion to appoint Mary Tyler and Sherry Gale to the Community Police Council, for a term ending December 31, 2018. Commissioner Mims seconded the motion. The motion was unanimously approved.

Commissioner Mims made the motion to appoint Serida Lowery and Amaha Sellassie to the Community Police Council, for a term ending December 31, 2019. Commissioner Williams seconded the motion. The motion was unanimously approved.

Commissioner Shaw made the motion to reappoint Ronnie Moreland to the North Central Priority Land Use Board, for a term ending December 31, 2017. Commissioner Joseph seconded the motion. The motion was unanimously approved.

Mayor Whaley said legislation was passed last month for the creation of the Community Police Council board. She said everyone was interviewed and appointed by the City Commission. She said the ending terms are staggered so everyone would not need to be reappointed at the same time.

PUBLIC HEARING

Mayor Whaley opened the Public Hearing regarding the Analysis to Impediments to Fair Housing. The Mayor asked Ms. Katy Crosby, Executive Director of the Human Relations Council, to the podium to present.

Ms. Crosby said this report is on the Impediments to Fair Housing and asked Mr. Jim McCarthy, President/CEO of the Miami Valley Fair Housing Center, Inc. to present.

Mr. McCarthy said this is the executive summary of the overview of the 2015 Impediments to Fair Housing. He said the Consolidated Plan for Housing and Urban Development calls for all entitlement communities to implement a Fair Housing Plan and update it periodically.

Mr. McCarthy said they should conduct planning every one to five years. Montgomery County and the cities of Kettering and Dayton contracted the Miami Valley Fair Housing Center to develop the 2015 Regional Analysis of Impediments (AI).

He said the HUD definition of impediments to fair housing is "Any actions, omission, or decision taken because of race, color, religion, sex, disability, familial status, or national origins which restrict housing choices or the availability of housing choices and any actions, omissions, or decisions which have this effect."

He said the AI found there are 13 impediments to fair housing: Disability – supply of affordable housing that is accessible to persons with disabilities is not adequate, Disability-newly constructed housing is not compliant with the Fair Housing Act's, Disability – persons with disabilities experience barriers when requesting reasonable modifications, Transit, Race, National Origin, Housing Market, Local Regulatory Issues, Fair Housing Education and Enforcement, Lending Issues, Industries that connect with residential homeownership, Children in the household, and Public Sector.

Mayor Whaley asked Mr. McCarthy what he describes as the region.

Mr. McCarthy said it includes Montgomery County, Kettering and Dayton but they also look at the surrounding areas.

Commissioner Williams asked about the Action Steps.

Mr. McCarthy said the three jurisdictions will come together and create an Action Plan which will be submitted to HUD.

Commissioner Williams asked will this be a joint or individual plan.

Mr. McCarthy said it will be both because it goes in together as a regional plan, but each jurisdiction will be responsible for their individual plans.

Commissioner Mims asked who would be responsible for coordinating the plan.

Mr. McCarthy said it will be the responsibility of the Planning and Community Development Department and Human Relations Council.

Mayor Whaley asked how long has the Consolidated Plan has been in existence.

Mr. McCarthy said the plan has been in existence since 2009.

Commissioner Joseph asked where we stand in ranking with other entities nationally.

Mr. McCarthy said there is no ranking of the cities that submit this study.

Mayor Whaley thanked Mr. McCarthy for this presentation and said this study is very important for our community.

CITIZENS' COMMENTS ON THE PUBLIC HEARING

There were no citizen comments on the Public Hearing.

PUBLIC HEARING

Mayor Whaley opened the Public Hearing regarding the Plan Board Case Z-014-2015-Stony Hollow Landfill Soil Borrow Facility. She asked Ms. Ann Schenking, Plan Board Secretary, to the podium to present.

Ms. Schenking said this case is Plan Board Case No. Z-014-2015. She said this plan will establish a planned development overlay and rezone 29 acres to allow for soil borrow operations to provide daily, intermediate, and transitional soil cover for the Stony Hollow Landfill. Ms. Schenking said the Plan Board recommended that the rezoning request be denied. She said Stony Hollow Landfill is appealing the Plan Board's decision to the City Commission and is asking them to approve their zoning request.

Ms. Schenking asked Mr. John White, Planner I, Planning and Community Development, to the podium to provide clarification.

Mr. White said the planned development proposal will consist of constructing an access road from the landfill to borrow area; there will be no trucks on Stony Hollow Road. They will install 50-ft wide buffer area with 6-ft tall soil landscaped barrier mound for screening, operations will be in phases, excavation depth will range from 6 feet to 24 feet, ground vegetation will be re-established, no new easements or new structures, and the hours of operation will Monday – Friday, 6:00 a.m. until 6:00 p.m.

Ms. Schenking said the City Commission has three decision options: uphold the Plan Board recommendation to disapprove the zoning change (no vote needed), approve the zoning change even though the Plan Board recommended disapproval (four votes needed), remand the case to the Plan Board (three votes needed).

Ms. Schenking invited Ms. Kathy Trent, Director of Government Affairs for Waste Management and Mr. Frank Fello, Director of Operations for Waste Management, to the podium to present their case.

Ms. Trent said they are asking that the land be rezoned from suburban residential to light industrial use. She said the landfill began in 1995 and received its first shipment of waste in 1996. Ms. Trent said Waste Management has no plans to make any changes. She said there will be minimal impact on the community. She said Waste Management has been an integral part of the community, supporting local clean up programs and Christmas gifts to local children. Ms. Trent said they have plans to plant more greenery around the facility also.

Mr. Fello said this is solely for soil borrow. He said they intend to file a conservation easement. He said the intent is to borrow soil off of this land to reduce the use of trucks.

CITIZENS' COMMENTS ON THE PUBLIC HEARING

Citizens' comments were received from the following:

1. **Mr. Les Hamilton- 1134 Randolph St.** - spoke in favor of the zoning change.
2. **Mr. Ril Beatty -1525 Harvard Blvd.** – spoke in favor of the zoning change.
3. **Mr. Hubert Burton- 627 Ernroe Dr.** – spoke in favor of the zoning change.
4. **Mr. Maurice Wortham- 3928 Cong Ct.** - spoke in favor of the zoning change.

Commissioner Williams asked if any Plan Board members were present.

Ms. Schenking said the only way that they could react to new information is if the City Commission remanded the case back to the Plan Board.

Commissioner Mims said he would like to remand the case back to the Plan Board.

Commissioner Williams said he heard nothing but good things about Waste Management being a good neighbor. He recommended the case be remanded back to the Plan Board.

Commissioner Shaw also recommended the case be remanded back to the Plan Board.

Mayor Whaley said she wants to be respectful of the Plan Board but since new information has been brought to their attention she recommended that it be remanded back to the Plan Board.

Commissioner Mims made the motion to remand Zoning Case No. Z-014-2016 2015-Stony Hollow Landfill Soil Borrow Facility back to the Plan Board for further inquiry. Commissioner Williams seconded the motion. The motion was approved with a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph, Mims and Shaw.

CITIZENS' COMMENTS

Citizens' comments were received from the following:

1. **Mr. John Lawson -3317 Hoover Ave.** - spoke about the Linden Center and congratulated Mr. Earley and Commissioner Shaw.
2. **Mr. Sol Amen –RA -51 Bish Ave.** – spoke about Neighborhood Over Politics (NOP) issues.
3. **Ms. Jamica Garrison -818 Meredith St.** – spoke about Neighborhood Over Politics (NOP) issues.

COMMENTS BY THE CITY MANAGER

The City Manager, Ms. Shelley Dickstein, said there was a meeting with city leaders and NOP in mid September of 2015. She said at that meeting, city leaders visited areas of concern. She said as a result of that meeting, a contract with CityWide Development was cultivated to study and address those concerns.

Ms. Dickstein said the contract included the most comprehensive and aggressive asset development strategies. She said this plan will deploy a detail work plan which will address six key areas, condition of housing, infrastructure, economic and workforce development, safety, civic and social support, and fund development.

Ms. Dickstein asked Mr. Aaron Sorrell, Director of Planning and Community Development, to the podium to address the concerns from the Neighborhood Over Politics (NOP).

Mr. Sorrell said from 2001 through 2003 there has been \$3.6 billion invested in the City of Dayton. He said there a number of projects underway, Neighborhood Improvement Program-166 properties demolished, 327 properties city-wide, and \$2.9 million invested, City Infrastructure Projects-street light replacements, signal system upgrade, Gettysburg Avenue transportation enhancements, Gettysburg Avenue and U.S. Route 35 interchange improvements, and West Third Street transportation enhancements, West Dayton Asset Development Strategy-City of Dayton and CityWide Development staff developing plan for four target areas which include 18 neighborhoods, and the HUD Choice Neighborhood Planning Grant-\$2 Million request to HUD to undertake planning and study of DeSoto Bass, Hilltop Homes and surrounding neighborhoods.

Commissioner Williams thanked the citizens for coming and expressing their concerns. He asked Ms. Dickstein to make sure the community knows what the City of Dayton is working on.

Commissioner Mims thanked the citizens of NOP for coming and sharing their strategies and concerns. He said he sees so many similarities between the City of Dayton and NOP.

Commissioner Joseph said it is important to share information with citizens.

Commissioner Shaw said the city government wants what the citizens want. He thanked the NOP for coming and sharing their strategies.

Mayor Whaley said she appreciates everyone's comments. She said she would like to invite the leaders of NOP to the Dayton Convention Center for quarterly Neighborhood Presidents Forum meetings.

COMMENTS BY THE CLERK OF COMMISSION

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

COMMENTS BY CITY COMMISSION

Commissioner Joseph

Commissioner Joseph congratulated students who stayed through the entire meeting.

Commissioner Mims

Commissioner Mims said on March 3, 2016, he will be having a Men of Color event which is part of President Obama's Brothers Keeper Initiative at Wright Patterson Air Force Base.

Commissioner Mims said he participated in the Dr. Seuss birthday event.

Mayor Whaley

Mayor Whaley said she read in honor of Dr. Seuss birthday "Horton Hears A Who".

She said the City of Dayton was recognized as number two in the country to locate and grow your business.

Mayor Whaley said early voting is ongoing. She said Primary day in Dayton is March 15, 2016, and if citizens need more information, please call the Board of Elections at 937-225-5656. She said there is free parking as well.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:30 p.m.

Mayor Nan Whaley

Attest: _____
Clerk of Commission

WORK SESSION

A copy of prepared material has been recorded as Communication & Petition Number 21119 dated March 2, 2016.

The Dayton City Commission met in a Work Session on Wednesday, March 2nd 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 Williams, Joseph, Mims and Shaw were present. Mr. Kery Gray, Director, City Commission Office, and Ms. Rashella Lavender, Clerk of the Commission, were also in attendance.

Ms. Shelley Dickstein, City Manager, Mr. Stanley Earley, Deputy City Manager, Mr. Joe Parlette, Interim Assistant City Manager, Ms. Barbara LaBrier, Director of Management and Budget, Ms. Diane Shannon, Deputy Director of Management and Budget, Mr. Terry Slaybaugh, Director of Aviation, and Ms. Tammi Clements, Director of Water, were the presenters.

Finance Committee Briefing

An overview was provided regarding the Finance Committee’s Briefing by highlighting the 2015 Year End Results Summary.

Ms. LaBrier reported that in 2015, the total General Fund sources grew 2.6 percent compared to 2014. The General Fund uses increased compared to the previous year and were four percent under budget due to savings in several categories. Overall, 2015 was a good year, but staff will remain mindful of long term challenges related to infrastructure in particular.

Ms. Shannon explained income tax grew 4.6 percent in 2015 which was on target for the revised forecast. She said income tax revenue was at its highest growth rate since 1995. Property tax and other tax revenue reflect a decline of five percent (property values declined in 2015 when compared to the previous year).

Ms. LaBrier said the Local Government Fund revenues were at the revised estimate and increased five percent over 2014. The performance reflects the strong growth rate in state revenue sources offset by nearly two-thirds cut to the municipal direct allocation. Also, other intergovernmental revenues declined 22 percent reflecting less revenue largely due to the Racino payment reduction.

Department of Aviation

Total revenue sources were seven percent or \$2.2M higher than last year. Airline revenue was 5.8 percent below projection due to airline settlement for 2014 being recorded in the first quarter of 2015 (\$314,700). Enplanements were down 6.2 percent in 2015 compared to 2014. Total non-airline revenue was equal to the 2015 projection. Also, parking revenue was under projection due to drop in enplanements.

Mr. Slaybaugh stated additional capacity is expected to be added later this year through Southwest and Delta airlines. He said in 2016 renovations of the Business Travel Center is scheduled to begin June 2016, and the PSA Hangar is going well.

Department of Water

Water Fund Revenue and Expenditure Review - Water Fund Revenues are slightly up 0.7 percent or \$300,000 compared to 2014. The revenue from City customers was under the forecast by 1.7 percent or \$426,000 due to extended rainy season which lowered billed volume. The decrease in other jurisdictions is mainly due to timing of payments. The Water Fund ended the year with excess sources over uses of \$1.2M due to operating expenses lower than forecast and lower bad debt expense.

Sanitary Sewer Fund Revenue and Expenditure Review - Sanitary Sewer Fund Revenues are up 0.6 percent or \$200,000 compared to 2014 due to billing timing and additional billings to a large customer. Total expenditures are up 4.6 percent or \$1.4M compared to 2014 due largely to increased cost of contracts and materials. The Sanitary Sewer Fund ended the year with excess sources over uses of \$200,000.

Mayor Whaley asked what the biggest challenge for the Water Department is in 2016.

Ms. Clements explained sewer nutrient issues. She said they are currently undergoing a study to assess the quality of the wastewater. Should treatment be an option, it will be placed on a very aggressive schedule.

Mayor Whaley asked about the succession planning model.

Ms. Clements explained they are operating five years into a succession planning model. They have been grooming employees to fill vacancies as employees retire or move on to eliminate any gaps in work flow.

Mayor Whaley thanked staff for their input and hard work.

The Work Session concluded at 5:40 p.m.