

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

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

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

Council Members Absent: Patterson (Excused)

Total Members Present: Six (6)

Vice Mayor Scott led the audience in the Pledge of Allegiance and gave the invocation. He introduced the cable TV operators Earl Jones and Liberty Lord. He thanked them for their assistance.

APPROVAL OF MINUTES

February 14, 2017- Council Meeting & Workshop Minutes

Mr. Duke reported that he reviewed the above minutes and moved the minutes be approved. Mr. Wanamaker seconded the motion and there being six (6) yea votes and no (0) nay votes for the February 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

Appointment- Kettering Arts Council- Tracy McElfresh (Term ending 12-31-19)

Mr. Klepacz made a motion to appoint Tracy McElfresh to the Kettering Arts Council. Mrs. Schrimpf seconded the motion followed by a unanimous like sign vote.

Appointment- Kettering Arts Council- Alexis Ignatiou (Term ending 12-31-19)

Mr. Klepacz made a motion to appoint Alexis Ignatiou to the Kettering Arts Council. Mrs. Schrimpf seconded the motion followed by a unanimous like sign vote.

Vice Mayor Scott thanked the newly appointed Kettering Arts Council members for volunteering their time to serve our community.

Award Presentation- Board of Community Relations MLK Writing Contest Winners

Elom Dossa, Vice Chairperson of the Board of Community Relations made the presentation this evening. The Board of Community Relations is tasked with promoting and encouraging the creation and maintenance of an inclusive community by fostering equal opportunities for all persons. One of their annual initiatives is the sponsoring of the annual MLK Writing Contest. Each year, they disperse applications of the contest to middle schools and high schools in Kettering in January to coincide with the celebration of Martin Luther King Jr. Day, and they announce the winners in February which they will be doing this evening as part of African American History Month. This year, they asked students to think of a fellow student, friend, or neighbor who maybe struggling with a problem. Reflecting on the life and teachings of Martin Luther King Jr. students were asked to write about reaching out to that person and how they could make a positive impact in their lives. They received almost 100 entries this year. Ms. Dossa asked Vice Mayor Scott and Mrs. Schrimpf to join her at the podium to pass out certificates to the winners. Ms. Dossa read the winners names that were present in the audience this evening, and they came down to the podium to accept their certificate and to have their picture taken. Ms. Dossa thanked all of the students who participated this year and all school administrations who shared this information with their students. She looks forward to seeing you next year.

Mrs. Schrimpf mentioned she wanted to thank Ms. Dossa because she was part of the group that had to read the 100 entries. The entries were very good this year, and she thanked Kettering Public School teachers who encouraged students and she was very impressed. She mentioned there were two winners who could not be here this evening and she thanked them for participating.

PUBLIC HEARINGS

**P.C. 16-036 Zoning Text Amendment**

Vice Mayor Scott 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.

David Roller, City Planner gave the staff presentation this evening. Mr. Roller mentioned that he received a degree from the University of Cincinnati in Urban Planning, and he has 16 years of experience as an urban planner. Planning Commission has recommended approval of amending two text code sections. The first section begins with the sign code that primarily deals with campus

signage and multi-tenant office signage. The second subject area would be a new principal permitted use of microbreweries. Both proposals are fairly straight forward and considered to be business friendly, which will encourage investment in Kettering. The first sign code revision would create a new code section for campus signage. Examples of campus developments that would benefit from this would include Research Park, Kettering Business Park, Tenneco, and Kettering Medical Center. This new section would create a system to allow development to have additional square footage and additional signs as development thresholds are satisfied. This will reward development expansion. It also aligns better with ownership patterns within campus development. Campus developments tend to have multiple parcels so they need more signage compared to only having one lot. The second sign proposal deals with multi-tenant office signage. Currently, multi-tenant offices are severely restricted as it pertains to square footage to single tenant offices. This proposal would increase the permitted square footage allowed per tenant. It will also remove inconsistent regulations. Microbreweries will be a new introduction of permitted use in Kettering. Current code allows them but they are treated as industrial use. This does not meet their needs and doesn't make a lot of sense. This doesn't work for how they operate, but this amendment would fix that. It would be proposed in business & industrial and it would encourage investment for the local brewery industries. Planning Commission is recommending approval and he would be happy to answer any questions.

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

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

**P.C. 16-038- Request for Vacation of Excess Public Right-of-Way at S. Dixie Highway & Big Hill Road**

Vice Mayor Scott 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 a bachelor degree in Planning from the University of Cincinnati and has worked for the City of Kettering for 36 years. This is a straight forward matter. The applicant is here this evening and she would like to speak about her request. It is a vacation of unused and unneeded right-of-way at the corner of Big Hill Road and South Dixie. The vacation will take place at the northern corner of S. Dixie. The owner of the jointing property is here this evening and is the applicant in this case. She has requested that the City vacate this right-of-way. The City provided an engineer drawing of this location for a survey to determine what they can give up concerning the right-of-way. He looked back at records over 50 years ago and this area has always been a grass area. This is currently not needed by the City and he cannot vision any reason to keep it. To promote development on this land and responding to the request of the applicant, Planning Commission voted to have the requested right-of-way vacated, and they are passing along their recommendations to City Council. South Dixie has a reservation of a 10 foot easement to accommodate existing utilities that are in that area. He mentioned the vacation can be used for additional parking or expansion of the current office building that is on the property. At this time, he is not aware of any plans for this site. He mentioned he would be happy to answer any questions.

**Cynthia Wilson- 800 W. Stroop Road** gave the applicant presentation this evening. Ms. Wilson mentioned she is currently the owner, property manager, leasing manager, and tenant in the building. She acquired that property back in 2008. At that time, the question came up who maintained the vegetation? She has been deciding what to do with that piece of property and at this time, she thinks it is in the best interest of the community to keep it green because children play on that property. She mentioned she will be happy to answer any questions.

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

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

**P.C. 17-001- Request for Vacation of Public Right-of-Way at the Northern End of Kingswood Drive**

Vice Mayor Scott 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 a bachelor degree in Planning from the University of Cincinnati and has worked for the City of Kettering for 36 years. This vacation was requested by the Planning & Development Director of the City of Kettering. This land was surveyed by the City Engineer, and there will be a reservation of a 5 foot wide easement of the entire vacated right-of-way because there are utilities. He mentioned he would be happy to answer any questions.

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

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

**P.C. 17-003- Zoning Map Amendment**

Vice Mayor Scott 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 a bachelor degree in Planning from the University of Cincinnati and has worked for the City of Kettering for 36 years. The request to rezone the subject property is currently only one lot that is being used by Simply Self Storage. The original land when it was zoned was zoned industrially, and then it was rezoned to ED District which does not permit mini storage units. The company is wishing to make improvements and they can't due to the current zoning. They are hoping the rezoning will be approved so they can obtain a building permit which will allow for the improvements they would like to make. A public hearing was held by the Planning Commission and this case does meet all the requirements for rezoning to be recommended. Planning Commission is recommending approval of rezoning to the Industrial District. Mr. Hundt mentioned he would be happy to answer any questions.

**Peter Stohlrreeger**, Architect for Simply Self Storage made the applicant presentation this evening. Mr. Stohlrreeger mentioned he graduated from the University of Cincinnati in 1994 and he is from Detroit. Simple Self Storage as a company is making improvements to their sites nationwide. They are selectively identifying their best locations in the best communities then investing in them. Part of the investment is to upgrade the facility image similar to what Chevy, Ford, and Lincoln all have done in the past 10 years. They are reevaluating communities' demographics and needs to make them better. The company realized they are lacking the climate control feature on the mini units at this site, and they have elected one of the one story buildings that is not climate controlled and will replace it with a two story building that fits into the zoning guidelines and the company image. Mr. Stohlrreeger mentioned he will be happy to answer any questions.

Mr. Klepacz asked within the two story building will there be storage on both floors?

Mr. Stohlrreeger informed Mr. Klepacz that there will be storage on both floors and there is an elevator and stairs to be able to reach the storage.

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

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

**P.C. 17-004- Zoning Map Amendment**

Vice Mayor Scott 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 a bachelor degree in Planning from the University of Cincinnati and has worked for the City of Kettering for 36 years. This case is similar to the last case and the applicant is looking to rezone the property from Economic Development Overlay to the most appropriate classification that would go with those properties. This property is the Top Value Enterprise office building located at 3085 Woodman Drive. The warehouse that was in use over 50 years ago is located to the west and when that particular operation closed, both properties had to be separated and the offices became separate lots. The lots were then rezoned to Economic Development Overlay to allow offices. The Overlay District has served the property well, but the owner found if he had a little more flexibility in the use of the building on the first floor some retail elements could be located there. Coffee shop, restaurant, and pharmacy are a few examples of retail spaces that are permitted. The upper two floors will remain as offices because it is an office building. Rezoning from ED #2 would allow this property to be more fully utilized. The owner has already begun various marketing strategies, but without the rezoning they will have a difficult time getting all the tenants that they desire for this location. 2/3 of the building will remain office since it is designed as such and they do not intend to build more commercial businesses. The rezoning will give more flexibility than what the current zoning district allows. Mr. Wheeler is the applicant and he has requested the rezoning. The rezoning is supported by staff and by Planning Commission. It also meets all requirement standards for rezoning; therefore it is being recommended for approval by City Council. The owner lives in Cincinnati and since this is a straight forward matter, Mr. Hundt suggested we could present on his behalf which we are doing this evening since he is not here to speak. Mr. Hundt mentioned he will be happy to answer any questions.

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

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

PUBLIC COMMENT ON LEGISLATION

ORDINANCES IN SECOND READING

RESOLUTIONS

A RESOLUTION  
NO: 9930-17  
BY: MR.KLEPACZ AND MRS.SCHRIMPF

AUTHORIZING THE CITY MANAGER TO PURCHASE COMPUTERS AND SERVERS FOR THE ANNUAL PC AND SERVER REPLACEMENT PROGRAMS

Mr. Klepacz 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. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Vice Mayor Scott, 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: 9931-17  
BY: MRS.SCHRIMPF AND MR.LAUTAR

AUTHORIZING THE CITY MANAGER TO ENTER INTO ONE OR MORE CONTRACTS WITH ROZZI'S FAMOUS FIREWORKS FOR THE PURCHASE AND DISPLAY OF FIREWORKS FOR THE 2017 GO 4<sup>TH</sup>! CELEBRATION AT DELCO 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. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Vice Mayor Scott, 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: 9932-17  
BY: MR.LAUTAR AND MR.DUKE

DECLARING THE NECESSITY OF REPAIRING CURBS, SIDEWALKS AND DRIVE APPROACHES AT VARIOUS LOCATIONS AS PART OF THE 2017 CURB, SIDEWALK & DRIVE APPROACH REPAIR PROJECT (PROJECT NUMBER 05-117)

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. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Vice Mayor Scott, 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: 9933-17  
BY: MR.DUKE AND MR.WANAMAKER

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR LOCK BOX SERVICES FOR INCOME TAX PAYMENTS

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. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Vice Mayor Scott, 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: 9934-17  
BY: MR.WANAMAKER AND MR.KLEPACZ

AUTHORIZING PAYMENT OF ACTUARIAL REPORT PREPARATION FEES ASSOCIATED WITH THE VOLUNTEER FIREFIGHTERS PENSION FUND

Mr. Wanamaker read the above resolution and moved for approval. Mr. Klepacz 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. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Vice Mayor Scott, 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: 9935-17  
BY: MR.KLEPACZ AND MRS.SCHRIMPF

AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION OF CARBON MONOXIDE DETECTORS FROM THE DAYTON FIREFIGHTER'S CREDIT UNION

Mr. Klepacz 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. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Vice Mayor Scott, 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: 9936-17  
BY: MRS.SCHRIMPF AND MR.LAUTAR

AUTHORIZING THE CITY MANAGER TO ACCEPT AND ADMINISTER A GRANT FROM THE KETTERING PARKS FOUNDATION TO THE KETTERING ARTS COUNCIL SCHOLARSHIP FUND FOR 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. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Vice Mayor Scott, 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: 9937-17  
BY: MR.LAUTAR AND MR.DUKE

STRONGLY OPPOSING THE STATE OF OHIO GOVERNOR'S PROPOSED 2017-2018 BUDGET, WHICH PROPOSES CENTRALIZED COLLECTION OF BUSINESS NET PROFIT TAX RETURNS AND OTHER PROVISIONS RELATED TO THE MUNICIPAL INCOME TAX WHICH WILL CAUSE A SUBSTANTIAL LOSS OF REVENUE NEEDED TO SUPPORT THE HEALTH, SAFETY, WELFARE AND ECONOMIC DEVELOPMENT EFFORTS OF OHIO MUNICIPALITIES

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.

Mr. Duke mentioned that this bill is part of the Governor's budget. He mentioned he will hold the rest of his comment.

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Lautar, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Vice Mayor Scott, 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: 9938-17  
BY: MR.DUKE AND MR.WANAMAKER

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

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. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Vice Mayor Scott, 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 EMERGENCY ORDINANCE  
NO: 4283-17  
BY: MR.WANAMAKER AND MR.KLEPACZ

TO AMEND ORDINANCE NO. 4280-16 VACATING A PORTION OF SOUTHERN BOULEVARD AND DECLARING AN EMERGENCY

Mr. Wanamaker read the above ordinance and moved for approval. Mr. Klepacz 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. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Vice Mayor Scott, Yea; There being six (6) Yea votes, and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

CERTIFICATIONS AND PETITIONS

MANAGER'S REPORT/COMMUNITY UPDATE

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

- The Yard Debris Center will reopen Monday, March 6. For more information call the hotline at 296-3255. Hours of operation will be:  
Saturday: 9:00 a.m. -3:00 p.m.  
Monday-Friday: 3:00 p.m. - 8:00 p.m.
- Work has started on the Kettering Recreation Complex main entrance turnaround. This project includes replacement of all concrete panels, damaged sidewalk panels, new bollards and a new street light. Work is expected to be completed in late spring.
- Daylight Savings Time begins Sunday morning, March 12, 2017.
- Coming to the Frazee:  
Diana Krall- Sunday, June 25 at 7:30 p.m.  
Jefferson Starship- Friday, July 14 at 7:30 p.m.  
Idina Menzel- Saturday, August 5 at 8:00 p.m.

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

Vice Mayor Scott welcomed all Boy Scouts that were in the audience this evening.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Communications and Reports

Audience Participation (5 Minute Limit per Speaker)

COUNCIL COMMITTEE REPORTS

Mr. Duke reported:

- He thanked the Boy Scout dads that were in the audience this evening for donating their time to volunteer.
- He mentioned the movie screening of "What Happen Miss Simone" was very interesting.

- He mentioned that there are four students from the Kettering Leadership Academy class of 2017 that is in the audience this evening.
- He offered his condolences to the Larry Spatz's family.

Mr. Klepacz reported:

- On February 23 he was a judge at Prass Elementary for their Science and Social Studies Expo.
- On February 25 he attended the Kettering Noon Optimist Club "Divas Day Out" at the Presidential Banquet Center.
- He encouraged residents to support Kettering businesses.

Mrs. Schrimpf reported:

- On February 16 the Board of Community Relations held a screening of "What Happen Miss Simone" and there were about 50 people in attendance.
- On February 22 she attended the City of Dayton State of the City Address.

Mr. Lautar reported:

- He congratulated Vice Mayor Scott for being named a member of the American Association of Political Consultants class of "40 under 40".

Mr. Scott reported:

- He encouraged residents to check out Merit Grill which is opening at 3800 Wilmington Pike.
- He mentioned that this year Mayor's Ball will be held on Saturday, April 29 and tickets are now on sale.

Mr. Wanamaker reported:

- He mentioned he had nothing to report.

Mayor Patterson reported:

- Absent.

They're being no further business to come before this meeting of the Kettering City Council; Vice Mayor Scott adjourned the City Council Meeting at 8:31 p.m.

ATTEST:

ROBERT L. SCOTT, VICE MAYOR

LaShaunah D. Kaczynski  
Clerk of Council