

On Wednesday, October 5, 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, along with the Cub Scouts Pack 167 from Ascension Church, 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 Acting Clerk of Commission, Mr. Kery T. Gray, and the City Manager, Ms. Shelley Dickstein, were also present.

APPROVAL OF MINUTES

Commissioner Mims made the motion to approve the minutes from the September 28, 2016, meeting. Commissioner Williams seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

There were no communications or petitions.

SPECIAL AWARDS/PRESENTATIONS

Ms. Kennedy Chase, Miss High School America

Ms. Chase was first crowned Miss High School Ohio and then Miss High School America on July 14, 2016 in San Antonio, Texas.

The Acting Clerk of Commission, Mr. Kery T. Gray, read a Proclamation declaring October 17, 2016 to be Ms. Kennedy Chase Day in Dayton, Ohio. Commissioner Williams asked Ms. Chase about the process of being crowned Miss High School America. Commissioner Shaw congratulated Mr. and Mrs. Chase for their support of Ms. Chase. Mayor Whaley congratulated Ms. Chase and wished her well.

ADDITIONS OR DELETIONS TO THE CALENDAR

The Acting Clerk of Commission, Mr. Kery T. Gray, did not have any additions, deletions, or comments to the Calendar.

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:

AVIATION

A1. A. E. David's Uniform Company (uniforms, equipment and related items)
\$3,000.00

1. (Cont'd):

CENTRAL SERVICES

B1. H P Products (janitorial supplies as needed through 12-31-16) **\$15,000.00**
B2. Walt Sweeney Ford, Inc. (one new 2017 Ford F-250 pickup truck) **32,701.16**

HUMAN RESOURCES

C1. 4 Imprint, Inc. (promotional and advertising souvenirs) **26,727.92**

PUBLIC WORKS

D1. Dailey's Lawn & Landscaping (miscellaneous 2" diameter trees) **235,000.00**

1. (Cont'd):

D2. North Branch Nursery, Inc. (miscellaneous trees in three gallon pruning containers) **\$16,350.00**

WATER

E1. Boone's Power Equipment, Inc. (one new John Deere front mower with 72" mower deck) **22,237.01**

E2. Interstate Ford, Inc. (one new 2017 Ford F-250 pickup truck) **31,735.00**

E3. Trigen Technologies dba Ebsbon (temporary staffing services as needed through 12-31-16) **20,000.00**

-Depts. of Aviation, Central Services, Human Resources, Public Works, and Water. **Total: \$402,751.09**

B. Construction Contracts:

2. **C. G. Construction & Utilities, Inc. – Award of Contract** – for the Nancy, Neosho, and Stolz Avenues and Keturah Drive Water Main Improvements (15% MBE, 5% WBE, & 5% SBE Goal/15% MBE, 5% WBE, & 5% SBE Goal Achieved) – Dept. of Water/Water Engineering. **\$493,324.05 (Thru 11/2017)**

E. Other – Contributions, Etc.:

BY THE BOARD OF REVISION OF ASSESSMENTS

3. In the Matter of Declaring the Intention of the Commission to Vacate the Alley West of North Gettysburg Avenue from the Alley North of West Third Street to Frances Avenue – Recommendation to Proceed..

CITIZENS' COMMENTS ON CALENDAR ITEMS

There were no citizens' comments on calendar items.

DISCUSSION OF CALENDAR ITEMS

Calendar Item No. 2- C. G. Construction & Utilities, Inc. – Award of Contract

Ms. Dickstein stated that this project will replace six-inch water main with new eight-inch water main and 3,400 new linear feet of infrastructure in place.

Calendar Item No.4- Emergency Ordinance No. 31525-16-Sale of Certain Real Estate

Ms. Dickstein stated that this legislation authorizes the sale of property acquire by the City for development in 2014. Ms. Dickstein invited Director of Economic Development, Mr. Ford Weber, to the podium to provide additional information on the background of the Ordinance.

Mr. Weber introduced Senior Development Specialist, Mr. Keith Klein, and explained that the City acquired the property through Lot Links in 2014. The City has since solicited an offer from a reputable developer that plans to reinvest, market, put the property back into productive use.

Commissioner Joseph thanked Mr. Weber and Mr. Klein for their hard work.

Calendar Item No. 1, Sub-Items -D1-Dailey's Lawn & Landscaping and D2 North Branch Nursery, Inc. - Purchase Orders

Commissioner Joseph asked Ms. Dickstein for an update at a future meeting of the process of re-foresting Dayton neighborhoods.

Ms. Dickstein stated that staff would prepare an update for an upcoming meeting for both Commission and for residents.

APPROVAL OF CITY MANAGER'S RECOMMENDATIONS

Commissioner Williams 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 Williams, Joseph, Mims, and Shaw.

LEGISLATION

EMERGENCY ORDINANCE – FIRST AND SECOND READING

Emergency Ordinance No. 31525-16- Authorizing the Sale of Certain Real Estate Located at 1962 Radio Road to Radio Road Property, LLC for Economic Development Purposes, and Declaring an Emergency.

Commissioner Joseph moved that this being an emergency measure for the immediate consideration of the Ordinance. Commissioner Shaw seconded the motion. The motion was passed with a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph, Mims, and Shaw. The question being shall Emergency Ordinance No. 31525-16 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 Emergency Ordinance was passed.

EMERGENCY RESOLUTION-FIRST AND SECOND READING

Emergency Resolution No. 6216-16- Withdrawing the Objection to the Issuance of Liquor Permit #55957650005, Nimesh Patel dba Maruti Foodmart Inc., 272 Linden Avenue, Dayton, Ohio 45403, and Declaring an Emergency.

Commissioner Mims moved that this being an emergency measure for the immediate consideration of the Resolution. Commissioner Williams seconded the motion. The motion was passed with a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph, Mims, and Shaw. The question being shall Emergency Resolution No. 6216-16 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 Emergency Resolution was passed.

ORDINANCE –FIRST READING

Ordinance No. 31526-16- Vacating the Alley West of North Gettysburg Avenue from the Alley North of West Third Street to Frances Avenue.

RESOLUTION—SECOND READING

Resolution No. 6215-16- Authorizing the City Manager to Accept a Grant Award from the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS) in the Amount of Sixty-Three Thousand Five Hundred Seventy-Nine Dollars (\$63,579.00) on Behalf of the City of Dayton.

The question being shall Resolution No. 6215-16 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 Resolution was passed.

CITIZENS' COMMENTS

Citizens' comments were received from the following:

1. **Mr. Robert Huggins, Jr., 2626 Germantown St., Apt. 5** – made comments about his personal property and law enforcement.
2. **Ms. Margaret Ottoson, 2400 Green Knoll Dr.**—made comments about Garden Station.
3. **Mr. David R. Hurwitz, 447 Cherry Dr.** –made comments about Garden Station.

COMMENTS BY THE CITY MANAGER

The City Manager, Ms. Shelley Dickstein, commented that the City of Dayton values community garden spaces and urban agriculture and has supported the creation of 39 community garden spaces in the city including water infrastructure grants to support local gardening. The City also used the Lot Links Program to facilitate the creation of community gardens and side yards.

In June of 2008, the City of Dayton entered into a lease agreement with The Dayton Circus, who in turn assigned the parcel to Garden Station. The City agreed to allow the Garden Station program to see if a sustainable model for agricultural community engagement could be created, and this agreement was always intended to be temporary.

The Lease explicitly stated that the property is a development parcel intended for new commercial and/or residential construction and that Garden Station was not to construct any permanent structures on the property. This agreement was signed by the Chair of The Dayton Circus and the City of Dayton and filed with County Recorder.

As the City of Dayton has moved forward with the redevelopment of the land where Garden Station is currently located, the City has been clear about the progress of the project and the City's intent. Even after the expiration of the lease in 2016, the City agreed through a Right-of-Entry, to allow Garden Station to operate through the current growing season.

The City believes that the Garden Station model is successful. As such, Department of Planning and Community Development staff has worked diligently with representatives of Garden Station to find a new permanent location, including tours of six potential sites. The City is currently in the process of assembling 1.2 acres of land for a new, permanent location for the activities of the organization. The City recognizes that some of the community art cannot be easily relocated but has offered to relocate any moveable art pieces to the new location to be reinstalled.

The City believes that Garden Station provides an important service to the community and the City has always been clear that the current location was being actively marketed for redevelopment and was a temporary location for Garden Station.

COMMENTS BY THE CLERK OF COMMISSION

The Acting Clerk of Commission, Mr. Kery T. Gray, had no closing comments.

COMMENTS BY CITY COMMISSION

Commissioner Williams

Commissioner Williams attended the Start Downtown event and is enthusiastic about the activity that is happening downtown. He is interested in harnessing that momentum and spreading it into other neighborhoods outside of the downtown core.

Commissioner Mims

Commissioner Mims commented on the importance of moving these opportunities out into the neighborhoods in addition to focusing on the downtown core.

Commissioner Shaw

Commissioner Shaw thanked Mayor Whaley and Commissioner Williams for attending the Start Downtown event, as entrepreneurship is important to him as a small business owner.

Mayor Whaley

Mayor Whaley commented that Start Downtown was first spearheaded by the City to encourage entrepreneurship and was centered in downtown because entrepreneurship place-making is key for development. It has been demonstrated that cities with strong downtown cores do better to drive development. With a strong downtown core, Dayton has an opportunity for the "collision" of ideas and innovation.

Mayor Whaley agreed with Commissioner Williams about the importance of increasing outreach to the neighborhoods, identifying their needs, and involving citizens in making the City stronger.

Mayor Whaley also noted that citizens have six more days to register to vote. She invited citizens to visit www.iwillvote.com to check their registration to make sure that their registration is current because Secretary of State John Husted has purged more than one million Ohio voters from the rolls. She reminded citizens that the last day to register is October 11, 2016. Early voting begins October 12, 2016.

The Board of Elections is located in the Montgomery County Building at 451 West Third Street, at can be reached at (937) 225-5656.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:43 p.m.

Mayor Nan Whaley

Attest: _____
Clerk of Commission

WORK SESSION

A copy of prepared material has been recorded as Communication and Petition Number 21172, dated October 5, 2016.

The Dayton City Commission met in a Work Session on Wednesday, October 5, 2016, at 4:37 p.m., prior to the regularly scheduled City Commission meeting. The Work Session was held in the City Manager's Large Conference Room, located in City Hall. Mayor Nan Whaley, Commissioners Joey Williams, Matt Joseph, Jeffrey Mims Jr., and Chris Shaw were present. Mr. Kery Gray, Director, City Commission Office, Ms. Shelley Dickstein, City Manager, Ms. Tammi Clements, Deputy City Manager, Mr. Joe Parlette, Deputy City Manager, Ms. Barbara LaBrier, Director, Office of Management & Budget, and Ms. Diane Shannon, Deputy Director, Office of Management & Budget, were also in attendance.

The Work Session included the Monthly Financial Briefing. Mses. Shelley Dickstein, Barbara LaBrier, and Diane Shannon made the Presentation. Ms. Dickstein made preliminary remarks and introduced Ms. LaBrier.

Ms. LaBrier reported that the Revenue Advisors Group met today and the group feels more optimistic about Dayton's economy than in the recent past. Ms. Shannon said the group reflected on the momentum downtown and was supportive of staff's revenue estimates. The group understood the States \$40 million in cuts was blunting the city's opportunities for growth. They found it enlightening to see the job growth chart showing progress in the last two years.

Commissioner Williams asked if the Revenue Advisors Group felt the growth was sustainable. Ms. Shannon said the consensus is that we are in the middle of a cycle and growth is sustainable in the near term.

Ms. LaBrier noted Richard Stock's positive comments about the economy in a recent *Dayton Daily News* story and noted the rarity of him making positive comments.

Ms. LaBrier reported overall revenue sources are down by \$1.3 million (1.2 percent), overall uses are down by \$4.8 million (4.4 percent) and there is a positive variance of \$2.6 million. She noted that the printed report is now also showing the Revised Appropriation numbers as well as the Original Appropriation. She noted that the month-to-month volatility seen all year continues.

Ms. Shannon reported that job growth remained fairly strong regionally, up over 6500 jobs year-over-year and shows 4.9 percent annual growth since January, 2014. She noted that the only sector down was information technology and that four sectors are above their pre-2007 recession levels. She also noted that we are still well below our 2000 job levels, which was the regional peak.

Ms. Shannon reported that earnings tax collection is one percent below the estimate and has increased \$700,000 (one percent) compared to last year. With holding is up \$1.5 million (2.4 percent), business profits is down \$410,000 (5.2 percent), and individual non-withholding is up \$54,000 (1.6 percent). Refunds are up \$200,000 (1.7 percent).

Ms. LaBrier reported that property tax collections are flat and that the estimate was for a 1.6 percent increase. The Hotel//Motel tax is down \$16,000 (four percent). Ms. Shannon is hopeful Property Tax has reached its nadir and will see growth in the future.

Ms. LaBrier reported on Waste Collection fees (up \$400,000 or seven percent), EMS fees (down \$200,000 or six percent), and Other Charges (down \$700,000 or eight percent) compared to the budget.

Mayor Whaley asked Ms. Dickstein to take note of the Edwin C. Moses Blvd. staging site for the I-75 construction and noted that now that the construction project is over, it was recently dirty and in bad condition.

Ms. LaBrier reported that the Local Government Fund from the State of Ohio is down \$200,000 (four percent) below estimates and that the State projects a two percent drop for the first half of next year. It was noted that the current redistribution of revenue will expire in June, 2017 and may be revisited by State legislators.

Ms. LaBrier reported that Fines & Forfeits are \$47,000 below the estimate and that Licenses & Permits and Other revenue are at their estimates.

Commissioner Williams stated he saw an article that Toledo was using camera traffic enforcement and asked how they were doing so. Mr. Parlette said that they are using Police Officers to activate the camera for each

specific violation, which they believe will meet the State law. Barbara Doseck, Director of Law, pointed out that Toledo's process has not been challenged by ticket recipients or reviewed by courts yet.

Ms. LaBrier reported that Personnel is up \$2.8 million (four percent) year-over-year, reflecting wage growth and retroactive payments made to employees represented by the IAFF. Contracts and Materials are down \$3.2 million (12.6 percent) due to timing and other considerations. She estimates that Contracts and Materials are down \$2.0 million year-over-year.

Ms. LaBrier highlighted the 2017 Budget Process and reported that the Budget allocations took into the following assumptions:

- Passage of Issue 9 at the November General Election
- A 32-member Police Recruit class
- A 21-member Fire Recruit class
- Radio maintenance
- Increased capital expenditures of \$2.7 million (from \$1.6 million)

Budget Presentations will begin November 9, 2016 and follow the usual schedule. She also noted that there are several pieces of legislation that require City Commission action during November and December.

Ms. LaBrier highlighted four key take-aways, as:

1. Revenue growth has slowed while expenditures remain under budget.
2. We continue to have significant, unmet infrastructure needs and an ongoing structural challenge.
3. The State's elimination of certain reimbursement will reduce our ability to issue debt and we remain susceptible to other State actions that would negatively impact the budgets of local governments.
4. 2017 budget development is underway and extended Work Sessions on the budget will begin on November 9th.

Mayor Whaley thanked staff for the presentations and the Work Session ended at 5:00 p.m.