

**KETTERING CITY COUNCIL  
REGULAR MEETING MINUTES  
February 14, 2023**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, February 14, 2023, 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, and Duvall

Council Members Absent: Duke (Excused)

Total Members Present: Six (6)

Mayor Lehner led the audience in the Pledge of Allegiance and gave the invocation.

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

Mayor Lehner mentioned Mr. Duke has an excused absence.

**APPROVAL OF MINUTES**

January 24, 2023- 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 six (6) yea votes and no (0) nay votes for the January 24, 2023 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**

Carrie Hennessy, Dan Von Handorf (Terms ending 12/31/25)

Mrs. Fisher made a motion to approve the above appointments. Mr. Klepacz seconded the motion. The motion was declared carried followed by a unanimous like sign vote to approve the above appointments.

**Appointment- Sustainability Committee**

Derek Bas, Mark Bertolo, Leah Ceperley, Lee Isom (Terms ending 12/31/23)  
Patrice Judge, Ron Klenk, Ellie McCall, Gwen Owen (Terms ending 12/31/24)  
Buzz Portune, Arthur Santoianni, Shawn Seippel, Mike Zywiec (Terms ending 12/31/25)

Mrs. Fisher made a motion to approve the above appointments. Mr. Klepacz seconded the motion. The motion was declared carried followed by a unanimous like sign vote to approve the above appointments.

Mayor Lehner expressed the Sustainability Committee is a newly formed committee that will be very important in the years ahead and she is thankful the individuals appointed this evening have volunteered to serve.

**Promotion Ceremony- Kettering Police Department**

Chief Protsman, Police Chief made the presentation this evening. Chief Protsman mentioned that Captain Dan Gangwer will be retiring from the Kettering Police Department and this evening there will be three promotions including a captain, lieutenant and a sergeant. Chief Protsman expressed the first promotion this evening is Adam Savino. Adam is being promoted to Captain. Adam is here this evening with his wife Libby, son Jack, daughter Evelyn and daughter Abigail. He is also here this evening with his father Tony, mother Barb, brothers Mike and Aaron and his father-in-law Don. Adam began his career in law enforcement with the Cincinnati Police Department in 2006. Adam was hired by the Kettering Police Department in 2008. During his tenure, Captain Savino has held many positions including:

- Hand Gun Instructor
- Rifle Instructor
- S.O.R.A.T. Instructor
- Simulation Instructor
- Member of the Ohio Organized Task Force
- TCSU Detective
- Patrol Sergeant

- Vice Sergeant
- Patrol Lieutenant
- Support Services Lieutenant

Adam was promoted to sergeant in 2017 and then lieutenant in 2020 and he holds a Juris Doctorate Degree in Law from the University of Dayton.

Next being promoted to Lieutenant is Doug Gaudette. Doug is here this evening with his sons Ethan, Evan and Eli. Also, his mother Julianne, step-father David and girlfriend Sandy. Doug began his career in law enforcement with the Centerville Police Department in 1997. Doug was hired by the Kettering Police Department in 2004. During his tenure with the Kettering Police Department he has held many positions including:

- Evidence Technician
- Hand Gun Instructor
- Rifle Instructor
- Emergency Vehicle Operations Instructor
- Hostage Negotiator
- Personnel and Training Officer

Doug was promoted to sergeant in 2015. Doug graduated from the Supervisor Training and Education program in 2015 and he holds a bachelor's degree of arts in psychology and a master's of science degree in mental health counseling.

Vince Mason is being promoted to Sergeant. Vince is here this evening with his wife Tamara, son Ryan and daughter Brittany. Vince began his law enforcement career with the City of Cleveland and he came to Kettering in 2002. Vince was part of the Evidence Crew and a Detective for well over 10 years and some would say he is one of the best detectives the Kettering Police Department has ever had. He holds a bachelor's of science degree in criminal justice from the University of Dayton.

Chief Protsman called family members down to the podium to pin the badges.

Vince Mason expressed he would like to thank his wife which is the reason why he is here. She has supported him and he wouldn't be here without her support.

Doug Gaudette expressed any good real estate agent would tell homebuyers two aspects people value in a community are crime and schools. He is glad to be part of something that provides good quality of life for the community. More importantly, he is glad to serve with the men and women in uniform of the Kettering Police Department. He is grateful for his mother, sons and extended friends and family who are in the audience and he is grateful for the opportunity to serve.

Adam Savino expressed he believes the Kettering Police Department is truly Ohio's finest. He is thankful for the opportunity and he is humbled and honored to begin his new position and be able to work for an outstanding agency. The Kettering Police Department is very thankful to have an excellent relationship with the city and the community. He would like to take a few minutes to thank his family. He would like to thank his wife Libby. She has been supportive over the past 18 years. This career has kept him away many nights, weekends and holidays and there have been some sporting events that he has missed due to call outs and she borne that. He could have not done the job he loves without her support. He would like to thank his children Evelyn, Jack and Abigail for always lifting his spirits and keeping him grounded. He would like to thank his parents Barb and Tony who made him who he is today and taught him values and work ethic which is extremely important and missing a lot in society today. He would like to thank his father-in-law Don because he helps out a lot to get his children to events. Captain Savino expressed he is honored to be here today especially with the men and women he has worked with which is a very special group of people. They stand ready at all times and under any conditions to answer the call. Many times at great jeopardy to themselves; if you call they will answer. He witnessed the following actions from the Kettering Police Department:

- An officer was dispatched to a suspicious person call in the parking lot of a grocery store and the officer ended up buying groceries for a family with his own money.
- An officer was dispatched to a suspicious person call and found the subject homeless and purchased him shoes.
- Officers were dispatched to a burglary on Christmas Eve and discovered all Christmas gifts were stolen. Midnight shift collected money and went to Meijer to purchase gifts and wrapped them to present them to the family on Christmas Eve.
- On numerous occasions officers have raced into burning homes and apartments to make sure no one was inside.
- A child called dispatched regarding his father being intoxicated and highly agitated. When the officer arrived the suspect was wielding two knives and the officer was able to talk the suspect down and take him into custody.
- Officers holding a protest line remained steadfast while they were insulted and items were thrown at them. They remained calm and professional and their only job was to protect the very people that were fronting them. That takes a very special guardian of the system and people.

Captain Savino expressed these are a few examples of what makes the Kettering Police Department Ohio's finest. He is proud an honored to be considered one of them. When he considered this position

he began to look for some guidance and advice. He came across a story from an old Cherokee Legend. One evening, a Cherokee Warrior told his grandson about a battle that goes on inside every person which is a battle of two wolves. One is evil and one is good. The grandson thought about it and asked which one wins? The grandfather replied the one that you feed. He can't promise to be perfect and can't promise all the decisions he makes will have the intended outcome but he will commit to furthering and promoting the ideas that make the Kettering Police Department outstanding.

Chief Protsman expressed he is very proud of the men and women of the Kettering Police Department and he often talks about it all the time. These gentlemen are three examples why he is proud. There has been a lot of great work done by the supervisors that came before these gentlemen and the future is very bright for the Kettering Police Department.

Mayor Lehner mentioned she has never been to a promotion ceremony where people were as highly qualified as the individuals that were promoted this evening. She is very proud of the Kettering Police Department and they are one of the best qualities of the city.

## PUBLIC HEARINGS

### **City of Kettering electric and gas aggregation operation and governance plans**

Mayor Lehner expressed there is a public hearing this evening regarding the city's electric and gas aggregation operation and governance plans. She is aware many residents are glad that City Council will be holding a public hearing this evening regarding this matter.

Mr. Greeson, City Manager made the staff presentation. Mr. Greeson mentioned that the public hearing this evening is regarding the city's electric and gas aggregation operation and governance plans. The plans describe the policies and procedures by which the city will carry out the government aggregation program. In recent months, the city has been working with other communities in the Miami Valley Region through the Miami Valley Communications Council on developing an aggregation program that is aimed at saving utility costs for Kettering residents. The public hearing this evening is part of the process. Mr. Greeson stated he will have Kirk Mizerek and Bob Snavelly with Palmer Energy provide an overview of the process. They have been hired by the Miami Valley Communications Council to assist each of the communities in the aggregation program development.

Mayor Lehner hit the gavel to open the public hearing.

Bob Snavelly, Palmer Energy gave an overview of the aggregation process. Mr. Snavelly mentioned he is here this evening representing Palmer Energy which is the energy consultant for the Ohio Municipal League and the Miami Valley Communications Council. He is here this evening to talk about electric and natural gas aggregation. The hearing this evening is one of two hearings where the public will be able to ask questions and understand the aggregation process. At this time, Mr. Snavelly mentioned he would like to go through the steps for implementing an aggregation program and then will open the floor for questions. The Miami Valley Communications Council and the City of Kettering have already passed aggregation as part of a ballot which was done many years ago. The governance plans and seating of authority are all steps in the aggregation process that must be certified by the PUCO. The Miami Valley Communications Council has already completed that step. There are between 12-14 cities/ villages that will participate in the aggregation program through MVCC and all of the municipalities are in different steps in the aggregation process. Kettering seems to be ahead of the pack. Once the second public hearing is completed, which is anticipated to be two weeks from today, there will be a waiting period for the rest of the municipalities to catch-up in the process. From a timing standpoint it looks like the end of summer before the program can begin to move forward. The next step will be an RFP process which is a Request for Proposal. MVCC as a group will send out the RFP to receive bids from multiple suppliers for both electric and natural gas. After that, Palmer Energy will put together a recommendation and make a recommendation to the MVCC Board for term, price and supplier. Those results will be presented to the larger MVCC group and Palmer Energy will answer any questions. Once that has been completed, a refresh date will be established. On the refresh date, the MVCC will move forward and will sign a contract with a supplier and then the following steps are to inform the public of the term, price and supplier. To achieve that, an opt-out is sent from the supplier who wins the bid and it will have the price and terms of the contract and the supplier name. An opt-out letter will be mailed to a resident if they are currently with the utility, if a resident is in a third party agreement they will not receive an opt-out letter. To help residents who are in a third party agreement, the MVCC and Palmer Energy will be releasing a campaign so those residents are made aware that aggregation is an option and made aware of the price and supplier. From the time the opt-out letter is sent, there are 21 days that the individual household or small business has to reply to that opt-out. If no action is taken, the individual household or small business will be included. If an individual household or small business decides to opt-out which is done by completing the mailed letter, the individual household or small business will be staying with that utility. From that point, the supplier will eliminate those customers from the list and that list will be sent over to the utility. The utility will then send a rescission notice which is a second opt-out letter which informs a customer that if they don't do anything they will be placed with a supplier. The rescission notice has seven days to reply. If a customer doesn't reply in seven days, they will be included in the program. The entire process from beginning to end will take four to five months. It is expected that the aggregation program should begin early fall/ end of the summer. Some frequently asked questions he receives all

the time is if a customer is currently with a third party supplier will their service be interrupted? Service will not be interrupted but customers will be able to participate. There will be an 800 number that a customer can call depending on the supplier. More information about that process will be provided once there is a RFP. There is no fee to leave the aggregation program and participants will be able to leave at any time. Another question he receives is what type of change will there be to paying the utility? For electric aggregation the per kilowatt hour price will be on the bill and for gas the CCF price will be on the bill as well and the supplier name. The customer will still be directly paying the utility so there's no change in that billing. Mr. Snavelly mentioned he would be happy to answer any questions.

Ms. Duvall asked there are Kettering residents who live in Greene County will those residents be eligible for the aggregation program?

Mr. Snavelly informed City Council that those residents will be included because they are in the incorporated area of Kettering.

Mr. Klepacz asked for clarification that there will be no change to the service.

Mr. Snavelly informed City Council that is correct. If there is a power outage, residents would still call the same providers. The utility will continue to serve in the exact same way.

Mr. Klepacz also asked for clarification that residents should receive their first bill at the end of summer/early fall?

Mr. Snavelly expressed that is correct and he is working hard to get the other member communities on the same page in order to reach that targeted goal.

Mayor Lehner asked if there were any comments from the public regarding this public hearing; none were heard.

Mayor Lehner closed the public hearing.

PUBLIC COMMENT ON LEGISLATION

ORDINANCES IN SECOND READING

RESOLUTIONS

A RESOLUTION  
NO: 10855-23  
BY: MRS.FISHER AND MR.KLEPACZ

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR PRINTING OF *CONTACT WITH KETTERING*

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

Mr. Greeson, 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; 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: 10856-23  
BY: MR.KLEPACZ AND MRS.HALL

TO DECLARE THE NECESSITY AND INTENTION OF ACQUIRING PROPERTY INTERESTS IN PROJECT PARCELS 45-WD AND 45-T OF THE EAST DAVID ROAD IMPROVEMENTS PROJECT (CITY PROJECT NO. 02-116R, ODOT PROJECT MOT-E. DAVID RD. IMPROVEMENTS, PID NO. 110254

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; 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: 10857-23  
BY: MRS.HALL AND MR.SCOTT

AUTHORIZING THE CITY MANAGER TO ENTER INTO ONE OR MORE AGREEMENTS FOR A PUBLIC ART PROJECT IN CONJUNCTION WITH THE ROSEWOOD ARTS CENTER RENOVATION

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; 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: 10858-23  
BY: MR.SCOTT AND MS.DUVALL

AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO CONTRACTS FOR ENTERTAINMENT FOR THE FRAZE PAVILION 2023 PERFORMANCE SEASON

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

Mr. Greeson, 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; 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: 10859-23  
BY: MS.DUVALL AND MRS.FISHER

AUTHORIZING PAYMENT OF MUSIC LICENSING FEES FOR CONCERTS AT FRAZE PAVILION DURING 2023

Ms. Duvall read the above resolution and moved for approval. Mrs. Fisher seconded the motion.

Mr. Greeson, 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; 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: 10860-23  
BY: MRS.FISHER AND MR.KLEPACZ

AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS FOR DISCOUNTS, COMPLIMENTARY TICKETS AND COMPLIMENTARY PROGRAM PARTICIPATION TO BENEFIT THE ADVERTISING AND PROMOTION OF CALENDAR YEAR 2023 PARKS, RECREATION AND CULTURAL ARTS PROGRAMS AND THE 2023 FRAZE PAVILION PERFORMANCE SEASON

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

Mr. Greeson, 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; 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: 10861-23  
BY: MR.KLEPACZ AND MRS.HALL

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR MAINTENANCE AND REPAIR OF WATER SLIDES AT THE ADVENTURE REEF WATER PARK

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

Mr. Greeson, 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; 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: 10862-23  
BY: MRS.HALL AND MR.SCOTT

AUTHORIZING THE CITY MANAGER TO CONTRACT WITH TIMECLOCK PLUS, LLC FOR THE PURCHASE OF A DIGITAL TIMECARD SYSTEM FOR PARKS, RECREATION AND CULTURAL ARTS DEPARTMENT

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

Mr. Greeson, 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; 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: 10863-23  
BY: MR.SCOTT AND MS.DUVALL

AUTHORIZING PARTICIPATION IN A PROJECT WITH THE MIAMI VALLEY REGIONAL PLANNING COMMISSION FOR INSTALLATION AND MAINTENANCE OF ELECTRIC VEHICLE CHARGING STATIONS, CITY PROJECT NO. 01-401

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; 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: 10864-23  
BY: MS.DUVALL AND MRS.FISHER

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, 2023

Ms. Duvall read the above resolution and moved for approval. Mrs. Fisher seconded the motion.

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

The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mrs. Hall, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; 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

CERTIFICATIONS AND PETITIONS

Certification- Planning Commission is recommending approval of P.C. 22-024- Zoning Map Amendment. A public hearing regarding this request will be held on Tuesday, February 28, 2023 at the Kettering City Council meeting.

MANAGER'S REPORT/COMMUNITY UPDATE

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

- Nominations for the Mayor's Award for Volunteer Service are being accepted until March 10.
- City offices will be closed on Monday, February 20 to observe the Presidents' Day holiday. There will be no delay in trash service.
- 2023 summer camp registrations begin on Monday, March 6 for Kettering residents and Monday, March 13 for non-residents.

- Deadline for filing income tax return is April 18, 2023. City staff is available to assist residents prepare their tax return.

Mrs. Fisher expressed the Tax Department is very quick and efficient with completing residents tax return.

OTHER BUSINESS NOT ON WRITTEN AGENDA  
Audience Participation (5 Minute Limit per Speaker)

COUNCIL COMMITTEE REPORTS

Mrs. Fisher reported:

- She had the opportunity to work with Yogi Singhal with relocating the Oak Creek pantry and he is a great community partner.

Mr. Klepacz reported:

- Shop Kettering.

Mrs. Hall reported:

- Happy Valentine's Day.
- Congratulations to Joey Thuney who just played in his third Super Bowl game with the Kansas City Chiefs.
- Wishing Mr. Duke a full recovery.

Mr. Scott reported:

- Happy Valentine's Day.

Ms. Duvall reported:

- Nothing to report.

Mr. Duke reported:

- Absent.

Mayor Lehner reported:

- Kettering is lucky to have great volunteers and March 10 is the deadline for nominations for the Mayor's Award for Volunteer Service.

Mayor Lehner asked for a motion to enter into executive session under Section 121.06(k) of the Codified Ordinance for purposes of property matters and economic development. Mrs. Fisher moved that the motion be approved. The motion was seconded by Mr. Klepacz. The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mrs. Hall, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mayor Lehner, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the motion to enter into executive session was duly adopted.

There being no further business to come before this meeting of the Kettering City Council; Kettering City Council entered executive session at 8:25 p.m.

Kettering City Council exited executive session at 8:58 p.m.

Mayor Lehner adjourned the City Council meeting at 8:59 p.m.

ATTEST:

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PEGGY LEHNER, MAYOR

LaShaunah D. Kaczynski  
Clerk of Council