

**KETTERING CITY COUNCIL  
REGULAR MEETING MINUTES  
April 12, 2022**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, April 12, 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 and gave the invocation. She introduced the Miami Valley Communications Council TV Operator Mike Sopronyi. She thanked him for his assistance.

APPROVAL OF MINUTES

March 22, 2022- Council Meeting & Workshop Minutes

Mrs. Fisher reported that she reviewed the above minutes and moved the minutes be approved. Mr. Klepacz seconded the motion of the above minutes and there being seven (7) yea votes, and no (0) nay votes for March 22, 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- Marie Siler (Term ending 12/31/24)

Mrs. Fisher made a motion to appoint Marie Siler to Partners for Healthy Youth. Mr. Duke seconded the motion for appointment and there being seven (7) yea votes, and no (0) nay votes to appoint Marie Siler to Partners for Healthy Youth, the motion was declared carried followed by a roll call vote.

Proclamation- Arab American Heritage Month

Mayor Lehner read the above proclamation and same was accepted by Youssef El Zein and guests. Mr. El Zein mentioned he shared a presentation with City Council earlier today and he would be happy to answer any questions they may have. He would like to thank the city for the proclamation; it is an honor to receive this proclamation for the City of Kettering. This means a lot to him. Mr. El Zein informed City Council he received a proclamation from the President of the United States last week as well as from Governor DeWine and Montgomery County and neighboring jurisdictions.

Mr. El Zein guest thanked the City of Kettering for the proclamation.

Mr. Duke mentioned the presentation Mr. El Zein provided was an excellent presentation about the history of Arab Americans.

Mr. El Zein mentioned that the Arab American Foundation out of Washington, D.C. put the PowerPoint presentation together. Arab Americans are part of this community and belong to this community.

Mr. El Zein guest expressed his sincere thanks for the proclamation. This is his seventh proclamation that he has attended. Every time the proclamation is read, he gets goosebumps like he is listening to it for the first time. It is a great honor to receive this recognition. The ultimate goal is to make April a permanent Arab American Heritage Month.

Mr. El Zein guest mentioned he is inviting everyone to the Lebanese Festival August 26-28 at St. Ignatius located in Washington Township.

Mrs. Hall mentioned that the Arab Americans here this evening are from the Catholic Marianist tradition as well as the Islam tradition that's celebrating Ramadan this month. She really appreciates them being at the meeting this evening.

Mr. El Zein guest mentioned he saw there are a lot of recognitions and celebrations this evening at the City Council meeting so after the presentation they will be excusing themselves to attend Break the Fast.

Proclamation- Arbor Day

Mayor Lehner read the above proclamation and same was accepted by Gary Schussler, Parks Superintendent. Mr. Schussler thanked Mayor Lehner and City Council for the support. This is the city's 40<sup>th</sup> year of being recognized as a Tree City USA and he is proud of the work for the community and the natural environment in terms of the tree program. As Mayor Lehner mentioned, the annual TreeFest will take place this upcoming Saturday, April 16, 2022 at Southdale Park and the Habitat Environmental Center. There are saplings and large stock trees that will be planted at TreeFest and he is looking forward to volunteers coming out to plant trees. City Council is also welcome to come attend TreeFest and plant trees. He is hopeful for good weather this weekend. He would be remiss not to recognize Keri Miles, Program Supervisor who does a tremendous job in environmental education; she has done a great job with the help of the volunteers of the Tree Committee to put this program on. Mr. Schussler expressed he appreciates the continued support and he looks forward to seeing everyone at TreeFest.

Proclamation- National Volunteer Week

Mrs. Fisher read the above proclamation and same was accepted by Kari Basson, Chairperson of the Volunteer Advisory Committee. Mrs. Basson thanked Mayor Lehner and City Council for the proclamation and for joining in celebrating our volunteers during National Volunteer Week next week. This is a time when we recognize the volunteers in our community who give their time, talent and voices to better the lives of those around them. Volunteers inspire creativity and they put the needs of others ahead of their own. The simple act of showing appreciation to these generous individuals such as a thank you card, or a handshake perpetuates the goodwill fostered by their actions. The City of Kettering is blessed to have a community of individuals who are willing to help so many in different capacities including enhancing daily operations, expanding programs and events and strengthening our neighborhoods. The success from the volunteer program comes not only from volunteers who are engaged, but also from city staff who work alongside these volunteers, as well as the leadership from City Council and Mayor Lehner. She is thankful for the collaboration and support of the volunteer program.

Mayor Lehner expressed one of her main concerns during the COVID-19 pandemic was the devastation it was causing volunteer programs. Kettering has always considered the volunteer program one of the most important programs and so many people have come to rely on the work of the volunteers. It seems as if volunteers are returning and they are excited to be back doing wonderful work.

Mrs. Basson expressed the volunteer program is a testament to MaryLou Randolph, Nick Sorice and Dawn Kirchner that the program was able to continue during COVID-19.

Special Presentation- Mayor's Award for Volunteer Service

Mrs. Basson, Chairperson of the Volunteer Advisory Committee made the presentation this evening. Mrs. Basson mentioned it is an honor to announce the winners of the Mayor's Award for Volunteer Service. The Mayor's Award for Volunteer Service was created in 1983 as a way to honor outstanding volunteers who are making valuable contributions to the community through volunteer service in a wide variety of categories. Recipients of this award must either live in Kettering or volunteer service must be performed in Kettering. She is pleased this evening to announce an adult and youth recipient of this award. The adult recipient Karen Sejas retired after 25 years of service to the City of Kettering in November 2011. While employed, Karen served in the Human Resource Department and the Finance Department. After retirement, she wasted no time returning to the city as a volunteer. Her volunteer efforts are concentrated in the Administrative Systems and the Human Resources Departments. Over the past ten years, Karen has given more than 2,300 service hours to our community. She has helped scan, shred, organize and give her expertise within these departments. In addition to her willingness to learn new skills and help where ever needed, she brings compassion and encouragement to everyone she works with. Her nominator had this to say about Karen, "She deserves the Mayor's Award for Volunteer Service for her unwavering, dependable, loyal and valuable contributions to our departments. She gives tirelessly and the most conscientious volunteer one could ask for. She brings with her expertise, energy, enthusiasm and commitment and consistently delivers high quality work. She is always willing to serve her knowledge and Karen's loyalty and dedication make her a valuable volunteer and team member".

Mayor Lehner presented Mrs. Sejas with a certificate and clock and thanked her for her service to the community.

Mrs. Sejas expressed she is happy and very pleased to have been nominated and selected as a recipient of this award. It is an honor to be selected and she is grateful to be recognized. The City of Kettering is blessed with many volunteers who are deserving of this award and she is honored to accept this award on behalf of all of the city volunteers. As Mrs. Basson mentioned, she came to the city in October of 1986 as a part-time temp employee to help in the Human Resources Department. She also worked in the Finance Department because the payroll clerk was retiring and she was hired for that position. A management position in the Human Resources Department opened up and she completed the rest of her time with the city in that department. During her tenure with the city, she has had the pleasure to have worked with many wonderful dedicated volunteers. Two months after her retirement, she decided it was time to volunteer. The City of Kettering volunteers and employees have

passion and dedication for what they do and take pride in a job well done. As an employee for 25 years and a volunteer for 10 years she has been challenged and supported and has felt appreciated. Mrs. Sejas mentioned she will continue to be an advocate for the community and she looks forward to continuing her role as a volunteer in the future. She is very grateful to be recognized for this award.

Mrs. Basson mentioned it is her pleasure to introduce the youth recipient Chloe Adkins. Chloe is a 3<sup>rd</sup> grade student at Indian Riffle Elementary School and at nine years old, she has demonstrated a level of empathy and compassion beyond her years. For the past four years, Chloe has volunteered with her brother Jake at the Backpack Program. Over this time, she has prepared thousands of bags for children in need of food. Chloe also organized a program called Kind Cakes. This program collects birthday cake kits for kids that are supplied to shelters and food pantries to provide a way to celebrate birthday milestones in situations when they normally won't occur. During these efforts, Chloe was diagnosed with stage four Hodgkin's Lymphoma and she continued to pack bags and make cake kits in between her treatments and hospital stays. When the good news came that she was cancer free she found a way to pay it forward. Chloe received blood transfusions during her treatments and when she heard about the critical need for blood supply, she decided to organize blood drives one of which is this Thursday at Town and Country. Chloe's nominator, who is a teacher said, "In her 24 years of teaching she has never met anyone like Chloe. Even though she is her teacher, she has taught her more than she could ever teach Chloe".

Mayor Lehner presented Miss Adkins with a certificate and a clock and expressed Miss. Adkins is a special young lady and thanked her for all the work she has done for the community.

Mrs. Basson mentioned if residents would like to support Chloe with her blood drive this week, signing up to donate blood can be done by going to [www.donortime.com](http://www.donortime.com) and use the code 1624 and the blood drive is at Town and Country.

Mrs. Fisher mentioned she wanted to recognize Chloe's mom Kelly who is a great role model to introduce her children to serving. She hopes everyone is inspired after hearing this nomination.

#### CERTIFICATIONS AND PETITIONS

Certification- Planning Commission is recommending approval of P.C. 22-003- Zoning Map Amendment. A public hearing regarding this request will be held on Tuesday, April 12, 2022 at the Kettering City Council Meeting.

Certification- Planning Commission is recommending approval of P.C. 22-005- Zoning Map Amendment. A public hearing regarding this request will be held on Tuesday, April 26, 2022 at the Kettering City Council meeting.

#### PUBLIC HEARINGS

##### **P.C. 22-002- Zoning Map Amendment for the property located at 2125 E. Dorothy Lane**

Mayor Lehner opened the public hearing and asked those persons intending to speak this evening regarding the matter should stand and take the oath; those persons intending to speak regarding this matter took the oath.

Ryan Homsy, City Planner gave the staff presentation this evening. Mr. Homsy expressed this public hearing is a fairly straight forward request concerning the property located at the northwest corner of the intersection of Woodman Drive and Dorothy Lane which used to house the Throckmorton's Garden Center. This lot has been vacant for four years and is a half-acre in size. The request this evening is to rezone this lot from Economic Development Overlay #14 to B-Business District. The surrounding land uses to the east and south are major thoroughfares of Dorothy Lane and Woodman Drive, and all other sides of the property directly abut either commercial uses that are vacant or occupied such as a grocery store and restaurants. Across Woodman Drive to the east is the Rolling Fields neighborhood. The surrounding zoning is Economic Development Overlay #14 and B-Business and the request this evening is to rezone the subject property to B-Business. There is surrounding zoning of Business Park designation and residential. Planning Commission had a public hearing at their March 7, 2022 meeting and they reviewed this request under the criteria outline in the Zoning Code. Planning Commission is recommending approval of this request. Under section 1153.12.8 of the Zoning Code, there are seven factors City Council must consider when reviewing rezoning request. No single factor is controlling and they should be weighed in relation to other standards. Factor one reflects the rezoning be consistent with any adopted plan including the Comprehensive Plan. This area is reflected as sub regional commercial under the Comprehensive Plan and the B-Business Zoning District is appropriate for that area. Factor two involves if the zoning is approved would it have a negative impact on the adjoining land uses and wouldn't be inconsistent with the future development area. This factor has been met. The property for this request is surrounded by major thoroughfares, commercial and residential designations. Factor three deals with the suitability or unsuitability of the tract for its use as presently zoned. Economic Development Overlays were created in the early 1980s and they were good at generating initial development and they were very specific to what kind of uses were permitted. As those properties have changed over time and uses have changed, they are not good at generating redevelopment. A lot of the uses permitted on the property today are also permitted under the B-Business Zoning District. There have been two similar rezoning's in the past. Applebee was rezoned because they wanted to change the awnings on the

property and the EDO didn't allow that design so it was rezoned. The Aldi property which is in a different EDO was rezoned for a similar design issue. One of the certifications this evening involves the property at the southwest corner of where the former Krispy Kreme building was located and that is another rezoning that is triggered due to a new use of the property but the current regulations under the EDO won't allow the proposed usage. Factor four involves the safety and welfare and the proposed rezoning must bury substantial relations to the public health safety morals, which city staff believes it does. Factor five overlaps a lot with factor one involving polices to be considered when rezoning. As Mr. Homsy mentioned earlier, the EDO designations worked well early on when land was being developed, now in present day, we are talking about redevelopment and economic development the EDO's don't work well because they are a little too specific so this factor to rezone is appropriate. Factor six deals with the size of the tract of the zoning district being requested is suitable and finally factor seven is fairly general in that City Council may consider any other factors that are deemed relevant to the rezoning application. Planning Commission has recommended approval of this request and he would be happy to answer any questions.

Mayor Lehner called on the applicant to give their presentation; an applicant presentation was not given.

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

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

**P.C. 22-003- Zoning Map Amendment for the property located at 950 Forrer Boulevard**

Mayor Lehner opened the public hearing and asked those persons intending to speak this evening regarding the matter should stand and take the oath; those persons intending to speak regarding this matter took the oath.

Mr. Robillard, Planning & Development Director gave the staff presentation this evening. Mr. Robillard mentioned this particular case involves the property located at 950 Forrer Boulevard in the Kettering Business Park. This property is located at the southwest quadrant of the Kettering Business Park. This rezoning was initiated by the current property owner and the future property owner for the former Synchrony buildings. The primary purpose of this request is to expand the types of businesses that might be permitted in this particular building; it is a very large building over 400,000 sq. ft. The future property owner would like to attract different businesses rather than just limiting the use to office for this property. The Planning Commission did review this case and they are recommending approval of this request. The current zoning on this case is O-Office which was the request of the previous property owner because it was Synchrony which used the building strictly as office use and at that time, the owners thought that was the best zoning designation for them. The proposal for this request is for Business Park Zoning District designation. Factor one City Council should consider regarding this rezoning is the consistency this rezoning would have with the Comprehensive Plan. The Comprehensive Plan calls for professional office and Business Park uses. Business Park designation meets this criteria. The second factor City Council should consider regarding this rezoning is the adverse impact this rezoning could have on neighboring lands. City staff believes the Business Park District will not have any negative impact on the adjoining land. The property to the north is zoned as Business Park District and has had little impact on neighboring properties. Factor three involves the suitability of the tract as it is presently zoned. Although it is zoned as O-Office, the property owner thinks it would attract more businesses if it was rezoned as BP-Business Park. Factor four deals with safety and general welfare, Mr. Robillard believes this request meets this criteria for rezoning. Factor five deals with public policy and he believes this rezoning meets this criteria. Factor six deals with the size of the tract and factor seven deals with any other factors City Council considered to be appropriate to take into consideration regarding this request. Planning Commission is recommending approval and he would be happy to answer any questions.

Mr. Klepacz asked that the present owner feels this property could attract more businesses as zoned as BP-Business Park. What are a few examples of businesses they could be attracting?

Mr. Robillard informed City Council there are a few extra uses that are permitted in the BP-Business Park designation versus O-Office. Some examples include business services, laboratories, industrial uses, specialized facilities, manufacturing, fabrication and product assembly. These uses are permitted in BP-Business Park but not permitted in O-Office.

Dean Miller with Industrial Commercial Properties gave the applicant presentation this evening. Mr. Miller mentioned he doesn't have a planned presentation this evening but he is here to answer any questions City Council may have regarding this rezoning. The purpose of this rezoning is to broaden the uses and allow a different mix of tenants to use the property. Broader use is best but he sees this property being used as primarily office or light industrial buildings is the intent. He would be happy to answer any questions.

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

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

PUBLIC COMMENT ON LEGISLATION

ORDINANCES IN SECOND READING

AN ORDINANCE  
NO: 4376-22  
BY: MRS.FISHER AND MR.KLEPACZ

TO LEVY SPECIAL ASSESSMENTS FOR THE CONSTRUCTION AND REPAIR OF CURBS, SIDEWALKS, DRIVE APPROACHES, AND RELATED APPURTENANCES FOR THE MARSHALL ROAD RESURFACING- E. DAVID TO SOUTH CORP PROJECT (CITY PROJECT NO. 02-120H)

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

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

Mrs. Hall asked when will residents be notified of the assessments?

Mr. Bergstresser informed City Council that residents will be notified of the ordinance upon passage by City Council.

Mrs. Hall asked if residents have questions they can call the Government Center?

Mr. Bergstresser informed City Council that is correct. Residents will receive a letter with contact information for the Engineering Department if they have questions.

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 ordinance duly adopted.

AN ORDINANCE  
NO: 4377-22  
BY: MR.KLEPACZ AND MRS.HALL

TO LEVY SPECIAL ASSESSMENTS FOR THE CONSTRUCTION AND REPAIR OF CURBS, SIDEWALKS, DRIVE APPROACHES, AND RELATED APPURTENANCES FOR THE 2021 CURB, SIDEWALK & DRIVE APPROACH PROGRAM (CITY PROJECT NO. 05-121)

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

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

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 ordinance duly adopted.

AN ORDINANCE  
NO: 4378-22  
BY: MRS.HALL AND MR.SCOTT

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

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

Mr. Robillard, Planning & Development Director gave a brief description of the ordinance.

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 ordinance duly adopted.

A RESOLUTION  
NO: 10731-22  
BY: MR.SCOTT AND MS.DUVALL

AUTHORIZING ACCEPTANCE OF A DONATION FROM DOR-WOOD OPTIMIST CLUB FOR THE  
RADKIDS CHILDREN'S SAFETY PROGRAM

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: 10732-22  
BY: MS.DUVALL AND MR.DUKE

AUTHORIZING THE USE OF COMPETITIVE BARGAINING AND NEGOTIATED QUOTES OR A  
COOPERATIVE PURCHASING PROGRAM TO PURCHASE TWO ACCESSIBLE VANS FOR THE  
LATHREM SENIOR CENTER TRANSPORTATION PROGRAM

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.

Mayor Lehner asked what type of transportation are the vans used for?

Mr. Schwieterman informed City Council that the Lathrem Center has a number of transportation services including trip transportation up to sixteen passengers. The Lathrem Center also has accessible vans which are minivans that are used to assist with transportation to help residents get to and from appointments. This is a smaller version of our larger program.

Mayor Lehner clarified this program can take residents to doctor appointments.

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: 10733-22  
BY: MR.DUKE AND MRS.FISHER

AUTHORIZING THE CITY MANAGER TO APPLY FOR A GRANT FROM THE OHIO DEPARTMENT  
OF NATURAL RESOURCES

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: 10734-22  
BY: MRS.FISHER AND MR.KLEPACZ

AUTHORIZING THE CITY MANAGER TO ACCEPT AND ADMINISTER A GRANT FROM THE  
KETTERING PARKS FOUNDATION FOR THE PARK, RECREATION AND CULTURAL ARTS  
DEPARTMENT'S FINANCIAL ASSISTANCE PROGRAM

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.

Mr. Duke asked if the city is able to help everyone who has applied for assistance or does this program need more funding?

Mr. Schwieterman informed City Council that the city works closely with the Parks Foundation who provides an allotment of funds for this program. This is a close working relationship to ensure needs are being met for this program. The amount can vary from year to year.

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: 10735-22  
BY: MR.KLEPACZ AND MRS.HALL

AMENDING RESOLUTION NO. 10703-22 REGARDING THE FORRER BOULEVARD IMPROVEMENTS PROJECT- (SMITHVILLE ROAD TO WOODMAN DRIVE), CITY PROJECT NO. 02-140F

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: 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: 10736-22  
BY: MRS.HALL AND MR.SCOTT

AMENDING RESOLUTION NO. 10678-22 REGARDING THE WEST STROOP ROAD AND SOUTHERN BOULEVARD TRAFFIC SIGNAL REPLACEMENT PROJECT, CITY PROJECT NO. 02-112J

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.

Mrs. Hall asked why the bids were higher than expected?

Mr. Bergstresser informed City Council that this particular project only received one bid. The bid was higher than anticipated and budgeted. Feedback the city received from the contractor that bid the project suggested labor issues in the construction industry and higher cost in materials, in particular steel poles which are required for this project are the reasons for higher bid prices.

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: 10737-22  
BY: MR.SCOTT AND MS.DUVALL

DIRECTING THE CITY ENGINEER TO PREPARE AND FILE RENEWED, RECALCULATED, AMENDED, AND/OR CONSOLIDATED ASSESSMENTS FOR STREET LIGHTING

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: 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: 10738-22

BY: MS.DUVALL AND MR.DUKE

AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO ALLOW THE CITY OF KETTERING TO SERVE AS RESPONSIBLE LEAD AGENCY FOR ADMINISTRATION OF THE WEST AVENUE BRIDGE PROJECT- (CITY PROJECT NO. 03-948; ODOT PROJECT MOT-WEST AVENUE BRIDGE, PID 116012)

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.

Ms. Duvall asked how long will the construction take once the project begins?

Mr. Bergstresser informed City Council that the projected is anticipated to last six to nine months.

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: 10739-22

BY: MR.DUKE AND MRS.FISHER

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR THE REPLACEMENT OF TWO ORIGINAL BOILERS WITHIN THE KETTERING RECREATION COMPLEX

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: 10740-22

BY: MRS.FISHER AND MR.KLEPACZ

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR THE REPLACEMENT OF EXISITING PLEXIGLASS AND SAFETY NETTING WITHIN THE KETTERING ICE ARENA

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: 10741-22

BY: MR.KLEPACZ AND MRS.HALL

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR PAINTING OF THE MAIN POOL AND ADVENTURE REEF WATER PARK ACCESSORIES AT THE KETTERING RECREATION COMPLEX

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



AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO PURCHASE A UTILITY TERRAIN VEHICLE AND RESCUE PLATFORM ATTACHMENT

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: 10743-22

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. 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 EMERGENCY ORDINANCE

**NOTE: (THIS EMERGENCY ORDINANCE WAS NOT ADOPTED)**

BY: MS.DUVALL AND MR.DUKE

TO AMEND SECTION 476.03 OF THE CODIFIED ORDINANCES REGARDING OPERATION OF SNOWMOBILES AND ALL PURPOSE VEHICLES AND DECLARING AN EMERGENCY

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

Mr. Hamer, Law Director gave a brief description of the ordinance.

Mr. Duke mentioned he is aware this proposed ordinance is in regards to carrying a firearm on snowmobiles but he would like more details regarding the proposed legislation.

Mr. Hamer informed City Council that Section 476.03 of the Codified Ordinances regulates the operation of snowmobiles and also mini trucks within the city. A provision in subsection five talks about transporting firearms on those kinds of vehicles. The current language says you can only transport firearms on those types of vehicles if they're unloaded. That is not necessarily what the Ohio Revised Code says about transporting a firearm in a vehicle, due to the potential conflict between the Codified Ordinance and the Ohio Revised Code in order to avoid a lawsuit which the Ohio General Assembly allows against municipalities that may have ordinances of conflict, this emergency ordinance would remove that provision so the only regulation of firearms would be what's in the Ohio Revised Code.

Mr. Duke expressed he is troubled by these kinds of ordinances because as a charter community this is another example where the state legislature and upheld by the Supreme Court has taken away another local rule to protect the citizens of this community.

Mayor Lehner expressed she has a similar sentiment as Mr. Duke. Mayor Lehner asked what would happen if City Council decided not to pass this ordinance?

Mr. Hamer informed City Council that if the section in the Codified Ordinances would remain unchanged and the ordinance would prohibit transporting a firearm on a snowmobile or mini truck if it's loaded, it is possible someone could challenge that ordinance there would be a conflict between this particular ordinance and the Ohio Revised Code.

Mayor Lehner expressed when preparing for this meeting she was unaware that the operation of snowmobiles was linked to carrying a loaded firearm. She expressed she will be voting no on this item.

Mrs. Hall asked this ordinance is only in regards to carrying a gun on a snowmobile?

Mr. Hamer informed City Council this ordinance relates to snowmobiles and all purpose vehicles.

Mrs. Hall asked if this is only in regards to all purpose vehicles in snow or does this also include SUV vehicles?

Mr. Hamer mentioned all purpose vehicles refer to mini trucks such as a gator. This ordinance involves snowmobiles and other utility vehicles that fit the definition of all purpose vehicles.

The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Nay; Mrs. Hall, Nay; Mr. Scott, Yea; Ms. Duvall, Yea; Mr. Duke, Nay; Mayor Lehner, Nay. There being three (3) Yea votes and four (4) Nay votes, the motion was declared carried and the ordinance was not adopted.

AN ORDINANCE  
BY: MR.DUKE

TO AMEND THE TRAFFIC CONTROL MAP AND THE TRAFFIC CONTROL FILE OF THE CITY OF KETTERING TO SHOW THE INSTALLATION OF TRAFFIC SIGNS ON MADDIX DRIVE IN THE CITY OF KETTERING, OHIO

Mr. Duke read the above ordinance.

MANAGER'S REPORT/COMMUNITY UPDATE

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

- Coming to the Frazee:
  - Jeffrey Osborne & Peabo Bryson- Saturday, June 18 at 8:00 p.m.
  - Rick K. Road- Friday, June 24 at 8:00 p.m.
  - Jim Gaffigan- Tuesday, July 5 at 8:00 p.m.

Tickets can be purchased at the Frazee Pavilion Ticket Office, Frazee FanFare, [www.frazee.com](http://www.frazee.com), [www.etix.com](http://www.etix.com) or charge –by- phone at 1-800-514-3849.

- Leaf compost and mulch is now available to Kettering residents for free at Indian Riffle Park.
- TreeFest will take place on Saturday, April 16 from 9:00 a.m.-noon at Habitat Environmental Center.
- Spring leaf pickup will begin on Monday, April 18. Crews will make one pass through the city.
- 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.
- Safety Village registration is now open. For more information contact the Engineering Department at 937-296-2436.
- National Prescription Drug Takeback Day will take place at the parking lot of the Police Department on Saturday, April 30 from 10:00 a.m.-2:00 p.m.
- Kettering Community Block Party will take place on June 8 from 6:00 p.m. – 8:00 p.m. at Frazee Pavilion.

Mr. Klepacz clarified that the Prescription Drug Takeback Day is a special event. This service is offered throughout the year at the Police Department.

Mr. Schwieterman expressed that this is a special program but there is a drop box available in the lobby of the Police Department.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Audience Participation (5 Minute Limit per Speaker)

**Greg Sherwood – 1982 Oak Tree Drive East-** He is here this evening to bring a matter to City Council attention. It is regarding parents picking up their children from Kennedy Elementary School. There are over 100 cars every day and this has been an ongoing issue for several years and today he has reached his limit. He is a retired fireman and over the years he has been cussed at by the parents and trash is left outside of his property from the school pickup line. He has even found a beer can in his lawn at 3:00 p.m. when he was mowing his yard. The city has signs posted and he has called the Police Department because parents are not following the signs that says do not block driveways. Most parents pay attention but there are many who don't. The parents then become angry when you need to access in or out of your driveway. Today, he experienced an incident. He was stopped to try to pull into his driveway and a car was blocking his driveway. He honked his horn and the parent began to yell at him. He informed the parent that there are signs that have do not block driveways. The parent

then threatened him. He has now had enough, but he wanted to bring this to the attention of City Council. Maybe City Council can mention this concern to the Board of Education to see what can be done. The city Engineering Department can inform City Council how many cars travel on that road in a given day and cars are traveling up Oak Creek in both directions and down Tahitian to the back of the school. There are some seniors who live in his neighborhood and they shouldn't have to experience parents becoming aggressive. The Police Department is aware of this situation.

Mayor Lehner thanked the resident for bringing this concern before City Council.

Mr. Schwieterman mentioned he is aware of this problem and he will be speaking with the Superintendent about this matter. He will also be meeting with city staff who work with the schools on the Safe Routes to School Program.

**Andy Wilson- 442 Zimmer Drive, Fairborn-** Mr. Wilson expressed he is a former school board member for the City of Fairborn and he also serves on the Steering Committee of the Ohio Coalition for Equity and Adequacy of School Funding. He is here this evening to talk about the recent Ed Choice voucher expansion and the lawsuit that was filed against it as well as the impact it has had on local schools and property taxes. There is a three-year process to develop a fair school funding program. Too finally, twenty-five years after the decision go a long way towards complying with the decision about schools being overly reliant on property taxes. It passed the house nearly unanimously, with less than ten dissenting votes. Within the house version, there was a six-year phase in program to meet this plan. The senate did not fund the plan; they adopted it but chose not to fund it. Instead, they increased the eligibility of vouchers and the amount of the vouchers to \$5,500 for grades K through 8 and \$7,500 for grades 9 through 12. This is an increase of \$1,500 per student. Public schools only received \$90.00 per student over a two year period. The general assembly does not consider public school students to be worth as much as voucher students since Kettering only receive \$3,368 per students. This leaves the remainder balance to be left to property owners to educate students. If public schools were funded at the same level as voucher students, Kettering schools would receive an additional \$21 million dollars per year. This is the 3<sup>rd</sup> highest in the area and the 13<sup>th</sup> highest in the state. Why are voucher students receiving more funding than public school students? While a lawsuit was being developed, the legislature changed their methodology of funding the voucher program. The vouchers used to be deducted from the school district of the child's residence, now they directly fund the vouchers from the education funds of the state. Article 6 which is the education article in the constitution mentions that no religious or other sect or sex shall ever have any right to or control of any part of the school funds of the state. That is one of the items the lawsuit is addressing. Direct funding to parochial schools is in violation to that provision. Article 1 which is the bill of rights section mentions no person shall be compelled to attend or support any place of worship or maintain any form of worship against consent. Mr. Wilson expressed he does not consent his state tax dollars supporting parochial schools. If anyone would like more information they can visit [www.vouchershurttoohio.com](http://www.vouchershurttoohio.com). Mr. Wilson expressed he would be happy to answer any questions.

Mayor Lehner mentioned she was involved in those discussions when she was part of the senate and what Mr. Wilson has expressed tonight is factual information. City Council does not have the power to control this concern. This is a state issue but Mr. Wilson has made some people aware of this concern.

**Dave Dextradeur- 3061 E. Stroop Road-** Mr. Dextradeur mentioned he was invited to this City Council meeting this evening by Councilman Scott. Mr. Dextradeur expressed he has been harassed by the Planning & Development Department in particular Jim Tillotson for the past several months about having his RV parked in his driveway and being issued \$345.00 in re-inspection fees. He would use the word unjust because he finds it hard to believe the City of Kettering Planning & Development Department would be so inconsiderate of his status of being a disabled veteran but also those who are veterans throughout the city. He served in the navy for 22 years which included two combat tours in Vietnam. He is aware of the ordinances regarding the storage of recreational vehicles on properties, he is also aware the fact that there are no storage facilities in or around Kettering that allows inside or outside storage of vehicles. Mr. Dextradeur expressed his RV is in good repair and does not block the city sidewalks. The RV is contained entirely on his property and is screened by apple trees and his pickup truck. His RV may create the appearance that it is oversized; the length is less than the maximum size stated by the city ordinance and less than 24 inches higher than the maximum stated in the ordinance. Mr. Dextradeur along with Mr. Scott believes there is some levity due in his situation and those cases of others throughout the city. He is respectfully asking City Council and the Planning & Development Department to stop overreaching the enforcement of the zoning ordinance regulating the storage of his RV in his driveway as well as avoiding re-inspection fees. Mr. Dextradeur RV serves as an alternate mode of transportation for his wife when it is necessary for him to be away from home. None of his neighbors object to the parking of his RV in his driveway.

Mayor Lehner thanked Mr. Dextradeur for speaking this evening and a number of members of City Council are aware of his situation and working to resolve the situation.

Mr. Dextradeur mentioned Mr. Schwieterman came to his house to see the RV.

**Donna Wilson- 442 Zimmer Drive, Fairborn-** Ms. Wilson mentioned she is a retired teacher and also a former city council member of Fairborn. How do vouchers affect municipalities when they extract money from the funds for public schools? The school district must ask residents to pass levies to provide increases in property taxes to make up for the loss. Ohio residents are responsible for 72.5 % of property taxes, with businesses being responsible for the other 27.5 %. Citizens become weary of the tax increases and in some cases refuse to pass new levies. She isn't aware if Kettering has experienced that or not but she is aware it is a problem for some communities. Inflation rises for other needed services such as fire, police and infrastructure updates may also require more money and more levies may be issued. Schools still have the same cost for providing staff, maintaining buildings and providing transportation. They must also transport students to private schools which adds a significant amount of money to provide that service for additional drivers and buses. There is a shortage of bus drivers all over the state. Vouchers also promote segregation and discrimination against students of color and those of a different religion and those with disabilities as private schools can choose which students they admit. The extraction of money from the school district may reduce the extracurricular activities offered by the school or a student may have to pay a high amount to money to participate. This will prohibit many students who could gain skills and knowledge not taught in the regular curriculum. These activities also develop personal and professional skills. Kettering School District pays \$14,485 to educate each student which is above the state-wide average of \$13,386. The state allocates \$4,474 dollars. The balance is made up of local property taxes. Public schools students have a right to the monies that citizens have paid through state sales taxes and income taxes for their education. When the pile of money is collected for education, vouchers take out so much money there isn't much left for the public schools students. Legislature says throwing money at an issue doesn't solve the problem, especially when it comes to school funding. If not, why are they so fast to take it away from the public schools? For more information visit [www.vouchershurtohio.com](http://www.vouchershurtohio.com). Ms. Wilson has a drafted letter for city councils and school boards to write to send to legislators to let them know this is a problem for school students and municipalities. She hopes City Council would consider sending a letter.

Mayor Lehner thanked Ms. Wilson for speaking. She mentioned as she expressed earlier that this is a state issue.

Ms. Wilson expressed she is speaking with state senators as well as school boards and speaker of the house. It seems to fall on deaf ears until people are aware of an issue. She was told by someone currently serving at the state that when they receive six letters about an issue they start worrying.

Mrs. Hall expressed given the opportunity she believes members of City Council would vote no on that legislation. She is glad Ms. Wilson is advocating for letter writing because this legislation could eventually hurt the Ohio economy.

#### COUNCIL COMMITTEE REPORTS

Mrs. Fisher reported:

- She attended Jacob Burdick's Eagle Scout award ceremony for building shelves at the Neighbor to Neighbor Pantry.
- On April 10 she attended Walk for Hope at Fairmont.
- She wished residents a Happy Easter.

Mr. Klepacz reported:

- This past weekend he attended the spring musical at Fairmont High School.
- Shop local Kettering businesses.
- The Golden Nugget will be re-opening in Kettering.

Mrs. Hall reported:

- There have been a lot of positive highlights during the meeting this evening.
- There will be a fundraiser at Polen Farm on Wednesday, April 20 to support the World Central Kitchen who is delivering meals to Ukrainian refugees.

Mr. Scott reported:

- He attended the Dor-wood Optimist basketball event at Trent Arena.
- On April 7 he attended the spring musical at Fairmont High School.
- Congratulations to Chloe Adkins for receiving the Mayor's Award for Volunteer Service.

Ms. Duvall reported:

- On April 10 she attended Walk for Hope at Fairmont.
- Tickets for the Juneteenth celebration are available on the city's website.
- She attended the Imagining Community Symposium hosted by the University of Dayton.
- Chloe Adkins recipient of the Mayor's Award this evening is hosting a blood drive visit [www.donortime.org](http://www.donortime.org).

Mr. Duke reported:

- The Imagining Community Symposium was very informative.
- He attended the spring musical at Fairmont.
- Tickets for the fundraiser at Polen Farm can be purchased at the door if it's not sold out.

Mayor Lehner reported:

- She attended the DDC Fly-in in Washington, D.C.
- She attended a meeting in Beavercreek on improving the quality of water in the Little Miami Watershed.
- On April 10 she attended Walk for Hope at Fairmont.
- On April 9 she attended the spring musical at Fairmont.

They're being no further business to come before this meeting of the Kettering City Council; Mayor Lehner adjourned the City Council Meeting at 9:20 p.m.

ATTEST:

LaShaunah D. Kaczynski  
Clerk of Council

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PEGGY LEHNER, MAYOR