

**KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
April 11, 2017**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, April 11, 2017, at 7:30 p.m. in Council Chambers at the Kettering Government Center South Building, 3600 Shroyer Road. Mayor Patterson presided and the Clerk of Council, LaShaunah D. Kaczynski, 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

March 28, 2017- Council Meeting & Workshop Minutes

Mr. Duke reported that he reviewed the above minutes and moved the minutes be approved. Mr. Wanamaker seconded the motion and there being six (6) yea votes, one (1) abstain vote (Mr. Klepacz) and no (0) nay votes for the March 28, 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

Proclamation- Arbor Day

Vice Mayor Scott read the above proclamation.

Proclamation- National Public Safety Telecommunications Week

Mr. Lautar read the above proclamation and same was accepted by Melissa Murray, Public Safety Dispatcher for the City of Kettering. Ms. Murray thanked Council on behalf of the Communications Center for the recognition. She mentioned that everyone at the Communications Center enjoy their jobs and they enjoy serving the citizens of Kettering. She thanked Council once again for their support.

Mayor Patterson mentioned the best decision Council ever made was not going with regional dispatch.

PUBLIC HEARINGS

P.C. 17-008- Tomlinson Plat- Request for vacation of a portion of an unneeded utility easement.

Mayor Patterson opened the public hearing and asked that any person that intends to speak to City Council about this matter should stand and take an oath. Those that planned to speak took the oath.

Ron Hundt, City Planner and Zoning Administrator gave the staff presentation this evening. Mr. Hundt has been a Zoning Administrator for the past twelve years, and he has been a City Planner for thirty seven years. He has a graduate degree from the University of Cincinnati in city planning. He has the experience and the expertise to bring this matter in front of Council. This is fairly a house keeping matter. In this particular case, the Tomlinson's are owners of two properties. You can see in the photograph the western most lot that they owned had extra land which they wish to transfer to the adjoining property. There is an easement along the original western lot line. The 10' easement is no longer needed and will get in the way of any plans of expansion of the home on the eastern lot. It is a fairly straight forward request to vacate the two 5' easement that are on both sides of the lot line. There is nothing in the easement, and the only purpose is to expand the home. The property owners are not here this evening and he is acting on their behalf. This is a house keeping matter, and it is something that is required by the Charter that Council vacates all right-of-ways and easements. The drawing showed the two lot lines and the green line represented the easement to be vacated. There is a new lot line that is located further west which is the new eastern lot line of the Tomlinson land. He mentioned he can respond to any questions that Council may have.

Mr. Lautar asked where is this neighborhood?

Mr. Hundt apologized and mentioned he should have given a better explanation, but the neighborhood is located on William Lane which is off of Tait Road.

Mr. Hundt mentioned once again there is no applicant here this evening since he spoke on their behalf.

Mayor Patterson asked if there were any other comments from the public either for or against concerning this public hearing.

Jamie Smith- 2099 Lehigh Pl. Mayor Patterson had Ms. Smith take an oath. Ms. Smith wanted to know how this would impact her back yard?

Mr. Hundt asked Ms. Smith how close is her property to the proposed property in terms of William Lane? Ms. Smith mentioned she was not for sure.

Mr. Hundt mentioned the line that is going to be vacated represents the easement along that lot line that has been replaced with a new easement which will be located in between the two lots. What will be complete with this request is the plat once it has been recorded. The property owners will have access to both easements. It will have no effect on Ms. Smith's property or the provision of services. There is nothing currently in the easement to be vacated, and they made provisions within the plat to establish an easement along the new lot line. It will not have any impact on the neighbors, and will only benefit the property owners by allowing them to build across where the easement used to be. Mr. Hundt mentioned he can help Ms. Smith directly by showing her on the map.

Mayor Patterson asked if there were any comments from the public against this public hearing. None were heard.

Mayor Patterson closed the public hearing and explained Council will consider legislation regarding this matter at a future Council meeting.

Appointment Sister Cities- Ed Hatch (Term ending 12-31-19)

Mr. Scott made a motion to appoint Ed Hatch to Sister Cities. Mr. Klepacz seconded the motion followed by an unanimous like sign vote.

PUBLIC COMMENT ON LEGISLATION

Kerry Corttell- 4332 Pennlyn Ave #2- She mentioned she is a brand new resident of Kettering, and where she is from in Maine she is used to a semi- interactive relationship in public comments. She is here this evening to clarify that there has already been a nine month period to consider medical marijuana, and now Council is asking for another year as an emergency measure?

Mayor Patterson mentioned the State of Ohio has not yet set the parameters and the things they need to know before they can make a decision. They would like to make an informed decision and our residents want an informed decision, so they have to wait until they get all of the information. Some other communities have taken the position that they are not going to do it so it doesn't matter. Mayor Patterson emphasized that they are waiting on the information.

Mr. Schwieterman, City Manager stated that the state has indicated that in September of 2017 they should get the final rules and regulations. Kettering is ensuring that the moratorium is past that date far enough so we have all of the information and City staff can work with Council and the public to come up with a recommendation on how they would like to move forward on that issue.

Mayor Patterson mentioned that we did it long enough so if there is another delay we won't have to do another extension. We are waiting on the information. Council should have it by December and that should give us enough time to look at it and ask any questions to get an understanding and get an opinion from the Law Director so they can make an informed decision.

Ms. Corttell thanked Council for the information and it helped relieve her mind because evidence shows that medical marijuana is a win for citizens and communities across the country. She was curious as to why it was going to take so long now she understands.

Mayor Patterson mentioned that the City is just waiting on the information.

Mr. Duke mentioned to help get more information Ms. Corttell should go to the Ohio medical marijuana website. The website is very informative and it tells you when all of the hearing from the Governor appointed committees take place. Right now, there are public comments going on until April 21 for the dispensing side of the regulations. Also, on the website you are able to sign up for updates on all of the information that is published twice a week.

ORDINANCES IN SECOND READING

RESOLUTIONS

A RESOLUTION

NO: 9954-17

BY: MR.SCOTT AND MR.KLEPACZ

AUTHORIZING THE CITY MANAGER TO APPLY FOR MONTGOMERY COUNTY SOLID WASTE DISTRICT RECYCLING INCENTIVE GRANT FUNDS

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: 9955-17
BY: MR.KLEPACZ AND MRS.SCHRIMPF

ADOPTING RENEWED AND RECALCULATED STREET LIGHT ASSESSMENTS AND CERTIFYING THEM TO THE COUNTY AUDITOR FOR COLLECTION

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: 9956-17
BY: MRS.SCHRIMPF AND MR.LAUTAR

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO REPAIR AND RESURFACE SLIDES AT THE WATER PARK

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: 9957-17
BY: MR.LAUTAR AND MR.DUKE

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR FENCE REPAIR AND/OR REPLACEMENT IN VARIOUS PARKS

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

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

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: 9958-17
BY: MR.DUKE AND MR.WANAMAKER

AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS AND TO CONTRACT FOR THE WILMINGTON PIKE STREETScape IMPROVEMENTS PROJECT (CITY PROJECT NO. 02-108Q)

Mr. Duke read the above resolution and moved for approval. Mr. Wanamaker 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: 9959-17
BY: MR.WANAMAKER AND MR.SCOTT

AUTHORIZING AN EXPENDITURE OF \$45,128.00 FOR THE RELOCATION OF OVERHEAD ELECTRICAL POWER FACILITIES AS PART OF THE WILMINGTON PIKE STREETScape IMPROVEMENTS PROJECT (CITY PROJECT NO. 02-108Q)

Mr. Wanamaker read the above resolution and moved for approval. Mr. Scott 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: 9960-17
BY: MR.SCOTT AND MR.KLEPACZ

AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO ALLOW THE CITY OF KETTERING TO SERVE AS RESPONSIBLE LEAD AGENCY FOR ADMINISTRATION OF THE HEWITT AVENUE BIKEWAY CONNECTOR PROJECT (CITY PROJECT NO. 05-004H; ODOT PROJECT MOT-HEWITT AVE BIKEWAY CONNECTOR, PID 105751)

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: 9961-17
BY: MR.KLEPACZ AND MRS.SCHRIMPF

AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO ALLOW THE CITY OF KETTERING TO SERVE AS RESPONSIBLE LEAD AGENCY FOR ADMINISTRATION OF THE WILMINGTON PIKE IMPROVEMENTS PROJECT- EAST STROOP ROAD TO CENTERVILLE CORP. LINE (CITY PROJECT NO. 02-108R; ODOT PROJECT MOT-WILMINGTON PK. IMPROVEMENTS, PID 105752)

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: 9962-17
BY: MRS.SCHRIMPF AND MR.LAUTAR

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR REPLACEMENT OF THE NORTH BUILDING SKYLIGHT

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: 9963-17
BY: MR.LAUTAR AND MR.DUKE

AUTHORIZING THE CITY MANAGER TO FILE GRANT APPLICATIONS WITH THE
COMMUNITY FOUNDATION FOR KETTERING

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.

A RESOLUTION
NO: 9964-17
BY: MR.DUKE AND MR.WANAMAKER

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. 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.

ORDINANCES IN FIRST READING

AN EMERGENCY ORDINANCE
NO: 4291-17
BY: MR.WANAMAKER AND MR.SCOTT

EXTENDING THE MORATORIUM ON THE CULTIVATION, PROCESSING, OR
DISPENSING OF MEDICAL MARIJUANA WITHIN THE CITY OF KETTERING, OHIO AND
DECLARING AN EMERGENCY

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

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

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 ordinance duly adopted.

AN ORDINANCE
BY: MR.SCOTT

TO LEVY SPECIAL ASSESSMENTS FOR THE CONSTRUCTION AND REPAIR OF CURBS,
SIDEWALKS, DRIVEWAY APPROACHES, AND RELATED APPURTENANCES, FOR THE
2016 CURB, SIDEWALK & DRIVE APPROACH REPAIR PROGRAM (PROJECT NUMBER
05-116)

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

CERTIFICATIONS AND PETITIONS

MANAGER'S REPORT/COMMUNITY UPDATE

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

- The new City of Kettering website is now live! Go to www.ketteringoh.org to check it out.
- Our K9s Jax and Fuse completed in the USPCA National Detector Dog Competition last week.

Ptl. Wright and KP9 Fuse placed 4th in the nation
Pt. Maloney and K9 Jax placed 8th (3 way tie for 5th)

They also competed together as a team and took the top team award for the nation, scoring the most combined points

- National Prescription Drug take back day is Saturday, April 29, 2017 at Lathrem Senior Center.
- Forms are available on the City's website at www.keteringoh.org and forms can be picked up at the Kettering Tax Department. Deadline for filing is April 18, 2017.
- Crews will make one pass through the entire City beginning April 17 to collect any leaves remaining from fall.
- Beginning the week of April 10 compost and mulch material may be picked up from the bins at Indian Riffle Park on Stroop Road.
- Coming to the Frazee:
 - Maxwell- Tuesday, May 30 at 7:00 p.m.
 - The Moody Blues- Saturday, July 1 at 7:30 p.m.

Tickets can be purchased at Frazee Pavilion Ticket Office, Frazee Fan Fare store located in Town & Country, www.fraze.com, www.etix.com, or by phone at 1-800-514-3849.

Mayor Patterson mentioned that grass clippings are not accepted at the Yard Debris Center.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Communications and Reports

Audience Participation (5 Minute Limit per Speaker)

James Webster- 4400 Renwood Dr. - He mentioned it is a pleasure to stand here before Council this evening. He is here this evening to introduce new business as it affects his screen printing business that opened January of this year. The location of his business is 4025 Marshall Rd. He is here in regards to the City of Kettering bid process for screen printing garments. He has been informed from another screen printing partner that bids are accepted by the City nationwide, and that no emphasis has been placed on local vendors. He was also informed that the determining factor for this was cost. His proposal is to eliminate any bids that are not located in Kettering City limits. Mr. Webster expressed this should be easy since there are four screen printing firms that are located within the City of Kettering, which is more than enough to handle City bids. It is important to keep Kettering dollars in the community to help our own, which will lead to more tax dollars being spent locally. Since consumers are embracing the shop local mentality, he thinks it is a great time for local government to get on board. In closing, it is good for local business and it creates the mentality that local government supports local business which will create more local jobs. He respectfully places this issue before Mayor and Council as new business and he appreciates the time and effort spent on local business. His hope is to keep an open dialogue for Kettering businesses.

Mayor Patterson asked Mr. Schwieterman to explain why the City cannot do this.

Mr. Schwieterman apologized if he gets any of the facts wrong as it was hard to hear some parts of what Mr. Webster was saying. This question is related to what is called local preference, and whether or not in their bidding process they have a local preference. Council may recall several years ago they had a discussion regarding local preference, and at that time specifically printing services. Council had a discussion and a presentation was shown at Council workshop, with a decision being reached not to have a local preference policy. However, he has some discretion in the awarding of bids that are received. Mr. Schwieterman mentioned that the City ensures that local companies are on the bidding list when bids are received, and he is required to sign off on certain dollar amounts. He has some flexibility to make decisions with bid tabulations. Council elected to go that route instead of creating a policy that mandates local preference because of their concerns that it may cause a negative impact on the bids that they received from local and non-local vendors. Ultimately, several years ago Council decided not to enforce or enact a local preference policy.

Mr. Webster mentioned that Schuerholz Printing on Marshall Road is one of their partners, and the owner told him that she quit bidding to the City because they never got the bid. Based on price, the City was taking bottom dollar and not getting a good product in return. That is anti-local and that mentality hurts local business since there is plenty of local business to handle City bids. His company and three to four other printing companies are located within City limits. He mentioned the City could get a competitive bidding process by just going with Kettering businesses. Going with companies in Chicago for example is unfair to local business.

COUNCIL COMMITTEE REPORTS

Mr. Duke reported:

- He mentioned applications are now available for the 15th year of the Kettering Leadership Academy.
- He mentioned he would like to revisit the issue of local vending prices at the next retreat.

Mr. Klepacz reported:

- On March 31 he attended the City of Riverside Mayor's Prayer Breakfast.

- On April 1 he attended an open house for Bridget Path.
- He mentioned Council does want to invest in Kettering, and encouraged residents to shop local.

Mrs. Schrimpf reported:

- On April 6 she attended the Miami Valley Fair Housing luncheon.
- She offered her condolence to Larry O'Neal's family.

Mr. Lautar reported:

- He mentioned he had nothing to report.

Mr. Scott reported:

- He mentioned he waited less than 10 minutes at the Kettering Tax Department and they are very organized. He encouraged residents to go over to the Tax Department to get their City taxes done.

Mr. Wanamaker reported:

- He mentioned the mulch and leaf program is a great program and it is good mulch.
- He mentioned he attended the musical "The Music Man" at Fairmont High School.

Mayor Patterson reported:

- On April 5 he did a taping promoting Community Development Block Grant funds.
- On April 5 he was part of the Chester A. Roush Hall of Fame panel.
- On April 6 he attended a Safe Dig Month event at Community Golf Course.
- He mentioned this year's Mayor's Ball will take place on April 29 at 7:00 p.m.
- He congratulated Olivia Schrimpf and her 4th grade team on being volleyball champions.

They're being no further business to come before this meeting of the Kettering City Council; Mayor Patterson adjourned the City Council Meeting at 8:24 p.m.

ATTEST:

DONALD E. PATTERSON, MAYOR

LaShaunah D. Kaczynski
Clerk of Council