

KETTERING CITY COUNCIL  
REGULAR MEETING MINUTES  
November 8, 2011

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, November 8, 2011, at 7:30 p.m. in Council Chambers at the Kettering Government Center South Building, 3600 Shroyer Road. 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: Patterson, Klepacz, Duke, Schrimpf, and Wanamaker and Webb

Council Members Absent: Thompson (excused)

Total Members Present: Six (6)

Mayor Patterson led the audience in the Pledge of Allegiance and then gave the invocation. He introduced the cable TV operators, Jay Taylor and Earl Jones and welcomed pages Jake Untener and Sean Callahan from St. Charles School. He thanked them for their assistance.

APPROVAL OF MINUTES

October 17, 2011 – Special Workshop/Executive Session Meeting Minutes

October 22, 2011 – Regular & Workshop Meeting Minutes

Mrs. Schrimpf reported that she reviewed the above minutes and moved the minutes be approved. Mr. Duke seconded the motion and there being six (6) yea votes, and no (0) nay votes for the October 17, 2011 Special Workshop/Executive Session Meeting Minutes and five (5) yea votes, (1) abstain vote (Mr. Duke) and (0) nay votes for the October 22, 2011 - Regular & Workshop Meeting Minutes, the motion was declared carried by roll call vote.

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

PROCLAMATION – Sugarplum Festival of Trees Days – November 18 – 20, 2011

Mr. Klepacz read the above Proclamation. Sue Labatzky and Jamie King, 2011 Co-Chairs for the Sugarplum Festival of Trees accepted the Proclamation and said a few words about the upcoming event.

APPOINTMENT– Board of Zoning Appeals – Michael A. Bahun (Term Ending 12-31-11)

Mr. Klepacz made a motion to appoint Michael A. Bahun to the Board of Zoning Appeals for a term ending 12-31-11. Motion was carried by unanimous vote.

PUBLIC HEARING

ORDINANCES IN SECOND READING

AN ORDINANCE

NO: 4185-11

BY: MR. KLEPACZ AND MRS. SCHRIMPF

TO AMEND THE PROVISIONS OF ECONOMIC DEVELOPMENT  
OVERLAY DISTRICT NO. 13 KNOWN AS THE MONTGOMERY  
COUNTY EDUCATIONAL SERVICE CENTER OVERLAY DISTRICT

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

The following votes were recorded: Mr. Duke, Yea; Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Wanamaker, Yea; Mr. Webb, 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: 9051 -11  
BY: MRS. SCHRIMPF AND MR. DUKE

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR REMOVAL OF ASH TREES ON CITY OWNED PROPERTIES THROUGHOUT KETTERING, WAIVING SEALED BIDDING

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

The following votes were recorded: Mr. Webb, Yea; Mr. Wanamaker, Yea; Mr. Klepacz, Yea; Mrs. Schrimpf, Yea; Mr. Duke, 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: 9052 -11  
BY: MR. DUKE AND MR. WEBB

AUTHORIZING THE CITY MANAGER TO SUBMIT THE ONE-YEAR ACTION PLAN AND EXECUTE THE REQUIRED CERTIFICATIONS TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO ENABLE THE CITY TO RECEIVE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME FUNDS FOR PROGRAM YEAR 2012

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

The following votes were recorded: Mr. Duke, Yea; Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Wanamaker, Yea; Mr. Webb, 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: 9053 -11  
BY: MR. WEBB AND MR. WANAMAKER

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED CONTRACT FOR NETWORK SERVICES, AND AUTHORIZING AN ADDITIONAL EXPENDITURE OF FUNDS

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

The following votes were recorded: Mr. Webb, Yea; Mr. Wanamaker, Yea; Mr. Klepacz, Yea; Mrs. Schrimpf, Yea; Mr. Duke, 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

## AN ORDINANCE

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.

NO TURN ON RED 7:30 AM – 3:00 PM SCHOOL DAYS WESTBOUND ON PATTERSON ROAD AT THE REMBRANDT BLVD. AND NORTON AVENUE INTERSECTION.

Mr. Wanamaker read the above ordinance in first reading. A second and final reading will be on the November 22, 2011 Council agenda.

CERTIFICATIONS AND PETITIONSMANAGER'S REPORT

Mr. Schwieterman updated Council on upcoming and community events.

- Leaf Pickup Update.
- Planning Commission Vacancy.
- N.E.S. Test – November 9, 2011 at 2:00 p.m.
- Angela Riviello-Steffano – Appointed by the Board of Governors as the 19<sup>th</sup> President of the Professional Figure Skating Association.
- Parks, Recreation and Cultural Arts Department – Received accreditation and was a gold medal award finalist for excellence in the field of parks and recreation management.
- Kettering Finance Department – Received the Certificate of Achievement for Excellence in financial reporting for 2010.
- DUMP – Dispose of unwanted medication properly at the Kettering Recreation Center on November 12, 2011 from 9 – 2 p.m.
- Mayors Christmas Tree Lighting – December 2, 2011 at 6:30 p.m. at Lincoln Park Civic Commons.

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

David Parker, 1950 Laddie Court, Xenia - Good evening: Mayor Patterson, Vice Mayor Klepacz, Council. Manager Schwieterman, Assistant Manager Fullenkamp, Chief O'Dell, Chief Jones, City staff, and Citizens of Kettering. I respectfully stand before you tonight to honor my responsibilities as the President of The Kettering Professional Firefighters. For the past few months our membership has become painfully aware that Councilperson Webb has used his position on Council, to advance his partisan ideologies. Furthermore, Councilperson Webb has used our employee organization (Local 2150) as a target for his partisan rhetoric in support of a statewide referendum, and in his support of three candidates for Kettering Council. Out of respect for the long history of Kettering keeping politics out of our city government I delayed my appearance until the election was over. Now I feel compelled, as a 15 year veteran of the Kettering Fire Department, and as the representative of the men and women of Local 2150 to refute the many false statements made by Councilperson Webb concerning previous contract negotiations with the City, and our endorsements of Councilperson Duke, Councilperson Wanamaker, and Nolan Thomas. First, I will address Councilperson Webb's statements made during the August 23 Council Meeting. Ironically, the statements were made because Mr. Webb felt "the taxpayers that are funding the pay increases in this personnel ordinance all deserve to clearly understand the circumstances surrounding it." I could not agree more; they do deserve the truth so, I will now present that to them. Mr. Webb states: Local 2150 "Won" our pay raises, Truth: Our current contract was proposed to us by the Human Resources department. We did not "Win" anything. We agreed to the terms that were presented to us, and had a signed agreement in a few hours. Mr. Webb states: "The City asked the public service unions to take a smaller amount in raises this year. In fact, we offered to extend their contracts for a year and keep their health care costs the same, without any increase.

All we asked was that they take their 3.5% raise over the course of 2 years. So, they would have taken 1.75% this year and 1.75% next year.” Truth: The City asked us to reduce our pay raise in 2011 by 50%. There was no offer of a contract extension. No offer of spreading our raise over 2 years. No offer of freezing our healthcare. These facts could easily be found by reviewing the proposal document given to Local 2150 from HR. The only factual statement made by Mr. Webb on these matters was that Local 2150 was asked to take a reduced raise. Mr. Webb states: “They had an option to help out a community in a time of financial need but the union leadership declined to take that opportunity.” Truth: no claim of financial need was stated by the City – The talks took place in 2009 before Governor Kasich took office and presented a budget that negatively affected local government revenues. The concession request from Mr. Strader was framed, as “I know we are in good financial shape, but considering how others are doing in the area we thought it was the right thing to do.” We did sit down with Mr. Strader to discuss the possibility of a reduced raise in exchange for non-financial items. In fact, we put our entire raise on the table if we could come to an agreement on the non-financial issues proposed. Mr. Strader respectfully declined, and discontinued the talks. Next, I would like to address some of the accusations made by Councilperson Webb in his opinion editorial printed in the K.O. Times on Oct. 27th. Quote: “The union calls themselves the “Kettering Professional Firefighters” to give the inaccurate impression that they represent all of the City’s Firefighters.” Local 2150 has never tried to imply that we represent the part-time contingency of the fire department. Our Official name is Kettering Professional Firefighters International Association Of Firefighters Local 2150. It is what we are; it is who we are - period. Quote: “This is an obvious ploy to ensure the continued windfall of wage and benefit hikes that we have seen grow in recent years.” Quote: “union leaders who are more focused on gaining excessive benefits for their members than on safeguarding the financial health of the Community they have sworn to serve and protect. Quote: “their hollow endorsement is even less impactful given they are not eligible to vote in the election.” All of these statements are insulting to each of the men and women who are Local 2150. To accuse us of only serving our own self-interests is the highest insult that you could levy. The men and women of Local 2150 make quiet sacrifices every day we report for duty. We miss birthdays, recitals, children’s events, weddings, funerals, holidays, etc. We are injured, exposed to communicable diseases, and horrific tragedies. We are always there in the citizen’s time of need, even though ironically, on a regular basis we are not there for our own families in these times of need. Councilperson Webb’s recent statements are a solution in search of a problem. Local 2150 is not standing in the way of Kettering’s progress, we are an essential part of Kettering’s prosperity. We have always worked with the City to find solutions as problems arise, and make personal sacrifices on a daily basis to ensure the safety of the citizens and the success of our employer - the City of Kettering. The election is now over, and Mr. Webb is still a Councilperson for the City, and we are still employees of the City of Kettering entrusted with the safety of the citizens. In hope you keep that in mind the next time you see an opportunity to advance your own self-interests by disparaging the service and sacrifice of the Kettering Professional Firefighters

#### COUNCIL COMMITTEE REPORTS

Mr. Klepacz – On October 31, 2011 he attended a ribbon cutting at River Commons II in Dayton. This is a new 83 unit home to provide housing to the homeless in our region and to help them eventually get out and get a place of their own. On November 5, 2011 he attended a ribbon cutting at Amicis Restaurant on East Dorothy Lane. He welcomed them to the Kettering community and reminded everyone to get out and support our Kettering businesses.

Mrs. Schimpf – On October 26, 2011 she attended a presentation from the Partners for Healthy Youth. Some interesting data came from that meeting and she encouraged parents and other members of the community to interact with our area youth. This past weekend We Care Arts held their annual Holiday Open House.

Mr. Duke – He stated that We Care Arts have some great Christmas presents in their showroom. He urged everyone to support them this holiday season. At the Amicis Restaurant ribbon cutting he had the pleasure of sampling their Rubin Pizza. It was fantastic. He thanked the Dor-wood Optimist in advance for putting up flags on Veterans Day.

Mr. Webb – I have some remarks and I will get to those in a minute. Since Mr. Parker took the time to speak with us I would like to take a moment to address some of the things he brought up. First thing I want to say is you started your remarks with “the truth as you know it” and we all operate in that same medium, the truth as we know it. So it is very enlightening to hear from your perspective the discussion about the decision about the request for lowering the amount of your pay raise for this year. Because, from my perspective we sat and gave specific guidance to ask for the raise to be split into two years and in return, because obviously you were giving something and we had to give something back, then that would have been not to raise health care costs, which everyone knows costs are going up and up. So what I wrote in the article is the truth, as I know it. So we will have to figure out how that got lost in translation. The “no claim of financial need,” and this is something that I think has really weighed on me quite a bit and why I took a stand for SB5. You are absolutely right the election is over so we are not here to debate that. There are obviously flaws with that. I don’t know after tonight if it will be a law or not. But the financial need part and the fact that we as a staff, and as a Council frankly, live in fear of arbitration. The fact that arbitrators when its brought to their attention they take into account the ability to pay. My feeling is that the ability to pay really should not be a factor. The factor in wages is what’s fair and what’s appropriate and I think just like a lot of these things if we sat down across the table and talked about it we probably agree a lot more than we disagree on. In terms of the name, you know I understand what your saying, it is your name, but the legal name of your organization does give an impression and when you are dealing with the public an impression is often what counts. Perception is reality. So when you sign a letter as a professional firefighter’s, or Kettering Professional Firefighter’s, it gives an impression that it is everybody. Basically, I just wanted to make sure the voters understood this and that it’s not everybody, it’s a subset, it’s a portion of our firefighters. Your job as a union leader, at least as I understand it, is about self-interest. You are in charge of looking out for the livelihood of all these folks sitting out here tonight and when you put your union hat on you do have to look after them, you are not looking after the City and I understand that. We have been a lot of years without any endorsement from firefighters and it really did seem to me like this was a litmus test on Issue 2. Maybe that’s not the case but it sure seems that way. The only other thing I want to address is that although I don’t do it on a daily basis right now, I understand the sacrifices you are going through. I understand what it is like, not only to be away from home but also to be half way around the world when your son has surgery. When I was deployed to Bosnia he had to have ear tubes put in and it doesn’t seem like a big deal but when you are half way around the world and your kid is going under and somebody is operating on him, so I understand what its like to be away from your family and the sacrifices you make. So in all of the banter back and forth this campaign and people taking stands, people calling things attacks, and calling people enemies, in the light of day we’re not enemies and they are not really attacks. People are just expressing different views. The one thing that really did hurt in that letter that was written and delivered to the Kettering Oakwood Times was the comment about disparaging the sacrifice of our firefighters and police, because you can believe anything you want to believe about me, but understand that I stand behind every one of you guys in uniform, as I know if I were to be called up and deployed tomorrow you would stand behind me. So I understand that those comments were made in the heat of an election season and I believe that whoever wrote that didn’t mean to cut into my heart, and so it’s done, water under the bridge. Now I do want to thank you for coming and talking. I am one hundred percent honest when I say that I’m glad you came and talked, because I would rather have the opportunity to talk to you, and look at all the other firefighters that are here, and talk to all of you and tell you how much I appreciate what you do and also have the opportunity to tell you that this SB5, Issue 2 fight, is no different to me than my kids coming to me with an allowance request and I think they should get ten dollars and they ask for hundred, I don’t love them any less because I don’t give them a hundred. And so we are going to continue these discussions. I hope this is a beginning and I would like to sit down and talk with you all offline, it would be a valuable conversation. Again, we learn everyday; everybody does, I learned some things tonight. Maybe when we talk you can learn some things from me, but I certainly look forward to the opportunity to move forward and help represent not only the citizens but also the workers of Kettering better through this experience. Thank you for coming.

So here are my comments, they were supposed to be short tonight because this is the voters' night to speak. As soon as we adjourn this meeting a lot of us are going to go out to see how things turned out at the poles today. Before we do that, I want to commend all of those who ran for office and all of the many volunteers who got involved in this election; that includes every one of my colleagues. All of you felt strongly about the issues and candidates that you worked so hard to support. To the candidates, both those seated here and those already out anxiously awaiting results: your community salutes you. Our system of government wouldn't work without individuals who are willing to step out of their comfort zone and the safety of their private lives to run for public office. We appreciate the sacrifices you have made over the last few months to provide your fellow citizens with a choice on Election Day. To the volunteers who gave time and resources toward candidates and issue campaigns: your community salutes you too. Everyone is challenged to fit Family, Church, Work, School and many other priorities into our busy schedules. We appreciate your efforts to stand up and do your part toward making our community a better place to live, work and play. Competition makes us stronger and your efforts make our community more resilient because of your efforts. Another reason I'm glad you are all here is because I bet everyone, raise your hand if you were at the polls today. Yeah, I know you guys were out there. Whether I agree with you or disagree with you, I think it is great that you were out there. I had an opportunity to stand toe to toe with an individual that wanted to tell us that, and when I say us that is myself, and the two folks that were there with the yellow t-shirts on, that we had no right to be at a polling place. What was pretty amazing in that moment was that we were at two different ends of the spectrum, yet this guy was too angry at whatever happened that day that the fact that we wanted to say "I think you should vote no on Issue 2" or "I think you should vote yes on Issue 2" was too much for him and he lit into us verbally. But what was pretty amazing was that we just looked at each other and stood shoulder to shoulder and said "look, we're 100 feet from the polls, we're abiding the law, and we're expressing our First Amendment Rights." That's a moment I'll remember for a long time. The debates during this election season have been heated at times, but I am confident that every participant has had the best interest of our community at heart. Although disagreements over how to meet the challenges of the future are going to continue, all of us need to remember that no matter what happens we are still neighbors. I spent most of today standing outside the polls, side by side with volunteers promoting a "No" vote on Issue 2. A lot of you know, I supported Issue 2, but in the lulls between voters, we had some great conversations about our families, our schools, and our City. This time together demonstrated for me the fact that we share many more similarities than we do differences. The most apparent likeness was our common engagement in the political process. The fact that Friday is Veteran's Day helps underscore just how lucky we are to live in a country where the rights of free speech that we took advantage of today are protected. I'd like to close my comments with a simple "THANK YOU" for all of those who have sacrificed in order to allow us to enjoy the freedoms we often take for granted as Americans.

Mr. Wanamaker – He thanked everyone who went out and voted and worked at the voting poles. The leaf pickup crews have been doing a great job. He reminded everyone not to drive over piles of leaves in the street. Just this past weekend he saw a kid playing in them with only his head sticking out of the pile. He thanked the firefighters for coming to the meeting this evening to give us their story.

Mayor Patterson – He congratulated all of the candidates and all of those that volunteered at the voting poles. He reminded everyone that November 11, 2011 is Veterans Day. Say a prayer for them and if you see a person in uniform thank them and shake their hand. Recently, he had the pleasure of having lunch at the Dayton Racquet Club with several of Southdale Elementary 5<sup>th</sup> grade classrooms who were learning etiquette. It was a great time. On October 28, 2011 he attended the Run for Your Life Race at Community Golf Course. He welcomed the crowd and judged the Costume Contest. It was a lot of fun. On October 29, 2011 the Kettering Firefighters Local 2150 held their annual Chili Cook-off at Kroger. Everyone had a great time. Along with the Parks, Recreation and Cultural Arts staff, he went to Atlanta Georgia with high hopes of walking away with the gold. The City of Kettering did not win but it was still nice to be nominated. We were one of four communities out of over thirty applications that were recognized. It was great to see the excitement at this event. Congratulations to the Parks and Recreation Department who are already planning for next year's awards. On November 3, 2011 he spoke to the Women's Council of Realtors and told them about what was going on in Kettering. It was a good interaction

with a lot of questions from those that attended. It was nice to find out what was important to them. He attended the Amicis Restaurant ribbon cutting and it was nice to see the owner of the establishment so enthusiastic about his restaurant. The food was great and he urged residents to support them. On November 7, 2011 he attended a Girl Scout tree dedication service at Orchard Park School. It was a very nice ceremony and great to see the enthusiasm of the kids. They did a great job.

There being no further business to come before this meeting of the Kettering City Council, Mayor Patterson adjourned the meeting at 8:30 p.m.

ATTEST:

Connie S. Gaw  
Clerk of Council

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DONALD E. PATTERSON, MAYOR