

On Wednesday, September 1, 2021, at 6:02 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. She said due to the current COVID-19 order, the City of Dayton is requiring masks to be worn in all City facilities to protect the safety of the staff and community. If you need a mask, there are some at the entrance of the Commission Chambers. Those not wearing a mask during the Commission Meeting may be ruled out of order and removed from the meeting.

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 Joseph, Shaw and Fairchild were present. The Clerk of Commission, Ms. Regina D. Blackshear, The City Manager, Ms. Shelley Dickstein and Miami Valley Interpreters, were also present.

APPROVAL OF MINUTES

Commissioner Mims made a motion to approve the minutes from the August 25, 2021, meeting. Commissioner Fairchild seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

Communication #21592

Letter from Kathryn Mullen Upton, Thomas B Fordham Foundation, in support of the proposed Greater Dayton School.

Communication #21593

Letter from David K Greer, Northwest Priority Board regarding the continued funding of Ombudsman Office.

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).

AVIATION

A1. Crown Personnel Service, Inc. (temporary staffing services as needed through 12/31/21) **\$60,000.00**

1. (Cont'd):

PLANNING, NEIGHBORHOODS AND DEVELOPMENT

B1. **Comptech Computer Technologies, Inc.** (temporary staffing services as needed through 12/31/21) **15,000.00**

POLICE

C1. **Vance Outdoors, Inc.** (less lethal ammunition) **PO211058 19,509.20**

C2. **Vance Outdoors, Inc.** (tasers and taser equipment) **PO211105 27,883.98**

PUBLIC WORKS

D1. **CHWR, INC. dba CHW Mechanical Services** (heating, ventilation, and air conditioning (HVAC) preventative maintenance and repairs as needed through 12/31/21) **10,000.00**

D2. **Garland/DBS, Inc.** (roof repair and replacement including removal and installation services) **23,210.50**

D3. **Shiver Securities Systems, Inc. dba Sonitrol of SW Ohio** (security alarm maintenance services as needed through 12/31/21) **5,000.00**

D4. **Lake Erie Construction Company** (guardrails, attenuators, parts, materials and supplies including installation and repair services as needed through 12/31/21) **30,000.00**

D5. **Crown Personnel Service, Inc.** (temporary staffing services as needed through 12/31/21) **65,000.00**

D6. **Rehrig Pacific Company** (ninety-six (96) gallon trash containers with radio frequency identification tags as needed through 12/31/21) **47,300.00**

WATER

E1. **B L Anderson, Co., Inc.** (YSI brand replacement parts and related items as needed through 12/31/21) **15,000.00**

E2. **Kendall Electric, Inc.** (indoor and outdoor lighting fixtures) **49,546.00**

E3. **Martin Painting & Coating Company** (various painting services) **19,695.00**

E4. **Pelton Environmental Products, Inc.** (one Sulzer brand VUPX pump) **111,578.50**

E5. **Polydyne, Inc.** (Clarifoc C-6266 polymer as needed through 12/31/24) **1,630,000.00**

E6. **Rawdon Myers, Inc.** (DeZurik brand valves, parts and related items as needed through 12/31/21) **20,000.00**

E7. **U C S Waste Equipment Company, Inc.** (six Dempster brand dumpsters) **60,260.00**

E8. **McCluskey Chevrolet** (one 2021 truck with utility body and stick boom crane) **111,160.00**

-Depts. of Aviation, Planning, Neighborhoods and Development,
Police, Public Works and Water. **Total: 2,320,143.18**

2. **Hazen & Sawyer – Contract Modification** – to cover design of the phase II Anaerobic Digester Project – Department of Water. **\$2,034,100.00**
(Thru 12/31/26)

3. **Homeful – Grant Agreement** – Emergency Solutions Grant for the Preventing Homelessness by Aligning Systems Effectively (PHASE) Program - Department of Planning, Neighborhoods and Development. **\$47,075.90**
(Thru 6/30/22)

4. **MRI Software LLC –Service Agreement**– for software updates to financial systems that support fixed asset and lease tracking – Department of Finance. **\$165,911.25**
(Thru 8/31/2024)

5. **St Vincent de Paul Social Services, Inc. – Grant Agreement** – Emergency Solutions Grant to assist homeless households to achieve stability and permanent housing as soon as possible through the Rapid Rehousing Program – Department of Planning, Neighborhoods and Development. **\$103,602.16**
(Thru 6/30/22)

6. **William Louis Smith III – Service Agreement** – second amendment for comprehensive organizing, engagement and consulting services in support of the Commission’s police reform - Department of Police **\$50,000.00**
(Thru 12/31/21)

7. **The Ruhlin Company – Contract Modification** – third amendment to a service agreement for additional off duty police services to provide security and traffic control during various highway projects within the municipal corporation limits of the City of Dayton – Department of Police **\$179,731.20**
(Est. Revenue to City)

DISCUSSION OF CALENDAR ITEMS

Informal Resolution No. 992-21 Declaring The City of Dayton Supportive and Welcoming of Refugees from Afghanistan.

Commissioner Joseph said with all that's happened in the last couple of weeks regarding the United States withdrawal from Afghanistan and the Afghanistan people coming to the United States, he wanted to invite some of them to settle. He said the City of Dayton would welcome them in line with the stance as a welcoming city. He said the City of Dayton was the first welcoming city certified in the country and we want to keep that reputation. Commissioner Joseph said he wanted the agencies and the government that work together to resettle them to know they would be welcome here. He thanked his colleagues for their support.

Commissioner Shaw thanked Commissioner Joseph for his leadership on immigration.

Mayor Whaley thanked Commissioner Joseph for his leadership on immigration and said the City of Dayton remains supportive in these efforts; however, the final decision of how this will work is made by the federal government.

CITIZENS’ COMMENTS ON CALENDAR ITEMS

There were no citizens’ comments on calendar items.

APPROVAL OF CITY MANAGER'S REPORTS

Commissioner Shaw made the motion to approve the City Manager's Reports Commissioner Joseph 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

EMERGENCY RESOLUTIONS – FIRST AND SECOND READING

Emergency Resolution No. 6602-21- Approving the Petition and Supplemental Plan for Special Energy Improvement Projects under Ohio Revised Code Chapter 1710, 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 Commissioners Joseph, Mims, Shaw and Fairchild. The question being shall Emergency Resolution No. 6602-21 be adopted. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Commissioners Joseph, Mims, Shaw and Fairchild. The Emergency Resolution was adopted.

Emergency Resolution No. 6603-21- Approving the Necessity of Acquiring, Constructing, and Improving Certain Public Improvements in the City of Dayton, Ohio in Cooperation with the Dayton Regional Energy Special Improvement District, 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 5-0 vote. Voting in the affirmative were Commissioners Joseph, Mims, Shaw and Fairchild. The question being shall Emergency Resolution No. 6603-21 be adopted. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Commissioners Joseph, Mims, Shaw and Fairchild. The Emergency Resolution was adopted.

Emergency Resolution No. 6604-21- Authorizing the City Manager to Apply for, Accept, and Enter Into a Water Pollution Control Loan Fund ("WPCLF") Loan Agreement on Behalf of the City of Dayton, Ohio for the Design of the Phase II Anaerobic Digester Project; Designating a Dedicated Repayment Source for the Loan; and Declaring an Emergency.

Commissioner Shaw moved that this being an emergency measure for the immediate consideration of the Resolution. Commissioner Joseph seconded the motion. The motion was passed with a 5-0 vote. Voting in the affirmative were Commissioners Joseph, Mims, Shaw and Fairchild. The question being shall Emergency Resolution No. 6604-21 be adopted. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Commissioners Joseph, Mims, Shaw and Fairchild. The Emergency Resolution was adopted.

THIS ITEM WAS ADDED
INFORMAL RESOLUTION

Informal Resolution No. 992-21- Declaring The City of Dayton Supportive and Welcoming of Refugees from Afghanistan.

Commissioner Joseph made a motion to adopt Informal Resolution No. 992-21. Commissioner Shaw seconded the motion. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Joseph, Mims and Shaw. The Informal Resolution was adopted.

CITIZENS' COMMENTS

Citizens' comments were received from the following:

1. **Mr. Warren Easterling, 71 Arlington Ave.** – spoke about filing a case with the Federal Court.
2. **Mr. Chuck Walden, 623 San Bernardino Trail** – spoke in opposition of H.R. Policy 13.04. Coronavirus Mask, Vaccination and Testing Policy.
3. **Ms. Kim Bramlage, 4913 Silver Arrow Drive** – spoke in support of the Ombudsman's Office.
4. **Mr. William E. Harris, Jr. 1125 Cornell Drive** – spoke in support of the Ombudsman's Office.
5. **Mr. Greg West, 4473 Curundu Ave.** – spoke about a class for ex-felons to become business owners.

COMMENTS BY THE CLERK OF COMMISSION

The Clerk of Commission, Ms. Regina D. Blackshear, had no closing comments.

COMMENTS BY THE CITY MANAGER

The City Manager, Ms. Shelley Dickstein, had no closing comments.

COMMENTS BY THE CITY COMMISSION

Commissioner Fairchild

Commissioner Fairchild highlighted the Dayton Builders Exchange Team Building Awards Banquet.

Commissioner Fairchild said the Reggae Festival will take place on Sunday, September 5th at the Levitt Pavilion.

Commissioner Fairchild highlighted the Tour de Gem.

Commissioner Fairchild thanked Mr. West and labor leaders for their work in the community.

Commissioner Shaw

Commissioner Shaw highlighted the Presidents Neighborhood Leadership Forum event.

Commissioner Mims

Commissioner Mims highlighted my Brother's Keeper Initiative event.

Commissioner Jospheh

Commissioner Joseph thanked labor workers and unions for their work.

ADJOURNMENT

There being no further business the meeting was adjourned at 6:31 p.m.

Nan Whaley
Mayor

Attest: _____
Clerk of Commission

WORK SESSION

A copy of prepared material has been recorded as Communication & Petition Number 21594 dated September 1, 2021.

The Dayton City Commission met in a Work Session on September 1, 2021, at 5:02 p.m., prior to the regularly scheduled City Commission meeting. Mayor Whaley and Commissioners Shaw, Mims, Joseph and Fairchild were present. Ms. Torey Hollingsworth Director, City Commission Office, and Regina D. Blackshear, Clerk of Commission were also in attendance.

Ms. Shelley Dickstein, City Manager, Mr. Joe Parlette, Deputy City Manager, Ms. LaShea Lofton, Deputy City Manager, Ms. Monica Jones, Deputy Director, Procurement, Management and Budget and Ms. Shonda Bryant, Management Analyst, Procurement, Management and Budget were the presenters.

Ms. Jones provided a July overview. She stated that revenues have climbed 10.2% or \$10.9 million compared to the same period in 2020 and the income tax rate of growth through July has slowed marginally compared to June YTD, trending 9.1% or \$7.2 million higher, largely as a result of an unsustainable level of growth in the corporate profits tax. She also stated that all revenue categories exceed budget except other charges for services and other revenues.

Ms. Jones said that personnel expenses are under budget by \$200,000. There were 16 pays for the SA pay group through July of 2020 vs 15 pays in 2021. After adjusting for the \$1.4 million difference, personnel is down 0.8%, or \$608,600. Contracts, materials and other uses are down \$1.3 million or 6.4%, largely due to the timing of RDC payments and an insurance payment adjustment. She stated that through July, sources exceeded uses by \$15.1 million and expenditures will pick up in the second half of 2021, which will erode this balance.

Ms. Jones discussed revenue trends stating that through July, net collections were up 9.1% or \$7.2 million compared to July of 2020 and withholding taxes were higher by 4.4% or \$3.1 million. She said the growth in the business profits tax remained elevated but slowed this month; climbing nearly 50% or \$3.7 million over the same period last year and refunds declined 10.7%, or \$200,000, which continues to bolster 2021 net collections. She noted the change in YTD non-withholding slowed from the previous month, supporting the assertion that this level of growth is not sustainable. She also explained the losses from work-from-home options will not be realized until 2022; although refunds in 2022 will apply to earnings in calendar year 2021.

Ms. Jones highlighted property taxes & other noting that property taxes & other revenue rose 52% or \$2.0 million through July, compared to 2020. She said that the real estate component increased 64% or \$2.1 million due to timing. The County Auditor extended the second half payment deadline in 2020, resulting in a lower number of advances through July of 2020. The actual level of growth will be determined after the second half settlement posts. When compared to the YTD budget, actual property taxes & other collections are over budget by \$700,000, due to the higher level of advances. The Hotel Lodging Tax declined 62% or \$143,700. Effective April 1, lodging taxes are remitted to the Convention Facilities Authority to support operations & capital improvements.

Ms. Bryant discussed other intergovernmental revenue trends noting other intergovernmental revenues exceeded the YTD budget by \$279,500 and were up 49.8% from July 2020. She

stated that the casino tax was up \$975,200 or 60%, reflecting reopening following COVID. She also noted that the homestead & rollback tax was also up \$33,800 or 9% in addition to liquor and beer permits declining \$5,100.

Ms. Bryant said that income tax represents 73% of general fund revenues, followed by waste collection at 5.1%, and property taxes & other at 4.9%. She stated that since 2017, total revenues have grown 15.6%, or almost \$16 million. In the absence of income tax, general fund sources were up \$2.6 million, or 9.0%. She said that there were eight categories that have realized increases since 2017, with the largest attributable to income tax, followed by property & other taxes and licenses & permits. She noted other charges for services declined \$1.2 million, as a result of the Convention Center being transferred to the CFA and other revenue declined \$906,300.

Ms. Bryant discussed personnel costs stating that cost were down 2.6%, or \$2 million, compared to last year. She explained there were 16 pays for the SA pay group through July of 2020 versus 15 pays in 2021. After adjusting for the \$1.4 million difference, personnel costs were down 0.8%, or \$608,600. She said that civilian wages were down \$1.7 million, or 8.3%. In addition to one less SA pay in 2021, reductions were also attributed to CSDs and fewer filled positions. She pointed out that transfers to the City's self- insurance fund declined \$1.3 million, reflecting the first health insurance holiday for participating employee groups in addition to offsetting the decreases was a 1.2% increase in sworn wages and a slight increase in holiday pay.

In discussing expenditure trends, Ms. Bryant stated that contracts and materials excluding other uses, contracts & materials were down \$1.1 million or 5.9% from July 2020. She said including other uses (i.e. Other Transfers), uses were down 6.4%, or about \$1.3 million compared to 2020. The variance is mainly in management and public service contracts. Specifically, charges were down \$1.3 million, or 44%, reflecting one less payment to Montgomery County for Regional Dispatch Fees in 2021. Additionally, Montgomery County applied CARES funds to eligible wages resulting in a discount to RDC members and a lower payment. Ms. Bryant said that supplies expenses were down \$393,600 or 23% partially from planned budget tightening in 2021, but also because of COVID-19 necessary PPE purchases in 2020 and payments to internal service funds were down \$252,000 or 9%.

Since 2017, personnel and contracts & materials expenses have increased \$5.2 million or 6%: personnel expenses have climbed over \$6 million or 9% and contracts & materials expenses have decreased \$829,500 or 4%. She noted that through July of 2021, personnel expenses are trending downward, reflecting one health insurance holiday, CSDs, and fewer filled positions, but are expected to increase through the balance of 2021. She said that contracts & materials expenditures have a \$1.1 million or 6% decline from 2020 due to pandemic related expense tightening, timing of the Regional Dispatch payment, and an insurance payment adjustment.

Ms. Jones highlighted the Dayton MSA Employment Change by Industry Sector in addition to economic indicators.

Ms. Jones provided July highlights including income tax collections outpaced the prior year by 9.1%, or \$7.2 million and losses from work-from-home changes will not be realized until next year, but refunds will apply to this calendar year. She noted personnel costs declined .8% when adjusted for the 2020 additional pay and contracts, materials and other uses were down \$1.3 million, reflecting one fewer RDC payment due to timing and an insurance

payment adjustment. She stated that the transfer for restoration of Issue 9 resurfacing (in addition to \$3.4 million in debt-financing) will occur in September and as of July 2021, Sources exceeded Uses by \$15.1 million with an acceleration in expenditures expected through the remainder of the year.

The Work Session concluded at 5:21 p.m.