

**KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
May 14, 2019**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, May 14, 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, Fisher, Scott, Duke, and Wanamaker

Council Members Absent: None

Total Members Present: Seven (7)

The Kettering Police Department presented the colors. Mayor Patterson led the audience in the Pledge of Allegiance and gave the invocation.

APPROVAL OF MINUTES

April 23, 2019- Council Meeting & Workshop Minutes

Mr. Scott 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 seven (7) yea votes and no (0) nay votes for the April 23, 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

Appointment- Sister Cities- Claudea Welles (Term ending 12/31/20)

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

Proclamation- National Police Week

Mr. Klepacz read the above proclamation and same was accepted by Chief Protsman, Police Chief. Chief Protsman mentioned that the entire Kettering Police Department appreciates this proclamation. This is a somber week for law enforcement across the nation. We remember those heroes who lost their lives in the line of duty. This is true for the Kettering Police Department as there is a temporary memorial stationed in Lincoln Park to honor Paul Metzger who died serving the Kettering community in 1972. He encourages everyone to visit the memorial to pay their respects.

Mayor Patterson mentioned there is a police memorial held every year at the Government Center. It is a great event. The comments that were given were spot on and they evoked a lot of emotion. It was well attended and the weather was nice. He appreciates City Council being included in this event every year.

Proclamation- Older American's Month

Mr. Duke read the above proclamation and same was accepted by Vickie Carraher, Senior Services Coordinator. Mrs. Carraher thanked City Council for their continued support. She would like to invite City Council and all seniors who are 60 and over to Montgomery County Senior Day which will be held on May 24. It will be held at the new Montgomery County Fairgrounds and doors will open at 9:30 a.m. Tickets are available at Kettering Connection or the Lathrem Senior Center.

Mayor Patterson asked if this event was held at Polen Farm in the past?

Mrs. Carraher informed City Council that this event was held at the Presidential Banquet Center for two years, but now that the Fairgrounds is open it is more of a central location.

Presentation- 2020 Census

Elizabeth Whitaker, Senior Planner with the Miami Valley Regional Planning Commission gave the presentation this evening. She is here this evening to talk about the 2020 census and ways her organization is getting the Miami Valley ready for this important activity. The U.S. Constitution mandates a complete count once every ten years of every person residing in the United States. The next census will take place in 2020 and the goal is to count everyone once, only once, and in the right place. The census is about a year away but there is current work going on to prepare the region for a complete and accurate count. Having a complete and accurate count is very important because results from the census will last for the next ten years and there are no do overs. It is important to get the census counts correct because the census allocates congressional seats between states. It is also used to draw legislative boundaries, voting precincts, and overall representation. There are over \$675 billion in federal funds that are allocated every year using census figures. The state will use census information to allocate its money. It is important to have a fair share of funding and resources returned

to the community. The census data is used to guide decision making across public sectors, private, and non-profits. Census data is used in over 50 ways which is key for guiding decisions across all levels of government. The business community uses census data, academic research, and non-profit industries. A lot of people are using this information so there is a vested interest in making sure this information is accurate. Census day will be April 1, 2020 and there is a lot of work underway to get the Miami Valley ready for the 2020 census. The census is a priority for the Miami Valley Regional Planning Commission. The Census Bureau has done a lot of research and there are some demographics that can make it difficult to count people. Some areas will be hard to count or will have lower participation in the census. Throughout Montgomery County there are a few sections that are forecast to have lower participation. This is important because if a person is not counted or not counted in the right place it can have an impact on the resources offered to the community. A recent study was conducted by the George Washington Institute of Public Policy and they were able to analyze five programs from the Health and Human Service Program. They were able to see how these programs were funded based on fiscal allocation from states. For 2015, each missed person from the previous census in 2010 represented a fiscal loss of \$1,206 in Ohio. We will live with our census outcome for 10 years. This loss is for a single year and you can take \$1,206 x by ten years (which is on a per person basis). Ohio is home to over 11 million people. There are more than 300 federal programs that use census-derived statistics to allocate funding. An inaccurate count can have a tremendous impact on our local communities. The census data can also impact representation. An article from the Dayton Daily News highlighted that Ohio is not a growth state and could lose a congressional seat after the next census. For this reason, we cannot afford to undercount our population. Local governments can support the census through operational support and promotional support. Promotional support is the easiest and most effective support they can give because it will bring awareness to the census which will boost participation. The Census Bureau has been creating promotional materials that local governments can place on their website and other social media outlets. Local governments can also get involved by participating in complete count committees. A complete count committee is a volunteer committee established by tribal, state, and local governments to increase awareness about the census and motivate residents in the community to respond. There are populations that will be hard to count, and the programs that could help these communities rely on census data. Communities will be put at a disadvantage if they do not have a complete and accurate count. The complete count committee is customizable to meet each community's needs. There is a complete count committee for Dayton and Montgomery County which was formed over a year ago. This was the first complete count committee to form in the state. The City of Dayton and Montgomery County recognized there will be certain areas that will be hard to count so they decided to get a head start. They also understood the changes that have been made to the census and the resources that are at risk. Nicole Miller is the Chairperson for the Dayton-Montgomery County Complete Count Committee and she has experience working with the Census Bureau. There are nine unique areas within the complete count committee that is a focus to maintain high participation with the 2020 census across Dayton and Montgomery County. The Dayton-Montgomery County Complete Count Committee is using a data approach to guide their outreach. There are census maps tracks that are used to see response scores so communities are able to see areas of low participation and areas that are harder to count individuals. LRS census tract will provide socio-economic information about people who are living in a particular area which will make it easier for a complete count committee to identify strategies to reach out to those populations to increase participation. Time to get ready for the census is now, and it is important for jurisdictions to reach out to complete count committees to start formulating a way to get the word out to residents about the 2020 Census.

Mayor Patterson asked if Kettering was in good shape with census participation?

Ms. Whitaker informed City Council that Kettering is in good shape compared to other communities. Overall, compared to communities throughout Montgomery County there is high participation. In the southern part of Kettering there is a lower participation track, but that does not mean that is the way it has to be once the census comes around in 2020.

Mayor Patterson mentioned that the lower concentration areas on the map is an area with a lot of apartments.

Ms. Whitaker also mentioned that there are a lot of apartments, renters, and group quarters which are populations that harder to count.

PUBLIC HEARINGS

PUBLIC COMMENT ON LEGISLATION

ORDINANCES IN SECOND READING

RESOLUTIONS

A RESOLUTION
NO: 10299-19
BY: MR.LAUTAR AND MR.KLEPACZ

AUTHORIZING THE CITY MANAGER TO PURCHASE COMPUTERS AND SERVERS FOR
THE ANNUAL COMPUTER AND SERVER REPLACEMENT PROGRAM

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: 10300-19

BY: MR.KLEPACZ AND MRS.FISHER

AUTHORIZING THE CITY MANAGER TO APPLY FOR A GRANT FROM THE OHIO
BUREAU OF WORKERS' COMPENSATION SAFETY INTERVENTION PROGRAM TO
PURCHASE SAFETY EQUIPMENT FOR THE FIRE DEPARTMENT

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

Mr. Miller, Assistant Fire 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.

ORDINANCES IN FIRST READING

CERTIFICATIONS AND PETITIONS

Certification- Planning Commission recommends approval of P.C. 19-005- Rezoning of Economic Development Overlay #15. A public hearing on this request will be held on Tuesday, May 28, 2019 at the Kettering City Council meeting.

Certification- Planning Commission recommends approval of P.C. 19-006- Utility Easement Vacation/408 N. Claridge Drive. A public hearing on this request will be held on Tuesday, May 28, 2019 at the Kettering City Council meeting.

Certification- Planning Commission recommends vacation of P.C. 19-008- Mason Utility Easement Vacation (Moraine Ridge Lane). A public hearing on this request will be held on Tuesday, May 28, 2019 at the Kettering City Council meeting.

MANAGER'S REPORT/COMMUNITY UPDATE

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

- Block party forms are available at the Engineering Department's page on the city's website at www.ketteringoh.org or call the Engineering Department for more information at 296-2436.
- To learn more information about Neighborhood Pride or to nominate a neighbor, visit the city's website at www.ketteringoh.org or call the Volunteer Office at 296-2433.
- City offices will be closed on Monday, May 27 to observe Memorial Day. Waste Management trash pick-up will be delayed by one day.
- Adventure Reef Water Park will be opening at noon on Saturday, May 25.
- Congratulations to the 65 individuals who received the Safety Awards from the Parks Department.

Mayor Patterson congratulated the Safety Award winners because safety is an important factor, and he appreciates all of their efforts to stay safe.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Audience Participation (5 Minute Limit per Speaker)

Cathy Campbell- 4517 Ackerman Boulevard- She would like to address City Council about some concerns she has regarding her street. She drives by Oakview Elementary school as she is driving to work. She has witnessed parents parking on the east side of Ackerman Blvd getting out of their cars and walking across the boulevard with their children. They are not walking their child up to the crosswalk. She is very concerned because this happens very frequently, and she has contacted the school to try to address this issue. The school admitted this is a problem and they have been dealing with this for many years. They cannot get their parents to stop doing this. She was told the only way to address this problem is come before City Council. The Police Department has been contacted, and the sergeant mentioned it is going to take a child getting hit before anything will be done about this problem. She is here to express her concern and propose some ideas that might be possible solutions

to the situation. Living on Ackerman, she is able to see firsthand cars speeding. The speed limit is 25 MPH and the cars are not going 25 MPH. She lives at the corner of Ackerman and David and she would encourage a way to slow down the traffic. She would recommend putting in a blinking light to slow the traffic down, similar to the one on West David. A camera would be another way to slow traffic and stop cars from speeding. Her biggest concern is the parents at Oakview Elementary parking on the east side of Ackerman and crossing the boulevard. Her recommendation to City Council is consider placing no parking signs along the side of the street between Fairacres and Stroop. Currently, there are no parking signs on that side of the street, but they only go as far as to Renwood. If you carry the no parking sign further down Ackerman this could prevent this problem from happening. The event that pushed her to speak to City Council regarding this matter was when she was driving to work and she saw a parent parked on the east side of Ackerman get out of her car, take her child out of the car on the street side, and continued to cross the street behind a bus. The child could not have been older than 5 years old. She hopes it doesn't take a child getting hit to find a solution to this problem. One of the issues she addressed with the police sergeant was how to stop this from happening. The sergeant mentioned that the Police Department does not have the man power to monitor this problem, and the school does not have the man power to monitor this problem. To address this concern with other parents, she did place an article in the next door blog to express her concern. There was a lot of dialog that came out of that, and many people had ideas on how to combat this problem. Someone even suggested placing a walkway on that side of Ackerman, even though it would only take someone a few moments to walk down to the crosswalk. She would like City Council to consider placing no parking signs on the east side of Ackerman as far down as Fairacres or Hollendale to solve this problem. The parents are not listening to the Kettering Police Officers who are meeting with parents and talking to them about this dangerous situation. The school has been speaking to parents about this problem time and time again, and this is not stopping the problem. She would hate for it to take a child getting hit to solve this problem. She appreciates her time to share her concerns to City Council as a citizen of this community and hopes that as a resident on Ackerman she does not see a child get hit on her street.

Mark Pardue- 3725 Pobst Drive- He has two concerns he would like to bring before City Council this evening. During the winter months, the curb in front of his home was severely damaged. He spoke with someone named Bob Bodella who told him that the curb in front of his home was very old. His curb is old but at least it was not destroyed. It was intact and looked presentable prior to the winter months. Now his curb is sitting in the street. He spoke with Mr. Schwieterman this morning and provided him with photos and letters from neighbors. His other concern is the vacant home at 3700 Pobst Drive. This property is very run down and he has been complaining about this property for 5 years which is around the time the previous owners moved out. The windows are knocked out, grass has not been cut, gutters are falling down, and the wooden privacy fence has fallen down. He has submitted photos and letters from the neighbors to the City Manager so he can see how this property affects the neighborhood. He cannot enjoy his property without having to look at this place. The LLC that had the property let it go, and the property was supposed to be placed up for sheriff sale. That did not happen because that LLC transferred the property to another LLC which is owned by the same person. He has had the Kettering Police Department out at this location several times to run children out of the home. The trash is overflowing and animals are crawling in and out of the windows. There are groundhogs that are bigger than his arm are hanging out at this property which is unbelievable. This is making the property values in the neighborhood go down. This is a very ugly sight. The City Manager drove by this property and he was able to see the privacy fence laying down in the front yard, and the swing gates are falling off making it easy to see the trash buildup. The back fence is 55 feet long and has fallen over into the neighbor's yard. This neighbor had purchased their home last year, and now they have to look at the fallen fence.

Mayor Patterson informed Mr. Pardue that Mr. Schwieterman had brought this to Council's attention during the workshop meeting this evening. City Council has directed Mr. Schwieterman to look into this problem.

Mr. Pardue mentioned he appreciates City Council trying to fix this problem but there is a tax lien on the home and no one can get a hold of the owner of the LLC. He spoke with the realtor today, and she informed him that she can cut the grass but she will not get paid.

Mayor Patterson mentioned that the city will be cutting the grass at this property.

Mr. Pardue mentioned the only way to get the LLC to come forward is to title the property as unsafe. If you put the property up for auction the owner will show up.

Mr. Patterson asked Mr. Schwieterman if the city can condemn a property or does the county have the authority to do that?

Mrs. Pasqualone, Assistant Law Director mentioned she will look into this question. She will have to look at the past history of ownership of this property.

Mr. Schwieterman mentioned he has taken a look at this property recently and it is not a pleasant property. City staff is working to locate the LLC which is in Arizona. The realtor who has the listing of this property is expressing the same concerns as the city as it pertains to this property. Both parties are working hard to locate the LLC. He is not sure if the home is being marketed aggressively

because of this. The city will continue to work on this and he will work with the Law Department if they need to get involved with this matter. A cut grass order was issued last week and it should be cut this week.

Mayor Patterson mentioned this is a frustrating process.

Clifton Harris- 272 W. Stroop Road- He has been a resident of Kettering for 45 years and he owns two properties that are side-by-side on West Stroop Road. He was at the City Council meeting 2 ½ years ago and Mayor Patterson said a prayer and he thanked him for that prayer. He is a God given child and he would never harm anyone no matter what things might come to and he doesn't hate anyone. He is very disturbed about his neighborhood. There was a young lady here this evening to talk about the speeding on Ackerman, but people should move over to Stroop Road to find out what speeding is. When someone asks him where does he live he doesn't say W. Stroop Road instead he says Highway 76. The speed on Highway 75 is slower than what cars are driving on W. Stroop Road. He has already told the Police Department that any officers can sit on his property to monitor the traffic because he can sit at his home all day and see the speeding. He respects the Police Department but he does not respect the things that are going on in Kettering. There is grass by his property that has tall grass but he went ahead and cut the grass. He cannot walk because of Kettering and all of City Council is aware of that. The last time he was at a City Council meeting he was complaining about speeding. Kettering has changed his life because he is unable to walk and he cannot use his hand which City Council knows why he is unable to walk or use his hand. He hopes this meeting is televised because the last time he was here he was placed in the mental ward at Kettering Hospital. The officer asked him if he had a problem which he replied no then the officer continued to say he was telling City Council he was hit by 400 pounds of blacktop. A city truck hit a piece of blacktop resulting in him being hit. He is unable to use his hand due to his injury. He has been at his home for 45 years and he comes to City Council meetings every six months to tell City Council they need to slow down the traffic. City Council changed the speed limit from 45 mph down to 35mph. He has three seconds to pull out of his driveway, otherwise he will be hit. He was placed in a mental ward at Kettering Hospital and the psychiatrist informed doctors that nothing was wrong with him. He is 74 years old and he has a lot of health problems and the cause of some of his health problems are from being in the hospital and the Kettering area. He is not going to die for Kettering. He is unable to cut the tall grass by his property because he is physically unable to do so and no one else will cut the grass because of the bank. He is not going to die for Kettering and City Council is not going to do anything about the speed limit. The Police Department told him that nothing can be done. He has prayed for everyone on City Council and for 45 years he has been upset about this problem. The last time he was here Mayor Patterson was upset that he was not going to listen to what he had to say and to settle down and as he walked out he was arrested. He visited the Police Department twice to see if he was allowed to come back to a City Council meeting to voice his concerns. He will not hurt anyone he is just here because he needs to pull out of his driveway and there is no way he is able to because of the speed. He hopes this is televised to let the public know this has been overlooked for 45 years.

Noah Ashley -1320 Rush Hill Ave- He is here this evening as a requirement for a merit badge for Boy Scouts but he also wanted to address an issue on how his school treated a small piece of wildlife. He saw along with the counselor and other students saw a birds nest lying by the door way. Wildlife services were not called to handle it properly. Instead, the janitor sprayed the bird nest and the egg with WD40 to keep the mother away from the nest. This is unfair to treat wildlife this way. He can also recall other businesses using similar practices. Some businesses actually touch the nest which you should not do. He sees this at least once a week. He asked that City Council mandates something that wildlife personnel are the ones to take care of this issue in a timely manner and a manner that is appropriate for the situation. Employees should not be handling this improperly.

Mr. Duke wanted to confirm that this was a school employee that sprayed the WD40.

Mr. Ashley mentioned this was a school employee.

Mr. Duke mentioned that he should speak to the school board and the principal about this issue.

Mr. Ashley informed City Council that the counselor has spoken with the principal regarding this matter.

Mr. Duke mentioned that he should follow-up with the principal and thanked him for bringing this before City Council.

COUNCIL COMMITTEE REPORTS

Mr. Lautar reported:

- On May 1 he attended the ribbon cutting for Oak Creek Terrace.
- On May 8 he attended the police memorial.
- On May 8 he attended the Lily and Lace ribbon cutting.
- He attended the Kettering Leadership Academy graduation.
- On May 10 he attended the Miami Valley Bike Summit.
- He participated in Youth in Government Day.

Mr. Duke reported:

- The police memorial was a very moving service.
- He attended the Lily & Lace ribbon cutting.
- He attended Youth in Government Day.
- Kettering Leadership Academy had their 16th graduation.
- Applications for Kettering Leadership Academy are now available.

Mr. Wanamaker reported:

- On May 13 he attended Youth in Government Day.
- He was very proud of the police memorial.
- Congratulations to Mr. Duke with another successful year with the Kettering Leadership Academy.

Mr. Scott reported:

- Nothing to report.

Mr. Klepacz reported:

- On May 9 he attended the Treatment Corp graduation at the Montgomery County Courts.
- On May 10 he attended the ribbon cutting for Select Signs.
- June 19 will be Spass Nacht.
- Shop Kettering.

Mrs. Fisher reported:

- Congratulations to Mr. Duke on a wonderful Kettering Leadership Academy graduation.
- Congratulations to Marynel Bradley on her birthday celebration.
- She was able to cut the ribbon at the Select Signs ribbon cutting.
- She attended the Kettering Medical Center National Day of Prayer breakfast.

Mayor Patterson reported:

- He recorded a commercial at Dayton Metro Library about the importance of summer reading.
- He attended Mayor Dave Seagraves retirement party.
- He attended Roy Chew's retirement party.
- The police memorial was a very moving service.
- He attended Marynel Bradley birthday celebration.
- He attended the Kettering Leadership Academy graduation.
- He attended Youth in Government Day.

They're being no further business to come before this meeting of the Kettering City Council; Mayor Patterson adjourned the City Council Meeting at 8:37 p.m.

ATTEST:

LaShaunah D. Kaczynski
Clerk of Council

DONALD E. PATTERSON, MAYOR