

**KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
November 9, 2021**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, November 9, 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 Miami Valley Communications Council TV Operator Mike Sopronyi. He thanked him for his assistance.

APPROVAL OF MINUTES

October 26, 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 October 26, 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

Mayor Patterson mentioned the Fire Department Citizenship Award presentation that was scheduled for this evening will now take place at a future city council meeting. The recipient was unable to make it to the city council meeting this evening.

PUBLIC HEARINGS

PUBLIC COMMENT ON LEGISLATION

Todd Elzey- 3779 Waterbury Drive- He is here this evening in regards to item ten on the agenda concerning a proposed ordinance to permit shared mobility devices such as e-scooters and bikes within the City of Kettering. He is asking that City Council rejects the proposed ordinances as written due to safety concerns for Kettering residents who are blind or who may have other disabilities. The National Federation of the Blind Ohio passed a resolution in 2019 regarding shared mobility devices and he has provided a copy of that resolution to the City Manager, Mayor and each member of City Council prior to the meeting this evening. He has four concerns with the proposed ordinance as it is written. Mr. Elzey expressed his concern regarding the narrow sidewalks in Kettering. These devices especially if there are racks included often obstruct the path of travel. This obstruction is troublesome for blind pedestrians and this could also be troublesome to pedestrians in wheelchairs and other mobility assistive devices. In addition, the proposed ordinance as written permits racks to be placed on private property. Private property owners often obstruct the ADA path of travel for disabled patrons, and he has seen these devices further encroach on that path of travel. Another concern of this proposed ordinance as written is the permitted use of dockless devices. Shared mobility devices could have the potential to be left all over town including be unattended on sidewalks for long periods of time. This could be troublesome for a person with a disability because there would be no warning that they are approaching this discarded device, resulting in the pedestrian either to find a way to go around them or move them out of their way. The ordinance does call for companies to place information on the scooters on how to report a complaint. He has found that most companies do not place that information on scooters in a format that a blind or visually impaired individual can access. In addition, most companies call for complaints to be filed via mobile apps or website apps, and those apps are almost 100% across the board inaccessible to a blind individual using screen reader software. This can easily become a situation where a blind individual doesn't know to whom the scooter belongs to that is in their way and to complain about, and they can't even file the complaint due to inaccessible processes. Under the proposed ordinance, scooters can be used starting at 8:00 a.m. and the owners of the scooters do not have to move scooters that were left in the wrong places until 9:00 p.m. That leaves a way for these devices to be out in the way of disabled pedestrians for up to 13 hours. His biggest concern is regarding the safety of these devices. These devices are particularly quiet because most shared mobility devices are electric. This takes away the ability of a blind or a hearing impaired pedestrian to protect their own safety because they are unable to hear these devices approaching. This ordinance calls for individuals who are operating these devices to call out when they are about to pass someone, but most individuals do not routinely do that. They either don't read the instructions on how to properly operate the device or they forget when they are

operating the scooter. This results in the person who is operating the scooter to go quickly by a person with a disability. For a person who has hearing loss, a single call out to a person while they are operating the scooter is useless because they are unable to tell the direction in which these devices are coming from by a single call out. For these reasons, he is asking that City Council rejects this ordinance as it stands right now and he encourages City Council to consider rewriting this ordinance so there are greater ADA protections for pedestrians with disabilities.

Mr. Schwieterman thanked Mr. Elzey for his comments and he informed City Council that city staff would be happy to meet with Mr. Elzey to address some of his concerns with the interpretation of the ordinance as it is currently written or what possible changes might be necessary to the ordinance. The ordinance is in first reading this evening, if there are changes to the ordinance due to material changes, the ordinance can be brought back in first reading with those changes. If some changes are not reaching the level of materiality but still need to be corrected, city staff can make those changes and bring them forward in second reading of this ordinance which is scheduled for the next City Council meeting. City staff will meet with Mr. Elzey to review his comments and see if there are ways to make improvements to this ordinance or explain the ordinance in better detail.

ORDINANCES IN SECOND READING

AN ORDINANCE
NO: 4369-21
BY: MR.KLEPACZ AND MR.LAUTAR

TO AMEND THE TEXT OF VARIOUS SECTIONS OF THE CITY OF KETTERING
COMPREHENSIVE PLAN

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: 4370-21
BY: MR.LAUTAR AND MRS.FISHER

TO AMEND THE TEXT OF VARIOUS SECTIONS OF THE CITY OF KETTERING ZONING CODE

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: 10648-21
BY: MRS.FISHER AND MR.DUKE

ACCEPTING THE FINDINGS AND RECOMMENDATIONS OF THE FACT FINDER IN SERB CASE
NO. 2020-MED-12-1405 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN
AGREEMENT WITH THE KETTERING ASSOCIATION OF DISPATCHERS, CONSISTENT WITH
THOSE FINDINGS AND RECOMMENDATIONS OR AS MODIFIED BY MUTUAL AGREEMENT OF
THE PARTIES

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: 10649-21
BY: MR.DUKE AND MR.KLEPACZ

AUTHORIZING THE CITY MANAGER TO ENTER INTO A COST SHARING AGREEMENT WITH THE BOARD OF EDUCATION OF THE KETTERING CITY SCHOOL DISTRICT FOR SCHOOL RESOURCE OFFICERS

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: 10650-21
BY: MR.KLEPACZ AND MR.LAUTAR

AUTHORIZING THE CITY MANAGER TO CONTRACT WITH THE MONTGOMERY COUNTY PUBLIC DEFENDER COMMISSION AND THE MONTGOMERY COUNTY PUBLIC DEFENDER OFFICE TO PROVIDE MANDATED LEGAL COUNSEL TO INDIGENT PERSONS APPEARING IN THE KETTERING MUNICIPAL COURT

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: 10651-21
BY: MR.LAUTAR AND MRS.FISHER

ACCEPTING THE MATERIAL TERMS OF THE ONE OHIO SUBDIVISION SETTLEMENT WITH JANSSEN PHARMACEUTICALS, INC

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

Mrs. Pasqualone, Assistant 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: 10652-21
BY: MRS. FISHER AND MR.DUKE

AUTHORIZING THE CITY MANAGER TO CONTRACT FOR SERVICES WITH THE KETTERING BASKETBALL OFFICIALS ASSOCIATION

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: 10653-21
BY: MR.DUKE AND MR.KLEPACZ

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

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: 10654-21
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

AN ORDINANCE
BY: MR. LAUTAR

TO AMEND CHAPTER 478 OF THE CODIFIED ORDINANCES OF THE CITY OF KETTERING REGARDING SHARED MOBILITY DEVICES

Mr. Lautar read the above ordinance.

Mrs. Pasqualone, Assistant Law Director gave a brief description of the ordinance.

CERTIFICATIONS AND PETITIONS

MANAGER'S REPORT/COMMUNITY UPDATE

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

- Medicare Open Enrollment begins October 15 through December 7. Residents can schedule an individual appointment by calling the Kettering Connection at 937-296-3330.
- Leaf crews are currently working in district 7. Residents should have their leaves ready and raked at the curb.
- Thank you to all veterans who have served our country.
- City offices will be closed on Thursday, November 25 and Friday, November 26 in observance of the Thanksgiving holiday. Rumpke trash collection will be delayed by one day on those dates.
- Small Business Saturday will be held on Saturday, November 27. Support local Kettering businesses.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Audience Participation (5 Minute Limit per Speaker)

COUNCIL COMMITTEE REPORTS

Mr. Lautar reported:

- On November 6 he attended Dancing with the Kettering Stars.
- Dor-Wood Optimist have flags available as part of the Avenue of Flags program.

Mr. Duke reported:

- Congratulations to incoming city council members Lisa Duvall, Peggy Lehner and Jyl Hall. Congratulations to Mrs. Fisher on her recent re-election.
- On November 6 he attended Dancing with the Kettering Stars.

- On November 6 he attended a celebration of life event for Pam Cochran at Town & Country Shopping Center.
- Residents should continue to wear masks.

Mr. Klepacz reported:

- On November 5 he attended an appreciation event at We Care Arts.
- On November 6 he attended Dancing with the Kettering Stars.
- Small Business Saturday is on November 27, support local Kettering businesses.

Mrs. Fisher reported:

- On October 27 she attended the Fall Fun Fest at Trent Arena.

Mayor Patterson reported:

- Dancing with the Kettering Stars program will be played right after the city council meeting on channel 6.
- On October 27 he attended the Fall Fun Fest at Trent Arena.
- Congratulations to Mrs. Fisher on her recent re-election, also congratulations to incoming city council members Peggy Lehner, Lisa Duvall, Jyl Hall and Bob Scott.
- On November 6 he attended the celebration of life event for Pam Cochran at Town & Country Shopping Center.
- On November 6 he served as a judge at the Dancing with the Kettering Stars event.

They're being no further business to come before this meeting of the Kettering City Council; Mayor Patterson adjourned the City Council Meeting at 8:03 p.m.

ATTEST:

LaShaunah D. Kaczynski
Clerk of Council

DONALD E. PATTERSON, MAYOR