

CITY OF KETTERING
CITY COUNCIL
WORKSHOP MINUTES
July 23, 2019

The Council of the City of Kettering, Ohio met in a workshop session on Tuesday, July 23, 2019 in the Kettering Meeting Room, 3600 Shroyer Road, Kettering Government Center. The meeting came to order at 6:02 p.m.

Council Members Present included Mayor Patterson, Mr. Wanamaker, Mr. Klepacz, Mrs. Fisher and Mr. Duke. Vice Mayor Lautar and Mr. Scott had excused absences.

Staff Members Present: City Manager Mark Schwieterman, Assistant City Manager Steve Bergstresser, Law Director Ted Hamer, Planning & Development Director Tom Robillard and Economic Development Manager Gregg Gorsuch.

Agenda Review – Mr. Schwieterman reviewed the agenda for this evening’s meeting with the Council members.

National Night Out – Mr. Schwieterman informed Council members the Kettering Police Department will be hosting the National Night Out at the Town & Country Shopping Center on Tuesday, August 6th. The event starts at 6:00 p.m.

Waste Management (WM) – Mr. Schwieterman stated the letter to WM stating the City would like to exercise the option for a one year extension of the contract will be sent out on August 9th instead of August 1st as staff had originally stated. The August 9th date works better for WM schedule and does not have a negative effect on the City’s situation.

Rails to Trails – Mr. Schwieterman stated the City of Dayton’s “Flight Line” rails to trails bicycle route was not approved for grant funding. The project is now on hold. Mrs. Fisher said if that is the case can we pave over the rail road track on Patterson Road, those tracks are in terrible condition. Mr. Bergstresser said the City has a right to have a roadway cross rail road tracks, but we have no authority to pave over or repair the tracks. He also stated staff is working with PUCO and other State organizations to have that particular rail road track addressed. The rail road company agrees the tracks are rough, but to date no action has been taken. Mrs. Fisher said she would like staff to find out how the City of Dayton paved over the tracks on Linden Avenue. Mr. Schwieterman said staff will continue working with State agencies to try and get something done at the Patterson Road location. He said he will also check with the Dayton City Manager to see how they addressed the Linden Avenue tracks.

Safety Trailer– Mr. Schwieterman stated the City has a safety “smoke” trailer that is used to help educate the public on ways to escape a burning home. The trailer was grant funded and received by the City several years ago. The trailer is in need of repair. The City of Oakwood has indicated they would be willing to take the trailer make the needed repairs and store the trailer and both Cities (Kettering and Oakwood) could use the trailer for educational purposes. Staff will be bringing legislation to City Council to declare the trailer surplus property so the trailer can be transferred to the City of Oakwood.

Vacant Property Registration – Mr. Schwieterman said he had a conference call with a vacant property registration vendor. The vendor would register vacant properties for the City, the owner of the property would pay a fee and the vendor would keep a portion of that registration fee. Mr. Schwieterman learned the vendor had no other clients at this time and felt this would not be the appropriate vendor for the City to contract with, staff will continue to monitor the situation.

Kettering Health Network (KHN) – Mr. Schwieterman informed Council members he had a lunch meeting with Mr. Terry Burns and Mr. Richard Haas of the KHN. The purpose of the meeting was to try and prioritize the many requests the KHN has regarding several different items on and around their campus. Mr. Schwieterman is

preparing a follow up document to prioritize the projects, so Council and staff can help accommodate the request.

Fraternal Order of Police (FOP) – Mr. Schwieterman stated he and Chief Protsman attended a recent FOP meeting. Mr. Schwieterman made a short presentation to the group; the FOP expressed their concern over two topics. The topics were overtime and vacancies in the Police Department. Mr. Schwieterman said he will be asking Council to add two patrol officers when he presents the 2020 budget. Mr. Schwieterman said the meeting with the FOP went well and it was a good meeting.

Mr. David Leiffer – Mr. Schwieterman informed the Council members he is meeting with Mr. Leiffer tomorrow morning at 8:00. Mr. Leiffer is a resident who has several potential property maintenance violations in his neighborhood he would like to discuss.

Council Meeting Pages – Mr. Schwieterman said it is getting harder and harder for the Council Clerk to get Pages from area schools to attend the Council meetings to pass around the sign in sheets. Mr. Klepacz asked if it was required to have Pages at the Council meetings. Mr. Hamer said it is not a requirement. It was decided staff would try to get Pages for Council meetings when it is possible and when there are no Pages at the meeting the sign in sheet will just be passed around to the audience members.

Mr. Michael Colbert County Administrator – Mr. Schwieterman stated he has a meeting scheduled this week with County Administrator Michael Colbert. The topic of the Meeting will be HOME funds and the current water dispute with Montgomery County. He then has a meeting with Mrs. Shelly Dickstein, Dayton City Manager on Tuesday, July 30th regarding the same topics.

Nuisance Abatement – Mr. Hamer gave the City Council members a presentation regarding proposed changes to the Nuisance Abatement Process. He began by reviewing the City's current nuisance abatement process. He noted the current process is used primarily for demolitions with voluntary abatement agreements and is processed through civil court action. Mr. Hamer stated the current process is to determine that conditions justify demolitions, conduct a title search and then serve notice to abate the nuisance. Mr. Hamer noted the City must file civil complaint naming all interested parties as defendants, then get service on all defendants and then wait for answer time to run. Once that is complete the City will get a judgement or settlement, hire a contractor for demolition, place a lien on the property and wait to collect. Next Mr. Hamer gave some examples of properties in the City where this process has been used in the past. At this point Mr. Hamer described the new proposed administrative Nuisance Abatement Process. He stated there would be two types of nuisances, conditional (condition of property) nuisances and use nuisances. The proposed process would be determine a nuisance exists, conduct a title search, serve a notice to abate, allow time for compliance/appeal, if there is no compliance ore appeal the City can then abate the nuisance. Mr. Hamer explained in the proposed process the Property Maintenance Appeals Board would be made up of the City Engineer, the City Manager and the Police Chief, there would not be citizens on the Appeals Board. Mr. Duke said so we would change the Appeals Board to remove residents from the Board and appoint the City Engineer, City Manager and the Police Chief, what is the purpose in doing that? Mr. Schwieterman said the Appeals Board will now be dealing with very strict guidelines and legal advice; the cases could be complicated with severe legal ramifications. Staff did not think it would be fair to place a citizen in that situation. Mayor Patterson asked if there should possibly be a Council member on the Appeals Board. Mr. Schwieterman said he will look into the possibility of placing a Council member on the Board. Mayor Patterson asked if this is the same administrative process the City of Dayton uses. Mr. Hamer said yes, for the use nuisances this is the process Dayton uses. Mayor Patterson asked if there were citizens sitting on the City of Dayton Appeals Board. Mr. Hamer said no, only administrators.

Mr. Duke said he has a series of questions regarding the proposed massage ordinance, he realizes we are out of time this evening. Mr. Schwieterman asked Mr. Duke to put the questions in writing and sent them to him, staff will answer the questions in a Friday packet and then we can discuss at a future Workshop meeting.

The workshop meeting adjourned at 7:29 p.m.

ATTEST:

DONALD E. PATTERSON
MAYOR

LASHAUNAH D. KACZYNSKI
Clerk of Council