

**KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
January 26, 2021**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, January 26, 2021, at 7:30 p.m. Due to the COVID-19 pandemic, the January 26, 2021 meeting of the Kettering City Council was conducted by teleconference with video. Mayor Patterson presided and the Clerk of Council, LaShaunah D. Kaczynski, recorded. This meeting was telecast live on the cable access channel and streamed live at mvcc.net.

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

Council Members Absent: Wanamaker (Excused)

Total Members Present: Five (5)

Mrs. Fisher recited the Pledge of Allegiance.

Mayor Patterson gave the invocation.

Mrs. Kaczynski conducted an attendance roll call of council members:

Mr. Klepacz- Present
Mr. Lautar- Present
Mrs. Fisher- Present
Mr. Duke- Present
Mr. Wanamaker- Absent
Mayor Patterson- Present

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

APPROVAL OF MINUTES

January 12, 2021- Council Meeting & Workshop Minutes

Mr. Lautar 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 January 12, 2021 Council Meeting & Workshop Minutes, the motion was declared carried followed by a roll call vote.

APPOINTMENTS- 2021 COUNCIL COMMITTEES

Mayor Patterson read the following 2021 council committees:

Long Range Planning- Mr. Klepacz, 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. Lautar

Mr. Klepacz made a motion to approve the 2021 council committees. Mr. Duke seconded the motion and there being five (5) yea votes and no (0) nay votes for the 2021 council committees, the motion was declared carried followed by a roll call vote.

PROCLAMATIONS, SPECIAL PRESENTATIONS, AWARDS, SPECIAL RESOLUTIONS, APPOINTMENTS TO BOARDS AND COMMISSIONS

Appointment- Regional Transit Authority- Albert Fullenkamp (Term ending 10/31/23)

Mr. Lautar made a motion to appoint Albert Fullenkamp to the Regional Transit Authority. Mr. Duke seconded the motion and there being five (5) yea votes and no (0) nay votes to appoint Albert Fullenkamp to the Regional Transit Authority, the motion was declared carried followed by a roll call vote.

Video Presentation- MLK Essay Award Winners

Mrs. Fisher mentioned she is very excited about this video presentation this evening. There were 152 essay submissions (50 from high school and 102 from junior high). The Board of Community Relations worked with the Partners for Healthy Youth Advisory Board to create this video. She believes everyone who watches this video will be moved and inspired not only by the essays but also by the special music from the high school. She believes this process will continue for years to come. A video presentation of the Martin Luther King Jr. Essay Award Winners was played.

Mr. Lautar mentioned that was the best format for this essay contest and the essays that were played were the best essays he has ever heard for this contest.

Mrs. Fisher mentioned even through troubled times good things can come out of the bad.

Mayor Patterson expressed this video says a lot about our youth and the leadership of the future. Mayor Patterson thanked Mrs. Fisher and everyone who worked on this. A lot of time and effort was placed into this project and it was well worth it. The Board of Community Relations has some big shoes to fill if they don't do another video presentation for this contest next year.

Mrs. Fisher thanked MVCC for putting the video together. They did a great job.

Mr. Duke asked if this video will be placed on the city's website so residents can see?

Mrs. Fisher informed council that the video is available on the city's website.

PUBLIC HEARINGS

PUBLIC COMMENT ON LEGISLATION

ORDINANCES IN SECOND READING

RESOLUTIONS

A RESOLUTION
NO: 10517-21
BY: MR.KLEPACZ AND MRS.FISHER

TO ACCEPT THE RESIGNATION OF ROBERT L. SCOTT AND TO DECLARE A COUNCIL SEAT
VACANT

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. 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: 10518-21
BY: MRS.FISHER AND MR.LAUTAR

AUTHORIZING THE CITY MANAGER TO APPLY FOR A GRANT FROM FIREHOUSE SUBS
PUBLIC SAFETY FOUNDATION

Mrs. Fisher 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. 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: 10519-21
BY: MR.LAUTAR AND MR.DUKE

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

Mr. Lautar read the above resolution and moved for approval. Mr. Duke 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. 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: 10520-21
BY: MR.DUKE AND MR.KLEPACZ

TO AMEND RESOLUTION NO. 10423-20

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

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

The following votes were recorded: Mr. Klepacz, Yea; Mr. Lautar, Yea; Mrs. Fisher, 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: 10521-21
BY: MR.KLEPACZ AND MRS.FISHER

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED
QUOTES TO CONTRACT FOR THE REMOVAL AND REPLACEMENT OF TREES ON CITY
OWNED PROPERTIES

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.

Mr. Lautar asked if the tree removal program will continue with the current 2:1 ratio?

Mr. Schwieterman informed city council that the 2:1 ratio will remain the same.

The following votes were recorded: Mr. Klepacz, Yea; Mr. Lautar, Yea; Mrs. Fisher, 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: 10522-21
BY: MRS.FISHER AND MR.LAUTAR

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, 2021

Mrs. Fisher 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. 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 ORDINANCE
BY: MR.LAUTAR

TO EXTEND A 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.

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

AN ORDINANCE
BY: MR. DUKE

TO REZONE LOTS 1, 2 AND 3 OF THE FORRER DEVELOPMENT RECORD PLAN (2231-2391 WOODMAN DRIVE AND 2070 FORRER BOULEVARD; PLANNING COMMISSION CASE NO. 20-017

Mr. Duke read the above ordinance.

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

AN ORDINANCE
BY: MR. KLEPACZ

TO REZONE ALL OF LOT 5 AND A PORTION OF LOT 2 OF THE VILLAS AT KETTERING POINTE SECTION ONE (2222-2298 S. SMITHVILLE ROAD; PLANNING COMMISSION CASE NO. 20-019

Mr. Klepacz read the above ordinance.

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

AN ORDINANCE
BY: MRS. FISHER

TO AMEND SUBSECTION 1104.401.4.3 OF THE CITY OF KETTERING CODIFIED ORDINANCES REGARDING FLOOD DAMAGE PREVENTION

Mrs. Fisher read the above ordinance.

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

Mr. Lautar asked if this amendment will pertain to a 100 year flood elevation?

Mr. Bergstresser confirmed this amendment is for a 100 year flood elevation.

CERTIFICATIONS AND PETITIONS

MANAGER'S REPORT/COMMUNITY UPDATE

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

- The Board of Community Relations is looking for public input on their racial equity survey. Survey is available on the city's Facebook page.
- 2021 dog licenses are now on sale. Deadline to purchase a dog licenses is January 31.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Audience Participation (5 Minute Limit per Speaker)

Sterling Abernathy- He has comments this evening regarding charter review. Council started setting up a Charter Review Committee to propose changes to the city charter this year. In 2012, Kettering voters changed the city charter to impose term limits on city council. In 2016, Kettering voters approved more citizen initiated charter reforms. Charter amendments from the 2016 Charter Review Committee tried to overturn term limits, but it was rejected by the voters. Today, after eight years after term limits were adopted, only one council seat has changed. Other members of council are term limited once their current term expires. Senior council members have served 14, 17, 23 and 34 years and council will have new faces in 2022 and 2024. This council wants to repeal previous charter reforms and instead of openly proposing charter amendments, this council wants to work indirectly through a committee. How could a committee be impartial when people are handpicked by the Mayor? How can the committee be independent when it is steered by the city manager and the law director to come up with what council wants? Council is not required to use a committee; they can pass legislation to place proposed charter amendments on the ballot. Mr. Klepacz initiated the call for the Charter Review Committee and next month will mark 14 years of his service on city council. If council knows the charter changes they would like to make, they should have the law director draft legislation and get it passed by council so it can be placed on the ballot so the voters can decide. After 14 years of service, you are allowed to be open with the public about the charter changes council would like to make. If council wants citizen input on proposed charter changes, they should hold a meeting for all the public similar to what was done for Ridgeway Bridge. During this pandemic, there is no need to set-up a committee and have the city manager, assistant city manager, law

director and assistant law director spend hours conducting group meetings on Zoom when council can place charter changes on the ballot themselves. If council is going to overturn the seven initiated charter reforms including term limits that the voters overwhelmingly approved in 2012 and 2016, they at least need to be open and upfront about it. Council should not try to hide what they are doing through a committee and waste a lot of time and when that was done in 2016 the Kettering voters still didn't buy it.

Mayor Patterson expressed council has not established a committee and have not discussed proposed charter amendments. Kettering residents have the right to participate in charter changes. He is not in favor of council drafting legislation and passing it to go to the ballot. He believes in democracy and residents have the right to put together and make changes they think need to be made. Any changes to the charter will not affect anyone currently serving on council including term limits. There isn't an ulterior motive for current council members to continue to serve on council.

COUNCIL COMMITTEE REPORTS

Mr. Lautar reported:

- He asked Mrs. Fisher in order to make the racial equity survey powerful, how many responses does the Board of Community Relations need? (Mrs. Fisher mentioned she can find out that information and report back).

Mr. Duke reported:

- He offered his condolences to Idotha "Bootsie" Neal's family.

Mr. Wanamaker reported:

- Absent.

Mr. Klepacz reported:

- Support local Kettering businesses.

Mrs. Fisher reported:

- The Board of Community Relations is looking to residents to take the racial equity survey.

Mayor Patterson reported:

- He congratulated Mr. Duke on being appointed to the Board of Directors for the National League of Cities.
- He thanked Rob Scott for his service to the Kettering community and for serving on city council.

They're being no further business to come before this meeting of the Kettering City Council; Mayor Patterson adjourned the City Council Meeting at 8:11 p.m.

ATTEST:

LaShaunah D. Kaczynski
Clerk of Council

DONALD E. PATTERSON, MAYOR