

**KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
April 13, 2021**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, April 13, 2021, 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 and streamed live at mvcc.net.

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

Council Members Absent: None

Total Members Present: Six (6)

Mayor Patterson 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.

APPROVAL OF MINUTES

March 23, 2021- Council Meeting & Workshop Minutes

Mr. Lautar 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 six (6) yea votes and no (0) nay votes for the March 23, 2021 Council Meeting & Workshop Minutes, the motion was declared carried followed by a roll call vote.

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

Proclamation- Arbor Day

Mr. Klepacz read the above proclamation and same was accepted by Gary Schussler, Parks Superintendent. Mr. Schussler thanked Mayor Patterson and city council for the proclamation. The City of Kettering has been a recipient of Tree City USA for 38 years, and he is happy to accept this proclamation on behalf of the Kettering Parks Division. TreeFest will be taking place this year and after last year's cancellation, he is happy the event will take place this upcoming Saturday. Safety guidelines will be in place similar to the safety guidelines in all of the Kettering parks. Participants are encouraged to social distance and wear masks.

Proclamation- National Volunteer Week

Mrs. Fisher read the above proclamation and same was accepted by Kari Basson, Chairperson of the Volunteer Advisory Council. Mrs. Basson thanked Mayor Patterson and city council for the proclamation this evening. Mrs. Basson expressed that the volunteer spirit that shines in our community is very impressive. When a need arises, Kettering volunteers are ready to serve with commitment, dedication and heart. The past year has presented a host of challenges and the volunteer program was no exception as most in-person volunteer positions were paused. Despite this challenge, volunteers stepped up to meet various demands in our community. Sewing and distributing face masks, conducting wellness checks for seniors, distributing PPE kits and creating cards for nursing home residents all became part of the way volunteers showed they care and have compassion for others. Service to others is part of the culture in Kettering and it is a gift that is passed on for generations. The youth within our community join with adults to lend a hand in times of need. There is nothing more heartwarming than to see families, service clubs and high school / college students working together for the greater good. In addition to recognizing the wonderful volunteers, she would like to thank Mayor Patterson, city council and city staff for all of their support and their support is vital for the success of the volunteer program. It is with gratitude and enthusiasm that we look to the future and the many ways volunteers will help tackle any challenge that may come our way, further demonstrating that commitment, dedication and heart can positively impact a community. A video was then played recognizing and thanking volunteers for National Volunteer Week.

Presentation- Mayor's Award

Kari Basson, Chairperson of the Volunteer Advisory Council made the presentation this evening. Mrs. Basson mentioned that the Mayor's Award for Volunteer Service started in 1983 as a way to honor outstanding volunteers who are making valuable contributions to the community through volunteer service in a wide variety of categories. Recipients for this award must be a resident of Kettering or perform most of their volunteer work in Kettering. Tonight, in celebration of the upcoming National Volunteer Week, she is pleased to honor a youth volunteer and an adult volunteer. After reviewing several nominations, the Volunteer Advisory Council has selected Tahjey Lawson and Sue Solvig to receive the Mayor's Award for Volunteer Service. Youth recipient Tahjey Lawson resides in Kettering with his grandparents and he is an 8th grader who attends Kettering Middle School. His volunteer efforts are extensive and cover a wide variety of needs within the Kettering community. His efforts include serving the homeless by collecting coats and blankets, boxing personal care items for frontline

workers at hospitals, and collecting and donating baby items for Hannah's Treasure Chest. In addition, Tahjey also packs bags with hand sanitizer and snacks for the Kettering Police Department, creates and donates get well cards for residents at the VA Hospital and raised money for the PTA Walk-A-Thon at Kettering Middle School which helps provide snacks to students during state testing. Tahjey also serves as secretary to the Junior Optimist Club at Kettering Middle School and was recently elected Governor of the Ohio District of Junior Optimist International. Tahjey's nominator expressed that Tahjey has had obstacles throughout his life, but he still finds time to give back to others and he is very deserving of this award. Mayor Patterson presented the recipient with a certificate and a clock.

Mrs. Basson called the adult recipient Sue Solvig down to the podium. Sue Solvig grew-up in a military family which allowed her to travel to various parts of the U.S. and the world. She is married to her husband Bob and have two daughters (Erica and Rachel) and four grandchildren. Mrs. Solvig and her husband spent several years in New York before moving to Kettering in 2014 and Mrs. Solvig began volunteering for the City of Kettering in 2019. Her volunteer service includes assisting with special events, receptionist duties, helping with the nutrition program and scheduling rides for seniors. In March of 2020 the Lathrem Senior Center closed due to the pandemic. At this time, Sue and other volunteers rose to the occasion and called isolated seniors to ensure their wellbeing. As the pandemic continued, Sue offered to return to help with the senior transportation program. After making some modifications, Sue returned to this essential program in July of 2020. Sue worked every day from 8:00-10:00 a.m. to ensure the program was running. Mrs. Solvig's nominator expressed one of the most amazing qualities about Sue is her ability to bond with clients. She spends hours on the phone talking about pandemic related fears and other issues regarding isolation. Sue is so well liked that clients become disappointed if a staff person answers the phone because they want to talk to Sue. Her nominator also mentioned that Sue has a servant's heart. With all of the difficulties of the pandemic, Sue did not hesitate to step-up and help with the needs in our community which truly exemplifies what our community is about. Mayor Patterson presented the recipient with a certificate and a clock.

Mayor Patterson congratulated both recipients and mentioned that we are the community that we are only because of the volunteers who step-up and he hopes they will continue to serve and volunteer.

PUBLIC HEARINGS

Appeal of the Zoning Administrator decision for BZA 20-016- Installation of a new roof system on an existing building for the property located at 3825 Wilmington Pike Kettering, OH.

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

Wayne Waite, Attorney gave the staff presentation this evening. His request this evening is that city council would affirm the October 30, 2020 Board of Zoning Appeals decision that affirmed the refusal of a structure permit because the Board of Zoning Appeals found no error in any requirement, decision, interpretation or judgement by the Zoning Administrator. In this case, the city manager, city staff, the Planning & Development Department and the Board of Zoning Appeals have gone over backwards to help the applicant and encouraged him to pursue variances. If done properly, the variance would have given the applicant at least portions of what he wanted. The applicant really would like to have a gable roof. It was suggested that the applicant applies for variances, but he elected not to. As the record presents this evening, he believes Mr. Hundt, Zoning Administrator and the Board of Zoning Appeals got it right. Historically, this structure was compliant in 1971 and it is no longer compliant with the current zoning code which is considered to be a non-conforming structure. A non-conforming structure may be maintained, but it may not be significantly modified. What the applicant is proposing is a significant modification that will violate the zoning code in six specific ways. This case involves a zoning refusal of a structure permit to place a gable roof on top of a flat roof along with metal panels at 3825 Wilmington Pike. When the original permit was submitted, the zoning administrator found it was not compliant with the zoning code. An appeal was filed and it was continued so that the applicant could speak with the city manager, who informed the applicant he could apply for variances but the applicant decided to move forward with the appeal in the hope city council would see it his way. There was an application for a variance in 1971 which was approved for a flat roof. The current request is for a change in architectural structure for a gable roof with metal panels. This permit is beyond the scope of the 1971 set-back variance; Mr. Waite is asking that city council affirms the decision of the Board of Zoning Appeals. Since 1971, the zoning code has changed and while the property was compliant in 1971, it is no longer compliant with the modern zoning code therefore; it is a non-conforming structure. When a structure is non-conforming, architectural standards come into play. The proposed permit from the applicant does not comply and has six violations. Mr. Hundt will review a series of documents and will answer a series of questions.

Mr. Waite asked that Mr. Hundt state his name.

Mr. Waite asked what is involved in Mr. Hundt's role as the zoning administrator?

Mr. Hundt mentioned that the principal task of the Zoning Administrator is to interpret and enforce the zoning code.

Mr. Waite asked for Mr. Hundt to clarify what document is on the screen and what is the document concerning?

Mr. Hundt mentioned that the first document is a report he submitted to city council regarding the appeal of the BZA case 20-016. This case is about an appeal of the zoning administrator decision to issue a zoning refusal for a structure permit for an addition of a gable roof with metal panels for the property located at 3825 Wilmington Pike.

Mr. Waite asked if Mr. Hundt issued a notice of decision and asked what is a zoning refusal?

Mr. Hundt mentioned he issued a notice of decision on August 20, 2020 for the structure permit. A zoning refusal is an administrative decision by the zoning administrator to deny a permit based on a lack of compliance with the zoning code.

Mr. Waite asked if this structure has ever been submitted before?

Mr. Hundt mentioned that a structure permit for this property was originally submitted in July of 2019. However, the original permit application provided insufficient information and a lack of building elevations prevented staff from completing their evaluation.

Mr. Waite asked if there was an appeal submitted in June of 2020?

Mr. Hundt mentioned there was an appeal submitted. On June 22, 2020 the Board of Zoning Appeals heard the first appeal case of this property concerning the original zoning refusal. After the public hearing, the Board of Zoning Appeals affirmed the zoning administrator decision. This action was never appealed to city council.

Mr. Waite asked what would the current proposal require?

Mr. Hundt expressed as currently proposed in the BZA case, 20-016 the requested structure permit would generate the need for a large number of variances. The applicant alluded to seeking variances but he does not specify the standards he wants variances for or why variances should be granted.

Mr. Waite asked if a continuance was granted to discuss the case?

Mr. Hundt mentioned the applicant was approved for a continuance of his case to accommodate his schedule and so he can better prepare his presentation for the BZA. During this delay, the applicant sought a meeting with the City Manager, Mark Schwieterman to discuss his case and request the return of his application fee. During that meeting, the applicant was given the opportunity to withdraw his appeal which would have allowed the return of his application fee and was then informed he could submit a new appeal and request specific variances. In that meeting, it was made clear that the applicant's current appeal did not constitute a request for a variance.

Mr. Waite asked what was the applicant's assertion at that point?

Mr. Hundt mentioned that the applicant expressed that the current zoning code standards did not apply to his property.

Mr. Waite asked what is the significance of the applicant requesting a gable roof?

Mr. Hundt mentioned that on October 25, 1971 a set-back variance that was granted for this property was based on the drawings presented by the applicant that had a flat roof structure. The current request is for a gable roof with metal panels. The current structure permit is beyond the scope of the original 1971 set-back variance, therefore the current zoning code structures must apply.

Mr. Waite asked what does it mean to be noncompliant with the regulations?

Mr. Hundt expressed that the zoning code states no land should be used or occupied and no structures shall be designed or altered except in conformity of design standards of this zoning code and applies to all properties in Kettering regardless of previous variances that were granted.

Mr. Waite asked that Mr. Hundt briefly describe the BZA appeal.

Mr. Hundt mentioned that based upon their review, the BZA found no errors based on the zoning administrator's decision. The focus of the October 26, 2020 meeting decision in BZA case 20-016 the action was solely to determine if there was an error on the action or interpretation of the zoning administrator decision, and the board found no errors made by the zoning administrator.

Mr. Waite asked that Mr. Hundt provide a background history of this property.

Mr. Hundt expressed 50 years ago; the Board of Zoning Appeals granted a rear-yard variance for the building at 3825 Wilmington Pike. When the 1971 addition was completed, the entire building extended to almost the two side property lines. Since 1971, various changes have been made to the Kettering Zoning Code which was adopted by Kettering City Council. In zoning code amendments, rear-yard setbacks and minimal side-yard setbacks were increased at this property. Though this property was compliant in 1971, it is no longer compliant to the modern zoning standards of the City of Kettering. The existing building can be maintained as it was constructed as a non-conforming structure. Any significant modifications to the property which includes a gable roof with end walls would require the current application of the zoning code standards. Non-conforming structures lose the right to continue when certain conditions are present. The property owner mentioned that his building did not need to meet the standards of the current zoning code; therefore he did not produce elevations at the hearing of the previous appeal.

Mr. Waite asked what is the impact of the supplemental submissions?

Mr. Hundt mentioned after the BZA decision to uphold the denial of the building permit, the applicant provided all building elevations which the zoning code requires and allowed staff to complete their evaluations. The proposed roof edition includes walls on two gable ends of the building. There were eight calculations made to determine if the requirements of the zoning code applied to his request. Six of the possible eight threshold were exceeded which means that the architectural standards of the zoning code must be applied to the roof edition.

Mr. Waite asked that Mr. Hundt give an overview of why the rear and side-yard setbacks are an issue in this case.

Mr. Hundt expressed that the proposed plan failed to show compliance in to 40 ft. rear-yard setback and the 10 ft. side-yard setback as required by the zoning code. In 1971, the Board of Zoning Appeals granted a rear-yard setback variance with the condition that the building would be built with a flat roof. Currently, the new plans deviate from the BZA decision to construct the building with a flat roof and the proposed roof will be a peak roof which will alter the design and add additional height to the structure and violates the variance condition. This will terminate the rear-yard variance and require compliance of the modern zoning code.

Mr. Waite asked that Mr. Hundt speak to what is the significance of that finding to application?

Mr. Hundt mentioned there are multiple violations that occur due to the termination of the right to continue the location of the building. The plans fail to show exterior finish materials for all sides of the building that correspond with the pattern district, and the plans fail to show roofing materials that comply with the zoning code and metal panels are not allowed in the pattern district that this building is located which will be non-compliant with the zoning code requirements. Also, the plan does not show roof overhang that is complaint with the zoning code. Also, the plans fail to show fascia, caps and bases and columns that show full dimensions. The plans also fail to show a defined customer entrance to the building and fail to show elevation on the east side of the building.

Mr. Waite asked Mr. Hundt what is the impact of these findings?

Mr. Hundt mentioned since the existing build does not comply with current zoning requirements the building is non-conforming. If a proposed modification is composed of greater than 10% of the wall area and greater than 10% of the length of the principal façade, then the building will lose its non-conforming status and full compliance with the current zoning code architectural requirements are mandatory. The proposed plan exceeds these thresholds.

Mr. Waite asked that Mr. Hundt summarize his calculation of the south side of the building.

Mr. Hundt advised there were two calculations and one threshold was not exceeded, but the other threshold was exceeded which is the existing length of the façade. The entire façade is modified due to the addition of the roof.

Mr. Waite asked what is the significance of exceeding the thresholds?

Mr. Hundt mentioned the proposed plan exceeds six of the eight thresholds which trigger the loss of non-conforming status. The applicant gave testimony at the BZA public hearing that the roof isn't part of the façade and staff evaluation is contrary to that testimony resulting in one of many reasons why the structure permit could not be approved as submitted. The zoning administrator made the decision that the façade does include the roof.

Mr. Waite asked if the applicant filed a waiver of time requirements to have his appeal heard?

Mr. Hundt mentioned that applicant filed a waiver of time requirements.

Mr. Waite asked to Mr. Hundt's knowledge all of the documents that exists from the Zoning Administrator, Clerk of Council Office, and the Planning & Development Department are present in the file in front of him.

Mr. Hundt mentioned he believes that is correct.

Mr. Waite mentioned a DVD will be provided that have all of the exhibits presented this evening are on it. Mr. Waite submitted all documents to Mr. Hamer, Law Director.

Mr. Waite asked Mr. Hundt to explain the bottom line of this case.

Mr. Hundt mentioned on October 30, 2020 the applicant filed an appeal of the Board of Zoning Appeals decision from their October 26, 2020 meeting. On December 8, 2020 the applicant filed a waiver of time requirements to have his appeal heard within 45 days of the filing of the written appeal. City Council should affirm the decision of the Board of Zoning Appeals decision of their October 26, 2020 meeting because the applicant has failed to provide any creditable information that the zoning administrator made an error in a written order or interpretation and the applicant has failed to provide creditable information that the denial of the structure permit was not valid.

Mr. Waite mentioned based on all these facts and that the zoning administrator and the Board of Zoning Appeals properly denied the permit, he would ask that city council affirm their decision.

Mayor Patterson asked if the applicant Bill Jenkins had any questions for Mr. Hundt? None were heard.

Mayor Patterson asked if city council had questions for Mr. Hundt? None were heard.

Mr. Waite affirmed he is finished with his presentation.

Bill Jenkins made the applicant presentation this evening. Mr. Jenkins mentioned he is the property owner of 3825 Wilmington Pike and he and his brother ran Air City Janitorial Supplies for 45 years and retired. His father started the business and built the buildings. His building currently has a flat roof and it has been nothing but problems. It has been repaired many times and flat roofs are impossible to fix. A contractor told him it would be a lot better to put on a pitched roof and get rid of the flat roof because they are nothing but problems. He would like to update his building and he has spoken to his neighbors and they all think it is a great idea. Any improvement to his property would be a good thing. No matter what improvements he makes, his property will never meet the current zoning code requirements. He has a big build and he would like to put on a nice metal roof that would last for years and will be maintenance free. The contractor he has spoken to mentioned that the flat roof doesn't have any pitch and will not drain and he needs to put on a roof that has pitch so it will drain properly. All of this started when he and his brother retired they placed the building up for sale. They had the building sold and had a deposit and a closing date. The new buyers approached the city to see what they needed to do to get an occupancy permit. The new buyers asked for a couple of extensions which he granted and then eventually the buyers backed out of the deal. He wasn't aware of why the buyers backed out of the deal and they were willing to buy the building and put a new roof on it. His building is deteriorating and causing a lot of problems and he needs to get a new roof on it. He took on the project to see how he could repair the roof. He found a good building contractor who drew up the plans and his goal was to not be involved in the project. The contractor ran into a lot of problems when trying to work with the city. He then decided to set-up a meeting to see what he has to do to get a building permit. He submitted plans and he admits that the plans were not complete but in the meeting Mr. Hundt told him he is not going to get a building permit and if he tries he will be wasting his time and money. Mr. Hundt told Mr. Jenkins he would like to see the building torn down. Mr. Jenkins couldn't believe the statement Mr. Hundt made and he decided to proceed forward anyways. The city has a site plan from the building in 1965 and 1971 when his family had to go to the BZA in 1965 to get a permit to open the janitor supply company. The next BZA case was for a variance for his dad to put in a drainage pipe so that the building wouldn't sit on top of the drain. There was nothing said during that hearing that his family had to build a flat roof on their building. He submitted a new drawing that was approved by an architect and an engineer from the State of Ohio and then the city said he had to pay a \$500 fee to review the drawings which he did. He asked the city after the last BZA hearing what variances he should apply for to get his pitched roof and he didn't receive any cooperation from the Planning & Development Department, which is the reason why he has to appeal everything. He and his contractor are willing to work with the city and do whatever it takes to make a nice improvement to his property. He is hoping to do a 4/12 pitch and the new code specifies a 4/12 pitch. If you look at the building and the square feet of the walls and the pitch of the roof with the façade, he doesn't think there is an issue. The city is measuring the façade where the gutters are going to hang. His building is non-conforming and he doesn't think he is doing anything major that would not make his building come up to the new city code because no matter what improvements he will make, his building will never meet the current code. That is the reason why his buyers backed out of the deal and now he has to make improvements. This is something he doesn't want to do but now this has turned into something he has to do.

Laurence Cole, Contractor for Walters Building mentioned he is the contractor Mr. Jenkins reached out to try to help him solve this problem. He is a very simple person and he has to follow code on a

regular basis. Code is usually put into place because historically someone has messed something up that required someone to write something to make sure it doesn't happen again. A lot of times code is interpretation. Mr. Jenkins has an old non-conforming building. If something is not done, the roof is going to fall into the building. The building can be replaced with another roof similar to what Mr. Jenkins currently has and it would probably be cheaper but in five years he would have to replace the roof again. The pitch roof will shed water and it can be very attractive, but with the wrong contractor it can be an eyesore. Best way to solve that problem is to ask what that building would look like. He believes it is the government body's job to help tax payers and it seems with this case that people are more caught up in the words of the zoning board instead of trying to figure out a way to help Mr. Jenkins so his roof doesn't fall in. That is what the situation appears to be right now. Mr. Jenkins needs to do something to his building or the roof is going to fall in and the city is going to have an eyesore. In regards to the zoning issue, that is not going to be resolved because the building is not going to get smaller and there needs to be an attractive option placed on this roof that is going to last. City Council can look at this problem either by following exactly what the code says, or they could look at it as there is a tax payer in the community who has a problem and how they are going to help him. If there is a variance Mr. Jenkins could get without destroying half of his building, he thinks Mr. Jenkins would like that option but he hasn't been presented with that option yet.

Mr. Jenkins said that he went and got a site plan and there was already a site plan on file at the city for this building from 1965 and 1972. He also had the lot survey which was an unnecessarily expensive. He has the transcripts from the 1965 and 1971 BZA meetings and the variance for the 1971 meeting was for a drainage pipe and not a flat roof. He has been repairing the drainage pipe constantly because it is not draining properly because it doesn't have enough slope. He would like to put on a nice metal roof with a nice pitch on his building. He is hopeful the council will see that this improvement would be a nice addition to Kettering. He would like to get permission to move forward with this roof and anything else that the city thinks he needs to do in order to get this done he should be made aware of it and have the Planning & Development Department work with him. He needs to do something as soon as possible.

Mayor Patterson asked if Mr. Waite has any question for Mr. Jenkins or Mr. Cole?

Mr. Waite asked if Mr. Cole agrees that Mr. Jenkins has not filed for a variance.

Mr. Cole mentioned he is aware of that.

Mr. Waite asked if Mr. Cole agrees that Mr. Jenkins has had the opportunity to file a variance but has chosen to not file for a variance.

Mr. Cole mentioned Mr. Jenkins has had the opportunity to file a variance but Mr. Jenkins has also asked what he needed to file the variance.

Mr. Waite asked if Mr. Cole agrees that a gable roof is materially different than a flat roof.

Mr. Cole mentioned that is correct.

Mr. Waite asked if Mr. Cole agrees that a gable roof has different elevations than a flat roof.

Mr. Cole mentioned that is correct.

Mr. Waite asked if Mr. Cole agrees that a gable roof adds height to a structure.

Mr. Cole said that is correct.

Mr. Waite asked if Mr. Cole agrees that a gable roof is part of an external structure and can be viewed from a different vantage point outside of the structure.

Mr. Cole said that is correct.

Mr. Waite asked if Mr. Cole agrees that plans attached to building permits must conform to the zoning code.

Mr. Cole said that is correct.

Mr. Waite asked if Mr. Cole agrees that the zoning administrator is acting properly to deny plans that do not comply with the zoning code.

Mr. Cole mentioned from the zoning administrators perspective yes he is acting properly.

Mr. Waite informed Mayor Patterson that is all of the questions he has.

Mayor Patterson asked if Mr. Jenkins has any exhibits he would like to present to the Law Director other than the ones he has already presented to city council?

Mr. Jenkins asked Mayor Patterson if he could ask Mr. Cole a question?

Mayor Patterson told Mr. Jenkins he must go to the podium to speak.

Mr. Jenkins asked Mr. Cole when putting this roof on it will not make the building bigger or add additional square feet to the building.

Mr. Cole mentioned the roof is not making the footprint of the building bigger but it will make the building taller.

Mayor Patterson asked once more if Mr. Jenkins has any additional exhibits he would like to present to the Law Director?

Mr. Jenkins mentioned that Mr. Waite presented his entire appeal and asked if city council has all of the documents that he filed in the Clerk of Council office?

Mayor Patterson mentioned that all documents were part of the packet city council received and Mr. Jenkins can submit more information just in case a document was omitted from the packet.

Mr. Hamer, Law Director mentioned that city council has all documents that were submitted as part of Mr. Jenkins written appeal.

Mr. Jenkins asked if the BZA public hearing from cases numbers 20-006 and 20-016 are available for city council to review?

Mr. Hamer mentioned those recording are on file.

Mr. Jenkins asked if those recording are available for city council to review?

Mr. Hamer mentioned that those recording are available for city council to review.

Mr. Jenkins asked that city council review those recording and also his appeal.

Mayor Patterson asked if there were any questions from city council? None were heard.

Mayor Patterson asked if there was comment from the public either for or against this public hearing? None were heard.

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

Mr. Waite asked that the record reflects that Mr. Jenkins had the opportunity to submit additional exhibits to the Law Director but chose not to.

Mr. Hamer mentioned that can be entered into the record.

PUBLIC COMMENT ON LEGISLATION

ORDINANCES IN SECOND READING

AN ORDINANCE
NO: 4358-21
BY: MR.KLEPACZ AND MRS.FISHER

TO LEVY SPECIAL ASSESSMENTS FOR THE CONSTRUCTION AND REPAIR OF CURBS, SIDEWALKS, DRIVE APPROACHES, AND RELATED APPURTENANCES FOR THE ACKERMAN BOULEVARD- EAST STROOP TO EAST DOROTHY PROJECT (CITY PROJECT NO. 02-138G)

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

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

The following votes were recorded: Mr. Klepacz, Yea; Mr. Lautar, Yea; Mrs. Fisher, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mayor Patterson, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

AN ORDINANCE
NO: 4359-21
BY: MRS.FISHER AND MR.LAUTAR

TO LEVY SPECIAL ASSESSMENTS FOR THE CONSTRUCTION AND REPAIR OF CURBS, SIDEWALKS, DRIVE APPROACHES, AND RELATED APPURTENANCES FOR THE 2020 CURB, SIDEWALK & DRIVE APPROACH PROGRAM (CITY PROJECT NO. 05-120)

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

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

The following votes were recorded: Mr. Klepacz, Yea; Mr. Lautar, Yea; Mrs. Fisher, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mayor Patterson, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

AN ORDINANCE
NO: 4360-21
BY: MR.LAUTAR AND MR.WANAMAKER

TO LEVY SPECIAL ASSESSMENTS FOR THE CONSTRUCTION AND REPAIR OF CURBS, SIDEWALKS, DRIVE APPROACHES, AND RELATED APPURTENANCES FOR BERNA LANE AND ALGOOD DRIVE (CITY PROJECT NO. 05-120A)

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

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

The following votes were recorded: Mr. Klepacz, Yea; Mr. Lautar, Yea; Mrs. Fisher, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mayor Patterson, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

AN ORDINANCE
NO: 4361-21
BY: MR.WANAMAKER AND MR.DUKE

RELEASING AN EASEMENT FOR CHANNEL AND SEWER PURPOSES AT 3024 HEMPSTEAD STATION DRIVE

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

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

The following votes were recorded: Mr. Klepacz, Yea; Mr. Lautar, Yea; Mrs. Fisher, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mayor Patterson, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

RESOLUTIONS

A RESOLUTION
NO: 10557-21
BY: MR.DUKE AND MR.KLEPACZ

AUTHORIZING AN ADDITIONAL EXPENDITURE OF FUNDS FOR THE 2021 CONCRETE REPAIR PROGRAM, CITY PROJECT NO. 04-421

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; Mr. Wanamaker, Yea; Mayor Patterson, 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: 10558-21
BY: MR.KLEPACZ AND MRS.FISHER

AUTHORIZING THE CITY MANAGER TO ENTER INTO AND IMPLEMENT A COLLECTIVE BARGAINING AGREEMENT WITH THE KETTERING POLICE SUPERVISORS' ASSOCIATION, WHICH IS CONSISTENT WITH A TENTATIVE AGREEMENT REACHED BY THE BARGAINING TEAMS

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; Mr. Wanamaker, Yea; Mayor Patterson, 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: 10559-21
BY: MRS.FISHER AND MR.LAUTAR

AUTHORIZING THE CITY MANAGER TO APPLY FOR A GRANT FROM THE U.S. SMALL BUSINESS ADMINISTRATION

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; Mr. Wanamaker, Yea; Mayor Patterson, 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: 10560-21
BY: MR.LAUTAR AND MR.WANAMAKER

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR RESURFACING OF SURFACES AT THE ADVENTURE REEF WATER PARK

Mr. Lautar read the above resolution and moved for approval. Mr. Wanamaker 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; Mr. Wanamaker, Yea; Mayor Patterson, 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: 10561-21
BY: MR.WANAMAKER AND MR.DUKE

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

Mr. Wanamaker 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; Mr. Wanamaker, Yea; Mayor Patterson, 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 READINGCERTIFICATIONS AND PETITIONSMANAGER'S REPORT/COMMUNITY UPDATE

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

- Leaf compost and mulch will be available to Kettering residents for free starting the week of April 12 at Indian Riffle Park.
- Crews will make one round starting Monday, April 19 for the spring leaf pickup program.
- DEA National Drug Take Back Day will be Saturday, April 24 from 10:00 a.m. – 2:00 p.m. in the lower lobby of the Police Department.
- City income tax forms are available on the city's website and in the lobby of the tax department. Deadline for filing has been extended to May 17, 2021.
- If you or someone you know is interested in joining our Parks, Recreation & Cultural Arts team this summer please visit www.playkettering.org for more information.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Audience Participation (5 Minute Limit per Speaker)

COUNCIL COMMITTEE REPORTS

Mr. Lautar reported:

- On April 12 he attended the ribbon cutting for Eco Plumbers.
- On March 31 he attended the retirement celebration for Ron Hundt.
- Congratulations to Larry Warren of the Kettering Police Department of his recent retirement.
- Jack Ackerman served as the Holiday at Home Grand Marshal, he will be missed.

Mr. Duke reported:

- On April 2 he attended the building dedication for Kettering Adventist Church.
- First Tier Suburbs were recently awarded a grant to enhance attracting and retaining employment in the Miami Valley Region.
- Kettering Leadership Academy applications are now available online.
- On April 3 he attended the Celebration of Life service for Jack Ackerman.
- He offered his condolences to Bob Ellis's family.

Mr. Wanamaker reported:

- Nothing to report.

Mr. Klepacz reported:

- Consumers should continue to shop at local Kettering businesses.
- On April 3 he attended the Celebration of Life service for Jack Ackerman.

Mrs. Fisher reported:

- The Tax Department is offering efficient services helping residents file their city income taxes.
- On April 12 she attended the ribbon cutting for Eco Plumbers.
- Thank you to residents and the Fire Department who go above and beyond to help their neighbors when they are in need.

Mayor Patterson reported:

- On April 2 he attended the building dedication for Kettering Adventist Church.
- On March 31 he attended the retirement celebration for Ron Hundt.
- Congratulations to Andy Hittle on his upcoming retirement on Friday.
- Thank you to all dispatchers for their service to our community.
- This week is National Animal Care Control Week, thank you Shelly Davis in the Police Department for her service.
- Next week is National Volunteer Week.

They're being no further business to come before this meeting of the Kettering City Council; Mayor Patterson adjourned the City Council Meeting at 9:32 p.m.

LaShaunah D. Kaczynski
Clerk of Council

DONALD E. PATTERSON, MAYOR