

**KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
March 25, 2014**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, March 25, 2014, at 7:30 p.m. in Council Chambers at the Kettering Government Center South Building, 3600 Shroyer Road. Mayor Don Patterson presided and the Clerk of Council, Connie S. Gaw, recorded. This meeting was telecast live on the cable access channel.

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

Council Members Absent:

Total Members Present: Seven (7)

Mayor Patterson led the audience in the Pledge of Allegiance and then gave the invocation. He introduced the cable TV operators, Liberty Lord, Josh Strehle and Earl Jones. He thanked them for their assistance.

Mayor Patterson recognized Boy Scout Troop 318 from St. Albert's School who was in the audience this evening.

APPROVAL OF MINUTES

March 11, 2014 – Council Meeting & Council Workshop Minutes

Mrs. Schrimpf reported that she reviewed the above minutes and moved the minutes be approved. Mr. Scott seconded the motion and there being six (6) yea votes, one (1) abstain (Mr. Lautar) votes; and no (0) nay votes for the March 11, 2014 Council Meeting and Council Workshop minutes, the motion was declared carried by roll call vote.

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

PROCLAMATION Fair Housing Month – April 2014

Mr. Duke read the above proclamation and John Zimmerman, Vice President of the Miami Valley Fair Housing Center, accepted it.

PUBLIC HEARINGS

PUBLIC HEARING – Appealing a decision made by the Kettering Board of Zoning Appeals that denied a request for variances to allow the construction of a new car wash building on the property at 1335 E. Dorothy Lane.

Mayor Patterson announced that at this time City Council will conduct a public hearing for the appeal of the February 24, 2014 decision of the Kettering Board of Zoning Appeals in BZA Case No. 4108 denying an application for variances to allow development of a car wash at 1335 East Dorothy Lane.

Since City Council is sitting as judge and jury in this appeal and will be deciding the appeal at a future meeting, Council will not respond to questions or make statements regarding what is presented this evening. Mayor Patterson opened the public hearing. He explained this hearing is being recorded, and the recording will contain the official record of all evidence admitted during the hearing.

He then asked for all persons that intend to speak regarding the appeal should stand and take the oath. Those who were speaking stood and took the oath. Mr. Ron Hundt, City Staff and Mr. John Roll, Agent for the Applicant both came forward and stated that they took the oath this evening.

Mayor Patterson asked for Mr. Hundt to come forward and present the main presentation.

Mr. Hundt showed Council an aerial photograph of the site of the proposed car wash. He pointed out the existing car wash on site and explained there are three basic variances for this case; Lot size, required parking spaces, and distance from the street. He showed a site plan for the proposed new car wash and explained the variances needed.

Mayor Patterson asked from a realistic standpoint would 15 cars be waiting in line at once at this car wash.

Mr. Hundt replied this is a three-minute car wash and is very quick. Probably not but this is what the current ordinance requires.

Mayor Patterson asked if the neighbors to the west are ok with this project.

Mr. Hundt replied that they did not come to the public hearing to speak against it.

Mayor Patterson stated BZA was not against this project, but they did not approve it because they did not have the authority to approve it.

Mr. Hundt replied that he is correct.

Mr. Duke stated that it did not look like there is much room for exiting.

Mr. Hundt replied that there would possibly be a sign leading people back onto the site if they should want to wipe their cars off.

Mr. Duke asked what was the purpose of the cars on the drawing.

Mr. Hundt replied they are just for example.

Mr. Scott asked if this carwash has vacuum stalls.

Mr. Hundt replied they do not.

Mr. Klepacz asked if the number stack is 15 cars. What would happen to car number 16?

Mr. Hundt replied that he would hope they would keep going and not block the lane of traffic.

Mr. Lautar asked what is the design along the side of the carwash, is it landscaping.

Mr. Hundt replied, yes it is required landscaping.

Mayor Patterson indicated that the 5 parking spaces shown on the site plan needed to be there. What could those spaces be used for other than maybe a maintenance worker?

Mr. Hundt replied the standards that require the 5 parking stalls are from the 1990 era. It was to provide parking spaces for people to do additional detailing on their vehicle.

Mayor Patterson stated so what you are saying is this may not even be relevant. If we override the BZA decision can we have staff work with the applicant to create a site plan that is relevant to today's era?

Mr. Hamer stated that Council is to decide if the BZA's decision is correct or incorrect. Council could refer this case back to the BZA.

Mr. Hundt provided Mr. Hamer with exhibits for file. Mr. Hundt had no witnesses. Mr. Roll did not wish to cross-examine Mr. Hundt.

Mayor Patterson asked for Mr. Roll to come forward and give his presentation.

Mr. Roll showed an aerial site plan of the existing car wash site. The current car wash is abandoned and deteriorating. He showed the site plan for the new car wash. They are following all the requirements for landscaping. They are reducing the amount of curb cuts at this site. The existing site is almost all curb cuts. They will be moving the entrance further away from the busy intersection. They plan to make it right turn out only, which will only increase the safety on this site. They are here because of code requirements from 25 years ago that are no longer relevant for this type of car wash. The current zoning code requires 4 parking spaces and 2 drying spots. Technology today does not require a car to be dried after washing. He is willing to work with staff. They feel the building fits on this site. He showed a rendering of how the proposed new car wash will look on site. He showed several elevations of the building as well as the floor plan. He has met with the owner next door and is willing to

work with them on the landscaping. This project will add value to this property that is becoming an eyesore. They are proposing a very active business with a modern facility that will benefit this community.

Mr. Hundt asked that Mr. Roll present the document that showed the right out example to Mr. Hamer. Mr. Roll presented the exhibit to Mr. Hamer for the file. Mr. Roll had no witnesses this evening. There were no rebuttals.

Mayor Patterson asked for public comments. None were heard.

Mayor Patterson asked for a motion to close the public hearing. Mr. Duke made a motion to close the public hearing. Mr. Klepacz seconded this motion. Motion carried by unanimous vote.

PUBLIC HEARING – Requesting a Zoning Text Amendment to Economic Development Overlay #15 to modify the Kettering Business Park Master Plan.

Mayor Patterson opened the public hearing. He asked that any persons that intend to speak to City Council this evening about this matter should stand and take an oath. Those that intended to speak stood and took the oath.

Mr. Ron Hundt, City Planner gave the presentation this evening. He showed an aerial site plan, explaining the proposed changes to this site, which are mostly at the north entrance. In the original master plan parking was viewed to be important here. The City has received interest to place office buildings on this site. Approval of this request will allow the City to market these sites. It is no longer necessary for all the parking to be just on the perimeter. She showed an exhibit of the area for the proposed office buildings.

Mayor Patterson asked if there were any Council questions for Mr. Hundt. None were heard. He then asked for any public comments. None were heard.

Mayor Patterson closed the public hearing and indicated that a decision will be made at a future Council meeting.

ORDINANCES IN SECOND READING

AN ORDINANCE
NO: 4226-14
BY: MR. DUKE AND MR. KLEPACZ

TO LEVY SPECIAL ASSESSMENTS FOR THE CONSTRUCTION AND RECONSTRUCTION OF CURBS, SIDEWALKS AND DRIVEWAY APPROACHES, TOGETHER WITH THE NECESSARY APPURTENANCES, FOR THE 2013 CURB, SIDEWALK & DRIVE APPROACH REPAIR PROGRAM (PROJECT NUMBER 05-113)

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

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott; Yea; Mr. Lautar, Yea; Mayor Patterson, Yea. There being six (6) Yea votes, one (1) abstain votes (Mr. Lautar) and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted

RESOLUTIONS

A RESOLUTION
NO: 9445-14
BY: MR. KLEPACZ AND MRS. SCHRIMPF

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR A ROOF REPLACEMENT AT VALLEYWOOD MAINTENANCE BUILDING

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

The following votes were recorded: Mr. Lautar, Yea; Mr. Scott, Yea; Mr. Wanamaker, Yea; Mr. Duke, (Yea); Mr. Klepacz, Yea; Mrs. Schrimpf, Yea; and Mayor Patterson, Yea. There being seven (7) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted

A RESOLUTION
NO: 9446-14
BY: MRS. SCHRIMPF AND MR. SCOTT

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR IMPROVEMENTS TO THE FRAZE SOUND PIT

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

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott; Yea; Mr. Lautar, Yea; Mayor Patterson, Yea. There being seven (7) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted

A RESOLUTION
NO: 9447-14
BY: MR. LAUTAR AND MR. SCOTT

AUTHORIZING THE CITY MANAGER TO ENTER INTO ONE OR MORE AGREEMENTS FOR REPAIRS TO VEHICLE NO. 88268 (PARKS DIVISION BUCKET TRUCK)

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

The following votes were recorded: Mr. Lautar, Yea; Mr. Scott, Yea; Mr. Wanamaker, Yea; Mr. Duke, (Yea); Mr. Klepacz, Yea; Mrs. Schrimpf, Yea; and Mayor Patterson, Yea. There being seven (7) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted

A RESOLUTION
NO: 9448-14
BY: MR. SCOTT AND MR. WANAMAKER

ACCEPTING AND APPROVING THE RECOMMENDATION OF THE CITY OF KETTERING TAX INCENTIVE REVIEW COUNCIL

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

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott; Yea; Mr. Lautar, Yea; Mayor Patterson, Yea. There being seven (7) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted

A RESOLUTION
NO: 9449-14
BY: MR. WANAMAKER AND MR. DUKE

AUTHORIZING THE CITY MANAGER TO ENTER INTO ONE OR MORE AGREEMENTS WITH MONTGOMERY COUNTY AND NATIONAL COMPOSITE CENTER FOR AN EDGE PROGRAM FUNDING AWARD

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

The following votes were recorded: Mr. Lautar, Yea; Mr. Scott, Yea; Mr. Wanamaker, Yea; Mr. Duke, (Yea); Mr. Klepacz, Yea; Mrs. Schrimpf, Yea; and Mayor Patterson, Yea. There being seven (7) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted

A RESOLUTION
NO: 9450-14
BY: MR. DUKE AND MR. KLEPACZ

DECLARING THE NECESSITY OF REPAIRING CURBS, SIDEWALKS AND DRIVEWAY APPROACHES AT VARIOUS LOCATIONS WITHIN THE CITY OF KETTERING (PROJECT NUMBER 04-114)

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

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott; Yea; Mr. Lautar, Abstain; Mayor Patterson, Yea. There being six (6) Yea votes, one (1) Abstain votes (Mr. Lautar); and no (0) Nay votes, the motion was declared carried and the resolution duly adopted

A RESOLUTION
NO: 9451-14
BY: MR. KLEPACZ AND MRS. SCHRIMPF

DECLARING IT NECESSARY TO IMPROVE CERTAIN STREETS, AVENUES AND PUBLIC HIGHWAYS IN VARIOUS LOCATIONS THROUGHOUT THE CITY OF KETTERING, STATE OF OHIO, BY PROVIDING STREET LIGHTING

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

The following votes were recorded: Mr. Lautar, Yea; Mr. Scott, Yea; Mr. Wanamaker, Yea; Mr. Duke, (Yea); Mr. Klepacz, Yea; Mrs. Schrimpf, Yea; and Mayor Patterson, Yea. There being seven (7) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted

A RESOLUTION
NO: 9452-14
BY: MRS. SCHRIMPF AND MR. LAUTAR

DIRECTING THE CITY ENGINEER TO PREPARE AND FILE RENEWED, RECALCULATED, AMENDED AND/OR CONSOLIDATED ASSESSMENTS FOR STREET LIGHTING.

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

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott; Yea; Mr. Lautar, Yea; Mayor Patterson, Yea. There being seven (7) 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

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

- City Income Tax Filing Deadline is April 15, 2014
- Kettering Children's Theatre – Beauty of the Dreaming Wood / March 21 – 30, 2014 at Rosewood Arts Center.
- Spring Leaf Pickup begins on Monday April 14th and will be a one time pick up throughout the City. Please have your leaves raked to the curb.
- Drug Take Back Program – April 26, 2014 from 10 – 2 p.m. at the Lathrem Center (Pills Only).
- Mayors Ball for Charity – April 26, 2014 from 7 – midnight at Reynolds & Reynolds. Charity recipient is the Franklin Foundation.

OTHER BUSINESS NOT ON WRITTEN AGENDACommunications and ReportsAudience Participation (5 Minute Limit per Speaker)

Tom Craft, 400 W. David Road – Mr. Craft attended this evening to object to the proposed W. David Road Sidewalk Project. He listed numerous reasons why the City of Kettering should stop this project. He expressed that 23 of the 25 residents involved do not want the sidewalks.

Gary Kost, 315 W. David Road – Mr. Kost is in objection of the sidewalk project. He is worried about the maintenance in the wintertime and the speed on W. David Road.

Kate Lehner, 4600 Silverwood Drive – Mrs. Lehner is in support of the sidewalk project. She submitted a document with 62 signatures from 49 households that are in support of sidewalks. She said sidewalks will make it safer to walk on W. David Road.

Susi Ebersbach, 415 W. David Road – Ms. Ebersbach is opposed to the sidewalk project. She feels sidewalks will not be safer and it will turn into a bicycle or skate boarding path.

Matt Mages, 316 W. David Road – Mr. Mages is in support of the sidewalk project. He expressed that he knows it is costly but for the safety of the children he feels that sidewalks need to be put in.

Sally Zelnio, 4530 W. David Road – Ms. Zelnio is opposed to the sidewalk project. She worries that the neighborhood will no longer have a “country” feel. Sidewalks may bring skate boarders and there is already a speeding problem. Also, the City plans to remove one of her trees and she is unhappy about that.

Mayor Patterson asked Mr. Bergstresser how many trees and/or vegetation will be lost because of this project.

Mr. Bergstresser replied the way that the design is right now, only that one tree would be affected. If the City had followed the standard requirements of a road project, many more trees and vegetation would have been removed. This project design was adjusted to make sure minimal vegetation will be removed. He would be happy to meet with any property owners on an individual basis. Staff can even come out and stake out where the sidewalk will be so that the homeowner can visualize it.

Cheryl Simon, 308 W. David Road – Ms. Simon is one of the people impacted by this assessment and is opposed to the sidewalk project. She is ok with the curbs and road improvements but not the sidewalks.

Wanda Domansky, 365 W. David Road – Ms. Domansky is opposed to the sidewalk project. She has five trees on her property and her arborist told her that they could lose their trees due to this project because the roots will be impacted. She also does not want to loose the beautiful country residential road.

Erin Wilcheck, 411 W. David Road – Ms. Wilcheck is opposed to the sidewalk project. She has small children and does not feel that putting in sidewalks will make the street safer. Speed is the problem.

John Harmon, 408 W. David Road – Mr. Harmon is opposed to the sidewalk project. The sidewalks will be located at the curbing and he is worried about the snowplows and snow being thrown up onto the sidewalks. Speed is the greatest issue along W. David Road.

Maria Cruset, 4525 Twilight Hill Dr. – Ms. Cruset is in favor of the sidewalk project. W. David Road is dangerous to walk on and sidewalks will only make it safer. She doesn't understand why the residents think sidewalks will make cars go faster. This just does not make sense.

Bernard Janko, 350 W. David Road – Mr. Janko is opposed to the sidewalk project. He does not understand why the City leaders do not listen to the people. The big issue on W. David is the speeding and if you grade down the hill it will only make them go faster. Sidewalks will not increase safety.

Perry Webster, 2365 Carew Ave. – Mr. Webster is frustrated with the Rolling Fields neighborhood. He came to Council once before to talk about the condition and the deterioration of this neighborhood. There are big trash issues that need to be addressed and he would like to see Council look into an ordinance that trash service should be billed to the landlords and not the renters.

Mayor Patterson asked that Mr. Schwieterman get with Mr. Webster to address his concerns.

Mr. Scott expressed that he has spoken with Mr. Webster before on this issue and that Council is aware of it and staff is also working on it.

Richard Schultze, 4575 W. David Road. – Mr. Schultze is strongly in favor of the sidewalk project. He believed this will improve traffic flow on this street and provide a safe zone for pedestrians. Currently walking on W. David Road is very unsafe. These proposed sidewalks are a missing link for mobility. This is not a rural area any longer and he urges Council to put in sidewalks.

David Vukin, 508 Pauley Woods Cir. – Mr. Vukin is in favor of the sidewalk project. He and his family walk a lot and West David Road is very unsafe. He feels this will enhance the quality of life in this area.

John Gaglione, 334 Stanton Hall Ct. – Mr. Gaglione is in favor of the sidewalks and feels it will improve the neighborhood and will make it safer.

Mike Lehner, 4600 Silverwood – He thanked City staff for the redevelopment plan for this neighborhood. It took a lot of time and effort. He is in favor of the sidewalks and agrees with the 49 households and 60 people that signed the petition in favor of sidewalks.

COUNCIL COMMITTEE REPORTS

Mr. Duke reported:

- March 14, 2014 he attended the We Care Arts Annual Auction at the Presidential Banquet Center.
- Attended the Firefighter Awards Ceremony. Steve Hopkins received an award for 30 years of volunteer service to this community.
- Thanks to Chief O'Dell for speaking at the Dor-Wood Optimist Meeting last week.
- Go Flyers!
- He welcomed the five Leadership Academy students in the audience this evening.

Mr. Klepacz reported:

- He was a science fair judge at Oakview Elementary on March 13, 2014.
- He attended three ribbon cuttings last week; Quality One Exteriors on Stroop Rd, Dealers Choice on Stroop Rd. and Acorn Walk Senior Housing.
- Remember to support your local Kettering businesses.

Mrs. Schrimpf reported:

- Attended the Sister City's Dinner on March 24, 2014.
- Congratulations to the Alter Girls Basketball team.

Mr. Lautar reported:

- No report this evening.

Mr. Scott reported:

- He congratulated Dayton Flyers.

Mr. Wanamaker reported:

- No report this evening

Mayor Patterson reported:

- No report this evening

They're being no further business to come before this meeting of the Kettering City Council; Mayor Patterson adjourned the City Council Meeting at 9:43 p.m. to Executive Session to conduct quasi-judicial deliberations and to discuss the employment, dismissal, discipline, promotion, demotion or compensation of a public employee.

At 9:52 p.m. Mr. Klepacz made a motion to enter into executive session under Ohio Revised Code Section 121.22 to conduct quasi-judicial deliberations and to discuss the employment, dismissal, promotion, demotion or compensation of a public employee. Mrs. Schrimpf seconded this motion. Motion carried by unanimous vote.

At 11:05 p.m. Council exited the executive session and went back on the public record and there being no further business to come before Kettering City Council, Mayor Patterson adjourned the meeting at 11:06 p.m.

ATTEST:

DONALD E. PATTERSON, MAYOR

Connie S. Gaw
Clerk of Council