

On Wednesday, November 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.

APPROVAL OF MINUTES

Commissioner Mims made the motion to approve the minutes from the October 26, 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

An Evening for Justice and Peace

Mayor Whaley invited Common Pleas Court Judge, Steve Dankof, to the podium to give a community update on An Evening for Justice and Peace.

Judge Dankof said on November 18, 2016, beginning at 7:00 p.m., the Dayton Literary Peace Prize will present an Evening for Justice and Peace at the Victoria Theater with keynote speakers Gilbert King and Wil Haygood. Judge Dankof said a Panel discussion will be led by Professor Mark Godsey, the Ohio Innocence Project, Mr. Ricky Jackson, exonerated from Ohio's Death Row by the Ohio Innocence Project, Jeff Hobbs author of *The Short and Tragic Life of Robert Peace*, and Christopher R. Riano, Lecturer in Constitutional Law and Government at Columbia University.

Judge Dankof invited the City Commission to attend and said tickets can be purchased at Ticketcenterstage.com

Dayton Contemporary Dance Company

Mayor Whaley invited Ms. Ro Nita Hawes-Saunders, Executive Director, and Ms. Debbie Blunden-Diggs, Artistic Director of Dayton Contemporary Dance Company (DCDC) to the podium to share an award received by the Dayton Contemporary Dance Company.

Ms. Blunden-Diggs said the Dayton Contemporary Dance Company is 48 years old and has received the Bessie Award for 2016. She said this recognition, which was established in 1983 in honor of highly revered New York dance teacher Bessie Shoenberg, salutes outstanding and creative works in choreography, performance, music composition and visual design by independent NYC dance artists.

Ms. Hawes-Saunders read the plaque that Dayton Contemporary Dance Company received to the City Commission. She invited the City Commission to an Open House for DCDC's new facility located at Central State University's Dayton Campus, 840 Germantown Street from 6:00 p.m. until 7:30 p.m.

The Mayor and City Commissioners congratulated DCDC on their hard work and for receiving this prestigious award. The Mayor asked the Clerk to read a proclamation.

Procurement Enhancement Program (PEP) Update

Mayor Whaley invited Ms. Katie Crosby, Executive Director, Human Relations Council, to the podium to give a community update of the Procurement Enhancement Program (PEP).

Ms. Crosby said HRC has assisted 220 residents with issues related to housing, employment or public accommodations concerns resulting in the formal filing of 13 Civil Rights discrimination cases during and 207 referrals to other agencies or departments for further assistance.

Ms. Crosby said in response to a growing trend of Islamophobia in the community, they have partnered with the Welcome Dayton Program and the Dayton Mercy Society to host a series of Community Conversations.

Ms. Crosby said HRC has partnered with the Twin Towers Neighborhood Association's National Night Out for the annual Fair Housing Affair reaching over 300 residents who learned about HRC and the services they provide.

Ms. Crosby said there were 217 companies that were certified by Procurement Enhancement Program (PEP) and detailed the certifications by type and categories.

She said there are eight steps to receiving A PEP Participation goal: receive a request from the user for Procurement Enhancement Program (PEP) participation goal, review accompanying documentation from the user, look up previous projects/bids of a similar type for current or previous year(s) participation goals, search the PEP certification list for businesses in specific work types or commodity codes for this project/RFP, calculate the percent participation possible by work type in the project/RFP, compare possible percent participation to list of certified companies by work type/commodity code, set a participation goal and send a memo to the user with the recommended goal.

Ms. Crosby explained the Waiver Request Procedure. She said if the bidder does not meet the PEP contract goals, the bidder must submit a Waiver Request Form. She said the required activities to demonstrate good faith efforts are to solicit all certified MBE/WBE/SBE/DLSB or HUD3. She said at least ten (10) business days before bid submittal deadline, divide contract work items into economically feasible units, negotiate with subcontractors, and take the subcontractors' price and capabilities, as well as the contract goals, into consideration, provide interested companies with plans and specifications at no cost, or direct to the Minority Business Assistance Center (MBAC) for information, and seek the assistance of the MBAC or used similar organizations to find certified subcontractors that are certified.

Ms. Crosby said the PEP goals and achievements for the City of Dayton through September 30, 2016, for MBE, were ten percent goal/20 percent actual, for WBE five percent goal/16 percent actual and for SBE 20 percent goal/23 percent actual.

In the Open Market Projects, Ms. Crosby listed the categories of work types needed to fulfill specialized jobs: Plumbing, Masonry, Janitorial (with special equipment), Sanitary Liner and Manhole Rehab, Lime Kiln Repairs, Hydraulic & Mechanical Cleaning, Video Inspection/Media, and Site Grading.

Ms. Crosby said the total number of HUD Section 3 companies that were certified were 17 and that more companies are needed. She said they coordinate their efforts with their partners at Greater Dayton Premier Management (GDPM formerly DMHA), Montgomery County and Kettering. She said they are developing a process to track sub-recipient goal achievement.

Ms. Crosby said CityBots/VendorBots update is that CityBots certification and project tracking is being rolled out. She said VendorBots online compliance tracking is being rolled out and AAAs are currently being accepted online.

Ms. Crosby said the Minority Assistance Business Center had 230 contracts totaling \$51.7 million in public and private awards. She said there were 914 consulting hours and 1,314 consulting sessions.

Ms. Crosby thanked various organizations for their input.

ADDITIONS OR DELETIONS TO THE CALENDAR

The Clerk of Commissioner, Ms. Rashella Lavender, requested the addition of Emergency Resolution No. 6219-16 – Intergovernmental Agreement between the City of Dayton CareSource, Emergency Resolution No. 6220-16- Developmental Agreement between the City of Dayton and Montgomery County, and Emergency Resolution No. 6221-16- Tax Levies.

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:

HUMAN RESOURCES

A1. Government Jobs.Com dba Neogov (software licenses, setup, implementation, training and support services) **\$54,000.00**

1. (Cont'd):

RECREATION & YOUTH SERVICES

B1. Double Jay Construction Inc. (professional property renovation services) **\$21,900.00**

WATER

C1. Interstate Ford, Inc. (one new 2017 Ford Explorer 4X4) **30,761.00**

C2. Flottweg Separation Technology, Inc. (rebuild services, related parts and maintenance as needed through 12-31-16) **87,712.00**

-Depts. of Human Resources, Recreation & Youth Services and Water.

Total: \$194,373.00

B. Construction Contracts:

2. Double Jay Construction, Inc. – Award of Contract – for the Ralliston Avenue Water Main Improvements (5% MBE Goal/5.58% Achieved, 5% WBE Goal/5.60% Achieved, and 10% SBE Goal/11.17% Achieved) – Dept. of Water/Water Engineering. **\$276,504.00**
(Thru 2/2018)

3. Double Jay Construction, Inc. – Award of Contract – for the Ace Place Water Main Improvements (5% MBE Goal/5.55% MBE Achieved, 5% WBE Goal/5.56% WBE Achieved and 15% SBE Goal/17.9% SBE Achieved) – Dept. of Water/Water Engineering. **\$298,699.00**
(Thru 3/2018)

4. Double Jay Construction, Inc. – Award of Contract – for the Hoover Avenue Water Main Improvements (15% MBE Participation/15.02% MBE Achieved) (5% WBE Participation/5% WBE Achieved) (5% SBE Participation/5% SBE Achieved) – Dept. of Water/Water Engineering. **\$925,804.00**
(Thru 8/2018)

5. Various – Award of Contract – for asbestos remediation services:
D.S.E.A. Services, Inc.
Environmental Demolition Group, LLC
Ohio Technical Services, Inc.
Rainbow Environmental Services, Inc.
-Dept. of Planning & Community Development/CD/Housing. **Total: \$500,000.00**
(Thru 2/2019)

C. Revenue to the City:

6. Dayton Public Schools – Service Agreement – for the appointment and employment of classified employees – The Civil Service Board. **\$300,000.00**
(Thru 8/31/19)

7. Do-It, Inc. – Contract Modification – for Addendum for Exercise of Second Option Extension for the continuation of lease covering the operation of T-Hangar Facilities at the Dayton-Wright Brothers Airport – Dept. of Aviation. **\$97,321.20**
(Thru 10/2026)

CITIZENS' COMMENTS ON CALENDAR ITEMS

There were no citizens' comments on calendar items.

DISCUSSION OF CALENDAR ITEMS

Calendar Item No. 2. – Double Jay Construction, Inc. - Award of Contract, Calendar Item No. 3 - Double Jay Construction, Inc. - Award of Contract and Calendar Item No. 4 – Double Jay Construction, Inc. – Award of Contract

Ms. Dickstein invited Mr. Michael Powell, Director of Water, to the podium to provide clarification of these Award of Contracts.

Mr. Powell said the project represents replacing water mains in three areas of the city. He said they will be replacing 23 miles of water mains and 63 miles of sanitary mains.

Mr. Powell said the first project is Ralliston Avenue which is a water main that was built in 1955 and will have 1,800 linear feet replaced. He said this main has had seven breaks in 15 years.

Mr. Powell said the second project is Ace Place which is a water main that was built in 1955 and will have 900 linear feet replaced. He said there have been eight breaks in 15 years.

Mr. Powell said the last and largest project is Hoover Avenue which is a water main that was built in 1928 and has had 17 breaks in 18 years.

Calendar Item No. 8 – Emergency Ordinance No. 31530 -16 -Detroit Salt Company, LLC

Ms. Dickstein invited Mr. Ford Weber, Director of Economic Development, and Mr. Keith Klein, Senior Development Specialist, to the podium to provide clarification on the emergency ordinance.

Mr. Weber said this Emergency Ordinance represents the property adjacent to the McCall site and shows renewed interest in the marketplace. He said he was happy to see this type of redevelopment happening in West Dayton.

Mr. Klein said this emergency ordinance does not represent traditional economic development in as much as it brings new jobs into the region but rather a new source of salt for the winter months.

Mayor Whaley thanked Mr. Weber and his team for their leadership.

Emergency Resolution No. 6219-16 –CareSource- Intergovernmental Agreement between Dayton and Montgomery County and Emergency Resolution No. 6220 -16- CareSource – Development Agreement with the City of Dayton

Ms. Dickstein said these resolutions are in support of CareSource's investment in a new facility in the City of Dayton.

Commissioner Williams asked Ms. Dickstein to speak on development in the City of Dayton.

Ms. Dickstein said even though development is happening Downtown Dayton the whole City benefits. She said as new investment comes to the City of Dayton it helps with city services. She said 40 percent of the total income tax is generated from Downtown Dayton which helps pay for numerous city services.

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 ORDINANCE – FIRST AND SECOND READING

Emergency Ordinance No. 31530-16- Authorizing the Sale of Certain Real Estate to Detroit Salt Company, LLC in Connection with the Westview Industrial Park, 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 Williams, Joseph, Mims, and Shaw. The question being shall Emergency Ordinance No. 31530-16 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.

THESE ITEMS WERE ADDED

EMERGENCY RESOLUTIONS – FIRST AND SECOND READING

Emergency Resolution No. 6219-16- Authorizing the City Manager to enter into an Intergovernmental Agreement Between the City of Dayton, Ohio and CareSource; 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. 6219-16 be adopted. 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 adopted.

Emergency Resolution No. 6220-16- Authorizing the City Manager to Enter into a Development Agreement Between the City of Dayton and Montgomery County, Ohio; 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. 6220-16 be adopted. 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 adopted.

Emergency Resolution No. 6221-16- Authorizing the Necessary Tax Levies, Certifying the Same to the County Auditor, 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 Williams, Joseph, Mims and Shaw. The question being shall Emergency Resolution No. 6221-16 be adopted. 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 adopted.

CITIZENS' COMMENTS

There were no citizen's comments.

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 CITY COMMISSION

Commissioner Williams

Commissioner Williams congratulated the Department of Recreation and Youth services for a successful Trunk or Treat event.

Commissioner Williams congratulated Commissioner Mims on the Men of Color 3rd Annual Men of Color Go Back to School event.

He commended Assistant Police Chief Mark Ecton for his participation and comments encouraging recruitment among minorities. He asked Police Chief Biehl to speak on the recruitment process currently ongoing for the Police Department.

Chief Biehl said the deadline for citizens interested in becoming a police officer is December 30, 2016. He said the police recruit process includes the Application, Preliminary Physical Fitness Test, Written Civil Service Exam, Background Investigation, Polygraph Examination, Physical Fitness Assessment, Psychological and Medical Examination. He said the community policing initiative has received national and international recognition and therefore they are looking for the best of the best to represent the City of Dayton.

Commissioner Williams asked what the entry level salary is.

Chief Biehl said the entry level salary is \$50,000, including benefits and uniform allowance.

Commissioner Shaw

Commissioner Shaw commended Community Action Partnership (CAP) for the work they are doing with the home weatherization program. He said if citizen need more information they should contact 937-341-5000 or 1-800-617-2673.

Mayor Whaley

Mayor Whaley reminded citizens about early vote at the Board of Elections. She said on Thursday, November 3 and 4, 2016, the Board of Elections will be open from 8:00 a.m. until 7:00 p.m., Saturday, November 5, 2016, 8:00 until 4:00 p.m., Sunday, November 6, 2016, 1:00 p.m. until 5:00 p.m. and Monday, November 7, 2016, 8:00 a.m. until 2:00 p.m. She said if citizens have questions they may contact the Board of Elections at 937-225-5656.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:16 p.m.

Mayor Nan Whaley

Attest: _____
Clerk of Commission

WORK SESSION

A copy of prepared material has been recorded as Communication & Petition Number 21178 dated November 2, 2016.

The Dayton City Commission met in a Work Session on Wednesday, November 2nd at 4:40 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, Ms. Tammi Clements, Deputy City Manager, Mr. Joe Parlette, Deputy City Manager, Ms. Barbara LaBrier, Director of Management and Budget, Ms. Diane Shannon, Deputy Director of Management and Budget, Mr. Mike Powell, 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
- Third Quarter Results – Department of Water
- Third Quarter Results – Department of Aviation

Ms. LaBrier reported that through September, General Fund revenues and other sources are 0.3 percent less than the estimate compared to the same period in 2015. Expenditures are 4.5 percent under budget and have declined 0.6 percent from the first nine months of 2015. Overall, at the end of September, total sources exceeded total uses by \$2.4 million.

Ms. Shannon reported that income tax collections are at the estimate and have increased 1.7 percent compared to the same period last year. She said withholding collections are up 3.0 percent representing an equivalent number of pay periods compared to the same time in 2015. The tax on business profits has declined \$366,000 attributable to corporations, while partnership profits are showing gains. Taxes paid by individuals have gained

4.3 percent compared to the first eight months of 2015, and refunds have increased in recent months and are now up eight percent compared to the same time last year.

Ms. LaBrier reported that property tax and other tax revenue is \$100,000 higher than the same period in 2015. She said the second half property tax settlement has been received and has been posted to the financial system. The Hotel/Motel Tax is up eight percent from last year.

The Local Government Fund receipts are one percent below the year-to-date estimate and are nine percent lower than the same period last year. She said the direct allocation to municipalities have declined \$368,000 reflecting the State's action from municipalities to township/villages. The State has revised the Local Government Fund (LGF) calendar estimate downward by 1.8 percent for the last six months of 2016, and the decrease to the City of Dayton is estimated at \$110,700.00.

She said fines and forfeits are under the estimate by five percent and substantially less than 2015 due to the elimination of public safety photo enforcement. License and permit revenues are slightly ahead of the year-to-date estimate. Building Permits continues with strong performance, up 30 percent, compared to the first nine months of 2015.

Ms. LaBrier said revenues are under the estimate but are lower than planned expenditures that have offset the decline. She said the City continues to have significant unmet infrastructure needs and a long-term structural challenge. The State's elimination of TPPT/PU reimbursements will reduce the ability to issue debt. She said the City continues to be susceptible to State actions that negatively impact the budgets of local government.

Ms. LaBrier said the 2017 budget planning process is underway, and that budget allocations for each program area have been developed based on the priorities of the City Commission and the policy-budget framework. The 2017 budget work sessions are scheduled to begin on November 9th.

Department of Water

Mr. Powell reported on the Third Quarter for the Department of Water.

Water Fund Revenue and Expenditure Review - Water Fund Revenues are up 2.6 percent or \$1,000,000 compared to the first three quarters of 2015. The revenue from City customers was relatively unchanged compared to the forecast. The revenue from other jurisdictions was up slightly, above forecast by 1.7 percent compared to 2015. Expenditures are down eight percent compared to 2015 due to lower contracts and materials cost. The Water Fund is expected to end the year with a small positive balance.

Sanitary Sewer Fund Revenue and Expenditure Review – Sanitary Sewer Fund Revenues are down compared to 2015 due to lower fees collected for Suspended Solids. Revenue from City customers is up \$400,000 and charges for services were above forecast by \$200,000 due to higher surcharges for industrial waste. Total expenditures are up 27.4 percent compared to 2015 due largely to timing of Construction Capital Transfers and higher Debt Interest cost. The Sewer Fund expects to end the year with a small positive balance.

Mr. Powell said the Pebble Lime sales in the first three quarters of 2016 are up 31 percent over 2015. The Lime Kiln Improvement project is on schedule, and that there is a lot of interest in the project.

Department of Aviation

Mr. Slaybaugh reported on the Third Quarter for the Department of Aviation.

Total revenue sources are 2.3 percent higher than last year. This was a result of Airline revenue being higher than the prior year. Revenue is 4.3 percent below projection for 2016. Airline revenue was 3.5 percent below projection at mid-year. 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 \$1.71/1,000 lbs. Enplanements were down 4.1 percent compared to 2015. Concession revenue was 7.4 percent below projection, and total non-airline revenue was 5.1 percent below projection. Parking and Property Tax Revenue is below projection.

He said Contracts, Materials and Other Uses were 10.2 percent below budget for the period. The savings were mainly from savings in supplies and materials utilities (electric and gas) and fuel. He said \$192,700 in capital equipment purchases have been made as of the third quarter. This is a result of deferring purchases due to the decreased revenue collections.

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. Overall, the Department expects to have a

balanced Aviation Fund budget at the year end. The Daily Seat Capacity will remain flat for the remainder of the year. The Department met with all of the carriers, and Delta, American and United are projecting a one percent growth in 2017.

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

The Work Session concluded at 5:22 p.m.