

**KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
February 22, 2022**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, February 22, 2022, at 7:30 p.m. in Council Chambers at the Kettering Government Center South Building, 3600 Shroyer Road. Mayor Lehner 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: Lehner, Klepacz, Hall, Scott, Duvall and Duke

Council Members Absent: Fisher (Excused)

Total Members Present: Six (6)

Mayor Lehner led the audience in the Pledge of Allegiance and gave the invocation. She introduced the Miami Valley Communications Council TV Operator Mike Sopronyi. She thanked him for his assistance.

Mayor Lehner mentioned Mrs. Fisher has an excused absence this evening.

APPROVAL OF MINUTES

February 8, 2022- Council Meeting & Workshop Minutes

Mr. Klepacz reported that he reviewed the above minutes and moved the minutes be approved. Mrs. Hall seconded the motion of the above minutes and there being six (6) yea votes and no (0) nay votes for February 8, 2022 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

Appointment- Partners for Healthy Youth- Shannon Wright (Term ending 12/31/24)

Appointment- Partners for Healthy Youth- Missy Mae Walters (Term ending 12/31/24)

Mr. Klepacz made a motion to appoint Shannon Wright and Missy Mae Walters to Partners for Healthy Youth. Mr. Duke seconded the motion. The motion was declared carried followed by a unanimous like sign vote.

Presentation- Homelessness Prevention

Aaron Primm, Mediation Specialist with the Dayton Mediation Center made the presentation this evening. Mr. Primm mentioned that before he begins his presentation he would like to thank a few people for allowing mediation program services to be offered to Kettering residents; Tom Robillard, Angela Brown, Andria Perkins, Melody Quick and Rob Scott. All of these individuals have been extremely helpful with their programming. The Dayton Mediation Center is a small organization with about 13-14 employees who are a supportive asset to communities because they are a mutual third party that supports people in the midst of conflict. Mr. Primm mentioned he is the Program Manager for the homelessness prevention landlord tenant programming, which seeks to support landlords and tenants and the conversations they have with each other so they can hopefully come up with a more productive constructive ends to their situation. Six months ago, the Dayton Mediation Center was able to get funding through Montgomery County and the City of Dayton which allowed the Mediation Center funding to expand programming throughout the county. With these funds, the Dayton Mediation Center was able to come and support the City of Kettering in the Kettering Municipal Court with programs that are available there for landlords and tenants. Within the envelope handout that he distributed to City Council, they will see multiple items. There is a yellow card that goes out with every eviction filing that comes through the Kettering Municipal Court, these individuals are able to call the Dayton Mediation Center to talk about their situation. This is a great advance because prior to their expansion of the money, funds were only operated within the City of Dayton jurisdiction. Now being able to expand their services throughout Montgomery County has been a fantastic resource. The Stay-Put Program in Kettering has been very instrumental in helping residents stay in their homes. The Dayton Mediation Center makes multiple referrals to the Stay-Put Program for those individuals who are going through the eviction process. The information is also distributed throughout the county to individuals and landlords about the benefits of mediation. The Dayton Mediation Center call volume has increased tremendously given the fact they are able to work and provide assistance throughout the county. The teamwork synergy has been very instrumental for Kettering residents in their ability to stay housed. The Dayton Mediation Center also works closely with the Montgomery County Juvenile Court for parenting time, custody and juvenile diversion. There have been staff members from Kettering Public Schools that has assisted the Mediation Center with situations faced by students within the Kettering School District. The Dayton Mediation Center also assists with small

claims court and pretty much wherever there is a need for a neutral third party to help support circumstances or individuals who are in the midst of conflict. Mr. Primm mentioned he would be happy to answer any questions.

Mrs. Hall mentioned the services offered by the Dayton Mediation Center has had a tremendous impact to prevent homelessness in Dayton, do you see a way for the Dayton Mediation Center to increase their presence in Kettering Municipal Court as a homelessness prevention tool here within the city?

Mr. Primm expressed there is additional space for assistance for Kettering residents. Within the City of Dayton, the Dayton Mediation Center has worked within the court system due to a mediated agreement they have with the courts. That means whenever an eviction has been filed within the court there's an opportunity to mediate or sit down with the parties. They serve as a neutral third party so this is something that is not mandatory, but a service that is offered if an individual chooses so. Mediation can take place before court or prior to an eviction being filed. At that point, the mediation agreement does not go on court record, but once it has been filed in court it then has the opportunity go to mediation. There are some outcomes that can be brought out through the mediation process. One process being there is an agreement on a move out date and there is also an opportunity to agree upon possible money owed, most times these options end up having the case dismissed. If there is an agreement that is not followed through regarding the move out date or the money that needs to be paid, the property owner then has the opportunity to return to court without any additional court action and file for the restitution. It is incentivized on both sides to follow through because there's an opportunity to help fix the problem. If they don't do so, the individual can be evicted immediately. Taking the proper steps of mediation can help prevent an individual from being evicted.

Mayor Lehner expressed on behalf of the Kettering community, she would like to thank Mr. Primm for his work and services he provides to Kettering residents through the Dayton Mediation Center. The Dayton Mediation Center is doing an invaluable service to the Kettering community.

Mr. Primm mentioned he would also like to thank Vickie Carraher, Senior Resource Coordinator who has been phenomenal in providing assistance to Kettering residents.

Presentation- Pickleball Update

MaryBeth O'Dell, Director of Parks Recreation and Cultural Arts made the presentation this evening. Mrs. O'Dell expressed she is excited to be here this evening to provide an update about a project that can only happen in Kettering. Pickleball is the fastest growing sport in America. If you haven't played yet you are behind the curve. It was created 57 years ago by three dads who lived in Seattle because their children were bored with their usual summer activities. The legend of the name was created because one of the original creators Joel Pritchard dog's name was Pickle who chased the ball that was used in their game. Thus, that is how the name pickleball was invented. Since 2021, pickleball has grown by 39% since 2019 which is according to the U.S. Pickleball Association. 61% of pickleball players are men and 39% are women. 60% of players are avid players over the age of 55; 79% are casual players 54 or younger. Pickleball spans over all ages but this project is very special. Some members of City Council may recall back in 2015 six pickleball courts were dedicated at Kennedy Park. Tennis courts that were given to the city by the Kettering School District were transformed into pickleball courts. At the time, Kettering was one of the only communities in the region who had official pickleball courts. Based on the statistics and numbers of increase, in June of 2021 six of the Pickleball Pals meet with Gary Schussler and herself to talk about the possibility of expanding the pickleball courts at Kennedy Park. The group spent a couple of months brainstorming ways on how to collaborate with the city, residents and the Kettering Parks Foundation. Website materials were created and the Pickleball Pals began fundraising. Six existing courts will be renovated and six new courts will be added at Kennedy Park. Mrs. O'Dell expressed she appreciates the Kettering School District participation in this project because the actual pickleball courts sit on the land at Kennedy School. This project demonstrates how well a group of people can work together. The Parks Foundation was fantastic in navigating where to leverage dollars and she would also like to thank the Engineering Department for working with Mr. Schussler on the design and construction documents for the pickleball courts. This collaboration is a true testament of the quality of how this city works together, not just city staff but residents as well. She would now like to introduce four of the Pickleball Pals who were part of this project:

Mike Eckley, Pickleball player and Kettering Parks Foundation Board Member

Mo Albaugh, Original pickleball player who helped steered this initiative back in 2012.

Jeanie Heyd, Pickleball player

Teri Inskeep, Pickleball Pal Member

Mike Eckley mentioned as a member of the Kettering Parks Foundation, he is very proud to be part of this project. The Kettering Parks Foundation was able to leverage their 501(3c) to help raise the money to give to the City of Kettering. This project will really benefit the community. As an avid pickleball player, what he enjoys most outside of exercise is the community that has been formed around pickleball. If you stop by the pickleball courts during the summer starting at 7:30 a.m., residents are flowing out to come and play pickleball. There can be upwards of 40 to 60 people who are waiting to play. People enjoy being together and having an association with each other. He is really proud to be a part of this association that was able to work with the city to make this possible.

Mo Albaugh mentioned he has been associated with the Pickleball Pal group since 2014. During that time, players would line the tennis courts with chalk. Tennis players would express their frustration about the chalk being on the tennis courts. Another reason why he is here this evening is to present City Council with a letter that has a few signatures from pickleball players within the community who would like to express their appreciation of this project. Mr. Albaugh moved to Ohio in 2005 and he didn't have much to do until pickleball came along and it has become a welcomed outlet. The pickleball association throughout the community is a very social group and many individuals network together on different problems. Mr. Albaugh encouraged City Council to stop by the pickleball courts. There are other pickleball courts in the region including in Centerville, which many of those communities reached out to Kettering to get their programs started. Mr. Albaugh mentioned he would like to thank all city staff members who were involved in this project because this project could not move forward without the support of the city and the pickleball players.

Mr. Eckley asked Mayor Lehner to come down to the podium so he can present the city with a check on behalf of the Kettering Parks Foundation.

Mayor Lehner challenged Mrs. O'Dell to a pickleball match at the ribbon cutting of the new courts.

PUBLIC HEARINGS

PUBLIC COMMENT ON LEGISLATION

ORDINANCES IN SECOND READING

RESOLUTIONS

A RESOLUTION
NO: 10707-22
BY: MR.KLEPACZ AND MRS.HALL

AUTHORIZING THE CITY MANAGER TO PURCHASE COMPUTERS AND SERVERS FROM DELL FOR THE ANNUAL COMPUTER AND SERVER REPLACEMENT PROGRAM

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

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

The following votes were recorded: Mr. Klepacz, Yea; Mrs. Hall, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mr. Duke, Yea; Mayor Lehner, 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: 10708-22
BY: MRS.HALL AND MR.SCOTT

AUTHORIZING THE CITY MANAGER TO PURCHASE TELEVISION, RADIO, NEWSPAPER, BILLBOARD AND INTERNET ADVERTISING FOR THE 2022 FRAZE PAVILION PERFORMANCE SEASON FROM VARIOUS SOURCES

Mrs. Hall read the above resolution and moved for approval. Mr. Scott seconded the motion.

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

The following votes were recorded: Mr. Klepacz, Yea; Mrs. Hall, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mr. Duke, Yea; Mayor Lehner, 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: 10709-22
BY: MR.SCOTT AND MS.DUVALL

AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO CONTRACTS FOR ENTERTAINMENT FOR THE FRAZE PAVILION 2022 PERFORMANCE SEASON

Mr. Scott read the above resolution and moved for approval. Ms. Duvall seconded the motion.

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

The following votes were recorded: Mr. Klepacz, Yea; Mrs. Hall, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mr. Duke, Yea; Mayor Lehner, 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: 10710-22
BY: MS.DUVALL AND MR.DUKE

AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS FOR DISCOUNTS, COMPLIMENTARY TICKETS AND COMPLIMENTARY PROGRAM PARTICIPATION TO BENEFIT THE ADVERTISING AND PROMOTION OF CALENDAR YEAR 2022 PARKS, RECREATION AND CULTURAL ARTS PROGRAMS AND THE 2022 FRAZE PAVILION PERFORMANCE SEASON

Ms. Duvall 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; Mrs. Hall, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mr. Duke, Yea; Mayor Lehner, 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: 10711-22
BY: MR.DUKE AND MR.KLEPACZ

AUTHORIZING PAYMENT OF MUSIC LICENSING FEES FOR CONCERTS AT FRAZE PAVILION DURING 2022

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; Mrs. Hall, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mr. Duke, Yea; Mayor Lehner, 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: 10712-22
BY: MR.KLEPACZ AND MRS.HALL

AUTHORIZING THE CITY MANAGER TO CONTRACT FOR EMERGENCY HOME REPAIR SERVICES WITH MIAMI VALLEY COMMUNITY ACTION PARTNERSHIP

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

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

The following votes were recorded: Mr. Klepacz, Yea; Mrs. Hall, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mr. Duke, Yea; Mayor Lehner, 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: 10713-22
BY: MRS.HALL AND MR.SCOTT

AUTHORIZING THE CITY MANAGER TO ACCEPT REIMBURSEMENT FROM THE OHIO ATTORNEY GENERAL'S OFFICE FOR POLICE OFFICER TRAINING COSTS

Mrs. Hall read the above resolution and moved for approval. Mr. Scott seconded the motion.

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

The following votes were recorded: Mr. Klepacz, Yea; Mrs. Hall, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mr. Duke, Yea; Mayor Lehner, 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: 10714-22
BY: MR.SCOTT AND MS.DUVALL

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, 2022

Mr. Scott read the above resolution and moved for approval. Ms. Duvall seconded the motion.

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

The following votes were recorded: Mr. Klepacz, Yea; Mrs. Hall, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mr. Duke, Yea; Mayor Lehner, 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 READING

AN EMERGENCY ORDINANCE
NO: 4374-22
BY: MS.DUVALL AND MR.DUKE

TO AMEND CHAPTER 1104 OF THE CODIFIED ORDINANCES OF THE CITY OF KETTERING REGARDING FLOOD DAMAGE REDUCTION AND DECLARE AN EMERGENCY

Ms. Duvall 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; Mrs. Hall, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mr. Duke, Yea; Mayor Lehner, Yea. There being six (6) 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. 22-001- Zoning Text Amendment. A public hearing regarding this request will be held on Tuesday, March 8, 2022 at the Kettering City Council meeting.

MANAGER'S REPORT/COMMUNITY UPDATE

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

- Several residents have received phone calls and voicemails from persons pretending to be Kettering Police Detectives. If you are unsure of the identity of an officer call 937-296-2555.
- FEMA will be issuing revised Flood Insurance Rate maps for the Little Miami Watershed in Montgomery County effective March 8, 2022. For more information visit the city's website at www.ketteringoh.org.
- Nominations for the 2022 Mayor's Award for Volunteer Service are now being accepted until March 15.
- Income tax forms are now available on the city's website and can also be picked up in the lobby of the Tax Department. Deadline for filing is April 18, 2022.
- Yard Debris Center will reopen Monday, March 7. Hours of operation:
 - Monday- Friday 3:00 p.m.-8:00 p.m.
 - Saturday 9:00 a.m.-3:00 p.m.

Mr. Bergstresser updated the community regarding the use of American Rescue Plan Act funds. During workshop this evening, there was discussion regarding the use of American Rescue Plan Act funds that the city received from the federal government. In particular as it relates to the purchase of capital equipment which is referred to as rolling stock fleet items (ex. fire engines, medics and dump trucks). Under the federal procurement rules that are required with the use of American Rescue Plan Act funds (ARPA) do not allow for the specification of exact makes and models of equipment and other vehicles, which will likely prevent the city from obtaining replacements for existing equipment that matches what is already in the city's fleet. This becomes a problem when trying to maintain equipment. City staff made a recommendation to City Council earlier this evening that ARPA funds that have already been committed to capital equipment purchases which is \$4.5 million in total and \$2.1 million in 2022, would be committed to public safety payroll costs and then in turn apply an equivalent general fund dollars from those payroll costs to purchase capital equipment through the city's regular competitive purchasing process. These processes are competitive and use competitive quotes or cooperative governmental purchasing agencies and the State of Ohio term schedule procurement process. Recently, this methodology was used to purchase a replacement medic for the Fire Department. City staff believes this methodology is the right way to move forward with capital

equipment purchases. Mr. Bergstresser mentioned this was discussed during workshop this evening and he wanted to make sure the community understood this purchasing process. This is a slight change on the way the city is using ARPA dollars. There is an equivalent amount of money that will be applied towards areas that have already been identified as priorities by City Council.

Mr. Bergstresser also mentioned that the Tracy Williams, Former City Manager of the City of West Carrollton passed away. He wanted to offer his condolences to the family and friends of Tracy Williams and also to the City of West Carrollton. Mr. Bergstresser had the opportunity to meet Mr. Williams and he had a high level of professionalism and seemed like an all-around good guy. Mr. Williams was well respected by his community and his professionalism and expertise was well valued.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Audience Participation (5 Minute Limit per Speaker)

COUNCIL COMMITTEE REPORTS

Mrs. Fisher reported:

- Absent.

Mr. Klepacz reported:

- It was very interesting to hear the story about the origins of how the sport pickleball received its' name.
- Get your Covid shot, wear a mask and shop Kettering.

Mrs. Hall reported:

- She wished residents a happy 2-22-22.
- She really appreciated the homelessness prevention presentation this evening.

Mr. Scott reported:

- He attended a meeting at the Miami Valley Communications Council and he was excited to learn more about the facility and services they offer.

Ms. Duvall reported:

- It is fascinating to learn about all of the services the Miami Valley Communications Council offers.
- Thank you Mr. Primm for your presentation this evening regarding homelessness prevention.
- Alter High School Key Club packed over 26,000 meals for the Lesotho Food Initiative.
- She is working with surrounding jurisdictions community organizations to work together and promote the Juneteenth community event.

Mr. Duke reported:

- Thank you to Ms. Duvall and Mr. Schwieterman for their presentations at the Kettering Leadership Academy session.
- He worked with Tracy Williams for over 31 years and he offered his condolences to his family.
- Residents should continue to wear their masks.

Mayor Lehner reported:

- Vickie Carraher, Senior Resource Coordinator called 108 seniors after the snow storm to make sure they were okay.
- She had the pleasure to have worked with Tracy Williams for many years and he will be missed.
- The Miami Valley Region is fortunate to have programs in place in order to prevent homelessness.
- Regina Bier of the Kettering Police Department recently retired after 27 years of service.
- The Kettering Police Department recently welcomed two new officers Joseph Lang and Jacob Strehle.
- There have been no new Covid cases in Kettering for the past two weeks.

They're being no further business to come before this meeting of the Kettering City Council; Mayor Lehner adjourned the City Council Meeting at 8:09 p.m.

ATTEST:

PEGGY LEHNER, MAYOR

LaShaunah D. Kaczynski
Clerk of Council