

**KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
August 10, 2021**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, August 10, 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 and Duke

Council Members Absent: None

Total Members Present: Five (5)

Mayor Patterson led the audience in the Pledge of Allegiance and gave the invocation. He introduced the cable TV operator Mike Sopronyi and thanked him for his assistance.

APPROVAL OF MINUTES

July 13, 2021- Workshop Minutes Amendment

July 27, 2021- Council Meeting & Workshop Minutes

Mr. Lautar 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 five (5) yea votes and no (0) nay votes for the July 13, 2021 Workshop Minutes Amendment and the July 27, 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

PUBLIC HEARINGS

PUBLIC COMMENT ON LEGISLATION

ORDINANCES IN SECOND READING

AN ORDINANCE

NO: 4363-21

BY: MR.KLEPACZ AND MR.LAUTAR

VACATING A PORTION OF WILMINGTON PIKE RIGHT-OF-WAY ABUTTING LOT 1 OF THE
BROWNLEIGH CORNER RECORD PLAN

Mr. Klepacz 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; Mayor Patterson, Yea. There being five (5) Yea votes and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

RESOLUTIONS

A RESOLUTION

NO: 10605-21

BY: MR.LAUTAR AND MRS.FISHER

AUTHORIZING THE CITY MANAGER TO ENTER INTO A 60 MONTH CONTRACT WITH AGILE
NETWORKS FOR CONNECTIVITY AND NETWORK SERVICES

Mr. Lautar 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: 10606-21
BY: MRS.FISHER AND MR.DUKE

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO TO PROVIDE APPLICATION PROCESSING SERVICES FOR MONTGOMERY COUNTY THROUGH THE U.S. TREASURY'S EMERGENCY RENTAL ASSISTANCE PROGRAM FUNDING

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

Mr. Robillard, Planning & Development 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: 10607-21
BY: MR.DUKE AND MR.KLEPACZ

AUTHORIZING THE CITY MANAGER TO SUBMIT THE 2021-2025 CITY OF KETTERING CONSOLIDATED PLAN AND THE 2021 ANNUAL ACTION PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND EXECUTE THE REQUIRED CERTIFICATIONS TO ENABLE THE CITY TO RECEIVE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME FUNDS FOR PROGRAM YEAR 2021

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

Mr. Robillard, Planning & Development 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: 10608-21
BY: MR.KLEPACZ AND MR.LAUTAR

DECLARING AS "SURPLUS"AND APPROVING AN AGREEMENT TO SELL CITY-OWNED PROPERTY LOCATED AT 4121 SHROYER ROAD

Mr. Klepacz 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: 10609-21
BY: MR.LAUTAR AND MRS.FISHER

DECLARING AS "SURPLUS" AND APPROVING AN AGREEMENT TO SELL CITY-OWNED PROPERTY LOCATED ON TAIT ROAD

Mr. Lautar 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: 10610-21
BY: MRS.FISHER AND MR.DUKE

AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT FROM THE OHIO ARTS COUNCIL

Mrs. Fisher 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: 10611-21
BY: MR.DUKE AND MR.KLEPACZ

AUTHORIZING THE CITY MANAGER TO ACCEPT A SPECIAL PROJECTS GRANT FROM THE MONTGOMERY COUNTY ARTS AND CULTURE DISTRICT

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. 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: 10612-21
BY: MR.KLEPACZ AND MR.LAUTAR

AUTHORIZING THE CITY MANAGER TO ACCEPT AN ARTSNEXT GRANT FROM THE OHIO ARTS COUNCIL

Mr. Klepacz 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: 10613-21
BY: MR.LAUTAR AND MRS.FISHER

ACCEPTING THE MATERIAL TERMS OF THE ONE OHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONE OHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AGREEMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE PARTICIPATION AGREEMENT FOR THE ONE OHIO SUBDIVISION SETTLEMENT WITH MCKESSON CORPORATION, CARDINAL HEALTH, INC., AND AMERISOURCEBERGEN CORPORATION

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

Mr. Hamer, Law Director 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: 10614-21
BY: MRS.FISHER AND MR.DUKE

AUTHORIZING THE CITY MANAGER TO APPLY FOR FUNDING FROM THE OHIO PUBLIC WORKS COMMISSION FOR THE FLESHER AVENUE BRIDGE REPLACEMENT PROJECT AND THE WEST AVENUE BRIDGE REHABILITATION PROJECT

Mrs. Fisher read the above resolution and moved for approval. Mr. Duke 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: 10615-21
BY: MR.DUKE AND MR.KLEPACZ

AUTHORIZING THE CITY MANAGER TO ENTER INTO COST PARTICIPATION AGREEMENTS WITH THE BOARD OF COMMISSIONERS OF MONTGOMERY COUNTY, OHIO FOR ROADWAY AND/OR STORM SEWER CONSTRUCTION IN ASSOCIATION WITH REPLACEMENT OF COUNTY WATER MAINS

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: 10616-21
BY: MR.KLEPACZ 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

Mr. Klepacz 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

CERTIFICATIONS AND PETITIONS

MANAGER'S REPORT/COMMUNITY UPDATE

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

- Shred Day will be held on Saturday, October 2 from 9:00 a.m.–noon at the Kettering Government Center.
- Coming to the Frazee:
 - Boyz II Men - Wednesday, August 25 at 8:00 p.m.
 - TUSK- Sunday, August 29 at 8:00 p.m.
 - Disco Inferno- Monday, August 30 at 8:00 p.m.
 - Kenny Wayne Shepherd- Tuesday, August 31 at 8:00 p.m.

Tickets can be purchased at the Frazee Fanfare store located in Town & Country Shopping Center, www.fraze.com, www.etix.com or charge-by-phone at 1-800-514-3849.

- The Ridgeway Bridge will remain closed to traffic until final cleanup work is complete. The bridge is scheduled to be open to traffic the week of August 16.
- Residents can contact United Way Help Link at 211 to get help with rental assistance.

OTHER BUSINESS NOT ON WRITTEN AGENDA
Audience Participation (5 Minute Limit per Speaker)

Pattie Glaze- 1701 Flesher Avenue- She is here this evening to express her concerns about the noise levels at Hank's Pub located at 2529 Patterson Road. Several days a week they have live music outdoors. The music is so loud she can hear it in her living room. She would like to know if this property is zoned to have live music outdoors and if so, isn't there a limit on the noise level?

Mr. Schwieterman mentioned he is aware of the concerns of the residents regarding the noise level at Hank's Pub. The city has been monitoring this site for some time. On Monday, an officer had a meeting with the owners and managers of Hank's Pub to discuss solutions about the noise levels. After actions reports reflect that meeting went well and the owner are aware of the issue and willing to work with the Police Department to come to a resolution that is supportive of the business and respectful of the surrounding neighbors. While they haven't come to a solution that is working every day, the city is working with the ownership team at Hank's Pub to try to find a resolution to this problem.

Ms. Glaze explained she has lived at her residence for over 20 years and the previous owners of the bar always had bands and they would play inside of the bar. She doesn't understand why the new ownership can't do that.

William Allen- 2025 Pauline Avenue- He is here this evening in regards to the noise levels at Hank's Pub. The music is too loud and he can hear the music in his living room. The music is so loud that it is blaring through the windows of his home.

Renee Isaacs- 2025 Pauline Avenue- She is here this evening regarding the noise volume at Hank's Pub. She can hear the music in her home even with the windows down. She is unable to open her windows on nice evenings due to the music. She is unable to turn off the A/C and enjoy her home due to the noise levels at Hank's Pub.

Jon Miller- 1601 Flesher Avenue- He is here this evening regarding the parking at Hank's Pub. The parking at Hank's Pub is obstructive and there is a van that will park on the sidewalk. There is parking on both sides of the street to the point you are leaving Flesher Avenue and turning on to Patterson you can't see if there is oncoming traffic. It is very dangerous.

Joy Lucas-1529 Flesher Avenue- Ms. Lucas mentioned she has lived in Kettering on Flesher Avenue since 1958. It has always been a very quiet neighborhood until Hank's Pub arrived. She can hear the music up in the third square, which is a little bit of a distance from the bar, so she is sympathetic to the people who live near Hank's Pub. She would like to speak about safety concerns at the corner near Hank's Pub. There are multiple vans that will park on the street and sidewalk on Patterson Road. This happens all the time. Cars parked on both sides of Flesher Avenue which makes it very difficult to get on and off of Flesher Avenue. The city did place no parking signs, but patrons' park there. There needs to be no parking signs on both sides of the street and at one time there were no parking signs on both sides of the street but they have disappeared. She is also concerned about the parking on the sidewalks on Flesher Avenue. Even though the police have spoken to ownership and management, someone has parked on the sidewalk today and she was told it was someone from the bar who parked on the sidewalk. There are children who would like to walk to Dot's, CVS and other places and they can't walk on the sidewalks because people are always parked on the sidewalk. Where are the children to walk? Do they have to walk over to Bonnie Avenue that doesn't even have sidewalks? She would also like to know what a loading zone is. Signs were put up and some people park there all day and a lot of times in the opposite direction. She would think loading zones would be used for loading of supplies or elderly patrons getting in and out of the bar, or Doordash. The parking is so bad that some people even are angled to park on the sidewalks to go into the bar. She has been taking pictures of the parking situation. When will the parking lot be paved? Neighbors were told it would be paved before they started serving food. Maybe a fence could be put up in order to cut down on the noise once the parking lot is paved. The gravel from the parking lot is on the sidewalk all the time. During the 1980s, there was a hostage situation and a shooting. A few nights later, the bar was set fire and the neighbors began to question if the bar would be rebuilt since the city owned the property. During the remodeling process, she called the city and was told Hank's obtained permits but did not provide a survey for the property. All the neighbors are asking for is for the business to be a good neighbor. The neighbors wish them well and for the area to be safe for neighbors and patrons. Getting in and out of cars on crowded streets is dangerous and some patrons have been very rude to the neighbors. There is another bar in the neighborhood which the neighbors never hear. The bar is located directly behind them and the bar is ran very quietly. If any work needs to be done in the creek how is the city supposed to be able to get over there to do work? Who owns the fence along the waterway? The city needs to do something about the parking situation at Hank's Pub for the safety of the children.

Mayor Patterson asked Ms. Lucas to state her address.

Ms. Lucas mentioned she lives at 1529 Flesher Avenue.

Mayor Patterson also encouraged members in the audience to sign the sign-in sheet just in case city staff needs to follow-up regarding a concern.

Bonnie Hill- 1524 Flesher Avenue- Ms. Hill mentioned she is having a personal problem coming off of Patterson to turn onto Flesher Avenue to go home. Cars are parked on both sides of the street making it very difficult to judge if you have a clear distance to turn. She is afraid one day a car will hit her car in the rear due to parking obstructions. Vehicles are parked on the sidewalks and many occasions a pickup truck which she believes belongs to one of the managers of Hank's will park on the sidewalk. With the cars parking in front of the bar, the nose of your car has to be pulled all the way out on Patterson for you to see oncoming traffic and it is still difficult to see. Multiple motorcycles have been parking by the loading signs. There were six motorcycles parked outside of the bar a few days ago. She asked one of the patrons why he was parked close to the stop sign on Flesher Avenue and he used a bad gesture toward her. The noise is also very loud. She can be inside of her house with the windows up and still hear the music and she lives a distance from the bar. She does not like to bother the Police Department with complaints but the neighbors were told if they don't call to complain nothing will get done. She is hoping that by addressing City Council this evening something will get remedied.

Mr. Duke asked if the parking problems are occurring all day long or just in the evenings?

Ms. Hill informed City Council that parking problems occur throughout the day.

COUNCIL COMMITTEE REPORTS

Mr. Lautar reported:

- On August 2 he attended National Night Out.
- On August 7 he attended the Kids Day in the Park event.
- On August 4 and July 28 he attended the Hot Dog Roasts in conjunction with the Kettering School District.
- On August 10 Scott Inskeep, Superintendent of the Kettering School District was installed as the 52nd President of the Buckeye Association of School Administrators.

Mr. Duke reported:

- Thank you to the residents who spoke this evening.
- On August 4 he hosted the First Suburbs networking event, thank you Mrs. Kaczynski for assisting with the event.

Mr. Klepacz reported:

- On August 2 he attended National Night Out at the Government Center.
- On August 4 he attended the First Tier Suburbs networking dinner.
- On August 6 he attended the retirement celebration for Steve Green in the Fire Department.
- On August 7 he attended the Kids Day in the Park event sponsored by Dor-wood Optimist.
- Shop local businesses.

Mrs. Fisher reported:

- Thank you to the residents who spoke this evening.
- On August 2 she listened to interviews of kids applying for scholarships for Holiday at Home.

Mayor Patterson reported:

- On July 29 he attended the Hot Dog Roast in conjunction with the Kettering School District.
- On August 2 he attended National Night Out at the Government Center.
- On August 4 he attended the First Tier Suburbs networking event.
- On August 5 he attended the Home Town Heroes event hosted by the Dayton Development Coalition.
- On August 6 he attended the retirement celebration for Steve Green with the Fire Department.
- Welcome Rob Scott, Clerk of Courts; Peggy Lehner, Former State Representative and State Senator.

They're being no further business to come before this meeting of the Kettering City Council; Mayor Patterson adjourned the City Council Meeting at 8:06 p.m.

ATTEST:

DONALD E. PATTERSON, MAYOR

LaShaunah D. Kaczynski
Clerk of Council