

On Wednesday, May 4, 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 Mims 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, Mims and Shaw were present. The Clerk of Commission, Ms. Rashella Lavender, and the City Manager, Ms. Shelley Dickstein, were also present.

Commissioner Mims made a motion to authorize the absence of Commissioner Joseph from this week's meeting. Commissioner Williams seconded the motion. The motion was unanimously approved.

APPROVAL OF MINUTES

Commissioner Williams made the motion to approve the minutes from the April 27, 2016, meeting. Commissioner Mims seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

Communication #21130

State of Ohio, Department of Liquor Control – Permit Application D5 Permit #91385090010 – Todd M Uhlir, DBA Basils on Market, 312 N. Patterson, Dayton, Ohio 45420.

The Clerk of Commission reported receipt of Permit Application D5 Permit #91385090010 – Todd M Uhlir, DBA Basils on Market, 312 N. Patterson, Dayton, Ohio 45420. The application was referred through the City for investigation.

Communication #21131

State of Ohio, Department of Liquor Control – Permit Application D5 Permit #2435679 – Edible Concepts LLC, DBA Old Scratch Pizzeria, 800 S. Patterson, Dayton, Ohio 45402.

The Clerk of Commission reported receipt of Permit Application D5 Permit #2435679 – Edible Concepts LLC, DBA Old Scratch Pizzeria, 800 S. Patterson, Dayton, Ohio 45402. The application was referred through the City for investigation.

Communication #21132

Work Session handout-Finance Committee Briefing.

SPECIAL AWARDS/PRESENTATIONS

Dayton Mediation Center's International Conference Art Exhibit

Mayor Whaley invited the Honorable Judge Deirdre Logan and Ms. Michelle Zarembo, Coordinator of the Mediation Center, to the podium to provide a community update regarding the International Conference Art Exhibit.

Ms. Zarembo said the Dayton Mediation Center's International Conference for the Study of Conflict Transformation was held on May 2 – 3, 2016, at the University of Dayton Research Institute.

Ms. Jamie Gee said as a part of the conference the Mediation Center put together an art exhibit where participants expressed their voice through artistic impression. She said Judge Deirdre Logan was instrumental in the success of this endeavor by reaching out to the K12 Gallery. Ms. Gee said all individuals, regardless of age, was able to take part in the event. She said they had individuals from the Dayton Correctional Institute participate as well. Ms. Gee showed an example of one of the pieces submitted by an artist who is 15 years old.

Ms. Zarembo introduced Ms. Kelley Sexton, Education Director at K12 Gallery, Mr. Gelvin Terry, Dayton Public Schools, and Ms. Wanda Jackson, Warden Dayton Correctional Institution.

Mayor Whaley congratulated the artist and said Ms. Zaremba did a wonderful job. She said the women of the Dayton Correctional Institute submitted thought provoking work.

SilverSneakers Program

Mayor Whaley invited Mr. Lamonte Hall, Recreation Program Coordinator, to the podium to provide a community update.

Mr. Hall said on May 5, 2016, the City of Dayton’s Recreation and Youth Department became a member of the SilverSneakers Program. He said the program is for senior citizens ages 65 or older. Mr. Hall said one in five persons qualify for the program. He said citizens who wish to see if they qualify can go to www.silversneakers.com or call 866-584-7389.

Mr. Hall said this program will help with Recreation and Youth services mission of “Improving the Quality of Life for Dayton Youth and Families”. He said the SilverSneakers program provides the opportunity for seniors to improve their overall well-being. He said participants have access to amenities like walking tracks, pools, fitness equipment, group exercise classes, social networking, and an overall sense of community. Mr. Hall said it affords the City of Dayton an opportunity to reach more seniors, which in turn, boosts participation, activity and revenue.

Mr. Hall said for more information on the program, citizens may call 937-333-8400.

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.

The City Manager, Ms. Shelley Dickstein, had not additions or deletion 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 Order:

FIRE

A1. Zoll Medical Corp. (Defibrillator equipment and related supplies as needed through 12-31-16) **\$10,000.00**

1. (Cont’d):

RECREATION & YOUTH SERVICES

B1. Prolift Industrial Equipment Co. (one used 2007 model year Toyota brand forklift) **27,000.00**

WATER

C1. Rotork Controls Inc. (Rotork brand actuator repair parts and service as needed through 12-31-16) **20,000.00**

-Depts. of Fire, Recreation & Youth Services, and Water. **Total: \$57,000.00**

B. Construction Contracts/Estimates of Cost:

2. John R. Jurgensen Company – Contract – for the 2016 Residential Asphalt Resurfacing (15% MBE Participation Goal/15% MBE Achieved) (5% WBE Participation Goal/5.01% WBE Achieved) – Dept. of Public Works/Civil Engineering. **\$781,968.00**

3. John R. Jurgensen Co. – Contract – for the 2016 Thoroughfare Asphalt Resurfacing (Permissive Tax Funds) (15% MBE Participation Goal/15% MBE Achieved) (5% WBE Participation Goal/5.01% Achieved) – Dept. of Public Works/Civil Engineering. **\$837,669.00**

CITIZENS' COMMENTS ON CALENDAR ITEMS

There were no citizens' comments on calendar items.

DISCUSSION OF CALENDAR ITEMS

Calendar Item No.2.-John R. Jurgensen Company- Contract and Calendar Item No. 3.-John R. Jurgensen Co.-Contract

Ms. Dickstein said these two calendar items represent asphaltting neighborhood streets and thoroughfares. She said a total of \$2.7 Million will be invested.

Calendar Item No. 4.-Emergency Ordinance No. 31488-16-Rules and Regulations of the Ohio Environmental Advisory Board

Mayor Whaley asked what changes will take place with this ordinance.

Ms. Tammi Clements, Deputy City Manager, said the only change will be the number of board members serving.

APPROVAL OF CITY MANAGER'S RECOMMENDATIONS

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

LEGISLATION

EMERGENCY ORDINANCE – FIRST AND SECOND READING

Emergency Ordinance No. 31488-16- Approving the Rules and Regulations of the City of Dayton, Ohio Environmental Advisory Board, and Declaring an Emergency.

Commissioner Williams moved that this being an emergency measure for the immediate consideration of the Ordinance. Commissioner Mims seconded the motion. The motion was passed with a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Mims, and Shaw. The question being shall Emergency Ordinance No. 31488-16 be passed. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Mims, and Shaw. The Emergency Ordinance was passed.

PUBLIC HEARING

Mayor Whaley opened the first Public Hearing regarding Plan Board Case Z-002-2016- New addition to the Health Sciences Building at Sinclair Community College. She asked Ms. Ann Schenking, Plan Board Secretary, to the podium to present.

Ms. Schenking said this is Plan Board Case No. Z-002-2016. She said this plan will rezone 0.86 acres located at 129 South Perry Street from Central Business District (CBD) to Campus-Institutional (CI) to allow for a new addition to the Health Sciences Building at Sinclair Community College. Ms. Schenking said the Plan Board recommended that the rezoning request be approved.

Ms. Schenking said the City Commission has three decision options: approve the zoning change, deny the zoning change or remand the case to the Plan Board.

CITIZENS' COMMENTS ON THE PUBLIC HEARING

There were no citizen comments on the Public Hearing.

Mayor Whaley closed the public hearing. The City Commission stated to move forward.

THIS ITEM WAS ADDED

EMERGENCY ORDINANCE -FIRST AND SECOND READING

Emergency Ordinance No. 31489-16- Amending the Official Zoning Map to Rezone Property Located at 129 South Perry Street, and Declaring an Emergency.

Commissioner Williams moved that this being an emergency measure for the immediate consideration of the Ordinance. Commissioner Mims seconded the motion. The motion was passed with a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Mims, and Shaw. The question being shall Emergency Ordinance No. 31489-16 be passed. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Mims, and Shaw. The Emergency Ordinance was passed.

PUBLIC HEARING

Mayor Whaley opened the second Public Hearing regarding Plan Board Case Z-003-2016- Amending Certain Sections of the Zoning Code. She asked Ms. Ann Schenking, Plan Board Secretary, to the podium to present.

Ms. Schenking said this case is Plan Board Case No. Z-003-2016. She said this plan will amend various sections of the Zoning Code to correct omissions in the code, clarify terminology and provisions, make certain regulations are consistent from one zoning district to another, and update regulations to reflect experience to date and emerging best practices. The proposed amendments will improve the administration and enforcement of the code.

Ms. Schenking said the City Commission has three decision options: approve the zoning change, deny the zoning change or remand the case to the Plan Board.

CITIZENS' COMMENTS ON THE PUBLIC HEARING

There were no citizen comments on the Public Hearing.

Mayor Whaley closed the public hearing. The City Commission stated to move forward.

THIS ITEM WAS ADDED

EMERGENCY ORDINANCE -FIRST AND SECOND READING

Emergency Ordinance No. 31490-16- Amending, Enacting, or Repealing Various Sections of the Revised Code of General Ordinances Relating to the Zoning Code, and Declaring an Emergency.

Commissioner Williams moved that this being an emergency measure for the immediate consideration of the Ordinance. Commissioner Mims seconded the motion. The motion was passed with a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Mims, and Shaw. The question being shall Emergency Ordinance No. 31490-16 be passed. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, 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 artwork at the Dayton Convention Center.
2. **Mr. Darsheel Kaur, 397 Colonial Drive** – spoke about the artwork at the Dayton Convention Center.
3. **Ms. Zakya Jabar, 40 S. Decker St.** - spoke about the artwork at the Dayton Convention Center.
4. **Ms. Margaret Peters, 1312 Princeton Drive** - spoke about the artwork at the Dayton Convention Center.

COMMENTS BY THE CITY MANAGER

The City Manager, Ms. Shelley Dickstein, said “unlike the off-site art space highlighted at the start of this meeting, the Dayton Convention Center is a business center that contracts for a wide variety of private functions. In an order to support the students’ efforts, city staff visited the class and engaged in a meaningful dialogue”.

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 PNC Bank for sponsoring a dinner for volunteers of the EITC program. He said the National Day of Prayer will take place at Courthouse Square on Thursday May 5, 2016, at 12:00 noon. Commissioner Mims highlighted the talent show at Ponitz High School on Saturday, May 7, 2016, sponsored by Wright & Schulte. Last, he congratulated the parents of Central State University and the University of Dayton students on their commencement exercises.

Commissioner Williams

Commissioner Williams said he was disappointed and apologized for the artwork that was removed from the Dayton Convention Center. He highlighted the Poetry Slam that took place on Thursday, April 28, 2016.

Mayor Whaley

Mayor Whaley apologized for the treatment of the students' artwork of the STEM School.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:46 p.m.

Mayor Nan Whaley

Attest: _____

Clerk of Commission

WORK SESSION

A copy of prepared material has been recorded as Communication & Petition Number 21132 dated May 4, 2016.

The Dayton City Commission met in a Work Session on Wednesday, May 4th at 4:38 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, 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, Ms. Tammi Clements, Deputy City Manager, Mr. Joe Parlette, Deputy City Manager, Ms. Barbara LaBrier, Director of Management and Budget, Mr. Mike Powell, Interim Director of Water, and Mr. Terry Slaybaugh, Director of Aviation, were the presenters.

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

- General Fund Revenues/Expenditures
- First Quarter Results – Department of Water
- First Quarter Results – Department of Aviation

Ms. LaBrier reported that several timing issues have affected the financial results for this period. Through March, General Fund revenues and other sources are 1.6 percent less than the estimate and have declined eight percent from the first three months compared to the same period in 2015. Expenditures are six percent under budget and have declined eight percent from the first three months of 2015. Overall, at the end of March, total sources exceeded total uses by \$2.7 million.

Income tax collections are 0.5 percent ahead of the estimate and have increased 2.3 percent compared to the same period last year. She said Withholding is up 2.5 percent for the first quarter months of the year. The tax on business profits has gained \$35,000 due to a 16 percent rebound in partnership profits. Taxes paid by individuals are up, and refunds are ten percent higher. She said year-to-date growth has tapered off significantly due to a high level of delinquency collections last year.

Ms. LaBrier reported that property tax revenue and other tax revenue is \$200,000 below the estimate and reflects a decline of \$100,000 compared to the same period in 2015. She said the comparison reflects the 2016 first half settlement compared to 2015. The 2016 estimate is 1.8 percent growth (actual values came in at 1.6 percent growth, less than the forecast, due to the Board of Revisions changes). The millage distribution to the General Fund in 2016 is unchanged from 2014 and 2015 at 4.5 mills (the remaining 5.5 mills support debt in the Bond Retirement Fund).

The Local Government Fund receipts are under the estimate by one percent and are nine percent lower than the same period last year. She said the City is seeing the impact of the State's action to reduce the municipal direct allocation which began in July of 2015. Other intergovernmental revenues are up due to the racino tax payment (delayed from 2015).

She said fines and forfeits are under the estimate and substantially less than 2015 due to the elimination of public safety photo enforcement. License and permit fees are 16 percent under the estimate.

Ms. LaBrier said timing issues are adjusting, and that careful monitoring of the budget is required of the departments. She said the City continues to have significant unmet infrastructure needs and a long-term structural challenge.

Department of Water

Water Fund Revenue and Expenditure Review - Water Fund Revenues are up two percent or \$200,000 compared to 2015. The revenue from City customers was down from last year due to lowered billed volume. The decrease in other jurisdictions is mainly due to lowered billed volume. Expenditures are down 2.3 percent compared to 2015 due to lower personnel and contracts and materials cost. The Water Fund ended the first quarter with a positive balance.

Sanitary Sewer Fund Revenue and Expenditure Review – Sanitary Sewer Fund Revenues are down 0.7 percent or \$100,000 compared to 2015 due to additional billings to a large customer. Total expenditures are up 0.7 percent compared to 2015 due largely to an increase in cost of Contracts and Materials. The Sewer Fund expects to end the year by meeting or exceeding its year end budget goals.

Mr. Powell said the Pebble Lime sales in the first quarter of 2016 are up 86 percent compared to the first quarter of 2015. Lime Kiln Improvement project is underway, and the Request for Proposal for Lime Product Logistics Optimization was submitted. He said Lime Kiln has proven to work and they are able to meet the delivery time.

Department of Aviation

Total revenue sources are 5.2 percent or \$400,000 higher than last year. Revenue is 3.3 percent below projection for 2016. Airline revenue is 7.4 percent below projection for the first quarter. Landing fees were below projection for the quarter. However, overall the Airline revenue is higher than in 2015 due to no Airline settlement being recorded in the first quarter of 2016 and a rate increase in the landing fee of \$159,300 compared to 2015. Enplanements were down 3.9 percent compared to 2015. Mr. Slaybaugh said he is expecting for enplanements to get better. Overall, revenue and other sources are less than expenditures, at the end of the first quarter.

Ms. Slaybaugh highlighted some of the development projects underway at the airport. He said they will continue to meet with the Airlines to market the Airport to increase capacity.

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

The Work Session concluded at 5:10 p.m.