

CITY OF KETTERING
CITY COUNCIL
WORKSHOP MINUTES
AUGUST 9, 2022

The Council of the City of Kettering, Ohio, met in a workshop session on Tuesday, August 9, 2022, in the Deeds Conference Room, Kettering Government Center, 3600 Shroyer Road. The meeting came to order at 6:00 p.m.

Council Members present included Mayor Lehner, Vice Mayor Fisher, Mr. Duke, Ms. Hall, Mr. Klepacz, and Mr. Scott. Ms. Duvall had an excused absence.

Staff Members present included City Manager Mark Schwieterman, Assistant City Manager Steve Bergstresser, Law Director Ted Hamer, Police Chief Chip Protsman, Public Service Director Dave Duritsch, Assistant Public Service Director Rob Baker and Economic Development Manager Amy Schrimpf.

Mr. Sterling Abernathy and Mr. John Biller were also in attendance.

Mr. Schwieterman reviewed the following items for tonight's Council meeting.

- Kettering Police Department will hold a promotion ceremony for Lieutenant Clint Price who will be promoted to Captain.
- An ordinance in second reading is on the agenda to repeal city regulations prohibiting knives in parks to comply with Ohio law.
- A resolution to contract with Pepsi Co. for non-alcoholic beverages at the Frazee is on the agenda. Mr. Schwieterman said this resolution was delayed while the City worked on a possible sponsorship deal with Pepsi. Mr. Klepacz asked how a sponsorship deal is typically structured and was told in past years Pepsi paid a sponsor fee and provided a special rate for products. Due to price increases resulting from staffing, gas and supplies, a sponsorship deal with Pepsi Co. could not be negotiated at this time. Mr. Scott asked who provides the Rose with their products. Mr. Schwieterman said he did not know, but it is possible that the Frazee will look at other options for a beverage sponsor next year.
- A resolution authorizing the purchase of road salt, which was discussed at the previous workshop, is on tonight's agenda. A supplemental appropriation will be on a future agenda. Mayor Lehner asked why the cost was so much higher this year and was told the increase is due to inflation, staffing costs and overall supply chain delays. Mr. Duke inquired if Kettering was purchasing salt to be re-sold to other communities. Mr. Schwieterman said that is not the case this year. Salt is available for those who want to purchase it; customers will just have to pay the higher rate.
- Also on the agenda are resolutions to ratify a contract for traffic signal maintenance and to accept a grant from the Ohio Arts Council. Mr. Klepacz asked if the City's transition to mast arms for traffic lights will lead to less cost for maintenance. Mr. Bergstresser said no because these systems don't get updated often, unless there is a major accident, and the systems utilize standard electronics.
- Authorization to submit the 2022 Annual Action Plan to U.S. Department of HUD. An Executive Summary of the Plan was included in Council's weekly packet.

Mr. Schwieterman provided the following updates.

- The rescheduled Community Block Party will be held on August 30 from 6:00 to 8:00 p.m.
- The City will partner with Day Air Credit Union again this year for Shred Day on October 1 from 9:00 a.m. to 12 noon. Due to the popularity of this event, the location will be moved to Fairmont High School's parking lot.
- The next Council workshop on August 23 includes many discussion items, including CIP and an Executive Session. To provide enough time, Council members were asked if they could begin the workshop at 4:30 or 5:00 p.m. Those present said they could start as early as 4:30 p.m., but wanted to confer with Ms. Duvall. Mr. Schwieterman said he would check with Ms. Duvall and report back on her availability. The City will provide heavy snacks during this meeting.

Mr. Schwieterman and Mr. Duritsch provided Council members with an overview of purchasing processes that the City utilizes for major purchases and construction projects. Mr. Schwieterman said the City typically utilizes quotes and bid processes to get the best and lowest price, but there are times when sole source contracting is more cost-effective and efficient. Considerations for sole source projects include familiarity with a project or having a contractor that can provide a seamless transition from one phase of a project to another. Mr. Duritsch said utilizing sole source contracting with Brumbaugh Construction for Phase 3 of the Rosewood Arts Center could be appropriate because the Brumbaugh team won the previous two phases – both were competitively bid. Utilizing Brumbaugh can provide a seamless transition and create efficiencies since the company is familiar with the project, the staff, and the plans.

Mr. Duke asked if Brumbaugh had experience with the intricacies of building a theatre. Mr. Baker said they do, having recently completed the City of Springboro's performing arts center. Mr. Duritsch also noted that if there are complex requirements, such as lighting, that Brumbaugh has the ability to subcontract out that work to a specialist. Mr. Scott inquired about whether Brumbaugh has submitted cost overruns on their previous jobs, and was told that the only instances in which they have done so is when there were unforeseen issues, such as unknown asbestos that had to be removed. Mr. Duritsch said he believes Brumbaugh will be motivated to keep costs down to maintain the excellent relationship they have with the city. Mr. Schwieterman said Brumbaugh won the contract on the Government Center and Police Station renovations, and built three of four the Fire Stations. He said the City was pleased with the final products. Mr. Klepacz asked if formalizing an agreement with Brumbaugh and allowing them to order materials now will result in cost savings for next year. Mr. Schwieterman said it would, and that another example of a similar situation is replacing chillers in the Rec Center, which they will discuss next. With no further questions, Mr. Schwieterman said the City would pursue a sole source contract with Brumbaugh for Phase 3 of the Rosewood Arts Center and place it on the agenda at a future Council meeting.

Mr. Duritsch said he would also like to pursue a sole source contract with Heapy Solutions for the Rec Center chillers, as Heapy Engineering has already completed the design process. He said the design and installation of chillers is not complicated. With a sole source contract, the parts can be ordered now and installation would be completed by next spring, in time for summer weather. Mr. Duritsch noted that the current chillers have had circuit breaks and leaks leading to high maintenance costs. Mr. Scott asked if new chillers would be more energy efficient and was told they would be. The current chillers are from 1991. Mr. Klepacz asked if both Heapy Engineering and Heapy Solutions are located in Kettering and was told they were. Vice Mayor Fisher asked if there are other firms who even have the capability to bid on this work. Mr. Duritsch said there are others out there, but he likes the seamlessness of working with Heapy, and they represent the best opportunity to have the project completed by next summer. Council members agreed that the City should pursue this option and have a resolution ready for a future Council meeting.

Mr. Schwieterman provided Council members with the latest update on aggregation for lower electricity rates. GovTech and MVCC have met with Palmer Energy and decided that MVCC will serve as lead agency. MVCC members and affiliates will be allowed to participate in aggregation. It's expected that the group will go out for bid in March or April 2023. In the interim, the City will continue to direct residents to check the Apples to Apples website. As mentioned in previous workshops, Kettering has already passed a ballot issue to allow "opt-out" option for our residents. Kettering's involvement in this program will be very fluid, meaning we can join or drop out of the program as market conditions dictate. Ms. Hall asked why we would wait to go out to bid until March or April and was told that multiple consultants have determined this is the most opportune time to go to market.

Mr. Schwieterman said an application had previously been submitted for the vacant lot on Display Lane between Skateworld and the Modern School to become storage units. However, the owner has now delayed the project and is inquiring about building market rate apartments on that site. Mr. Schwieterman said the property would need to be rezoned, but if Council is willing to consider the idea, Mr. Robillard will pursue conversations with the owner of the property. Ms. Hall asked how long it would take to rezone the property and was told the process takes four to six months. Mr. Schwieterman said that does not mean Council will see a plan within that timeframe--that is just how long rezoning would take. The owner of the property would still have to hire an architect and conduct due diligence on the site, which also takes time. Mr. Duke said the City should encourage the property owner to talk to the Modern School about housing for students. Mr. Schwieterman said he is aware that they have had conversations. Ms. Lehner asked if there are opportunities to streamline the re-zone process. Mr. Schwieterman said there are, but that the public still would need to have the opportunity to review and provide input. Mayor Lehner agreed, and said any change to the current process needs to be carefully weighed so that Kettering balances process efficiency with the ability for residents to provide input.

Mr. Schwieterman told Council members that city income tax collections are considerably above forecasts, and that finance Department is reviewing the numbers and will revise.

Chief Protsman said he has received questions from Council members regarding panhandling and wanted to provide an update on the Police Department's role when complaints are received. He said panhandling is not illegal, and there are First Amendment rights to consider. He said when businesses call the Police Department to report panhandlers on their property, the City can utilize 'no trespassing' rules to address the panhandler. The issue comes into play when panhandling is done on public property, as that cannot be prohibited as long as other laws aren't being broken. Council members indicated that they have seen panhandling recently at shopping centers in Centerville and on Wilmington Pike, obstructing traffic. Chief Protsman said he encouraged those who encountered panhandlers and felt threatened to call KPD because they have the resources to refer the individuals to social services and de-escalate situations.

Mr. Scott asked if Flock cameras helped to locate four individuals who stole a car in Moraine and then ended up in Kettering. Chief Protsman said it was the vehicle's Onstar theft prevention system that was activated

during the incident on Monday, but that Flock cameras have been utilized to solve crimes in Kettering and police officers are pleased with their results.

The City Council Workshop Meeting was adjourned at 7:22 p.m.

ATTEST:

PEGGY LEHNER
MAYOR

LASHAUNAH D. KACYNSKI
Clerk of Council