# KETTERING CITY COUNCIL REGULAR MEETING MINUTES November 13, 2018

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, November 13, 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.

Mayor Patterson welcomed Boy Scout Troop 524 to the meeting this evening.

#### APPROVAL OF MINUTES

October 23, 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 seven (7) yea votes and no (0) nay votes for the October 23, 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- Sister Cities- Mark Schweikhart (Term ending 12/31/18

Mr. Duke made a motion to appoint Mark Schweikhart to the Sister Cities Committee. Mr. Lautar seconded the motion followed by an unanimous like sign vote.

# **PUBLIC HEARINGS**

P.C. 18-018- Request for Zoning District Map Amendment to reclassify land from EDO#18 to a B-Business Designation.

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 gave the staff presentation this evening. Mr. Hundt mentioned that he has been the City Planner for four years, he has been with the City of Kettering for 38 years, and he has been the Zoning Administrator for the past 10 years. The property in question is 1940 E. Dorothy Lane (Aldi's Store). Around a year ago, Aldi's came to the city wanting to expand their location. The overlay district has a greater parking requirement than the actual existing Zoning Code. Aldi's doesn't need all of the parking that they have and they would like to expand. In order to expand, they need to rezone. It will be appropriate to rezone to the Business District and that is why they are making the application request. This is a straight forward case and he would like for the applicant to speak more about their plans in this regard. This application meets all standards for rezoning and he recommends approval.

Mr. Klepacz asked if this expansion is okay with the other businesses within that area.

Mr. Hundt informed Council that there are three properties that are close to Aldi's (Goodwill Store, Wright- Patt Credit Union, and vacate land located south of Wright-Patt Credit Union). It would be great to have all three of these properties rezoned, but Aldi's is the only one who submitted the application to accommodate their expansion.

Mr. Duke asked if all three properties would still be sharing the same egress?

Mr. Hundt informed Council that there will be no change. This is just a zoning change so that Aldi's can expand and meet the parking requirements of the existing code.

Abby Callos, 2221 Sunrock Rd- MMS Consultants made the applicant presentation this evening. The existing zoning district will be eliminated in the future and that is part of Aldi's desire to rezone. This will help the property be up to date with the current code and allow Aldi's to expand. The company has not determined when they would like to expand, but they wanted the property to be current with the code before expansion.

Mr. Klepacz asked what are Aldi's plans in terms of expansion?

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Ms. Callos informed Council that with this style of store it would be a 20 foot expansion. This will allow Aldi's to increase their product line and bring more space into the building. They will also meet the parking requirements for this zoning district.

Mr. Klepacz asked if this would bring more jobs?

Ms. Callos informed Council that she does not know that answer.

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

PUBLIC COMMENT ON LEGISLATION

ORDINANCES IN SECOND READING

**RESOLUTIONS** 

A RESOLUTION NO: 10211-18 BY: MR.LAUTAR AND MR.KLEPACZ

# APPROVING THE SOLID WASTE MANAGEMENT PLAN FOR THE MONTGOMERY COUNTY SOLID WASTE MANAGEMENT DISTRICT

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: 10212-18 BY: MR.KLEPACZ AND MRS.FISHER

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH P&R COMMUNICATIONS FOR TECHNICAL SUPPORT, MAINTENANCE INSTALLATION, AND REPAIR OF THE CITY'S RADIO COMMUNICATIONS EQUIPMENT

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: 10213-18 BY: MRS.FISHER AND MR.SCOTT

AUTHORIZING THE CITY MANAGER TO EXTEND THE TERM OF THE INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE CITY OF DAYTON AND MONTGOMERY COUNTY, OHIO FOR THE SHARING OF BUILDING CODE ENFORCEMENT RESOURCES

Mrs. Fisher read the above resolution and moved for approval. Mr. Scott 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: 10214-18 BY: MR.SCOTT AND MR.DUKE

# AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES OR AN APPROVED COOPERATIVE PURCHASING PROGRAM TO PURCHASE A BACKHOE

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: 10215-18 BY: MR.DUKE AND MR.WANAMAKER

# AUTHORIZING AN EXPENDITURE OF FUNDS FOR TRAFFIC SIGNAL MAINTENANCE IN CALENDAR YEAR 2018

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: 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: 10216-18 BY: MR.WANAMAKER AND MR.LAUTAR

AUTHORIZING THE CITY MANAGER TO ENTER INTO AND IMPLEMENT A COLLECTIVE BARGAINING AGREEMENT WITH THE KETTERING POLICE SUPERVISORS' ASSOCIATION, WHICH IS CONSISTENT WITH A TENTATIVE AGREEMENT REACHED BY THE BARGAINING TEAMS

Mr. Wanamaker 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: 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: 10217-18 BY: MR.LAUTAR AND MR.KLEPACZ

AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 2150 ("LOCAL 2150") ACCRETING THE FIRE CAPTAINS INTO LOCAL 2150, SUBJECT TO THE APPROVAL OF THE STATE EMPLOYMENT RELATIONS BOARD, AND FURTHER AUTHORIZING THE CITY MANAGER TO ENTER INTO AND IMPLEMENT A COLLECTIVE BARGAINING AGREEMENT WITH LOCAL 2150 WHICH IS CONSISTENT WITH A TENTATIVE AGREEMENT REACHED BY THE BARGAINING TEAMS

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: 10218-18 BY: MR.KLEPACZ AND MRS.FISHER

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. 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.

#### ORDINANCES IN FIRST READING

#### AN ORDINANCE BY: MRS. FISHER

TO PROVIDE FOR THE TABLE OF ORGANIZATION, POSITION CLASSIFICATION PLAN, COMPENSATION PLAN AND PAY SCHEDULES AND RULES AND REGULATIONS PERTAINING TO CONDITIONS OF WORK AND SUPPLEMENTAL BENEFITS FOR THE EMPLOYEES OF THE CITY OF KETTERING, OHIO, AND TO REPEAL ORDINANCE NO. 4300-17

Mrs. Fisher read the above ordinance.

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

Mayor Patterson mentioned we end up doing this every three years once we are finished with union negotiations for non-union employees.

Mr. Schwieterman informed Council that historically in a three year period we come back to equalize non-union and union pay scales. It has been the tradition of City administration and City Council to do that for those purposes.

# **CERTIFICATIONS AND PETITIONS**

#### MANAGER'S REPORT/COMMUNITY UPDATE

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

- Crews are currently working in district 7 and are progressing forward through the districts.
   Districts are picked up in numerical order, so please have your leaves raked and placed by the curbs.
- The Yard Debris Center will be closing for the season on December 1 at 3:00 p.m.
- Medicare Open Enrollment begins October 15- December 7.
- City Offices will be closed on Thursday, November 22 and Friday, November 23. Trash
  collection on Thursday will be delayed until Friday; Friday collection will be delayed until
  Saturday.
- Mayor's Christmas Tree Lighting will be Friday, November 30 at 6:00 p.m. at Lincoln Park Civic Commons.

## OTHER BUSINESS NOT ON WRITTEN AGENDA

Audience Participation (5 Minute Limit per Speaker)

Sterling Abernathy – 4951 Walnut Walk- He is here this evening to speak about item number ten on the agenda regarding the 2018 city employee pay ordinance. This ordinance will set the pay for city employees for this current year (2018), and the 2018 city budget that was approved last December includes total personnel costs of \$51 million dollars. That is two thirds of the city's operating budget. Also, the \$51 million dollars included a 2% across the board increase in pay from 2017. He has some questions regarding this ordinance since it impacts \$51 million dollars of spending. He would like to know what percentage pay increases for 2018 are included in this proposed ordinance, and not the ones that Mr. Schwieterman mentioned regarding non-union employees. Secondly, he would like to know the total additional cost to the city for this proposed ordinance compared to the 2018 budget. Thirdly, why wasn't information about pay increase percentage and additional costs included during this meeting so that the public would be informed about it? Also, non-union city employees (including management) receive the same percentage pay increases as the pay increases negotiated with the unions. If managers receive the same percentage increase as union employees and they are the ones who negotiate pay increases with the unions, what is their incentive to minimize city compensation costs for taxpayers?

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Mr. Schwieterman mentioned that they city has entered into union contract agreement for 2 ½ percent over a three year period and the ordinance will increase those union contracts by 2 ½ percent. Also, non-union employees will also receive a 2 ½ percent increase through a half percent increase to what had previously been given in December of 2017 prior to the completion of the union negotiation contracts for 2018. The cost of this new contract was discussed with City Council as part of the union ratification contracts. He does not have those numbers in front of him this evening. Also, he stands by his reputation with his career at the city.

Mayor Patterson mentioned that in regards to the City Manager's motivation with negotiations with the unions, what he fails to tell you is that the City Manager would have done well with just doing what the unions wanted to do and that was to take a 3-3 ½ percent pay increase. This negotiation process is done between the city and the unions and the unions did not get as much as they wanted, and the city worked with them to get something that they thought was fair and in market. If the City Manager wanted to benefit from these negotiations then he would have told City Council not to negotiate with the unions resulting in the City Manager taking a 3-3 ½ percent pay increase. Council doesn't do that, the City Manager doesn't do that, and that is not the type of people that they are.

# **COUNCIL COMMITTEE REPORTS**

#### Mr. Lautar reported:

- On October 24 he attended the Employee Service Awards breakfast.
- On October 27 he participated in Make A Difference Day.
- On October 29 he attended the Blue Ribbon Award Ceremony at Indian Riffle Elementary.
- On November 3 he attended the Victory Oak Knoll WWI Memorial ceremony.
- On November 8 he attended the sneak peek of We Care Arts studio opening.
- Congratulations to Five Rivers Metro Parks and Kettering City Schools on passing their levies.
- On November 12 he attended the JFK Veterans Day event.

#### Mr. Duke reported:

- On October 24 he attended the Kettering Leadership Academy Alumni reunion.
- He offered his condolences to Abner Orick family.

#### Mr. Wanamaker reported:

- Thank you to Mr. Bergstresser and Mrs. Fisher for participating with Dancing with the Kettering Stars.
- Congratulations to Mayor Patterson for his 20 years of service to the City of Kettering.

#### Mr. Scott reported:

- Congratulations to Mrs. Fisher and Mr. Bergstresser in participating with Dancing with the Kettering Stars.
- He attended the Kettering Youth Appreciation banquet.
- Shop local for Small Business Day.

#### Mr. Klepacz reported:

- Make A Difference Day did not have the best weather but still had a large turnout.
- On October 29 he attended the police promotion of Andrew DiSalvo.
- On November 3 he attended Dancing with the Kettering Stars.
- On November 9 he attended the ribbon cutting for We Care Arts new studio.

#### Mrs. Fisher reported:

- Thank you to all who voted.
- Thank you to residents and volunteers who participated in Make A Difference Day.
- She had a great time participating with Dancing with the Kettering Stars.
- Congratulations to Jim Berlon who won Dancing with the Kettering Stars this year.
- She had a great time at the We Care Arts open house.

# Mayor Patterson reported:

- · Congratulations to all service awards winners.
- On October 29 he attended the Indian Riffle Elementary Blue Ribbon Award.
- On October 29 he attended the police promotion of Andrew DiSalvo.
- Dancing with the Kettering Stars was a great event.
- On November 5 he spoke with students about the importance of voting.
- On November 7 he attended the Southdale Elementary Farm to Table event.
- On November 9 he attended the We Care Arts open house.
- On November 12 he attended the JFK Veterans Day program.
- Congratulations to Jim Berlon on winning Dancing with the Kettering Stars.
- Congratulations to Kettering City Schools on passing the levy.
- Thank you to Mrs. Fisher and Mr. Bergstresser for participating in Dancing with the Kettering Stars.

ATTEST:	
LaShaunah D. Kaczynski Clerk of Council	DONALD E. PATTERSON, MAYOR

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They're being no further business to come before this meeting of the Kettering City Council; Mayor Patterson adjourned the City Council Meeting at 8:16p.m.