

CITY OF KETTERING  
CITY COUNCIL  
WORKSHOP MINUTES  
January 14, 2020

The Council of the City of Kettering, Ohio, met in a workshop session on Tuesday, January 14, 2020, 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. Duke, Mr. Klepacz, Mrs. Fisher and Mr. Scott. Mr. Lautar and Mr. Wanamaker had excused absences.

Staff Members Present: Assistant City Manager Steve Bergstresser, Law Director Ted Hamer, Planning and Development Director Tom Robillard, Economic Development Manager Gregg Gorsuch and Community Information Manager Mary Azbill

Mr. Sterling Abernathy was also in attendance.

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

Informational Items:

- Archbishop Alter High School Girls Soccer Team State Champions will be in attendance at the February 25, 2020, City Council meeting.
- Hoopla Sponsorship for \$5,000 was approved in the budget.

HOME Funds – Mr. Robillard explained to Council members that, in order to collect HOME Funds, the Kettering needs to leave the City of Dayton Consortium. We have lost between \$150,000 and \$180,000 each year since 2017. In 2021, the City will join the State of Ohio Consortium and begin getting funds through them. If the State of Ohio receives money, the City of Kettering will be given part of it. Originally, there was a rule that cities with a population of 50,000 to 60,000 were ineligible to receive funds from the state.

Mayor Patterson expressed his desire to get out of the City of Dayton Consortium as soon as possible. Mr. Bergstresser assured the Mayor that the state was formerly not an option but now is.

Mr. Duke asked if this impacted CDBG funds. Mr. Robillard confirmed that it is HOME funding, not CDBG. Mr. Bergstresser added that the City will add a legal amendment to leave the City of Dayton Consortium.

Mr. Hamer explained that the City will advise the state that we want to join their consortium. The deadline to notify the state is March 1, 2020. Repayment of HOME Funds will come back through Kettering. Dayton advised they would cover funding rehab loans if their frozen HOME funds are released by HUD.

Mrs. Fisher arrived at the meeting.

Mr. Hamer stated that the City could look into breach of contract if it is worth going after Dayton. Mr. Scott asked if the Federal Government would give the City money. Mr. Robillard answered no because the City has to be a certain size. Mr. Scott asked if the funds could be retroactive. Mayor Patterson asked if there was a provision in the amendment so this doesn’t happen again. Mr. Klepacz asked if it is a done deal that the state will let us in. Mr. Robillard stated that the City needs to go through the process.

Autonomous Vehicles – Mr. Hamer gave a presentation on proposed legislation to modify the City’s Traffic Code to account for autonomous vehicles. Mr. Hamer defined autonomous vehicles as motor vehicles with technology to operate without a human operator. The law is trying to keep up with technology. Prosecution has to show that

operator is responsible for vehicle. The Ohio Revised Code does not currently have provisions for autonomous vehicles. It is necessary to add definition to operate in Kettering Traffic Code. A person in the driver seat in an autonomous vehicle is deemed to have caused movement. Second part is if no person is present in driver seat, the person who caused autonomous vehicle to engage is responsible.

Mayor Patterson asked if drivers of autonomous vehicles had to be 18. Mr. Hamer stated that the driver must have an operator's license. Mayor asked if other municipalities are working on this. Mr. Hamer confirmed and stated that until the state decides, municipalities need to add language. A House Bill was never adopted.

Mr. Duke surmised that the federal level will trickle down. He then stated that Columbus has federal grant funding to deal with autonomous vehicle laws. He asked if the City is in touch with this.

Mr. Bergstresser mentioned the smart mobility corridor in Dublin as an example of things the City is watching. Mr. Hamer is keeping an eye on it. Mr. Duke asked about buses, as well. Mr. Bergstresser confirmed that the City is staying proactive with all considerations.

There will be a first reading of an ordinance January 28, 2020.

Shared Mobility Devices – eScooters – Mr. Hamer gave a presentation on proposed legislation to enact a moratorium on shared mobility devices in Kettering. He demonstrated haphazard drop-offs and abandoned shared mobility devices. These devices are causing visual clutter and safety concerns for municipalities. The devices appeal to young people. No helmets are required. Kettering has nothing in place. Mr. Hamer recommended a moratorium on the operation for one year and come back with recommendations for regulations.

Oakwood adopted a moratorium in July 2019. To prevent a company from suddenly placing these devices in Kettering without warning, as has been the case in other communities, Mr. Hamer requested an emergency reading on January 28 for this ordinance. Mayor was opposed, and it was decided that since it is winter, there is likely not a rush.

Mayor Patterson stated that this would be read as a regular ordinance. Mr. Hamer agreed that the first reading would be January 28.

Mr. Bergstresser stated that he informed the MVCC City Managers about our intent to enact this ordinance, as well as the changes to the traffic code for autonomous vehicles. Mayor Patterson asked about neighboring communities being able to do this at once by working together to have unified verbiage. Mr. Bergstresser stated that the other MVCC City Managers expressed interest in the changes we are proposing to our codified ordinances and may enact similar legislation depending upon each community's priorities.

At 6:44 p.m., Mr. Klepacz made a motion to enter into executive session under Section 121.06 (k) of the Codified Ordinances for purposes of Economic Development and Property Matters; the motion was seconded by Mr. Scott. The motion passed by a unanimous roll call vote.

At 7:24 p.m., Council exited the executive session and went back on the record.

The workshop meeting adjourned at 7:24 p.m.

ATTEST:

---

DONALD E. PATTERSON  
MAYOR

LASHAUNAH D. KACZYNSKI  
Clerk of Council