

**KETTERING CITY COUNCIL  
REGULAR MEETING MINUTES  
May 10, 2022**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, May 10, 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, Fisher, 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 24-25, 2022- Special Meeting Minutes

April 26, 2022- Council Meeting & Workshop Minutes

Mr. Klepacz reported that he reviewed the March 24-25, 2022 Special Meeting minutes and moved the minutes be approved. Mrs. Hall seconded the motion of the above minutes and there being seven (7) yea votes, and no (0) nay votes for March 24-25, 2022 Special Meeting Minutes, the motion was declared carried followed by a roll call vote.

Mr. Klepacz reported that he reviewed the April 26, 2022 Council Meeting & Workshop minutes and moved the minutes be approved. Mrs. Hall seconded the motion of the above minutes and there being seven (7) yea votes, and no (0) nay votes for April 26, 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

Proclamation- Bike Month

Mrs. Hall read the above proclamation and same was accepted by Kendal Drager, Chairperson of the Bike Committee and Andy Aidt, Staff Liaison to the Bike Committee. Mr. Aidt thanked Mayor Lehner and City Council for the proclamation this evening. Mr. Aidt mentioned that Mr. Drager will be giving a brief update of some of the achievements that committee has accomplished over the past year. Mr. Drager mentioned that the pandemic did reduce some activities that were offered, but Kettering was selected to host the Regional Cycling Summit. Ninety-nine people attended the virtual events and forty-six people participated in the bike ride. Proceeds from the event went toward the placement of two sign in rest areas as a legacy project. The new Bike Miami Valley Chapter was formed this past year called Cycle Kettering, and they have partnered with the Kettering Parks Department to host five community bike rides this summer. A bicycle counting and data collection program was implemented to enhance the riding experience. The Bike Committee also had a booth at the block party and Holiday at Home to help educate and encourage both walking and bicycling in the city. Mr. Drager expressed he appreciates the resources the city is putting forward for both walking and bicycling and he is very proud that the city is designated as a bronze level bicycle friendly community and he and the committee looks forward to continuing to offer suggestions for making improvements.

Proclamation- Emergency Medical Services Week

Mrs. Fisher read the above proclamation and same was accepted by Chief Robbins, Fire Chief. Chief Robbins expressed he is honored to accept this proclamation this evening on behalf of the men and women of the Kettering Fire Department and the Kettering Police Department who serve in an EMS role as first responders on emergency incidents. The City of Kettering has 80 operational members of the Kettering Fire Department. All members are certified as paramedics. Tonight, he has a copy of the EMS protocol that all members must review and are tested on an annual basis. This is a comprehensive document, and during this protocol training members operate under a physician for procedures during EMS incidents at the paramedic level. Operations take place through the Greater Miami Valley EMS Council which the city has participated in for the last 50 years. EMS is one portion of the duties of the Fire Department and this week members of this organization will be recognized for their work.

Mayor Lehner thanked the men and women of the Fire and Police Departments for their work in keeping the community safe.

PUBLIC HEARINGS

Mayor Lehner expressed Mr. Schwieterman, City Manager is not at the City Council meeting this evening because he is welcoming a new grandson.

PUBLIC COMMENT ON LEGISLATION

ORDINANCES IN SECOND READING

AN ORDINANCE  
NO: 4380-22  
BY: MRS.FISHER AND 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)

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

AN ORDINANCE  
NO: 4381-22  
BY: MR.KLEPACZ AND MRS.HALL

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

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

RESOLUTIONS

A RESOLUTION  
NO: 10748-22  
BY: MRS.HALL AND MR.SCOTT

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR THE REPLACEMENT OF THE EXISTING ELECTRICAL SERVICES TO THE PARKS MAINTENANCE CENTER

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

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

The following votes were recorded: 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: 10749-22  
BY: MR.SCOTT AND MS.DUVALL

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR THE REPAIR OF EXISTING CONCRETE WALLS AND HANDRAILS AT POLEN FARM BARN

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, Abstain; Mayor Lehner, Yea. There being six (6) Yea votes, one (1) Abstain vote and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION  
NO: 10750-22  
BY: MS.DUVALL AND MR.DUKE

ADOPTING RENEWED AND RECALCULATED STREET LIGHT ASSESSMENTS, AMENDED AND/OR CONSOLIDATED STREET LIGHTING DISTRICTS AND CERTIFYING THEM TO THE COUNTY AUDITOR FOR COLLECTION

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

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

The following votes were recorded: 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: 10751-22  
BY: MR.DUKE AND MRS.FISHER

AUTHORIZING THE CITY MANAGER TO ACCEPT AND ADMINISTER THE 2022 LIVABLE & AGE-FRIENDLY COMMUNITIES GRANT THROUGH THE MIAMI VALLEY REGIONAL PLANNING COMMISSION

Mr. Duke read the above resolution and moved for approval. Mrs. Fihser 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: 10752-22  
BY: MRS.FISHER AND MR.KLEPACZ

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH FIRE APPARATUS SERVICE AND REPAIR

Mrs. Fisher read the above resolution and moved for approval. Mr. Klepacz 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: 10753-22  
BY: MR.KLEPACZ AND MRS.HALL

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR THE PURCHASE OF A HIGH VOLUME COLOR COPIER

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: 10754-22

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

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

The following votes were recorded: 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.SCOTT

TO REZONE 2001 EAST DOROTHY LANE FROM ECONOMIC DEVELOPMENT OVERLAY DISTRICT NO. 14 TO B-BUSINESS DISTRICT (PLANNING COMMISSION CASE NO. PC 22-005)

Mr. Scott read the above ordinance.

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

CERTIFICATIONS AND PETITIONS

MANAGER'S REPORT/COMMUNITY UPDATE

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

- Coming to the Frazee:
  - Lynyrd Skynyrd- Sunday, July 17 at 8:00 p.m.
  - Darci Lynne & Friends- Tuesday, July 19 at 7:30 p.m.
  - McGuffey Lane- Friday, July 22 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.

- To nominate a resident or business to receive the Neighborhood Pride Awards contact the Volunteer Office at 937-296-2433 or visit the city's website.
- Safety Village registration is now open. For more information contact the Engineering Department at 937-296-2436.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Audience Participation (5 Minute Limit per Speaker)

**Dan Turben – Oakwood Resident-** Mr. Turben expressed he is here this evening regarding a public safety matter. On April 29, 2022 around 2:15 p.m. Mr. Turben was traveling north on Shroyer Road and he was stopped on the inside lane where the crosswalk comes over from Fairmont High School. There was a young lady crossing using the crosswalk and as he was in the inside lane, there was a car to his right that blew through the intersection. The motorist missed hitting the pedestrian by two feet and if he would have hit the pedestrian it would have resulted in a fatality. Mr. Turben spoke to the young man who went through the intersection and he expressed he didn't see the lights. ODOT has had success with wrong-way signage by lowering it to place it in a person's field of vision which might be a consideration. If you travel a little further north on Shroyer, you will see other crosswalks with lighting and signage. The signs outside of the high school have lights on two sides which are eight lights per sign that are flashing. Further north on Shroyer, those lights are vertical and have sixteen LED lights flashing when someone wants to utilize the crosswalk. This method is visible and this matter is worth someone taking a look at to see if perhaps that is something that could be reconfigured at a low cost for the crosswalk outside of the high school. The current signs are about ten feet high into the air. It is certainly above most people's field of vision.

Mayor Lehner thanked Mr. Turben for his comments this evening. She had a conversation with a resident earlier in the day regarding the crosswalk outside of the high school. The resident expressed a motorist has to look up high to see the flashing lights. Mayor Lehner expressed public safety will take a look into this matter.

**Terry Brennan- 3118 Atherton Road-** Mr. Brennan expressed he spoke before City Council two weeks ago and asked that City Council correct HOA letters that are issued to residents, and yet the issue still exist. Nothing is being done to correct this matter. Mr. Brennan expressed he is bothered that the City Council does not want small businesses and blue collar workers in their districts. Mr. Klepacz encourages residents to shop Kettering, yet he has business owners hiding their best advertisement behind fences from their neighbors. Maybe City Council feels this issue isn't a big

enough issue that the rest of the residents in the city need to know. He will start making sure that the rest of the residents in the city know that these ordinances need to be abolished.

COUNCIL COMMITTEE REPORTS

Mrs. Fisher reported:

- She attended an event called Collaboratory which recruits Daytonians to come back to Dayton.
- She attended Art in the Playground.
- She attended the Montgomery County Law Enforcement Memorial.

Mr. Klepacz reported:

- On April 27 he attended the Planet Fitness ribbon cutting.
- On May 10 he attended the Berkshire Hathaway Reality ribbon cutting.
- On April 27 he dropped the puck for the Reynolds and Reynolds annual hockey game.
- Spass Nacht will take place on June 15 at the Frazee Pavilion.
- Shop Kettering.

Mrs. Hall reported:

- Trails of Oakcreek will provide food for kids over the summer when school is out.

Mr. Scott reported:

- On May 4 he attended the Miami Valley Communications Council open house.

Ms. Duvall reported:

- Congratulations to Mark Schwieterman on the birth of his grandson.
- On May 4 she attended the Miami Valley Communications Council open house.
- She attended the Montgomery County Law Enforcement Memorial.
- Thank you to all EMS members of the Kettering Fire Department in honor of Emergency Medical Services Week.
- The Juneteenth Celebration will take place on June 20 at Polen Farm.

Mr. Duke reported:

- Welcome Kettering Leadership Academy students who are in the audience this evening.
- Kettering Leadership Academy graduation will take place on May 12.
- Congratulations to Ambassador Tony Hall who was awarded the Dayton Peace Prize.

Mayor Lehner reported:

- Congratulations to Ambassador Hall for receiving the Dayton Peace Prize.
- On May 9 she attended Indian Riffle Elementary to honor Chloe Adkins as Mayor for the Day.

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

ATTEST:

LaShaunah D. Kaczynski  
Clerk of Council

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PEGGY LEHNER, MAYOR