

On Wednesday, August 1, 2018, at 6:01 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 Shaw 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 Mims, Shaw and Fairchild were present. The Clerk of Commission, Ms. Rashella Lavender, and the City Manager, Ms. Shelley Dickstein, were also present.

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

**APPROVAL OF MINUTES**

**Commissioner Mims made a motion to approve the minutes from the July 25, 2018, meeting. Commissioner Fairchild seconded the motion. The previous meeting minutes were unanimously approved.**

**COMMUNICATIONS AND PETITIONS**

**Communication #21324**

**State of Ohio, Department of Liquor Control – Permit Application F9 Permit #2912812 – Friends of Levitt Pavilion Dayton, Roped/Fenced Area, 134 S. Main Street, Dayton, OH 45402.**

The Clerk of Commission reported receipt of Permit Application F9 Permit #2912812 – Friends of Levitt Pavilion Dayton, Roped/Fenced Area, 134 S. Main Street, Dayton, OH 45402. The application was referred through the City for investigation.

**Communication #21328**

Work Session - Finance Committee Briefing handout.

**Communication #21329**

Handout from Mr. Ellis Hutchinson regarding the Black Panther movie night at Oak and Ivory Park.

**SPECIAL AWARDS/PRESENTATIONS**

There were no awards or presentations.

**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. Koenig Equipment, Inc. (Tractor parts and related equipment through 12-31-21)  
\$69,500.00**

**CENTRAL SERVICES**

**B1. Dell Marketing LP (Dell brand modular tape library) 43,736.50**

1. (Cont'd):

**HUMAN RELATIONS COUNCIL**

**C1. Crown Personnel Service, Inc.** (temporary employment services as needed through 12-31-18) **\$21,000.00**

**LAW**

**D1. Frost Brown Todd LLC** (professional legal services as needed through 12-31-18) **200,000.00**

**PUBLIC WORKS**

**E1. Wastequip Manufacturing Co. dba Accurate Industries** (thirty of the three cubic yard standard duty slant front load containers through 07-07-21) **17,527.70**

**WATER**

**F1. Pelton Environmental Products, Inc.** (one storage tank for ferric chloride and one storage tank for hydrochloric acid including delivery and placement through 12-31-19) **179,230.00**

-Depts. of Aviation, Central Services, Law, Public Works, Water and The Human Relations Council. **Total: \$530,994.20**

**C. Revenue to the City:**

2. **Kokosing Construction – Contract Modification** – for off-duty police officer services – Dept. of Police. **\$12,978.90**

**E. Other – Contributions, Etc.:**

3. **Fifth Third Bank – Other** – for Wellness Incentive – Dept. of Human Resources. **\$50,876.45**

**CITIZENS' COMMENTS ON CALENDAR ITEMS**

There were no citizens' comments on calendar items.

**DISCUSSION OF CALENDAR ITEM**

**Calendar Item No. 6. – Emergency Resolution No. 6349-18-Government Equity Program and Calendar Item No. 7. Emergency Resolution No. 6350-18 – Intergovernmental Agreement**

The City Manager, Ms. Shelley Dickstein, said these legislation items are related to the Arcade Project funding from Montgomery County.

**APPROVAL OF CITY MANAGER'S RECOMMENDATIONS**

**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 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Mims, Shaw and Fairchild.**

**LEGISLATION**

**EMERGENCY ORDINANCES – FIRST AND SECOND READING**

**Emergency Ordinance No. 31657-18-** Authorizing the City Manager to Execute an Option Agreement and a Development Agreement, Authorizing the Conveyance of Real Property 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 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Mims, Shaw and Fairchild. The question being shall Emergency Ordinance No. 31657-18 be passed. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Mims, Shaw and Fairchild. The Emergency Ordinance was passed.**

**Emergency Ordinance No. 31658-18-** Authorizing the Sale of Real Estate Located at 2404 W. Third Street, and Declaring an Emergency.

**Commissioner Shaw 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 Mims, Shaw and Fairchild. The question being shall Emergency Ordinance No. 31658-18 be passed. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Mims, Shaw and Fairchild. The Emergency Ordinance was passed.**

**EMERGENCY RESOLUTIONS – FIRST AND SECOND READING**

**Emergency Resolution No. 6349-18-** Authorizing the City Manager to Accept Funding From the Economic Development and Government Equity Program, as Approved by the Board of County Commissioners of Montgomery County, Ohio in an Amount Not to Exceed Five Hundred Thousand Dollars and Zero Cents (\$500,000.00) for the Dayton Arcade Redevelopment Project, on Behalf of the City of Dayton; 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 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Mims, Shaw and Fairchild. The question being shall Emergency Resolution No. 6349-18 be adopted. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Mims, Shaw and Fairchild. The Emergency Resolution was adopted.**

**Emergency Resolution No. 6350-18-** Authorizing the City Manager to Enter into an Intergovernmental Agreement with the Board of County Commissioners of Montgomery County, Ohio, and Declaring an Emergency.

**Commissioner Mims moved that this being an emergency measure for the immediate consideration of the Resolution. Commissioner Fairchild seconded the motion. The motion was passed with a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Mims, Shaw and Fairchild. The question being shall Emergency Resolution No. 6350-18 be adopted. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Mims, Shaw and Fairchild. The Emergency Resolution was adopted.**

**Emergency Resolution No. 6351-18-** Authorizing the City Manager to Accept a Rails-to-Trails Conservancy Doppelt Family Trail Development Fund Grant Award for a Total Amount of Fifteen Thousand Dollars and Zero Cents (\$15,000.00), and Declaring an Emergency.

**Commissioner Shaw 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 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Mims, Shaw and Fairchild. The question being shall Emergency Resolution No. 6351-18 be adopted. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Mims, Shaw and Fairchild. The Emergency Resolution was adopted.**

**EMERGENCY ORDINANCE – FIRST READING**

**Emergency Ordinance No. 31659-18-** Amending Section 35.38 of the Revised Code of General Ordinances Relating to the Department of Procurement, Management and Budget, and Declaring an Emergency.

**RESOLUTION – FIRST READING**

**Resolution No. 6352-18-** Withdrawing the Objection to the Issuance of Liquor Permit #2949092 (Renewal), Front Row Bar and Grille, LLC dba Front Row Bar and Grill, 2412 Catalpa Drive, Dayton, OH 45406.

**ORDINANCE – SECOND READING**

**Ordinance No. 31656-18-** Consenting to the Repair of Bridge Decks 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 Ordinance No. 31656-18 be passed. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Mims, Shaw and Fairchild. The Ordinance was passed.**

**CITIZENS' COMMENTS**

Citizens' comments were received from the following:

1. **Mr. Ellis Hutchinson- 113 Bonne St.** – spoke about Wright-Dunbar Community Movie Night on August 10, 2018, at Oak and Ivory Park.

**COMMENTS BY THE CITY MANAGER**

The City Manager, Ms. Shelley Dickstein, highlighted the 40 years of service, to the City of Dayton, for Ms. Vicky Smith and presented her with a plaque and City of Dayton service pin.

**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 events by Mr. Ellis Hutchinson and said they are appreciated.

**Commissioner Fairchild**

Commissioner Fairchild highlighted *Art in the City* and his participation in the United Way Kick-off on the square where he has been asked to be a judge for Karaoke. He also highlighted the Levitt Pavilion opening.

**Mayor Whaley**

Mayor Whaley announced the City of Dayton's Historian, Mr. Kurt Dalton. She said he will organize the history of Mayors and City Commissioners.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 6:22 p.m.

\_\_\_\_\_  
**Mayor Nan Whaley**

Attest: \_\_\_\_\_  
**Clerk of Commission**

**WORK SESSION**

A copy of prepared material has been recorded as Communication & Petition Number 21328 dated August 1, 2018.

The Dayton City Commission met in a Work Session on Wednesday, August 1, 2018, 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 and Commissioners Mims, Shaw and Fairchild were present. Ms. Ariel Walker Director, City Commission Office, and Ms. Rashella Lavender, Clerk of the Commission, were also in attendance.

Ms. Shelley Dickstein, City Manager, Mr. Gil Turner, Interim Deputy City Manager, Ms. Diane Shannon, Director of Management and Budget, Ms. Abbey Patel-Jones, Budget Analyst I, 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:

- June Overview
- Second Quarter Results – Department of Water
- Second Quarter Results – Department of Aviation

Ms. Dickstein said the Finance Committee Briefing will cover the first six months of 2018. She explained the new format will include detailed notes but the presentation will focus more on graphs, charts and other means to explain variances and trends in revenue, expenditures, and operating transfers.

#### June Overview

Ms. Shannon reported revenues have climbed 5.7 percent compared to the same quarter of 2017. Year-to-Date revenue reflects the positive impacts of “Your Dollars, Your Neighborhood” due to the lag attributable to January of 2017. She said expenditures for the first half of 2018 are under budget by 0.8 percent. Growth in Personnel costs have tempered while Contracts and Materials and Other Uses have climbed six percent. At the end of June, Uses exceed Sources by \$1.8M due to the timing of investments and rising Contracts and Materials.

#### Revenue Trends

Ms. Shannon reported that baseline income tax increased 5.2 percent and were \$3.2M over the year-to-date estimate; while total income tax increased 7.5 percent. She said withholding collections climbed 7.2 percent. The taxes on business profits grew 15.6 percent with Corporation posting nearly all of the gains. Taxes paid by individuals rebounded in April and May, but fell slightly in June such that the year-to-date increase is registering four percent higher than the same time last year. Both withholding and non-withholding categories are performing well at the mid-point of 2018, attributable largely to January.

Ms. Patel-Jones said at the end of June, the Local Government Fund receipts are slightly higher than the estimate. The municipal direct allocation was eliminated in the current biennial budget, which represents a loss for the first six months of 2018.

Both Property Tax and Hotel Tax are up over the same period last year. The largest component of this category is the City’s ten mills of property tax (5.5 mills fund ongoing debt service obligations and 4.5 mills support General Fund operations). Property Taxes have increased by four percent, Public Utility Property Taxes have increased by 11.3 percent and Hotel Taxes have increased by 13 percent.

The increase in property tax revenue is driven by both an increase in collection rates for the current levy, as well as a small increase in property values from the latest triennial revaluation. Overall, the City of Dayton’s property values increased by 0.5 percent (residential values increased by 0.4 percent and commercial values increased by 0.7 percent). Property values remain 26 percent below their 2006 peak, and are only slightly above their lowest level since 2000.

Total Other Intergovernmental Revenue has declined nine percent from the same period in 2017. The City’s share of casino taxes have climbed \$53,800. The change reflects the loss of the \$250,000 payment made by the Racino operator.

At the end of June, billed EMS fees declined 14 percent. Transports, through June, are down 13 percent, and on a cash basis, EMS fees have declined ten percent. At the end of June, Other Charges for Services are down 6.9 percent below the same period last year. The decline in Transportation Center parking garage revenue is due to revenue being recorded net of operating expenses. Weed mowing revenues are up and are now being recorded on a cash basis. Indirect reimbursements are down as a result of a change in the methodology of how charges are calculated.

Waste Collection revenue is down one percent during the first six months of 2018. The revenue generated from the Jefferson Township contract has climbed 2.6 percent while Dayton revenue is down 1.4 percent. Public Works and Finance have reduced the number of vacant structure accounts in recent years. License and Permits are up \$895,000 compared to 2017. An increase in Permit rates was instituted in late 2017, the first rate broad scale increase in decades. Other revenue, which represents various miscellaneous sources, is down one percent from last year.

#### Expenditure Trends

Ms. Shannon said excluding transfers, expenses for Contracts and Materials were 4.7 percent higher than at the same time in 2017. The increase reflects: Management and Public Service Contracts are up by 11.4 percent due to timing of payment to RDC. Property taxes are up 3.6 percent as the result of City’s triennial assessment and an increase in Public Utility personal property. Payments to Internal Service Funds are up by 5.5 percent due to the elimination of accrual period and an increase to rates charged by Fleet Management. Miscellaneous expenses are up 16.5 percent. The offset is by reduced spending for land and building rentals, waste disposal fees and utilities.

Ms. Shannon reported on June 2018 economic indicators: Jobs in the Dayton MSA have increased compared to June 2017. All industry sectors are showing gains except for Information, Leisure and Hospitality and Government. The preliminary June 2018 employment count is down 2,600 from April and 900 from May.

Since 2014, Dayton region job growth has outpaced the state with a six percent increase versus the Ohio average of 5.8 percent. Nationwide GDP growth registered two percent the first quarter of 2018, significantly below the fourth quarter of 2017. Activity in the manufacturing sector continues above the neutral threshold. Inflation has continued slowly upward; a sign of increasing economic activity. She said a new reporting this month is the Treasury Yield Curve. The yield curve has been a strong predictor of recessions when the curve inverts. She said the curve has flattened, but is not yet inverted.

Overall, income tax collections were strong during the first six months and total revenues to-date are performing \$3.0M over budget. The growth in personnel costs has slowed 1.8 percent through June. The three percent wage increase, holiday pay and the escalation of the IAFF wage increase from June to January are driving the growth. Contract, Materials and Other Uses are up six percent due to the elimination of the 14<sup>th</sup> accrual period in 2017, higher RDC payments and miscellaneous costs along with the timing of transfers. Annual funding of investments was completed in February to ensure timely bidding and commencement of projects.

#### Department of Water

Mr. Powell reported on the Second Quarter Results for the Department of Water.

Water Fund Revenue and Expenditure Review - Water Fund Revenues are up 8.8 percent or \$2.1M compared to the first six months of 2017. The revenue from City customers are up \$600,000 compared to 2017. Billed revenue reflects volumes for two quarter for residential and commercial customers. The revenue from other jurisdictions is below forecast by 0.7 percent compared to 2017 due to the timing of base rate charges. Expenditures were up 1.9 percent compared to 2017. The Water Fund expects to end the year with a positive balance.

Sanitary Sewer Fund Revenue and Expenditure Review – Sanitary Sewer Fund Revenues are down 5.2 percent compared to 2017 due to decreased Other Charges for Services. Revenue from City customers is up \$200,000 and other jurisdictions are down 1.1 percent due to lower volumes and billing timing. Other charges for services are down by \$1.1M due mostly to lower Permit Non-Compliance Violation Fees and lower Biological Oxygen Demand charges. Total expenditures are up 11.6 percent compared to 2017 due to timing of investment in Capital improvements, higher Contracts and Materials and Capital Equipment cost. The Sanitary Sewer Fund expects to end the year with a positive balance.

#### Department of Aviation

Mr. Slaybaugh reported on the Second Quarter Results for the Department of Aviation.

Total revenue and other sources, less PFC/CFC revenue, are up 0.6 percent compared to the first six months for 2017. Enplanements were 7.7 percent lower compared to 2017 due to the loss of Southwest Airlines offset by increased capacity from other airlines. Expenditures for the second quarter are \$329,300 over budget. At the end of the second quarter of 2018, Uses exceeded Sources by \$254,000.

Landing Fees have increased as a result of a reduction in the airfield subsidy. The subsidy in 2018 is \$715,400 compared to \$1.5M in 2017. Airline Space Rent has decreased due to the loss of Southwest Airlines. Southwest Airlines was 19.8 percent of the total airline space rent. The Airline Revenue remained flat year-over-year. Of Non-Airline Revenue, parking is the largest category. Concession Revenue in total remains flat to projection. In 2017, a one-time land sale of \$1.1M occurred in the second quarter. The \$1.1M accounts for the majority of the difference year over year.

Mr. Slaybaugh said Contracts, Materials and Other Uses year over year would be flat. However, two additional payments were made for 2017 in 2018 to reconcile parking management expense. Enplanements are 7.7 percent lower compared to 2017.

Mr. Slaybaugh highlighted a couple of construction projects (Terminal Modernization Project and Rehabilitate Runway). He said the Department will have a balanced budget in 2018.

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

The Work Session concluded at 5:46 p.m.