

**KETTERING CITY COUNCIL  
REGULAR MEETING MINUTES  
January 12, 2021**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, January 12, 2021, at 7:30 p.m. Due to the COVID-19 pandemic, the January 12, 2021 meeting of the Kettering City Council was conducted by teleconference with video. Mayor Patterson presided and the Clerk of Council, LaShaunah D. Kaczynski, recorded. This meeting was telecast live on the cable access channel and streamed live at mvcc.net.

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

Council Members Absent: Wanamaker

Total Members Present: Six (6)

Mr. Duke recited the Pledge of Allegiance.

Mayor Patterson gave the invocation.

Mrs. Kaczynski conducted an attendance roll call of council members:

Mr. Klepacz- Present

Mr. Lautar- Present

Mrs. Fisher- Present

Mr. Scott- Present

Mr. Duke- Present

Mr. Wanamaker- Absent

Mayor Patterson- Present

Mayor Patterson mentioned Mr. Wanamaker has an excused absence this evening.

Mayor Patterson introduced the cable TV operator Carl Suchomel. He thanked him for his assistance.

**APPROVAL OF MINUTES**

December 15, 2020- Council Meeting & Workshop Minutes

Mr. Lautar 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 six (6) yea votes and no (0) nay votes for the December 15, 2020 Council Meeting & Workshop Minutes, the motion was declared carried by roll call vote

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

Mayor Patterson read the following board and commission appointments:

**Sister City Committee**

Jackie Lawless, Susan Barber, Janet Bolton, Claudia Welles (Terms ending 12/31/23)

**Board of Zoning Appeals**

Carole Endres (Term ending 12/31/25)

**Planning Commission**

Carol Fischer (Term ending 12/31/25)

**Personnel Board of Appeals**

William Linesch (Term ending 12/31/21)

**Volunteer Advisory Council**

Sabrina Larson, Joan Fisher- Hatton (Terms ending 12/31/23)

**Kettering Arts Council**

Gloria Push, John Schmitz (Terms ending 12/31/23)

Meghan Dillon, Laura Arber, Susan Bennett, Elom Dossa, Gine Elliott, Thom Meyer, Pene Miller (Terms ending 12/31/22)

**Board of Community Relations**

Frank Ecklar, Elom Dossa, Gwen Owen, William Tschirhart (Terms ending 12/31/23)

**Board of Plumbers' Registry**

Michael Waker (Term ending 12/31/22)

Mr. Klepacz made a motion to approve the board and commission appointments as presented. Mrs. Fisher seconded the motion followed by a unanimous like sign vote.

PUBLIC HEARINGS

**P.C. 20-017- 2231-2391 Woodman Dr. and 2070 Forrer Blvd- Rezoning from ED-19 to BP Business Park.**

Mayor Patterson opened the public hearing and asked that any person who intended to speak this evening regarding this matter should take the oath. Those persons who intended to speak took the oath.

Mr. Robillard, Planning & Development Director gave the staff presentation this evening. This is a request from David Nianouras who is representing the owners of Forrer Development LLC. They are requesting a zoning map change from ED-19 to BP-Business Park. The property is located at the southwest corner of Forrer Blvd and Woodman Drive. There is vacant park land at the corner and a car wash along with a line of shops; behind the shops is a self-storage facility. The request for the business park designation will be in conformance with the mechanical property behind it. The purpose for the business park designation is to free up some of the uses that are allowed under this designation. The applicant request is for a fitness center which is a permitted use under the business park designation. This request is also part of the city's effort to phase out the economic development overlay districts throughout the city to make them conform with various zoning categories. This will free up usage and eliminates red tape that would be required to occupy those spaces. He would be happy to answer any questions.

Mayor Patterson asked Mr. Robillard if there will be an applicant presentation this evening. Mr. Robillard informed city council there will not be an applicant presentation this evening.

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

Mayor Patterson closed the public hearing and mentioned city council will consider legislation for this request at a later city council meeting.

**P.C. 20-019- Rezoning of property located between 2222 & 2298 S. Smithville Road**

Mayor Patterson opened the public hearing and asked that any person who intended to speak this evening regarding this matter should take the oath. Those persons who intended to speak took the oath.

Mr. Hundt, City Planner gave the staff presentation this evening. This is a similar case just like the previous public hearing relative in the removal of ED districts. This particular case involves the removal of ED-22 which basically was the redevelopment of the old Van Buren shopping center. It was established with five different areas that corresponded with this case. The properties involved are owned by James Weprin at Kettering Point Commercial Center. Planning Commission is requesting that the piece of land along Forrer Blvd not be rezoned at this time because it provides a buffering between the bank and the homes. The two properties that are in question are the vacant lot and the developed lot. This rezoning will not impact single family residential homes, the Post Office or the Wes Banco Bank because those parcels will remain in the ED-22 designation. The request by Mr. Weprin is for commendation for redevelopment. Planning Commission has looked at the standards for rezoning and has recommended rezoning from ED-22 to the B-Business District. Like Mr. Robillard mentioned in the previous public hearing, this rezoning will stream line the reuse potential which will allow for additional uses that are commercial or residential. The B-Business District is an appropriate designation for shopping centers. All standards for rezoning have been met and he would be happy to answer any questions from neighbors regarding this rezoning as well as questions from city council.

Mayor Patterson asked Mr. Hundt if the applicant will be presenting this evening. Mr. Hundt informed city council that Mr. Constantini who represents Mr. Weprin will be willing to speak in case neighbors have questions that would require the applicant to elaborate.

Mayor Patterson asked if there were any comments from the public either for or against regarding this matter.

**Paula Stewart- 1321 New Horizon Place** – Mayor Patterson asked Mrs. Stewart to take the oath before she began her five minutes of comments. Mrs. Stewart mentioned she was unable to see the zoning map but she believes that area in question is by the cleaners. Mrs. Stewart asked if that is the only area that will be rezoned.

Mr. Hundt asked if Mrs. Stewart was referring to the laundry mat? Mrs. Stewart stated that is correct.

Mr. Hundt informed Mrs. Stewart that the laundry mat is part of the commercial development that will be rezoned along with the vacant land that is south of the laundry mat. Mr. Hundt expressed he would be happy to provide Mrs. Stewart with the staff report and maps after the meeting for this particular request.

Mrs. Stewart expressed that would be great. Mrs. Stewart wanted clarification if there will be apartments built at this site or will it strictly be stores or commercial properties?

Mr. Hundt mentioned he will let Mr. Constantini answer that question as there has been talk in the past about that use but no official plans have been submitted.

Mayor Patterson asked that Mr. Constantini take the oath.

Mr. Constantini explained two developers have looked at the property and they are currently under contract with a developer retailer who would like to build a Domino's Pizza. They would like to construct a 2,000-3,000 sq. ft. building on that site. There has been interest from multi-family developers, but at this time they chose to go with a commercial retail group.

Mrs. Stewart mentioned she was just very concerned that there would be apartments because her taxes are very high and it would reduce her home value.

**Gloria Johnson- 1425 Phoenix Place-** Mayor Patterson asked if Ms. Johnson took the oath before she begins her five minutes of comments. Ms. Johnson stated she took the oath at the start of the public hearing. Ms. Johnson mentioned she lives in the same neighborhood as the Stewarts, and Mr. Constantini answered most of her questions. She is concerned residential apartments will be going into that neighborhood. She understands that right now, the applicant is under contract with Domino's Pizza. As long as she knows apartments are not going on that location she feels comfortable.

Mayor Patterson asked Mr. Hundt while he understands there is a contract with Domino's Pizza and it could all fall apart, will this rezoning permit apartments to be placed at this site?

Mr. Hundt informed council the rezoning would accommodate multi-family use including apartments or condos. There really isn't any promise that the Domino's Pizza will be built on this property.

Mayor Patterson confirmed that was the point he was trying to make that the two objections this evening were for multi-family apartments.

Ms. Johnson stated multi-family use is her objection. She is not opposed to high-end condos because that will still keep her property value high.

Mayor Patterson clarified if this is approved this would not preclude apartments from going in that location if in fact the Domino's deal does not happen and the owner looks to sell this land to a prospective developer. Mr. Hundt stated that is correct.

Mayor Patterson informed residents that while Planning Commission passed this rezoning and council looks to approve this rezoning based on recommendations, this does not guarantee that there couldn't be apartments placed here if the Domino's deal falls through. The zoning will be changing to allow apartments to be there.

Ms. Johnson asked if these apartments would be low income housing or will they be similar to the apartments that are around this area?

Mayor Patterson explained the city doesn't have the ability to define low income housing it could be anything that falls in the apartment guidelines.

Mr. Hamer, Law Director mentioned that is correct. It is considered a use by right which apartments would be and if it meets that definition it could go into that site.

Ms. Johnson asked that means whether that is low income or not?

Mr. Hamer stated if it meets the apartment definition it could go into that site.

Mayor Patterson exclaimed the city has no say so or control over that. If it is zoned for apartments then apartments can go there.

Mr. Constantini mentioned the multi-family group he had spoken to were looking at building high-end apartments for millennials or senior housing. The development was fairly substantial in regards to the quality of the asset build-out. That was only one developer that he had spoken with.

Ms. Johnson mentioned that answered a lot of her questions.

Mr. Hundt gave his contact information to Ms. Johnson so he could provide her with the staff report.

**Robert Stewart- 1321 New Horizon Place-** Mayor Patterson asked that Mr. Stewart take the oath before he begins his five minutes for comments. Mr. Stewart expressed he doesn't have anything else to add and he thanked Mr. Hundt for coming out to speak with him about the rezoning. He understands Domino's Pizza is the front runner but apartments could be placed at that location.

Mayor Patterson expressed while it isn't a guarantee the owner will sell this land to Domino's or an apartment developer, the owner wouldn't do anything to hurt their asset since they own the building next door. Hopefully it will bring the neighbors comfort that the owner wouldn't place something there that would hurt their asset.

Mr. Hundt stated that the city's zoning code has a minimal design and architectural standards that will require quality materials to be used. He would be happy to go over those details with the neighbors.

Mr. Constantini mentioned Mayor Patterson made a good point explaining protecting their asset. The reason why they decided to pick Domino's is because it complements the existing shopping center and the current use of the adjacent parcels. He does have concerns regarding the impact of multi-family housing would have on the surrounding real estate. The multi-family lay-out was never a sure deal and his client felt more comfortable with the use Domino's offers and how it complements the shopping center.

Mayor Patterson thanked the residents who spoke this evening in regards to this public hearing. He enjoys when residents take an active role in their community and he hopes their questions were answered.

Mayor Patterson closed the public hearing and explained city council will consider legislation for this request at a future council meeting.

PUBLIC COMMENT ON LEGISLATION

ORDINANCES IN SECOND READING

RESOLUTIONS

A RESOLUTION  
NO: 10509-21  
BY: MR.KLEPACZ AND MRS.FISHER

AUTHORIZING PAYMENT OF 2021 MEMBERSHIP DUES TO MIAMI VALLEY REGIONAL PLANNING COMMISSION

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

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

The following votes were recorded: Mr. Klepacz, Yea; Mr. Lautar, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, 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: 10510-21  
BY: MRS.FISHER AND MR.SCOTT

AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS AND TO CONTRACT FOR THE 2021 CURB, SIDEWALK AND DRIVE APPROACH REPAIR PROGRAM (PROJECT NO. 05-121)

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. Klepacz, Yea; Mr. Lautar, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, 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: 10511-21  
BY: MR.SCOTT AND MR.LAUTAR

AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS AND/OR USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES AND TO CONTRACT FOR THE 2021 STREET MAINTENANCE PROGRAM

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

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

The following votes were recorded: Mr. Klepacz, Yea; Mr. Lautar, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, 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: 10512-21  
BY: MR.LAUTAR AND MR.DUKE

AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS AND TO CONTRACT FOR THE COLLEGE DRIVE CUL-DE-SAC CONSTRUCTION PROJECT, CITY PROJECT NO. 02-254K

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: Mr. Klepacz, Yea; Mr. Lautar, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, 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: 10513-21  
BY: MR.DUKE AND MR.KLEPACZ

AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS AND TO CONTRACT FOR THE COUNTY LINE ROAD WIDENING PROJECT, CITY PROJECT NO. 02-136H (ODOT PROJECT MOT-COUNTY LINE ROAD, PID 103418)

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

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

The following votes were recorded: Mr. Klepacz, Yea; Mr. Lautar, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, 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: 10514-21  
BY: MR.KLEPACZ AND MRS.FISHER

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES AND TO CONTRACT FOR ENGINEERING DESIGN SERVICES FOR THE DANUBE COURT BRIDGE REHABILITATION PROJECT, CITY PROJECT NO. 03-924A (ODOT PROJECT MOT-DANUBE CT REHAB, PID 114100)

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

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

The following votes were recorded: Mr. Klepacz, Yea; Mr. Lautar, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, 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: 10515-21  
BY: MRS.FISHER AND MR.SCOTT

AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS AND TO CONTRACT FOR THE MARSHALL ROAD RESURFACING PROJECT, CITY PROJECT NO. 02-120H

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. Klepacz, Yea; Mr. Lautar, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, 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: 10516-21  
BY: MR.SCOTT AND MR.LAUTAR

AUTHORIZING THE CITY MANAGER TO ENTER INTO A THREE YEAR CONTRACT WITH AT&T  
FOR CENTREX PHONE SERVICE

Mr. Scott 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. Klepacz, Yea; Mr. Lautar, Yea; Mrs. Fisher, Yea; Mr. Scott, Yea; Mr. Duke, 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.

- 2021 dog licenses are currently on sale. Residents can contact Shelly Davis in the Police Department at 937-296-3266 to purchase dog licenses.
- Kettering City Offices will be closed on Monday, January 18, 2021 to observe Martin Luther King Jr. Day. There will be no delay in Rumpke trash service.
- Rumpke will pick up Christmas trees at the curb until Saturday, January 16.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Audience Participation (5 Minute Limit per Speaker)

**Robert Stewart- 1321 New Horizon Place-** The back of his property butts against Forrer Blvd and he has noticed a lot of people are ignoring the speed limit, but lately there has been a lot of truck traffic due to Amazon. The problem they are experiencing is the noise from the trucks as they move on the street. He would like to see the trucks re-routed to another road, but he believes there may be a ripple in the road that is causing the noise. As soon as the trucks hit the ripple, it sounds like thunder. He is wondering if someone could at least look at the road and possibly place it on the agenda for roads that need to be repaired. He noticed the west side of Forrer has been repaired, but repairs stopped at Smithville. He would greatly appreciate if someone could look into this matter.

Mayor Patterson requested that Mr. Schwieterman and Mr. Bergstresser contact Mr. Stewart.

Mr. Schwieterman thanked Mr. Stewart for bringing this matter to his attention and he will look into this section of the roadway and will review it for man-hole covers.

Mayor Patterson asked if city staff has Mr. Stewart's phone number.

Mr. Stewart mentioned his phone number is 937-545-3968.

Mayor Patterson thanked Mr. Stewart and mentioned city staff will be contacting him.

**Ron Hundt- (City Staff)** Mr. Hundt mentioned this might be the last time he sees council collectively before his retirement in March. It has been 41 great years working for the city and he appreciates working with this community, and he appreciates working with council on various projects. This is a great community and he would also like to thank the residents of Kettering. It is likely he will be coming back to volunteer once he retires and he is sure he will be attending the community block party once we are able to have that event because he really enjoyed it. Thank you to city council for their patience with working with him over the years.

Mayor Patterson mentioned Mr. Hundt's quite personality will be missed and he has become a good friend of his over these 24 years. The city and the Planning & Development Department are thankful for everything Mr. Hundt has done and he wishes him the best in his retirement.

Mr. Duke mentioned he has been on council for 34 years of Mr. Hundt's career, and out of the 543 employees he is one the city will never forget. Every year, he was doing something to support this community or support city workers. He has seen Mr. Hundt's hair dyed many times in support of many projects. Thank you for all you have done for the city and enjoy your retirement.

COUNCIL COMMITTEE REPORTS

Mr. Lautar reported:

- He offered his condolences to Marilou Smith's family.

Mr. Duke reported:

- He offered his condolences to Joyce Young's family.
- He offered his condolences to Pam Cochran's family.
- He offered his condolences to Marilou Smith's family.
- Residents should become active within our community and begin to talk to one another to begin to heal this country.

Mr. Wanamaker reported:

- Absent.

Mr. Scott reported:

- He offered his condolences to Marilou Smith's family.

Mr. Klepacz reported:

- It's a new year continue to support local Kettering businesses.
- He offered his condolences to Marilou Smith's family.

Mrs. Fisher reported:

- She visited a new Kettering business over the holidays called Blessed Hands.

Mayor Patterson reported:

- Marilou Smith will be missed in our community.

They're being no further business to come before this meeting of the Kettering City Council; Mayor Patterson adjourned the City Council Meeting at 8:45 p.m.

ATTEST:

LaShaunah D. Kaczynski  
Clerk of Council

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DONALD E. PATTERSON, MAYOR