

**KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
February 11, 2020**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, February 11, 2020, at 7:30 p.m. in Council Chambers at the Kettering Government Center South Building, 3600 Shroyer Road. Vice Mayor Klepacz presided and the Clerk of Council, LaShaunah D. Kaczynski, recorded. This meeting was telecast live on the cable access channel.

Council Members Present: Klepacz, Lautar, Fisher, Duke and Wanamaker

Council Members Absent: Patterson (excused)
Scott (excused) **Arrived at the council meeting at 7:40 p.m.**

Total Members Present: Five (5) **There were five members present from 7:30- 7:40 p.m.
Six (6) ** There were six members present from 7:40- 8:02 p.m.

Vice Mayor Klepacz 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.

Vice Mayor Klepacz mentioned that Mayor Patterson and Mr. Scott both have excused absences this evening.

APPROVAL OF MINUTES

January 28, 2020- Council Meeting & Workshop Minutes

Mr. Duke 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 four (4) yea votes, one (1) abstain vote (Mr. Lautar) and no (0) nay votes for the January 28, 2020 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 agenda item number twelve, a resolution to hire an architect to design the renovation of the Rosewood Arts Centre. The estimated total project cost for the renovation is \$5,000,000 over the next four years. Over half of the people who use Rosewood do not live, work, or pay taxes in Kettering. The city plans to spend \$5,000,000 to improve a facility in which half of the users are not from Kettering. Even after a grant from the state for design and private donations, Kettering tax payers will still be on the hook for 80% of the cost. The entire cost of this project should be covered by private donations from those who use the facility or have interest in the work being done there. The \$4,000,000 tax payers save could be used for:

- Meeting important infrastructure needs such as improving many miles of unimproved streets in tax payers neighborhoods. One street in particular California Avenue has been discussed in detail by council. With no curbs or storm water drains, California Avenue residents have flooded yards, driveways, and streets after heavy rain and snow. California Avenue is one of many other unimproved streets in Kettering with this problem.
- Repairing and replacing the city's 50 year old storm water sewer system which staff describes as crumbling.
- Reconstructing residential streets and refurbishing Kettering residences, the majority of which are over 50 years old.

Using the \$4,000,000 for core infrastructure needs would benefit many more Kettering tax payers and it would lessen the need for new additional taxes such as the storm water utility fees and street levies city staff recommended to council several years ago. In the last three years, significant sums of money have been spent on cosmetic items such as \$1.5 million on signs, landscaping and irrigation systems in the Kettering Business Park and \$800,000 for decorating bridges on Schantz and Ridgeway, and now tax payers will pay \$5,000,000 to fix up an arts facility in which half the users do not live, work, or pay taxes in Kettering. Why is spending \$5,000,000 on an arts facility more important than installing storm drains on unimproved streets that flood after rain, or replacing a 50 year old storm water sewer and residential street reconstruction? He is concerned that once the city is finished spending millions on cosmetics such as landscaping, signage, bridge art, and projects that are not core infrastructure needs like Rosewood; residents will be faced with new taxes that city staff suggested two years ago. New taxes could be avoided if spending now is reserved for true core infrastructure needs like replacing storm sewers and rebuilding residential streets. Let's avoid new taxes. This resolution to start spending more capital improvement money on Rosewood Arts Centre should be rejected and a private funding option for the entire amount should be pursued.

ORDINANCES IN SECOND READING

AN ORDINANCE
NO: 4337-20
BY: MR.LAUTAR AND MRS.FISHER

IMPOSING A ONE-YEAR MORATORIUM ON THE PLACEMENT OR OPERATION OF SHARED MOBILITY DEVICES IN ANY PUBLIC RIGHT-OF-WAY OR ON PUBLIC PROPERTY, AND OFFERING THE SAME FOR USE ANYWHERE IN THE CITY

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

Mr. Hamer, Law Director gave a brief description of the ordinance.

The following votes were recorded: Mr. Lautar, Yea; Mrs. Fisher, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Vice Mayor Klepacz, Yea. There being five (5) Yea votes and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

AN ORDINANCE
NO: 4338-20
BY: MRS.FISHER AND MR.DUKE

TO AMEND CHAPTER 402 OF THE CODIFIED ORDINANCES TO ADDRESS TRAFFIC VIOLATIONS INVOLVING AUTONOMOUS VEHICLES

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

Mr. Hamer, Law Director gave a brief description of the ordinance.

The following votes were recorded: Mr. Lautar, Yea; Mrs. Fisher, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Vice Mayor Klepacz, Yea. There being five (5) Yea votes and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

At 7:40 p.m. Mr. Scott arrived at the council meeting. Vice Mayor Klepacz mentioned Mr. Scott no longer has an excused absence.

RESOLUTIONS

A RESOLUTION
NO: 10415-20
BY: MR. DUKE AND MR.WANAMAKER

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR INSURANCE AND OTHER RELATED BENEFITS AND ADMINISTRATIVE SERVICES FOR THE EMPLOYEES OF THE CITY OF KETTERING, KETTERING MUNICIPAL COURT, AND THE OFFICE OF THE CLERK OF THE KETTERING MUNICIPAL COURT

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

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

The following votes were recorded: Mr. Lautar, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Vice Mayor Klepacz, 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: 10416-20
BY: MR.WANAMAKER AND MR.LAUTAR

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR IMPROVEMENTS TO THE RESTROOM FACILITIES AT INDIAN RIFFLE PARK

Mr. Wanamaker read the above resolution and moved for approval. Mr. Lautar seconded the motion.

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

The following votes were recorded: Mr. Lautar, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Vice Mayor Klepacz, 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: 10417-20
BY: MR.LAUTAR AND MRS.FISHER

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR REPAIR, CLEANING, AND PAINTING OF VARIOUS PARK AMENITIES AND STRUCTURES

Mr. Lautar 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. Lautar, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Vice Mayor Klepacz, 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: 10418-20
BY: MRS.FISHER AND MR.SCOTT

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR REPAIR AND MAINTENANCE OF PATHS AT PONDVIEW PARK

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. Lautar, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Vice Mayor Klepacz, 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: 10419-20
BY: MR.SCOTT AND MR.DUKE

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR REPAIR AND RENOVATION OF HARDSCAPE SURFACES AT POLEN FARM

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. Lautar, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Vice Mayor Klepacz, 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: 10420-20
BY: MR.DUKE AND MR.WANAMAKER

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR REMOVAL AND REPLACEMENT OF FENCING AT POLEN FARM AND JF KENNEDY PARK

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

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

The following votes were recorded: Mr. Lautar, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Vice Mayor Klepacz, 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: 10421-20
BY: MR.WANAMAKER AND MR.LAUTAR

AUTHORIZING THE CITY MANAGER TO CONTRACT WITH ROZZI'S FAMOUS FIREWORKS FOR THE PURCHASE AND DISPLAY OF FIREWORKS FOR THE ANNUAL GO 4TH! CELEBRATION AT DELCO PARK

Mr. Wanamaker read the above resolution and moved for approval. Mr. Lautar seconded the motion.

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

The following votes were recorded: Mr. Lautar, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Vice Mayor Klepacz, 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: 10422-20
BY: MR.LAUTAR AND MRS.FISHER

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR TREE SERVICES

Mr. Lautar 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. Lautar, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Vice Mayor Klepacz, 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: 10423-20
BY: MRS.FISHER AND MR.SCOTT

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR LANDSCAPE INSTALLATION SERVICES FOR THE SCHANTZ AVENUE BRIDGE LANDSCAPE RENOVATION PROJECT

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. Lautar, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Vice Mayor Klepacz, 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: 10424-20
BY: MR.SCOTT AND MR.DUKE

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH LWC INCORPORATED FOR DESIGN SERVICES FOR RENOVATION OF ROSEWOOD ART CENTRE

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.

Mr. Duke mentioned that the Rosewood Art Centre is the second most utilized arts facility in Montgomery County; second only to the Dayton Art Institute. Many Kettering residents use the Rosewood Art Centre, and many people from out of town use the Rosewood Art Centre as well. People who visit the Rosewood Art Centre that are from out of town pay higher fees than Kettering residents. The Rosewood Art Centre is truly a gift to this area.

The following votes were recorded: Mr. Lautar, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Vice Mayor Klepacz, 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: 10425-20
BY: MR.DUKE AND MR.WANAMAKER

AUTHORIZING THE CITY MANAGER TO ACCEPT AND ADMINISTER A GRANT FROM THE STATE OF OHIO FOR RENOVATION OF THE ROSEWOOD ARTS CENTRE

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

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

The following votes were recorded: Mr. Lautar, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Vice Mayor Klepacz, 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: 10426-20
BY: MR.WANAMAKER AND MR.LAUTAR

DECLARING AS SURPLUS AND APPROVING AN AGREEMENT TO EXCHANGE CITY-OWNED
PROPERTY LOCATED AT 250 WEST DOROTHY LANE

Mr. Wanamaker read the above resolution and moved for approval. Mr. Lautar seconded the motion.

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

The following votes were recorded: Mr. Lautar, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Vice Mayor Klepacz, 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: 10427-20
BY: MR.LAUTAR AND MRS.FISHER

AUTHORIZING THE CITY MANAGER TO PURCHASE EQUIPMENT THROUGH SEALED BIDS,
NEGOTIATED QUOTES, OR A COOPERATIVE PURCHASING PROGRAM

Mr. Lautar 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.

Mr. Wanamaker asked if Mr. Bergstresser could explain the use of a portable gas monitoring device that is included as part of the equipment purchase.

Mr. Bergstresser informed council that the portable gas monitoring device is used for confined space entry. When workers go into a confined space to lower a pipe or a facility that has a potential for low oxygen levels, they can carry this portable gas monitoring device with them and it will detect gases the could potentially be dangerous to employees.

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

CERTIFICATIONS AND PETITIONS

MANAGER'S REPORT/COMMUNITY UPDATE

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

- Kettering city offices will be closed on Monday, February 17 to observe the Presidents' Day holiday. There will be no delay in Waste Management trash service.
- Nominations for the Mayor's Award for adult and youth volunteer service will be accepted until March 13. Nomination forms can be found on the city's website or by contacting the volunteer office.
- The Yard Debris Center will reopen on Monday, March 12, 2020.
- Coming to the Frazee
 - Pablo Cruise- Friday, June 5 at 8:00 p.m.
 - The Fabulous Thunderbirds- Friday, June 12 at 8:00 p.m.
 - Gladys Knight- Saturday, June 20 at 8:00 p.m.Tickets can be purchased to all events at Frazee Pavilion Ticket Office, Frazee Fanfare store located in Town & Country Shopping Center, www.frazee.com, www.etix.com or charge-by-phone at 1-800-514-3849.
- The Census Bureau begins recruiting thousands of paid census takers to ensure a complete and accurate count. Interested applicants can visit 2020census.gov/jobs to apply for a variety of jobs.
- Beginning February 8 2020, all local phone calls will require dialing an area code plus the 7 digit number.

Mr. Lautar asked when will all of the city's literature and items on the city's website have the 937 prefix in front of phone numbers.

Mr. Bergstresser informed council that the city is in the process of updating that information now. The community update will be fixed as well to include that information in the future. City staff has been instructed to start looking at city literature to make sure the 937 prefix is included in front of phone numbers.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Audience Participation (5 Minute Limit per Speaker)

COUNCIL COMMITTEE REPORTS

Mr. Lautar reported:

- Glad to be back in Kettering.

Mr. Duke reported:

- Pam Cochran was the manager of Town & Country Shopping Center for 27 years and has been a symbol of a true community servant.

Mr. Wanamaker reported:

- No report.

Mr. Scott reported:

- He was recently in Washington D.C. and it is good to be back in Kettering, Ohio.

Mr. Klepacz reported:

- On January 30 Mr. Bergstresser spoke at Dor-wood Optimist to give an update about projects going on in Kettering.
- April 1 is the kick-off to the 2020 Census.
- On January 30 he attended the retirement party of Pam Cochran.
- Shop Kettering.

Mrs. Fisher reported:

- Pam Cochran has retired from Town & Country Shopping Center.

Mayor Patterson reported:

- Absent.

They're being no further business to come before this meeting of the Kettering City Council; Vice Mayor Klepacz adjourned the City Council Meeting at 8:02 p.m.

ATTEST:

LaShaunah D. Kaczynski
Clerk of Council

TONY KLEPACZ, VICE MAYOR