

**KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
May 10, 2016**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday May 10, 2016, at 7:30 p.m. in Council Chambers at the Kettering Government Center South Building, 3600 Shroyer Road. Mayor Patterson presided and the Clerk of Council, LaShaunah D. Lavender, recorded. This meeting was telecast live on the cable access channel.

Council Members Present: Patterson, Lautar, Schrimpf, Klepacz, Duke and Wanamaker

Council Members Absent: Scott (Excused)

Total Members Present: Six (6)

The Presentation of Colors was presented by the Kettering Police Department. Mayor Patterson led the audience in the Pledge of Allegiance and then gave the invocation. He introduced the cable TV operators Josh Strehle, Earl Jones, John McGimsey, and Jacob McGimsey. He thanked them for their assistance.

COMMENDATION OF OFFICERS

Class I Commendation- Officer Jesse Anderson, Officer Douglas Matt, Officer Jonathon McCoy, Officer Jesika Shriver- Kelch

Class II Commendation- Officer Jonathon McCoy

Meritorious Award- Officer Kenneth Schroeder

Chief Protsman called the above Officers down to the podium to present them with their awards.

APPROVAL OF MINUTES

April 26, 2016 – Council Meeting & Council Workshop Minutes

Mr. Duke reported that he reviewed the above minutes and moved the minutes be approved. Mr. Wanamaker seconded the motion and there being six (6) yea votes and no (0) nay votes for the April 26, 2016 Council Meeting and Workshop Minutes, the motion was declared carried by roll call vote.

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

Proclamation- National Bike Month

Mr. Lautar read the above proclamation and same was accepted by Kendall Drager, Bike Committee Chairperson.

Proclamation- National Police Week

Mrs. Schrimpf read the above proclamation and same was accepted by Chief Protsman, Police Chief for the City of Kettering.

PUBLIC HEARINGS

P.C. 16-003- Request for a Zoning Map Amendment to rezone the property located at 4225 and 4235 Wilmington Pike from R-4, R-1 and I-Industrial to the B-Business district.

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. David Roller, City Planner gave the presentation this evening. This case is a zoning map amendment request for 4225 and 4235 Wilmington Pike. The property is currently zoned as R-4 with certain portions zoned as R-1 and I-Industrial. This property is located at the center of the intersection of Wilmington Pike and Woodman split. The applicant is requesting that the property be rezoned to the B-Business district. Planning Commission has recommended denial of this request. There are seven criteria that must be considered when looking at rezoning cases. The first criterion to consider is if the plan is consistent with current plans. This request is inconsistent with the Comprehensive Plan, Wilmington Pike Plan, and the Zoning Code. The Wilmington Pike Plan calls for a reduction in business zoned property- not an expansion. The second criterion to consider is the adverse impacts on neighboring land. This request will prolong blight of corridor thru oversupply. The third criterion to consider for this request is if the property is suitably zoned as is, or if it is better zoned to a different district. This particular location is hazardous because the location is at an intersection. The fourth criterion to consider is the health and safety of citizens. Access to both Wilmington and Woodman would be a safety concern due to the fact there is never a designated gap or moment that would allow safe entering or exiting. The fifth criterion to consider is if the request would infringe upon public policy. The Wilmington Pike Plan calls for reduction in this corridor. The sixth criterion is if the size and shape of the location is similar to other properties nearby. This particular property is consistent with the size and shape of property nearby that is zoned residential. The last criterion to consider is other factors that will have an impact at this particular location. The supply of commercial property in this

area will exceed demand which will contribute to low values and low rent. Planning Commission unanimously recommended denial of this request. Mr. Roller asked Council if they had any questions after his presentation.

Mayor Patterson asked if a business operated at that particular location over 60 years ago, how is having a business there now more dangerous?

Mr. Roller informed Council that when you rezone a property to B-Business, you are not aware of what type of business that will be going there since there are so many types of businesses that are permitted under this category. Also, when placing a business you must first anticipate the traffic volume. Since this location has been vacant for a while, there has not been any use of this property resulting in no vehicles entering in and out. Mayor Patterson disagreed with Mr. Roller that this property doesn't have any use.

Ron Solada- 4481 Lotz Road, made the applicant presentation this evening. Mr. Solada informed Council that he has been a business owner and a resident of Kettering for 25 years. He started the process with this property around 2010. This evening he would like to talk about the path he took to get here and his proposed plan. The current zoning of this location is incorrect and inconsistent. The original building was a model home for the plat behind it, and the building to the south was a contractor office. Once the plat was built, it became business use. These buildings pre-date the Zoning Code even existing. The 2008 recession took a toll on Wilmington Pike and the business that was operating there. This location was slapped with R-4 zoning before Comprehensive Plans, Zoning Code, and City Planners. Mr. Solada mentioned that there was a successful business there for 60 years. He did his due diligence when he bought this property. In 2005, he moved his office to 3600 Wilmington Pike. He wanted to have an office of his own for the size that he needed. He spoke with Ron Hundt a few years back about his proposed plans on buying this property. He thought things went really well and then things turned south. He went to the Miami Valley Regional Planning Commission to get the traffic counts of this intersection. The findings showed that this intersection was the third highest volume intersection in the Wilmington Pike corridor. Mr. Solada mentioned that this current situation is no one's fault, but the zoning was never updated since the 50s. The fact that a previous business was at this location for 60 years is a great indicator that this is a good quality business location. Good things are happening on Wilmington Pike which is reflected by the intersection having such a high traffic count. Since there is such a large volume of traffic, this location is great for commercial but poor for residential which is why the zoning of this property needs to be changed. His proposed building would be a multi-purpose building that has an old downtown feel. There will be store front shops at the bottom and either residential or office space at the top since business zoning allows for more flexibility. Mr. Solada stressed to Council that the zoning needs to be readdressed. Ron Hundt and other City staff members were in support of his idea to buy the property a few years back and they were willing to work with him to get the property rezoned. On April 1, 2013, his request took a turn for the worse when he received notice that his zoning request was denied. The same individuals that supported his decision to build on this property were now telling him this did not meet the standards for rezoning. Mr. Solada believes that he was given misleading information when he came to the City that he was interested in buying the property a few years back. Mr. Solada advocated that rezoning this property would be in the best interest of the community and for getting the most use out of the land. Mr. Solada asked Council if they had any questions.

Mayor Patterson asked what is the height of the proposed building? Mr. Solada informed Council that the proposed height would be 20-25 ft. based upon a holding of 16 to 18 apartment units. Mrs. Schrimpf asked if the information provided to Council this evening was the same information presented to Planning Commission? Mr. Solada informed Council that his architectural drawings were not presented to Planning Commission because their focus was very narrow about the technicality of the criteria for rezoning. Mr. Duke asked how many units could go in this proposed building? Mr. Solada mentioned that it would be up to the planners. Mr. Duke further asked if there was any data to support that people would want to rent an apartment unit that was similar to his plan? Mr. Solada mentioned that he would hope that people would want to live in an apartment unit that is similar to his drawing, but he does not have any demographic evidence to support it.

David Roller, City Planner was called back up to the podium. Mrs. Schrimpf asked Mr. Roller why staff led Mr. Solada down the wrong path by no longer advocating for his rezoning? Mr. Roller informed Council that when Mr. Solada approached him many years ago about buying the property, he informed Mr. Solada to run as fast as he could from this property because it was too good to be true. He told Mr. Solada that the property is not zoned properly, and there is no interest in rezoning it. Once he found out that Mr. Solada went ahead and bought the property, he began to work with him to see if there was anything he could do to help. Mayor Patterson asked Mr. Roller who is considered the "we" he was referring to that did not want to rezone this property? Mr. Roller apologized to Council and informed them that he was referring to staff not being supportive of this rezoning. Mr. Klepac asked what was the criterion for safety that he was looking at when considering this property not to be safe? Mr. Roller informed Council that he was not the person who was looking at the traffic findings, this was delegated to a traffic engineer and she was reporting her professional opinion. Mr. Duke asked Mr. Roller what he would propose to go on that property? Mr. Roller said that anything listed in the R-4 district would be appropriate and it would be consistent with the Comprehensive Plan. Mayor Patterson then asked Mr. Roller if they have the ability to limit use? Mr. Roller informed Council that they do not have the ability to limit use, but they can limit design and function.

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

Charles Hyrhe- 4352 Jonathan Drive spoke before Council. He mentioned that he lives right behind the property and would like for something to go on that lot. He used the old print shop many times and he has never once had a problem. He has lived at his residence for 16 years and he has never felt unsafe or had a problem with the traffic light. He does not want to see the property go to waste. He believes having some type of a business there would be great for the community, and he hopes the City will work with Mr. Solada for him to carry out his vision.

Mayor Patterson closed this Public Hearing and explained Council will consider legislation regarding this matter at a future Council Meeting.

ORDINANCES IN SECOND READING

AN ORDINANCE
NO: 4270-16
BY: MR.KLEPACZ AND MRS.SCHRIMPF

TO RECLASSIFY DEVELOPMENT PATTERN DISTRICTS FOR 3312 REGENT STREET,
3319 FAIRWAY DRIVE, AND 1213, 1225, 1237, 1249, AND 1261 LAURELWOOD ROAD
FROM E-ESTATE TO N-NEIGHBORHOOD (PLANNING COMMISSION CASE 16-007)

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

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Lautar, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mayor Patterson, Yea. There being six (6) Yea votes, and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

RESOLUTIONS

A RESOLUTION
NO: 9790-16
BY: MRS.SCHRIMPF AND MR.LAUTAR

AUTHORIZING AN ADDITIONAL EXPENDITURE OF FUNDS FOR STREET LIGHT
MAINTENANCE

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

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Lautar, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, 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: 9791-16
BY: MR.LAUTAR AND MR.DUKE

AUTHORIZING THE CITY MANAGER TO CONTRACT FOR THE CONSTRUCTION OF
PRUGH WOODS DRIVE

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

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Lautar, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, 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: 9792-16
BY: MR.DUKE AND MR.WANAMAKER

AUTHORIZING THE CITY MANAGER TO CONTRACT WITH MARK FORNES REALTY, INC.
TO SELL THE CITY OWNED REAL PROPERTY COMMONLY KNOWN AS 1701-1801 EAST
STROOP ROAD

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

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Lautar, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, 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: 9793-16

BY: MR.WANAMAKER 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, 2016

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

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Lautar, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, 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. Bergstresser, Assistant City Manager updated Council on upcoming and community events.

- Berwin Park clean-up will be Saturday, May 14 from 9:00 a.m. until noon in the Berwin Park neighborhood.
- Kettering School's AAA Safety Patrol was honored with multiple awards at the Regional AAA Awards Banquet. Awards went to:
 - AAA 2016 School Safety Patrol Advisor of the Year- Joellen Nichols, Beavertown Elementary School.
 - AAA 2016 Lifesaving Award- Alex Needles, Beavertown Elementary School.
 - AAA 2016 School Safety Patroller of the Year Award- Hannah Burkett, J.F. Kennedy Elementary School.
- Block Parties forms are available at the Engineering Department's page on our website at ketteringoh.org.
- Kettering Block Party will be on Wednesday, June 1 from 6:00p.m. until 8:00 p.m. at Lincoln Park Civic Commons.
- Art on the Playground will be May 14, 2016 from 11:00 a.m. until 3:00 p.m. at Habitat Environmental Center located at 3036 Bellflower St.
- Unplugged will be Sunday, May 15, 2016 from 11:00 a.m. until 4:00 p.m. at Delco Park.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Communications and Reports

Audience Participation (5 Minute Limit per Speaker)

COUNCIL COMMITTEE REPORTS

Mr. Duke reported:

- He mentioned he had a great time at Mayor's Ball.
- He mentioned that Kettering Leadership Academy graduation is this upcoming Thursday, May 12, 2016.
- He mentioned applications are now available for Kettering Leadership Academy.
- He offered his condolences to Joseph Holtman's family.

Mr. Klepacz reported:

- On April 29, 2016 he attended JFK Kick-off.
- On May 1, 2016 he participated in "Real Men in Pink" Walk for Women's Wellness.
- He congratulated Rotary Club for hosting a great Mayor's Ball.
- He encouraged residents to shop in Kettering.

Mrs. Schrimpf reported:

- She congratulated Mayor Patterson for a fantastic Mayor's Ball.
- She thanked Mr. Klepacz for his endorsement of Rotary Club.

Mr. Lautar reported:

- He attended the JFK Walk-A-Ton.
- He mentioned there was a great turn out for Southdale Strong.
- On May 4, he attended St. Charles Ride or Walk to School event.

Mr. Scott reported:

- Absent.

Mr. Wanamaker reported:

- He attended the KMO Chamber Business Expo that was held at Trent Arena.

Mayor Patterson reported:

- On April 29, he attended JFK Heart Healthy event.
- On April 29, he attended Southdale Strong.
- He mentioned at Mayor's Ball there were over 250 people in attendance, and a record number of dollars for the silent auction.
- On May 5, he attended National Day of Prayer at Kettering College.
- On Cinco de Mayo he had dinner with Jackie Fisher and Bonnie Pittle from last year Mayor's Ball silent auction.
- On May 7, he got to throw the first pitch at Irelan Park for a baseball game.
- He attended the KMO Chamber Business Expo.
- On May 9, he played in the KMO Chamber golf outing.
- He offered his condolences to Evelynn Ferguson's family.

They're being no further business to come before this meeting of the Kettering City Council; Mayor Patterson adjourned the City Council Meeting at 9:14 p.m.

ATTEST:

DONALD E. PATTERSON, MAYOR

LaShaunah D. Lavender
Clerk of Council