

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

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, November 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

October 24, 2023- Council Meeting & Workshop Minutes

November 1, 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 six (6) yeas and no (0) nays for the October 24, 2023 Council Meeting & Workshop and the November 1, 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

PUBLIC HEARINGS

PUBLIC COMMENT ON LEGISLATION

AJ Scott- 4270 Morse Road, Zip Code 43230- Mr. Scott expressed he would like to address City Council regarding item number seven on the agenda which is a rezoning request for Sheetz to rezone a parcel on Dorothy Lane. Mr. Scott thanked City Council for their time and consideration regarding the rezoning. He also wanted to thank City staff because they have been very helpful in answering questions about the proposed rezoning and the process. All of these actions confirm why Sheetz is excited about the potential to work with the Kettering community. Mr. Scott expressed he would like to discuss a couple of bullet points from the presentation from a few weeks prior:

- The site is vacant and has been vacant for the past five years.
- Kettering Medical Center isn't looking to develop the site and doesn't intend to use the site for medical office.
- Sheetz will have a significantly larger impact than other opportunities that could go on the site.
- Sheetz provides \$1.4 million dollars in payroll per year.

Mr. Scott informed City Council he would like to address a comment that was made by Councilman Klepacz during the public hearing for the rezoning of the parcel. Mr. Klepacz expressed concern of the continuing conversation about Sheetz because the public hearing was regarding rezoning the parcel. Kettering Medical Center has expressed if there's a pandemic or some other unforeseen situation where Sheetz is unable to go on the proposed location, Kettering Medical Center will work with the City of Kettering to rezone the parcel back to its current zoning designation. Mr. Scott reiterated that the rezoning request isn't for a random purpose and it is for Sheetz. He is excited about the possibility for Sheetz to come to the Kettering community.

Mayor Lehner expressed she has appreciated Mr. Scott's professionalism during the rezoning process.

Steve Ireland- 4325 Delco Dell Road- Mr. Ireland informed City Council he spoke at the Planning Commission meeting regarding the Sheetz rezoning, and at that time he suggested that the parcel would be a nice redevelopment opportunity for someone. Office designation is outdated due to what has taken place over the past three to four years. The seller who was intending to build a medical office on the parcel is no longer going to do that. Mr. Ireland informed City Council he is a commercial real estate agent and he had the opportunity to represent property owners in the neighborhood. There

are a lot of medical office vacancies and it is hard to find tenants given the nature of the economy and the market. When Mr. Ireland addressed Planning Commission, he felt there was an inclination to take a look at the zoning for office. Another important aspect of the parcel is that it's surrounded by retail users on every corner. There is a BP Station across the street, Wendy's, and a tire center and having this type of use will be congruent with the neighborhood. Most of these businesses are not located within the City of Kettering but it seems like the Planning Commission was giving some thought and due diligence to consider if rezoning would be appropriate in this area, but they were handcuffed by the zoning ordinance and had to vote it down. Mr. Ireland would like for City Council to revisit the concept before they vote no or hopefully vote to table legislation to give some additional thought. Mr. Ireland expressed as a citizen and someone in the commercial real estate sector, he believes this would be an appropriate use for the parcel. These types of projects take a long time to build and there is no guarantee the business will be successful with all the things that need to happen with the redevelopment site. Mr. Ireland informed City Council as a resident of Kettering he believes the rezoning would be an appropriate use and he stands in support for the applicant's petition for rezoning and he hopes City Council would consider it in a favorable fashion.

ORDINANCES IN SECOND READING

RESOLUTIONS

A RESOLUTION
NO: 10958-23
BY: MRS.FISHER AND MR.KLEPACZ

AUTHORIZING THE CITY MANAGER TO CONTRACT WITH THE MONTGOMERY COUNTY PUBLIC DEFENDER COMMISSION AND THE MONTGOMERY COUNTY PUBLIC DEFENDER OFFICE TO PROVIDE MANDATED LEGAL COUNSEL TO INDIGENT PERSONS APPEARING IN THE KETTERING MUNICIPAL COURT

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: 10959-23
BY: MR.KLEPACZ AND MRS.HALL

AUTHORIZING THE CITY MANAGER TO CONTRACT WITH GLOBUS PRINTING & PACKAGING FOR PRINTING AND MAILING SERVICES FOR THE PARKS, RECREATION AND CULTURAL ARTS 2024 ACTIVITIES GUIDE

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: 10960-23
BY: MRS.HALL AND MR.SCOTT

APPROVING AMENDED AND RESTATED HOMEBUYER ASSISTANCE PROGRAM GUIDELINES

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: 10961-23
BY: MR.SCOTT AND MS.DUVALL

AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR THE MIAMI VALLEY RESEARCH PARK BIKE PATH PROJECT, CITY PROJECT NO. 05-004L

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: 10962-23
BY: MS.DUVALL AND MRS.FISHER

AUTHORIZING THE CITY MANAGER TO ENTER INTO AND IMPLEMENT A COLLECTIVE BARGAINING AGREEMENT WITH THE INTERNATIONAL ASSOCIATION OF FIREIFIGHTERS LOCAL 2150, WHICH IS CONSISTENT WITH A TENTATIVE AGREEMENT REACHED BY THE BARGAINING TEAMS

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.

Mayor Lehner thanked City staff and union representatives on reaching an agreement. Sometimes bargaining agreements can be contentious, but this one wasn't. She is thankful for the great work of the Kettering Fire Department. The Kettering Police Department will be the next group to undergo a collective bargaining agreement.

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: 10963-23
BY: MRS.FISHER AND MR.KLEPACZ

AUTHORIZING THE CITY MANAGER TO CONTRACT WITH P&R COMMUNICATIONS FOR TECHNICAL SUPPORT, MAINTENANCE, INSTALLATION AND REPAIR OF THE CITY'S RADIO COMMUNICATIONS EQUIPMENT

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: 10964-23
BY: MR.KLEPACZ AND MRS.HALL

ACCEPTING THE RECOMMENDATION OF THE KETTERING PLANNING COMMISSION TO DENY THE APPLICATION FOR REZONING IN CASE NO. PC-23-018 CONCERNING THE PROPERTY LOCATED AT 1490 W. DOROTHY LANE

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

Mr. Hamer, Law Director gave a brief description of the resolution.

The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mrs. Hall, Yea; Mr. Scott, Nay; Ms. Duvall, Yea; Mayor Lehner, Yea. There being five (5) Yea votes and one (1) Nay vote, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10965-23
BY: MRS.HALL AND MR.SCOTT

TO DECLARE THE NECESSITY AND INTENTION OF ACQUIRING PROPERTY INTERESTS IN PROJECT PARCELS 3-T OF THE DANUBE COURT BRIDGE REHABILITATION PROJECT (CITY PROJECT NO. 03-924A, ODOT PROJECT MOT-DANUBE COURT BRIDGE REHAB, PID NO. 114100)

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.

ORDINANCES IN FIRST READING

AN ORDINANCE
BY: MR.SCOTT

TO AMEND SECTION 660.20 OF THE CODIFIED ORDINANCES TO PROHIBIT ILLICIT DISCHARGE OF POLLUTANTS INTO THE STORM DRAINAGE SYSTEM

Mr. Scott read the above ordinance.

CERTIFICATIONS AND PETITIONS

MANAGER'S REPORT/COMMUNITY UPDATE

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

- Medicare Open Enrollment begins October 15 through December 7.
- Leaf collection will continue throughout the districts in numerical order. Residents should rake their leaves to the edge of their lawn for collection.
- The Board of Community Relations encourages residents to celebrate Native American Heritage Month during the month of November.
- Submissions for the Martin Luther King Jr. Writing Contest will be accepted until December 8, 2023.
- City offices will be closed on Thursday, November 23 and Friday, November 24.
- Rumpke trash collection on Thursday and Friday of Thanksgiving week will be delayed by one day.
- Residents should show support of Kettering small businesses on Saturday, November 25 in honor of Small Business Saturday.
- Christmas Day Gathering will take place on December 25 from 11:00 a.m.-2:00 p.m. at the Lathrem Senior Center.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Audience Participation (5 Minute Limit per Speaker)

Sterling Abernathy- Mr. Abernathy expressed he has comments regarding the city's long range financial forecast which was shared and discussed at a Council workshop meeting on September 26, 2023. There are two items he would like to highlight regarding the report. First, the report forecasts that the city's financial sustainability is in jeopardy. The long range financial forecast for the next ten years show:

- Revenues and spending increase every year, but spending increases more than revenue.
- In nine of ten years, revenue shortfalls are covered by spending down the city's general fund.
- The general fund balance declines by 60% over the ten-year period.
- The amount of cash the city has in reserves will go from nine months of spending, to one and a half months of spending at the end of the period.

Kettering has had a long standing policy of having three months of reserve and these trends seem to be continuing year-to-year. The problem isn't just some shortfall popping up eight to ten years from now. The minutes that were approved by City Council about the long range forecast workshop meeting are incomplete, inaccurate and misleading. There is no mention in the minutes of the negative trends and outcomes in the long range forecast as covered in the charts and discussion during the workshop meeting. During the meeting, Budget Manager O'Connell, Finance Director Gregory and Councilman Klepacz all made statements such as, "We will never let it happen, we can't". Nancy Gregory said during the meeting "We will not let this happen". The city charter requires that records of City Council meetings include a fair and accurate summary of comments made by any person during a public

meeting. Statements about the forecast including, “We will not let this happen, we can't” were not included in the meeting minutes. The public is unable to see the content of the financial forecast and the discussion about it. Mr. Abernathy informed City Council a month ago, he sent a letter addressed to City Council stating the meeting minutes need to be corrected. Hiding the forecast from the public isn't going to prevent the city's financial distress from happening.

Mayor Lehner expressed what was presented was a projection and over the last 30 years, every projection (prior to the City receiving Boonshoft donation) there was a ten-year shortfall. Adjustments were made and will continue to be made so that doesn't happen. Ms. Gregory said, “That will never happen, we won't let it happen” because City Council will never let that happen. Mayor Lehner thanked Mr. Abernathy for his comments and expressed over the next several years appropriate adjustments will be made. The City cannot operate in a deficit.

COUNCIL COMMITTEE REPORTS

Mrs. Fisher reported:

- On Veterans Day she attended the craft show at the Lathrem Senior Center.
- She attended the Habitat for Humanity Home Dedication.

Mr. Klepacz reported:

- He attended the Habitat for Humanity Home Dedication.
- On November 4 he attended Dancing with the Kettering Stars.
- He attended the Veterans Day Program at JFK Elementary School.
- On November 11 he attended the Veterans Day Program at Delco Park.
- Local businesses generate 70% more local economic activity per square foot than big box stores; shop Kettering.

Mrs. Hall reported:

- Congratulations to newly elected City Council members and she will miss working with Mr. Klepacz and Mr. Duke.
- Hunger is a problem in the Dayton Region; residents should consider donating to food banks and pantries during the holiday season.
- Happy Thanksgiving.

Mr. Scott reported:

- The city's leaf program is a great amenity for residents.
- On November 11 he attended the Veterans Day Program at Delco Park.
- He attended the Veterans Day Program at JFK Elementary School.

Ms. Duvall reported:

- She had the opportunity to read to kindergartners at JFK Elementary School.
- She attended the Kettering Leadership Academy Education Day.
- She welcomed members of the Kettering Leadership Academy who were present in the audience.
- The Board of Community Relations is accepting applications for new board members.
- Job well done to all residents who ran for City Council and she is impressed by the commitment to the Kettering community.
- Congratulations to the newly elected City Council members.

Mr. Duke reported:

- Absent.

Mayor Lehner reported:

- She participated in Make A Difference Day at Van Buren Park.
- She spoke to government classes at Fairmont High School; more needs to be done to engage students to enter a job in public service.

There being no further business to come before this meeting of the Kettering City Council; Mayor Lehner adjourned the City Council Meeting at 8:14 p.m.

ATTEST:

PEGGY LEHNER, MAYOR

LaShaunah D. Kaczynski
Clerk of Council