

KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
November 20, 2007

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, November 20, 2007, at 7:30 p.m. in the Council Chambers of the Kettering Government Center, 3600 Shroyer Road. The Mayor, Donald E. Patterson, presided and the Clerk of Council, Connie S. Gaw, recorded. This meeting was telecast live on the cable access channel.

Council Members Present: Duke, Klepacz, Lehner, Spolrich, Thompson 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, Bill Greger and John Golub. He thanked these volunteers for their assistance.

APPROVAL OF MINUTES

October 23, 2007 Regular and Workshop Meetings

October 29, 2007 Special Meeting Minutes – Council/Planning Commission

October 29, 2007 Special Meeting Minutes – Council/School Board

Mr. Spolrich reported that he reviewed the above minutes and moved the minutes be approved. Mr. Thompson seconded the motion and there being seven (7) yea votes, and no (0) nay votes, the motion was declared carried by a majority roll call vote.

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

PUBLIC HEARINGS

PUBLIC HEARING – To amend the regulations of Economic Development Overlay No. 15, known as Kettering Business Park by repealing and replacing the land use, development and zoning provisions for said same overlay district. (Z.C. 876-07)

Mr. Tom Robillard, Director of the Planning and Development Department reported that Planning Commission has recommended approval of this amendment. He explained this amendment encompasses changes for residential uses, re-codification of entire document and indoor recreational uses for Kettering Business Park. He showed a site plan of the business park. The re-codification will split the development into one residential and two business portions. Indoor recreational uses will be added for building 46 only for organized, individual or franchised sports such as basketball, baseball, racquet sports, soccer, etc. Outdoor recreational facilities will not be permitted. Parking, circulation, lighting, noise and screening will be considered for each change throughout the development.

Mrs. Lehner asked why archery was excluded as a recreational indoor sport?

Mr. Robillard replied that they felt archery was not acceptable to the business park area because they could be construed as weapons and could be dangerous.

Mayor Patterson asked for questions or concerns from the Public. None were heard.

There being no further discussion, Mayor Patterson closed the public hearing and advised that Council would render a decision at the November 27, 2007 Council Meeting.

Mayor Patterson stated that Council would not be addressing the MVIO/Lincoln Park site this evening. The Public Hearing for this item will be held at the November 27, 2007 Council meeting.

ORDINANCES IN SECOND READING

AN ORDINANCE
NO: 4084-07
BY: MR. WANAMAKER AND MRS. LEHNER

TO AMEND THE TRAFFIC CONTROL MAP AND THE TRAFFIC CONTROL FILE OF THE CITY OF KETTERING, OHIO TO SHOW THE INSTALLATION OF TRAFFIC SIGNS ON VARIOUS STREETS AND AVENUES IN THE CITY OF KETTERING, OHIO
YIELD – FOR EASTBOUND TRAFFIC TURNING LEFT FROM CARDINGTON ONTO NORTHBOUND S. DIXIE HIGHWAY, WITH RIGHT-OF-WAY TO SOUTH DIXIE HIGHWAY.

Mr. Wanamaker read the above ordinance and moved for approval. Mrs. Lehner seconded the motion.

There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mrs. Lehner, Yea; Mr. Spolrich, Yea; Mayor Patterson, Yea. There being seven (7) Yea votes and no (0) Nay votes, the motion was declared carried and the Ordinance duly adopted.

RESOLUTIONS

A RESOLUTION
NO: 8334-07
BY: MRS. LEHNER AND MR. SPOLRICH

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO ENTER INTO ONE OR MORE AGREEMENTS FOR THE PURCHASE OF 82 FIREARMS FOR SWORN POLICE OFFICERS

Mrs. Lehner read the above resolution and moved for approval. Mr. Spolrich seconded the motion.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Lehner, Yea; Mr. Wanamaker, Yea; Mr. Duke, Yea; Mr. Klepacz, Yea; Mr. Thompson, Yea; Mayor Patterson, Yea. There being seven (7) Yea votes, no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 8335-07
BY: MR. SPOLRICH AND MR. THOMPSON

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO ENTER INTO AN AGREEMENT FOR DESIGN CONSULTING SERVICES FOR THE PROPOSED GENTILE PARK

Mr. Spolrich read the above resolution and moved for approval. Mr. Thompson seconded the motion.

Mr. Schwieterman explained this will allow the City to contract for professional design services for the design of the proposed Gentile Park, to be located on a portion of the area known as Parcel E in the Kettering Business Park.

There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mrs. Lehner, Yea; Mr. Spolrich, 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: 8336-07
BY: MR. THOMPSON AND MR. KLEPACZ

AUTHORIZING THE CITY MANAGER TO ACCEPT A \$10,000.00 GRANT FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY

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

Police Chief O'Dell reported that due to this grant there were over 300 OVI arrests in agencies that participated in this program. The City of Kettering made 77 of those 300 arrests. He is very proud of his officers and has commended them for a job well done.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Lehner, Yea; Mr. Wanamaker, Yea; Mr. Duke, Yea; Mr. Klepacz, Yea; Mr. Thompson, Yea; Mayor Patterson, Yea. There being seven (7) Yea votes, no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 8337-07
BY: MR. KLEPACZ AND MR. DUKE

AUTHORIZING THE CITY MANAGER TO SUBMIT A PRIORITY APPLICATION TO THE DAYTON DEVELOPMENT COALITION AND A MORE COMPLETE FOLLOW-UP APPLICATION TO OUR CONGRESSIONAL REPRESENTATIVE FOR FEDERAL EARMARK FUNDS FOR THE "KETTERING BUSINESS PARK (FORMER DESC MILITARY SUPPLY DEPOT) REDEVELOPMENT – SITE PREPARATION AND INFRASTRUCTURE PROJECT"

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

Mr. Gregg Gorsuch, Economic Development Manager explained this will allow the City to submit an application for Federal Earmark Funds for the Kettering Business Park Redevelopment. The Dayton Development Coalition is now accepting priority applications. A more complete application will later be sent to our Congressional Representative.

There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mrs. Lehner, Yea; Mr. Spolrich, 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: 8336-07
BY: MR. DUKE AND MR. WANAMAKER

TO REAFFIRM THE 2007-2008 ORIGINAL AGREEMENT AND APPROVE ALL SUBSEQUENT AMENDMENTS THERETO BETWEEN THE CITY, THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO, AND MONTGOMERY COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES FOR TARGETED COMMUNITY-BASED COLLARBORATIVE (TCBC) FUNDS

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

Mr. Schwieterman reported the contract would be in effect from January 1, 2007 through December 31, 2008. The purpose of this grant is to fund the After School Enrichment Program, the Kettering Youth Council Program, and the Summer Enrichment Experience.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Lehner, Yea; Mr. Wanamaker, Yea; Mr. Duke, Yea; Mr. Klepacz, Yea; Mr. Thompson, Yea; Mayor Patterson, Yea. There being seven (7) Yea votes, no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 8339-07
BY: MR. WANAMAKER AND MRS. LEHNER

SUPPORTING THE REPORT AND RECOMMENDATIONS OF THE SOUTH SURBURBAN TEEN ALCOHOL AND OTHER DRUG PREVENTION TASK FORCE

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

There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mrs. Lehner, Yea; Mr. Spolrich, 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: 8340-07
BY: MRS. LEHNER AND MR. SPOLRICH

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, 2007

Mrs. Lehner read the above resolution and moved for approval. Mr. Spolrich seconded the motion.

Mr. Schwieterman explained this will allow for appropriations from the General and Department Funds for various departmental expenses.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Lehner, Yea; Mr. Wanamaker, Yea; Mr. Duke, Yea; Mr. Klepacz, Yea; Mr. Thompson, Yea; Mayor Patterson, Yea. There being seven (7) Yea votes, no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

ORDINANCES IN FIRST READING

AN ORDINANCE

AUTHORIZING THE CITY OF KETTERING TO PICK-UP THE STATUTORILY REQUIRED CONTRIBUTION TO THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR THE EMPLOYEES OF THE CITY OF KETTERING PURSUANT TO INTERNAL REVENUE CODE SECTION 414(h)(2).

Mr. Schwieterman explained this legislation is required by OPERS in order to comply with IRS Revenue Ruling 2006-43. This ordinance does not change the manner in which the City processes the pick-portion of contributions to OPERS, nor require the City to incur additional costs related to this process.

Mr. Spolrich read the above ordinance in first reading. The ordinance will appear on the November 27, 2007, Council meeting agenda for second reading.

AN ORDINANCE

NO: 4085-07

BY: MR. THOMPSON AND MR. KLEPACZ

AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF KETTERING TO INCLUDE CHAPTER 747 ADDING PROVISIONS FOR COMPETITIVE VIDEO SERVICE AUTHORIZATIONS, ESTABLISHING FEES, DEFINING CERTAIN TERMS, AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO PROVIDE CERTAIN NOTICE TO VIDEO SERVICE PROVIDERS OFFERING VIDEO SERVICE IN THE CITY PURSUANT TO A STATE AUTHORIZATION; AND DECLARING AN EMERGENCY.

Mr. Schwieterman explained this legislation has been coordinated through the Miami Valley Communications Council and will establish criteria for the City in dealing with and administering video services and said providers for video services within the City of Kettering. This ordinance is being requested as an emergency in order to enable the City to better respond to the video service providers.

There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mrs. Lehner, Yea; Mr. Spolrich, 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.

AN ORDINANCE

TO AMEND THE REGULATIONS OF ECONOMIC DEVELOPMENT OVERLAY DISTRICT NO. 15 BY REPEALING AND REPLACING THE LAND USE, DEVELOPMENT AND ZONING PROVISIONS FOR SAID SAME OVERLAY DISTRICT.

Mr. Klepacz read the above ordinance in first reading. The ordinance will appear on the November 27, 2007, Council meeting agenda for second reading.

CERTIFICATIONS AND PETITIONS

CERTIFICATIONS: Planning Commission recommends approval of the vacation of the easternmost portion of Woodbank Drive within the Walden Development.

Mrs. Gaw read the above certification and stated the Public Hearing for this request will be held at the December 11, 2007 Council Meeting.

MANAGER'S REPORT

Mr. Mark Schwieterman, City Manager reported:

Mayor's Christmas Tree Lighting – will be held on Friday, November 30, 2007. Festivities begin at 6:00 p.m., with the Christmas Tree Lighting at 6:30 p.m.

Waste Management – will not be collecting trash on Thursday, Thanksgiving Day. They will be running one day late. Thursday's trash will be picked up on Friday and Friday's trash on Saturday. Any questions please call our trash hotline at 29-trash.

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

Gary Gose, AMVETS Post, 3800 Woodman Drive - The Labor of Love was a successful event. Three truckloads of items as well as cash were collected for the Blue Star Mothers. Ten names were turned in to receive packages but they still need address for four of the names. They will be feeding six families for Thanksgiving and they also have plans to come to the Government Center and pick up nametags from the Giving Tree and purchase gifts. He also reminded everyone to bring their flags for retirement to the AMVETS Post.

Arthur Burton, 1350 Devon Ave., Suite C-9 – His best tenant lives at 2063 S. Smithville Road and the property next door is putting in a daycare center. His tenant is 70 years old and is very distraught about this. No notice was given to himself or his tenant. He would like to get this issue resolved with Mr. Schwieterman. He doesn't feel it is fair for a variance to be granted like this. A daycare in this area will be a detriment to the community. There will be business traffic on a private driveway. It is an accident waiting to happen. He does not want a daycare next to his rental property. He is still having problems with City inspectors and his tenants contacting the City with complaints. One of his tenants even called the Police last night about heating concerns. He is sick of it.

Mr. Schwieterman stated there was a BZA hearing that approved the Daycare Center. Notifications were sent out to the surrounding property owners. The appeal time has already passed but he will continue to work with Mr. Burton regarding this issue.

COUNCIL COMMITTEE REPORTS

Mr. Wanamaker – stated leaf pickup crews are doing a great job. They are currently in round three of leaf pickup and will soon be starting round four. He reminded everyone the yard debris center is open through December and will be closed in January and February.

Mrs. Lehner – congratulated the Councilmember's that won re-election earlier this month. She is honored to continue working with them. Several of Council attended the NLC Conference in New Orleans last week. One of the riches experiences she had during this Conference was a tour that she took of the City of New Orleans. She was absolutely stunned at the destruction and devastation that still remains 2 ½ years after Katrina. Only three hospitals out of ten have reopened. Only half of the schools have reopened. The infrastructure has not even begun to recover. Over half of the population has left the City. If you have the opportunity to volunteer, repair work is what is needed. She doesn't know what the future holds for New Orleans. The devastation is beyond description.

Mr. Spolrich – reported he is looking forward to seeing the community at the Mayor's Christmas Tree Lighting. Applications for the Student Leadership Academy are being sent home with students this week. He urged parents to encourage their children to participate. He wished everyone a Happy Thanksgiving.

Mr. Thompson – reported he was appalled at the conditions in New Orleans and of a Country that would allow a City to stay in such a devastated state. It does not say much for our Federal government. It has been two years since the flooding and the only group he saw working and rebuilding was Habitat for Humanity. He reminded citizens to be extra careful driving with the leaves on the streets. They are often like ice making it hard to stop. Also there are a lot of leaves stacked up in gutters and he urged drivers not to drive through them because kids often play in leaves and they could be injured.

Mr. Klepacz – On November 8, 2007 he attended a celebration of the countywide efforts for the Homestead Exemption Program. Almost 90% of those eligible for the program applied. They will soon be taking applications for those that will become eligible for the program next year. The Board of Community Relations is currently accepting applications for Board positions. If interested please call the Council Office at 296-2416.

Mr. Duke – stated if you are a family or business that has reason to visit New Orleans the city downtown area is safe and clean. It is a very vibrant and healthy community that needs your support. A lot of work still needs to be done there, but it is still a great place to visit and enjoy. He attended the Open House for We Care Arts on Wilmington Pike. We Care Arts services over 320 citizens with disabilities that come to their facility as part of their art program. These folks make art and then sell it to the community. It is a great time of year to go and purchase Christmas gifts at a very reasonable cost and for a great cause.

Mayor Patterson – congratulated the re-elected Councilmember's. He enjoyed the recent meeting with the School Board and getting an update on what the schools have been doing. Council and the School Board work well together. He congratulated the Schools on the passage of their levy. On November 17, 2007 he attended the Volunteer Recognition Luncheon. Volunteers give their time to our City and they do a tremendous job. That is why Kettering is known as the City of Volunteers. The City Volunteer Award this year went to the Parks Division. He urged citizens to attend the Mayor's Christmas Tree Lighting on November 30, 2007. It will get everyone in the Christmas spirit.

There being no further business to come before this meeting of the Kettering City Council, Mayor Patterson adjourned the meeting at 8:33 p.m.

ATTEST:

Connie S. Gaw
Clerk of Council

DONALD E. PATTERSON, MAYOR