

**KETTERING CITY COUNCIL  
REGULAR MEETING MINUTES  
September 28, 2021**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, September 28, 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

August 24, 2021- Council Meeting & Workshop Minutes

September 2, 2021- Special 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 August 24, 2021 Council Meeting & Workshop Minutes and the September 2, 2021 Special Workshop Minutes, the motion was declared carried followed by a roll call vote.

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

Video Presentation- Neighborhood Pride Awards

Dawn Kirchner, Volunteer Administrator made the presentation this evening. The Neighborhood Pride Program entered its' 33 year this year, and over the years it has become a treasured award for Kettering residents. The Neighborhood Pride program honors property owners who have made significant improvements to their homes and businesses. In May, Kettering property owners received a postcard from Mayor Patterson asking for nominations for this award. In response, 400 nominations were received and each nomination was reviewed by a dedicated committee of volunteers. The Neighborhood Pride Program divides the city into twelve districts and in June, July and August one residential property is selected from each of the twelve districts as well as one commercial property to be recognized as a Neighborhood Pride Award Winner. Typically, award winners are invited to attend a city council meeting to receive their award from Mayor Patterson, but this year in an effort to keep everyone safe and healthy and drive-thru award presentation will take place this Thursday, September 30 starting at 5:30 p.m. In addition to receiving their certificates from Mayor Patterson, award winners will receive a photo of their property and a copy of tonight's video presentation. As a new employee, Mrs. Kirchner mentioned that the Neighborhood Pride Program has been a wonderful opportunity to become acquainted with the twelve districts as well as to see firsthand the care and attention residents place on making their homes and businesses an example of why Kettering is a wonderful place to live and work. She would like to thank all of the people who made this program possible this year:

Rob Jahn  
Gail Carone  
Mark and Carol Messer  
Kathy Waker  
Jim Bolton  
Del and Ginny Herbeck  
Maureen Willits  
Chuck Dickerson  
Gale Heller  
Pat Ferguson  
April Mason  
Donna Speers

Thank you for your time in reviewing all 400 nominations. This committee adapted to change and kept their enthusiasm to showcase the best of Kettering. Thank you to Carl Suchomel with the Miami Valley Communications Council for filming all of the award winning properties and putting this video together and placing the video on flash drives to send home with the winners. Thank you to Mayor Patterson, City Council and city staff for all of their continued support of the program and their help with the upcoming drive-thru awards ceremony. On behalf of the Neighborhood Pride Committee, she would like to congratulate all of the 2021 winners. A video presentation of the award winning properties was played.

Mayor Patterson thanked Mrs. Kirchner and all of the volunteers on the Neighborhood Pride Committee. There is a lot of work that goes into putting this program together every year. Committee members visit nominated properties and Carl Suchomel does a wonderful job capturing the beauty of the properties. A lot of work goes on behind the scenes and congratulations to everyone who is involved with this program. Hopefully next year things will be back to normal.

PUBLIC HEARINGS

PUBLIC COMMENT ON LEGISLATION

ORDINANCES IN SECOND READING

AN ORDINANCE  
NO: 4364-21  
BY: MR.KLEPACZ AND MR.LAUTAR

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 and moved for approval. Mr. Lautar seconded the motion.

Mr. Schwieterman, 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.

AN ORDINANCE  
NO: 4365-21  
BY: MR.LAUTAR AND MRS.FISHER

TO PROVIDE FOR THE TABLE OF ORGANIZATION, POSITION CLASSIFICATION PLAN, COMPENSATION PLAN AND PAY SCHEDULES AND RULES AND REGULATIONS PERTAINING TO CONDITIONS OF WORK AND SUPPLEMENTAL BENEFITS FOR THE EMPLOYEES OF THE CITY OF KETTERING, OHIO, AND TO REPEAL ORDINANCE NO. 4353-20

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

Mr. Schwieterman, 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: 10618-21  
BY: MRS.FISHER AND MR.DUKE

ACCEPTING THE RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING SAME TO THE MONTGOMERY COUNTY AND GREENE COUNTY AUDITORS

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: 10619-21  
BY: MR.DUKE AND MR.KLEPACZ

AUTHORIZING THE CITY MANAGER TO ACCEPT DONATIONS FROM THE KETTERING FOPA AND KETTERING POLICE FOUNDATION

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: 10620-21  
BY: MR.KLEPACZ AND MR.LAUTAR

AUTHORIZING THE CITY MANAGER TO CONTRACT WITH MOTOROLA SOLUTIONS AND P & R COMMUNICATIONS FOR UPGRADES TO THE KETTERING DISPATCH CENTER

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: 10621-21  
BY: MR.LAUTAR AND MRS.FISHER

AUTHORIZING THE CITY MANAGER TO ENTER INTO AND IMPLEMENT A COLLECTIVE BARGAINING AGREEMENT WITH THE FRATERNAL ORDER OF POLICE KETTERING LODGE NO. 92, WHICH IS CONSISTENT WITH A TENTATIVE AGREEMENT REACHED BY THE BARGAINING TEAMS

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: 10622-21  
BY: MRS.FISHER AND MR.DUKE

AUTHORIZING THE SUBMISSION OF APPLICATIONS FOR FEDERAL FAST ACT FUNDS AND CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT FUNDS THROUGH THE MIAMI VALLEY REGIONAL PLANNING COMMISSION

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: 10623-21  
BY: MR.DUKE AND MR.KLEPACZ

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES AND TO CONTRACT FOR ENGINEERING DESIGN SERVICES FOR THE WEST AVENUE BRIDGE REHABILITATION PROJECT, CITY PROJECT NO. 03-948

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: 10624-21  
BY: MR.KLEPACZ AND MR.LAUTAR

TO DECLARE THE NECESSITY AND INTENTION OF ACQUIRING PROPERTY INTERESTS IN PROJECT PARCEL 21-WD OF KETTERING TRAFFIC SIGNAL REPLACEMENTS- PHASE 3 PROJECT, CITY PROJECT NO. 02-005D (ODOT PROJECT MOT-KETTERING SIGNALS, PHASE 3, PID NO. 105950)

Mr. Klepacz read the above resolution and moved for approval. Mr. Lautar 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: 10625-21  
BY: MRS.FISHER AND MR.DUKE

AUTHORIZING THE CITY MANAGER TO PURCHASE THE REAL PROPERTY COMMONLY KNOWN AS 3404 WILMINGTON PIKE

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: 10626-21  
BY: MR.DUKE AND MR.KLEPACZ

AUTHORIZING A DONATION TO KETTERING BACKPACK, INC. FOR THE KETTERING BACKPACK PROGRAM

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, Abstain; Mr. Duke, Yea; Mayor Patterson, Yea. There being four (4) Yea votes, one (1) Abstain vote and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION  
NO: 10627-21  
BY: MR.KLEPACZ AND MR.LAUTAR

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

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: 10628-21  
BY: MR.LAUTAR AND MRS.FISHER

TO MAKE APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF KETTERING, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2021

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.

#### ORDINANCES IN FIRST READING

AN EMERGENCY ORDINANCE  
NO: 4366-21  
BY: MRS.FISHER AND MR.DUKE

TO APPROPRIATE PROJECT PARCELS 13-WD OF THE KETTERING TRAFFIC SIGNAL REPLACEMENTS- PHASE 3 PROJECT, CITY PROJECT NO. 02-005D (ODOT PROJECT MOT-KETTERING SIGNALS, PHASE 3, PID NO. 105950); AND TO DECLARE AN EMERGENCY

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

#### CERTIFICATIONS AND PETITIONS

Certification- Planning Commission is recommending approval of P.C. 21-015- Zoning Text Amendment. A public hearing regarding this request will be held on Tuesday, October 12, 2021 at the Kettering City Council meeting.

Certification- Planning Commission is recommending approval of P.C. 21-016- Comprehensive Plan Amendments. A public hearing regarding this request will be held on Tuesday, October 12, 2021 at the Kettering City Council meeting.

#### MANAGER'S REPORT/COMMUNITY UPDATE

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

- Shred Day will be held on October 2, 2021 from 9:00 a.m. –noon in the Kettering Government Center parking lot.
- National Fire Prevention Week will run October 3 through October 9. Residents can contact the Fire Department at 937-296-2459 to learn more about fire safety.
- Medicare Open Enrollment begins October 15 through December 7. Residents can schedule an individual appointment by calling the Kettering Connection at 937-296-3330.
- Kettering Municipal Court will be offering amnesty weeks from October 18 to October 29. For more information call the Kettering Clerk of Court's Office at 937-296-2461.
- Leaf pickup begins Monday, October 18 in District 1. For more information regarding crew location call the leaf hotline number at 937-296-2472.
- 2021 Beggar's Night will be on Sunday, October 31 from 6:00-8:00 p.m.

#### OTHER BUSINESS NOT ON WRITTEN AGENDA

Audience Participation (5 Minute Limit per Speaker)

**Alex Temple- 2020 Kildare Avenue** - He is a young entrepreneur that is growing in the Miami Valley Region and he installs flag poles. He has been around veterans since a very young age, and since he was eight years old he has been assisting with Honor Flights for veterans. A lot of his family members are veterans, so this has given him a passion to give back to veterans. If it wasn't for the veterans of our country, we wouldn't be able to stand here today. Earlier this year for Memorial Day, he put together a parade float that is a Hiroshima Replica Memorial that he and his dad constructed over a course of two months. Since Memorial Day, he has been invited to several parades throughout Ohio and he will be doing a parade this Saturday. It has come to his attention that there aren't many Veterans Day parades. He would like to have a Veterans Day procession, not so much a parade where you have to close down streets but have a procession (almost like a small convoy) that he can go around and thank veterans. It would be ideal to travel to VFW Posts and American Legions Posts. American Legion Post 598 is supporting this ideal. Neil Dunnington, Commander of American Legion Post 598 is excited about this possibility of a celebration. He wanted to bring this ideal before City Council this evening to see if this could be done for Veterans Day this year.

Mayor Patterson mentioned this is a great idea.

**Carol Costa- 421 Shaw Farm Lane-** She has been a resident of Kettering for 25 years and she has used the fitness center on Far Hills several times a week until she retired in April 2019. She was an ER Physician. When she was working, she used the fitness center every day until November 2020 when she decided to stop going because it was too dangerous because of Covid-19. She resumed going back to the fitness center June 2021 after she was vaccinated. She is concerned about the use of the fans in the gym. The transmission of Covid-19 has increased due to the Delta variant. In Montgomery County in the last seven days, there were 2,051 new cases, 289 hospitalizations, and 14.37% positivity rate on testing. Only 56% of the eligible population is vaccinated. She was concerned about contracting Covid-19 from visiting the fitness center despite wearing her mask while exercising. Ms. Costa took her concern up the chain of command. She approached Lindsey Curry, Fitness Center Supervisor and she mentioned it was out of her control and Ms. Costa should speak with her supervisor. Two days later, she received a call from Shauna Lewallen, Superintendent of Parks and Recreation and she informed Ms. Costa she is unable to make a change and the fitness center is following CDC guidelines and she recommended that Ms. Costa speak with Mark Schwieterman, City Manager before coming to City Council. She spoke to Mr. Schwieterman a few days later and he informed Ms. Costa the city will follow CDC guidelines and he couldn't make that change, he could only offer recommendations and informed Ms. Costa she should speak to City Council. That is why she is here this evening. She was very impressed by the response of the phone calls she received from city employees. Everyone was friendly and helpful and made the next step easy. No where will you find a more efficient way to spread Covid-19 than an asymptomatic infected individual on a cardio machine in the gym blowing out Covid-19 virus 50 to 60 times a minute. The fitness center is a rectangular large room with four large fans on the ceiling level that blows air down toward the center of the room. The air movement is very strong and you can feel the air movement no matter where you stand. Ms. Costa reviewed the CDC guidelines and the latest she could find was June 2, 2021 regarding ventilation in buildings. CDC mentioned that the indoor use of fans were a good idea if you use them the right way. The CDC did recommend avoiding placing fans in a way that could potentially cause contaminated air to flow directly from one person to another. The guidelines also had suggestions on how to place fans that would help decrease the spread of Covid-19. Directional airflow was also recommended as another way to decrease transmission and make a gym more effective. She has three requests of City Council this evening:

1. Ask the City Manager or City Engineer to study the situation in the fitness center using the CDC suggestions and guidelines.
2. Stop the use of the fans in the fitness center until the study has been completed and recommendations are implemented.
3. Find ways for the current air filtration system being used at the fitness center to be more optimal to decrease Covid-19 from the people who work out in the gym because it is a very high risk situation. Covid-19 will be around for a very long time and this will be a service for members of the community who use the fitness center.

Ms. Costa recommended a compromise would be to lower the temperature in the fitness center while this study is being conducted.

Mayor Patterson thanked Ms. Costa for her comments this evening and mentioned City Council will speak to Mr. Schwieterman regarding the situation of the use of fans.

#### COUNCIL COMMITTEE REPORTS

Mr. Lautar reported:

- On August 29 he attended Party in the Park at the Frazee Pavilion.
- On September 1 he attended The Taste at Lincoln Park Civic Commons.
- There were plenty of events at the Holiday at Home festival that was held over Labor Day weekend.
- The Parks, Recreation and Cultural Arts Department received their re-accreditation designation.

Mr. Duke reported:

- He offered his condolences to Mrs. Kirchner on the passing of her father.
- On September 12 and 13 he attended the Kettering Leadership Academy retreat.
- On September 15 he attended the Talent, Attraction and Retention Conference that was hosted by First Tier Suburbs. Thank you to Mrs. Kaczynski and Amy Hayslip for their help with the conference.

Mr. Klepacz reported:

- On August 26 Spass Nacht was held at the Frazee Pavilion. Spass Nacht will take place on June 16, 2022 next year.
- On September 2 the City Block Party was held at the Frazee Pavilion.
- On September 2 he attended the ribbon cutting ceremony for Gem City Music Center.
- On September 23 he attended the Police Officer of the Year Award. Jesse Anderson was the recipient this year.
- Congratulations to Mayor Patterson for receiving the Dave Hobson Award.
- Shop local Kettering businesses and work at local Kettering businesses.

Mrs. Fisher reported:

- Thank you to Mr. Schwieterman and city staff for their Capital Improvement Budget presentation on September 2.
- On September 4 she attended the Holiday at Home Gala.
- Today is National Voter Registration Day.

Mayor Patterson reported:

- On August 31 he attended the Fairmont Education Hall of Fame Induction.
- On September 11 he attended the 9/11 Memorial event at Seitz Plaza.
- On September 12 he attended the Millcreek Block Party hosted by Bill and Marynel Bradley.
- On September 23 he participated in the dropping of the puck for the Reynolds & Reynolds hockey game.
- Thank you to the Dayton Development Coalition for naming him the recipient of the Dave Hobson Award.

They're being no further business to come before this meeting of the Kettering City Council; Mayor Patterson adjourned the City Council Meeting at 8:39 p.m.

ATTEST:

LaShaunah D. Kaczynski  
Clerk of Council

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DONALD E. PATTERSON, MAYOR