

On Wednesday, November 6, 2019, at 6:01 p.m., the Dayton City Commission met in regular session in the Commission Chambers of City Hall. Commissioner Joseph served as Temporary Chairperson.

CALL TO ORDER

The Temporary Chairperson, Commissioner Joseph, called the meeting to order. Commissioner Joseph asked for a moment of reflection for Detective Jorge Del Rio.

INVOCATION

Commissioner Fairchild gave the invocation.

PLEDGE OF ALLEGIANCE

The Temporary Chairperson, Commissioner Joseph, led the public in the Pledge of Allegiance.

ROLL CALL

Roll call was taken and 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.

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

APPROVAL OF MINUTES

Commissioner Mims made a motion to approve the minutes from the October 30, 2019, meeting. Commissioner Fairchild seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

There were no communications or petitions.

SPECIAL AWARDS/PRESENTATIONS

Disparity Study

The Temporary Chairperson, Commissioner Joseph, invited Ms. Erica Fields, Executive Director of Human Relations Council, to the podium to provide a community update on the Disparity Study.

Ms. Fields said she will be providing a Third Generation Disparity Study which is a study of the utilization of minority women-owned businesses and the availability of those businesses in a relative market area. She invited Ms. Vernetta Mitchell, Senior Consultant, MGT Consulting Group and Reggie Smith, Vice-President of MGT Consulting Group.

Mr. Smith said he is pleased to share the results, conclusions, and findings related to the Disparity Study he thanked Ms. Fields and staff for their help.

Ms. Mitchell introduced the other disparity teammates which were Mr. Fred Seamon, Executive Vice President and Mr. Andres Bernal, Senior Consultant.

Ms. Mitchell said the study began in January 2018 and the study analyzed all City expenditures from January 1, 2013, thru December 31, 2017. She said the industries analyzed were architecture and engineering, construction, professional services, other services, goods and supplies. She said they gathered anecdotal accounts from a total of 972 area firms through public meetings, in-depth interviews, and surveys.

Ms. Mitchell said the findings identified that the disparity continues to exist in all ethnic groups, African-American, Asian-American, Hispanic-American and Native-Americans. She said there is statistical significance that disparity does exist.

Ms. Mitchell said top recommendations are subcontractor project goals, data management, staffing M/WBE graduation, personnel performance evaluations and Affirmative Action Assurance. She said the top aspirational goals are in construction 19.06 percent, architecture and engineering 16.85 percent, professional services 26.17 percent, other services 17.89 percent, and goods and supplies 18.11 percent.

Commissioner Shaw asked if anything stood out when interviewing the 972 firms that the Dayton City Commission should know about.

Ms. Mitchell said there were a few trends that she identified: not understanding the specifications of contracts and not being able to bid to the prime contracts if they are a subcontractors. She said when they do anecdotal they use several methods of interviews, surveys, public meetings, and put them all together and look for trends.

Commissioner Mims thanked them for their study and said it is very important for the City of Dayton. He asked is there a buffer for minority firms to receive preference once they move into the prime contracting circle.

Ms. Mitchells said the graduation criteria may be set up anyway the City of Dayton deems necessary. She said they saw where the same contractors were winning bids and other people should have an opportunity to win bids also.

The Temporary Chairperson, Commissioner Joseph, thanked them for their presentation.

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 31st of the current year).

1. Purchase Orders:

PUBLIC WORKS

A1. Double Jay Construction, Inc. (concrete services to replace landing, ramp and sidewalks) **\$17,290.00**

A2. Tree Care, Inc. (tree and stump removal services as needed through 08-28-24) **75,000.00**

1.

A3. Best Equipment Company, Inc. (three Perkins brand satellite containers with cart tippers and sweep lid covers) **59,150.00**

RECREATION & YOUTH SERVICES

B1. City of Kettering (curb and gutter repair services) **26,660.40**

WATER

C1. ESRI – Environmental Systems Research Inst., Inc. (ArcGIS GeoEvent Server Jumpstart package) **14,500.00**

C2. Polydyne, Inc. (dry, powdered granulated polymer as needed through 12-31-22) **40,000.00**

C3. Sullivan Environmental Technologies (pumps and various plant replacement parts as needed through 12-31-19) – P1900094 **246,848.00**

C4. U C S Waste Equipment Company, Inc. (12 Dempster brand dumpsters) **81,136.00**

C5. BDI – Bearing Distributors, Inc. (replacement chains and gears) **11,251.17**

C6. Ethanol Products LLC dba Poet Ethanol Products (Liquid carbon dioxide as needed through 12-31-20) **240,000.00**

C7. Friends Service Company, Inc. dba FriendsOffice (office furniture including delivery and installation services through 09-30-22) **23,976.58**

C8. Limecorp Ltd (Lime residual removal and transportation services as needed through 10-31-25) **300,000.00**

C9. Schaerges & Vossler Pump Company (Crane Deming pump through 12-31-20) **40,108.00**

C10. Sullivan Environmental Technologies (Moyno brand pumps and parts as needed through 12-31-19) – P1900940 **30,000.00**

-Depts. of Public Works, Recreation & Youth Services and Water.

Total: \$1,205,920.15

2. Retrievox Inc. – Service Agreement – for Document and Management Services – The Municipal Court/Clerk of Courts. **\$250,000.00**

(Thru 06/30/24)

3. **Sheakley Uni-Service, Inc. – Service Agreement** – for Third Party Administration Services for Workers’ Compensation Claims – Dept. of Human Resources.

\$297,000.00
(Thru 12/31/22)
4. **Zan Creative Inc., dba Nova Creative – Service Agreement** – First Amendment for Marketing Strategies, Media Advertising and Collateral Services – Dept. of Water.

\$80,000.00
(Thru 12/31/20)

B. Construction Contracts:

5. **Bladecutters, Inc. – Award of Contract** – for the Nuisance Abatement Program Residential Demolition III – 2019 (20% MBE Participation Goal/20% MBE Participation Achieved) – Dept. of Planning & Community Development/Housing Inspection.

\$232,000.00
(Thru 12/31/20)
6. **C.G. Construction and Utilities, Inc. – Award of Contract** – for the Arlene Avenue Water Main Improvements (20% MBE Goal/20.06% MBE Achieved) – Dept. of Water/Water Engineering.

\$1,963,978.50
(Thru 06/30/21)
7. **S&ME, Inc. – Award of Contract** – for Professional Services for Engineering Inspection, Evaluation and Design Services for Mad River Well Field Dam (Open Market) – Dept. of Water/Water Engineering.

\$200,000.00
(Thru 12/31/20)

C. Revenue to the City:

8. **Jefferson Township – Other** – for an Intergovernmental Agreement for trash services – Dept. of Public Works.

\$525,816.00/Est.
(Thru 12/31/20)
9. **Premier Health Partners – Service Agreement** – for the Community Paramedicine Program – Dept. of Fire.

\$762,125.00
(Thru 12/31/22)

CITIZENS’ COMMENTS ON CALENDAR ITEMS

Citizens’ comments were received from the following:

1. **Ms. Nancy Kiehl, 309 Hacker Road-** spoke on Calendar Item No. 9. – Service Agreement with Premier Health Partners. She said they hadn’t held help their past agreements with the City of Dayton.

DISCUSSION OF CALENDAR ITEM

Calendar Item No. 8. Jefferson Township – Other

Ms. Dickstein said this will continue trash removal services for 2,400 residents in Jefferson Township. Ms. Dickstein invited Mr. Fred Stovall, Director of Public Works, to the podium for clarification.

Mr. Stovall said this is a mutual one-year agreement between Jefferson Township and the City of Dayton. He said they are implementing a pilot program with Jefferson Township and Montgomery County Solid Waste which will be a pay as you grow initiative.

Calendar Item No. 9. Premier Health Partners – Service Agreement

Ms. Dickstein said this is a creative approach to providing health care services to the community which help citizens use the emergency room less for routine health care needs. She invited Assistant Chief of Strategic Programs and Safety, Mr. Nicholas Hosford, to the podium for clarification.

Chief Hosford said the Community Paramedic Pilot Program will run between Fall of 2019 through December 2022 and will be fully funded through Premier Health Partners with support from the Good Samaritan Hospital Foundation. He said the program will be staffed by the City of Dayton and Dayton Fire Department. Chief Hosford said it is the first collaboration of its kind in the Dayton area.

Chief Hosford said the goals of the program is to assist vulnerable patient populations within City of Dayton, create individualized plan of care for each patient, reduce high utilizers of 911 – proactive care, provide access to healthcare and social services, provide education to manage healthcare needs and work to improve health and wellness of patients.

Chief Hosford said the pilot program will consist of accommodating up to 25 patients at a time, eligible patients to be identified by the partnership, patients will typically be enrolled for up to 30 days, program is available to all qualified Dayton residents, residents of Northwest Dayton will benefit the most, and patients must not be eligible for home healthcare.

The City Commission commended him for this program.

APPROVAL OF CITY MANAGER’S REPORTS

Commissioner Shaw made the 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 Commissioners Joseph, Mims, Shaw and Fairchild.

LEGISLATION

EMERGENCY RESOLUTION – FIRST AND SECOND READING

Emergency Resolution No. 6451-19- Authorizing the Application For and Acceptance of a Grant in the Amount of Eight Hundred Sixty-Six Thousand One Hundred Sixty-Two Dollars and Zero Cents (\$866,162.00) from the Transportation Security Administration, 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 Commissioners Joseph, Mims, Shaw and Fairchild. The question being shall Emergency Resolution No. 6451-19 be adopted. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Commissioners Joseph, Mims, Shaw and Fairchild. The Emergency Resolution was adopted.

RESOLUTION – SECOND READING

Resolution No. 6450-19- Declaring the Intention of the Commission to Vacate Hunter Avenue from Leo Street to Windham Street and the Eastern Eight Feet of the Alley East of Hillrose Avenue from the South Property Line of City Lot #33819 to Windham Street.

The question being shall Resolution No. 6450-19 be adopted. A roll call vote was taken resulting in a 4-0 vote. Voting in the affirmative were Commissioners Joseph, Mims, Shaw and Fairchild. The Resolution was adopted.

CITIZENS’ COMMENTS

Citizens’ comments were received from the following:

1. **Willie Feaster, No Address** – spoke about the shooting of City of Dayton Officer Detective Jorge R. Del Rio.
2. **Kathleen Galt, 5066 Safeway Drive-** spoke about the closing of Premier Health Hospital (Good Samaritan) oversight of EPA Regulations.
3. **Charlene Bayless, 2422 Patterson Boulevard** – spoke about the closing of Premier Health Hospital (Good Samaritan).
4. **Simeon Oeyemi, 3754 Kings Highway** - spoke about the closing of Premier Health Hospital (Good Samaritan).
5. **Eric Moyer, 1951 Woodbury Drive-** spoke about the closing of Premier Health Hospital (Good Samaritan).

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 Shaw

Commissioner Shaw asked for prayer for the passing of Detective Jorge Del Rio. He thanked Dayton citizens for his re-election.

Commissioner Mims

Commissioner Mims thanked the Dayton residents for their support of the Dayton City Commission.

Commissioner Joseph

Commissioner Joseph asked for prayer for the passing of Detective Jorge Del Rio. He thanked Dayton citizens for his re-election. He thanked the City of Dayton for their work for the citizens of Dayton.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:02 p.m.

**Matt Joseph,
Temporary Chairperson**

Attest: _____
Clerk of Commission

WORK SESSION

A copy of prepared material has been recorded as Communication & Petition Number 21447 dated November 6, 2019.

The Dayton City Commission met in a Work Session on Wednesday, November 6, 2019, at 4:47 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. Commissioners Mims, Shaw and Fairchild were present. Ms. Rashella Lavender, Clerk of the Commission, and Ms. Ariel Walker, Director, City Commission Office, were also in attendance.

Ms. Shelley Dickstein, City Manager, Ms. Tammi Clements, Deputy City Manager, Mr. Joe Parlette, Deputy City Manager, Ms. Diane Shannon, Director of Procurement, Management and Budget, Mr. Gil Turner, Deputy Director of Aviation, Mr. Mike Powell, Director of Water, and Ms. Abbey Patel-Jones, Budget Analyst, were the presenters.

An overview was provided regarding the Finance Committee's Briefing by highlighting:

September Overview

Ms. Shannon reported revenues increased 2.3 percent and were 0.7 percent under budget. Expenditures, for the first nine months of 2019, are under budget (favorable variance) by \$2.9M. She said bolstering year-to-date revenue growth is a change in accounting treatment for EMS as well as increases in either other revenue categories. Four categories are under-performing compared to the year-to-date revenue budget, although the largest variances are the result of anticipated FEMA reimbursement and the BWC rebate. Personnel Costs have exceeded budget by \$100,000 as a result of higher unplanned overtime and insurance costs. At the end of September, Sources exceed Uses by \$3.2M with the capital transfer of \$1.9M still pending.

Revenue Trends

Ms. Shannon reported that net income tax collections increased 1.4 percent in September, and year-to-date growth is registering at 1.7 percent. She said withholding collections has advanced by 0.7 percent. The taxes on profits climbed 13 percent with gains attributable to corporations and partnerships. Collections by individuals climbed by 2.4 percent. Refunds, which reduced net collections, were 8.4 percent higher than 2018. As of September, revenue is 0.5 percent over the revised budget forecast of 1.6 percent annual growth.

She said property and other taxes increased 3.3 percent compared to the first three quarters of 2018 and has increased 3.5 percent since 2013. The public utility property tax is responsible for all the growth since 2013, while the remaining real estate property taxes have declined due to a reduction in the millage rate to the General Fund. Total General Fund millage was reduced from 5.0 mills in 2011 to 4.5 mills in 2014. It has remained at the level since 2014. The Hotel Tax has increased over 70 percent since 2013. Two new hotels opened in late 2018 bolstering year-to-date revenues for this revenue source.

Ms. Patel-Jones said at the end of September, the Local Government Fund receipts increased 6.5 percent year-over-year. The municipal direct allocation was eliminated in mid-2017, and was restored in the second half of 2019. The county-undivided portion of the Local Government Fund is up 4.3 percent. The revised estimate for 2019 is \$7.0M; whereas the high-water mark for the Local Government Fund receipts was \$15.9M for the full-year of 2001.

She said Total Other Intergovernmental revenue is up 3.7 percent from the same period in 2018. The City's share of Casino taxes have climbed \$53,100.00. The Estate Tax revenue comes from a settlement that is dated prior to the January, 2013 repeal. Revenue from Federal Reimbursement reflects payment for Police special assignment.

Other Revenue represents various miscellaneous sources. The Other Revenue category is down 27 percent compared to 2018 year-to-date. This is largely due to the posting of a \$1.15M BWC payment in October vs. July of 2018. Cable Franchise receipts are lower due to less revenue from Time Warner. Collections on the General Fund Special Assessments increased by \$19,700, largely attributable to vacant land mowing.

Since 2010, General Fund revenues have grown 23 percent. Income Tax collections comprise 73 percent of the City's General Fund revenues. Income Tax collection grew 37 percent compared to 2010, and are up \$27.3M. The other 27 percent of General Fund revenues have declined by 2.6 percent over the last ten years. She said a few categories have seen increases, including Licenses and Permits and Other intergovernmental. All other categories have been stagnant or decreased slightly since September 2010.

Expenditure Trends

Ms. Patel-Jones said personnel costs are up 6.8 percent when compared to September 2018. Health Insurance costs are up 13.4 percent compared to year-to-date 2018. The largest growth sectors are Police and Fire Safety overtime and Civilian overtime in Public Works and EMT/Paramedics. Unplanned events and tragedies have impacted these costs. Higher than normal overtime use is also contributing to the 4.0 percent increase in Fringes. Civilian Wages increased 6.3 percent due to an average of 14 more filled positions in General Fund.

She said excluding other uses (transfers) for Contracts and Materials costs were up 4.6 percent over September 2018. Payments to Internal Service Funds increased by 3.9 percent driven by Fleet Charges. Management and Public Service contracts are up due to increased costs for RDC and Crime Lab. Maintenance charges are up 13.7 percent due to timing of various maintenance agreement fees. Other charges have increased by 21.3 percent due to increased costs in contractual insurance.

Ms. Shannon said total revenues to-date are performing \$900,000 below the budget target, largely due to FEMA reimbursements and the BWC rebate, but are up 2.3 percent compared to 2018. The growth in Personnel Costs has ramped up in 2019 and currently stands at 6.8 percent as a result of an increase in the health insurance transfer rate, higher filled positions, and increased overtime due to unplanned events. Contracts, Materials and Other Uses are up 7.7 percent due to security, tornado, and higher utilities costs as well as an increase in operating transfers. Total General Fund expenses are \$2.9M under the budget; however, this margin will be tightened up in the final revised appropriation in December. At the end of September, Sources exceeded Uses by \$3.2M with the Capital transfer of \$1.9M is still pending. She said if the year ends with a positive balance, there is a recommendation funding for technology investments as well as capital improvements.

Department of Aviation

Mr. Turner reported on the third quarter for the Department of Aviation.

Total Aviation Sources are down 3.7 percent due to:

- all non-airline categories are down, except concessions, when compared to the first three quarters of 2018
- rental car revenue is down as a result of a lower MAG payment from rental car concessions
- parking revenue is down due to lower enplanements

Total Uses are up 7.5 percent compared to 2018 or \$2.6M below year-to-date 2019 budget:

- personnel costs are down 2.4 percent from 2018 as costs are managed to declining revenue generation
- Contracts and Materials are down 4.5 percent based on planned reduction of expenses
- The funding for Capital Projects is up \$2.5M year-over-year

Mr. Turner said as of the end of the first three quarters, total Uses exceeded Sources by \$2.8M which represents a use of fund balance. Enplanements through the third quarter of 2019 are down 1.5 percent.

Department of Water

Mr. Powell reported on the third quarter for the Water and Sewer Funds for the Department of Water.

Water Fund Revenue and Expenditure Review - Water Fund Revenues are down 1.2 percent or compared to the first nine months of 2018. The revenue from City customers are under forecast by 7.7 percent compared to 2018. Billed revenue reflects consumption volumes for three quarters for residential and commercial customers and does not include rate increase. The revenue from other jurisdictions are below forecast by 3.1 percent compared to 2018. Other Charges for Services are above forecast 46.8 percent which include: increased Lime sales to outside customers, New Service Connection and Shut Off charges. The Expenditures were up 0.4 percent compared to 2018 due to higher Expense and Contracts and Materials Expenses.

Sanitary Sewer Fund Revenue and Expenditure Review – Sanitary Sewer Fund Revenues are up 4.0 percent compared to 2018 due to an increase in Billed Sewer Fees and Other Charges for Services. Revenue from City customers is down 2.3 percent and other jurisdictions are up 9.5 percent due to slightly higher volumes and timing of quarterly billings in 2018. Other Charges for Services are up by \$600,000 due mostly to higher Biological Oxygen Demand and Suspended Solids charges. The Expenditures are up 7.5 percent compared to 2018 due to higher Contracts and Materials expense, investment in Capital Improvements and investment in Capital Equipment.

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

The Work Session concluded at 5:38 p.m.