

**KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
September 25, 2018**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, September 25, 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

September 11, 2018 - 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. Scott) and no (0) nay votes for the September 11, 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

Presentation- Neighborhood Pride Award

MaryLou Randolph, Volunteer Administrator made the presentation this evening. Mrs. Randolph mentioned that the Neighborhood Pride Award was designated to recognize property owners who have made significant improvements to their homes, or who have maintained their properties impeccably year after year. In May, all Kettering property owners received a letter from Mayor Patterson asking for nominations for this award. In response, 458 nominations were received this year and all were reviewed by the wonderful committee of 24 volunteers. This program divides the city into 12 districts and in June, July, and August one property is selected from each of the 12 districts and 1 commercial property to be recognized as the Neighborhood Pride winner. Tonight, she is happy to report we are celebrating 30 years of Neighborhood Pride. She would like to thank everyone who makes this program possible. She would like to thank Mayor Patterson and City Council for their continued support over the last 30 years and also the wonderful team of volunteers. City staff also supports this program. The Administrative Systems Department re-created a new brochure that resulted in more nominations this year. The Parks Department assisted volunteers to store the signs and coordinate picking them up. The Community Information Manager and Kettering Schools do a great job getting the publicity out about the award. This year, Montgomery County awarded Kettering with a beautification grant that will allow special gifts to be presented to award winners. She would also like to thank Don Tate and Carl Suchomel for all of their hard work. A video was played of the property winners of the Neighborhood Pride Award.

After the video was played, Mrs. Randolph thanked Gail Carone for designing the marigold cards that the award winners received. Mayor Patterson presented winners with a certificate.

Mayor Patterson wanted to thank everyone who takes pride in this community. This is an important program because we can encourage our residents to take pride in their properties, and it is great for the community as a whole. If you watched the video, you saw that there was a lot of work that went into maintaining those properties. On behalf of Council and City Administration, we appreciate the work and time that is placed into maintaining properties around the community. This is the reason why "Kettering is home". Mayor Patterson encouraged residents to submit a name of a neighbor that does exceptional work to their home. He also wanted to thank the committee for all of their hard work year after year. They place a lot of time and effort in so we can have this program.

PUBLIC HEARINGS

PUBLIC COMMENT ON LEGISLATION

ORDINANCES IN SECOND READING

RESOLUTIONS

A RESOLUTION
NO: 10192-18
BY: MR.LAUTAR AND MR.KLEPACZ

AUTHORIZING THE CITY MANAGER TO PURCHASE, THROUGH A STATE OR LOCAL COOPERATIVE PURCHASING PROGRAM, ANNUAL POST WARRANTY MAINTENANCE AND LIFE CYCLE FOR THE DISPATCH RADIO CONSOLE

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

Chief Protsman, Police Chief 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: 10193-18
BY: MR.KLEPACZ AND MRS.FISHER

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

Mr. Bergstresser, Assistant 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: 10194-18
BY: MRS.FISHER AND MR.SCOTT

AUTHORIZING THE CITY MANAGER TO APPLY FOR AN OHIO LAW ENFORCEMENT BODY ARMOR PROGRAM GRANT FROM THE OHIO BUREAU OF WORKERS' COMPENSATION

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

Chief Protsman, Police Chief 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: 10195-18
BY: MR.SCOTT AND MR.DUKE

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO PURCHASE FITNESS EQUIPMENT FOR THE KETTERING RECREATION COMPLEX (KRC) FITNESS CENTER AND THE KETTERING FITNESS & WELLNESS CENTER (KFWC)

Mr. Scott 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.

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: 10196-18
BY: MR.DUKE AND MR.WANAMAKER

TO AMEND RESOLUTION NO. 10174-18

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

Mr. Robillard, Planning & Development Director 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: 10197-18
BY: MR.WANAMAKER AND MR.LAUTAR

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR FABRICATION AND DELIVERY OF A REPLACEMENT PEDESTRIAN BRIDGE AT STATE FARM PARK (STATE FARM PARK BRIDGE #3 [CENTRAL BRIDGE] REPLACEMENT, CITY PROJECT NO. 06-115A)

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

Mr. Bergstresser, Assistant 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: 10198-18
BY: MR.LAUTAR AND MR.KLEPACZ

AUTHORIZING A CONTRIBUTION TO THE KETTERING DEVELOPMENT CORPORATION

Mr. Lautar 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: 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: 10199-18
BY: MR.KLEPACZ AND MRS.FISHER

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

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

Mr. Bergstresser, Assistant 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: 10200-18
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. Bergstresser, Assistant 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

AN ORDINANCE
BY:MR.SCOTT

TO REZONE 1770 EAST DAVID ROAD (PLANNING COMMISSION CASE NO. PC 18-015)

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

CERTIFICATIONS AND PETITIONS

MANAGER'S REPORT/COMMUNITY UPDATE

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

- Leaf pickup will begin on Monday, October 15. Crews will start in District 1.
- The county will be taking photos of properties located in Kettering next week and anticipate to be in our community for 1-2 weeks as part of the 2020 Revaluation Project.
- Autumn Star Gaze will be Saturday, September 29 from 8:00 – 10:00 p.m. at Pondview Park.
- 2018 Beggar's Night in Kettering will be Wednesday, October 31 from 6:00 -8:00 p.m.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Audience Participation (5 Minute Limit per Speaker)

Mike Johnson- 2659 South Blvd- He is here this evening to talk about the flood in Beavertown on June 6, 2018. There is a creek that runs through that area, and a wall of water preceded down the creek and flooded out some houses that are in that area. He has owned his property since 2000 and he is aware that this is a flood zone, but he has never seen that much flooding from the creek. Within an hour, the flood was gone and the water in the creek was back to 2 ft. He believes this was a manmade flood, and someone upstream did something to have the water come down and flood these residents home. The people in this neighborhood are hardworking and several residents have lost thousands of dollars due to the damage from the flood. He and his grandson walked for hours around the neighborhood to talk to residents who were impacted by the flood. He has spoken with the Assistant City Engineer and he informed him that everything was fine regarding the creek and there was just a lot of rain. A week ago, there was a record rainfall and the creek did not overflow. He is not an engineer but he is not convinced that there could be a flood and the water disappeared within an hour. In 2003, there was a neighborhood meeting and there was a project to concrete part of the ditch so it didn't erode, but funds ran out. Fifteen years later, there are trees that are sticking out of that ditch and fencing hanging off. It is easy to say that it is the homeowner responsibility to take care of that, but it is the City's responsibility to take care of the eroding creek. He would like to know why the flood happened and the neighbors he spoke with are concerned if this will happen again. Ms. Edelman is a home owner in that area and she has a tenant that has lost \$4,000 due to flood damage because the water flooded their garage.

Josephine Edelman- 2645 South Blvd- She informed Council that her brand new furnace in her home was damaged due to the flooding. She has owned this property since the early 1980s and she has never had any problems other than sewer problems. The water from the flood was waist high and damaged the partially finished basement. Her tenant had renters insurance but they still lost everything. She lost between \$2,000-\$3,000 in trying to repair the furnace which was not covered by flood insurance. The water cleared up within an hour, and the day where there was record rain fall the creek did not flood at all.

Mayor Patterson requested that Mr. Johnson and Ms. Edelman meet with Mr. Bergstresser after the meeting so he can look into this matter since he is the City Engineer.

Rick Fader -2731 Edenhill- When a man took over the land in Oregon over the Federal Bureau of Land Management Company changing the contract that his family has had for several generations. He took over the Federal Building and at the time he remembers that the sheriff came out and said we do not take over Federal Building by force because there are other venues to handle disagreements. What do you do when those processes fail? He is here this evening because he thinks something needs to be addressed. The Community Service Specialist is a position with the Police Department. The simple training and experience only requires a high school diploma. This position is not a sworn officer position, resulting in this position to not be law enforcement. Lt. Gabrielson mentioned in an

evaluation that the Community Service Specialist is not in the law enforcement section. He is seeing a pattern of concerns regarding this position because Ms. Davis is able to transport evidence to BCI. That is just asking for a problem with a complete exchange of evidence. There is also problems where she has showed up and warrants were issued. She is aware of the pattern that you must first obtain a warrant before invading someone property. In 2016, Ms. Davis went onto a property of a citizen and went through a gated backyard which was fenced and secured and stole that resident dog. Under Ohio Law, if you are Animal Control you have to notify someone that you have taken their dog and you have to give them 10 days in which they can fight to get their dog back. That is due process law. Five days after the dog was taken, the owner called Ms. Davis day after day and they received no response. Five days after the dog was taken the dog was destroyed. The only reason why she took the dog is because the neighbor reported the dog look malnourished. He has had problems with Ms. Davis in the past. He had a cat and he was told by Ms. Davis that his cat looked malnourished and she demanded all kinds of information that she does not have access to demand from anyone. Ms. Davis said that his 5 year old cat looked malnourished. His cat was 16 years old and had been his best friend through half of his marriage. His cat was well taken care of and there was not a problem with his cat. In one of Ms. Davis recent evaluations police management is trying to get an MDT installed in her van. That is a violation of law. Ms. Davis is not a law enforcement officer or sworn officer and she should not have access to personal information. He hopes Council will do something about that.

COUNCIL COMMITTEE REPORTS

Mr. Lautar reported:

- He attended the retirement party of John Durrenberg.
- On September 12 he attended the Singer Vaugh Electric ribbon cutting.
- On September 25 he attended the groundbreaking for the Community Tissue Center.

Mr. Duke reported:

- The Community Tissue Center groundbreaking was very impressive.
- On September 13 he attended the Police Officer of the Year Award.

Mr. Wanamaker reported:

- Congratulations to all of the Neighborhood Pride winners this evening.
- Congratulations to Andrew DiSalvo who was named the Police Officer of the Year.
- Mayor Patterson did a great job at the Community Tissue Center groundbreaking.

Mr. Scott reported:

- No report.

Mr. Klepacz reported:

- On September 15 he attended the kick-off for Habitat for Humanity.
- Shop Kettering.

Mrs. Fisher reported:

- One September 15 she attended Honey Fest.
- Take advantage of the great services in the Kettering community.

Mayor Patterson reported:

- Hosted Mayors and Managers at Moraine Country Club.
- On September 13 he played in the Dor-wood Optimist golf outing.
- On September 13 he attended the Kettering Police Officer of the Year Award.
- On September 13 he welcomed the crowd for Wright-Patt appreciation night.
- On September 15 he attended Honey Fest.
- On September 25 he attended the Community Tissue groundbreaking.
- Congratulations to all Neighborhood Pride winners.

They're being no further business to come before this meeting of the Kettering City Council; Mayor Patterson adjourned the City Council Meeting at 8:53 p.m.

ATTEST:

DONALD E. PATTERSON, MAYOR

LaShaunah D. Kaczynski
Clerk of Council