

**KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
April 10, 2018**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, April 10, 2018, 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, Lautar, Duke, Klepacz, Scott and Wanamaker

Council Members Absent: Fisher (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 operator Liberty Lord. He thanked her for her assistance.

APPROVAL OF MINUTES

March 27, 2018 - Council Meeting & Workshop Minutes

Mr. Scott reported that he reviewed the above minutes and moved the minutes be approved. Mr. Duke seconded the motion and there being six (6) yea votes and no (0) nay votes for the March 27, 2018 Council Meeting & Workshop Minutes, the motion was declared carried by roll call vote.

Mayor Patterson mentioned Mrs. Fisher has an excused absence this evening.

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

Presentation- Kettering Fire Department Certificate of Commendation

Mitch Robbins, Assistant Fire Chief made the presentation this evening. On March 8, 2018 at 1358 hours, Kettering Technical Rescue Team Support 34 along with a technical rescue trailer responded to Oakwood Ohio for a trench rescue incident. This response was part of the Region 3 Strike Team (8 county rescue team). Battalion Chief Doug Panstingel was named the operations section Chief, and Firefighter/Paramedic Glenn Schlub was named rescue supervisor. Additionally, Kettering sent engine 34, medic 34, two recall Kettering fire members, two public service department members, and the vac truck to the incident. Medic 32 was requested later in the incident to treat a second employee who suffered injuries in an attempt to rescue his co-worker. In all, the Kettering Fire Department had 13 members actively participating in the rescue efforts along with two Public Service Department members. He would be remised if he did not mention the wonderful dispatch center specifically the efforts of Valerie Oswald, who assembled all of her resources for this incident while simultaneously responding to the needs of the citizens of Kettering. All of these members played an important role in the rescue of the injured worker. Without their efforts, the serious injuries suffered by the injured worker would have been much more critical. It is because of their actions that the members before Council this evening are presented with letters of commendation within the Kettering Fire Department. On behalf of Chief Butts, he would like to thank Mayor Patterson, City Council, and Mr. Schwieterman for their continued support and dedication of the Kettering Fire Department Technical Rescue Program. Without their support, they would not have the tools, equipment, or training to have played such a large role in the rescue efforts. Recipients were then presented with letters of commendation: (Chris DeLange, Kris Denlinger, Kyle Denlinger, Ryan McClure, Nick O'Connor, Doug Panstingel, Scott Perkins, Glenn Schlub, Juston Wilson, Robert Miller, and William Frederick).

Mayor Patterson congratulated all of the recipients this evening and he thanked them for continuing to take great care of Kettering residents. Kettering has the best police and fire departments in the entire area which is evident by the awards that were handed out this evening. He appreciates all of their efforts and the sacrifice they make for Kettering.

Proclamation- Arbor Day

Mr. Lautar read the above proclamation and same was accepted by Kerri Miles, Environmental Education Coordinator. Ms. Miles mentioned that the best time to plant a tree is twenty years ago, the second best time is today. She hopes everyone can come help plant trees on Arbor Day April 21 at Pondview Park. There will be hotdogs, and Mr. Klepacz has volunteered to cook the hotdogs. We have lost a lot of trees due to the ash borer, storms, etc. Please bring your kids and dress for the event. She would recommend residents to wear boots and to bring their shovels. It will be a great time.

Mr. Klepacz read the above proclamation and same was accepted by Roxanne Howard, Dispatcher. Ms. Howard thanked Council on behalf of all of the dispatchers for their continued support. They really appreciate it.

Proclamation- National Volunteer Week

Mr. Scott read the approve proclamation and same was accepted by Kari Basson, Volunteer Advisory Council Chairperson. Ms. Basson mentioned that this year marks the 39th year of the City of Kettering volunteer program. The Kettering volunteer program is also one of the first local government volunteer programs in the nation, and it remains a model today. National Volunteer Week serves as an excellent time to thank and recognize the mighty force of over 1,000 volunteers for their dedicated service to the City of Kettering. The City would exist without our volunteers, but we would not be able to deliver quality service without our volunteers. The commitment and dedication of our volunteers allows us to enhance day-to-day operations, expand programs and events, and strengthen our neighborhoods. This creates a positive impact in our community. In addition to thanking our volunteers during volunteer week for the gift of their time and talent, they would also like to thank Mayor Patterson, City Council, and City staff. Their support along with the support of the volunteers allows the creation of a dynamic team that is dedicated to the continual improvement of community pride in Kettering. "The City of Volunteers".

Award Presentation- Mayor's Award

Kari Basson, Volunteer Advisory Council Chairperson made the presentation this evening. The Mayor's Award for volunteer service provides the opportunity every year to honor outstanding volunteers for making valuable contributions to the community, through volunteer service in a wide variety of categories. Recipients of this award must either be a resident of Kettering or their volunteer service must be performed in Kettering. Tonight in celebration of National Volunteer Week, they are awarding two deserving volunteers; Lauren Dalton and Sue Ellen Boesch. Ms. Basson called Ms. Dalton down to the podium. Lauren Dalton is the daughter of Jeffrey and Angie Dalton. She attended St. Albert School and is now a senior at Dayton Regional Stem School. Lauren has a long history of volunteering in Kettering and in the greater Dayton area. She participates in gymnastics at the YMCA. She volunteers five hours each week instructing young children in gymnastics. Her efforts help instruct 100 children each week. She is active in Girl Scouts and has earned Bronze and Silver Awards. She has volunteered two summers at Girl Scout Camp, and three summers at Preschool Camp. In addition, she is president of her student council, a valued member of the National Honor Society, Kiwanis Club, and Junior Council on World Affairs. She dedicates numerous volunteer hours to her service clubs. Her nominator mentioned she is hard working, compassionate, and is a problem solver. She is committed to giving back to her community and to make a difference in children's lives. Mayor Patterson presented Ms. Dalton with a certificate and a clock.

Ms. Basson then called Sue Ellen Boesch down to the podium. Sue Ellen has lived in Kettering for over 20 years with her husband Jack. Her passion for Kettering is evident through her volunteering with various projects and programs. She has volunteered 10 years on the Kettering Arts Council, several years on the Parks, Recreation, and Cultural Arts Advisory Board, and most recently the Parks Foundation. She is also serving on the advisory committee for the University of Dayton library. She worked diligently to make the arts accessible to the greater public. Mrs. Boesch launched an initiative to help make Art on the Commons one of the largest one day fine arts festival in the Miami Valley. Through this event, she was able to recognize Art on the Commons artist and volunteers. This event shows appreciation to all who are involved, and shows Kettering is a prime location for the arts. She volunteers regularly for the Kettering Block Party and Holiday at Home. She is a highly esteemed member of the Kettering Arts Council, and is a pillar in the community for arts advocacy. Her spirit has brought new volunteers, and has kept a high energy level. Mrs. Boesch is a remarkable volunteer and Kettering resident. Mayor Patterson presented Mrs. Boesch with a certificate and a clock.

Mayor Patterson congratulated both recipients. He is aware of Mrs. Boesch volunteerism within the Kettering community, but he was glad to see that the younger generation is getting involved with different groups within the Kettering community. Kettering volunteer groups are the fabric to this community.

PUBLIC HEARINGS

P.C. 17-035- Request for Zoning District Map Amendment to reclassify land from ED-3 and I-Industrial to O-Office.

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 gave the staff presentation this evening. Mr. Hundt mentioned that he has been a City Planner for 40 years; 38 of which have been with the City of Kettering. The last 13 years he has been the Zoning Administrator for the City of Kettering. The properties in question involve three parcels (4745 Hempstead Station Drive, 1725 E. David Road, and NE Corner of E. David & Hempstead Station). One parcel (4745 Hempstead Station) is owned by the City of Kettering which houses the fire station. There is a piece of remit land that has the possibility for development within the parcel. The entire land would have to be rezoned as Office District, including the fire station.

Another parcel is 1725 E. David Road which is the Modern College of Design, formally known as the School of Advertising Art. The City of Kettering and the Modern School of Design are part applicants in this case. The parcel located at the NE corner of E. David & Hempstead is owned by Vectren and is currently zoned as Industrial. It has been included in this case because the parcel is between the other two parcels in question. This is Vectren's pumping station and it can exist in the Office District. There happens to be three reasons for this rezoning request. When the School of Advertising Art was allowed to develop on the land it is currently on, the EDO document that was provided only showed that the school was a two year college. The school wishes to transfer to a four year college which is the primary reason for the rezoning. The Economic Development Overlay District is being phased out in favor of districts within the Zoning Code. This case is recommending that the land be rezoned as Office District which is included within the Zoning Code. This rezoning will allow for streamlining of the review of the land for development, and this process has been very successful. The third reason is it will allow the potential development of vacant land for office or residential uses by the School of Advertising Art. There are standards of rezoning that the Planning Commission must have findings for; must be consistent with the Kettering Comprehensive Plan, must be a demand for the conversion of the property and the existing ED-3 document precludes the conversion of the School of Advertising Art to a four year college. The conclusion of Planning Commission is that there are sufficient standards that have been met to allow Planning Commission to support the rezoning. There needs to be criteria for rezoning, and all criteria is supportive of this rezoning. Mr. Hundt mentioned he would be happy to answer any questions.

Jessica Barry, 1725 E. David Road gave the applicant presentation this evening. Ms. Barry is currently the president and owner of the School of Advertising Art, but they are transitioning to be named the Modern College of Design. It is an exciting time for the school and she is very thankful to be speaking here this evening in support of the proposed amendment. The Modern College of Design is a two year college that was founded in Kettering 35 years ago. They offer a nationally recognized associate degree program in graphic design, with over 200 students and 50 faculty and staff; the Modern College of Design is a creative community that attracts aspiring young artist to Kettering to live, learn, work, and contribute to the community while students are in college and before they are ready to launch their careers. Over the last few years, Ms. Barry has made some long term investments to solidify she would like to keep her college here in Kettering. First, she purchased the college from the founders. Then she purchased the site of the college including the 5 acres of land and 14,000 sq. ft. building that the college has called home since 1999. She has recently invested over 6 million dollars to renovate the campus by adding 23,000 additional sq. ft. to the campus. The addition allows the college to double their enrollment to over 450 students. They will also be hiring more staff to help serve this growing community. As part of this expansion, the school has applied for their first bachelor's degree in design leadership. The Ohio Department of Higher Education and the Ohio State Board of Colleges and Schools have approved this new innovative program. They are now working with their accreditor and the US Department of Education to complete this process and offer this program to students in the near future. Currently, the campus is zoned for a two year college but the proposed zoning amendment will allow them to offer this new four year program. To attract more students, the college recognizes offering student housing is important for the growth of the school. Parents want the safety and security of school sponsored housing that is adjacent to the campus. This amendment will grant the possibility to build student housing in the future that is adjacent to the campus. Both of these changes will continue to attract young aspiring artist to Kettering. She is thankful for the support she has received for the expansion of the campus and she hopes that she will receive support for the proposed amendments. Ms. Barry mentioned she would be happy to answer any questions.

Mr. Klepacz asked if any two year students are living adjacent to the campus anywhere?

Ms. Barry mentioned they do and about 60% of their students move to Kettering so they are living in housing communities around the area. They do lose students each year because parents are not comfortable will their children living in a general apartment complex with other residents. Parents become more concerned about that living scenario.

Mr. Klepacz asked could you please define adjacent.

Ms. Barry mentioned the Commons of Kettering is the closest apartment complex to the building. What the school is proposing is to have housing directly across the street from the school.

Mr. Klepacz asked if any students were renting on Croftshire?

Ms. Barry mentioned that they do not have any students who are renting on Croftshire.

Mr. Scott asked if the housing would be built, what would be the guidelines? Will there only be students living at the on campus housing, and if you can't fill it how are you going to fill the building?

Ms. Barry mentioned the housing will only be for first year students who live outside of a 50 mile radius from the college. After that, they will open the housing to other students. With the small amount of buildings they are building they do not see a problem filling the apartments.

Mr. Scott wanted to clarify that the college will be requiring first year students to live in on campus housing.

Ms. Barry informed Council that all first year students living outside of a 50 mile radius will have to live in on campus housing.

Mr. Scott asked what if a student has a family; will they be allowed to live in the campus housing?

Ms. Barry mentioned there will be exemptions for people with families since that is such a small portion of their school population. Less than 5% of their student population is nontraditional.

Mayor Patterson asked if there were any other comments from the public either for or against concerning this public hearing.

Dr. Alex Watts, 1550 E. David Road -He opened the Miami Valley Animal Hospital at this location in 2005. The animal hospital has been in Kettering for 51 years, and he and his wife have been the property owners since 2005. At the time he was looking for a new location, the City of Kettering was very helpful and advised them of several potential places to move their animal hospital. One concern of the City of Kettering was that their animal hospital would not be too close to any residential housing. This concern ruled out some potential property that he was interested in. If zoning would change for Parcel A, that would put residential property right across the street from the animal hospital. The area of Parcel A that would be suitable for housing would be on the opposite corner of the animal hospital. He is concerned because you cannot build an animal hospital next to residential, but apparently you can build residential next to an animal hospital. He is also concerned because before he purchased his property he was informed that it was within the Kettering Corporate Center, and he was insured that this area would only be for office space. Now it is going to be approved for residential, and that does not stand up to what he was told from the City of Kettering at the time. Seems like these changes are only occurring due to promises that have been made to the School of Design. He and his wife have always been supporters of higher education and he has no concern with the actual property except for Parcel A being rezoned to residential. If he was the owner of Parcel A and he wanted to build apartments, he thinks the City of Kettering would not look highly on that request. Since the City of Kettering owns the property, the City is not holding itself to the same level of standards as they would a private citizen. At this point, he would like for Council to reconsider what the Planning Commission has recommended and to take another look at the usage of this property.

Mr. Duke asked if there are animals that reside outside in a kennel at his animal hospital.

Dr. Watts informed Council that animals are not outside, they are in a kennel and they do some boarding. Certain times of the year they do like to open the windows to get some fresh air. Animals are walked on a leash outdoors but the primary concern of the old animal hospital on Stroop Road was that citizens in housing close to the animal hospital were concerned about the noise of the boarding. That was a concern they kept in mind when they were looking for a new location.

Mr. Duke asked how many animals are boarded at one time?

Dr. Watts mentioned he can house up to 30 animals at one time.

Steven Salley- 3166 Wooster Drive- He is the current owner of Lot 20 and Lot 24 in the Kettering Corporate Center, and the former Roehr property that joins Lot 20 and Lot 21, which now is the home to McAfee Heating & Air. He thanked Mayor and Council for allowing him to voice his opinion about the proposed rezoning of the remainder of Lot 19 of the Kettering Corporate Center. He is not here tonight to discuss the success of the School of Advertising Art, but he is opposed of the rezoning of the remaining 3 acres of parcels on Lot 19. He wishes Ms. Barry and the School of Advertising Art all of the success in the world, but not at his expense. He is only here this evening because the proposed rezoning would impact him. He would like Council to take a moment and think about their own property that they own, and what if the City came in and bought the land and tore down all of the houses that were on that property and sold that land for 35% of what they paid for it to a for profit organization to build apartment buildings right across the street from your house. That would have a negative impact on the value of your property. The intent may be well meaning, but it can have a negative impact on your investment. He asked Council to think about this proposed amendment and to study it closely because it will have an impact on the businesses. The apartment building would not be fitting in the Kettering Corporate Center. He would have not been allowed to build this type of building in the Kettering Corporate Center for that use. He had a developer from Columbus contact him about Lot 24 on David Road last November asking to build an apartment building. Mr. Salley told the developer that there is no way and there is no need to pursue this venture. He has a copy of the closing statement where the City of Kettering bought the property and paid \$877,639.18 at closing which is over \$100 an acre for this parcel. He also has a land sale agreement between the City and the School of Advertising Art, and they are selling 3 acres of that parcel for \$35,000 an acre. He pays more in assessments per acre for the property that he owns than what the City of Kettering is selling it to the School of Advertising Art. This is not right and it is not fair. If this goes through, only one property owner is going to benefit at the expense of the other business residents in the City of Kettering. The tax payers are left to pick up the bill of \$195,000. The tax payers are the single moms working at Captain D's for minimum wage to trying to put their children through school or daycare, or

the Veteran working at Goodwill for minimum wage and every week the City of Kettering has its hands on his pay check taking out taxes. He asked that Council reconsiders this matter and reject this proposal. You can't help but wonder the honesty and integrity of the people who hold public office if a deal like this should go through.

Mayor Patterson wanted to clarify that the City looks to help communities and neighborhoods by offering programs. The City offers assistance to individuals and individual businesses that would like to do various things. The City has grounds to sell property for less than what they paid because it is considered as a nuisance to the City, and the City sells it to an owner to improve their property. This isn't any different than 8 or 10 programs that the City does within the community, with the sole purpose of improving the community. This is not unheard of and has encouraged people to invest in the community. Those are incentives that the City offers to have the community upgraded.

Mr. Salley mentioned he has never been a recipient of that type of program.

Mayor Patterson mentioned there are some people that have and understand those types of programs. Currently, similar work is being done on Wilmington Pike because Council saw that as becoming a deteriorating corridor. The City has been buying up properties and have been working with businesses to come into Kettering and selling the lots to proposed business for less. Always look for programs that the City offers business owners for improvements.

Mr. Salley mentioned that if this goes through he hopes it is successful, but at this time he is opposed to the rezoning.

Mayor Patterson mentioned Council is not challenging his opposition but he just wanted to point out that this is not unheard of for the City to work with businesses and individuals in purchasing property for less than what the City paid for in the hopes of improving that particular area as a whole.

Mr. Duke understands Mr. Salley's opposition to the sale of the property, but he would like to know his concern about if student housing was to be placed on the land.

Mr. Salley is concerned about the sale and the added traffic in the area, and he is not aware of the outcome of the impact that would be placed on the environment of the Kettering Corporate Center when placing college kids in the apartments.

Mayor Patterson asked if Mr. Salley owns a vacant lot.

Mr. Salley informed Council that he has Lot 20 and Lot 24. The vacant lot is west of the animal hospital, and his other parcel is on Hempstead Station across from the fire station. If this goes through and he asks for office zoning will he be able to build apartments on his parcel?

Mayor Patterson said Council cannot give an answer until they have gathered every piece of information.

Mr. Salley said this will be a common issue moving forward. He has owned his lots since 1994 and he pays between \$3,000- 4,000 an acre just in assessments not counting the taxes. He has a very healthy investment in his properties.

Rebecca Watts- 1550 E. David Road- She is the owner of the Miami Valley Animal Hospital. She would not consider the parcels on Wilmington Pike to be high risk because money is being spent to improve the appearance of the properties. She is concerned with the \$35,000 per acre because the parcel is a nice piece of property. She is opposed to the rezoning for a few different reasons. Mrs. Watts had a question as to how many apartment complexes are available for students to rent. She comes from an academic background coming from Sinclair. The problem has nothing to do with the students, and she has dedicated her life to helping students. Mrs. Watts questions proprietary schools, as she would like for them to be successful but having come from accredited colleges she has witnessed students having problems getting loans and she worries how that will impact students. Some proprietary schools have fallen down over and over again. She would like for the students to be successful, but she does not completely trust that issue. She is concerned with the student housing being built next to her building. She has a lot of unanswered questions that have not been answered at this point. College students do not need to have apartments right across from their campus. In Dayton, there are 1,100 apartments that are available. Kettering has 154 apartments that are available which is included in the 1,100 apartments available in Dayton. There are only 200 students on campus, so housing is not an issue. A needs assessment should take place to see if the availability of apartment housing is an issue for students. Looking at the current number of available apartments compared to the number of students that are enrolled in the school, housing is not a problem. Businesses should be placed on the vacant land. When she sold her business two years ago, she spent three years trying to find the right entity to purchase her property. One thing that was a selling point was buyers considered the corridor to be very beautiful. They did their due diligence to find the right buyer to make sure that the City of Kettering was not left with an empty building. She has not been informed as to what the dorms/apartments would look like, or who will own or manage the property. She also has concerns about the added noise levels, and how the rezoning will affect other parcels in this area. She feels that this process is under the rug, and has been pushed through.

Mayor Patterson stated that Council is just gathering information and later the seven members of Council will make a decision. First, the case has to go to Planning Commission because they will have their own set of questions and answers to get. Currently, Council is writing out questions that they have. Mayor Patterson asked that Mrs. Watts gives her questions to Council.

Mr. Duke informed Mrs. Watts that Council has not been notified as to what the apartments will look like. It must first go through the planning process.

Mr. Schwieterman, City Manager referred that the contract being discussed is a draft contract and has not been executed. The contract will go to City Council for approval once it has been finalized. The City has not been a recipient of any plans for the apartments. That process comes later as plans and concepts have to go through the Planning & Development Department.

Mrs. Watts questioned the definition of a four year college. These college credits do not transfer to other colleges or universities.

Mr. Schwieterman informed Mrs. Watts that he does not know the definition of a four year college. The School of Advertising Art has intentions of creating a four year program, and they are currently going through the application and accreditation process.

Mayor Patterson wanted to know if Council has the ability to put restrictions on the design guidelines for the apartments?

Mr. Hamer, Law Director informed Council that as far as the rezoning they do not have that ability, unless they amend the text to the Zoning Code. That matter is not what is before City Council. What is before City Council tonight is whether the three parcels in question should be rezoned. What the intended use for the property is later is not relevant at this moment.

Gregg McAfee- 4750 Hempstead Station- He would like to know if the School of Advertising Art is currently in the Kettering Corporate Center?

Mr. Schwieterman mentioned that the School of Advertising Art is in EDO-3.

Mr. McAfee started McAfee Heating & Air in 1990 at the age of 26 with \$274 and a used truck. He started his business out of his kitchen. He later moved into a garage, and then into a bigger garage. He had a dream to move into an actual building, and in 1996 he was able to purchase a piece of property. Mr. McAfee paid the property off then he submitted plans to build his first building at 4770 Hempstead Station. It was an 11,000 sq. ft. facility. His first road block was the City of Kettering told him he could not have a heating and air conditioning business in the Kettering Corporate Center. EDO-3 district does not permit service businesses. The City of Kettering expressed that having a HVAC business in the Kettering Corporate Center would hurt the aesthetic of the business park. The City of Kettering was also concerned about leaving old equipment around his building. After many meetings, the City decided to allow his business, and they listed it as a contractor shop which is allowed in that zoning district. He broke ground in 1996 and moved into the building in 1997. He took the back 3,500 sq. ft. of his building and wanted to lease out the remaining 7,500 sq. ft. of his building. He was contacted by a medical imaging company who wanted to use 4,000 of the remaining 7,500 sq. ft. EDO-3 does not allow medical offices or clinics. The company did not have time to work out loops with the City, so the company decided to go to Centerville where they were welcomed with open arms. He lost a big business venture due to the zoning. Sixteen months later, a fitness center approached him about leasing. Fitness membership clubs are not permitted within the Kettering Corporate Center. The fitness center challenged the ruling and won and he was able to secure a lease for 6 years. Later, AT&T contacted him to put a cell tower on his property that was not in the Kettering Corporate Center. He was told by City Council at the time it would be allowed. The City then said that the cell tower is too close to the Kettering Corporate Center and the tower is not permitted to go on his property. The cell tower is now on David Road on another piece of property which he can see from his office window. The proposed rezoning would allow for apartments to be built on other properties in the area. If the school happens to leave, what will happen to the building? He sold his property on Plainfield Road because his business was broken into three times. He likes his Kettering Corporate Center building because it is safe. If this zoning is approved, it could allow low income apartment buildings to be built in this area since they have already been approved to be in Kettering. He is displeased with the entire proposal and is concerned about his property value. Mr. McAfee feels this process has been pushed through extremely fast. If approved, this is the beginning of a road he does not want to go down.

Mayor Patterson mentioned that Federal Mandate and Fair Housing Act prohibit the City from blocking low income housing within the community. If a piece of land is purchased, the City is not required to rezone it. If the property is already correctly zoned, then it falls under fair housing clauses. It is not the City of Kettering's decision to decide if low income housing can go on certain properties; it is the choice of the individual agency as to what type of housing can be placed.

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

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, gave the staff presentation this evening. Mr. Hundt mentioned that the applicant is not here this evening because this is a fairly simple matter. Mr. Hundt expressed that he has been a City Planner for 40 years; 38 of which have been with the City of Kettering. He has gotten a lot of experience as being the Zoning Administrator for the past 13 years for the City of Kettering. This is an unusual case because normally you do not see rezoning from Business to R-2, and that is what is being requested this evening. The lot was established in the Roehr's subdivision in 1902 and a lot of the homes in this subdivision were built before Kettering was a city. The principal reason the owner would like to have it rezoned is because they are having a hard time selling the property. This property is a house and has little to no interest in making it commercial business. Due to the fact it is zoned business, they have checked with some appraisal companies and findings show it is often difficult to get financing for the home when the property is zoned commercially. This is due to the fact that the home would have a different value compared to if it was a single family home. This is a straight forward request. Homes to the northeast and west are all zoned R-2 district, so this will just be adding to this district. The lot to the south is also a house that is zoned as Business, but it is not part of the rezoning and we are not requesting for it to be rezoned. There has to be a reason for the rezoning. Primarily it is a residential looking lot and with the width of the lot and the busy street it would not make it easy for commercial purposes. Even though it is a busy street, it is still a narrow lot and getting in and out of that property for commercial use would be very difficult. There is an alley access, but it will make the commercial reuse impractical. The residence of this property was constructed in 1913, and it is 2 stories with four bedrooms. It is built like a house. Planning Commission finds that this case is consistent with the Kettering Comprehensive Plan, the demand for commercial uses in a residential structure are minimal. Due to the building code, it would be difficult to revise this home to make it commercial use. There is still a strong demand for single family homes on Kettering major thoroughfares. The conclusion Planning Commission made was there is sufficient standards that have been met to allow the Planning Commission to support the rezoning. The criteria for rezoning has to be: compliant with adopted plans, goals and polices, suitable property for permitted use, have adequate public facilities, effect of rezoning on surrounding use is minimal, and there is no effect to the economic viability of the developed and vacant land. The conclusion Planning Commission made is that all criteria is supportive for the requested rezoning.

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.

PUBLIC COMMENT ON LEGISLATION

ORDINANCES IN SECOND READING

RESOLUTIONS

A RESOLUTION
NO: 10133-18
BY: MR.LAUTAR AND MR.KLEPACZ

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES OR AN APPROVED COOPERATIVE PURCHASING PROGRAM TO PURCHASE A 12-PASSENGER VEHICLE

Mr. Lautar 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: Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Scott, Yea; Mr. Wanamaker, Yea; Mr. Lautar, 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: 10134-18
BY: MR.KLEPACZ 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, 2018

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

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

The following votes were recorded: Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Scott, Yea; Mr. Wanamaker, Yea; Mr. Lautar, 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 recommends approval of P.C. 18-007- Request for vacation of portions of easements- Ashton Gardens Final Phase. A public hearing on this request will be held on Tuesday, April 24, 2018 at the Kettering City Council meeting.

MANAGER'S REPORT/COMMUNITY UPDATE

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

- City income tax forms are available on the City's website at www.ketteringoh.org and forms are also available to be picked up at the Kettering Tax Department lobby- above the Police Department. Deadline for filing is April 17, 2018.
- Coming to the Frazee
 - Live at the Fillmore- Thursday, July 26 at 7:30 p.m.
 - Draw the Line- Thursday, August 2 at 7:30 p.m.
 - The Sweet Caroline Tour – Thursday, August 25 at 8:00 p.m.

Tickets can be purchased to all events at the Frazee Pavilion Ticket Office, Frazee FanFare store located in Town & Country Shopping Center, www.frazee.com, www.etix.com or charge-by-phone at 1-800-514-3849.

- Crews will make one pass through the entire city beginning April 16 to collect any leaves remaining from fall.
- Beginning the week of April 16 compost and mulch material may be picked up from the bins at Indian Riffle Park on Stroop Road.
- City staff will give a presentation regarding medical marijuana during the regularly scheduled Kettering City Council meeting on April 24.
- Kettering Civic Band will be presenting a spring concert on Thursday, April 19 at Kettering Middle School. Admission to the concert is free. The concert will begin at 7:30 p.m.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Audience Participation (5 Minute Limit per Speaker)

COUNCIL COMMITTEE REPORTS

Mr. Lautar reported:

- Nothing to report.

Mr. Duke reported:

- Kettering Leadership Academy applications are now available through the Volunteer Office.
- Residents can call Dayton Daily News customer care at 225-5700 to be removed from the Dayton Daily News advertisement list.

Mr. Wanamaker reported:

- Nothing to report.

Mr. Scott reported:

- Nothing to report.

Mr. Klepacz reported:

- Kettering Sister Cities Committee is working hard planning for Spass Nacht. This year, Spass Nacht will be June 20.
- Congratulations to former Fairmont graduate Kathryn Westbeld on making it to the Women's NCAA Tournament with her Notre Dame teammates.
- Shop Kettering.

Mrs. Fisher reported:

- Absent.

Mayor Patterson reported:

- On April 3 he participated in a conference with some of his colleagues from US Conference of Mayors and healthcare professionals regarding the drug crisis.
- On April 8 he was a judge for the Ronnie Bower Memorial Scholarship car show.
- On April 9 he was a member of the selection committee for the Chester Roush Educational Hall of Fame.

They're being no further business to come before this meeting of the Kettering City Council; Mayor Patterson adjourned the City Council Meeting at 9:10 p.m.

ATTEST:

DONALD E. PATTERSON, MAYOR

LaShaunah D. Kaczynski
Clerk of Council