

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

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

Council Members Absent: Duke (Excused)

Total Members Present: Six (6)

Mayor Patterson led the audience in the Pledge of Allegiance and gave the invocation. He introduced the cable TV operator Mike Sopronyi. He thanked him for his assistance.

APPROVAL OF MINUTES

November 12, 2019- Council Meeting & Workshop Minutes

Mr. Scott reported that he reviewed the above minutes and moved the minutes be approved. Mr. Wanamaker seconded the motion of the above minutes and there being six (6) yea votes and no (0) nay votes for the November 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

PUBLIC HEARINGS

PUBLIC COMMENT ON LEGISLATION

Sterling Abernathy- He is here this evening in regards to item number 6 on the agenda which is an ordinance to make changes to the city's income tax laws. This ordinance is an emergency ordinance which means it will bypass the normal public notice and review periods. The city released this ordinance Friday afternoon and once it is approved this evening, it will become law immediately just four days after it was first released. This ordinance will be enforced before the public has become aware of it, has had a chance to read it, provide comment, or petition for a voter referendum. This is unlike regular ordinances which are announced and discussed at two separate council meetings which are two to three weeks apart before being adopted. So what is the tax law emergency? The ordinance says it is an emergency measure for the immediate preservation of public peace, health, and safety. This emergency is arising from the coercive provisions of law found in Ohio House Bill 49 section 718.04a of the Ohio Revised Code, and the need for the city to comply with the municipal income tax provisions and state laws. The ordinance mentions House Bill 166 which was passed by the legislature in July of 2019 which was four months ago, and House Bill 49 was passed in September of 2017. To comply with state laws that were passed two years ago and four months ago, the city is declaring this ordinance an emergency to run those tax changes through in just four days after being released. This ordinance this evening is not the first tax law that has been passed as an emergency in Kettering. In 2018, the city changed the tax law twice with the first occurrence happened in February and the second in November. Both were emergency ordinances from state laws being enacted months before the Kettering ordinances. Tonight will be the third time in a row that the city's tax law is being changed as an emergency and is being run through in four days. Tax laws are not the only emergencies. In the last two years, the city has had eleven emergency or expedited ordinances. All three ordinances on the agenda this evening are emergency ordinances caused by three different emergencies. Is the stated reason for the emergency correct and efficient? Is there an alternative to an emergency ordinance or could these ordinances been handled by using a regular ordinance that would not bypass citizen review? Did the city have enough time from when the related state laws were approved to do its ordinance without declaring an emergency? Changes to Kettering's laws should be done in sufficient notice and time to allow citizens to be informed and participate. Emergency ordinances cut citizens out of the law making process and emergency ordinances should only be used for actual emergencies that cannot be avoided.

ORDINANCES IN SECOND READING

RESOLUTIONS

A RESOLUTION
NO: 10376-19
BY: MR.LAUTAR AND MR. KLEPACZ

AUTHORIZING THE CITY MANAGER TO CONTRACT WITH THE MONTGOMERY COUNTY PUBLIC DEFENDER COMMISSION AND THE MONTGOMERY COUNTY PUBLIC DEFENDER OFFICE TO PROVIDE MANDATED LEGAL COUNSEL TO INDIGENT PERSONS APPEARING IN THE KETTERING MUNICIPAL COURT

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. Wanamaker, Yea; Mayor Patterson, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10377-19
BY: MR.KLEPACZ AND MRS.FISHER

AUTHORIZING THE CITY MANAGER TO ENTER INTO A PARTICIPATION AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO FOR THE ECONOMIC DEVELOPMENT/GOVERNMENT EQUITY (ED/GE) PROGRAM

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. Wanamaker, Yea; Mayor Patterson, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10378-19
BY: MRS.FISHER AND MR.SCOTT

AUTHORIZING THE CITY MANAGER TO PURCHASE A STRYKER POWER COT AND POWER LOAD SYSTEM

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

Chief Butts, 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. Wanamaker, Yea; Mayor Patterson, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10379-19
BY: MR.SCOTT AND MR.WANAMAKER

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, 2019

Mr. Scott read the above resolution and moved for approval. Mr. Wanamaker 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. Wanamaker, Yea; Mayor Patterson, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

ORDINANCES IN FIRST READING

AN EMERGENCY ORDINANCE
NO: 4330-19
BY: MR.WANAMAKER AND MR.LAUTAR

PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$6,825,000 FOR THE PURPOSE OF PAYING THE COSTS OF REFUNDING BONDS PREVIOUSLY ISSUED BY THE CITY FOR THE PURPOSE OF IMPROVING THE CITY'S RECREATION AND PARK FACILITIES BY CONSTRUCTING, EQUIPPING AND FURNISHING THE EXPANSION, ADDITION AND RENOVATION OF THE RECREATION

CENTER AND BY IMPROVING VARIOUS PARKS BY PROVIDING EQUIPMENT,
RECREATIONAL FACILITIES AND SITE IMPROVEMENTS FOR RECREATIONAL
PURPOSES, AND DECLARING AN EMERGENCY

Mr. Wanamaker read the above ordinance and moved for approval. Mr. Lautar 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; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Wanamaker, Yea; Mayor Patterson, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

AN EMERGENCY ORDINANCE
NO: 4331-19
BY: MR.LAUTAR AND MR.KLEPACZ

TO AMEND VARIOUS SECTIONS OF CHAPTERS 191 AND 192 OF THE CODIFIED
ORDINANCES REGARDING INCOME TAX AND DECLARE AN EMERGENCY

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.

Mayor Patterson asked if this is something that the city has to do to be compliant with the state?

Mr. Schwieterman informed city council that is correct.

The following votes were recorded: Mr. Lautar, Yea; Mr. Klepacz, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Wanamaker, Yea; Mayor Patterson, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

AN EMERGENCY ORDINANCE
NO: 4332-19
BY: MR.KLEPACZ AND MRS.FISHER

VACATING AN UNUSED PEDESTRIAN ACCESS EASEMENT AT 1930-2000 COMPOSITE
DRIVE (PLANNING COMMISSION CASE NO. PC-19-007) AND DECLARING AN
EMERGENCY

Mr. Klepacz read the above ordinance and moved for approval. Mrs. Fisher 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; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Wanamaker, Yea; Mayor Patterson, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

CERTIFICATIONS AND PETITIONS

MANAGER'S REPORT/COMMUNITY UPDATE

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

- City offices will be closed on Thursday, November 28 and Friday, November 29. Trash collection on Thursday will be delayed until Friday; Friday collection will be delayed until Saturday.
- Medicare Open Enrollment begins October 15 through December 7. Residents can schedule an individual appointment by calling the Kettering Connection at 296-3330.
- Crews will complete one final round of collection through all the districts starting December 2.
- The Yard Debris Center will be closing for the season on December 7 at 3:00 p.m.
- Council Meetings will be held on the following dates this December:
 - Tuesday, December 3, at 7:30 p.m.
 - Tuesday, December 17 at 7:30 p.m.
- Mayor's Christmas Tree Lighting will be held on Friday, December 6 at Lincoln Park Civic Commons at 6:00 p.m.

Mr. Schwieterman gave a brief PowerPoint presentation regarding Rumpke being awarded the residential trash collection contract starting in July of 2020

OTHER BUSINESS NOT ON WRITTEN AGENDA
Audience Participation (5 Minute Limit per Speaker)

COUNCIL COMMITTEE REPORTS

Mr. Lautar reported:

- On November 21 he attended the Volunteer Luncheon.

Mr. Duke reported:

- Absent.

Mr. Wanamaker reported:

- Mr. Lautar did a great job presenting at the Volunteer Luncheon on November 21.

Mr. Scott reported:

- Happy Thanksgiving.
- This upcoming Saturday is Small Business Saturday; support your local Kettering businesses.

Mr. Klepacz reported:

- He was excited to see the traditional Thanksgiving dinner return to the annual Volunteer Luncheon on November 21.
- This upcoming Saturday is Small Business Saturday; support local Kettering businesses.

Mrs. Fisher reported:

- On November 15 she attended the ribbon cutting for CBD Haus.
- On November 16 she attended the ribbon cutting for Seven Spa.
- She has been collecting food to be distributed in Christmas baskets for 175 families on December 14.

Mayor Patterson reported:

- Thank you Mr. Lautar for attending the Volunteer Luncheon on November 21 on his behalf.
- On November 14 he attended the Fairmont Supper Club.
- Happy Thanksgiving.

Mayor Patterson mentioned Mr. Duke has an excused absence this evening.

They're being no further business to come before this meeting of the Kettering City Council; Mayor Patterson adjourned the City Council Meeting at 7:59 p.m.

ATTEST:

LaShaunah D. Kaczynski
Clerk of Council

DONALD E. PATTERSON, MAYOR