

**KETTERING CITY COUNCIL  
REGULAR MEETING MINUTES  
March 26, 2019**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, March 26, 2019, 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, Klepacz, Duke, and Wanamaker

Council Members Absent: Fisher, 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 operator Liberty Lord. The Pages this evening were Joe Geiger and Olivia Lombard from St. Charles School. He thanked them for their assistance.

Mayor Patterson mentioned that Mr. Scott and Mrs. Fisher have excused absences.

APPROVAL OF MINUTES

February 26, 2019- Council Meeting & Workshop Minutes

March 12, 2019- Council Meeting & Workshop Minutes

Mr. Klepacz reported that he reviewed the above minutes and moved the minutes be approved. Mr. Duke seconded the motion of the above minutes and there being three (3) yea votes, two (2) abstain votes (Mr. Duke; March 12, 2019 Council Meeting & Workshop Minutes and Mayor Patterson; February 26, 2019 Council Meeting & Workshop Minutes) and no (0) nay votes for the February 26, 2019 Council Meeting & Workshop Minutes, and March 12, 2019 Council Meeting & Workshop Minutes the motion was declared carried by roll call vote.

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

Proclamation- Multiple System Atrophy Awareness Month

Mayor Patterson read the above proclamation and mentioned that the proclamation will be mailed to the Multiple System Atrophy Coalition.

Proclamation- Fair Housing Month

Mr. Lautar read the above proclamation and same was accepted by John Zimmerman, Vice President of the Miami Valley Fair Housing Center. Mr. Zimmerman thanked City Council for the proclamation. The theme this year for Fair Housing Month is "Understanding the Past to Define a Better Tomorrow". This theme will be showcased at the annual fair housing celebration on April 12, 2019 at Sinclair Community College. There will be workshops in the morning and a luncheon with a keynote speaker in the afternoon. There will also be an opportunity for people in attendance to view an exhibit of 50 color photographs from 1966-1967 about Dr. Martin Luther King Jr. efforts to initiate fair housing rights across the nation in advance of the passage of the Fair Housing Act in 1968. On April 24, that same exhibit will be on display at the Presidential Banquet Center at the Greater Dayton Apartment Association Trade Show. On September 11 from 1-4 p.m. he will be conducting a fair housing class at the Kettering Government Center in the Deeds Room. Information about the class will be sent out in August. If anyone would like to contact the Miami Valley Fair Housing Center they can be reached at [www.mvfairhousing.com](http://www.mvfairhousing.com) or call (937) 223-6035 if they should need more information about the events he described, or to inquire about the services that all Kettering residents can access at no cost from their center. The Miami Valley Fair Housing Center assist people who are victims of housing discrimination, and they also assist people who are housing professionals so they can know about updated regulations surrounding fair housing. He thanked City Council again for the proclamation and for all of their support of the Miami Valley Fair Housing Center.

Mr. Klepacz asked for Mr. Zimmerman to repeat the date that the exhibit will be on display at the Presidential Banquet Center.

Mr. Zimmerman informed City Council the exhibit will be on display on April 24, 2019.

Mr. Klepacz asked if this event would be open to the public.

Mr. Zimmerman informed City Council that he will be teaching a large class on that date and they will be viewing the exhibit, but after that there will be a separate room that the exhibit will be placed in and people are welcomed to go in and out of. Jo Wise is the Executive Director of the Greater Dayton Apartment Association and he will speak with her regarding the exhibit being on display in a separate room, and he will relay that information to city staff.

Mayor Patterson welcomed a boy scout from Centerville who was in the audience this evening.

PUBLIC HEARINGS

PUBLIC COMMENT ON LEGISLATION

**Sue Choate- 4908 Bofield Dr.** - She is here this evening representing her neighbors in regards to the radio tower that is on the agenda this evening. She will speak from her heart since City Council has read the reports regarding this case. She was unable to voice her concerns on two items at past meetings because she ran out of time. She is concerned about safety particularly the structure withstanding 90 miles per hour winds. The neighbors were concerned because they never received an answer about how tall the antenna would be since it is the highest elevation in Kettering. Residents in her neighborhood are aware of frequent ice and the aging trees in her neighborhood and the power lines are in close proximity of that. The *Contact with Kettering* magazine keeps residents aware of what is going on in the community, and she was reading Mayor Patterson's message when he says "Our goal is to protect the investment that you made when you decided to call Kettering home". She mentioned Mayor Patterson went on to say that we invest in our neighbors. Please do not throw us under the bus because when she thinks of a 50 foot tower and an antenna, where is the neighborhood pride with that type of a tower. She thanked City Council for their time and consideration regarding this matter. She does not believe that the Board of Zoning Appeals got their decision wrong; she believes they got it right.

**Janet Nixon- 4917 Bofield Dr.** - She showed a picture of the historical marker that is on Mad River Road in front of David Cemetery. The marker designates the route that Daniel Cooper cut from Cincinnati to Dayton. It appears on an 1851 map and Daniel Cooper (one of the founders of Dayton) gives his name to the local chapter of the Daughters of the American Revolutionary. She is not aware if there is another historical marker located in Kettering which makes her neighborhood very special. She along with other neighbors submitted a petition of 34 signatures. Her neighborhood is very small but it is a stable neighborhood with long term residents. When she thinks of all the taxes that she has paid all these years, she hopes that would count for something to preserve her neighborhood. Her neighborhood is very charming and she would hate to see a 50 foot tower be placed in her neighborhood.

ORDINANCES IN SECOND READING

AN ORDINANCE  
NO: 4320-19  
BY: MR.LAUTAR AND MR.KLEPACZ

TO AMEND THE TEXT OF VARIOUS SECTIONS OF THE CITY OF KETTERING ZONING CODE

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

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

The following votes were recorded: Mr. Lautar, 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 ordinance duly adopted.

AN ORDINANCE  
NO: 4321-19  
BY: MR.KLEPACZ AND MR.DUKE

TO LEVY SPECIAL ASSESSMENTS FOR THE CONSTRUCTION AND REPAIR OF CURBS, SIDEWALKS, DRIVE APPROACHES, AND RELATED APPURTENANCES FOR THE VALLEYWOOD DRIVE PHASE 2-CEMETERY LANE TO EAST DOROTHY LANE PROJECT (PROJECT NO. 02-232B)

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

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

The following votes were recorded: Mr. Lautar, 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 ordinance duly adopted.

AN ORDINANCE  
NO: 4322-19  
BY: MR.DUKE AND MR.WANAMAKER

TO LEVY SPECIAL ASSESSMENTS FOR THE CONSTRUCTION AND REPAIR OF CURBS, SIDEWALKS, DRIVE APPROACHES, AND RELATED APPURTENANCES FOR THE OAK CREEK IMPROVEMENTS-PHASE 3 PROJECT (PROJECT NO. 02-290)

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

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

The following votes were recorded: Mr. Lautar, 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 ordinance duly adopted.

AN ORDINANCE  
NO: 4323-19  
BY: MR.WANAMAKER AND MR.LAUTAR

TO LEVY SPECIAL ASSESSMENTS FOR THE CONSTRUCTION AND REPAIR OF CURBS, SIDEWALKS, DRIVE APPROACHES, AND RELATED APPURTENANCES FOR THE 2018 CURB, SIDEWALK & DRIVE APPROACH REPAIR PROJECT (PROJECT NO. 05-118)

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

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

The following votes were recorded: Mr. Lautar, 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 ordinance duly adopted.

RESOLUTIONS

A RESOLUTION  
NO: 10293-19  
BY: MR.LAUTAR AND MR.KLEPACZ

REVERSING THE DECISION OF THE KETTERING BOARD OF ZONING APPEALS IN BZA CASE NO. 18-013 CONCERNING THE PROPERTY LOCATED AT 4800 MAD RIVER ROAD

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

- Crews will make one pass through the entire city beginning April 15 to collect any remaining leaves from fall.
- Coming to the Frazee:
  - Uptown Funk- Thursday, July 11 at 7:30 p.m.
  - Diana Ross- Saturday, July 6 at 7:30 p.m.
  - Charlie Wilson- Saturday, July 20 at 7:30 p.m.Tickets can be purchased to all events at the Frazee Pavilion Ticket Office, Frazee Fanfare store located in Town & Country Shopping Center, [www.fraze.com](http://www.fraze.com), [www.etix.com](http://www.etix.com) or charge-by-phone at 1-800-514-3849.
- City income tax forms are available on the city's website at [www.ketteringoh.org](http://www.ketteringoh.org) and forms are also available to be picked up at the Kettering Tax Department lobby- above the Police Department.

COUNCIL COMMITTEE REPORTS

Mr. Lautar reported:

- On March 21 he attended the Fire Department awards program.

Mr. Duke reported:

- The Fire Department awards was an amazing program.
- The Sister Cities dinner was a fun event.
- He offered his condolences to Brenda Matlock and Keith Thompson families.

Mr. Wanamaker reported:

- He was a dear friend of Keith Thompson and he will be missed.

Mr. Scott reported:

- Absent.

Mr. Klepacz reported:

- On March 20 he attended the Sister Cities annual spring dinner.
- Shop Kettering.

Mrs. Fisher reported:

- Absent.

Mayor Patterson reported:

- On March 13 and 14 he spoke with a group of 3<sup>rd</sup> grade classes from Southdale Elementary.
- On March 13 he attended the retirement party of Troy Schwab; he also read a letter from Mr. Schwab about being thankful for serving this community for 33 years.
- On March 20 he attended the Sister Cities annual spring dinner.
- On March 21 he attended the Fire Department awards.
- Keith Thompson will be missed and he appreciates his friendship.

They're being no further business to come before this meeting of the Kettering City Council; Mayor Patterson adjourned the City Council Meeting at 8:07p.m.

ATTEST:

LaShaunah D. Kaczynski  
Clerk of Council

\_\_\_\_\_  
DONALD E. PATTERSON, MAYOR