

CITY OF KETTERING
CITY COUNCIL
WORKSHOP MINUTES
August 27, 2019

The Council of the City of Kettering, Ohio met in a workshop session on Tuesday, August 27, 2019 in the Kettering Meeting Room, 3600 Shroyer Road, Kettering Government Center. The meeting came to order at 6:03 p.m.

Council Members Present included Mayor Patterson, Vice Mayor Lautar, Mr. Duke, Mr. Klepacz, Mr. Wanamaker and Mrs. Fisher. Mr. Scott had an excused absence.

Staff Members Present: City Manager Mark Schwieterman, Assistant City Manager Steve Bergstresser, Law Director Ted Hamer and Economic Development Manager Gregg Gorsuch.

Mr. Sterling Abernathy was also in attendance.

Agenda Review – Mr. Schwieterman reviewed the agenda for this evening’s meeting with the Council members.

CIP Workshop Meeting – Mr. Schwieterman reminded the Council members the CIP and Workshop Meeting scheduled for September 10th will begin at 5:30 p.m.

Fire Department Swearing In Ceremony – Mr. Schwieterman informed Council members there will be a Swearing in Ceremony for the Fire Department on Tuesday, October 1st at 6:00 p.m. The event will be held in Council Chambers.

Zoning Code Pet Regulations – Mr. Schwieterman stated the City’s Zoning Code states a resident can have no more than 5 pets. Mr. Schwieterman said he received a call from a resident whose neighbor has two Pit Bull Terrier dogs. This resident would like Council to consider reducing the number of pets a Kettering resident can legally have. The resident did note the Pit Bull Terriers have not acted in a vicious manor. Council and staff discussed the situation and determined it would not be prudent to reduce the number of pets to less than two and reducing the number of allowable pets to 3 or 4 would not accomplish the residents stated goal. After the discussion Council decided to leave the number of permitted pets at 5.

Nuisance Abatement Ordinance – Mr. Schwieterman stated staff will bring the Nuisance Abatement Ordinance before Council for action at the September 24, 2019 City Council meeting.

Flag Pole Locations – Mr. Schwieterman stated a resident has contacted the City regarding placing a flag pole with the American flag on it at the Lincoln Park Civic Commons (LPCC). Mr. Schwieterman also stated staff conducted a City wide inventory of flag poles and flags. He noted the City has 15 buildings and 11 of those buildings have American flags and of the City’s 21 parks only Delco Park flies the American flag. He stated the rough estimate to install a flag pole and light the flag at night is roughly \$5,000. Mr. Schwieterman asked Council members if they would like to consider installing a flag at LPCC. Mayor Patterson stated he would be OK putting a flag at the Lincoln Park entrance, for example. Mr. Duke said we should consider placing a flag near the intersection of Shroyer Road and Lincoln Park Boulevard. Mr. Klepacz said he feels staff should look at all City owned buildings and be consistent with what we do with flags, but start by placing one at LPCC. Mr. Schwieterman said staff will evaluate the LPCC area for flag pole locations and report back to Council on the findings.

Employee Health Insurance – Mr. Schwieterman said staff is beginning to look at health insurance options for the employees for 2020. He stated right now, and it is early in the process, it looks like there will be approximately a 5% increase in cost for next year.

Board of Community Relations (BCR) – Mr. Schwieterman stated on September 24th at 7:00 p.m. there will be a BCR 50th Anniversary reception in the Deeds Meeting Room. The Workshop Meeting will end early that evening, so the Council members can attend the reception.

Holiday at Home (H@H) – Mr. Schwieterman asked Council members if they had any questions regarding the H@H events planned for this weekend. Mr. Wanamaker asked when the Council members will receive their parking passes. Mr. Schwieterman said he will check on that and let the Council members know what he finds out.

Washington Township Fire Department (WTFD) – Mr. Schwieterman stated there is a funeral for a WTFD firefighter this Friday, August 30th. The Kettering Fire Department will be providing coverage for WTFD stations number 42 and 45 for approximately a five hour period. He also noted other local jurisdictions will be manning the other WTFD stations during that time.

Modern College of Design (MCD) – Mr. Schwieterman reviewed the information contained in the August 9, 2019 memo from Planning & Development Director Mr. Robillard with the subject line “Status of property located at David Road between Glenstead Drive and Hempstead Station Drive”. He stated in early 2017, the city discussed with Jessica Berry, President of the Modern College of Design (fka School of Advertising Arts) her plans to increase the size and capacity of the school and to create a four year bachelor degree program. City staff and Jessica negotiated a reduced cost for approx. 3 acres of City land as an incentive to build the necessary apartments/dormitories for her students. The housing is needed in order to support the expansion of the school and the increase in students. Mr. Schwieterman said in March of 2018, an application was processed to rezone 4745 Hempstead Station Dr. (City Land), 1725 E. David Road (Modern College of Design Land) and 489 Hempstead Station Drive (Vectren gas pump site) from EDO #3 to O-Office. This was initiated in order to facilitate the expansion of the School and to allow development on the remainder land where Station 36 is located. EDO #3 prohibited a school offering a four year degree program and does not allow for development of apartments/dormitories on the vacant parcel. Then on May 22, 2018, City Council approved Ordinance #4311-18 to rezone the Modern College of Design land and the Vectren gas pump site to O-Office, but stated in the ordinance that rezoning of the City Land required further study and deferred making any decision regarding the City Land to a later date. Mr. Schwieterman stated the school attempted, but was unable to obtain a contract to purchase land directly to the west of their site on David Road, the owner of the land was unwilling to enter into negotiations for a sale. He also mentioned City staff pursued the site at Stroop and Hempstead that is currently owned by Kettering Health Network (KHN). KHN has near-term plans for the site and was not willing to discuss a sale to the school. In addition, staff has developed a concept plan for the Ryan’s Steak House site on Stroop Road. He noted while you could conceivably get 50 residential units on the site, the asking price of \$1.6m is prohibitive. Mr. Schwieterman also indicated on August 2nd, Jessica Barry informed the city she lost 8% (14 students) of her registered students this semester due to lack of housing options. These are students who registered and then canceled. Jessica indicated that she has students renting apartments in the Dayton Mall area due to lack of availability in the area of the school. Next Mr. Schwieterman noted regardless of whom owns the City Land, in order to develop it, it must be rezoned. EDO #3 does not accommodate for development on this parcel. The process to permit development is to rezone to an appropriate zoning district. The current application to rezone the City Land (from EDO-3 to O-office) is still active and can be acted upon. A public hearing has been held on the requested rezoning. The next step would be first and second reading and a vote on an ordinance to rezone. And finally, he reminded the Council members there is a pending offer to sell the property (from the City) to the Modern College of Design, which may still be acted upon or disregarded. Mayor Patterson asked if we would rezone the City property to O-Office would that fit with the rest of the property uses in the Kettering Corporate Center (KCC). Mr. Schwieterman said yes, that would be the correct zoning for most of the uses in the KCC. Mayor Patterson asked if the property is rezoned and someone offers asking price for the property are we required to sell it to them. Mr. Hamer said the City can refuse to sell the property to anyone as long as it is not for discriminatory reasons. Mr. Duke stated he feels we should rezone the property, try and sell it and if it doesn’t sell in a couple of years then sell it to the school. He said the schools original plan was to build the apartments in a few years from now. Mayor Patterson stated the City created the KCC as a business park and all of the businesses that have located there did so under the

assumption it would be a business park. Mr. Lautar stated he doesn't feel a 50 unit residential property at this location would create much havoc for the businesses in the KCC. In addition, most of the businesses in the KCC area are more service oriented meaning they don't have too many customers coming to their location. At this point, Mr. Schwieterman noted he had received an email from Mr. Scott early today indicating he is not in favor of apartments at this location. Mr. Schwieterman said it appears the direction of Council is to move ahead with the rezoning and when complete, attempt to sell the property for market value. Mayor Patterson said we purchased the property for \$100,000 per acre and he feels we should try and sell it for that amount. Mr. Schwieterman said staff will take this direction, form a plan, and report back to Council.

At 7:14 p.m. Mr. Klepacz made a motion to enter into executive session under Section 121.06 (k) of the Codified Ordinances for purposes of Conference with Attorney and Property Matters; the motion was seconded by Mr. Duke. The motion passed by a unanimous roll call vote.

At 7:23 p.m. Council exited the executive session and went back on the record.

The workshop meeting adjourned at 7:24 p.m.

ATTEST:

DONALD E. PATTERSON
MAYOR

LASHAUNAH D. KACZYNSKI
Clerk of Council