

**KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
March 28, 2017**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, March 28, 2017, at 7:30 p.m. in Council Chambers at the Kettering Government Center South Building, 3600 Shroyer Road. Mayor Patterson presided and the Clerk of Council, LaShaunah D. Kaczynski, recorded. This meeting was telecast live on the cable access channel.

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

Council Members Absent: Klepacz (Excused)

Total Members Present: Six (6)

Mayor Patterson led the audience in the Pledge of Allegiance and gave the invocation. He introduced the cable TV operators Earl Jones and Liberty Lord. The Page this evening was Haley Zawada from Clark State University. He thanked them for their assistance.

APPROVAL OF MINUTES

March 14, 2017- Council Meeting & Workshop Minutes

Mrs. Schrimpf reported that she reviewed the above minutes and moved the minutes be approved. Mr. Lautar seconded the motion and there being five (5) yea votes, one (1) abstain vote (Mr. Duke) and no (0) nay votes for the March 14, 2017 Council Meeting & Workshop Minutes, the motion was declared carried by roll call vote.

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

Proclamation- Safe Dig Month

Vice Mayor Scott read the above proclamation.

PUBLIC HEARINGS

P.C. 17-007- Zoning Text Amendment.

Mayor Patterson opened the public hearing and asked that any person that intends to speak to City Council about this matter should stand and take an oath. Those that planned to speak took the oath.

Ron Hundt, City Planner and Zoning Administrator gave the staff presentation this evening. Mr. Hundt has been a City Planner for 40 years and he graduated from the University of Cincinnati in 1978. He worked two years in Cleveland, and has been with the City of Kettering since 1980. He has spent the last 10 years as a Zoning Administrator for the City of Kettering. He mentioned with those credentials in mind he can present this case. This case was requested by City staff to have consideration of a special exception for certain properties within Suburban Pattern District, specifically those involving public education institutes and places of worship. This provision was originated to assist Fairmont High School for their upcoming proposal of a new auditorium to replace the 50 year old auditorium they currently have. There will be other applications so it will not be specific to only this location. It will involve an amendment to section 1141.06.4 that will allow up to a 75% reduction of minimal front yards. It will only be for educational institutions and places of worship on large pieces of land. The provision is for the Suburban Development Pattern District which will require large lots to have at least 1000' of frontage on the thoroughfare. They will allow up to a 75% reduction of the front yard setback, but not for the portion of the property that is in close proximity to the structure. This will only apply to very select locations, and the height of the encroachment can only be 30' in height. Mr. Hundt mentioned he will be happy to answer any questions.

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

Mayor Patterson closed the public hearing and explained Council will consider legislation regarding this matter at a future Council meeting.

Mayor Patterson called Kevin Campbell, Chairman of the Miami Valley Utility Safety Council down to the podium to accept the proclamation for Safe Dig Month that was read earlier in the meeting.

Mr. Campbell wanted to thank Mayor Patterson, Vice Mayor Scott, and Council for partnering with Miami Valley Utility Safety Council and Ohio Utility Prevention Service on safe digging. One of the biggest purposes of the Miami Valley Utility Safety Council is to make the Miami Valley a safe place to work and live which includes safe digging. You see in the news plenty of times explosions and outages. He appreciates Council support, and they have an event coming up on April 6, 2017 at 1:30 p.m. at Community Golf Course which will be there press conference for their safe dig event. They are

partnering with Vectren, City of Kettering, and the Montgomery County Board of Commissioners. Mr. Campbell mentioned Council is welcomed to attend.

Mayor Patterson mentioned he has this event on his calendar and he plans to attend. He also asked if people are digging in the beds in front of their house to redo shrubbery, should they call you to have the ground looked at?

Mr. Campbell informed Council that yes they should contact them because it is required by law for any ground penetration. It is also good to avoid problems by hitting cable lines, water lines, or gas lines that may be located in the front yard. The lines do not have to be deep they can be inches.

Mayor Patterson mentioned that a lot of people when they are digging in the beds of their front yard think they are safe. He thanked Mr. Campbell for clearing that up.

Mayor Patterson asked if Mr. Campbell came to the meeting this evening with his support staff?

Mr. Campbell informed Council that he is here this evening with his wife and son.

Mayor Patterson welcomed Mr. Campbell's son Jordan to the meeting and thanked them for coming.

PUBLIC COMMENT ON LEGISLATION

ORDINANCES IN SECOND READING

AN ORDINANCE
NO: 4284-17
BY: MR.SCOTT AND MRS.SCHRIMPF

TO AMEND THE TEXT OF VARIOUS SECTIONS OF THE CITY OF KETTERING ZONING CODE

Mr. Scott read the above ordinance and moved for approval. Mrs. Schrimpf seconded the motion.

Mr. Schwieterman, City Manager gave a brief description of the ordinance.

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Lautar, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, Yea. There being six (6) Yea votes, and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

AN ORDINANCE
NO: 4285-17
BY: MRS.SCHRIMPF AND MR.LAUTAR

VACATING A PORTION OF RIGHT-OF-WAY AT SOUTH DIXIE HIGHWAY AND BIG HILL ROAD

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

Mr. Schwieterman, City Manager gave a brief description of the ordinance.

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Lautar, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, Yea. There being six (6) Yea votes, and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

AN ORDINANCE
NO: 4286-17
BY: MR.LAUTAR AND MR.DUKE

VACATING A PORTION OF KINGSWOOD DRIVE

Mr. Lautar read the above ordinance and moved for approval. Mr. Duke seconded the motion.

Mr. Schwieterman, City Manager gave a brief description of the ordinance.

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Lautar, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, Yea. There being six (6) Yea votes, and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

AN ORDINANCE

TO REZONE THE LAND LOCATED AT 4125 HEMPSTEAD STATION DRIVE FROM ECONOMIC DEVELOPMENT OVERLAY DISTRICT NO. 3 TO I-INDUSTRIAL DISTRICT (PLANNING COMMISSION CASE NO. PC-17-003)

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

Mr. Schwieterman, City Manager gave a brief description of the ordinance.

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Lautar, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, Yea. There being six (6) Yea votes, and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

AN ORDINANCE
NO: 4288-17
BY: MR.WANAMAKER AND MR.SCOTT

TO REZONE 3085 WOODMAN DRIVE FROM ECONOMIC DEVELOPMENT OVERLAY DISTRICT NO. 2 TO B-BUSINESS DISTRICT (PLANNING COMMISSION CASE NO. PC-17-004)

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

Mr. Schwieterman, City Manager gave a brief description of the ordinance.

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Lautar, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, Yea. There being six (6) Yea votes, and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

AN ORDINANCE
NO: 4289-17
BY: MR.SCOTT AND MRS.SCHRIMPF

TO LEVY SPECIAL ASSESSMENTS FOR THE REPLACEMENT AND CONSTRUCTION OF CURBS, SIDEWALKS, DRIVE APPROACHES, AND RELATED APPURTENANCES FOR THE VALLEYWOOD DRIVE IMPROVEMENTS- WILMINGTON PIKE TO CLARISSA LANE PROJECT (PROJECT NO. 02-232A)

Mr. Scott read the above ordinance and moved for approval. Mrs. Schrimpf seconded the motion.

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

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Lautar, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, Yea. There being six (6) Yea votes, and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

AN ORDINANCE
NO: 4290-17
BY: MRS.SCHRIMPF AND MR.LAUTAR

TO LEVY SPECIAL ASSESSMENTS FOR THE REPLACEMENT AND CONSTRUCTION OF CURBS, SIDEWALKS, DRIVE APPROACHES, AND RELATED APPURTENANCES FOR THE IMPROVEMENT OF SPRINGMILL ROAD AND MILLCREEK ROAD AS PART OF THE OAK CREEK IMPROVEMENTS PROJECT (PROJECT NO. 02-288)

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

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

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Lautar, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, Yea. There being six (6) Yea votes, and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

RESOLUTIONS

A RESOLUTION
NO: 9944-17
BY: MR.LAUTAR AND MR.DUKE

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH A CONSULTANT TO ASSIST CITY STAFF WITH ASSESSMENT, EVALUATION, AND A TRANSITION PLAN FOR CONTINUED COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA)

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

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

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Lautar, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, 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: 9945-17
BY: MR.DUKE AND MR.WANAMAKER

AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION OF 0.345 ACRES OF LAND AT 387 WEST DAVID ROAD (COUNTY PARCEL NO. N64-03409 0110) FROM THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO

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

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

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Lautar, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, 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: 9946-17
BY: MR.WANAMAKER AND MR.SCOTT

AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION WITH THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, FOR A JUSTICE AND MENTAL HEALTH COLLABORATION GRANT TO ASSIST IN FUNDING A PART-TIME MENTAL HEALTH SPECIALIST WITHIN THE POLICE DEPARTMENT

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

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

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Lautar, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, 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: 9947-17
BY: MR.SCOTT AND MRS.SCHRIMPF

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR THE DESIGN AND INSTALLATION OF HVAC EQUIPMENT AT THE KETTERING FITNESS AND WELLNESS CENTER

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

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

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Lautar, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, 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: 9948-17
BY: MRS.SCHRIMPF AND MR.LAUTAR

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND
NEGOTIATED QUOTES TO CONTRACT FOR REPAINTING POOLS AT ADVENTURE
REEF WATER PARK

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

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

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Lautar, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, 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: 9949-17
BY: MR.LAUTAR AND MR.DUKE

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND
NEGOTIATED QUOTES TO CONTRACT FOR THE WEST DAVID ROAD PUMP STATION
DEMOLITION PROJECT

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

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

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Lautar, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, 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: 9950-17
BY: MR.DUKE AND MR.WANAMAKER

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR THE SALE
OF RESIDENTIAL PROPERTY KNOWN AS 2950 HILTON DRIVE

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

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

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Lautar, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, 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: 9951-17
BY: MR.WANAMAKER AND MR.SCOTT

AUTHORIZING THE SUBMISSION OF A CITY OF KETTERING PROJECT FOR THE
MONTGOMERY COUNTY ED/GE PROGRAM

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

Mr. Gorsuch, Economic Development Manager gave a brief description of the resolution.

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Lautar, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, 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: 9952-17
BY: MR.SCOTT AND MRS.SCHRIMPF

A RESOLUTION OF SUPPORT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM

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

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

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Lautar, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, 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: 9953-17

BY: MRS.SCHRIMPF AND MR.LAUTAR

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, 2017

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

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

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Lautar, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, 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 has recommended approval of P.C. 17-008- Tomlinson Plat- Request for vacation of a portion of an unneeded utility easement. A public hearing on this request will be held on Tuesday, April 11, 2017 at the Kettering City Council meeting.

MANAGER'S REPORT/COMMUNITY UPDATE

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

- The new City of Kettering website is now live! Go to www.ketteringoh.org to check it out.
- Registration is now open for the 2017 Kettering Safety Village. Information can be found on the City website or you can call our Engineering Department at 296-2436.
- Forms are available on the City's website at www.keteringoh.org and forms can be picked up at the Kettering Tax Department. Deadline for filing is April 18, 2017.
- Crews will make one pass through the entire City beginning April 17 to collect any leaves remaining from fall.
- Beginning the week of April 10 compost and mulch material may be picked up from the bins at Indian Riffle Park on Stroop Road.
- Coming to the Frazee:
 - George Benson & Kenny G- Thursday, June 1 at 7:30 p.m.
 - I Love the 90's (TLC, Color Me Badd, Coolio, Rob Base and CTC Music Factory)- Tuesday, August 8 at 7:30 p.m.

Tickets can be purchased at Frazee Pavilion Ticket Office, Frazee Fan Fare store located in Town & Country, www.fraze.com, www.etix.com, or by phone at 1-800-514-3849.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Communications and Reports

Audience Participation (5 Minute Limit per Speaker)

Mayor Patterson welcomed Quinn Schweikhart to the Council meeting this evening.

COUNCIL COMMITTEE REPORTS

Mr. Duke reported:

- He mentioned the Sister Cities annual dinner was well attended.
- He mentioned the Community Development Block Grant is very important to this community. Kettering receives \$500,000 annually from the Federal Government for housing rehab throughout the City. He encouraged residents to be in touch with congressional representatives to make their voices heard.

Mr. Klepacz reported:

- Absent.

Mrs. Schrimpf reported:

- She mentioned it was good to see Mayor Patterson and Mr. Scott at the Firefighter of the Year luncheon.

- She encouraged residents to visit the Sister Cities Facebook page to learn more about the cultural exchange program.
- She congratulated the Alter girls basketball team on winning another state championship.
- She mentioned she received two text messages from Mr. Klepacz this evening and encouraged residents to shop Kettering.

Mr. Lautar reported:

- He mentioned he also attended the Firefighter of the Year luncheon and he congratulated Duwayne Cobb on receiving this award.

Mr. Scott reported:

- He mentioned the Firefighter of the Year luncheon was great.

Mr. Wanamaker reported:

- He mentioned he attended both firefighter award ceremonies and he also thanked Kettering Rotary for sponsoring the Firefighter of the Year luncheon.

Mayor Patterson reported:

- On March 15 he attended the Day Air Credit Union ribbon cutting.
- He mentioned he got to speak with 3rd graders from Southdale Elementary in Council Chambers.
- He thanked Employee Council for hosting the March Madness luncheon.
- On March 21 he got to drop the puck at the annual Reynolds & Reynolds hockey game.
- He thanked Kettering Rotary for sponsoring the Firefighter of the Year luncheon.
- He mentioned he attended the Fire Department Annual Award ceremony.
- On March 27 he attended the Sister Cities annual meeting.
- He congratulated Mark Schwieterman for his Inside the City Address this morning.

They're being no further business to come before this meeting of the Kettering City Council; Mayor Patterson adjourned the City Council Meeting at 8:12 p.m.

ATTEST:

DONALD E. PATTERSON, MAYOR

LaShaunah D. Kaczynski
Clerk of Council