

**KETTERING CITY COUNCIL  
REGULAR MEETING MINUTES  
May 28, 2019**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, May 28, 2019, at 7:30 p.m. in Council Chambers at the Kettering Government Center South Building, 3600 Shroyer Road. Mayor Patterson presided and the Acting Clerk of Council, Amy J. Hayslip, recorded. This meeting was telecast live on the cable access channel.

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

Council Members Absent: None

Total Members Present: Seven (7)

Mayor Patterson led the audience in the Pledge of Allegiance and gave the invocation. He introduced the cable TV operator Mike Sopronyi. He thanked him for his assistance.

APPROVAL OF MINUTES

May 14, 2019- Council Meeting & Workshop Minutes

Mr. Scott reported that he reviewed the above minutes and moved the minutes be approved. Mr. Duke seconded the motion of the above minutes and there being seven (7) yea votes and no (0) nay votes for the May 14, 2019 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- Partners for Healthy Youth Advisory Board- Troy Erbes (Term ending 12/31/21)

Appointment- Partners for Healthy Youth Advisory Board- Shannon Wright (Term ending 12/31/21)

Mr. Duke made a motion to appoint Tony Erbes and Shannon Wright to the Partners for Health Youth Advisory Board. Mr. Lautar seconded the motion followed by a unanimous like sign vote.

PUBLIC HEARINGS

P.C. 19-005- Request for Rezoning from EDO#15 to I-Industrial, O-Office, R-2 Neighborhood Residence, and R-4 Village Residence.

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.

David Roller, City Planner made the staff presentation this evening. Planning Commission has reviewed and has recommended the application to rezone Economic Development Overlay #15 to a mixture of I-Industrial, O-Office, R-2 Neighborhood Residence and R-4 Village Residence. Mr. Roller said that this is to modernize and update and to correct significant shortcomings of EDO #15's regulations and approval processes. This request is comprised of mainly three areas: the southern portion of EDO#15 is comprised of residential lots and a proposed park area. A development of residential dwellings has begun with new construction anticipated later this year; the middle portion of EDO#15 is located north of the proposed area is comprised of Synchrony, Alternate Health Solutions, Kettering Health Network, Kettering Municipal Courts and other city owned properties; the northern portion of EDO#15 is located north of Forrer Blvd. This area is currently comprised of vacant city owned properties, a proposed Amazon last-mile facility and a medical office. Mr. Roller said that it is a conversion more than a change of the EDO. The southern portion area is proposed to be rezoned R-2 and R-4; the middle portion is proposed to be rezoned O-Office and the northern portion is proposed to be rezoned O-Office and I-Industrial. Mr. Roller mentioned that this is not a change to the EDO but more of a conversion from EDO language into one of more standard zoning district classifications. This application meets all standards for rezoning and he recommends approval.

Mayor Patterson mentioned that this doesn't change how we use the facility over there, but as a city we are trying to get away from these EDO's and trying to put them into our standard zoning classifications.

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

A member of the audience not at the podium tried to see if he could ask a question.

Mr. Hamer mentioned that this was the time to offer comment as either for or against concerning this public hearing. This is not the time to ask a question of city staff.

Mayor Patterson had a member of the audience take the oath.

John Moad, 2572 Acorn Dr. mentioned that he received a letter in the mail about the public hearing and wanted to see where his property was on the map because he was not sure of the potential impact his property would see.

Mayor Patterson mentioned that this is an effort by our Planning Department to clean up zoning issues in the area and that we are not changing anything.

Mr. Roller showed Mr. Moad that he is outside of the zone that is being discussed.

Mayor Patterson had a member of the audience take the oath.

Virginia Turner, 1020 Broadmoor mentioned that the Amazon building is right in her back yard and she has had a problem with the noise during construction and wanted to know when Amazon is occupying the building if semis would be coming into the back of the building. She said Mr. Roller assured her that it would not be noisy but she wanted to know if it was if Amazon would put up a sound barrier.

Mayor Patterson said that the area and those buildings have not been used for a long time and there will be some noise when the buildings are occupied. He also mentioned that Mr. Schwieterman would be happy to speak with Ms. Turner after the meeting.

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

P.C. 19-006- Utility Easement Vacation/ 408 N. Claridge Drive.

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 presented the staff report this evening. Mr. Hundt mentioned that he has been a city planner for 42 years, the last 39 with the City of Kettering and the Zoning Administrator for the last 12 years. Mr. Hundt said that this is a pretty straight forward request from the applicants James and Angela Chesbrough. The lot is currently vacant and ready for redevelopment. There is a pretty significant utility easement that runs through the property at a diagonal which was originally dedicated to follow an underground storm drainage pipe. This pipe has been non-functional for many years and was plugged on both ends. The majority of the easement vacation would be at 408 N. Claridge with smaller easement vacations at 416 N. Claridge and 400 N. Claridge. Neither of the property owners at 416 or 400 N. Claridge have any objections to the vacation of the easement. Staff recommends approval of the vacation of the utility easement.

Mr. Duke mentioned that the property at 416 N. Claridge recently sold and wanted to know if the new property owner has been notified of the request for easement vacation?

Mr. Hundt answered that the new property owners were not made aware by the city but that we will make sure that they are aware. It has no impact on the owners because it provide no utilities.

Mr. Wanamaker mentioned that it was a pretty good size storm sewer and he wanted to know if the pipe is still in the trench.

Mr. Hundt mentioned that yes the pipe is still in there but is not functional; it has a break in the pipe and has been capped on both ends.

Mr. Wanamaker asked if it is the property owner's responsibility to fill in the trench.

Mr. Hundt said the owners will have to do soil borings because they want to put in a basement and removal of the pipe where it is necessary.

Applicant's presentation:

James Chesbrough, 15989 Allen Center Road, Marysville, OH. We found this lot about two years ago and it was purchased by someone else, so we continued our search for a lot because we love this area. Then the lot came up for sale again so we ended up purchasing the lot without knowing about the diagonal utility easement. As we made our plans for the new house we noticed that the old house was so close to the neighbor's lot line and we believe it was because of the placement of the utility easement. We have planned our home to be a narrow build with a one car garage that we believe will fit in with the neighborhood beautifully. He mentioned that he believes that he found where the break is in the pipe and it is about 20 feet up from the ravine because he found a hole in the yard and the yard slopes that way.

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.

P.C. 19-008- Mason Utility Easement Vacation (Moraine Ridge Lane)

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.

Mr. Hundt, City Planner made the staff presentation this evening. Mr. Hundt mentioned that he has been a city planner for 42 years, the last 39 with the City of Kettering and the Zoning Administrator for the last 12 years. This is a pretty straight forward request to vacate an unused utility easement that is located on two lots owned by Steve and Louise Mason who are not here this evening. A new home would be constructed on the northern lot. This easement vacation happened about ten years ago but was never recorded, we thought it was recorded as we allowed Mr. Mason to construct a detached garage on the lot. There is a current house on the southern lot and the new house would be constructed on the northern lot. This is a lot line adjustment which will require a replat and also requires a vacation of an easement. Staff recommends approval of the proposed record plan for the Mason Replat and further recommends approval of the easement vacation.

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: 10301-19  
BY: MR.LAUTAR AND MR.KLEPACZ

AUTHORIZING THE CITY MANAGER TO SUBMIT THE 2019 ANNUAL ACTION PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND EXECUTE THE REQUIRED CERTIFICATIONS TO ENABLE THE CITY TO RECEIVE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME FUNDS FOR PROGRAM YEAR 2019

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

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

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

A RESOLUTION  
NO: 10302-19  
BY: MR.KLEPACZ AND MRS.FISHER

AUTHORIZING THE CITY MANAGER TO ACCEPT AN ELECTRONIC TABLET GRANT FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY, OHIO DIVISION OF EMS

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

Mr. Butts, Fire Chief gave a brief description of the resolution.

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

A RESOLUTION  
NO: 10303-19  
BY: MRS.FISHER AND MR.SCOTT

ADOPTING RENEWED AND RECALCULATED STREET LIGHT ASSESSMENTS AND CERTIFYING THEM TO THE COUNTY AUDITOR FOR COLLECTION

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

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

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

A RESOLUTION  
NO: 10304-19  
BY: MR.SCOTT AND MR.DUKE

AUTHORIZING THE CITY MANAGER TO APPLY FOR A PROJECT SUPPORT GRANT FROM THE DOR-WOOD OPTIMIST CLUB

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

A RESOLUTION  
NO: 10305-19  
BY: MR.DUKE AND MR.WANAMAKER

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR DESIGN AND SURVEYING SERVICES FOR THE SCHANTZ AVENUE BRIDGE AND LINCOLN PARK CIVIC COMMONS LANDSCAPE RENOVATION PROJECTS

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

A RESOLUTION  
NO: 10306-19  
BY: MR.WANAMAKER AND MR.LAUTAR

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR REPAIR, CLEANING, AND PAINTING OF VARIOUS PARK AMENITIES AND STRUCTURES

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

A RESOLUTION  
NO: 10307-19  
BY: MR.LAUTAR AND MR.KLEPACZ

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, 2019

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

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

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

#### ORDINANCES IN FIRST READING

#### CERTIFICATIONS AND PETITIONS

#### MANAGER'S REPORT/COMMUNITY UPDATE

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

- Block party forms are available at the Engineering Department's page on the city's website at [www.ketteringoh.org](http://www.ketteringoh.org) or call the Engineering Department for more information at 296-2436.
- To learn more information about Neighborhood Pride or to nominate a neighbor, visit the city's website at [www.ketteringoh.org](http://www.ketteringoh.org) or call the Volunteer Office at 296-2433.
- The Kettering Block Party is June 12 from 6 to 8 p.m. at Lincoln Park Civic Commons.
- Show Us Your Heart for volunteers at Block Party.
- Gave a brief update about tornado event.

#### OTHER BUSINESS NOT ON WRITTEN AGENDA

Audience Participation (5 Minute Limit per Speaker)

#### COUNCIL COMMITTEE REPORTS

Mr. Lautar reported:

- On May 18 he attended the Relay for Life Opening Ceremony.

Mr. Duke reported:

- Congratulations to Mr. Lautar.
- Our thoughts and prayers to all those affected by the recent tornadoes.

Mr. Wanamaker reported:

- Congratulations to Mr. Lautar.

Mr. Scott reported:

- Congratulations to Mr. Lautar for being inducted into the Chester A. Roush Hall of Fame. A well-deserved honor.

Mr. Klepacz reported:

- On May 19 he attended the Walk for Women's Wellness.
- On May 22 he attended the ribbon cutting for FitBody Boot Camp.
- June 19 will be Spass Nacht.
- Shop Kettering.

Mrs. Fisher reported:

- On May 22 she attended the Vets Moving Forward event at Wright State.

Mayor Patterson reported:

- Congratulations to Mr. Lautar for his induction into the Chester A. Roush 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 8:25 p.m.

ATTEST:

Amy J. Hayslip  
Acting Clerk of Council

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DONALD E. PATTERSON, MAYOR