

**KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
October 13, 2015**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, October 13, 2015, at 7:30 p.m. in Council Chambers at the Kettering Government Center South Building, 3600 Shroyer Road. Mayor Donald E. Patterson presided and Clerk of Council, LaShaunah D. Lavender recorded the meeting. This meeting was telecast live on cable access.

Council Members Present: Patterson, Duke, Schrimpf, Klepacz, Lautar, Scott, and Wanamaker

Council Members Absent: None

Total Members Present: Seven (7)

Mayor Patterson led the audience in the Pledge of Allegiance and then gave the invocation. He introduced the cable TV operators, Josh Strehle, Earl Jones, Jacob McGimsey, and John McGimsey. He welcomed the page Ryan Boyer. He thanked them for their assistance.

APPROVAL OF MINUTES

September 22, 2015 – Council Meeting & Workshop Minutes

September 29, 2015- Joint School Board Minutes

Mrs. Schrimpf reported that she reviewed the above minutes and moved the minutes be approved. Mr. Lautar seconded the motion and there being seven (7) yeas and no (0) nays for the September 22, 2015 Council Meeting & Workshop Minutes, and September 29, 2015 Joint School Board Minutes the motion was declared carried by roll call vote.

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

Proclamation- Youth Month

Mr. Scott read the above proclamation and same was accepted by Addie Weaver.

Proclamation- Walk to School Day

Mrs. Schrimpf read the above proclamation and same was accepted by Mary Beth Thaman.

Proclamation- Manufacturing Month

Mr. Klepacz read the above proclamation and same was accepted by Rick Little.

Proclamation- Make a Difference Day

Mr. Duke read the above proclamation and same was accepted by Bonnie Pittle.

Presentation- Citizens for Sinclair

Dr. Steven Johnson made a presentation to Council.

Presentation- Play Kettering App

Mary Beth Thaman showed a brief video-clip to Council.

PUBLIC HEARINGS

Public Hearing- Appeal of BZA Decision- BZA Case No. 15-027.

Mayor Patterson opened the Public Hearing.

Mr. Ron Hundt, City Planner gave the presentation this evening. He mentioned he used the zoning code to defend this decision. A vape shop would like to open at the proposed location of 2605 Wilmington Pike. The vape shop is located within the same plaza as a tattoo parlor, and one provision of the zoning code is that occupancy must be at least 1,000 ft. from a school and a tattoo parlor. He had to deny the request because it did not meet the standards of the zoning code. Mr. Hundt advocated that he made a correct interpretation of the zoning code, and he stands firm behind his decision.

Greg Weinberg, 2133 Culver Ave gave the applicant presentation this evening. He thanked Council for hearing his appeal. In February, Mr. Weinberg and his wife decided to open up a business. He had previously used e-cigarettes to kick his 35 year smoking habit and decided to open a vape shop. Before making his decision, Mr. Weinberg made a phone call to the City asking if it was ok to open up a vape shop at his proposed location 2605 Wilmington Pike. At the time, he was told it was ok to open a shop at that location. Due to personal circumstances, he had to wait a few months to get his permit and when he called the City back to get his permit, he was told he could no longer open up a vape shop at that location due to a change in the zoning code. Mr. Weinberg was encouraged by the Board of Zoning Appeals to have his case heard by City Council since the law is clear. Mr. Weinberg is losing money as time goes on, and hopes Council finds a solution to allow him to open his vape shop at his proposed location.

Mayor Patterson asked if there were any comments from the public either for or against. None were heard.

Mr. Duke made a motion to close the public hearing. It was seconded by Mr. Lautar followed by a signified unanimous voice call vote by Kettering City Council.

ORDINANCES IN SECOND READING

RESOLUTIONS

A RESOLUTION
NO: 9682-15
BY: MR.DUKE AND MR.KLEPACZ

AUTHORIZING THE CITY MANAGER TO ACCEPT A \$5,000 GRANT FROM THE DAYTON FOUNDATION

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

The following votes were recorded: Mr. Duke Yea; Mr. Klepacz Yea; Mrs. Schrimpf Yea; Mr. Lautar: Yea; Mr. Scott, Yea; Mr. Wanamaker, Yea; Mayor Patterson, Yea. There being seven (7) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 9683-15
BY: MR.KLEPACZ AND MRS.SCHRIMPF

AUTHORIZING THE CITY MANAGER TO ACCEPT A MONTGOMERY COUNTY OVI TASK FORCE GRANT FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY

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

The following votes were recorded: Mr. Duke, Yea; Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Lautar: Yea; Mr. Scott, Yea, Mr. Wanamaker, Yea; Mayor Patterson, Yea. There being seven (7) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 9684- 15
BY: MRS.SCHRIMPF AND MR.LAUTAR

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR IMPROVEMENTS TO LINCOLN PARK CIVIC COMMONS

Mrs. Schrimpf read the above resolution and moved for approval. Mr. Lautar seconded the motion.

The following votes were recorded: Mr. Duke, Yea; Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Lautar: Yea; Mr. Scott, Yea; Mr. Wanamaker, Yea; Mayor Patterson, Yea. There being seven (7) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 9685-15
BY: MR.LAUTAR AND MR.WANAMAKER

TO AUTHORIZE AN INCREASE IN THE ESTIMATED COST FOR LEGAL COUNSEL TO INDIGENT PERSONS APPEARING IN THE KETTERING MUNICIPAL COURT

Mr. Lautar read the above resolution and moved for approval. Mr. Wanamaker seconded the motion.

The following votes were recorded: Mr. Duke, Yea; Mr. Klepacz, Yea; Mr. Lautar: Yea; Mr. Wanamaker, Yea; Mayor Patterson, Yea. There being five (5) Yea votes, two (2) Abstain votes (Mrs. Schrimpf and Mr. Scott) and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 9686-15
BY: MR. SCOTT AND MR. WANAMAKER

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR THE RTA BUS STOP SHELTER IMPROVEMENTS (2014) PROJECT, CITY PROJECT NO. 08-450C

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

The following votes were recorded: Mr. Duke, Yea; Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Lautar: Yea; Mr. Scott, Yea, Mr. Wanamaker, Yea; Mayor Patterson, Yea. There being seven (7) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 9687-15
BY: MR. WANAMAKER AND MR. DUKE

AUTHORIZING THE CITY MANAGER TO ACCEPT A TRAINING AND EQUIPMENT GRANT FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY

Mr. Wanamaker read the above resolution and moved for approval. Mr. Duke seconded the motion.

The following votes were recorded: Mr. Duke, Yea; Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Lautar: Yea; Mr. Scott, Yea, Mr. Wanamaker, Yea; Mayor Patterson, Yea. There being seven (7) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION

NO: 9688-15
BY: MR. DUKE AND MR. KLEPACZ

AUTHORIZING THE CITY MANAGER TO ACCEPT A MEDICAL EQUIPMENT GRANT FROM THE OHIO BUREAU OF WORKERS' COMPENSATION

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

The following votes were recorded: Mr. Duke, Yea; Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Lautar: Yea; Mr. Scott, Yea, Mr. Wanamaker, Yea; Mayor Patterson, Yea. There being seven (7) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 9689-15
BY: MR. KLEPACZ AND MRS. SCHRIMPF

AUTHORIZING THE CITY MANAGER TO ENTER INTO A FOUR-YEAR AGREEMENT WITH PHYSIO-CONTROL, INC. FOR MAINTENANCE AND SUPPORT OF CARDIAC MONITORS

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

The following votes were recorded: Mr. Duke, Yea; Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Lautar: Yea; Mr. Scott, Yea, Mr. Wanamaker, Yea; Mayor Patterson, Yea. There being seven (7) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 9690-15
BY: MRS. SCHRIMPF AND MR. LAUTAR

AUTHORIZING THE SUBMISSION OF APPLICATIONS FOR FEDERAL MAP- 21 FUNDS THROUGH THE MIAMI VALLEY REGIONAL PLANNING COMMISSION

Mrs. Schrimpf read the above resolution and moved for approval. Mr. Lautar seconded the motion.

The following votes were recorded: Mr. Duke, Yea; Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Lautar: Yea; Mr. Scott, Yea, Mr. Wanamaker, Yea; Mayor Patterson, Yea. There being seven (7) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 9691-15
BY: MR. LAUTAR AND MR. SCOTT

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, 2015

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

The following votes were recorded: Mr. Duke, Yea; Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Lautar: Yea; Mr. Scott, Yea, Mr. Wanamaker, Yea; Mayor Patterson, Yea. There being seven (7) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

ORDINANCES IN FIRST READING

CERTIFICATIONS AND PETITIONS

MANAGER'S REPORT

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

- Leaf pick-up has begun. Last day for pick-up is December 4, 2015. For more information call 296-fall.
- Make a Difference Day is Saturday, October 24, 2015 9:00 a.m. - 12:00p.m. at Berwin Park neighborhood and Town & Country Shopping Center.
- Kids Day Out will be held Friday, October 16, 2015 9:00 a.m.-4:00p.m. at Kettering Recreation Complex.
- Beggar's Night Saturday, October 31, 2015 from 6:00 p.m. - 8:00 p.m.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Communications and Reports

Audience Participation (5 Minute Limit per Speaker)

Ron Johnston- 3090 Southdale Dr. - Spoke in front of Council about the City of Kettering and the City of Dayton attempting to renew their partnership program since 2006. This partnership has brought an increase in the number of affordable housing units within the City of Kettering. The consortium agenda was designed to use federal money to end chronic homelessness. At the end of each five year period since 2006, this partnership has been renewed. Kettering does not have a citywide homeless problem. It is being handed one and then being offered money to deal with it.

COUNCIL COMMITTEE REPORTS

Mr. Duke reported:

- He thanked Mark and Steve on doing a fine job on local government day for Kettering Leadership Academy.
- On October 8, 2015 he accepted a grant on behalf of the community at Firehouse Subs.
- On October 10, 2015 he attended the Beat Hunger Run at Lincoln Park that benefited House of Bread.

Mr. Klepacz reported:

- He attended the ribbon cutting for Soleil La Vie located on Far Hills Ave.
- He attended the ribbon cutting for We Care Arts located at Town & Country.
- On October 4, 2015 he attended the David's Cemetery "Old Glory Plaza" dedication.

Mrs. Schimpf reported:

- On September 30, 2015 she attended the Greater Dayton Area Apartment Association panel talk.
- She attended Rotary Club and they celebrated Youth Month.

Mr. Lautar reported:

- He mentioned that Dor-Wood Optimist Club had the same group that presented at Rotary for Youth Month. They were well received.

Mr. Scott reported:

- Run for Your Life sign-up will take place on October 30, 2015.

Mr. Wanamaker reported:

- Nothing to report.

Mayor Patterson reported:

- He attended the We Care Arts fashion show at NCR.
- On September 29, 2015 he attended the employee picnic in the Deeds Room.
- On September 29, 2015 he attended the Joint School Board meeting.
- On September 30, 2015 he attended the Wilmington Pike Committee meeting.
- He thanked Day Air Credit Union for hosting Cities of Service breakfast.
- We Care Arts gift shop located in Town & Country will be open until Christmas.
- On October 6, 2015 he attended Sister Cities pub night.

They're being no further business to come before this meeting of the Kettering City Council; Mayor Patterson adjourned the City Council Meeting at 9:22 p.m.

ATTEST:

DONALD E. PATTERSON, MAYOR

LASHAUNAH D. LAVENDER
Clerk of Council