

**KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
June 28, 2016**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, June 28, 2016, 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. Lavender, recorded. This meeting was telecast live on the cable access channel.

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

Council Members Absent: Scott (Excused)

Total Members Present: Six (6)

Mayor Patterson led the audience in the Pledge of Allegiance and then gave the invocation.

APPROVAL OF MINUTES

June 14, 2016 – Council Meeting & Council 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 five (5) yea votes, one (1) abstain vote (Mayor Patterson) and no (0) nay votes for the June 14, 2016 Council Meeting and Workshop Minutes, the motion was declared carried by roll call vote.

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

Check Presentation- 2016 Kettering Mayor's Ball

Mayor Patterson presented Judy Biedenharn, Chair of Multiple System Atrophy Coalition a check from the 2016 Kettering Mayor's Ball.

Presentation- Auditor of State Award

Joe Braden, West Regional Liaison for the Auditor of State presented Nancy Gregory, Finance Director with the Auditor of State Award.

PUBLIC HEARINGS

P.C. 16-010- Request for a Zoning Map Amendment to rezone the properties located within Economic Development Overlay District #4 to an O-Office District. (Subject properties are located at the southeast corner of Woodman Drive and E. Stroop Rd.).

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

Mr. Ron Hundt, City Planner gave the presentation this evening. This EDO #4 is located at the southeast corner of E. Stroop Road and Woodman Drive. It consists of six plots, and four of them are owned by Mr. Routsong. The applicant requested that the four lots they control would be rezoned to the O-Office District. Planning Commission made a recommendation to include all six lots that are in the EDO #4. He mentioned that they did ask for the input of all of the property owners that are involved. Office District will allow expansion for Mr. Routsong as a conditional use. Mr. Hundt mentioned that he has been with the City of Kettering for 36 years and he has the proper credentials to present this case. Standards for rezoning have been met, and neighbors have been granted additional time to get input from their legal counsel.

Greg Gantt, 515 Shafor Blvd gave the applicant presentation this evening. Mr. Gantt mentioned that he is the attorney for Mr. Routsong. Mr. Routsong did not feel that it was appropriate to rezone property that they did not own. The application was just for his property and the new Zoning Code has done away with this Economic Development Overlay. He was trying to start the process to build a garage and he can't build a garage under the current Zoning Code. He has no opposition to include all of the lots that are within this Economic Development Overlay District. Mr. Gantt told Council he would be happy to answer any questions.

Mayor Patterson asked if any of the property owners would like to speak. None were heard.

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

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

P.C. 16-015- Zoning Code Text Amendment- Chapters 1131-1159 of the City of Kettering Zoning Code.

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

Mr. Ron Hundt, City Planner gave the presentation this evening. Mr. Hundt mentioned that he has been a Zoning Administrator for the City since 2007. He has been with the City for 36 years and he has a good understanding of zoning. The Zoning Code should be a dynamic document for any community. The new Zoning Code was adopted last May and now it is time to review the standards within this code. The hope is to identify any errors or oversights that may have occurred. Also, this change will bring clarity to certain items to make it easier to understand. There are some revisions that need to be changed, and the biggest change will be correcting language within the Zoning Code. Under this proposed change there will be various chapters and sections that will be included. Some of the changes include approving façade and vehicle storage, screening for mechanical units, and improving orientation of houses. There will also be a few changes to bulk regulations and safety standards. Mr. Hundt mentioned that there will also be improvements to sign standards. Standards for definitions will be improved and a few typos will be corrected as well. As of today, a glitch has been identified pertaining to shielding standards for lighting. This glitch will be removed from the legislation that you will be receiving in a few weeks. Mr. Hundt said he would be happy to answer any questions that Council may have.

Mayor Patterson wanted to know if the new oversight that was found had to go back before Planning Commission since they did not see this particular change.

Ted Hamer, Law Director informed Council that if they wished to have staff start over with their application to Planning Commission they can, however it's a small change and Council only takes recommendations from Planning Commission. Council can take up that recommended change without it having to go back before Planning Commission.

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

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

PUBLIC COMMENT ON LEGISLATION
(5 Minute Limit per Speaker)

ORDINANCES IN SECOND READING

RESOLUTIONS

A RESOLUTION
NO: 9805-16
BY: MR.KLEPACZ AND MRS.SHRIMPF

AUTHORIZING THE CITY MANAGER TO ENTER INTO ONE OR MORE AGREEMENTS WITH PRECISE MRM AND FORCE AMERICA FOR THE PURCHASE AND INSTALLATION OF GPS/AVL EQUIPMENT

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

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Lautar, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, 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: 9806-16
BY: MRS.SHRIMPF AND MR.LAUTAR

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR TWO NETWORK SWITCHES AND ASSOCIATED ACCESSORIES FOR FIRE STATION 36

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

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Lautar, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, 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

MANAGER'S REPORT/COMMUNITY UPDATE

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

- Kettering "Go 4th" Celebration will be on July 4, 2016 from 6-10 p.m. at Delco Park.
- City offices will be closed Monday, July 4, 2016 in observance of Independence Day.
- There will be no trash pick-up on Monday, July 4, 2016.
- August is the deadline to submit nominations for Neighborhood Pride.
- Coming to the Frazee in July:
 - Rick Springfield- Saturday, July 2 at 7:30 p.m.
 - Hollywood Vampires- Tuesday, July 12 at 7:30 p.m.
 - Kenny Rogers- Saturday, July 23 at 7:30 p.m.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Communications and Reports

Audience Participation (5 Minute Limit per Speaker)

Teresa Breitenstein- 2825 Acorn Dr.- She mentioned she has lived in the City for a really long time and she loves the City of Kettering very much. She received a letter in the mail from Citizens for a Better Kettering which she was involved with. She thought it was a good idea to do term limits even though she knows some people do not want to leave. This is similar to the Federal level where people are doing a good job but they never want to go away. She wants to make sure that the people of Kettering voices are heard. She read an article in the Dayton Daily News that the Charter Review Committee is going to dissolve the will of the people. She is here today just to remind Council that people matter.

Ron Solada- 4481 Lotz Rd.- He mentioned he is here to speak this evening because at the last Council meeting, City Council passed a resolution denying his zoning issue. The property that he bought has been a business before, and Council voted unanimously no. He is slightly confused because during his public hearing Mrs. Schrimpf looked shocked at the information that was being presented and Mr. Klepacz is a strong advocate of Kettering businesses. Even a neighbor of this property showed up at the public hearing and expressed it would be great to have a business on that lot. He asked Council what they would like for him to do next with this property since they denied his zoning application.

Sterling Abernathy- 4951 Walnut Walk- He mentioned he was surprise to learn at the end of May a Charter Review Committee had completed its work with their recommendations for their changes to the Charter. He is aware that this committee is not an ongoing committee and that it is set up every 10 years. He is here this evening to learn more about the process Council took to conduct and communicate the formation of the Charter Review Committee to Kettering residents. Mr. Abernathy asked Council ten questions pertaining to the Charter Review Committee:

1. What was the date of the public meeting in which you decided to announce the 2016 Charter Review Committee?
2. What is the date of the public meeting that you appointed members to the Charter Review Committee?
3. When appointing members to the 2016 Charter Review Committee, why was this not done during a regular Council meeting?
4. Did you inform the public about openings to participate in the Charter Review Committee?
5. Is committee member Charlene Dutton the same person who was treasurer of the Political Action Committee?
6. Is Mark Fornes the real estate broker the City selected to sell the property in Kettering Business Park?
7. Are there any members of the Charter Review Committee who are members of organizations that have received taxpayer dollars from the City as a supplier?
8. Did the Charter Review Committee ever request for public input on changes to the Charter?
9. On the May 24 Council meeting why were there no specifics shared about the committee's report?
10. Was creating the Charter Review Committee done deliberately to avoid public visibility of pre-determined result?

David Leiffer- 2333 Ghent Ave.- He has lived in his home for 47 years. This neighborhood is supposed to be residential but instead it is turning into a commercial neighborhood. Currently there are car haulers working in their driveway on Ghent Ave. He brought the City papers and a DVD video of the violations over a year ago and nothing has been done to fix this problem. There were four car haulers on the street now there are only two. He has contacted the Police Department and sometimes they will tell them to move and other times they won't. He has talked to Tom Robillard and Ron Hundt and nothing still has been done. He has also talked to the Chief of Police and his interpretation of the Code is different from what is on the internet.

COUNCIL COMMITTEE REPORTS

