

On Wednesday, February 24, 2021, at 8:35 a.m., the Dayton City Commission met in regular session, remotely through electronic means, at City Hall.

CALL TO ORDER

Mayor Whaley called the meeting to order. She said due to the current COVID-19 order, we are conducting the meeting remotely through electronic means. To protect the safety of the community, during the state of emergency related to COVID-19, in-person citizen comments will be suspended for City Commission Meetings.

Citizens interested in making public comment related to calendar items, are asked to do so in writing. Items related to a calendar item will be included in the meeting records under Communications and Petitions.

Citizens who wish to make the City Commission aware of an issue not related to the Commission Meeting Calendar, may also do so. These items will be distributed to the Dayton City Commission for reference.

For complete information on how to submit a comment, please visit daytonohio.gov/CoronaResources or call 937-333-3636.

INVOCATION

Commissioner Fairchild 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 Joseph, Mims, Shaw and Fairchild were present. The Clerk of Commission, Ms. Rashella Lavender, and The City Manager, Ms. Shelley Dickstein, were also present through electronic means.

APPROVAL OF MINUTES

Commissioner Mims made a motion to approve the minutes from the February 17, 2021, meeting. Commissioner Fairchild seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

Communication #21529

Letters regarding the 2021 Annual Appropriation to reconsider voting on the budget.

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

1. Purchase Orders, Agreements and Contracts:

(All contracts are valid until delivery is complete or through December 31st of the current year).

1. Purchase Orders:

ECONOMIC DEVELOPMENT

A1. Comptech Computer Technologies, Inc. (temporary staffing services as needed through 12-31-23) \$10,000.00

INFORMATION TECHNOLOGY

B1. Pitney Bowes, Inc. (postage fees as needed through 12-31-24) 640,000.00

PUBLIC WORKS

C1. MDSolutions (U-Channel posts as needed through 12-31-22) 11,016.00

C2. Pioneer Manufacturing Co. (one synthetic turf brush attachment with spring tine rake) 13,288.14

RECREATION & YOUTH SERVICES

D1. Fitness Doctor LLC (fitness equipment maintenance services through 05-31-22) 11,239.74

WATER

E1. Barrett Paving Materials, Inc. (washed gravel #4 as needed through 12-31-21) 65,000.00

E2. McCluskey Chevrolet, Inc. (five four-wheel drive pick-up trucks with various optional equipment through 03-31-21) 198,925.00

-Depts. of Economic Development, Information Technology, Public Works, Recreation & Youth Services and Water. Total: \$949,468.88

2. Bricker & Eckler LLP – Contract Modification – sixth amendment for additional legal services in connection with Ohio’s Enterprise Zone, Tax Increment Financing, Community Reinvestment Area programs, New Community Authority Districts and other urban economic development incentive programs – Dept. of Economic Development. \$25,000.00 (Thru 03/31/22)

1. (Cont'd):

3. Montgomery County – Service Agreement – professional services for Montgomery County Operating a Vehicle While Impaired Task Force – Dept. of Police.

\$18,000.00
(Thru 09/30/21)

4. SAMBA Holdings, Inc. dba SambaSafety – Service Agreement – for Automated Driver’s License Verification – Dept. of Human Resources.

\$30,000.00
(Thru 02/23/22)

B. Construction Contracts:

5. Relyco Sales Incorporated – Award of Contract – professional services for Online Access to City Employee Direct Deposit Notices and W-2’s – Dept. of Finance/Tax & Accounting.

\$74,625.00

C. Revenue to City:

6. Gem City Market – Lease Agreement – for Parking at 15 Georgeana Ct – Dept. of Planning & Community Development.

\$100.00
(Thru 02/28/31)

7. Paradies-Cooper, LLC (f/k/a Paradies-Dayton, Inc.) – Contract Modification – Third Amendment to Amended and Restated Master Lease and Concession Agreement with Paradies-Dayton Inc. – Dept. of Aviation/AP Admin. & Finance.

\$650,580.00 – Rev.
\$75,000.00 – Exp.
(Thru 12/31/23)

E. Other – Contributions, Etc.:

8. Airport Council International - NA – Other – for annual ACI membership – Dept. of Aviation.

\$29,482.00

9. Dayton Power & Light Company – Other – for payment of voucher for energy usage – Dept. of Public Works/Civil Engineering.

\$7,052.98

CITIZENS’ COMMENTS ON CALENDAR ITEMS

Citizens’ comments were suspended for the meeting.

DISCUSSION OF CALENDAR ITEMS

Calendar Item No. 10. Ordinance No. 31870-21-Appropriating Funds for the Year 2021

The City Manager, Ms. Shelley Dickstein, said she regrets there will not be unanimous approval of the 2021 budget. She said it is the goal of this administration to develop a budget reflecting the policies and priorities of the city commission. She said the process to develop the annual budget is a long one in which there are several opportunities for input, starting with meetings held with each commissioner last September, to solicit input and to advise of revenue projections for the budget. She said in the interest of accuracy and transparency, a group of business leaders, academics and government administrators vet revenue projections, which is a best practice which is recognized by Government Finance Officers Association (GFOA), a practice which dates back 20 years.

Ms. Dickstein said due to the ravaging pandemic, two budget work sessions was held within early December via Zoom totaling almost seven hours of presentations and discussions. She said to memorialize that work and to share the City Manager's recommended budget widely, they published the Grey Book, a 221-page document that outlined the recommended budget in both financial and programmatic terms. A budget resolution that reflects all that was discussed and recommended in the budget work sessions and in the Grey Book was prepared for City Commission's consideration and legislation was adopted unanimously by the Commission on December 16, 2020. She said after adoption of the budget resolution, a public hearing on the budget was held on January 27, 2021, which the budget director made some opening comments and was available for any questions or concerns. Being none, they moved forward with the process.

Ms. Dickstein said she shared a memo outlining the changes from the budget resolution adopted in December to the annual 2021 appropriation that is before them today. The largest change was budget in grants and capital funds that carried over from 2020.

Ms. Dickstein said again, she regrets there will not be concurrence on the adoption of the 2021 appropriation. She said she has outlined some of the major steps in the budget process in the hope that two-way communication can occur in the future. As always, she stands ready to hear any concerns and incorporate the City Commission's policy direction in the development of the annual appropriation.

Ms. Dickstein invited Ms. Diane Shannon, Director of Procurement Management and Budget, to provide clarification on the Annual Appropriating Funds.

Ms. Shannon said an appropriation is the City's legal authority to make expenditures and incur obligations. It is the legal form of the budget. The City Charter requires that the City Commission adopt the budget by resolution prior to the beginning of the fiscal year (i.e., Budget Resolution). The Charter also requires that the City Manager prepare an Appropriation Ordinance, consistent with the approved Budget Resolution. She said if operating under a temporary appropriation, state law requires that the annual appropriation be adopted no later than April 1.

Ms. Shannon said today is the last day that an appropriation ordinance can be passed as a non-emergency measure, with an effective date of March 26. The original appropriation is typically revised three times during the fiscal year – June, September, and December. She said the final appropriation is presented in December and reflects the expenditures that have occurred from January through early December, as well as adequate budget to cover the final few weeks of the year.

Ms. Shannon said given significant changes during the year, such as a once in a century pandemic, the final appropriation may deviate significantly from original budget plans. Many of the changes in the 2020 final appropriation were instituted to help navigate the COVID-19 crisis including the abolishment of vacant positions, the Voluntary Separation Plan (VSP), and the limiting of expenditures to essential services and functions only. She said rather than characterizing these changes as cuts, they are actually changes that occurred throughout the year as a result of the City Manager directives. The goals of which were to maintain critical services and to minimize lay-offs.

Ms. Shannon said year-to-year budget comparisons are typically made on original appropriations as they reflect the estimated resources and planned funding priorities. Given the many unknowns relative to the pandemic and ensuing economic shock, the City Manager's 2021 recommended budget prudently projected lower revenues for the General Fund. She said lower revenues correspond with budget cuts and for 2021, nearly \$18 million in General Fund budget solutions were necessary. Ms. Shannon gave an overview of a chart which compares the 2020 original budget (pre-Covid-19) to the 2021 original budget as reflected in the appropriation ordinance.

Commissioner Fairchild asked if the budget could be passed as an emergency measure.

Ms. Shannon said the budget has never been passed as an emergency measure during her tenure.

Mayor Whaley asked why that would be needed since the process has had four months of discourse.

Commissioner Fairchild said the comment was made that the budget had to be passed today.

Mayor Whaley asked why this question was being asked.

Commissioner Fairchild said his priorities weren't reflected in this budget. He said he asked three separate times for more information on positions that were eliminated by vacancy or voluntary separation.

Ms. Dickstein said she had the information that he requested and that she would send it to all five commissioners.

Mayor Whaley proposed the City Commission continue with the vote as they do not have the Law Department's input and have utilized a non-emergency ordinance for the past 20 years.

Commissioner Fairchild said since he joined the Dayton City Commission all he has heard is that the budget is tight. That there is no money for youth programs or neighborhood development. He said when white supremacists came to rally in Downtown Dayton, \$650,000 was found. He said in June a commitment was made to bring an anti-racist lens to all policies, yet the Human Relations Council was not funded to lead the work. Commissioner Fairchild said those are two of his priorities that he does not see in the 2021 budget.

Commissioner Fairchild moved that Ordinance No. 31870-21- Appropriating Funds for the Year 2021 to Provide for the Operating and Capital Expenses of Various Offices, Departments and Divisions of the Government of the City of Dayton, be tabled.

The motion was not seconded; therefore, the motion was denied.

APPROVAL OF CITY MANAGER'S REPORTS

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

LEGISLATION

ORDINANCE – SECOND READING

Ordinance No. 31870-21- Appropriating Funds for the Year 2021 to Provide for the Operating and Capital Expenses of Various Offices, Departments, and Divisions of the Government of the City of Dayton.

The question being shall Ordinance No. 31870-21 be passed. A roll call vote was taken resulting in a 4-1-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. Commissioner Fairchild voted no. The Ordinance was passed.

BOARD APPOINTMENTS

Commissioner Mims made a motion to appoint Mike King to the Greater Downtown Priority Land Use Board for a term ending December 31, 2022. Commissioner Fairchild seconded the motion. The motion was unanimously approved.

CITIZENS' COMMENTS

Citizens' comments were suspended for the meeting.

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 THE CITY COMMISSION

Commissioner Fairchild

Commissioner Fairchild highlighted his meeting with police leadership and said the City Commission had made a promise to call out hate. He said that he would do a better job calling that out when he sees it.

Commissioner Shaw

Commissioner Shaw thanked Ms. Dickstein and staff for clarifying the 2021 budget. He said he is available to all colleagues to have candid discussions in the future.

Commissioner Mims

Commissioner Mims thanked Governor Mike DeWine, Kroger staff, Dayton Public Schools and local ministers for their help in bringing awareness to West Dayton for vaccinations against the Coronavirus.

Commissioner Mims highlighted his passion for golf and recreation for youth. He spoke about his averseness for the budget cuts, but said since the state legislators have continuously cut budgets at their levels; the cuts had to be made. He invited members of the community to continue to attend budget meeting.

Commissioner Joseph

Commissioner Joseph thanked the City Manager and Public Works for snow removal. He said they did a great job.

Commissioner Joseph said he is a major proponent of the Human Relations Council (Welcome Dayton) and did not get the funding that he wanted. He said that is the nature of things, however, he will continue to fight for funding next year.

Commissioner Joseph commended Ms. Dickstein and staff for implementing the Preschool Promise and bringing back curbside leaf pick-up and residential street paving.

Mayor Whaley

Mayor Whaley said the Dayton City Commission supports the mission of the Human Relations Council. The Human Relations Council is critical for enforcing the city's civil rights ordinance and fair housing laws. It plays a vital role in the city and will continue to do so.

Mayor Whaley said the Human Relations Council is not the organization's only means of addressing racism. She said that all parts of the organization is involved in combatting racism – that is the only way that true progress is made. She said the police reform effort that the city is undertaking is an example of all-hands on deck approach. A significant portion of the city organization is deeply engaged in this work – attending meetings, doing research, planning implementation, working with citizens. That last piece is very important – everyday Dayton citizens are leading this police reform process. Mayor Whaley said this is the kind of model that must be replicated in the future. Addressing racism is an all-hands-on-deck work. That may not be reflected in a single line item in the budget. However, the dedication of time and resources from staff make clear that this work tremendously valued.

Mayor Whaley said as the police reform process wraps up and moves into implementation, feedback will be used from the community to design a new, more robust community-police relations system. The Human Relations Council will continue to be a key part of that. She said the commission has made it clear that they are committed to making sure there are resources available to implement the recommendations. That has been the commitment from the beginning, and that has not changed.

Mayor Whaley thanked Ms. Dickstein and staff for continued commitment to the priorities of the Commission. She said she believes staff has done an excellent job working to keep critical priorities moving forward even without the resources to do it properly.

Mayor Whaley thanked Ms. Rashella Lavender, Clerk of Commission, for 32 years of service to the City of Dayton.

Ms. Lavender thanked the City Commission and the Community for their support as she served in the role of Clerk of Commission.

Commissioner Fairchild thanked Ms. Lavender for her professional service to the City of Dayton.

Commissioner Shaw thanked Ms. Lavender for her service and wished her luck in the future.

Commissioner Mims said Ms. Lavender is a beautiful person and he appreciates all that she brought to the Dayton City Commission.

Commissioner Joseph thanked Ms. Lavender for her service to the Dayton City Commissioner and for her kindness over the years.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:28 a.m.

Nan Whaley

Mayor

Attest: _____

Clerk of Commission