

**KETTERING CITY COUNCIL  
REGULAR MEETING MINUTES  
October 10, 2023**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, October 10, 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 asked for a moment of reflection on the great need for peace around the world. By watching Ukraine day-after-day and then suddenly Israel it feels like it is too much. The Kettering community can work hard to treat each other with compassion, love and care for the problems that everyone has. We can't do anything about Israel and we can't do anything about Ukraine except for keep them in our prayers but we can do a lot to bring peace to the Kettering community. Residents should make a commitment to do that.

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

September 26, 2023- Council Meeting & Workshop Minutes

Mr. Klepacz reported that he reviewed the above minutes and moved the minutes be approved. Mrs. Hall seconded the motion of the above minutes and there being five (5) yea votes, one (1) abstain vote (Mrs. Fisher) and no (0) nay votes for the September 26, 2023 Council Meeting & Workshop the motion was declared carried followed by a roll call vote.

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

Proclamation- Make A Difference Day

Ms. Duvall read the above proclamation and the proclamation was accepted by Dawn Kirchner, Volunteer Administrator. Mrs. Kirchner expressed the City is thankful for the volunteers and community partners who participate in national Make A Difference Day. Volunteers will gather at Christ Church to create holiday greeting cards for active duty military in collaboration with Blue Star Mothers and holiday place mats for area nursing homes. As part of the 2023 Cities of Service initiative, volunteers will meet in the South Van Buren neighborhood to assist property owners with yard maintenance including leaf raking and yard debris removal. Volunteers will also be involved in installing native plants in Van Buren Park to continue the expansion of a rain garden which started last year on Make A Difference Day. This project was made possible through funding by Keep Montgomery County Beautiful. These efforts would not be possible without the support of Mayor Lehner, City Council, City staff, Cities of Service, Volunteer Advisory Council and the hundreds of volunteers who join to strive to make a positive impact not only here in their local community but also throughout the world. Residents are invited to stop by any of the three locations on Make A Difference Day on Saturday, October 28 between 9:00 a.m. - Noon. If residents have questions they can contact the Volunteer Office at 937-296-2433. Mrs. Kirchner is thankful for the ongoing support of this initiative.

Ms. Duvall expressed this is her third year volunteering for Make A Difference Day with the Kiwanis and every year she helps with the yard clean-up for different residents and last year she broke a rake. She is surprised she was invited back and she never received a bill for the rake. Ms. Duvall expressed this is an excellent program and residents should participate.

Award Presentation- Neighborhood Pride Awards

Dawn Kirchner, Volunteer Administrator made the presentation. The Neighborhood Pride Awards recognizes property owners who have made significant improvements to the appearance of their home or business or have maintained their property impeccably year-after-year. In May, residents received information in *Contact with Kettering* asking for nominations for this prestigious award and 200 nominations were received, and nominations were reviewed by the Neighborhood Pride Committee. Winners were selected from 12 districts in June, July and August and one commercial

property was selected each month. This year, one property was highlighted for representing sustainable landscaping alongside other items reviewed by the committee. This popular program would not be possible without the help of the Neighborhood Pride Committee Co-Chairs:

- Rob Jan
- Gail Carone
- Mark and Carol Messer

Mrs. Kirchner thanked Mayor Lehner and City Council for their continued support of the program and mentioned that the video was made possible by Carol Suchomel from Miami Valley Communications Council who spent hours filming and editing. A video was played of award winning properties.

Mayor Lehner expressed after seeing the beautiful properties she would like to go home and start weeding her garden. She also expressed Mr. Suchomel has filmed the Neighborhood Pride Award video for many years and has always done a great job on the video production.

Mrs. Kirchner congratulated all of the award winners and expressed she was amazed and awed by the award winning properties and just when she thought she had seen every interesting landscaping, new feature or style of deck she has new ideas for her own property. She is thankful for the inspiration from all of the property owners who work hard to keep their homes beautiful for the enjoyment of the entire community. Mrs. Kirchner mentioned there will be a light reception in the lower level of the Government Center following the award ceremony and property owners will be given a flash drive of the video. Property owners were called down to the podium individually to accept their certificate and get their picture taken with Mayor Lehner.

Frank Gulasa- 1800 Roslyn Avenue expressed he has lived in his home since he was six months of age and he has won the Neighborhood Pride Award three times and he will continue to make improvements to his home.

Nick Sorice, Assistant Volunteer Administrator, expressed he appreciates the support and participation from the award winners and he also appreciates the support of Kettering City Council, City Manager and departments for working with the Volunteer Department on this award. 2023 marks 35 years for this award and he is hopeful this award will sustain an additional 35 years.

PUBLIC HEARINGS

PUBLIC COMMENT ON LEGISLATION

ORDINANCES IN SECOND READING

RESOLUTIONS

A RESOLUTION

NO: 10946-23

BY: MRS.FISHER AND MR.KLEPACZ

DECLARING THE NECESSITY OF REPAIRING CURBS, SIDEWALKS AND DRIVE APPROACHES ON VARIOUS STREETS AS PART OF THE 2024 CURB, SIDEWALK & DRIVE APPROACH REPAIR PROJECT (PROJECT NUMBER 05-124)

Mrs. Fisher read the above resolution and moved for approval. Mr. Klepacz 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: 10947-23

BY: MR.KLEPACZ AND MRS.HALL

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ECONOMIC DEVELOPMENT INCENTIVE GRANT AGREEMENT FOR EXTERIOR IMPROVEMENTS TO 1713 BARNEY AVENUE

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: 10948-23  
BY: MRS.HALL AND MR.SCOTT

AUTHORIZING THE SUBMISSION OF APPLICATIONS FOR FEDERAL INFRASTRUCTURE INVESTMENT AND JOBS ACT FUNDS THROUGH THE MIAMI VALLEY REGIONAL PLANNING COMMISSION

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: 10949-23  
BY: MR.SCOTT AND MS.DUVALL

TO AMEND RESOLUTION NO. 10867-23 REGARDING THE PURCHASE OF BUNKER GEAR FOR THE FIRE DEPARTMENT

Mr. Scott read the above resolution and moved for approval. Ms. Duvall 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; 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: 10950-23  
BY: MS.DUVALL AND MRS.FISHER

AUTHORIZING THE CITY MANAGER TO APPLY FOR A BODY WORN CAMERA GRANT THROUGH THE STATE OF OHIO

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

Chief Protsman, Police Chief gave a brief description of the resolution.

Mayor Lehner asked if the Kettering Police Department is currently using body cameras?

Chief Protsman informed City Council that the Kettering Police Department is currently using body cameras.

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 denial of P.C. 23-018- Zoning Map Amendment. A public hearing regarding this request will be held on Tuesday, October 24, 2023 at the Kettering City Council meeting.

#### MANAGER'S REPORT/COMMUNITY UPDATE

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

- Fall leaf pickup will begin on Monday, October 16 in District 1.
- Shred Day will take place on Saturday, October 21 from 9:00 a.m. - Noon at Fairmont High School parking lot.
- DEA Drug Takeback Day will take place on Saturday, October 28 from 10:00 a.m.- 2:00 p.m. at the Kettering Police Department.

-Chief Protzman mentioned there is a drug drop box available to residents year-round at the Police Department.

- Make A Difference Day will take place on Saturday, October 28. If residents are interested in participating they should contact the Volunteer Office at 937-296-2433.
- Beggar's Night will take place on Tuesday, October 31 from 6:00-8:00 p.m. This event will take place rain or shine.

#### OTHER BUSINESS NOT ON WRITTEN AGENDA

Audience Participation (5 Minute Limit per Speaker)

**Rocco Marano- 4256 Schrubbs Drive-** Mr. Marano informed City Council that on Schrubbs Drive the water main was recently replaced and there is also a new shut off. Mr. Marano is aware of a program to move water meters from inside of residential dwellings to the curb and he got an estimate to move his meter which totaled \$5,670. When Mr. Marano was informed that 80% of the cost is due to digging up and putting in a meter pit, he noticed the meter pit was already opened by the county and that was 85% of the cost. For the other residents they could have saved \$4,000-\$5,000 if coordination could have taken place with the county since they completed the water main replacement. There are about 30 homes on Schrubbs Drive which is about \$150,000 homeowners could have saved because all of the pits were opened and it would have been easy to put the box in a charge \$1,000. He looked in the literature and noticed there are other streets that will have water main replacements and advanced notice for those homeowners to let them know while the pits are open and if they want to place their meter outside it will be a cost savings for homeowners. Mr. Marano expressed he is not sure if this is the right venue but he wanted to bring this matter to the attention of Kettering City Council.

Mayor Lehner expressed this isn't the wrong venue to call attention this this particular matter.

Mr. Greeson mentioned he appreciates the feedback from Mr. Marano and he will look into the matter.

Mayor Lehner thanked Mr. Marano for bringing this matter to the attention of City Council.

**Steven Gerrard Sidlovsky- 1109 W. 8<sup>th</sup> Street Lorain, Ohio-** Mr. Sidlovsky informed City Council that he provided them with informational packets that they can read at their leisure. Mr. Sidlovsky mentioned he completed his engineering degree at Purdue University and he takes engineering ethics very seriously in society. He completed his MBA at Xavier University which he participated in Students for Life and he focused on how globalized economies help each other. After his MBA, Mr. Sidlovsky helped with 40 Days for Life in Cincinnati and he served as a sidewalk counselor and he won the Mom (Midshipmen of the Month) Award at Purdue University which is very near and dear to him. Mr. Sidlovsky is also a veteran. Mr. Sidlovsky expressed he would like to go over his informational packet he provided to City Council because with education you have to be educated. He has provided a Bible bookmark and on the bookmark it references concept of life peace zones. On the back of the bookmark, if Googling life peace zones, Mr. Sidlovsky made the *CityBeat Newspaper* in 2008 in Cincinnati which will explain his pro-life efforts back then. On the back of the Bible bookmark and as part of homework, City Council should order the book *The American Covenant* and Kirk Cameron is a big advocate of that particular book which talks about the founding fathers before they got off the Mayflower to establish the American Covenant. Americans are a living reflection of the American Covenant and must keep it alive and going. Mr. Sidlovsky also encourages City Council to order the book *Healing the Culture*. In honor of Anne who is on the back of the Bible bookmark, Mr. Sidlovsky began to sing her pro-life song titled "*Let the Beating Heart*". "Let the beating heart. Let the beating heart. Show you there is life in the womb". Mr. Sidlovsky expressed the singing is to give amplification of life. Also in the informational packet there is information regarding a personhood resolution that the City of Kettering can pass. Mr. Sidlovsky has also included information regarding a citizen overlay life peace zone which he hands out to cities all over the United States and he is delighted to share that information with Kettering City Council. A personhood strategic action plan has also been included in the packets provided to City Council. There was a beautiful presentation about Neighborhood Pride Awards but first humans lived in their mother's wombs and they are a person in their mother's womb. Mr. Sidlovsky has also provided some articles about his accomplishments which are being published throughout the state and the country for his pro-life efforts. He hopes City Council will take this information to heart and he asked that voters vote no on Issue 1.

**Larry Maloney- 927 E. Dorothy Lane-** Mr. Maloney mentioned he has been a resident of Kettering for over 40 years and recently he has been receiving violation notices regarding his property from the maintenance department. Doug Donese refuses to communicate with him. Mr. Maloney sent Mr. Donese a letter on the 10<sup>th</sup> of September to merely ask him to put in writing the problem regarding the van in his driveway. Mr. Maloney has asked for specifics regarding the height violation, weight violation and signage so he is aware of all of the violations. The ongoing problem is Mr. Donese sends violations and its minuscule font that is barely readable and he has seen on award certificates given to police officers 12 font pica and it's large and legible. The letter he is supposed to read is super small and it is very hard to follow; instead of Mr. Donese just stating the problems he cites statutes then it's up to him to interpret the statute. Mr. Maloney has not heard a response from Mr. Donese since the letter he sent on September 10 but instead he received certified letters from the City of Kettering and each letter comes with a bill for \$85 each day that his truck is in his driveway. Mr. Maloney stated in his letter he would be glad to part with the truck and he would like to know the criteria so when he purchases a new truck he will not be in violation. Incidentally, he enjoyed the video presentation of the

Neighborhood Pride homes and how they have been remodeled. Mr. Maloney informed City Council he remodeled his home over the summer. The outdoor walls now have foam board and he placed new windows in them but they are not attached. He also has a stack of hardy board siding he is waiting to install on it. If he is going to end up losing his home to the City he doesn't see any reason in finishing the work. Mr. Maloney mentioned he is not motivated to make those improvements right now because he would like to get his maintenance violations resolved. Mr. Maloney expressed there are serious issues in the Planning & Development Department with maintenance personnel. Three years ago, he tried to get a permit to build a shed and maintenance personnel were concerned about items that were being stored in his yard. The only reason they were in his yard is because his neighbor's property floods water into his yard due to concrete and water comes into his yard which sunk his garage 4 to 6 inches. That water rotted out the walls so he had to remove all his items and place it in the driveway. That same neighbor called Mr. Donese then he was cited for having items in the driveway. He had to move his items back into the garage which went on for about a year and every time he moved items in his driveway to do work he got cited. Eventually, he got all six sections of his driveway foundation poured and then his other neighbor drove a 16,000 pound truck on his property for two years and his basement wall caved in. While Mr. Maloney was in the process of suing that individual, his neighbor was sent to the penitentiary. He had two feet of water in his basement and his furnace and water heater rusted out and it is up to Mr. Maloney to fix. While he is dealing with clearing out his basement, Mr. Donese shows up and cites him again because his yard is messy. He took all of his items to another property that he owns and \$27,000 of his property was stolen. Mr. Maloney expressed he would like to get rid of his truck and finish his house but he needs to get clarification from the maintenance department. He applied for a permit to build a shed and it was denied.

Mayor Lehner expressed this is a complicated situation and encouraged Mr. Maloney to meet with Mr. Robillard, Planning & Development Director after the meeting.

#### COUNCIL COMMITTEE REPORTS

Mrs. Fisher reported:

- On October 3 she spoke to social studies classes at Fairmont High School regarding the importance of registering to vote and voting.
- On October 3 she attended senior night for the field hockey team at Fairmont High School.
- On October 5 she attended Cassie Barlow Citizen Legion of Honor Award at the Dayton Convention Center.

Mr. Klepacz reported:

- On October 5 he attended the retirement celebration for Assistant Fire Chief Dave Roth.
- Kettering Sister Cities Committee is looking for new members and interested persons should apply; there are exciting events coming next year.
- Not only is supporting local businesses good for the economy but also the environment because it reduces transportation emissions and promotes sustainability practices; shop Kettering.

Mrs. Hall reported:

- She is thinking of the Kettering residents who have families in Israel; her heart goes out to all the families that have been impacted by the violence.
- She joined striking UAW workers in the region and she supports their freedom to strike.
- She attended a charity event that celebrated work that has been done by immigrants and refugees in Dayton and in Kettering.

Mr. Scott reported:

- Nothing to report.

Ms. Duvall reported:

- Nothing to report.

Mr. Duke reported:

- Absent.

Mayor Lehner reported:

- Nothing to report.

There being no further business to come before this meeting of the Kettering City Council; Mayor Lehner adjourned the City Council Meeting at 8:49 p.m.

ATTEST:

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PEGGY LEHNER, MAYOR

LaShaunah D. Kaczynski  
Clerk of Council