

**KETTERING CITY COUNCIL  
REGULAR MEETING MINUTES  
October 10, 2017**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, October 10, 2017, at 7:30 p.m. in Council Chambers at the Kettering Government Center South Building, 3600 Shroyer Road. Mayor Patterson presided and the Acting Clerk of Council, Amy J. Hayslip, recorded. This meeting was telecast live on the cable access channel.

Council Members Present: Patterson, Scott, Lautar, Schrimpf, Klepacz, Duke and Wanamaker

Council Members Absent: None

Total Members Present: Seven (7)

Mayor Patterson led the audience in the Pledge of Allegiance and gave the invocation. He introduced the cable TV operators Earl Jones and Liberty Lord. He thanked them for their assistance.

APPROVAL OF MINUTES

September 26, 2017 - Council Meeting & Workshop Minutes

Mr. Scott reported that he reviewed the above minutes and moved the minutes be approved. Mr. Klepacz seconded the motion and there being seven (7) yea votes and no (0) nay votes for the September 26, 2017 Council Meeting & Workshop Minutes, the motion was declared carried by roll call vote.

PROCLAMATIONS, SPECIAL PRESENTATIONS, AWARDS, SPECIAL RESOLUTIONS, APPOINTMENTS TO BOARDS AND COMMISSIONS

Appointment - Regional Transit Authority Board of Trustees – Franz Hoge (Term ending 10/31/20)

Mr. Scott made a motion to appoint Franz Hoge to the Regional Transit Authority Board of Trustees. Mr. Klepacz seconded the motion, followed by a unanimous like sign vote.

Presentation – Sinclair Community College Levy

The presenter from Sinclair Community College was absent, therefore no presentation was made.

PUBLIC HEARINGS

PUBLIC COMMENT ON LEGISLATION

ORDINANCES IN SECOND READING

RESOLUTIONS

A RESOLUTION  
NO: 10031-17  
BY: MR.SCOTT AND MR.KLEPACZ

ACCEPTING THE RATES AS DETERMINED BY THE BUDGET COMMISSION AND  
AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING SAME TO THE  
MONTGOMERY COUNTY AND GREENE COUNTY AUDITORS

Mr. Scott read the above resolution and moved for approval. Mr. Klepacz seconded the motion.

Mr. Schwieterman, City Manager gave a brief description of the resolution.

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Lautar, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, Yea. There being seven (7) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION  
NO: 10032-17  
BY: MR.KLEPACZ AND MRS.SCHRIMPF

AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION OF UNMANNED AERIAL  
SYSTEM (UAS) EQUIPMENT FROM THE FRATERNAL ORDER OF POLICE ASSOCIATES  
(FOPA)

Mr. Klepacz read the above resolution and moved for approval. Mrs. Schrimpf seconded the motion.

Chief Protsman, Police Chief gave a brief description of the resolution.

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Lautar, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, Yea. There being seven (7) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION  
NO: 10033-17  
BY: MRS.SCHRIMPF AND MR.LAUTAR

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ECONOMIC DEVELOPMENT INCENTIVE GRANT AGREEMENT WITH NORTHWESTERN TOOLS, INC.

Mrs. Schrimpf read the above resolution and moved for approval. Mr. Lautar seconded the motion.

Mr. Gorsuch, Economic Development Manager, gave a brief description of the resolution.

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Lautar, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, Yea. There being seven (7) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION  
NO: 10034-17  
BY: MR.LAUTAR AND MR. DUKE

AUTHORIZING THE CITY MANAGER TO APPLY FOR A SAFETY GRANT FROM THE OHIO BUREAU OF WORKERS' COMPENSATION

Mr. Lautar read the above resolution and moved for approval. Mr. Duke seconded the motion.

Chief Butts, Fire Chief gave a brief description of the resolution.

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Lautar, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, Yea. There being seven (7) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION  
NO: 10035-17  
BY: MR.DUKE AND MR.WANAMAKER

AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION OF \$10,000 FROM THE KETTERING PARKS FOUNDATION

Mr. Duke read the above resolution and moved for approval. Mr. Wanamaker seconded the motion.

Mr. Schwieterman, City Manager gave a brief description of the resolution.

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Lautar, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, Yea. There being seven (7) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION  
NO: 10036-17  
BY: MR.WANAMAKER AND MR.SCOTT

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE STATE OF OHIO AND A THIRD PARTY, INDEPENDENT PUBLIC ACCOUNTANT FOR AUDIT SERVICES FOR AUDIT YEARS 2017 THROUGH 2021

Mr. Wanamaker read the above resolution and moved for approval. Mr. Scott seconded the motion.

Mr. Schwieterman, City Manager gave a brief description of the resolution.

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Lautar, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, Yea. There being seven (7) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION  
NO: 10037-17  
BY: MR.SCOTT AND MR.KLEPACZ

AUTHORIZING THE SUBMISSION OF APPLICATIONS FOR FEDERAL FAST ACT FUNDS  
THROUGH THE MIAMI VALLEY REGIONAL PLANNING COMMISSION

Mr. Scott read the above resolution and moved for approval. Mr. Klepacz seconded the motion.

Mr. Bergstresser, Assistant City Manager gave a brief description of the resolution.

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Lautar, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, Yea. There being seven (7) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION  
NO: 10038-17  
BY: MR.KLEPACZ AND MRS.SCHRIMPF

APPROVING AN ADDITIONAL EXPENDITURE OF FUNDS IN THE AMOUNT OF \$84,680  
FOR REPAIRS TO TRAFFIC SIGNALS IN 2017

Mr. Klepacz read the above resolution and moved for approval. Mrs. Schrimpf seconded the motion.

Mr. Bergstresser, Assistant City Manager gave a brief description of the resolution.

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Lautar, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, Yea. There being seven (7) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION  
NO: 10039-17  
BY: MRS.SCHRIMPF AND MR.LAUTAR

AUTHORIZING THE CITY MANAGER TO PURCHASE THE REAL PROPERTY COMMONLY  
KNOWN AS 3729 WILMINGTON PIKE

Mrs. Schrimpf read the above resolution and moved for approval. Mr. Lautar seconded the motion.

Mr. Schwieterman, City Manager gave a brief description of the resolution.

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Lautar, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, Yea. There being seven (7) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION  
NO: 10040-17  
BY: MR.LAUTAR AND MR.DUKE

TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER  
EXPENDITURES OF THE CITY OF KETTERING, STATE OF OHIO, DURING THE FISCAL  
YEAR ENDING DECEMBER 31, 2017

Mr. Lautar read the above resolution and moved for approval. Mr. Duke seconded the motion.

Mr. Schwieterman, City Manager gave a brief description of the resolution.

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Lautar, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, Yea. There being seven (7) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

ORDINANCES IN FIRST READING

CERTIFICATIONS AND PETITIONS

Certification – Planning Commission recommends approval of P.C. 17-025 – Modification of EDO-15 – New Entry Signs – Request for the modification of the approved EDO-15 Zoning Document to permit the installation of new entry signage for the Kettering Business Park. A public hearing on this request will be held on Tuesday, October 24, 2017 at the Kettering City Council meeting.

MANAGER'S REPORT/COMMUNITY UPDATE

Mr. Schwieterman, City Manager updated Council on upcoming and community events.

Construction Updates:

- Shroyer Road– Construction on Shroyer Road in Kettering is complete. Shroyer Road in Oakwood continues to be closed to traffic. Asphalt paving is ongoing this week within the Oakwood section of Shroyer, and should be complete by early next week, weather depending. The Oakwood section is scheduled to be back open to traffic next week, with the new medians and lane configuration in place.
- National Fire Prevention Week – October 8-14. This year's theme is "Every Second Counts: Plan 2 Ways Out!" If residents have questions about fire safety they can contact the Kettering Fire Department at 296-2489.
- Medicare Open Enrollment begins October 15 – December 7. Residents can schedule an individual appointment with Vickie Carraher, Senior Services Coordinator by calling the Kettering Connection at 296-3330. The Connection is located at Town & Country Shopping Center and is open Monday through Friday from 8:30 am to 12:30 pm.
- Leaf Pickup- begins Monday, October 16 in District 1. Pickup is for leaves only and leaves are to be placed at the curb and not into the street. Brush can be taken to our Yard Debris Center on Woodman Center Drive.
- 2017 Beggar's Night– Tuesday, October 31 from 6:00 pm to 8:00 pm.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Communications and Reports

Audience Participation (5 Minute Limit per Speaker)

**Rex Smyer- 2257 Whitney Pl-** mentioned that he watched the Council meeting from two weeks ago and he mentioned to Mrs. Schrimpf that there was some comments he couldn't make out what was said but he believes Mrs. Schrimpf said that no one was lying.

Mrs. Schrimpf mentioned that she is not aware of anyone lying.

Mr. Smyer mentioned, why don't you ask Ted Hamer, Law Director if he had seen the video?

Mrs. Schrimpf stated that she is not going to do that, that she does not question Mr. Hamer.

Mayor Patterson stated that Mr. Smyer needs to address Council.

Mr. Smyer mentioned that the Police Chief told him that he had seen the video and he wanted Mrs. Schrimpf to see the video to see that no one was lying, he believes what was done to him was crazy. Mr. Smyer mentioned that these people live on tax payers' money and he did not like what the Prosecutor had done. Mr. Smyer stated that there was no disorderly conduct on his part. Mr. Smyer stated he was made to spend over \$2,000 and that the Prosecutor had no right to do this to him. Mr. Smyer stated he could have used the \$2,000 for his two sons. Mr. Smyer stated the City of Kettering owes him the \$2,000. Mr. Smyer mentioned that the Prosecutor, Law Director and City Manager should be fired. Mr. Smyer mentioned to Mrs. Schrimpf that she should watch the video.

Mrs. Schrimpf stated that there is no reason to watch the video and that this is a matter for the Courts, which has been explained to Mr. Smyer time and time again.

Mr. Smyer mentioned to Mayor Patterson that he did not realize that there was an election coming up and that he would not vote for anyone on City Council.

Mayor Patterson stated that Mr. Smyer's time has expired.

Mr. Smyer stated that he should have seven minutes because he is a seven minute person and he lives in the City of Kettering.

Mayor Patterson stated once again this Mr. Smyer's five minute time has expired.

**Sterling Abernathy, 4951 Walnut Walk** mentioned the city plans to spend \$350,000 to hire an artist from Arizona, Texas or Washington State to create an art project. The art will be along a half mile of Dixie Drive and Patterson Blvd. near the Schantz Ave. Bridge. This is over one third of a million dollars going for art, instead of being used for rebuilding streets and infrastructure.

There are much better uses for this taxpayer money. For example, street repair and improvements. This year, just a couple meetings after the council approved seeking proposals for \$350,000 of art near the Schantz Bridge, the council levied Kettering property owners for street work.

In 2017, Council levied a total of \$750,000 of assessments on properties owned by Kettering taxpayers. Assessments levied on property owners in 2017:

Valleywood Drive curbs/sidewalks/drive approaches (levied on 3/24/2017)  
\$179,256  
80 properties  
\$2241 average per property

Oakcreek (Springmill Rd & Millcreek Rd) curbs/sidewalks/drive approaches (levied on 3/24/2017)  
\$107,517  
72 properties  
\$1493 average per property  
19 properties assessed more than \$2000 each

2016 curb/sidewalk/driveway approach repair (levied on 4/25/2017)  
\$466,785  
509 properties  
\$917 average per property  
51 properties assessed more than \$2000 each

Using \$350,000 for that work instead of reserving it for art could have reduced assessments on 661 property owners by 46%.

In 2018, new assessments on property owners are estimated to be \$1,788,000 dollars.  
2018 assessments on property owners estimated to total \$1,788,000

- Oak Creek
- Valleywood
- Other curb/sidewalk/driveways

Using \$350,000 for that work instead of spending it on art would reduce assessments on property owners by 20% in 2018.

An art project costing \$350,000 is NOT a citizen service. It is not what our taxes should be used for. If there is public support for this project, let patrons of the art in the private sector pay for it, instead of taxpayers. The council owes it to Kettering taxpayers to reconsider the scope of this project to spend \$350,000 of taxpayer dollars for an art monument on Dixie Drive.

### COUNCIL COMMITTEE REPORTS

Mr. Lautar reported:

- He mentioned he has nothing to report.

Mr. Duke reported:

- Condolences to the family of Donald Compton who was on the very first Kettering City Council and was very active in our community. To remember him, he leaves his son Brooks and his daughter Constance who call their father a wonderful person. Service held tomorrow at Tobias Funeral Home on Far Hills from 5 to 8 pm.

Mr. Wanamaker reported:

- He mentioned he has nothing to report.

Mr. Scott reported:

- October 14 – Kettering Firefighters Local 2150 hosting 1<sup>st</sup> Annual 5K fundraiser benefitting their Christmas program for needy families in our community. You can sign up at [itsyourrace.com](http://itsyourrace.com)

Mr. Klepacz reported:

- Congratulations to Shauna Kaczynski, our Clerk of Council who welcomed her daughter Ava Marie on September 27. We wish the whole family well.
- October 7 – attended We Care Arts Style Show fundraiser at NCR Country Club. Support Kettering businesses, stop in at the We Care Arts Boutique in front of Trader Joes at Town & Country.

Mrs. Schrimpf reported:

- October 1 – attended Millcreek Block Party, thank you to Bill and Marynel Bradley for inviting me and for all the residents for making me feel welcome.
- Good Luck to all of our local teams in football, soccer, lacrosse, volleyball tournaments for Alter and Fairmont; both schools have quality programs and win or lose we know they will represent our community very well.

Mayor Patterson reported:

- October 1- Millcreek Block Party – a great block party. Bill & Marynel Bradley invite us every year and we appreciate all of the work they have done in our community like the Christmas Day at Polen Farm.
- October 2- attended and spoke at the Kettering Health Network's Opioid Program Launch along with Senator Lehner, more information on this program is on the Kettering Health Network website. We appreciate the Kettering Health Network taking a leadership position in our community and addressing this problem.

They're being no further business to come before this meeting of the Kettering City Council; Mayor Patterson adjourned the City Council Meeting at 8:10 p.m.

ATTEST:

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DONALD E. PATTERSON, MAYOR

Amy J. Hayslip  
Acting Clerk of Council