

**KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
March 28, 2023**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, March 28, 2023, at 7:30 p.m. in Council Chambers at the Kettering Government Center South Building, 3600 Shroyer Road. Mayor Lehner 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: Lehner, Fisher, Klepacz, Scott, and Duvall

Council Members Absent: Duke and Hall (Excused)

Total Members Present: Five (5)

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

Mayor Lehner introduced the Miami Valley Communications Council TV Operator Mike Sopronyi. She thanked him for his assistance.

Mayor Lehner mentioned Mr. Duke and Mrs. Hall have an excused absence.

APPROVAL OF MINUTES

March 14, 2023- Council Meeting & Workshop Minutes

Mrs. Fisher reported that she reviewed the above minutes and moved the minutes be approved. Mr. Klepacz seconded the motion of the above minutes and there being five (5) yea votes and no (0) nay votes for the March 14, 2023 Council Meeting & Workshop Minutes, the motion was declared carried followed by a roll call vote.

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

Appointment- Board of Community Relations- Leah White Term ending 5/31/23

Mrs. Fisher made a motion to appoint Leah White to the Board of Community Relations. Mr. Klepacz seconded the motion. The motion was declared carried followed by a unanimous like sign vote to approve the appointment.

Proclamation- Fair Housing Month

Ms. Duvall read the above proclamation and the proclamation was accepted by John Zimmerman, Vice President of Miami Valley Fair Housing Center. Mr. Zimmerman thanked City Council for the proclamation. The City of Kettering is a key partner in eliminating housing discrimination within the city and across the region. Mr. Zimmerman would like to express that the services at the Miami Valley Fair Housing Center are at no cost and residents can call them at 937-223-6035. Residents will be able to explain their housing situations and a staff person at the Miami Valley Fair Housing Center will let them know of their options. Their website is www.mvfairhousing.com. The theme for the Fair Housing event for 2023 is "Fair Housing: A Tool for Understanding and Addressing Poverty". This is important because HUD mandates that all people have the chance at the American dream and do everything that we can to eliminate poverty. The National Football League and Robert Kraft started a 25 million dollar marketing campaign to Stand Up to Jewish Hate. The symbol of this campaign is an emoji and when the emoji is displayed on the screen it is 2.5 percent of the screen which equals the population of Jewish people in the United States. The Jewish population in the United States is 2.5 percent and they account for 55 percent of all religious hate crimes. With these statistics coming out from the FBI, people need to follow the campaign advice and stand up to hate. The Miami Valley Fair Housing Center will be participating in this campaign because the fair housing celebration is on April 5 which is the Feast of the Passover. Mr. Zimmerman expressed it is appropriate to celebrate the Jewish culture as well as celebrate the passage of the Fair Housing Act.

Ms. Duvall informed City Council that the Miami Valley Fair Housing Center educates the community. They participate in multiple educational events with the Board of Community Relations including the landlord tenant rights workshops for the Kettering community. She is thankful for the work of the Miami Valley Fair Housing Center.

Mayor Lehner expressed the Miami Valley Fair Housing Center is an important aspect of the community.

PUBLIC HEARINGS

P.C. 23-001- Zoning Text Amendment

Mayor Lehner mentioned that Ryan Homs, City Planner will be giving the staff presentation this evening.

Mr. Homs expressed that the proposed zoning text amendment affects nine chapters of the Zoning Code. There was a public hearing that was held by the Planning Commission regarding the proposed changes earlier this month. Most of the changes are fairly minor but most of them are based on discussions after going through another year of reviewing projects and talking to applicants. A lot of these changes will modernize the Zoning Code and will make it easier to get plans approved, in particular sites that have already been developed under old Zoning Codes. Those sites are having a hard time being developed with the current Zoning Code. The first proposed change is to Chapter 1131 of the enactment and interpretation section. The proposed change will create a reference to the Board of Zoning Appeals and the Planning Commission to create a standard for both of those bodies to create bylaws. Both groups currently have their own bylaws today but they are fairly dated and this change will allow for those bylaws to be updated later on this year. The second proposed change is to Chapter 1135 which deals with the establishment of the zoning districts and the use lists. Self and mini storage uses will be removed from the B-Business District and will remove self and mini storage uses, automobile washing, vehicle fueling and recharging, auto sales and service uses and auto rental from the Business Park District. The third proposed change is to Chapter 1137 which deals with specific uses within the code. This will create requirements related to architecture and common areas for multi-unit residential developments within non-residential zoning districts. It would also add more options for buffer yard fences and walls between residential and non-residential uses. It will also remove references to self and mini storage uses and will create setback requirements for outdoor production and it will remove specific setback requirements for kennel uses and residential uses. Chapter 1139 dealing with accessory structures and uses will have one minor change which will clarify an error when the Zoning Code was first created which will allow patios and decks in front yards of non-residential uses such as restaurants. It will also update pool cover requirements to be more consistent with the best practices today. It will re-allow ground mounted solar energy as accessory uses within residential districts. Also, the change will remove the undefined use of guest housing since there are no standards and it will remove the reference from this chapter. Chapter 1143 deals with general site and environmental standards such as lighting, driveways and access and the proposed change will allow for greater reduction for buffer yard planting when cross access easements are provided between adjoining properties. The change will also require that light fixtures be only installed on light poles, bollards or buildings. It will also update the light trespass standards to be more flexible for light trespass between non-residential uses in commercial areas. Chapter 1145 deals with parking and loading and the proposed amendment will eliminate the setback and screen requirements for side yard parking spaces for residential properties consisting of two or fewer dwelling units. It will also add flexibility to the parking lot curbing requirements for existing lots that are being redeveloped. It will also add flexibility to the minimum parking space and drive aisle sizes for existing parking lots. A lot of the changes in Chapter 1147 that deal with landscaping and buffer yards are very minor and will allow staff to be flexible when reviewing landscaping plans. This amendment will allow streetscape trees to be either canopy trees or Group A trees. The code requires starting with canopy trees unless there are overhead power lines that are 35 feet or lower. The problem with that standard is there are not a lot of trees that can grow in Kettering that are considered canopy trees which forces people to use the same variety of trees and causes monocultures. The amendment will allow for a wider variety of trees to be planted within these areas. Within Chapter 1147, there will be modifications to the buffer yard requirements to be a little more flexible and will update the requirements for masonry and retaining walls to be consistent with historic practices. The amendment will also update the substitution of standards clause to increase the amount of flexibility afforded to existing developed sites that are being redeveloped. Chapter 1155 will clarify what kinds of changes are required to an existing site to trigger full zoning code compliance. The amendment will clarify the meaning of improved surface area. The amendment will also create an official set of standards staff will have to review for existing non-conforming sites and what will have to be met in order for staff to approve modifications to certain standards including landscaping and parking lot requirements. Changes to the definition section will define words that are found throughout the code that don't have definitions. Some examples include arcade, arch, attached, awning, canopy, improved surface and marquee. The amendment will also modify definitions to self and mini storage uses, warehousing and distribution, and weapons sales. The changes to weapons sales will bring the code into line with some changes to state law passed within the last year. The Planning Commission reviewed the amendments at a public hearing on March 6 and recommending approval of four amendments including Section 1137.02.2 to remove the proposed change relating to parking lot design and also increases the maximum canopy height for vehicle fueling and recharging stations from 16 feet to 18 feet. Section 1145.13.1 would remove all proposed modifications to parking of recreational vehicles and trailers but Planning Commission would like to do more research before proposing changes. 1155.09. B would remove the word redevelop from this section.

Mr. Scott asked if the fueling recharging station will not be an allowed in Business Park Districts?

Mr. Homsy informed City Council plug-in electric charging stations will be considered an accessory use and will be allowed.

Mr. Klepacz expressed that throughout the presentation it was referenced that these changes will allow staff to be more flexible. What will these changes do for residents and businesses? He is looking for these proposed amendments to be a positive change to residents and businesses.

Mr. Homsy mentioned a lot of changes to the business chapter is meant to deal with properties that were developed under previous Zoning Codes which now makes it hard to redevelop these properties. A lot of changes will make it easier for landscaping and buffers which will give staff the ability to look at a site plan to allow modifications. This will not allow every project to be approved but from a business prospective it will allow greater flexibility to existing sites. There aren't a lot of changes to the residential side of the code but the amendment will give more properties that ability to fit a parking pad next to their house if they would like to widen their driveway.

Mayor Lehner expressed there was a recent story in the newspaper regarding Bradford pears being considered illegal. Is there anything in the Zoning Code that will require these types of trees to be removed?

Mr. Homsy mentioned there isn't anything in the Zoning Code that requires the removal of those trees. He believes those types of trees have become invasive this year. In the future, if there is redevelopment with a lot of those particular types of trees on a property, it could be added to the code for the removal if they are deemed invasive by the Ohio Department of Agriculture.

Mayor Lehner opened the public hearing for public comments either for or against the proposed changes.

Rick Schwieter- Forrer Pointe Car Wash- Mr. Schwieter expressed he is here this evening for clarification of the proposed amendments to the Zoning Code. He is close to retirement and he is in negotiations with John Clark to purchase his car wash and he learned yesterday about the zoning changes. He needs clarification on how the changes to Chapter 1135 will affect Forrer Pointe Car Wash. Mr. Clark heard if a tornado came and blew the roof off at that building he would not be able to fix it. Is there a grandfather rule with these proposed amendments? He also needs clarification of the zoning district his business is located in.

Mayor Lehner encouraged Mr. Schwieter and Mr. Clark to meet with Mr. Homsy in regards to their questions.

Mrs. Fisher thanked Mr. Schwieter for bringing his questions before City Council this evening regarding the proposed amendment changes.

Mr. Homsy informed City Council that Mr. Schwieter property is zoned as Business Park. If this amendment would go into effect the property would become grandfathered in. Mr. Schwieter will be able to continue to operate it as is and will be able to make repairs to it. If the property were to catch fire or need significant repair there is a certain point where he couldn't tear it down and rebuild it as a car wash. It would be able to operate as one and maintained as one but not rebuilt completely.

Mayor Lehner clarified that Mr. Schwieter's property would be grandfathered in.

Mr. Homsy informed City Council that is correct. If the amendment goes into effect the car wash will not all of a sudden become illegal but if there was expansion at the property that wouldn't be allowed. It is allowed to be repaired and maintained but there can't be substantial renovation to the property.

Mrs. Fisher explained if the roof came off he would be able to fix the roof and get the building operational but if it burned down to the ground the new owner will not be able to rebuild the car wash.

John Clark- Forrer Pointe Car Wash (Potential New Owner)- He is interested in purchasing Forrer Pointe Car Wash. He is concerned if he takes out a loan and he will be able to repair the property but he will be stuck with the bill he wouldn't be able to foot if something substantial should happen to the property. Mr. Clark wanted to understand all of the proposed amendments before he makes his final decision on purchasing the car wash. He is just a small business owner.

Mayor Lehner encouraged Mr. Clark to speak with Mr. Homsy so he can get clarification and she would like for the business to remain operational.

Mayor Lehner closed the public hearing and mentioned City Council will take this matter under advisement and legislation amending the Zoning Code will be considered at a future City Council meeting.

PUBLIC COMMENT ON LEGISLATION

Sterling Abernathy- Mr. Abernathy mentioned he is here this evening because he has two comments regarding items on the agenda. He has comments this evening regarding item #13 which is an

emergency ordinance to modify the city's building codes. When was there a city council meeting to discuss this change? City Council is declaring this ordinance an emergency which bypasses public review for new ordinances, why is the ordinance regarding building codes being declared an emergency? He also has comments regarding item #11 which is a resolution to establish a Community Reinvestment Area. This resolution will impact the Oak Park and Aragon neighborhoods which will be around 900 homes that will be part of this Community Reinvestment Area which is known as a CRA. The CRA runs through Miami Valley Research Park which at this time he doesn't know if a Community Reinvestment Area is a good or bad thing. What he does know is that the city is designating 900 homes in Kettering as neighborhoods which discourage repair to existing homes and new construction. The city didn't discuss this plan with residents before labeling 900 homes as blighted and deteriorating. The city didn't answer questions about the impact this designation would have on property values of their homes. That should have been done before the city assigned a negative label to their neighborhood. This resolution also provides tax breaks to commercial real estate developers, before the approval of a deal of tax breaks for developers why not share the proposal with the public which includes the Oak Park and Aragon residents who might be affected as well as the Bergamo. If the city planned a deal for big tax breaks to a commercial developer to build apartments in your neighborhood, wouldn't you want to be informed before the City Council took a vote? Having open meetings about CRA is the law which is referenced in section 15 of the resolution. Section 15 references that all deliberations of City Council and its committees which resulted in formal action were taken in meetings open to the public. When were these open public meetings about the CRA held? Is there nothing about this CRA that could have been done in open meetings? When was the public meeting about the housing survey of Aragon and Oak Park completed with photos of problem homes? Section 15 of the resolution requires open access to the city's meeting about the Community Reinvestment Area. A CRA cannot be created by using only undeveloped land and to use a CRA it must also include older homes in what the city calls a problem neighborhood. Is a secret deal with a developer to build new apartments in the Miami Valley Research Park worth stigmatizing 900 homes in Kettering? Before the CRA is approved, City Council should inform the public and the 900 property owners and give them the opportunity to ask questions and listen to their feedback. Until those steps are taken the CRA resolution shouldn't be approved.

ORDINANCES IN SECOND READING

AN ORDINANCE

NO: 4390-23

BY: MRS.FISHER AND MR.KLEPACZ

TO LEVY SPECIAL ASSESSMENTS FOR THE CONSTRUCTION AND REPAIR OF CURBS, SIDEWALKS, DRIVE APPROACHES, AND RELATED APPURTENANCES FOR THE SMITHVILLE ROAD RESURFACING- WILMINGTON PIKE TO NORTH CORP PROJECT (CITY PROJECT NUMBER 02-134F)

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

Mr. Greeson, City Manager gave a brief description of the ordinance.

The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mayor Lehner, Yea. There being five (5) Yea votes and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

RESOLUTIONS

A RESOLUTION

NO: 10879-23

BY: MR.KLEPACZ AND MR.SCOTT

AUTHORIZING THE CITY MANAGER TO CONTRACT WITH AT&T FOR VOICE-OVER-IP PHONE SERVICE

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

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

The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mayor Lehner, Yea. There being five (5) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10880-23
BY: MR.SCOTT AND MS.DUVALL

AUTHORIZING THE CITY MANAGER TO PURCHASE HIGH PERFORMANCE DISK STORAGE ARRAYS FROM BUCKEYE BUSINESS SOLUTIONS

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

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

The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mayor Lehner, Yea. There being five (5) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10881-23
BY: MS.DUVALL AND MRS.FISHER

AUTHORIZING THE CITY MANAGER TO APPLY FOR A BUREAU OF JUSTICE ASSISTANCE FISCAL YEAR 2023 BODY-WORN CAMERA POLICY AND IMPLEMENTATION PROGRAM GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE

Ms. Duvall read the above resolution and moved for approval. Mrs. Fisher seconded the motion.

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

The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mayor Lehner, Yea. There being five (5) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10882-23
BY: MRS.FISHER AND MR.KLEPACZ

AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION FROM DOR-WOOD OPTIMIST CLUB AND A GRANT FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES DIVISION OF WILDLIFE

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

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

Mr. Klepacz expressed most of the fish that are currently in the pond are bluegills.

The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mayor Lehner, Yea. There being five (5) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10883-23
BY: MR.KLEPACZ AND MR.SCOTT

TO AMEND RESOLUTION NO.10840-23 REGARDING THE REMOVAL AND REPLACEMENT OF CONCRETE THROUGHOUT LINCOLN PARK AND CIVIC COMMONS AND ALLOW AN ADDITIONAL EXPENDITURE OF FUNDS

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

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

The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mayor Lehner, Yea. There being five (5) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10884-23
BY: MR.SCOTT AND MS.DUVALL

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR ARCHITECTURAL DESIGN SERVICES

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

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

The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mayor Lehner, Yea. There being five (5) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10885-23
BY: MS.DUVALL AND MRS.FISHER

AUTHORIZING THE CITY MANAGER TO CONTRACT WITH CITYZEN SOLUTIONS DBA PUBLICINPPUT TO PROVIDE A PUBLIC ENGAGEMENT AND COMMUNICATIONS PLATFORM

Ms. Duvall read the above resolution and moved for approval. Mrs. Fisher seconded the motion.

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

Mayor Lehner asked when using this proposed system will this enable the city to use email as opposed to snail mail for different types of communications?

Mr. Greeson informed City Council the city has a number of e-newsletters and e-notifications for Parks, Recreation and Cultural Arts programming, Fraise and the monthly Starter newsletter. Those are all managed through software that is only for managing email. There is also software that can be used online for conducting surveys. This will combine all of those platforms together. The city will continue to use digital communications when appropriate but there will still be normal mail because there are many residents who receive their communications from the city that way and that is very valuable.

The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mayor Lehner, Yea. There being five (5) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10886-23
BY: MRS.FISHER AND MR.KLEPACZ

CREATING AND APPOINTING MEMBERS OF A STRATEGIC PLAN STEERING COMMITTEE

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

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

Mayor Lehner expressed this was the first call for volunteers for the Strategic Plan Steering Committee and there was an overwhelming response. She is looking forward to the continued interest by citizens in this important project.

The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mayor Lehner, Yea. There being five (5) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10887-23
BY: MR.KLEPACZ AND MR.SCOTT

IMPLEMENTING SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF THE ARAGON-OAK PARK COMMUNITY REINVESTMENT AREA IN THE CITY OF KETTERING, DESIGNATING A HOUSING

OFFICER TO ADMINISTER THE PROGRAM AND A TAX INCENTIVE REVIEW COUNCIL, AND
CREATING A COMMUNITY REINVESTMENT HOUSING COUNCIL

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

Mrs. Schrimpf, Economic Development Manager gave a brief description of the resolution.

Mr. Greeson, City Manager expressed Community Reinvestment Areas are commonly used across Ohio cities to foster redevelopment. He recommends approval of this legislation and this legislation will create a tool for city government to help residents in the proposed neighborhoods improve their properties. In addition to that, the city is also creating a tool that can incentivize high quality market rate apartments at the Miami Valley Research Park. An abatement extended to that property will require a separate agreement where the terms and details of it will be presented in a public forum in the future.

Mr. Scott thanked Mrs. Schrimpf for explaining that the Community Reinvestment Area will have a positive impact on the proposed neighborhood and will not devalue the neighborhood.

Ms. Duvall expressed she is a former resident of the Oak Park neighborhood and she knows a lot of residents in the Aragon neighborhood and their isn't one person who doesn't want to live in a house that has a good roof, new windows and a driveway that is not all torn up. This is a good thing and this will be good for the neighborhood. She is very excited about this project.

Mayor Lehner expressed she appreciates citizens coming to City Council meetings to express their concerns but she would appreciate if citizens would stay to hear the answers to their questions.

Mr. Klepacz expressed that the city will be communicating with the residents of the proposed area to let them know about the opportunity.

The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mayor Lehner, Yea. There being five (5) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10888-23
BY: MR.SCOTT AND MS.DUVALL

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, 2023

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

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

The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mayor Lehner, Yea. There being five (5) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

ORDINANCES IN FIRST READING

AN ORDINANCE
NO: 4391-23
BY: MS.DUVALL AND MRS.FISHER

TO AMEND SECTION 1301.01 OF THE CODIFIED ORDINANCES REGARDING BUILDING CODES
AND TO DECLARE AN EMERGENCY

Ms. Duvall read the above ordinance and moved for approval. Mrs. Fisher seconded the motion.

Mr. Hamer, Law Director gave a brief description of the ordinance.

Mr. Greeson, City Manager added that building codes appeals are rare and there is no reason why the city would have our own building code appeals board and it will be more efficient to rely on another governmental entity that may have more frequent ones and is more prepared to handle them. This will give the city flexibility to choose a governmental entity to contract with.

Mr. Klepacz expressed prior to the City Council meeting this evening and this explanation, the city manager communicated with City Council of why this ordinance is an emergency. This isn't a surprise and he appreciates Mr. Greeson communicating that information to City Council.

The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mr. Scott, Yea; Ms. Duvall, Yea; Mayor Lehner, Yea. There being five (5) Yea votes and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

AN ORDINANCE
BY: MRS.FISHER

ADOPTING AMENDED CIVIL SERVICE RULES FOR THE CITY OF KETTERING

Mrs. Fisher read the above ordinance.

Mrs. Smith, Human Resources Director gave a brief description of the ordinance.

AN ORDINANCE
BY: MR. KLEPACZ

TO REZONE 2025-2061 EAST DOROTHY LANE FROM ECONOMIC DEVELOPMENT OVERLAY DISTRICT NO. 14 TO B-BUSINESS DISTRICT (PLANNING COMMISSION CASE NO. PC 22-024)

Mr. Klepacz read the above ordinance.

Mr. Greeson, City Manager expressed he will give more information regarding this ordinance at a future reading.

CERTIFICATIONS AND PETITIONS

MANAGER'S REPORT/COMMUNITY UPDATE

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

- Coming to the Frazee:
 - Killer Queen- Thursday, July 6 at 8:00 p.m.
 - George Thorogood & The Destroyers- Saturday, July 15 at 8:00 p.m.
 - Peppa Pig's Adventure- Saturday, July 22 at 1:00 p.m.

Tickets can be purchased at Frazee FanFare at Town & Country Shopping Center, www.frazee.com, www.etix.com or by phone at 1-800-514-3849.

- Registration for Kettering Safety Village is now open. Sessions will begin on June 5.
- Planning Commission is seeking a new volunteer member. Application deadline is April 11.
- Board of Zoning Appeals is seeking a new volunteer member. Application deadline is April 11.
- Free leaf compost and mulch will be available to Kettering residents starting the week of April 10.
- The deadline to submit 2022 income tax returns are April 18, 2023.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Audience Participation (5 Minute Limit per Speaker)

Noah Cagle- 3019 LaRue Drive- Mr. Cagle expressed he has been a Kettering resident for three years and he has been looking forward to attending a City Council meeting. He appreciates City Council being transparent and giving citizens a chance to participate and understand what is going on in the community. Overtime, he will have a better understanding of the information that was presented this evening.

COUNCIL COMMITTEE REPORTS

Mrs. Fisher reported:

- She is a new grandma and her new grandson's name is Leo James.
- Happy Easter!

Mr. Klepacz reported:

- On March 22 Dor-Wood Optimist held their Tri-Star Basketball event.
- Sister Cities is planning for Spass Nacht on June 21 and there is an adult trip that is being planned to Steyr, Austria at the end of June, and they are planning the annual dinner in April.
- You can't buy happiness but you can buy local; shop Kettering.

Mrs. Hall reported:

- Absent.

Mr. Scott reported:

- The Dor-Wood Optimist Tri-Star event had a great turn-out.

Ms. Duvall reported:

- Leah White who was appointed this evening is a youth member of the community and there is a youth member that was appointed to the Strategic Plan Steering Committee; it is amazing that youth are being engaged.

Mr. Duke reported:

- Absent.

Mayor Lehner reported:

- She had the opportunity to host Southdale 3rd grade classes at the Government Center to discuss her duties as mayor.
- Mayor's Party with a Purpose will take place on May 13 at Reynolds and Reynolds.

There being no further business to come before this meeting of the Kettering City Council; Mayor Lehner adjourned the City Council Meeting at 8:50 p.m.

ATTEST:

LaShaunah D. Kaczynski
Clerk of Council

PEGGY LEHNER, MAYOR