

**KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
August 8, 2023**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, August 8, 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, Hall and Scott

Council Members Absent: Duke and Duvall (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.

APPROVAL OF MINUTES

July 25, 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 July 25, 2023 Council Meeting & Workshop Minutes, the motion was declared carried followed by a roll call vote.

Mayor Lehner mentioned Mr. Duke and Ms. Duvall have excused absences.

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

Special Presentation- Police Department Introduction Ceremony

Chief Protsman, Police Chief gave the presentation. Chief Protsman asked Officer Joshua Wolf to come down to the podium. Chief Protsman expressed this evening he will be introducing Joshua Wolf and announcing his promotion to sergeant for the Kettering Police Department. Joshua is a graduate of Valley View High School and he has an associate's degree from Miami University. Joshua graduated from the Sinclair Police Academy in 2010. Joshua started his law enforcement career in 2011 with the Montgomery County Sheriff's Office where he served six years before joining the Kettering Police Department. Since being with Kettering, Joshua has served on numerous specialty teams including SWAT team, bike team, honor guard, accident investigation team and motor unit (motor unit is an officer who rides a motorcycle and writes a lot of tickets). A top priority of the Kettering Police Department is to control the traffic to keep citizens safe and Sergeant Wolf did a wonderful job at that. Sergeant Wolf is here this evening with his wife Kristen and their two sons Kyzek and Wyatt, parents Kristi and Bryan and grandparents Gerlinda and Gordon. Chief Protsman called Kristen Wolf down to the podium to pin the badge on Sergeant Wolf.

Chief Protsman expressed the Kettering Police Department has been in front of City Council a lot lately due to the number of promotions and hiring of new officers. The Kettering Police Department is a young department and this past week has shown there are great people within the Kettering Police Department. He is proud of the staff within the Kettering Police Department and he is excited to have people such as Sergeant Wolf work for the department and he knows the citizens are very fortunate to have Sergeant Wolf on the police force.

PUBLIC HEARINGS

P.C. 23-014- To rezone the properties located at 4225 & 4235 Wilmington Pike from BP (Business Park), R-1 (Residential), and R-4 (Residential) to R-4 (Residential)

Mayor Lehner opened the public hearing and asked that anyone who intended to speak to City Council regarding this matter should stand and take the oath; those persons present who wished to speak took the oath.

Ryan Homs, City Planner gave the staff presentation. Mr. Homs expressed this particular case is a straight forward request. The subject property has appeared before City Council three times since 2013 for different rezoning requests, none of which were approved because they didn't comply with Zoning Code requirements to allow a positive recommendation for approval. The request this evening is different and it involves the property located at 4225 and 4235 Wilmington Pike which is located southwest of the split between Woodman and Wilmington just south of El Rancho Grande, and there's a single family residential neighborhood located to the south and west. This parcel is one of the last

properties along Wilmington Pike that hasn't been developed. In 2012, there were a couple of buildings on the property one of which was an original model for that neighborhood built in the 1950s. Those building were demolished in 2012 and have been vacant ever since. Right now, most of the parcel is already zoned R-4 and on the south side of the property there is a little sliver of this parcel zoned R-1 and on the northern side of this property, there is part of the parcel that is zoned BP or Business Park which is an industrial zoning district. The request of the property owner is to take the portions that are zoned R-1 and BP and rezone them to R-4. The Planning Commission held a public hearing on July 17 and at that meeting they recommended the rezoning be approved because they made a determination that the request complied with the requirements of the Kettering Zoning Code. In section 1153.12.8 of the Zoning Code there are seven factors that City Council must consider for rezoning and no single factor is controlling and each must be weighed in relation to other standards. In this case it will be correcting small portions of the parcel to rezone to R-4. The first factor City Council shall consider is if the rezoning classification will be consistent with the adopted Comprehensive Plan or any other plan. This portion of the city is complicated in the Comprehensive Plan. In the future land use map, the area where the parcel is located is classified as sub-regional commercial which would allow a business designation and allow a wide range of retail and civic office uses. However, there's a section of the Comprehensive Plan that deals with redevelopment area concepts and this area of the Comprehensive Plan focused on particular areas of the city when the plan was adopted which included the Wilmington Pike corridor. The Comprehensive Plan stated that commercial usage should be concentrated on the Wilmington Pike corridor near major intersections of Stroop and Wilmington and Dorothy and Wilmington which allowed a mix of office and residential uses. It also mentions that high density residential should be focused on the south side of the Wilmington Woodman split and this request would be consistent with the Comprehensive Plan. Factor two focuses on if the rezoning would not have an adverse impact on neighboring land. Most of the property is already zoned R-4 and this request will correct a few small portions of the property that aren't in that zoning area so there won't be a major change in the permitted uses if this gets approved. Factor three pertains to the suitability of the land as presently zoned. This rezoning will correct the little sliver of R-1 and the triangle that is zoned as BP. Most of the property is already zoned in the district that the applicant is requesting that the whole property be rezoned. Factor four is meant to ensure that the ordinance bears a substantial relationship to the public health, safety, morals and general welfare. This rezoning complies because it's not really changing what's permitted on the property today and it is consistent with the Comprehensive Plan. Factor five is concerning public policy which is meant to ensure that public policies in favor of the rezoning may be considered. In this case, the Comprehensive Plan would be the public policy and the rezoning is consistent with that plan. Factor six isn't applicable to this request. City Council should consider the size, shape and characteristics of the tract in relation to the affected neighboring lands. This rezoning will not impact the neighboring lands. Factor seven allows City Council to consider any other factors they deem relevant to the rezoning. The Planning & Development Department couldn't think of any other factors while reviewing the request. The Planning Commission held their public hearing on this request on July 17, 2023 and at that meeting they made a finding that the evidence supports the requested rezoning from R-1, R-4 and BP to all R-4 and they recommended approval. Mr. Homsy mentioned he would be happy to answer any questions.

Mr. Klepacz asked at the public hearing held by the Planning Commission were there any comments from the applicant or the public in regards to this rezoning?

Mr. Homsy informed City Council that at the public hearing held by the Planning Commission no one spoke at the meeting including the applicant. Mr. Homsy expressed he did receive one phone call when notifications went out from the neighbor directly south on Wilmington Pike who had general questions about the rezoning. That property owner did have some follow-up questions which he was able to answer and he didn't seem to have any objections and he didn't come to the public hearing.

Mayor Lehner asked if the applicant was present this evening to speak; the applicant was not present.

Mayor Lehner asked if there were any comments from the public either for or against the rezoning; none were heard.

Mayor Lehner closed the public hearing and mentioned City Council will consider legislation regarding this matter at a future meeting.

PUBLIC COMMENT ON LEGISLATION

Sterling Abernathy- Mr. Abernathy expressed he has comments regarding agenda item number four which is a resolution to approve landscaping for the Rosewood Arts Center which the cost is \$133,000. The landscaping is part of the Rosewood Renovation Project according to a report which the city issued last week. The total Rosewood project cost which includes design and construction is estimated be \$6.6 million dollars; which is \$1.6 million dollars more than the \$5 million dollars that was estimated when the project was first approved in early 2020. He has learned a few items by reading the Rosewood landscape plans. First, the cost of the landscape project is being understated this evening. The \$133,000 does not include the cost of designing the plan which is \$15,000. By adding the design cost will make the total project cost \$148,000. The landscaping is planned along the front of the building and two beds near the parking lot which is an area of about 7/10th of an acre. In this small planting area there will be multiple plant materials including 33 trees, 126 shrubs, 305 perennials and ornamental grasses which totals 464 plants. The design for phase two has been

completed which adds another 167 plants and trees that cost \$39,000. In order to keep the 464 plants healthy, the plan has an irrigation system which will include 16 remote control zones and 191 sprinkler heads. The total flow rate of the irrigation system is 268 gallons per minute which running the entire system for an hour will use 16,000 gallons of water. The irrigation plan for phase two expands the system to 19 zones and 243 sprinkler heads providing 20,000 gallons an hour. Will this plan be an example of sustainable landscaping and has the plan been reviewed by the Sustainability Committee? In addition to the \$133,000 that is before City Council this evening and the \$39,000 for phase two, the estimate adds \$44,000 of future landscape spending including 28 more trees, raised planters, annuals and a windbreak. It is likely that this \$83,000 will be included in future city budgets. There are two other Rosewood spending items funded outside the renovation project, one of which is a mural on the building wall which cost \$35,000. The other is a public art project that will have two atomic mushroom cloud figures the will cost \$55,000. Would most Kettering residents want their tax dollars used to fund these Rosewood items? These items increase the actual capital spending on Rosewood to \$6.8 million which is after reductions from a state grant and private donations, Kettering tax payers will still be on the hook for \$5.3 million dollars for Rosewood. Over half the people who use Rosewood do not live, work or pay taxes in Kettering. City Council should reduce the scope of this extravagant landscape plan to start saving money for needs like replacing the city's 50 year old storm water sewer system, which staff described as crumbling six years ago and reconstructing residential streets. Even part of the \$5 million dollars being spent on Rosewood could benefit more Kettering tax payers and it would reduce the need for new taxes including storm water utility fees, and street levy taxes which was discussed at the City Council workshop on long-range needs six years ago. A good way to start would be for City Council to reject the Rosewood Landscape Project and have staff develop a low-cost sustainable option.

ORDINANCES IN SECOND READING

AN ORDINANCE
NO: 4399-23
BY: MRS.FISHER AND MR.KLEPACZ

TO REZONE 2119 EAST DOROTHY LANE FROM ECONOMIC DEVELOPMENT OVERLAY DISTRICT NO. 14 TO B-BUSINESS DISTRICT (PLANNING COMMISSION CASE NO. PC 23-013)

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; Mrs. Hall, Yea; Mr. Scott, 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: 10926-23
BY: MR.KLEPACZ AND MRS.HALL

AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT FROM THE OHIO ARTS COUNCIL

Mr. Klepacz read the above resolution and moved for approval. Mrs. Hall 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; Mrs. Hall, Yea; Mr. Scott, 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: 10927-23
BY: MRS.HALL AND MR.SCOTT

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR THE ROSEWOOD ARTS CENTER LANDSCAPE PROJECT

Mrs. Hall 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; Mrs. Hall, Yea; Mr. Scott, 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.

*Mr. Scott expressed his Yea vote is with hesitation.

A RESOLUTION
NO: 10928-23
BY: MR.SCOTT AND MRS.FISHER

AUTHORIZING ACCEPTANCE OF A DONATION FROM KETTERING PARKS FOUNDATION FOR THE ROSEWOOD ARTS CENTER LANDSCAPE PROJECT

Mr. Scott 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; Mrs. Hall, Yea; Mr. Scott, 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: 10929-23
BY: MRS.FISHER AND MR.KLEPACZ

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR THE REPAIR AND RENOVATION OF ASPHALT PATHS AT INDIAN RIFFLE PARK

Mrs. Fisher 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: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mrs. Hall, Yea; Mr. Scott, 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: 10930-23
BY: MR.KLEPACZ AND MRS.HALL

AUTHORIZING THE CITY OF KETTERING TO BECOME A "POWER A CLEAN FUTURE OHIO COMMUNITY" AND TO ADOPT A GOAL TO REDUCE GREENHOUSE GAS EMISSIONS IN THE CITY

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

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

The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mrs. Hall, Yea; Mr. Scott, 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: 10931-23
BY: MRS.HALL 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, 2023

Mrs. Hall 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.

Mr. Greeson, City Manager gave a brief description of the appropriation pertaining to the donation from the Parks Foundation that was approved.

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The following votes were recorded: Mrs. Fisher, Yea; Mr. Klepacz, Yea; Mrs. Hall, Yea; Mr. Scott, 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

CERTIFICATIONS AND PETITIONS

MANAGER'S REPORT/COMMUNITY UPDATE

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

- Work is currently underway between E. Stroop Road and Beaverton Drive as part of the Wilmington Pike Resurfacing. Traffic will be reduced to one lane in each direction.
- The Kettering Connection will be open on Thursdays from 8:00-11:00 a.m. inside of the Frazee FanFare store for blood pressure screenings and information.
- There will be a community hot dog roast on August 9 at the Kettering Recreation Complex. The event will be held from 5:30-7:00 p.m.
- Nominations for the Kettering Good Neighbor Award will be accepted through August 15, 2023.
- The City of Kettering will no longer be accepting new Stay-Put Rental Assistance applications after August 18.
- Shred Day will take place on October 21 from 9:00 a.m.-Noon in the Fairmont High School Parking Lot.

Mr. Klepacz expressed there was a petition signed for blood pressure screenings over at Town & Country. Was city staff able to get ahold of those individuals to let them know the city has reached a suitable conclusion for them?

Mr. Greeson informed City Council that the first blood pressure screening took place last Thursday and a few of the residents who came to the City Council meeting to express concern were at the blood pressure screening. Mrs. Storms, Senior Services Coordinator was able to reach them and some of the frequent attendees were able to join her at the FanFare store at Town & Country.

Mr. Klepacz appreciated the follow-up regarding the conclusion to move the screenings to the FanFare store located inside Town & Country.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Audience Participation (5 Minute Limit per Speaker)

Henry Bergstresser- 786 Stanbridge Drive- Mr. Bergstresser expressed he would like for an amusement park to be placed inside of the Kettering Recreation Center.

Mayor Lehner asked if the amusement park should be located near the Adventure Reef Water Park?

Mr. Bergstresser informed City Council that the amusement park could be located near the Adventure Reef Water Park.

Mayor Lehner asked if the amusement park would have water rides?

Mr. Bergstresser informed City Council that the rides would be land roller coasters.

Mayor Lehner asked Mr. Bergstresser if he knew the cost associated with this endeavor?

Mr. Bergstresser mentioned the project could cost upwards to \$1 million dollars but he was interested in having one roller coaster installed at the Kettering Recreation Center.

Mayor Lehner expressed she believes a roller coaster would be a great feature to the Kettering Recreation Center but unfortunately there isn't any funding at this time. She will talk to city staff to get a better estimate on the cost of the project.

Vice Mayor Fisher expressed she appreciated the input about the proposed project.

Mr. Klepacz encouraged Mr. Bergstresser to speak with the city engineer regarding the cost of the project.

Mayor Lehner thanked Mr. Bergstresser for his input.

COUNCIL COMMITTEE REPORTS

Mrs. Fisher reported:

- Shred Day and Styrofoam Collection Day are annual events. Residents are encouraged to collect these items throughout the year for these annual events.
- Congratulations to Dawn Kirchner and Nick Sorice for a wonderful Youth Appreciation Day to honor the youth volunteers in the Kettering community.

- She attended the employee picnic and there was a great turnout.

Mr. Klepacz reported:

- On July 28 he attended Party in the Park.
- National Night out was a wonderful event and had nice weather.
- Skyline Chili was a community partner for National Night Out and Kids Day in the Park; thank you for the support they have shown the community.
- Put your money where your heart and home is; shop Kettering.

Mrs. Hall reported:

- She just returned from a trip with her family to Macedonia. She is thankful for the Kettering community and despite problems in the country there is a lot to be thankful for.
- Art on the Commons will be taking place on August 13 and this year will be the 35th celebration.
- Summer is coming to an end for a lot of kids but there is still plenty of time to enjoy the parks and great outdoor activities in Kettering.

Mr. Scott reported:

- The Police Department has had some trying circumstances; they are truly Ohio's Finest.
- There were over 600 kids who participated in Kids Day in the Park at Delco Park.
- Some eyesores that have been in the community for a while have been demolished which is showing progress in the right direction.
- On August 5 he attended the first annual Melrose Avenue Art Festival.

Ms. Duvall reported:

- Absent.

Mr. Duke reported:

- Absent.

Mayor Lehner reported:

- On August 5 she attended the Melrose Avenue Art Festival.
- She is glad a solution has been reached to help the residents who use the blood pressure screenings at Town and Country Shopping Center.

There being no further business to come before this meeting of the Kettering City Council; Mayor Lehner adjourned the City Council Meeting at 8:09 p.m.

ATTEST:

PEGGY LEHNER, MAYOR

LaShaunah D. Kaczynski
Clerk of Council