

**KETTERING CITY COUNCIL  
REGULAR MEETING MINUTES  
February 27, 2018**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, February 27, 2018, at 7:30 p.m. in Council Chambers at the Kettering Government Center South Building, 3600 Shroyer Road. Vice Mayor Lautar presided and the Clerk of Council, LaShaunah D. Kaczynski, recorded. This meeting was telecast live on the cable access channel.

Council Members Present: Lautar, Fisher, Klepacz, Duke, Scott and Wanamaker

Council Members Absent: Patterson (Excused)

Total Members Present: Six (6)

Vice Mayor Lautar led the audience in the Pledge of Allegiance. He introduced the cable TV operator Liberty Lord. The Pages this evening were Jarah Fall and Krista Rogers from Kettering Middle School. He thanked them for their assistance.

APPROVAL OF MINUTES

February 13, 2018 - Council Meeting & Workshop Minutes

Mr. Scott reported that he reviewed the above minutes and moved the minutes be approved. Mr. Duke seconded the motion and there being six (6) yea votes and no (0) nay votes for the February 13, 2018 Council Meeting & Workshop Minutes, the motion was declared carried by roll call vote.

Vice Mayor Lautar mentioned that Mayor Patterson has an excused absence this evening.

Mr. Klepacz made a motion to amend the agenda to remove item one from the agenda this evening for the public hearing on Planning Commission Case #17-035- Zoning District Map Amendment, and returning the case back to the Planning Commission for another public hearing and recommendation to City Council. Mrs. Fisher seconded the motion and there being six (6) yea votes and no (0) nay votes, the motion was declared carried by roll call vote.

Mr. Lautar gave the invocation this evening.

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

PUBLIC HEARINGS

P.C. 18-001- Request for vacation of unused utility easement- 3216 Delaney Street.

Vice Mayor Lautar 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.

Tom Robillard, Planning & Development Director, gave the staff presentation this evening. This case is concerning an unused utility easement at 3216 Delaney Street. In this particular case, there is a 5' easement on the side of the property. There are no existing utilities within the easement, and there is no objection from utility providers for this vacation. The vacation would allow the property owner to construct a new detached garage in his rear yard 3' from the northern side of his lot line. This will be in compliance with the Zoning Code. The location is on Delaney Street. The plat is west of the Rosewood Arts Centre, and the property owner would like to construct his garage within the required set back of the Zoning Code which will encroach on the easement. There are no utilities and there were no objections. He believes that this is in order. Planning Commission held a public hearing and felt this case is in order, with recommendations to City Council for approval. He would be happy to answer any questions.

**Dennis Wahle, 3216 Delaney Street-** He mentioned he does not have anything to present, but he is here this evening to answer any questions from Council regarding this project.

Mr. Klepacz asked when is construction expected to begin assuming this passes?

Mr. Wahle mentioned that construction will begin in late spring around May or June.

Vice Mayor Lautar asked if there were any other comments from the public either for or against concerning this public hearing, none were heard.

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

PUBLIC COMMENT ON LEGISLATION

ORDINANCES IN SECOND READING

AN ORDINANCE  
NO: 4302-18  
BY: MR.KLEPACZ AND MRS.FISHER

TO ENACT SECTION 152.07 OF THE CODIFIED ORDINANCES OF THE CITY OF  
KETTERING REGARDING LOCAL PURCHASING PREFERENCE

Mr. Klepacz read the above ordinance and moved for approval. Mrs. Fisher seconded the motion.

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

The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Scott, Yea; Mr. Wanamaker, Yea; Vice Mayor Lautar, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

RESOLUTIONS

A RESOLUTION  
NO: 10112-18  
BY: MRS.FISHER AND MR.SCOTT

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO PARTICIPATE  
IN THE CONSTRUCTION OF A REGIONAL FIBER OPTIC NETWORK

Mrs. Fisher 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. Fisher, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Scott, Yea; Mr. Wanamaker, Yea; Vice Mayor Lautar, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION  
NO: 10113-18  
BY: MR.SCOTT AND MR.DUKE

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND  
NEGOTIATED QUOTES TO CONTRACT FOR THE SOUTHERN BOULEVARD  
CROSSWALK IMPROVEMENTS PROJECT, CITY PROJECT NO. 02-142K

Mr. Scott 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. Fisher, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Scott, Yea; Mr. Wanamaker, Yea; Vice Mayor Lautar, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION  
NO: 10114-18  
BY: MR.DUKE AND MR.WANAMAKER

AUTHORIZING THE CITY MANAGER TO SUBMIT, ALONG WITH THE CITY OF DAYTON, A  
JOINT FUNDING APPLICATION TO THE CLEAN OHIO GREEN SPACE CONSERVATION  
PROGRAM FOR FUNDING TO ACQUIRE PROPERTY INTERESTS NEEDED FOR THE  
PROPOSED EAST DAYTON RAILS-TO-TRAILS "FLIGHT LINE" BIKEWAY PROJECT, CITY  
PROJECT NO.05-004i

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. Fisher, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Scott, Yea; Mr. Wanamaker, Yea; Vice Mayor Lautar, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION  
NO: 10115-18  
BY: MR.WANAMAKER AND MR.KLEPACZ

AUTHORIZING THE CITY MANAGER TO ENTER INTO A FAÇADE AND SITE  
IMPROVEMENT GRANT AGREEMENT FOR THE PROPERTY LOCATED AT 3022  
WILMINGTON PIKE

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

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

The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Scott, Yea; Mr. Wanamaker, Yea; Vice Mayor Lautar, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION  
NO: 10116-18  
BY: MR.KLEPACZ AND MRS.FISHER

AUTHORIZING THE CITY MANAGER TO CONTRACT FOR RENOVATION OF THE CITY  
MANAGER OFFICES

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

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

The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Scott, Yea; Mr. Wanamaker, Yea; Vice Mayor Lautar, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION  
NO: 10117-18  
BY: MRS.FISHER AND MR.SCOTT

AUTHORIZING THE CITY MANAGER TO CONTRACT FOR THE RENTAL OF MUSICAL  
AND PERFORMANCE RELATED BACKLINE EQUIPMENT ON A "SHOW BY SHOW" AND  
"AS NEEDED" BASIS FOR THE FRAZE PAVILION 2018 SEASON

Mrs. Fisher 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. Fisher, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Scott, Yea; Mr. Wanamaker, Yea; Vice Mayor Lautar, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION  
NO: 10118-18  
BY: MR.SCOTT AND MR.DUKE

AUTHORIZING THE CITY MANAGER TO ENTER INTO ONE OR MORE AGREEMENTS  
FOR LIGHTING EQUIPMENT, LIGHT TECHNICIAN, AND TECHNICAL DIRECTOR  
SERVICES AT THE FRAZE PAVILION

Mr. Scott 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. Fisher, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Scott, Yea; Mr. Wanamaker, Yea; Vice Mayor Lautar, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION  
NO: 10119-18  
BY: MR.DUKE AND MR.WANAMAKER

TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE RENTAL OF SOUND EQUIPMENT AND SOUND TECHNICIAN SERVICES FOR FRAZE PAVILION 2018 SEASON, AS WELL AS RENTAL OF SOUND EQUIPMENT AS REQUIRED BY PERFORMERS ON A PER SHOW BASIS

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. Fisher, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Scott, Yea; Mr. Wanamaker, Yea; Vice Mayor Lautar, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION  
NO: 10120-18  
BY: MR.WANAMAKER AND MR.KLEPACZ

AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION OF CARBON MONOXIDE DETECTORS FROM THE DAYTON FIREFIGHTER'S CREDIT UNION

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

Mr. Robbins, Assistant Fire Chief gave a brief description of the resolution.

The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Scott, Yea; Mr. Wanamaker, Yea; Vice Mayor Lautar, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION  
NO: 10121-18  
BY: MR.KLEPACZ AND MRS.FISHER

AUTHORIZING THE CITY MANAGER TO ACCEPT FUNDS FROM THE OHIO ATTORNEY GENERAL'S OFFICE TO REIMBURSE THE CITY FOR 2017 CONTINUING PROFESSIONAL TRAINING OF KETTERING POLICE OFFICERS

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

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

The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Scott, Yea; Mr. Wanamaker, Yea; Vice Mayor Lautar, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION  
NO: 10122-18  
BY: MRS.FISHER AND MR.SCOTT

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, 2018

Mrs. Fisher 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. Fisher, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Scott, Yea; Mr. Wanamaker, Yea; Vice Mayor Lautar, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

ORDINANCES IN FIRST READING

AN ORDINANCE  
BY: MR.SCOTT

TO REZONE 3980 WILMINGTON PIKE AND 3920 PARLIAMENT PLACE (PLANNING COMMISSION CASE NO. PC-17-033)

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

AN ORDINANCE  
BY: MR.DUKE

TO LEVY SPECIAL ASSESSMENTS FOR THE REPLACEMENT AND CONSTRUCTION OF CURBS, SIDEWALKS, DRIVE APPROACHES, AND RELATED APPURTENANCES FOR THE OAK CREEK IMPROVEMENTS- PHASE II PROJECT (PROJECT NO. 02-289)

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

AN ORDINANCE  
BY: MR.WANAMAKER

TO LEVY SPECIAL ASSESSMENTS FOR THE CONSTRUCTION AND REPAIR OF CURBS, SIDEWALKS, DRIVEWAY APPROACHES, AND RELATED APPURTENANCES, FOR THE 2017 CURB, SIDEWALK & DRIVE APPROACH REPAIR PROGRAM (PROJECT NUMBER 05-117)

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

AN EMERGENCY ORDINANCE  
NO: 4303-18  
BY: MR.KLEPACZ AND MRS.FISHER

TO AMEND VARIOUS SECTIONS OF CHAPTER 192 OF THE CODIFIED ORDINANCES REGARDING INCOME TAX TO INCORPORATE CHANGES REQUIRED BY THE STATE OF OHIO AND DECLARING AN EMERGENCY

Mr. Klepacz read the above ordinance and moved for approval. Mrs. Fisher seconded the motion.

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

Mr. Duke mentioned that he knows this is a pass from the legislator and we need to pass this, but he finds this as a violation of Home Rule. He is aware that he has no choice but he just wanted to make that comment.

The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Scott, Yea; Mr. Wanamaker, Yea; Vice Mayor Lautar, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

CERTIFICATIONS AND PETITIONS

MANAGER'S REPORT/COMMUNITY UPDATE

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

- The Yard Debris Center will reopen on Monday, March 5.  
Hours of operation will be:  
Saturdays: 9am-3pm  
Mon-Fri: 3pm-8pm
- "Spring ahead" one hour on Saturday night, March 10. Daylight savings time begins Sunday, morning March 11.
- Coming to the Frazee
  - Roger Daltrey- Monday, July 2 at 8:30 p.m.
  - Satisfaction- Wednesday, July 11 at 7:30 p.m.
  - O.A.R – Tuesday, July 24 at 6:30 p.m.
- Come join us for an informational meeting regarding the City of Kettering ADA Transition Plan on Monday, March 26 at 2:00 p.m. and 6:30 p.m. at Fire Headquarters Community Room (4745 Hempstead Station Drive).
- The Board of Zoning Appeals is looking for a new board member. Deadline to apply is Tuesday, March 13 and you can contact the Planning & Development Department for more information.

OTHER BUSINESS NOT ON WRITTEN AGENDA  
Audience Participation (5 Minute Limit per Speaker)

COUNCIL COMMITTEE REPORTS

Mr. Lautar reported:

- He would like to second Mrs. Fisher comment about the “Into Art” exhibit.

Mr. Duke reported:

- Nothing to report.

Mr. Wanamaker reported:

- Nothing to report.

Mr. Scott reported:

- Nothing to report.

Mr. Klepacz reported:

- On February 23, he along with 300 people attended “Diva’s Day Out” at the Presidential Banquet Center.
- On February 26 Sister Cities had their board meeting and appointed two new members.
- There is one more opening on Sister Cities, call the Council Office at 296-2416 for more information.
- Shop Kettering.

Mrs. Fisher reported:

- Thank you to Mr. Wanamaker and Mr. Bayless for helping her with her first Miami Valley Communications Council meeting.
- The “Into Art” exhibit at Fairmont had a lot of nice artwork featured.
- The Board of Community Relations will be showing *Hidden Figures* on Thursday, March 15 at 6:00 p.m. at Rosewood Arts Centre.

Mayor Patterson reported:

- Absent.

They’re being no further business to come before this meeting of the Kettering City Council; Vice Mayor Lautar adjourned the City Council Meeting at 8:08 p.m.

ATTEST:

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BILL LAUTAR, VICE MAYOR

LaShaunah D. Kaczynski  
Clerk of Council