

**KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
March 8, 2022**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, March 8, 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, Fisher, Klepacz, Hall, Scott, Duvall and Duke

Council Members Absent: None

Total Members Present: Seven (7)

Mayor Lehner led the audience in the Pledge of Allegiance. Mayor Lehner asked that residents keep in mind all of the citizens of Ukraine as we are able to conduct a City Council meeting this evening because of a democracy that is protected and nourished. Mayor Lehner gave the invocation.

APPROVAL OF MINUTES

February 22, 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, one (1) abstain vote (Mrs. Fisher) and no (0) nay votes for February 22, 2022 Council Meeting & Workshop Minutes, the motion was declared carried followed by a roll call vote.

Mayor Lehner introduced the Miami Valley Communications Council TV Operator Mike Sopronyi. She thanked him for his assistance.

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

Appointment- Partners for Healthy Youth- Jodee Ball (Term ending 12/31/24)

Mrs. Fisher made a motion to appoint Jodee Ball to Partners for Healthy Youth. Mr. Klepacz seconded the motion. The motion was declared carried followed by a unanimous like sign vote.

PUBLIC HEARINGS

P.C. 22-001- Zoning Text Amendment

Mayor Lehner opened the public hearing.

David Roller, City Planner gave the staff presentation this evening. Mr. Roller mentioned that every year, the City of Kettering Planning & Development Department monitors the Zoning Code to look for items that need improvement. For instance, the city is always on the lookout to make redevelopment simpler, expand flexibility and make the code easier to use for developers, residents and designers. The city is also looking to maintain a solid foundation for best practices to keep the city running smoothly, and maintain the city's attractiveness to potential investment in residence. Sometimes during a project or a review, the Planning and Development Department comes across a provision that just doesn't make sense as applied. Sometimes the department also discovers standards that fall short of achieving goals that are set for the code. There are also times where the department discovers loopholes or gray areas that need clarity. Throughout last year, the department had documented all of these issues and compiled them into the proposal that City Council has before them this evening. He has a brief presentation of the proposed changes in summary format detailing each code section, and the changes appear in the order of their appearance within the Zoning Code. Planning Commission did unanimously recommend approval of the selected revisions. He is happy to go into further detail about the proposed revisions.

Beginning in Chapter 1135 within the permitted use table, during the last revision update there were changes to industrial standards. One change that was made was the removal of salvage yards from the Zoning Code as a permitted use. However, this change was not removed from the permitted use table and this change will correct that oversight by removing it now. The next item involves decks and patios in Chapter 1139. This change was brought to the Planning & Development Department attention from a homeowner in this past year. As the code is currently written, it does not allow patios in front yards which is something that has always been a permitted use. The current code has been very confusing regarding residential parking, the intent of the code is to prevent paving over front yards in their entirety and turning them into parking lots while simultaneously allowing residents to expand their driveways and park in them. Currently as written, the code does not allow that. The next proposed changes involve the reduction of minimal number of spaces for residential parking. Right

now, the current number for single unit dwellings is two required spaces and for multi-unit dwellings it's one and a half. Over the years, the Planning & Development Department has found that is not a true minimum standard but instead more of an ideal. The proposed change will reduce that number which will help encourage better use of land, reduction of pavement and remove barriers concerning housing equity because it will eliminate costs associated with developing these uses. Chapter 1147 is associated with landscaping and buffer yards. Anytime there is a new installation of a chain-link fence the new revision will require materials to be factory coated, which will reduce maintenance over time and will help to increase value. Also within this chapter, there will be a revision to planting trees on basin slopes. This will no longer be a permitted use. During a recent project, the city found that detention basins shouldn't have plantings on their slopes. It leads to increase maintenance cost and also lead to flooding issues. The roots of the plants tend to get exposed which could make mowing difficult as well as the soil starts to become loose and can erode and clog the system leading to flooding issues. Fiber optic boxes are also referenced in the landscaping and buffer yards section of the Zoning Code. Fiber optic infrastructure is moving through the Dayton region and they have the potential to end up on private property. Thus, they could have a negative visual impact to homeowners. This section will establish screening standards to obscure those installations, but this standard will only apply to new installations and will not apply to anything that is currently present. Anything that is in place now is not subject to these standards. These standards will apply to redevelopment and new development.

Mrs. Fisher expressed fiber optic boxes could potentially be placed in a resident's front yard. The Zoning Code will now require residents to place screening around these fiber optic boxes?

Mr. Roller informed City Council that this standard will not apply to residents but for the telecommunications installers to follow.

Mayor Lehner clarified this is not retroactive.

Mr. Roller mentioned that is correct, it is not retroactive.

Mr. Duke asked if the screening standards specify whether it is hard surface or landscaping?

Mr. Roller informed City Council there is a mixture of standards depending on the context where it is located. The standards are meant to help blend into the background so it's not prominently on display, which is depended upon the type of background that is present. Example would be the code would not permit something to be painted dark green when everything around the box is concrete.

Mr. Duke expressed what he is suggesting is if it can be greenery trees, shrubs instead of a hard surface or a fence.

Mr. Roller informed City Council that the proposed standard is actually a mixture of both. The way it is written is the color of the cabinet itself or the equipment and any required screening that may go around the cabinet depending on size.

Mr. Duke expressed he is trying to get to the question of is there a choice. His preference would be to see shrubbery rather than a fence. Within the code, is there a preference or does a person have a choice?

Mr. Roller informed City Council currently as written the code has this standard written as a flexible standard. Optic boxes would be required to be either painted or coated and be maintained over time and kept free from graffiti. The Engineering Department has also prepared standards that coincide with this that has screening requirements for greenery.

Mr. Duke expressed he is referring to what goes around the outside of the box, which is not present in the PowerPoint slide.

Mr. Roller informed City Council that is not in the code; however the actual screening is already in the ordinance for the other items that are up here so there's screening of a minimum of six feet in height or one foot higher than the item area to be screened whichever is greater. That standard is already included for other items that might be introduced on site including generators or equipment. If a box is present, there will need to be greenery and paint in order to conceal the box to the background.

Mr. Klepacz asked if Mr. Roller is specifically referring to telecommunications equipment. Does this apply to the gas locations that have barriers around them? They are safety barriers that are usually yellow in color.

Mr. Roller expressed this particular item is just dealing with telecommunications boxes. If that is something City Council would like the Planning & Development Department to look into further they can most definitely do that.

Mr. Klepacz asked there are no screening regulations for the gas?

Mr. Roller mentioned it depends where they are located. If they are located in the city right-of-way or an utility easement, that is something this standard does not apply to because this proposed standard applies to private property. If you are located on private property there are screening requirements for those types of items, however there's additional things that his department can look into if there are gas installations because there are requirements about how far away items have to be from them. If they are located on private property, there is a requirement for screening.

Mr. Klepacz expressed he would guess gas lines are in the right-of-way.

Mr. Roller mentioned he would guess that as well but wouldn't be able to answer that with a lot of confidence.

Within Chapter 1147, plant materials and specifications will have one minor revision. The proposed change will be more concise language within the table but the actual standard stays the same. Plant diversity is a newly proposed section within Chapter 1147. Plant diversity is something that hasn't been done in the past but requiring plant diversity can help protect the city from future pest and disease outbreaks among plant species. By making sure there isn't an overabundance of a single plant species, it will help the city be better protected from disease or pest outbreaks. This standard will scale upwards and will not be retroactive. It will only apply to new development. Small businesses will not be impacted as much, but as a site becomes bigger or a development becomes bigger there will be requirements for plant diversity. Another proposed change deals with Chapter 1149 regarding architecture. During a few recent projects the city found that the minimum height clearance wasn't a true minimum. It is currently at nine feet and it needs to be reduced down to eight feet. That would apply to items like awnings, canopies and balconies. This will apply to new development and will not apply to anything that is currently in existence. Chapter 1151 has a proposed change to the sign section. Recently, there have been some revisions to the industrial office oriented business park district which related to industrial standards and making them more modern. Unfortunately, during that update signage was not modernized. In the past, industrial signage was small placards but modern office and research complexes don't behave this way and have more signage to be able to better brand themselves. The proposed change will increase the allowable square footage to be in scale with larger size signs. The next proposed change involves temporary signs which is referred to residential districts. The table before established standards for maximum square footage which was meant to encapsulate all signs that were present on a house. As the code is currently written, it is very ambiguous and make it seem like it is referring to each individual sign. This change will make it clear and concise since the Planning & Development Department will be enforcing this.

Mr. Duke asked that Mr. Roller defines the meaning of temporary. He knows of some businesses that would like to place signs in their windows.

Mr. Roller said just for clarity these standards are for residential. Temporary is usually defined as 30 days, but generally temporary means it's not going to be there permanently.

Mrs. Fisher said if she places a sign for a fish fry outside her home, she has 30 days? What if she places a sign out that she supports the police department and has it in her yard for six months?

Mr. Roller informed City Council that temporary signs are not limited to 30 days within the code. The sign itself must be temporary. Just picking up the sign and moving it will start a new temporary period. In essence, a resident could keep a temporary sign indefinitely. Temporary signs are thought to wear themselves out over time. The thought behind that is you don't want worn out signs being displayed indefinitely, so there is a time period of what signs shouldn't be posted longer than that. The Planning & Development Department does not keep track of when that time period begins or ends.

Chapter 1151 deals with a comprehensive overhaul of campus and large site signage. Examples of a campus would include Kettering Business Park, Miami Valley Research Park, Kettering Recreation Complex and Kettering Hospital. This current revision would replace the current standards. The current standards are difficult to enforce and didn't allow a lot of flexibility over time. This proposal would introduce standards that are much simpler to enforce and respond better to future changes. This section will also allow gateway features which is something that has not been allowed in the past. Gateway features will include items such as branded public art clock towers and arches that would be allowed to be displayed at the entry way of these campuses. Currently, placing a sign on a roof in Kettering is prohibited. This proposal clarifies that the standard would apply to roofs and awning roofs. This section has been enforced for the past several decades but the language within the Zoning Code is odd. This revision would simply reinforce the original intent. Chapter 1153 refers to procedures and enforcement. During a conditional use application last year, the Planning & Development Department found there weren't any standards for amending conditional uses in the code. There is a standard procedure but it is actually not listed in the code with a prescribed way of doing it. This change would allow those standards to be included. The last proposed change concerns definition revisions within Chapter 1159. The request would change the definition for dwelling units, principal façade, parking islands and peninsulas. Currently, dwelling units are intended for permanent occupancy so this change will clarify dwelling as permanent and not short term. Short-term occupancy is anything less than 30 days. Currently, the principal façade definition is overly broad and that is not the intended use of that definition. The definition should be more narrowly focused. Parking lot islands and peninsulas concerns were brought to his department's attention during a recent project. A

business was applying for a permit for parking lot islands that met the code but produced a bad result. By working with the applicant the Planning & Development Department was able to get them to do a conventional parking lot island. This change would close that loophole. To summarize, the Planning Commission found that the Zoning Code text amendments met the purposes and intent of the Zoning Code as outline in section 113104 of the Zoning Code and the Planning Commission is recommending approval. Mr. Roller mentioned he would be happy to answer any questions.

Mr. Scott mentioned regarding Chapter 1147 concerning fence materials, the intended meaning of protective coating is simple galvanized not that it has to be a simple vinyl coating?

Mr. Roller mentioned as the code is proposed it would be a vinyl or plastic coating. Galvanized coating can scratch off and does rust sooner than the coated materials.

Mr. Scott expressed despite that has been the traditional methodology for generations.

Mr. Roller expressed certainly.

Mr. Klepacz asked when was the last time there was a major change to the Zoning Code?

Mr. Robillard, Planning & Development Director informed City Council that the last major revision of the Zoning Code was in 2015.

Mr. Klepacz asked if changes have been made to the Zoning Code since 2015?

Mr. Robillard informed City Council changes have been made to the Zoning Code since 2015.

Mr. Klepacz asked if there is a schedule for changes to the Zoning Code? These changes accumulate over time and then city staff comes forward with proposed changes.

Mr. Robillard mentioned there isn't a formal schedule but changes do accumulate then city staff will bring those changes forward to City Council for a modification. Generally it's about once a year.

Mayor Lehner asked if there were any comment from the public either for or against this request; none were heard.

Mayor Lehner closed the public hearing and mentioned City Council will consider legislation regarding this request at a future meeting.

PUBLIC COMMENT ON LEGISLATION

Sterling Abernathy- He is here this evening because he has comments regarding agenda item six approving the purchase of automated license plate reader system within Kettering limits. Mr. Abernathy expressed he has several concerns regarding this resolution. His first concern is mass surveillance. The proposed automated license plate reader system is no just another tool for the Kettering Police Department, it is mass surveillance technology that photographs and identifies every vehicle passing by its cameras. It stores the footage within a central server on the internet and it automatically sends out alerts when scanned vehicles match a hot-list from local and national police agencies. This technology permits authorized users to search stored data using their own personal phones and computers and Flock requires the features functionality performance of the system not to be shared outside of the police department, except for information that is already known to the public. The statement by the City Manager in the Dayton Daily News which he quoted, "We're not going to be scanning every single license plate" is wrong. Mass surveillance means the systems collects and stores information on citizens regardless of whether they have committed a crime. Less than three-tenths of a percent of vehicles stored within this type of system are connected to criminal activity. Mr. Abernathy mentioned his second concern is regarding high error rates from outdated hot-list and inaccurate vehicle scans. A study in California found that thirty-seven percent of all hits from fixed readers were misreads and drivers were pulled over because the reader read their license plate wrong and their vehicle was tagged as stolen. An example is a women in Colorado and her children were detained after the reader misread her SUV for a stolen motorcycle from a different state. Mr. Abernathy is also concern about the misuse of this type of technology across the country. A Washington, D.C. police officer pleaded guilty after looking up the plates of vehicles near a bar and blackmailed the vehicle owners. In Florida, police officers used databases to search romantic interests. A former police officer in Minnesota found out that her driver's license record was accessed over 400 times by 18 agencies across the state. Also this type of technology infringes upon privacy, civil rights and civil liberties. Some members of City Council have claimed that the system does not impact privacy and compared the technology is the same as someone standing on the curb watching cars go by; that is false. A person cannot record all vehicles in two lanes of traffic driving at high speeds and store the information in a central database which is searchable by agencies all over the country. Automated license plate readers are used to track and record the movements of people even though the majority of people are not connected to a crime. The fifth concern Mr. Abernathy has is regarding data sharing. Police Departments can choose to share Kettering information with other agencies but as a part of vendor agreement, Flock has a license for worldwide use which will be a larger distribution of Kettering scans and data. This license is part of the contract and users cannot opt-in or opt-out. Flock runs its own network called Talon and this network allows law enforcement

agencies nationwide to track vehicles as they drive coast-to-coast as they pass through cities that have Flock cameras. When a citizens car is scanned it is not just Kettering Police that will have this data, the data will be released to anyone Flock passes this information along to. It also allows Kettering Police to track vehicles outside of Kettering limits by searching other agencies. Prior to approving the Flock system, City Council should involve the public because there has been little information regarding this system that has been shared with the public. The city should formally notify citizens describing the technology and how and where the system and data are used. Also the city needs to communicate how privacy and civil liberty risk will be addressed and request and consider public comment regarding this technology. City Council shouldn't pretend this mass government system is just another tool.

ORDINANCES IN SECOND READING

RESOLUTIONS

A RESOLUTION
NO: 10715-22
BY: MRS.FISHER AND MR.KLEPACZ

ESTABLISHING THE SIGNATURE OF RANDALL R. HARPER AS AN AUTHORIZED SIGNATURE FOR ALL NEGOTIABLE INSTRUMENTS, CHECKING ACCOUNTS, CERTIFICATION OF FUNDS, ETC., REQUIRED OR MADE NECESSARY BY LAW AS RELATING TO HIS DUTIES AND RESPONSIBILITIES WITH THE FINANCE DEPARTMENT OF THE CITY OF KETTERING; AND RESCINDING RESOLUTION NO. 9977-17

Mrs. Fisher 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: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mrs. Hall, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mr. Duke, Yea; Mayor Lehner, Yea. There being seven (7) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10716-22
BY: MR.KLEPACZ AND MRS.HALL

AUTHORIZING THE CITY MANAGER TO PURCHASE EQUIPMENT THROUGH SEALED BIDS, NEGOTIATED QUOTES, OR A COOPERATIVE PURCHASING PROGRAM

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

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

The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mrs. Hall, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mr. Duke, Yea; Mayor Lehner, Yea. There being seven (7) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10717-22
BY: MRS.HALL AND MR.SCOTT

AUTHORIZING THE CITY MANAGER TO PURCHASE BUNKER GEAR FOR THE FIRE DEPARTMENT

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

Chief Robbins, Fire Chief gave a brief description of the resolution.

The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mrs. Hall, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mr. Duke, Yea; Mayor Lehner, Yea. There being seven (7) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10718-22
BY: MR.SCOTT AND MS.DUVALL

AUTHORIZING THE CITY MANAGER TO APPLY FOR A PRIORITY ONE GRANT FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY, DIVISION OF EMS

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

Chief Robbins, Fire Chief gave a brief description of the resolution.

The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mrs. Hall, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mr. Duke, Yea; Mayor Lehner, Yea. There being seven (7) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10719-22
BY: MS.DUVALL AND MR.DUKE

AUTHORIZING THE CITY MANAGER TO CONTRACT WITH FLOCK GROUP INC. FOR
AUTOMATIC LICENSE PLATE DETECTION EQUIPMENT AND RELATED SERVICES

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

Chief Protsman, Police Chief gave a brief description of the resolution.

Mrs. Hall mentioned there has been a lot of talk regarding this particular resolution and she is satisfied that the questions City Council had regarding this system have been answered. She is going to vote to move forward with the purchase of this system. It seems as if Flock is not going to be using the data in inappropriate ways and she is glad there will be a six month review of this system to ensure of that. There are license plate readers that the Kettering Police Department is currently using and this Flock system will be more efficient.

Chief Protsman mentioned that is correct. The Flock system is more efficient.

Mrs. Hall asked if a police officer uses this system for personal use that is a fireable offense?

Chief Protsman mentioned that is correct. There are policies in place for other law enforcement databases and Flock will be included. That type of action is not only a fireable offense but also a criminal offense.

Mrs. Hall expressed that the system will not be used for ICE or speeding tickets?

Chief Protsman mentioned that is correct and the system will not be used for red light tickets.

Mrs. Hall explained that hopefully after the six month review period there will be a decrease amount in crime and that reduction will reduce cost for the city.

Mr. Duke mentioned this has been a controversial topic in some communities and there was a speaker here this evening who expressed his concerns. Flock camera is a database system that will be utilized after a crime or incident has occurred within the community. It is not used before an incident to track people. This system is reactive to the incident not ahead of the incident. The system is a tool that the police needs to protect the community. Therefore, he will support the resolution.

Mr. Scott expressed he intends to vote for the resolution for many number of reasons. One of which the Kettering Police Department is Ohio's Finest and as a City Council, we owe it to the men and women of the Police Department to give them the most modern and efficient tools used to solve crime. Kettering residents expect that and there are proper safe guards in place that it won't be abused. City Council will have a hard time looking a resident in the eyes to say we didn't give the Police Department all the tools they needed to solve a crime that affected them. Also, to be part of a network of other communities in the area to cooperate as a multi-city network is very beneficial. He is satisfied beyond a doubt that there are checks and balances and he intends to fully support the resolution.

The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mrs. Hall, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mr. Duke, Yea; Mayor Lehner, Yea. There being seven (7) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10720-22
BY: MR.DUKE AND MRS.FISHER

AUTHORIZING THE CITY MANAGER TO APPLY FOR 2022 LIVABLE & AGE-FRIENDLY
COMMUNITIES GRANT FUNDING THROUGH MIAMI VALLEY REGIONAL PLANNING
COMMISSION

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

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

The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mrs. Hall, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mr. Duke, Yea; Mayor Lehner, Yea. There being seven (7) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10721-22
BY: MRS.FISHER AND MR.KLEPACZ

AMENDING RESOLUTION NO. 10677-22 REGARDING THE SMITHVILLE ROAD RESURFACING PROJECT- (WILMINGTON PIKE TO NORTH CORPORATION LIMIT), CITY PROJECT NO. 02-134F

Mrs. Fisher 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: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mrs. Hall, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mr. Duke, Yea; Mayor Lehner, Yea. There being seven (7) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10722-22
BY: MR.KLEPACZ AND MRS.HALL

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR DESIGN SERVICES FOR INDIAN RIFFLE PARK SEASON SHELTERS AND THE GARDEN PLAZA PROJECT

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

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

The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mrs. Hall, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mr. Duke, Yea; Mayor Lehner, Yea. There being seven (7) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10723-22
BY: MRS.HALL AND MR.SCOTT

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR A POINT OF SALE SYSTEM FOR FRAZE PAVILION

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

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

Mayor Lehner asked Mr. Schwieterman to clarify the meaning of a point of sale system.

Mr. Schwieterman informed City Council that a point of sale system in this instance refers to how tickets are processed and concession transactions at the Frazee Pavilion. The software will go further than a normal credit card reader. It will also allow for inventory control which will eliminate the need for manual counts at the end of the evening. An automated count will generate from the point of sale system.

The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mrs. Hall, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mr. Duke, Yea; Mayor Lehner, Yea. There being seven (7) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10724-22
BY: MR.SCOTT AND MS.DUVALL

AUTHORIZING THE CITY MANAGER TO ACCEPT AND ADMINISTER GRANT FUNDING FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES, FORESTRY DIVISION FOR THE PURCHASE AND REPLACEMENT OF TREES THROUGHOUT THE CITY OF KETTERING

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

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

The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mrs. Hall, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mr. Duke, Yea; Mayor Lehner, Yea. There being seven (7) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10725-22
BY: MS.DUVALL AND MR.DUKE

TO AMEND RESOLUTION NO.10684-22 REGARDING REMOVAL AND REPLACEMENT OF TREES ON CITY OWNED PROPERTIES

Ms. Duvall 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: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mrs. Hall, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mr. Duke, Yea; Mayor Lehner, Yea. There being seven (7) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10726-22
BY: MR.DUKE AND MRS.FISHER

AUTHORIZING THE CITY MANAGER TO LEASE SPACE IN BUILDING 46 TO THE KETTERING CITY SCHOOL DISTRICT BOARD OF EDUCATION

Mr. Duke 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: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mrs. Hall, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mr. Duke, Yea; Mayor Lehner, Yea. There being seven (7) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10727-22
BY: MRS.FISHER AND MR.KLEPACZ

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

Mrs. Fisher 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: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mrs. Hall, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mr. Duke, Yea; Mayor Lehner, Yea. There being seven (7) 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.KLEPACZ

TO PROVIDE BY MUTUAL AGREEMENT FOR THE ADJUSTMENT OF THE BOUNDARIES
BETWEEN THE CITIES OF KETTERING AND OAKWOOD, OHIO

Mr. Klepacz read the above ordinance.

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

CERTIFICATIONS AND PETITIONSMANAGER'S REPORT/COMMUNITY UPDATE

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

- Nominations for the 2022 Mayor's Award for Volunteer Service are now being accepted until March 15.
- Coming to the Frazee:
 - Steve Martin & Martin Short- Saturday, May 28 at 8:00 p.m.
 - Randy Travis- Saturday, June 4 at 8:00 p.m.
 - The Devon Allman Project- Friday, June 10 at 7:30 p.m.

Tickets can be purchased at the Frazee Pavilion Ticket Office, Frazee FanFare, www.frazee.com, www.etix.com or charge –by- phone at 1-800-514-3849.

- The Parks, Recreation and Cultural Arts Department will be holding open interviews on Saturday, March 12 from 10:00 a.m.-2:00 p.m. at the Kettering Recreation Complex.
- Upcoming Council Meetings:
 - March 22, 2022- Regularly Scheduled City Council Meeting
 - March 24-25, 2022- Council Retreat
 - March 31, 2022- No Joint School Board Meeting; likely May 31, 2022
- Minority Business Microenterprise Program grants are available. Participants must complete three technical assistance classes. For more information contact Amy Schrimpf at 937-296-3342.
- 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.

Mr. Scott asked the number of participants who have signed up for the Minority Business Microenterprise Program classes?

Mrs. Schrimpf informed City Council that currently there are between 7-8 people who have registered to participate in the classes. Mrs. Schrimpf also mentioned that during the meeting she received communication from a person who would also like to register for the classes. Registration will also be available at the door the day of scheduled classes.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Audience Participation (5 Minute Limit per Speaker)

COUNCIL COMMITTEE REPORTS

Mrs. Fisher reported:

- First Tier Suburbs is a great regional collaborative group who work together to solve problems for the region and she looks forward to attend more information sessions.
- We Care Arts hosted Leadership Dayton Alumni Group this past week.

Mr. Klepacz reported:

- Spass Nacht is scheduled to take place at the Frazee on Wednesday, June 15.
- The Sister Cities Committee is looking for new members.
- He was re-elected to the Miami Valley Regional Planning Commission Executive Board.
- If residents are looking for a job consider working for a local Kettering business.

Mrs. Hall reported:

- Residents should continue to keep Ukraine in their hearts, and Kettering should be a welcoming community for refugees as a result of the war.

Mr. Scott reported:

- Nothing to report.

Ms. Duvall reported:

- Congratulations to the following students who were the MLK Essay Contest winners: Leah White (High School winner from Fairmont), Joseph Wright (Runner-Up), Giovanna Ferguson (Runner-Up) and Chloe Calenni (Middle School Winner).
- The first Juneteenth celebration will take place on Monday, June 20 at Polen Farm.

- All three of her children work for a local Kettering business.

Mr. Duke reported:

- On March 4 he attended the ribbon cutting for the Ohio Wine Company.
- Residents should continue to keep Ukraine in their hearts, and also keep an eye on your children regarding their emotions as it pertains to the war.

Mayor Lehner reported:

- On March 4 she attended the ribbon cutting for the Ohio Wine Company.
- Congratulations to Mr. Klepacz who was re-elected to the Executive Board for the Miami Valley Regional Planning Commission.
- Congratulations to the Alter Girls Basketball team who will be playing in division finals at UD Arena.
- Congratulations to the Fairmont Boys Basketball team who will be playing Centerville in the regional-semifinals at Xavier University.
- Congratulations to the Alter Boys Basketball team who will be playing Butler High School in the regional-semifinals.
- Congratulations to Katelyn Mergy who was awarded the Gold Star Award for the Girl Scouts.

They're being no further business to come before this meeting of the Kettering City Council; Mayor Lehner adjourned the City Council Meeting at 8:42 p.m.

ATTEST:

LaShaunah D. Kaczynski
Clerk of Council

PEGGY LEHNER, MAYOR