

**KETTERING CITY COUNCIL  
REGULAR MEETING MINUTES  
January 14, 2020**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, January 14, 2020, 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, Klepacz, Fisher, Scott, and Duke

Council Members Absent: Lautar and Wanamaker (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 Joe Mackenzie. He thanked him for his assistance.

Mayor Patterson mentioned that Mr. Lautar and Mr. Wanamaker both have excused absences this evening.

**SWEARING IN OF ELECTED OFFICIALS**

Rob Scott- District 1- Term ending 12/31/23

Joe Wanamaker- District 2- Term ending 12/31/23

Tony Klepacz- District 3- Term ending 12/31/23

Bruce Duke- District 4- Term ending 12/31/23

Mayor Patterson called Mr. Scott, Mr. Klepacz, and Mr. Duke down to the podium to administer their Oath of Office.

**APPOINTMENT OF VICE MAYOR (TERM ENDING 12/31/21)**

Mr. Scott made a motion to appoint Mr. Klepacz as Vice Mayor. Mr. Duke seconded the motion followed by a unanimous like sign vote.

Mayor Patterson congratulated Mr. Klepacz for his appointment as Vice Mayor.

**APPROVAL OF MINUTES**

December 17, 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 five (5) yea votes and no (0) nay votes for the December 17, 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**

**APPOINTMENTS- 2020 COUNCIL COMMITTEES**

Mayor Patterson read the following Council Committees:

Long Range Planning- Mr. Scott, Chair/ Mrs. Fisher

Intergovernmental/ Interagency Relations- Mr. Duke, Chair/ Mr. Lautar

Community Relations & Promotions- Mrs. Fisher, Chair/ Mr. Klepacz

Finance & Personnel- Mr. Klepacz, Chair/ Mr. Duke

Public Health & Safety- Mr. Lautar, Chair/ Mr. Wanamaker

Public Service- Mr. Wanamaker, Chair/ Mr. Scott

**RESOLUTIONS OF APPRECIATION- BOARD AND COMMISSION MEMBERS**

TyAnn Stewart- Board of Community Relations- Resolution No. 10393-20

Mayor Patterson mentioned Mrs. Stewart was unable to attend the council meeting this evening to accept her resolution of appreciation. Mayor Patterson thanked Mrs. Stewart for her service.

APPOINTMENTS- BOARD AND COMMISSION MEMBERS

Mayor Patterson read the following board and commission appointments:

**Sister City Committee**

Mary Lou Meers, Sue Fullenkamp, Joyce Conner, Ed Hatch, Andrew Rathweg (Terms ending 12/31/22)

**Kettering Arts Council**

Elom Dossa (Term ending 12/31/20)  
Pat Higgins, Christian Davell, Tracy McElfresh, Michael Weber, Meghan Thomas (Terms ending 12/31/21)

**Board of Zoning Appeals**

Bob Parks (Term ending 12/31/24)

**Planning Commission**

Richard Schultze (Term ending 12/31/24)

**Volunteer Advisory Council**

Kari Basson, Nancy Byrd (Terms ending 12/31/22)

**Personnel Board of Appeals**

Jeffery Mullins, William Linesch (Terms ending 12/31/20)

**Civil Service Commission**

William Linesch (Term ending 12/31/25)

**Parks, Recreation and Cultural Arts Advisory Board**

Carrie Kihn (Term ending 12/31/24)

**Board of Tax Review**

William Forsthoefel, Cynthia Platt (Terms ending 12/31/21)

**Partners for Healthy Youth Advisory Board**

Kari Basson, Andrea White (Terms ending 12/31/22)

**Board of Plumbers' Registry**

Ben Shannon (Term ending 12/31/21)

Mr. Klepacz made a motion to appoint the above board and commission members to their respective committees. Mr. Scott seconded the motion followed by an unanimous like sign vote.

Mayor Patterson then called board and commission members who were present this evening down to the podium for their swearing-in. Mayor Patterson thanked all of the board and commission members for their volunteer service and their willingness to serve the Kettering community.

PUBLIC HEARINGS

PUBLIC COMMENT ON LEGISLATION

ORDINANCES IN SECOND READING

RESOLUTIONS

A RESOLUTION  
NO: 10394-20  
BY: MR.KLEPACZ AND MRS.FISHER

AUTHORIZING PAYMENT OF 2020 MEMBERSHIP DUES TO MIAMI VALLEY REGIONAL PLANNING COMMISSION

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

Mr. Bergstresser, Acting City Manager gave a brief description of the resolution.

The following votes were recorded: Mr. Klepacz, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, 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.

A RESOLUTION  
NO: 10395-20  
BY: MRS.FISHER AND MR.SCOTT

AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS AND TO CONTRACT FOR THE 2020 CURB, SIDEWALK AND DRIVE APPROACH REPAIR PROGRAM (PROJECT NO. 05-120)

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

Mr. Bergstresser, Acting City Manager gave a brief description of the resolution.

The following votes were recorded: Mr. Klepacz, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, 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.

A RESOLUTION  
NO: 10396-20  
BY: MR.SCOTT AND MR.DUKE

RATIFYING A CONTRACT FOR STREET LIGHT MAINTENANCE

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

Mr. Bergstresser, Acting City Manager gave a brief description of the resolution.

The following votes were recorded: Mr. Klepacz, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, 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.

A RESOLUTION  
NO: 10397-20  
BY: MR.DUKE AND MRS.FISHER

AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS AND TO CONTRACT FOR THE ACKERMAN BOULEVARD IMPROVEMENTS PROJECT, CITY PROJECT NO. 02-138G

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

Mr. Bergstresser, Acting City Manager gave a brief description of the resolution.

The following votes were recorded: Mr. Klepacz, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, 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.

A RESOLUTION  
NO: 10398-20  
BY: MR.KLEPACZ AND MRS.FISHER

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES AND TO CONTRACT FOR ENGINEERING DESIGN SERVICES FOR THE ANSEL DRIVE BRIDGE REHABILITATION PROJECT, CITY PROJECT NO. 03-947 (ODOT PROJECT MOT- ANSEL BRIDGE, PID 111589)

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

Mr. Bergstresser, Acting City Manager gave a brief description of the resolution.

The following votes were recorded: Mr. Klepacz, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, 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.

A RESOLUTION  
NO: 10399-20  
BY: MRS.FISHER AND MR.SCOTT

AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS AND TO CONTRACT FOR KETTERING TRAFFIC SIGNAL REPLACEMENTS- PHASE 2, CITY PROJECT NO. 02-005C (ODOT PROJECT MOT- KETTERING SIGNALS- PHASE 2, PID 100455)

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

Mr. Bergstresser, Acting City Manager gave a brief description of the resolution.

The following votes were recorded: Mr. Klepacz, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, 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.

A RESOLUTION  
NO: 10400-20  
BY: MR.SCOTT AND MR.DUKE

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES AND TO CONTRACT FOR RIGHT-OF-WAY ACQUISITION SERVICES

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

Mr. Bergstresser, Acting City Manager gave a brief description of the resolution.

The following votes were recorded: Mr. Klepacz, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, 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.

A RESOLUTION  
NO: 10401-20  
BY: MR.DUKE AND MR.KLEPACZ

AUTHORIZING COMPLETION OF OHIO DEPARTMENT OF TRANSPORTATION ("ODOT") PROJECT MOT SR 48 6.95, PID 103422, CITY PROJECT NO. 02-100W, WITHIN THE CITY OF KETTERING AND AUTHORIZING THE CITY MANAGER TO ENTER INTO ONE OR MORE RELATED CONTRACTS WITH ODOT

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

Mr. Bergstresser, Acting City Manager gave a brief description of the resolution.

The following votes were recorded: Mr. Klepacz, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, 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.

A RESOLUTION  
NO: 10402-20  
BY: MR.KLEPACZ AND MRS.FISHER

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR THE 2020 STREET TREE INSTALLATION PROJECT, CITY PROJECT NO. 02-050L

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

Mr. Bergstresser, Acting City Manager gave a brief description of the resolution.

The following votes were recorded: Mr. Klepacz, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, 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.

A RESOLUTION  
NO: 10403-20  
BY: MRS.FISHER AND MR.SCOTT

AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS AND TO CONTRACT FOR THE WILMINGTON PIKE IMPROVEMENTS PROJECT, CITY PROJECT NO. 02-108R (ODOT PROJECT MOT-WILMINGTON PIKE IMPROVEMENTS, PID 105752)

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

Mr. Bergstresser, Acting City Manager gave a brief description of the resolution.

The following votes were recorded: Mr. Klepacz, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, 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.

A RESOLUTION  
NO: 10404-20  
BY: MR.SCOTT AND MR.DUKE

AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS AND/OR USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES AND TO CONTRACT FOR THE 2020 STREET MAINTENANCE PROGRAM

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

Mr. Bergstresser, Acting City Manager gave a brief description of the resolution.

The following votes were recorded: Mr. Klepacz, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, 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.

A RESOLUTION  
NO: 10405-20  
BY: MR.DUKE AND MR.KLEPACZ

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR FURNITURE, FIXTURES, AND EQUIPMENT FOR THE KETTERING POLICE STATION RENOVATION

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

Mr. Bergstresser, Acting City Manager gave a brief description of the resolution.

The following votes were recorded: Mr. Klepacz, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, 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.

A RESOLUTION  
NO: 10406-20  
BY: MR.KLEPACZ AND MRS.FISHER

RATIFYING A CONTRACT WITH BRUMBAUGH CONSTRUCTION FOR RENOVATION OF THE KETTERING POLICE STATION

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

Mr. Bergstresser, Acting City Manager gave a brief description of the resolution.

The following votes were recorded: Mr. Klepacz, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, 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

AN EMERGENCY ORDINANCE  
NO: 4335-20  
BY: MRS.FISHER AND MR.SCOTT

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$8,300,000 FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTING, RENOVATING, IMPROVING, EQUIPPING AND FURNISHING THE MUNICIPAL POLICE STATION HEADQUARTERS AND PROVIDING NECESSARY SITE IMPROVEMENTS THERETO AND ACQUIRING, INSTALLING AND REPLACING THE HVAC SYSTEM, MECHANICAL EQUIPMENT AND RELATED APPARATUS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

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

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

The following votes were recorded: Mr. Klepacz, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, 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  
BY: MR.SCOTT

TO REZONE 4745 HEMPSTEAD STATION DRIVE (PLANNING COMMISSION CASE NO. PC- 17-035)

Mr. Scott read the above ordinance.

Mr. Robillard, Planning & Development Director gave a brief description of the ordinance.

CERTIFICATIONS AND PETITIONS

MANAGER'S REPORT/COMMUNITY UPDATE

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

- 2020 dog licenses are on sale now at various locations. Deadline to purchase licenses is January 31.
- Kettering City Offices will be closed on Monday, January 20 to observe Martin Luther King Jr. Day. There will be no delay in Waste Management trash service.
- Waste Management will pick up Christmas trees at the curb until Wednesday, January 15.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Audience Participation (5 Minute Limit per Speaker)

**Amber Hicks- 2068 Maplecrest Drive-** Her neighbor Jenny Harlow, has been displaced from her Kettering home on Maplecrest Drive for two years due to raw sewage in her home. At the May 2019 County meeting pertaining to this issue, Ms. Hicks was told that she would be assessed a fee of \$16,000 upfront or with interest (almost \$26,000) for a main public sewer line. Not her lateral, but the main public sewer line in the middle of town. The county gives her this information, and there has been no communication ever since. There hasn't been a county public meeting ever since, even though it was promised and there have been no updates from the county regarding this issue. There hasn't been any information communicated with the residents of Maplecrest Drive from the City of Kettering. Raw sewage sits in her neighbor's home, and there is an unjust assessment looming, but there has still been no communication from the city. She understands that the county maintains the public sewer system and she is aware that the county will be spearheading this project; however the city has a real opportunity to assist its residents. The residents of Maplecrest Drive need the help of the city. City Council should be just as concerned about this issue as the residents of Maplecrest Drive. There is a public health issue of raw sewage in a resident's home. What if this expands to an entire street? The entire street will be unlivable. That would be a stain on Kettering because resale values in Kettering will be falling and homes on an entire street will be unsalable. The county asked the city for \$65,000 in assistance, but the city said no. The city stated this is a county issue, and the residents of Maplecrest Drive will be assessed \$150,000. The residents of Maplecrest Drive think this is not the solution. Ms. Hicks home is 1,300 sq. ft. with one bathroom and a current assessed value of \$86,000. This is a middle-class street with retirees, teachers, and house keepers. The residents of Maplecrest Drive should have to pay zero individual dollars for sewer lines that the county approved is responsible to service, and the neighbors have been paying utility bills to maintain the sewer line for the last 90 to 100 years. The City of Kettering website outlines that the lateral is the homeowner responsibility, and that public utilities are responsible for the main. The deal is the county pays for the main and home owners pay for the lateral. Suddenly, that deal is no longer true. The City of Kettering needs to uphold its responsibility to serve its residents by:

- Covering the cost that Montgomery County is assessing the property owners individually for this main sewer line project.
- Insuring that the county adheres to the schedule that they proposed.
- Keeping the residents informed.

Ms. Hicks mentioned that the county and the city should be working together to ensure a timely implantation of this sewer line project as promised, and without undue burden on middle-class residents. An individual assessment up to \$26,000 is an undue burden. She is shocked that the council is sitting ideally by while this cost has been dumped on Kettering residents. In a world that is hard enough for the middle-class with increasing families, work, health issues, rising healthcare, living cost, and decreasing pay; the world is scary enough. There are natural disasters and mass shootings and the residents on Maplecrest Drive need to feel safe within their homes. They need to feel safe from raw sewage in their homes. Safe from declining home values due to the city and the county irresponsible disregard. Safe from financial persecution from local government. She would like for local government officials to have the backs of the residents of Maplecrest Drive. Her question to city council is do they have their backs?

Mayor Patterson mentioned that the county has been collecting money from the residents of Maplecrest for 90 to 100 years and the dollars are coming from the county.

Mr. Bergstresser, Acting City Manager informed council that there was a public meeting held in May 2019 with the residents of Maplecrest Drive. The city did offer at that time assistance depending on income level with community block grant funds. If individuals meet the income threshold the city is willing to assist in regard to assessment costs. This project has gone on longer than anticipated, and this is a county project. The county is the lead agency on this project, but that does not excuse the fact that the city could do more to push the county to move this project along. The county is a separate government entity, so the city is limited to accelerate the county schedule for this project. Engineering staff has a meeting scheduled with the county tomorrow, and he has directed the Assistant City Engineering to get an updated timeline from the county regarding this issue. Mr. Bergstresser expressed he had a conversation with Dave Swanson, County Engineer who is heading this project, and he indicated that the county is still in the design phase and information gathering phase for this project. Once the county has gathered all of the information, they will move forward with the project. The city will continue to talk with the county and push them as best as they can.

Mr. Scott wanted to clarify that the county oversees the sewer system and the mains, and the city does not have standing but just to push the county to do the right thing.

Mr. Bergstresser informed council that is correct.

Mr. Scott asked that Mr. Bergstresser inform residents of the efforts the city has made to push this project along.

Mr. Bergstresser informed residents once the city became aware of this problem about a year ago, the Law Department worked to determine who has standing on the project and whose jurisdiction this project is in. Research showed and the county agreed this is their jurisdiction. The city pushed the county to have a public meeting which they did in 2019. At that meeting, the county told the city they needed 6+ months to go through the design phase for this project, and this has taken longer than what the county had told the residents of Maplecrest at that time. The timeline that was explained at the public meeting was assessments would start around November or December of 2019, and construction would begin in the spring of 2020. Mr. Bergstresser believes that timeframe should still stand, but it may be a little delayed since the county has not passed a resolution for assessments and other items that they need to do in order to move this project into the construction phase. Mr. Bergstresser is aware that the residents of Maplecrest attended a county commission meeting this afternoon, and the county should hear the resident's concerns loud and clear.

Mr. Scott clarified that this matter started because a resident on Maplecrest home is daisy chained to another home, which is against Ohio law.

Mr. Bergstresser mentioned that is correct. Some of the homes on Maplecrest are designed as three homes in a row. One person's lateral on top of the hill is connected to two residents that are further downstream. Instead of a standard situation where the lateral goes out to the street to a main, in this situation, laterals are connected to adjacent laterals that eventually connect to a main. There was a break in one of the laterals downstream that affected one of the residents up stream.

Mr. Duke wanted to clarify that the residents of Maplecrest did speak with the county commissioners?

Ms. Hicks mentioned that is correct.

Mayor Patterson informed Ms. Hicks he would be happy to meet with her after the council meeting this evening regarding this issue. From his perspective, this matter has been going on for too damn long and the county needs to step up and fix this problem. The city needs to do a better job of informing residents of what is going on regarding this project.

Ms. Hicks mentioned that the neighbors have not been kept in the loop of what is going on with this project.

Mr. Duke assured the residents of Maplecrest that council is aware of this issue and he has spoken with Ms. Harlow and Mr. Hart, and the city is doing everything they can do to move this project forward. He encourages the residents of Maplecrest to continue to put pressure on the county commission because they are the ones to move this project forward. The city does not have the authority or the power to move this project along, so residents of Maplecrest should continue to keep pressure on the county commissioners. The city is doing everything that we can do to move this along.

Mayor Patterson asserted that the city can do better to keep the pressure on the county, and the city needs to work harder to inform the residents to Maplecrest of the status of this project.

**Gary Wagoner- 2060 Maplecrest Drive-** He has lived in his home for 25 ½ years and Ms. Hicks is one of the nicest neighbors on Maplecrest Drive, and there are about 12 to 13 families and a crusty son-of-a-bitch that you are going to hear from right now. City Council has disappointed the residents of Maplecrest Drive. Where is the leadership Don? What have you done for us? When was the last time you were on Maplecrest? From what he and his neighbors have seen; absolutely nothing. Mr. Duke what have you done for us sir?

Mr. Duke mentioned he was on Maplecrest three days ago and walked the property as best as he could. He visits Maplecrest every week.

Mr. Wagoner mentioned the last time he saw Mr. Duke on Maplecrest was last May at the meeting and before the meeting was over he was out of the room before his shadow got out of the chair. Mr. Duke hasn't moved so fast unless there was a free buffet. Mr. Duke has been a disappointment for 33 years on council, shame on you. Clarence Thomas, Supreme Court Justice has only been on the Supreme Court for 27 years, what a piker. He should be here if he wanted a life time job, and there is a thing such as term limits. He hopes that the next time Mr. Duke runs for office if Ms. Cavanaugh doesn't come close to beating him, Mr. Wagoner will run against Mr. Duke and will kick his ass all over Hills and Dales.

Mayor Patterson informed Mr. Wagoner to stop using profanity.

Mr. Wagoner told Mayor Patterson he has five minutes to speak.

Mayor Patterson informed Mr. Wagoner he has five minutes to speak if he gives him five minutes to speak, or he can end Mr. Wagoner five minutes to speak. He asked Mr. Wagoner to keep it civilized or go and sit down.

Mr. Wagoner stated that is Nazi Kettering.

Mayor Patterson informed Mr. Wagoner he doesn't care what he calls it.

Mr. Wagoner said that is exactly what it is and council is not giving the residents a break at all. The council could have done something in 1955 when they annexed his neighborhood because that is when the responsibility changed. This is between the city and the county water department to fix this problem. No one has done any research regarding this issue and he has contacted CME in Cincinnati that is a pipe realigning company that does trench reconstruction. This company can realign the pipes better than new from house-to-house despite if they are daisy-chained together. Milton Snyder built the Maplecrest development for his family and they are clustered homes and are all daisy-chained together. Mr. Wagoner has three of four laterals that cross his property, and if it is a matter of a deed restriction of no laterals crossing properties, neighbors can quick claim that right. There is one property owner that owns two or three properties. The sewers have been good for at least 100 years. The breach occurred because the properties to the west of the drive are sliding down the hill and that is the reason why a pipe cracked. That is also the reason why there is raw sewage flowing into 2077 Maplecrest Drive. Mr. Wagoner is uphill and he does not have a problem with his sewer, but he was confronted at Trader Joe's because he was seen on the news to have a sewer problem. The property value that he has, which is not a lot to begin with because he has a two bedroom home that is 600 sq. ft. with one bathroom, and the value of his home has depreciated less than what he paid for this home 25 years ago. How do you disclose you have a sewer problem and a 20 year water mortgage on top of that? For the residents who are watching the council meeting at home he would like for them to call Mayor Patterson at 545-008 regarding the Maplecrest issue, and call Mr. Duke at 299-2259 and he hopes his phone will ring off the hook. People are sick and tired of big government versus the little guy. The residents on Maplecrest have had enough. They have attended county commission meetings and everyone speaks about doing the right thing. Is it the right thing for the 555,000 residents of the county, or is it the right thing for the 12 affected residents on Maplecrest. What is the right thing? The right thing is that the residents on Maplecrest do not pay anything to get this problem fixed. The city and county maybe co-defendants in the law suit against them, then how many commas will be in that judgement? You throw around millions of dollar figures, what is \$250,000 to the city. That is petty cash. The city could take this over and do it the right way. The county will not involve the neighbors until they decide on a plan. That is not the way to handle this situation.



COUNCIL COMMITTEE REPORTS

Mr. Lautar reported:

- Absent.

Mr. Duke reported:

- He offered his condolences to Danny Combs family.
- He offered his condolences to Jim Trent family.

Mr. Wanamaker reported:

- Absent.

Mr. Scott reported:

- Nothing to report.

Mr. Klepacz reported:

- He is looking forward to serve as Vice Mayor.
- On December 17 he attended holiday gift wrapping at Fire Headquarters.
- On December 25 he attended Christmas Day at Polen Farm.
- On January 6 he attended the police promotion ceremony.
- Shop Kettering.

Mrs. Fisher reported:

- Thank you to the Fire and Police Departments for doing a wellness check on her dad.
- There was an awesome turnout at Christmas Day at Polen Farm on December 25.
- The Streets Department was out working hard on Christmas Eve collecting leaves before winter weather.
- She appreciates all the services the city provides to help out residents.

Mayor Patterson reported:

- Thank you to all volunteers who helped out at Christmas Day at Polen Farm.
- Jim Trent was an icon for the Kettering community and will be missed.
- On January 13 he attended the Human Services Levy Committee meeting.
- On January 13 he attended the retirement party for Mayor Dick Church of Miamisburg.

They're being no further business to come before this meeting of the Kettering City Council; Mayor Patterson adjourned the City Council Meeting at 8:30 p.m.

ATTEST:

LaShaunah D. Kaczynski  
Clerk of Council

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DONALD E. PATTERSON, MAYOR