

**KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
April 26, 2022**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, April 26, 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

March 24-25, 2022- Special Meeting Minutes

April 12, 2022- Council Meeting & Workshop Minutes

Mr. Klepacz reported that he reviewed the April 12, 2022 minutes and moved the minutes be approved. Mrs. Hall seconded the motion for approval of the April 12, 2022 minutes and there being six (6) yea votes and no (0) nay votes for April 12, 2022 Council Meeting & Workshop Minutes, the motion was declared carried followed by a roll call vote.

Mr. Klepacz made a motion to amend the agenda by removing the March 24-25, 2022 Special Meeting Minutes. Ms. Duvall seconded the motion to remove the March 24-25 Special Meeting Minutes and there being six (6) yea votes and no (0) nay votes to remove the March 24-25, 2022 Special Meeting Minutes, the motion was declared carried followed by a roll call vote.

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

Appointment- Board of Community Relations- Vicki Colon (Term ending 12/31/22)

Appointment- Board of Community Relations- Hiren Patel (Term ending 12/31/24)

Mr. Klepacz made a motion to appoint Vicki Colon and Hiren Patel to the Board of Community Relations. Mrs. Hall seconded the motion for appointment, the motion was declared carried followed by a unanimous like sign vote to appoint Vicki Colon and Hiren Patel to the Board of Community Relations.

Proclamation- Building Safety Month

Mrs. Hall read the above proclamation and same was accepted by Terry Welker, Chief Building Official. Mr. Welker thanked Mayor Lehner and City Council for the proclamation this evening. A lot of people are unaware that the building code is only in effect for a short time in our history while a building is under construction. After the certificate of occupancy, the city depends on the Fire Department for enforcement. He is honored to receive this proclamation this evening and accept it on behalf of the Planning & Development Department in partnership with the Kettering Fire Department who the Planning & Development Department works closely with every day during construction. Architects, builders and owners have a duty to make buildings safe. Every Tuesday this month there will be a gathering at Eudora to talk about a variety of subjects that impact building safety and also build partnerships through that process. This event will take place from 5:30-6:30 p.m. every Tuesday this month.

Certificate of Recognition- Alter Girls Basketball Team- 2022 Division II State Champions

Ms. Duvall read the above certificate of recognition and same was accepted by Chris Hart and Kendal Peck, Varsity Girls Basketball Coaches as well as the entire basketball team. Mayor Lehner presented the Alter Girls Basketball Team with a certificate of recognition and a championship sign that will be displayed at entryways into the Kettering community.

Award Presentation- MLK Writing Contest Winners

Tawana Jones, Chairperson of the Board of Community Relations made the presentation this evening. Ms. Jones expressed she is excited to have two new members appointed to the Board of Community Relations this evening. She is looking forward to hearing their new ideas. This evening, she will be highlighting the MLK Essay Contest this year and to recognize the high school winner who will be reading her essay this evening. The prompt was modified from last year to bring about some

new enthusiasm for the essay from the kids and teachers. This year for the prompt, the students were asked to write a persuasive speech in 500 words or less with the purpose of motivating individuals to work together toward greater racial justice and understanding. The speech was able to focus on their school, community or the world while incorporating their own experience on how they have been affected by an issue which they choose to address. The middle school winner was Chloe Kaliney and the high school runner ups were Giovanna Ferguson and Joseph Wright. Leah White is the high school winner for this year. Ms. Jones called Miss White down to the podium to read her award winning essay.

Miss White thanked Mayor Lehner and City Council for having her read her essay this evening. Miss White mentioned her essay is titled the Silencing of Our Voices. It's 2022, racism doesn't exist anymore. A phrase she has heard from her peers and adults. It's 2022, and racism is more alive than ever. Her people have been enslaved, segregated and discriminated against and murdered all because of the melanin in their skin. On May 17, 1954, the Supreme Court delivered a verdict regarding Brown vs. Board of Education which ruled segregation in public schools was indeed against the 14th Amendment. Fifteen months later, Emmett Till was murdered on the account of his skin. Months after this tragic news, Rosa Parks refused to give up her seat on a bus to a white man in Montgomery, Alabama. She was arrested because the law stated that black passengers sit in the back of public buses and give up their seats in the front if seats are full. Dr. Martin Luther King Jr's leadership brought the Civil Rights Movement to a peak, less than ten years later in 1963 the Birmingham Church was bombed three days in a row. Four young African American girls were killed. All of the lives lost during these hateful crimes and hostility shown towards black people in America is brutal and truly disheartening. Children lost their lives due to hate and families lost their daughters, sons, husbands and wives all because the way they were born. It is now 2022, you would think that the world as a whole would learn from the past and try to change for the better. If we don't change these patterns, history will repeat itself. It is 2022, and her people continue to be murdered for the melanin in their skin. Her people have been screaming, praying and begging they be treated as equals. Daunte Wright was killed while driving his girlfriend home in 2021. Andre Hill was killed while holding a phone in his hand as he was getting out of the garage in 2020. Manuel Ellis was beaten to death while walking home from the store in 2021. Breonna Taylor was shot and killed in her own home in 2020. Atatiana Jefferson was shot and killed in her own home in 2019. Botham Jean was killed while eating ice cream on his own sofa in 2018. It's tremendously hard to live in a society where you feel that you have to be on guard 100% of your life. It's hard to walk out of the door or fear sitting on your own sofa knowing that people want to hurt you just for the way you look. As a society, we all should become educated and learn the truth and get rid of ignorance. Everyone deserves respect and to be treated as a human no matter your skin color. It's 2022, let's start living Dr. King's dream that we are all equal and should be treated as such.

Mayor Lehner presented Miss. White with a certificate.

PUBLIC HEARINGS

P.C. 22-005- Zoning Map Amendment

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.

Tom Robillard, Director of Planning & Development gave the staff presentation this evening. Mr. Robillard mentioned that this case involves the rezoning of the property located at 2001 East Dorothy Lane from Economic Development Overlay #14 to B-Business District. This particular property is located at the corner of Delco Park Drive and Dorothy Lane at the northeast corner at the old Krispy Kreme location. The new owner would like to redevelop the site, but the Economic Development Overlay requires that the redevelopment go through a PD process. There is no longer a PD process which is part of the problem with the old Economic Development Overlay requirements. The current owners are asking that the property be rezoned to B-Business. Other properties in the area include Delco Park to the west and a shopping center to the east. Planning Commission held a public hearing regarding this case on April 4 and have recommended approval to City Council. There are seven items that City Council should consider for standards for rezoning. First factor for consideration is consistency with the Comprehensive Plan. In this case, the Comprehensive Plan calls for the area where the property is located to be sub-regional commercial. This area has always been a shopping center district which is consistent with the Comprehensive Plan. Factor two that should be taken into consideration is adverse impacts on neighboring lands. Usage will not be changing; this case involves redevelopment of the site. Factor three involves suitability as presently zoned. The current zoning of this property is not the most suitable for this site but B-Business is a more appropriate designation. Fourth factor involves health, safety and welfare. This rezoning meets the criteria for health, safety and welfare. Factor five concerns if the rezoning is in conformance with other public policy and the neighborhood. This site allows for economic development to take place so it meets this criteria. Factor six involves the size of the tract, which this site is compliant with all the size and characteristics that are required by the Zoning Code for the B-Business District. Factor seven deals with any other factors that City Council deems relevant for rezoning. Planning Commission finds that this rezoning application meets the standards for rezoning and recommends this parcel be rezoned from EDO #14 to B-Business. Mr. Robillard mentioned he will be happy to answer any questions.

Jeff Lonchor, 2800 Corporate Exchange Drive made the applicant presentation this evening. He is here on behalf of the owner of this parcel. He is here this evening to answer any questions City Council may have regarding this rezoning.

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

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

PUBLIC COMMENT ON LEGISLATION

ORDINANCES IN SECOND READING

AN ORDINANCE
NO: 4379-22
BY: MR.KLEPACZ AND MRS.HALL

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. 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: 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.

RESOLUTIONS

A RESOLUTION
NO: 10744-22
BY: MRS.HALL AND MR.SCOTT

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR THE PURCHASE OF TABLES, CHAIRS AND STORAGE CARTS FOR THE CHARLES I. LATHREM SENIOR CENTER

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.

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: 10745-22
BY: MR.SCOTT AND MS.DUVALL

AUTHORIZING THE CITY MANAGER TO USE SEALED BIDDING, COMPETITIVE BARGAINING AND NEGOTIATED QUOTES, AND/OR AN APPROVED COOPERATIVE PURCHASING PROGRAM TO PURCHASE FURNITURE, FIXTURES, AND EQUIPMENT FOR PHASE II OF THE ROSEWOOD ARTS CENTER RENOVATION PROJECT

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: 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: 10746-22
BY: MS.DUVALL AND MR.DUKE

AMENDING RESOLUTION NO. 10694-22 REGARDING THE RENOVATION OF ROSEWOOD ART CENTER, PHASE 2

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: 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: 10747-22
BY: MR.DUKE 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

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

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

The following votes were recorded: Mr. Klepacz, Yea; 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 ORDINANCE
BY: MR.KLEPACZ

TO REZONE 2125 EAST DOROTHY LANE FROM ECONOMIC DEVELOPMENT OVERLAY DISTRICT NO. 14 TO B-BUSINESS DISTRICT (PLANNING COMMISSION CASE NO. PC 22-002)

Mr. Klepacz read the above ordinance.

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

AN ORDINANCE
BY: MRS.HALL

TO REZONE 950 FORRER BOULEVARD FROM O-OFFICE DISTRICT TO BP-BUISNESS PARK DISTRICT (PLANNING COMMISSION CASE NO. PC 22-003)

Mrs. Hall read the above ordinance.

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

CERTIFICATIONS AND PETITIONS

MANAGER'S REPORT/COMMUNITY UPDATE

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

- Coming to the Frazee:
 - Zack Attack- Friday, July 8 at 8:00 p.m.
 - The Electric Light Orchestra Experience- Thursday, July 14 at 8:00 p.m.
 - Justin Moore- Friday, July 15 at 7:30 p.m.

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

- 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.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Audience Participation (5 Minute Limit per Speaker)

Larry Ford – 3508 Valleywood Drive- He is here this evening regarding safety issues. Mr. Ford has been in contact with the Kettering Police Department multiple times and they do respond but unfortunately the speeding on his street is getting worse. Valleywood is a through street that connects Wilmington Pike to Dorothy Lane. Ackerman and Lincoln Park Boulevard are similar streets where speeding is bad. If you drive the speed limit, cars will drive very closely to your back bumper. Children do play in these areas and Mr. Ford has recommended speed bumps but he has been told from the City Engineers it is not possible to have speed bumps due to snow plows. Snow plows only run for a few weeks out of the year. If speed bumps are not possible, there needs to be another solution to curb the speeding. Unfortunately on Valleywood, there aren't many areas where police officers can park their cars to monitor speeding. Everyone knows where the police sit so they are going to slow down when driving on this street. A speed monitoring sign has been placed on Valleywood but that doesn't do anything to curb the speeding. Mr. Ford asked that City Council look into the situation and to come up with a solution to reduce the speeding. If nothing is done to fix the speeding, the real cost will be the life of a child.

Terry Brennan- 3118 Atherton Road- His family has lived at this address for 80 years and his family has lived in Van Buren Township for an additional 10 years beyond that. Mr. Brennan expressed he recently read an ordinance that he does not agree with. He would like to ask the City Council one question, does the desire of a resident to not view a commercial type vehicle outweigh another resident's right to earn a living? Ordinance 1145.13.2 basically states if you are a blue-collar worker and you are required to take your vehicle home and your vehicle has commercial signage; you are required to put it behind your house or alongside your house behind a fence. There are many homes in Kettering that can't meet that accommodation and many homes in Kettering do not have a drive going on the side. These residents are given a choice to either live in Kettering or they can move out of Kettering and work. They don't have another choice. Mr. Brennan wants the Kettering community to be a welcoming community not only to white-collar workers but also blue-collar workers. The ordinance is written so poorly that the city can use it to abuse residents by making any car in the City of Kettering be required to be behind a fence on the side of a house or behind it. Vehicles only have to meet two criteria and the two criteria are determined by the Zoning Administrator. The Zoning Administrator can determine if a vehicle is required to be behind a fence. Every vehicle can carry merchandise which could be required to be behind a fence. This ordinance needs to be abolished because trailers are used by businesses and these two ordinances are stopping a business from opening. Mr. Brennan expressed he is not here for himself, he is not an entrepreneur or a blue-collar worker. He has many friends that are and he wants them to feel welcomed in our city.

Mayor Lehner thanked Mr. Brennan for speaking this evening and mentioned that the city will continue to have dialogue with Mr. Brennan regarding this concern.

COUNCIL COMMITTEE REPORTS

Mrs. Fisher reported:

- Absent.

Mr. Klepacz reported:

- Spass Nacht will take place on June 15 at the Frazee Pavilion.
- On April 15 he attended the ribbon cutting for the Lasky Law Office.
- On April 16 he attended TreeFest at Southdale Nature Park.
- On April 19 he attended the ribbon cutting for Beaver Creek Florist.
- On April 20 he attended the fundraiser at Polen Farm to help provide meals to Ukrainian refugees.
- Shop local Kettering businesses.

Mrs. Hall reported:

- On April 20 she hosted the fundraiser at Polen Farm to help provide meals to Ukrainian refugees.

Mr. Scott reported:

- He attended a meeting at the Miami Valley Communications Council regarding a crime task force update.
- Miami Valley Communications Council will be hosting an open house on May 4 from 6:00-8:00 p.m.

Ms. Duvall reported:

- The TCSU Task Force vehicle will be on display at the open house at MVCC on May 4.
- Welcome Hiren Patel and Vicki Colon to the Board of Community Relations.
- Congratulation to all of the MLK Essay Contest winners.

- The Stay-Put Program has processed 614 applications and average amount of rental assistance given is \$4,201.

Mr. Duke reported:

- The event at Polen Farm on April 20 had informative presentations.
- Welcome Kettering Leadership Academy students who are in the audience this evening.

Mayor Lehner reported:

- There were a lot of ribbon cuttings this past week; nice to welcome new businesses to the community.
- Mrs. Hall did a wonderful job hosting the fundraiser at Polen Farm on April 20.

They're being no further business to come before this meeting of the Kettering City Council; Mayor Lehner adjourned the City Council Meeting at 8:31 p.m.

ATTEST:

LaShaunah D. Kaczynski
Clerk of Council

PEGGY LEHNER, MAYOR