

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

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

Council Members Absent: None

Total Members Present: Seven (7)

Mayor Patterson led the audience in the Pledge of Allegiance and gave the invocation.

Mayor Patterson introduced the cable TV operator Mike Sopronyi. He thanked him for his assistance.

APPROVAL OF MINUTES

June 23, 2020- Council Meeting & Workshop Minutes

Mr. Klepacz reported that he reviewed the above minutes and moved the minutes be approved. Mrs. Fisher seconded the motion of the above minutes and there being six (6) yea votes, one (1) abstain vote (Mr. Lautar) and no (0) nay votes for the June 23, 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

Proclamation- Parks and Recreation Month

Mrs. Fisher read the above proclamation.

Mayor Patterson thanked Mrs. Fisher for reading the proclamation.

PUBLIC HEARINGS

P.C. 20-008 Zoning Text Amendment

Mayor Patterson opened the public hearing and asked that any person that intends to speak to city council about this matter should stand and take an oath. Those that planned to speak took the oath.

Tom Robillard, Planning & Development Director made the staff presentation this evening. The proposed text amendment will be broken down into four areas:

- Industrial Modernization
- Community Health and Safety
- Greater Flexibility
- General Corrections

Over a period of time as the Zoning Code was implemented, certain sections of the Zoning Code need to be updated because they are out-of-date or do not reflect modernization standards. The first proposed change to the Zoning Code is the section regarding industrial modernization. This change will expand the allowable uses under this section because over time the types of uses have changed. In the past, industrial modernization would be considered smoke stacks and heavy industry. The current make-up of industrial modernization in Kettering is low rise, business park settings. It also includes manufacturing, assembly, and office. The word industrial does not reflect the current make-up in Kettering which is mostly business, which is why it would be fitting to modify the word industrial to business park. The name change will be more consistent with the current make-up of industrial modernization.

The second proposed amendment change is the community health and safety section. Changes include categorizing vaping as tobacco sales and updating solar power requirements due to updated technology. This update will make it easier for residents to place solar power units at their homes. Under this section, clarification within the code will update the following topics:

- Trash bins
- Beekeeping
- Pool covers
- Fences
- Gaming
- Vehicle storage

The third proposed change will be to the greater flexibility section of the code. Currently, masonry walls are required for banks, drive-up atm's, hospitals and other uses that do not have noise impacts on adjoining neighbors. Storage yards will continue to have brick walls at their properties. Landscaping uses will be simplified because a one size fits all approach will not work for redevelopment.

The last proposed change is general corrections. Currently, grocery stores are considered a conditionally permitted use in business zones which was an accident, and they should be considered a permitted use. Correctional facilities have been removed from the permitted use list. Residential homes that are on main thoroughfares do not have a lot of parking for residents. These types of homes will be able to expand their driveway to allow for more parking under the correction for parking locations. In the community, there is a nursing home facility in a residential neighborhood. Under the current signs regulation, this nursing home facility is only allowed a 6-sq ft. sign, and they should be able to have the same type of signs as similar uses that are not in residential neighborhoods. Clarifications will also be made to the following categories:

- Self/ mini storage
- Flag poles
- Demolition
- Driveway width
- Windows- retail

There will also be a change to variance procedures under this proposed amendment. Currently, there aren't any specifications regarding a time frame for applying for a variance. The proposed amendment would allow a person 30 days after the denial of a zoning permit to apply for a variance. The definition section is the last section to be amended to ensure the proper changes to the previous proposed amendments that were mentioned. Mr. Robillard mentioned he would be happy to answer any questions or go into more detail.

Mayor Patterson asked if there were any other comments from the public either for or against concerning this public hearing, none were heard.

Mayor Patterson closed the public hearing and explained city council will consider legislation regarding this matter at a future city council meeting.

PUBLIC COMMENT ON LEGISLATION

ORDINANCES IN SECOND READING

RESOLUTIONS

A RESOLUTION
NO: 10460-20
BY: MR.KLEPACZ AND MRS.FISHER

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO PURCHASE FITNESS EQUIPMENT FOR THE KETTERING RECREATION COMPLEX

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. Klepacz, Yea; Mr. Lautar, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mayor Patterson, Yea. There being seven (7) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10461-20
BY: MRS.FISHER AND MR.SCOTT

AUTHORIZING THE CITY MANAGER TO RETURN A SPONSORSHIP PAYMENT FROM ETIX

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

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

The following votes were recorded: Mr. Klepacz, Yea; Mr. Lautar, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mayor Patterson, Yea. There being seven (7) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10462-20
BY: MR.SCOTT AND MR.LAUTAR

AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS FROM THE OHIO
DEPARTMENT OF PUBLIC SAFETY, OHIO DIVISION OF EMS

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

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

The following votes were recorded: Mr. Klepacz, Yea; Mr. Lautar, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mayor Patterson, Yea. There being seven (7) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10463-20
BY: MR.LAUTAR AND MR.WANAMAKER

AUTHORIZING AN AMENDMENT TO THE ANNUAL ACTION PLAN FOR PROGRAM YEAR 2019

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

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

The following votes were recorded: Mr. Klepacz, Yea; Mr. Lautar, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mayor Patterson, Yea. There being seven (7) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10464-20
BY: MR.WANAMAKER AND MR.DUKE

DECLARING AS "SURPLUS" AND APPROVING A CONTRACT TO SELL 9.08 ACRES OF CITY-
OWNED PROPERTY IN RESEARCH PARK

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

Mr. Gorsuch, Economic Development Manager gave a brief description of the resolution.

Mr. Klepacz asked Mr. Gorsuch to elaborate on the number of new jobs that will be coming to the Kettering community.

Mr. Gorsuch expressed this is very exciting news and the expansion will take place in the Miami Valley Research Park. Life Connections of Ohio is growing rapidly and currently they have a \$5 million dollar payroll and it will increase. They are hoping to increase the size of their building and increase the number of employees. The city is very excited about this.

The following votes were recorded: Mr. Klepacz, Yea; Mr. Lautar, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mayor Patterson, Yea. There being seven (7) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10465-20
BY: MR.DUKE AND MR.KLEPACZ

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, 2020

Mr. Duke 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. Klepacz, Yea; Mr. Lautar, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mayor Patterson, Yea. There being seven (7) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

ORDINANCES IN FIRST READING

AN ORDINANCE
BY: MR.KLEPACZ

TO AMEND THE TRAFFIC CONTROL MAP AND THE TRAFFIC CONTROL FILE OF THE CITY OF KETTERING TO SHOW THE INSTALLATION OF TRAFFIC SIGNS ON VARIOUS CITY STREETS IN THE CITY OF KETTERING, OHIO

Mr. Klepacz read the above ordinance.

CERTIFICATIONS AND PETITIONSMANAGER'S REPORT/COMMUNITY UPDATE

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

- The deadline to file city income tax is July 15, 2020.
- The Planning & Development Department has been awarded the Ohio Conference of Community Development President's Award for the Innovative Practices for the city's COVID-19 Business Assistance Program.
- Residential and commercial nominations for Neighborhood Pride are being accepted until August 1.
- Scammers are posing as contact tracers. Residents should call 1-800-282-0515 to report suspected scams.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Audience Participation (5 Minute Limit per Speaker)

Rodney Brandt- 1321 Rochelle Avenue- He is here this evening to ask city council to consider rescinding an ordinance against having chickens. Mr. Brandt mentioned he can provide reasons why chickens should be allowed in Kettering, and how chickens can be implemented seamlessly and effectively. Tsar Nicolas II at the turn of the last century, around the time period declaring war against Germany and the Austrian Empire, there was an economic collapse in Russia. A second economic collapse happened after a collection program was implemented. Russia experienced a third economic collapse in 1990. Every time Russia faced an economic collapse, historians would agree what kept people from starving to death was their access to chickens. With the access to chickens, people were able to feed themselves and their starving neighbors. Due to the current pandemic, there has been a food shortage since the end of last year. With food trucks delivering on time, the shelves at the grocery stores are bare. If COVID-19 continues to increase then what will store shelves look like if trucks aren't coming back on time? We could suffer a similar situation to Russia. We have already faced a similar situation that lasted 10 years, which was called the Great Depression. People of this era were very self-reliant than we are today. Currently, we are slaves to the supermarkets and if we do not have access to protein, we could be in big trouble. One solution to bring chickens back to the Kettering community is having a mandate that they cannot be free range. This will ensure chickens are not roaming around and getting into trees which you cannot have in an urban environment such as Kettering. The second solution he would offer is allowing roosters, but they cannot become a noise nuisance. The best way to ensure a rooster will not become a noise nuisance is ensuring they have a collar. A velcro collar that is an inch in a half high underneath their neck (underneath the feathers) will keep a rooster from flaring it's larynx and crowing. The third suggestion he would make is considering allowing chickens but not in a commercial capacity. Under this stipulation, residents will be unable to sell the chickens or eggs. This would prevent people from running a business in their backyards. He would also recommend there should be a mandate that you can only have 15 hens or less. If there is another food shortage, the Kettering community can come together to feed each other rather than be starving people. Chickens will give the Kettering community a fighting chance at survival just like they did in Russia. If city council has any questions regarding chickens, they can contact Mr. Brandt. He has raised chickens most of his life and he would be happy to answer any questions or help implement a plan to bring chickens back to the Kettering community. He is also able to give expertise on how to make chicken coops rodent proof and he is also willing to work closely with city property maintenance inspectors to set construction guidelines for chicken coops. Citizens of Beavercreek are allowed to have chickens and Kettering should be able to do the same if proper policies are in place. In a time of crisis, citizens will be able to take care of each other.

Carol Costa- 421 Shaw Farm Lane- She sent a letter to city council and Mayor Patterson regarding city council passing a law to make face mask mandatory to wear while in public. She has spoken with Mr. Klepacz who is her council representative and she was informed that mandating mask was under consideration by city council. She is speaking from a personal perspective but also a professional perspective because she is a physician. This is a problem, and this is the only way we know to stop the spread of the virus in its tracks while in the Kettering community. In some communities it is far too late. Montgomery County is under a red alert (level 3) which is very high exposure and spread. Governor DeWine mentioned yesterday that Montgomery County is not doing well and she can

provide the number of deaths since Sunday, hospital admissions, ICU admissions, and the number of new cases as a result of the spread of this virus. She has lived in Kettering for 23 years and she is impressed on how progressive Kettering has been. It seems like the leadership in Kettering really cares about its citizens, which she hasn't experienced while living in other communities. She is surprised that city council hasn't taken action yet to mandate masks in the Kettering community, and she is disappointed that this matter was not on the agenda this evening. There won't be another city council meeting for two weeks and more people can become sick and die from this virus. Why is this matter still under consideration when other cities in Ohio have managed to pass legislation in less than two weeks? Would city council consider moving this legislation along with a scene of urgency? She mentioned she would be happy to answer any questions city council may have from a medical perspective regarding the mass spread of the virus.

Mayor Patterson informed Ms. Costa that city council was considering legislation before Governor DeWine made masks a strong recommendation and the same goes for other Ohio communities that have passed legislation to make masks mandatory. (ex. Columbus, Dayton, etc.) Both of those cities would have not initiated a city mask ordinance if the Governor would have made that decision several weeks ago. He doesn't know if it is fair to say that city council has this matter on the table for consideration because Governor DeWine has already given that directive for Montgomery County.

Ms. Costa asked if Governor DeWine has made masks mandatory or a recommendation for Montgomery County?

Mr. Duke informed Ms. Costa and city council that the Governor has made masks a requirement and it is a third degree misdemeanor if a person does not comply. It is a law.

Ms. Costa explained she has not seen that information and when she went to Kroger today there were still people shopping without a mask.

Mayor Patterson mentioned even in the cities that have passed legislation mandating masks, they aren't enforcing it in an aggressive manner. A lot of businesses haven't taken responsibility to tell patrons if they do not have a mask they can't shop at their store, but some stores have put that policy into place. Some stores such as Trader Joe's and Target have patrons wear masks. The city isn't going to be the mask police and send officers out to enforce a state mandate.

Ms. Costa expressed in her letter to city council she made several suggestions (a campaign) to encourage people to wear masks. The campaign could center around the fact that we should care about each other and not a political issue. Would something of that nature be a possibility that city council would consider?

Mayor Patterson expressed it is always a possibility but as of right now if the Governor of the State of Ohio is telling people to wear masks and they are not adhering to that, he doesn't know what it will take to get them to listen. Doing a community PR to get people to wear mask will not be effective because people who do not want to wear masks will not listen. Members of city council wear masks when we go out to stores and we are wearing masks at city council meetings. He doesn't know what the answer is. City council hasn't really discussed this matter because the Governor mandated masks last week. At this time, city council doesn't have anything on the table to discuss that matter further. Mr. Duke was advocating for a mask mandate before the Governor placed a mask mandate for Montgomery County.

Mr. Duke informed Ms. Costa that he doesn't disagree with her ideas of having a community program. When he was in Yellow Springs, there were signs in yards encouraging people to wear masks. We wear masks to protect others and not for ourselves, so any citizen who would like to start that campaign and place a sign in their yard to get positive conversation going is a great idea. It is time for people to wear masks and he was surprised when he was at Kroger last week and there was a 75:25 ratio for people wearing masks to people not wearing masks, and now with the Governor's orders it has been 100% compliance of people wearing masks at Kroger.

Mayor Patterson said he didn't find a 75:25 ratio at Kroger and he is there three times a week, the ratio is more of 65:35 of people wearing masks to people not wearing masks.

Mr. Duke expressed more people are wearing masks now that the Governor has mandated them because it is an order. He is concerned if the State of Ohio continues to accelerate in cases in other parts of the state and Montgomery County goes from a level 3 down to a level 2, will people begin to stop wearing masks. Re-infection cases are happening around the country and he is in favor of whatever it takes to encourage people to keep their masks on.

Mayor Patterson informed Ms. Costa that he was considering doing a video with a dozen people who would be standing and holding a sign for the person they wear their mask for to protect against the virus. That idea didn't get much traction because the Governor came out three days later and mandated masks. Mary Azbill, Community Information Manager and MVCC had a sample video and there were talks about having a video of all of the local mayors coming together making a joint video also. When the Governor mandated masks, the response has been overwhelming positive that the video idea hasn't moved forward. Mayor Patterson provided Ms. Costa with a map from the

Montgomery County Health Department. The map highlights cases per 100,000 and Kettering zip codes have the least amount of cases compared to surrounding communities in Montgomery County that have high red alert cases. Kettering residents have done a good job compared to Dayton, Trotwood, Huber Heights etc. and he commends Kettering residents for wearing masks and social distancing to help prevent the spread of the virus. The city will continue to follow the Governor's directive. At the time city council received Ms. Costa letter, the Governor hadn't made a mandate and city council was going to discuss this matter at the workshop meeting prior to the city council meeting.

COUNCIL COMMITTEE REPORTS

Mr. Lautar reported:

- City council should promote best practices by reminding people to social distance and wear masks.

Mr. Duke reported:

- Thank you to all residents who contacted city council regarding masks.
- We have not seen the end of this pandemic.

Mr. Wanamaker reported:

- No report.

Mr. Scott reported:

- Thank you to the Planning & Development Department in assisting small businesses during the pandemic.

Mr. Klepacz reported:

- On June 25 he attended the volunteer appreciation drive-thru.
- Continue to shop at small local Kettering business.

Mrs. Fisher reported:

- The volunteers at the volunteer appreciation drive-thru on June 25 were happy to see other people.
- The Board of Community Relations will be moving their meeting to Monday, July 27 in lieu of July 20. Anyone can attend.

Mayor Patterson reported:

- He has had a great time recording book readings for the kids in the community.
- Congratulations to Officer Plas who is the newest Kettering officer.
- Thank you to the Traffic Engineering Department for going above and beyond to help a resident install an audible traffic signal.
- On June 25 he attended the volunteer appreciation drive-thru.

They're being no further business to come before this meeting of the Kettering City Council; Mayor Patterson adjourned the City Council Meeting at 7:52 p.m.

ATTEST:

LaShaunah D. Kaczynski
Clerk of Council

DONALD E. PATTERSON, MAYOR