

**KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
September 12, 2017**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, September 12, 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, Schrimpf, Klepacz, Duke and Wanamaker

Council Members Absent: Lautar, Scott (Excused)

Total Members Present: Five (5)

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. The Pages this evening were Michael Breslin and Nick Thornewell from Fairmont High School. He thanked them for their assistance.

Mayor Patterson asked for a motion to amend the Agenda to add Resolution #7 Appointing Donald E. Patterson, Mark W. Schwieterman, and Charles E. Giles to the Miami Valley Research Park Association Board of Trustees under the Resolutions item. Mr. Klepacz moved to accept the amendment to the agenda. Mrs. Schrimpf seconded the motion and the motion was carried unanimously by a like sign vote.

APPROVAL OF MINUTES

August 22, 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 five (5) yea votes and no (0) nay votes for the August 22, 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 - Board of Community Relations – Gwen Owen (Term ending 12/31/17)

Mr. Klepacz made a motion to appoint Gwen Owen to the Board of Community Relations. Mrs. Schrimpf seconded the motion, followed by a unanimous like sign vote.

PUBLIC HEARINGS

PUBLIC COMMENT ON LEGISLATION

ORDINANCES IN SECOND READING

RESOLUTIONS

A RESOLUTION
NO: 10020-17
BY: MR.KLEPACZ AND MRS.SCHRIMPF

AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY, OHIO DIVISION OF EMS

Mr. Klepacz read the above resolution and moved for approval. Mrs. Schrimpf 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. Duke, Yea; Mr. Wanamaker, Yea; Mayor Patterson, Yea. There being five (5) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10021-17
BY: MRS.SCHRIMPF AND MR.DUKE

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR IMPROVEMENTS TO THE PUBLIC SERVICE CENTER FACILITY

Mrs. Schrimpf 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. Duke, Yea; Mr. Wanamaker, Yea; Mayor Patterson, Yea. There being five (5) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10022-17
BY: MR.DUKE AND MR.WANAMAKER

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES OR A COOPERATIVE PURCHASING PROGRAM TO PURCHASE A BRINE MAKING SYSTEM

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. Duke, Yea; Mr. Wanamaker, Yea; Mayor Patterson, Yea. There being five (5) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10023-17
BY: MR.WANAMAKER AND MR.KLEPACZ

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

Mr. Wanamaker 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. Duke, Yea; Mr. Wanamaker, Yea; Mayor Patterson, Yea. There being five (5) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10024-17
BY: MR.KLEPACZ AND MRS.SCHRIMPF

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR THE WILMINGTON PIKE STREETSCAPE ENHANCEMENT – EAST STROOP TO MARSHALL – TREE INSTALLATION PROJECT (02-108QA)

Mr. Klepacz read the above resolution and moved for approval. Mrs. Schrimpf 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. Duke, Yea; Mr. Wanamaker, Yea; Mayor Patterson, Yea. There being five (5) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10025-17
BY: MRS.SCHRIMPF 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

Mrs. Schrimpf 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. Duke, Yea; Mr. Wanamaker, Yea; Mayor Patterson, Yea. There being five (5) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10026-17
BY: MR.DUKE AND MR.WANAMAKER

APPOINTING DONALD E. PATTERSON, MARK W. SCHWIETERMAN, AND CHARLES E. GILES TO THE MIAMI VALLEY RESEARCH PARK ASSOCIATION BOARD OF TRUSTEES

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

Mr. Hamer, Law Director gave a brief description of the resolution.

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mayor Patterson, Yea. There being five (5) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

ORDINANCES IN FIRST READING

CERTIFICATIONS AND PETITIONS

MANAGER'S REPORT/COMMUNITY UPDATE

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

- Stroop Road- The replacement of the Stroop Road Bridge east of Woodman Drive will require a complete closure between Robertann Drive and Pobst Drive. The construction is anticipated to start September and be completed in 2017. Detour routes are Woodman Drive and Dorothy Lane.
- Mayor Patterson mentioned that the City of Kettering and Montgomery County have done an excellent job in getting the word out on this project through the newspaper, The Starter and social media outlets. It is not going to be easy to deal with the road closure but it is something that needed to be done for the public safety of this community.
- Shroyer Road– the Kettering portion of Shroyer Road is complete. The Oakwood section is more substantial with medians being introduced into that section of the roadway and construction is scheduled to be complete by the end of the year.
- Wilmington Pike- Construction to relocate a gas main and telecommunications line on the west side of Wilmington Pike and between Marshall Road and Stroop Road is planned to continue through mid-September.
- HoneyFest- will be held on Saturday, September 16 at Delco Park from 10 am to 5 pm.
- Tire Buyback Event – Montgomery County Solid Waste District will host a tire buyback event on Saturday, September 24 from 11 am to 3 pm. Residents can bring their tires to the South Transfer Station at 1001 Encrete Lane and receive \$2 per tire with a maximum of 10 tires per vehicle.
- Leaf Pickup- begins Monday, October 16 in District 1. Pickup is for leaves only and to be placed at the curb and not into the street.
- 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 he wanted to check on the video he mentioned at the last Council meeting.

Mayor Patterson mentioned that the City Manager and Police Chief had all watched the video. With what we have seen on the video there isn't much more than that we can do. It shows cars pulling up and people going in which is not a crime.

Mr. Schwieterman mentioned is this the video that you dropped off at the last Council meeting? Both the Law Director and Chief of Police have looked at the video and I do not know if we have any additional feedback for you.

Mr. Smyer mentioned that he expected to see the video at the meeting tonight.

Mayor Patterson mentioned that we would not be showing the video at a Council meeting. That would be something that was handled by the Police Chief, the City Manager and the Law Department. We

are unable to view the video, other people are on the video and we would get into other legal issues. We have had the appropriate parties look at the video. Not sure what you are wanting us to do, we did what you asked with watching the video.

Mr. Smyer mentioned that I asked that you to prepare the video so we could watch it.

Mayor Patterson mentioned that we will not be reviewing the video at the Council meeting.

Mr. Smyer mentioned that something ain't right here and that he was cited with disorderly conduct and I don't understand why nobody wants to do anything about this.

Mayor Patterson mentioned it isn't a matter of us not doing anything about it, the Police Chief and Law Director have looked at the video and Mr. Schwieterman has said there isn't anything for us to proceed.

Mr. Hamer mentioned regarding the disorderly conduct citation that Mr. Smyer received. He was represented by an attorney through that process he did go to court. He and his neighbor were both cited and they both agreed to drop the charges and that was in 2016. As far as the law goes I believe that the matter is closed and there is nothing further the city can do about it.

Mr. Smyer mentioned that is the problem because no one asked him if he wanted to drop the charges. It was done behind his back.

Mayor Patterson stated that we did not do that it was the Courts. We do not have the authority to address it, to correct it, or to change it. If that is something you're looking for you need to take that up with the Court.

Mr. Smyer mentioned that he was charged with disorderly conduct for just mowing his yard. He did what he was supposed to do and called 911. Nobody asked him if he wanted to drop his neighbor's charges. He has a paper that said that there were two witnesses that were going to testify, a police officer and another witness. He doesn't know why you say that the City of Kettering can't do anything. Show the video, let the people at home see the video. Your letting the prosecutor, the police do whatever they want to do. It's not right.

Mayor Patterson stated that we do not get into legal matters as a Council. He cannot make it any clearer, if you do not agree, you need to take it up with an attorney with representation, the Prosecutors office, etc. We do not have the ability nor the authority to do what you're asking us to do, we cannot make it any clearer than that.

COUNCIL COMMITTEE REPORTS

Mr. Klepacz reported:

- August 27- For the last five years he has been a judge at GospelFest where 30 different groups tried out to perform.
- Holiday @ Home weekend – great weather, great crowd
- September 8- Italian Fall Festa – crowd estimated attending around 50,000
- September 9- Shred Day a great day to shred unwanted documents and also the prescription pill drop off and Rx drug drop off box located in KPD lobby
- August 31- The Taste a great event featuring local restaurants and local businesses

Mr. Duke reported:

- September 10 & 11 – attended Camp Joy - Kettering Leadership Academy retreat. 14 students in this years' class.
- Congratulations to Gwen Owen, who graduated from the Kettering Leadership Academy class in 2015. Thank you for staying involved in our community.
- Virginia Kress passed away at the age of 92. Her and her husband Dale were the originators of the Christmas at Polen Farm event and ran that program for 20 years or more. Virginia and Dale were Grand Marshall's of one of our Holiday @ Home events. Service will be on September 15. Condolences to her family and friends.

Mr. Wanamaker reported:

- Virginia Kress was an outstanding citizen along with her husband Dale. They did start the Christmas at Polen Farm event and Dale was a member of our Planning Commission for many years.
- Holiday @ Home was a great event. Missy Mae Walters did a wonderful job as President.

Mrs. Schrimpf reported:

- Great Labor Day weekend with Holiday @ Home and AlterFest.
- Holiday @ Home takes a lot of people, a lot of volunteers; more than 30 people on different committees who do the real work. I would like to thank the volunteers.
- September 7– attended a Beaver Creek networking event, appreciated being invited.

Mayor Patterson reported:

- Had the pleasure of officiating the wedding of his niece.
- The Taste is bigger and better every year – kudos to Ann-Lisa Rucker.
- August 30- interviewed for our Holiday @ Home event.
- Holiday @ Home - Missy Mae Walters was everywhere, going to meetings, picking up items for the silent auction. It was a great event. This event has become generational, coming to the parade. It is great to see the residents support this event year after year.
- September 2- attended AlterFest Opening Ceremony & read a Proclamation.
- September 5-Kettering Police Department Oaths of Office for two new officers.
- September 8– attended the 70th Anniversary of the Air Force celebration at the Air Force Museum.
- September 9– attended Shred Day event.
- Rx drug drop off in KPD lobby – no liquids or needles allowed.
- Virginia and Dale Kress loved this community and gave back to this community. A great service to Kettering and she lived a full life. She and Dale are back together now.

They're being no further business to come before this meeting of the Kettering City Council; Mayor Patterson adjourned the City Council Meeting at 8:17 p.m.

ATTEST:

DONALD E. PATTERSON, MAYOR

LaShaunah D. Kaczynski
Clerk of Council