

**KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
August 14, 2018**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, August 14, 2018, 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, Lautar, Fisher, Klepacz, Scott, 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 operator Liberty Lord. He thanked her for her assistance.

APPROVAL OF MINUTES

July 24, 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, one (1) abstain vote (Mrs. Fisher) and no (0) nay votes for the July 24, 2018 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- Property Maintenance Board- Marybeth Rutledge (Term ending 12/31/19)

Appointment- Property Maintenance Board- Patricia Cavanaugh (Term ending 12/31/19)

Appointment- Board of Zoning Appeals- Thomas Schwab (Term ending 12/31/19)

Mr. Lautar made a motion to appoint Marybeth Rutledge and Patricia Cavanaugh to the Property Maintenance Board, and Thomas Schwab to the Board of Zoning Appeals. Mr. Klepacz seconded the motion followed by a unanimous like sign vote.

Presentation- Award of Merit- Kettering Leadership Academy

MaryLou Randolph, Volunteer Coordinator made the presentation this evening. The Kettering Leadership Academy was created in 2003 by Kettering City Council Member Bruce Duke. The goal of the academy is to create an active network of informed citizens by equipping them with the knowledge and resources that are necessary for them to become a resource for leadership opportunities within our community. In 2005, the academy was recognized with the Innovative Program Award by the National Association of Volunteer Programs in Local Government. This past June, she had the privilege to accept the 2018 Award of Merit on behalf of the Kettering Leadership Academy. This award was presented by the President of the National Association of Volunteer Programs in Local Government at the Points of Life National Conference of Volunteer Service. Criteria of this award consist of:

1. Sustainability
2. Proven outcome
3. Role the program places in mobilizing citizens

The past president of the National Association of Volunteer Programs in Local Government mentioned in his remarks that the Kettering Leadership Academy is a perfect example of engaging citizens, and its idea can be replicated in other communities throughout the nation. As she and Mr. Duke launch the sixteenth class of the Kettering Leadership Academy, she is proud to announce that 70% of graduates go on to serve within the Kettering community. She mentioned two examples are Vice Mayor Bill Lautar and Council Member Jacque Fisher. As she presents this award, she would like to thank Mayor Patterson, City Council, and City administration for supporting the efforts of the Kettering Leadership Academy. Mrs. Randolph then presented Mayor Patterson with the Award of Merit.

Mayor Patterson mentioned that the Kettering Leadership Academy is a great program and the one thing he gets out of it is the training ground for leadership. He is not referring to only people serving on City Council, but people serving on various boards or commissions within Kettering. Mayor Patterson then congratulated MaryLou Randolph, Bruce Duke, and Bonnie Pittl for all of the work they do for Kettering Leadership Academy. The academy is getting the recognition that they deserve.

Presentation- Montgomery County Board of Elections

Nick Brunsky, Precinct Election Official made the presentation this evening. He is here this evening to speak about the upcoming election. The Keep Democracy Alive initiative focuses on recruiting more poll workers. A few years ago, the Secretary of State changed the name of poll workers to precinct

election officials. There are 330 voting precincts in Montgomery County, and within each of those voting precincts they are required to have four people staff them. There needs to be two people representing the Republican Party and two people representing the Democratic Party. If someone is an undeclared voter, the Board of Elections would be happy to place them with which ever political party they prefer to work. There is a critical shortage of poll workers all throughout Montgomery County. There is a shortage of Republican and Democratic volunteers to work at precincts. He is going around cities within Montgomery County to request their help. Council members are influential within their communities, and they might know many people who are able to come and help. He mentioned that the city can promote this initiative because many vacancies are within the City of Kettering. Kettering also has many residents who volunteer their time, and Council should be very proud of that. He is asking that Kettering residents consider working other polling locations that have lower volunteer numbers. There are many vacant spots in the City of Dayton for Republicans, and there are some vacant spots for Democrats in the south metro portions of Montgomery County. The City of Kettering and the community can assist the Board of Elections in finding precinct election officials. The flier that he had emailed can be distributed or posted in the break area, and there is also a form that people can mail out and turn in to the Board of Elections. Under the Ohio Revised Code government employees are allowed to take excused leave to be able to work the polls. There is a large amount of Montgomery County employees that take leave on election day to help out at polling locations. Most of those employees are hired as polling locations supervisors. There are not a lot of employees from municipal or township governments that participate in helping out at polling locations. He will be out over the next few weeks visiting other Montgomery County cities and townships to encourage their participation. If any employee has flexibility with their schedule he would encourage them to get involved and even become a polling supervisor. Mr. Brunsky mentioned he would be happy to answer any questions.

Mayor Patterson asked for clarification when Mr. Brunsky uses the term volunteer. These poll workers are not volunteers since they are getting paid.

Mr. Brunsky informed Council that he would like to refer to this position as a paid volunteer. On the fliers, there is no indication of money because the amount of money these volunteer receive is very low. Volunteers will receive \$105 for working Election Day and an extra \$25 if they attend the training class. He is looking for people who are willing to help and willing to come back year after year to work Election Day as part of their civic duty. During the economic downturn in 2008, there were many people to apply to work as poll workers, but now those people are going back to work. There are also many people who are retired that are moving to Florida. There is always a constant need to have precinct election officials. Montgomery County Board of Election is really encouraging members of the community to take Election Day off and help out at polling locations to help keep democracy alive. The Montgomery County Board of Elections has reached out to businesses as well.

Mr. Scott asked what is the requirement to become a precinct election official?

Mr. Brunsky informed Council that applicants must be at least 18 years in age, a registered voter in Montgomery County, cannot be convicted of a felony, have their own transportation, and be available to work at all times on election day. They also need to be able to lift polling machines which weigh about 27 pounds. Being able to read and speak English is also a main component of the job. Precinct election officials will be working with the public as well. He does not really classify this as a job even though it is paid. The hourly rate is less than \$9 and would prefer people consider this opportunity as their civic duty.

Mr. Klepacz asked that applicants must be either a Republican or Democrat to work at a polling location?

Mr. Brunsky mentioned that this is not correct. There are two Republican spots at a precinct and two Democrat spots, but if someone is an undeclared voter they can decide which party slot they would like to work in.

Mr. Klepacz also mentioned that a worker would be paid \$105 for a day. What is considered a day?

Mr. Brunsky informed Council that a day is considered 5:45 a.m. until the polls close. Additionally, workers will receive \$25 if they attend a training session. If a worker is a voting location manager, they will receive \$20 in additional pay. Polling location supervisors will receive \$400.

Mr. Scott informed Council that Mr. Brunsky is a former Butler Township Trustee, and also a close friend to him.

Mr. Brunsky thanked Mayor Patterson and Council for allowing him to be here this evening.

Presentation- Sister Cities Youth Trip Follow-up

Emily Zimmer, Sister Cities Committee Member made the presentation this evening. She has been involved with Kettering Sister Cities on and off since 1996. In the past 10 years, she has been very active as a committee member and also an adult chaperone. The mission of Kettering Sister Cities Committee is to build people to people relationships based on youth and adult exchanges, and social and cultural gatherings with our sister cities worldwide. There are lots of events throughout the year,

but the highlight is the youth exchange. The youth exchange happens every year, and this year was the 42nd continuous youth exchange. On even years, Kettering youth travel to our sister city in Steyr, Austria and on odd years, the students from Austria visit Kettering. This summer there were 9 area high school students who went to Steyr. They spent five days traveling through Germany and Austria, ten days in Steyr visiting host families, and one day in Czech Republic. It was a wonderful exchange and a picture was shown of the students inside the Mayor of Steyr office. There was a reception hosted by Steyr Mayor and Council for the students. Kettering Sister Cities Committee is very proud of this exchange program. The youth exchange helps bridge a lot of cultural divides, and the children come back with a great appreciation of the world. The children are also able to make lasting connections with their new friends in Steyr. They are able to take the knowledge they are gaining and apply it to their adult life in the future. The committee is looking for travelers and host families. They would love to have Kettering families, but they do take families from all over the Dayton area. You can find out more information by visiting the Sister Cities website or by emailing Emily Zimmer. Mrs. Zimmer mentioned she would be happy to answer any questions.

Mrs. Zimmer thanked Council for all of their support of the Sister Cities Committee, and the entire committee appreciates the support of Council.

Mayor Patterson mentioned that Council appreciates the support of the Sister Cities Committee by members dedicating time this evening to be here at the Council meeting to support this presentation.

PUBLIC HEARINGS

PUBLIC COMMENT ON LEGISLATION

ORDINANCES IN SECOND READING

RESOLUTIONS

A RESOLUTION
NO: 10176-18
BY: MR.LAUTAR AND MR.KLEPACZ

AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT FROM THE OHIO ARTS
COUNCIL

Mr. Lautar 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: Mr. Lautar, Yea; Mr. Klepacz, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, Yea; Mr. Wanamaker, 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: 10177-18
BY: MR.KLEPACZ AND MRS.FISHER

TO AMEND RESOLUTION NO. 10162-18

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: Mr. Lautar, Yea; Mr. Klepacz, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, Yea; Mr. Wanamaker, 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: 10178-18
BY: MRS.FISHER AND MR.SCOTT

DECLARING AS "SURPLUS" AND APPROVING AN AGREEMENT TO SELL CITY-OWNED
PROPERTY LOCATED IN MIAMI VALLEY RESEARCH PARK

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

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

The following votes were recorded: Mr. Lautar, Yea; Mr. Klepacz, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, Yea; Mr. Wanamaker, 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: 10179-18
BY: MR.SCOTT AND MR.DUKE

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ECONOMIC DEVELOPMENT
INCENTIVE GRANT AGREEMENT WITH COMMUNITY BLOOD CENTER

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: Mr. Lautar, Yea; Mr. Klepacz, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, Yea; Mr. Wanamaker, 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: 10180-18
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, 2018

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: Mr. Lautar, Yea; Mr. Klepacz, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, Yea; Mr. Wanamaker, 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. 18-015- Request for Zoning District Map Amendment to reclassify land from R-1 Suburban Residence to I-Industrial Designation. A public hearing on this request will be held on Tuesday, August 28, 2018 at the Kettering City Council meeting.

MANAGER'S REPORT/COMMUNITY UPDATE

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

- Coming to the Frazee:
 - Avett Brothers- Tuesday, August 14 at 8:00 p.m.
 - Signs of Life: The American Pink Floyd- Thursday, August 16 at 8:30 p.m.
 - The Menus- Friday, August 17 at 8:00 p.m.
- Bacon Fest will be Saturday, August 18 at 3:00 p.m. at the Frazee.
- Gospel Fest will be Sunday, August 19 at 3:00 p.m. at the Frazee.
- Holiday at Home will be Saturday, September 1 through Monday September 3.

Mr. Schwieterman gave an update about a bomb that was detonated at David's Cemetery.

Mayor Patterson asked instead of sending out a Code Red before something happens, could there be an alert to send something out after it happens to notify residents what the loud sound was. Residents could ignore that if they get the phone call if they do not live in that particular area, but for people who live in that particular area it would answer some of the questions that they may have.

Mr. Schwieterman informed Council that they can check into that matter. Typically, Code Red is used as a notification system but in this case, sending out a message after the bomb was detonated would have answered a lot of the questions that the neighbors had. They wouldn't have to wait until the next day or call dispatch to see what had happened. They would have gotten a Code Red call that explained what happened.

Mayor Patterson mentioned there is no way we could not detonate those bombs and David's Cemetery happened to be one of the safest facilities, so there was really no choice. If we adequately told the neighbors about the sound they heard would have alleviated concerns or questions.

Mr. Klepacz asked how can a detonation occur to minimize the shock value on neighbor's homes?

Chief Protsman, Police Chief mentioned he is unable to answer that question. He is not involved with what the bomb squad does, but they do their job well. The bomb squad practices for these types of situations. They do dig a hole but they take other safety precautions when detonating bombs to make sure there will not be any accidents of damage to properties. He is not able to explain how they technically do that.

Mr. Klepacz mentioned that it is not Kettering Police Officers or Firefighters who are digging holes and throwing bombs into the holes. It is the trained staff with the Dayton Bomb Squad or Wight-Patt.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Audience Participation (5 Minute Limit per Speaker)

Sue Choate- 4908 Bofield Dr. - She has lived at her residence for 38 years and there has been many detonations over the years. This recent one was the biggest one they have had thus far. She represents about 50 of her neighbors who are concerned. She has spoken with two police officers and she informed them that 27 years ago there was a detonation pit. It took 13 years to fill that pit and the company that David's Cemetery contracted for the first 5 years did a great job. A year before the explosion that was 27 years ago her husband heard trucks early in the morning dumping material at the Cemetery. The neighbors were concerned and had a meeting with cemetery staff and the contractor. They were informed that the noise they were hearing was traffic on Far Hills. She did not believe that was the case. Another neighbor who lived on the other side of Far Hills informed her that trucks were going inside of the cemetery. A year or two later, as she was walking her dogs there was a huge flame that went up above her trees. Her concern is what material is in that pit. She was told that it was concrete, iron, and bricks and it is a hard landfill. She was also told that it was a dry summer and since tree limbs had fallen it caused a spontaneous combustion. She is not concerned with what has happened in the past but she is concerned with the future. She hasn't spoken to Wright-Patt but she doesn't want someone flying up in the air if they hit a packet while digging because of the unknown materials that are in the ground. A lot of neighbor's gas lines are located in the back of where the bomb was detonated and the infrastructure is aging. The recent detonation was so powerful that she fell to her feet. She is concerned how that type of power could affect the gas lines.

Roxanne Hemmelgarn- 4904 Bofield Dr. – She lives next door to Mrs. Choate, and she is assuming where the bomb was detonated is directly behind her house. Her home was the first house to receive the initial shock from the detonation. The fire that took place years ago was 80ft deep right behind her house, and the flames had shot over the trees. The smoke from the fire went east for two miles and Town & Country Shopping Center had to close due to the smoke. While sitting in her family room, she is able to see who is driving in and out of the cemetery. There are cars driving in and out of the cemetery at all hours of the night. Sometimes, it can be as many as two or three cars at a time. The cars drive around her house. When they were filling the hole, it was supposed to be a hard fill and it was supposed to be inspected. There used to be a man who would sit at the gate and check the trucks. That changed because trucks were given keys and they were able to let themselves in the cemetery to do their dumping. The neighbors are concerned about the materials that were used to fill the hole, and why do trucks come in at 11:00 p.m. With the gas lines, she was informed that the bomb squad knows what they are doing, but the bomb squad does not know what is underneath the ground. There is 6ft of dirt, but once the bomb goes off no one knows of the type of reaction that could cause. Why does the cemetery have to be a location to detonate bombs? This is not a good place to detonate bombs. The City called the cemetery to get permission to detonate on their ground, but what about the landowners. No one asked the landowners about their input. No one made a decision to have a meeting to ask the landowners if it is okay if the cemetery allows bomb detonations. One answer she received was it is a security matter, but for the landowners around there should have been a meeting. You have to go to a meeting to place an antenna on your house, or attend a meeting when the city wants to build a building. Why can't there be a meeting to talk to the landowners about detonating bombs at the cemetery so they know what is going on. She is surprised how the landowners were not notified and it is their houses and foundations that are placed in danger. If a child was outside at the time the bomb went off that would have been detrimental to that child.

Mayor Paterson mentioned the City Manager will get with the residents so they can come up with some information to give to the landowners. If the City cannot use David's Cemetery or Moraine Farm he is not sure where else the City could detonate bombs. You cannot travel a half hour away to detonate the bombs. He thinks the City could do a better job with working with the residents and informing them. This accident points that flaw out. We will collect names and numbers after the meeting so we can put some information together, and have a meeting with the residents to address their concerns.

Jim Hoffman- 412 Honeysuckle Dr. - The street he lives on is adjacent to Bofield. The cemetery has been used as a bomb disposal site many times. Maybe it needs to be designated as a bomb designation area and go through the paperwork that is necessary to make it a proper bomb disposal area. An EPA study should be conducted to see the impact these detonations are having on the environment by using the cemetery as a bomb disposal area. His wife was watching the news and she found out they were going to do a bomb disposal at David's Cemetery, and two minutes later she heard the bomb go off and it rattled the windows. This was a fairly large explosion. One of his

neighbors called the Police Department and the dispatcher knew nothing of the explosion. If you are going to explode something people are going to call the Police Department and the dispatchers should be briefed on what to tell people who are calling the Police Department. This bomb was created in the 1940s and it had been moved many times, and the fact that it had to be detonated now doesn't seem to make sense. If you change the environment of a bomb it can make it unstable, but it has been moved around since WWII and it has not exploded. He does not agree with the having to explode it now theory. Is there an official bomb disposal place in Montgomery County? If not, should there be?

COUNCIL COMMITTEE REPORTS

Mr. Lautar reported:

- On August 7 he attended the ribbon cutting for Marc's Grocery Store.
- On August 7 he attended National Night Out.
- Ride your bike to Holiday at Home to take advantage of the free bike parking.

Mr. Duke reported:

- On August 14 he attended the ribbon cutting for the Ohio Conference of Seventh-day Adventists.
- Thank you to Mary Lou Randolph for all of her hard work with Kettering Leadership Academy.
- He offered his condolences to Don Vermillion's family.
- He offered his condolences to Ray Griffin's family.

Mr. Wanamaker reported:

- Nothing to report.

Mr. Scott reported:

- Marc's Grocery Store is a huge win for the Kettering community.
- National Night Out had record attendance.

Mr. Klepacz reported:

- On August 3 he attended the retirement party for Don Root.
- On August 12 he attended Art on the Commons.
- Shop Kettering and shop the new Marc's Grocery Store.

Mrs. Fisher reported:

- She shopped Kettering within these past two weeks by shopping at Art on the Commons and Marc's Grocery Store.
- Kettering offers a lot of free events throughout the city.
- Anytime you see an accident let the first responders take care of the situation.

Mayor Patterson reported:

- On July 24 he attended the employee picnic at Polen Farm.
- On July 31 Council had a joint meeting with the Kettering Board of Education.
- On August 4 he attended Optimists Kids Day at Delco Park.
- Welcome Marc's Grocery Store to the Kettering community.
- On August 7 he attended National Night Out.
- On August 14 he attended the ribbon cutting for the Ohio Conference of Seventh-day Adventists.

They're being no further business to come before this meeting of the Kettering City Council; Mayor Patterson adjourned the City Council Meeting at 8:36 p.m.

ATTEST:

DONALD E. PATTERSON, MAYOR

LaShaunah D. Kaczynski
Clerk of Council