

**KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
June 13, 2023**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, June 13, 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, Scott, and Duvall

Council Members Absent: Duke and Hall (Excused)

Total Members Present: Five (5)

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

Mayor Lehner mentioned Mr. Duke and Mrs. Hall have excused absences.

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

APPROVAL OF MINUTES

May 23, 2023- Council Meeting & Workshop Minutes

May 30, 2023- Joint School Board Meeting 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 five (5) yea votes and no (0) nay votes for the May 23, 2023 Council Meeting & Workshop Minutes and the May 30, 2023 Joint School Board Meeting Minutes, the motion was declared carried followed by a roll call vote.

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

Proclamation- Juneteenth Day

Ms. Duvall read the above proclamation and the proclamation was accepted by Gwen Owen, Chairperson of the Board of Community Relations. Ms. Owen thanked Mayor Lehner and City Council for the proclamation and for recognizing Juneteenth for the second year in a row. On behalf of the Board of Community Relations, she is very proud of this proclamation and is looking forward to the Juneteenth celebration that will take place on Monday, June 19. She hopes the community will come to this wonderful event. The event last year was small but successful and this year the event will take place at the Frazee Pavilion from 4:00-7:00 p.m. This free family friendly event will feature food trucks, live music and an inspiring presentation.

Mayor Lehner expressed that the Juneteenth celebration in 2022 had wonderful attendance and it was a great event.

Ms. Owen informed City Council that the Juneteenth celebration last year did sell out and there were 100 people in attendance. This year, there will be plenty of room for the community to come out and support this event.

Mayor Lehner expressed the event in 2022 was great and she encouraged the community to attend the Juneteenth celebration at the Frazee.

PUBLIC HEARINGS

PUBLIC COMMENT ON LEGISLATION

ORDINANCES IN SECOND READING

RESOLUTIONS

A RESOLUTION
NO: 10909-23
BY: MRS.FISHER AND MR.KLEPACZ

AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT, ON BEHALF OF THE
KETTERING MUNICIPAL COURT, GRANT FUNDS FROM THE OHIO DEPARTMENT OF
REHABILITATION AND CORRECTION

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; Mr. Scott, Yea; Ms. Duvall, Yea; Mayor Lehner, Yea. There being five (5) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10910-23
BY: MR.KLEPACZ AND MR.SCOTT

AUTHORIZING THE CITY MANAGER TO APPLY FOR A COMMUNITY HOUSING IMPACT AND PRESERVATION LEAD ABATEMENT PROGRAM GRANT FROM THE OHIO DEVELOPMENT SERVICES AGENCY

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

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

The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mayor Lehner, Yea. There being five (5) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10911-23
BY: MR.SCOTT AND MS.DUVALL

AUTHORIZING THE CITY MANAGER TO APPLY FOR A COMMUNITY HOUSING IMPROVEMENT PROGRAM GRANT FROM THE OHIO DEVELOPMENT SERVICES AGENCY

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

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

The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mayor Lehner, Yea. There being five (5) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10912-23
BY: MS.DUVALL AND MRS.FISHER

AUTHORIZING THE CITY MANAGER TO SUBMIT THE 2023 ANNUAL ACTION PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND EXECUTE THE REQUIRED CERTIFICATIONS TO ENABLE THE CITY TO RECEIVE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

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

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

The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mayor Lehner, Yea. There being five (5) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10913-23
BY: MRS.FISHER 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, 2023

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; Mr. Scott, Yea; Ms. Duvall, Yea; Mayor Lehner, Yea. There being five (5) 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 PROVIDE FOR THE TABLE OF ORGANIZATION, POSITION CLASSIFICATION PLAN, COMPENSATION PLAN AND PAY SCHEDULES AND RULES AND REGULATIONS PERTAINING TO CONDITIONS OF WORK AND SUPPLEMENTAL BENEFITS FOR THE EMPLOYEES OF THE CITY OF KETTERING, OHIO, AND TO REPEAL ORDINANCE NO 4388-22

Mr. Klepacz read the above ordinance.

Mrs. Smith, Human Resources Director gave a brief description of the ordinance.

CERTIFICATIONS AND PETITIONS

Certification- Planning Commission is recommending approval of P.C. 23-013- Zoning Map Amendment. A public hearing regarding this request will be held on Tuesday, July 11, 2023 at the Kettering City Council meeting.

MANAGER'S REPORT/COMMUNITY UPDATE

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

- Adventure Reef will be open every Friday from June 9-July 28 from 5:30-8:00 p.m. to Kettering residents and passholders.
- Mr. Bergstresser gave an update on the Dorothy Lane Water Replacement Project- During the week of June 12, work on the water services project will continue at the intersection of Dorothy Lane and Shroyer Road. Traffic will be impacted by it is expected this project will be complete the week of June 19.
- To nominate a neighbor for the Neighborhood Pride Program residents can visit the city's website at www.ketteringoh.org or contact the Volunteer Office at 937-296-2433.
- Block party forms are available on the city's website or by contacting the Engineering Department at 937-296-2436. Certificates for ice cream are available through a sponsorship with the Board of Community Relations.
- The Kettering Leadership Academy is now accepting applications. To download an application residents can visit the city's website.
- City offices will be closed on Monday, June 19 in observance of Juneteenth. There will be no delay in Rumpke trash service.
- There will be a Juneteenth celebration at the Frazee on Monday, June 19 from 4:00-7:00 p.m.
- There will be two Strategic Plan Community Workshop on Tuesday, June 20 from 6:00-7:30 p.m. at the Lathrem Senior Center and on Thursday, June 29 from 6:00-7:30 p.m. at the Wilmington-Stroop Library.
- Spass Nacht will take place on Wednesday, June 21 from 5:30-9:30 p.m. at the Frazee.
- Pickleball Courts grand opening will take place at J.F. Kennedy Park on Sunday, June 25 from 1:00-3:00 p.m.
- Go 4th will take place on July 4 from 6:00-10:00 p.m. at Delco Park.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Audience Participation (5 Minute Limit per Speaker)

Kelly Radich- 1449 Melrose Avenue- Ms. Radich expressed she is originally from Springfield and when she moved to Dayton, the Kettering community was highly recommended to raise a family because the community was middle class and had great schools. Melrose Avenue has built a community and she is often called the "Mayor of Melrose" because she greets new families when they move into the community and all the children play together. The neighborhood participates in rock painting parties, tie-dye parties, Halloween parties and a ball drop on New Year's. They have truly created a little family. There have been a few hiccups but that is common with any community. She has two daughters who are two and four and she is a stay-at-home mom and she helps take care of other children who live on the street and she often goes on walks with her children. The next street over heading toward the school is Central Park Avenue and she received a notification on Saturday that a man who moved in was a sex offender and violently raped and murdered an elderly woman in 1980. He was in prison but now he is out. Ms. Radish has spoken to the Montgomery County Sheriff Office and was told since that crime happened a while ago; this individual doesn't have any housing restrictions. The woman who lives directly next door to him is a single woman and she is no longer staying in her home. Property values are good and a lot of residents have placed a lot of money into

their homes and now no one would want to live there. She is able to see this individual sitting outside on his phone and the statistics she read mentioned 70% of violent offenders will commit a crime again. All the police will say is just watch just in case something should happen and she doesn't want anything to happen. Ms. Radich and her husband are in recovery and they have had drugs in their past and he is a convicted felon and they are not allowed to own guns. She doesn't feel safe living in Kettering being four blocks from a school and two blocks from a park in a different direction because of a murderer living one hundred feet from her. She doesn't know if the city could do something about this or have an ordinance. Her neighborhood has asked for increased police presence and she hasn't seen one officer. It is a scary feeling when your only safe space is your home and you're not safe in it. The neighborhood has also been experiencing other problems but this is the most important one for her family.

Mayor Lehner encouraged Ms. Radich to meet with Chief Protsman to see if he could offer any assistance. It is a difficult issue and people transitioning from prison have to have a place to stay.

Ms. Radich expressed after 40 years in prison she would assume someone would be in a halfway home before transitioning into neighborhoods. She believes it is still too close of a proximity to a school.

Mayor Lehner asked if Ms. Radich is aware if this individual was previously in a halfway home?

Ms. Radich informed City Council she is not aware if the individual has been in a hallway home or not, he got out in 2021. She believes he is renting the home so someone is allowing him to rent, he doesn't own the property.

Christina Lubera- 1448 Melrose Avenue- Ms. Lubera informed City Council that she purchased her home 10 years ago and it was her first home she purchased. She is married and a mother of three. She is here on her husband's behalf and they both are healthcare workers. She is here this evening to discuss other issues going on in her neighborhood. There has been a decline in the Hills and Dales neighborhood and if you speak to other people who are familiar with that neighborhood there are a lot of positive attributes. There has been a transition where a lot of people who have lived in Kettering for decades have left their homes. The reason why she moved to Kettering was because of the amazing school district and the community, but most importantly she felt safe. As the neighborhood has filled up there has been a difference in neighbors. She has had a lot of issues over the years and this evening she is a Kettering resident who is now checking out. The gentleman that has moved is 200 feet from her fence line and she and her family are going to move because of that. She has awesome neighbors but there have been other issues including the motel in that neighborhood. She is concerned that there will be more people in the area because the motel was just purchased by Winsupply. She has had problems with her neighbors regarding excessive noise issues with dirt bikes, motorcycles and dogs. She has been in contact with Shelly Davis and other agencies who served as mediators and there has been no resolution. There is a noise ordinance however when residents live on 5,000 square foot lots there should be more mediation when it comes to how much noise a person is allowed to make during the day. When you have a 12 year-old who is running a dirt bike in the center of a 5,000 square foot lot backyard has now evolved to real motorcycles riding up and down the street for hours at a time. That type of noise is allowed and she is aware that it is technically their property however there needs to be new legislation to help people who are trying to live a peaceful life. There is another renter who lives two doors down from her and she has had to call the Kettering Police Department because of his drones. Everything this resident is doing with his drone; besides outright owning it is illegal. The drone is not registered, isn't tagged and the drone is being operated from inside of his home. The drone is also being flown over people, buildings and areas that are no fly zones. She has spoken to the FAA and they are placing enforcement on local governments. The Kettering Police Department has expressed they cannot enforce laws that do not exist and since there is no law about that there is nothing they can do. The FAA will not do anything about this situation except write it down for their statistics on how drones are becoming increasingly more prevalent in residential areas. The other day she was traveling off Dorothy Lane and there was a lady who was hallucinating on the ground. Ms. Lubera called the non-emergency dispatch line and she had a colorful experience with a dispatcher when she called to try to get help. She has never been so disrespected by a public service worker. These issues on top of the gentleman moving into the neighborhood will make her leave the Kettering community. She doesn't want to leave her community because she is making lifetime of memories with her neighbors. What is being allowed because it is legal will lead to transformation of the city to move in a different direction that may generate less revenue. She measured the distance from this gentleman's door on Google Maps and the distance is 0.2 miles or 1,003 feet. The Ohio Revised Code reflects that sex offenders cannot be within less than a thousand feet of a school in the State of Ohio. Since the distance is very close to the cutoff this distance deserves a re-measure because the pins on Google Maps could be slightly off and she needs clarifications as to where measurements can be made. There are a lot of families that walk in this neighborhood to attend Southdale Elementary.

Mayor Lehner thanked Ms. Lubera for her remarks and she encouraged her to meet with Chief Protsman. Mayor Lehner invited Ms. Lubera and her neighbors to participate in an upcoming strategic planning session to talk about problems in their neighborhood and where they see the city in the next ten years.

Mary Grant- 1456 Melrose Avenue- Ms. Grant expressed she received a post card six weeks ago regarding the gentleman that moved into her neighborhood. She is a single parent to two children and this gentleman lives in the home directly behind her house. She has told her children they are not allowed to play in the backyard unattended and her son who is going into high school is not happy that he is losing freedom to play in the backyard. Ms. Grant expressed she doesn't have enough information so therefore she does not feel comfortable with her children playing in the backyard. She does not feel safe for her daughter who is going into middle school to get on the bus by herself. She has lived in her home since 2005 and there have been a lot of good things in her neighborhood. There is a wonderful sense of community and the new neighbors that moved in this winter have already adapted to the sense of community. She is able to count on her neighbors, which is something very valuable. Ms. Grant expressed her family outgrew their home after her son was born but they have stayed because of the community and her children love their neighborhood and they would not want to move but this might be the tipping point. She doesn't feel safe at all and has called the Kettering Police Department to do extra patrols and she is a school teacher and is home for the summer and she hasn't seen a patrol car in her neighborhood. Neighbors have been monitoring their cameras and haven't seen any additional police presence. She would like increased presence in this neighborhood and have the distance re-measured for the gentleman in the home directly behind her residence. The address that the gentleman is registered at has two addresses on that property and she is not aware as to which property he is staying at and the property has multiple garages. There is a chain link fence dividing her property from this residence and she will have to incur additional cost to build a better fence which is something she has never had to experience. There are great neighbors and she is really disappointed in the situation. She is hopeful the city is able to do something to help her neighborhood.

Mayor Lehner expressed she would love to live in the Melrose Avenue neighborhood due to the closeness of the community.

Mr. Scott mentioned he is saddened to hear the comments this evening about the Melrose Avenue neighborhood. He has a vested interest in that neighborhood and his grandfather built the home at 1481 Melrose Avenue in 1942. He grew up at 1356 Central Park Avenue and his father built a house in 1963 and he knows that neighborhood like the back of his hand. He is sad to hear about the sentiment of the neighborhood because that is his home as a child growing up. He would be happy to assist Jyl Hall, Bruce Duke and Jacque Fisher any way that they can to help the neighbors. He understands the concerns of the neighbors and it is a great neighborhood when he was growing up and there have been some rough spots over the years but he has seen that neighborhood revitalize because he drives by from time-to-time. Mr. Scott asked the neighbors to not give up on the neighborhood and he thanked them for coming to the City Council to express their concerns.

Mayor Lehner asked that the residents from the Melrose Avenue neighborhood provide their contact information to Mrs. Kaczynski so a meeting can be established.

COUNCIL COMMITTEE REPORTS

Mrs. Fisher reported:

- She attended the Reynolds & Reynolds Foodie Fest and served as a judge at the event.
- On June 13 she took a tour of the International Guards ISR Missions with the Miami Valley Military Affairs Association.
- On June 12 she attended Greenmont Elementary and Trails of Oakcreek to help with the summer lunch programs.

Mr. Klepacz reported:

- On May 31 he attended the annual Community Block Party at the Frazee.
- On June 10 he attended the Dor-Wood Optimist Kids Fishing Derby at Delco Park.
- When you chose a local small business you choose to support your neighbor, which in turn helps make our community a better stronger place to live; shop Kettering.

Mrs. Hall reported:

- Absent.

Mr. Scott reported:

- On June 10 he attended the Dor-Wood Optimist Kids Fishing Derby.
- Mr. Greeson will be his teammate in the upcoming pickleball courts grand opening celebrations.
- There has been a lot of business growth and construction on Wilmington Pike and Woodman Drive.

Ms. Duvall reported:

- There will be a Juneteenth Celebration at the Frazee on Monday, June 19.

Mr. Duke reported:

- Absent.

Mayor Lehner reported:

- The Community Block Party, Fishing Derby and Spass Nacht are some events that make the Kettering community very special.
- She will be traveling along with Vice Mayor Fisher to Steyr, Austria to celebrate 50 years of friendship with Kettering’s sister city.

Mr. Greeson informed City Council that due to a lack of legislation, the June 27 City Council meeting has been canceled.

There 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

PEGGY LEHNER, MAYOR