

KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
December 20, 2011

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, December 20, 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, Thompson, Wanamaker and Webb

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, Jay Taylor and Earl Jones. He thanked them for their assistance.

The Kettering Children's Choir opened the meeting by singing Christmas carols.

APPROVAL OF MINUTES

December 6, 2011 – Regular & Workshop Meeting Minutes

December 13, 2011 – Special Meeting Minutes

December 14, 2011 – Special 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 seven (7) yea votes, and no (0) nay votes for the December 6, 2011 - Regular & Workshop Meeting Minutes, and the December 13 & 14, 2011 Special Meeting Minutes, the motion was declared carried by roll call vote.

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

PRESENTATION – Polen Farm Christmas Day Gathering – December 25, 2011

Bill and Marynel Bradley invited everyone to attend the Polen Farm Gathering on December 25, 2011 from 1:00 – 4:00 p.m. It is free and open to the public.

APPOINTMENTS – Planning Commission – Ray Wasky (Term Ending 12/31/13)

Mr. Duke made a motion to appoint Ray Wasky (Term Ending 12/31/13) to the Planning Commission. Mr. Webb seconded this motion. Motion carried by a unanimous roll call vote.

PUBLIC HEARING

ORDINANCES IN SECOND READING

AN ORDINANCE

NO: 4192-11

BY: MR. KLEPACZ AND MRS. SCHRIMPF

TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF KETTERING TO
INCLUDE CHAPTER 475 CONCERNING REGULATION OF TEXT BASED
COMMUNICATION WHILE DRIVING

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. Thompson, Yea; Mr. Webb, 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.

AN ORDINANCE
NO: 4193-11
BY: MRS. SCHRIMPF AND MR. DUKE

TO PROVIDE FOR THE TABLE OF ORGANIZATION, POSITION CLASSIFICATION PLAN, COMPENSATION PLAN AND PAY SCHEDULES AND RULES AND REGULATIONS PERTAINING TO CONDITIONS OF WORK AND SUPPLEMENTAL BENEFITS FOR THE EMPLOYEES OF THE CITY OF KETTERING, OHIO, AND TO REPEAL ORDINANCE NO. 4175-11

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

The following votes were recorded: Mr. Webb, Yea; Mr. Thompson, Yea; Mr. Wanamaker, Yea; Mr. Klepacz, Yea; Mrs. Schrimpf, Yea; Mr. Duke, 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: 9060 -11
BY: MR. DUKE AND MR. WEBB

APPROVING AN AGREEMENT BETWEEN THE CITY OF KETTERING, OHIO AND MARK W. SCHWIETERMAN

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

Mr. Schwieterman explained the agreement has an effective date of January 1, 2012 and terminates December 31, 2018.

The following votes were recorded: Mr. Duke, Yea; Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Wanamaker, Yea; Mr. Thompson, Yea; Mr. Webb, 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: 9061 -11
BY: MR. WEBB AND MR. THOMPSON

DIRECTING THE FINANCE DIRECTOR TO COMMIT \$500,000.00 OF THE GENERAL FUND BALANCE TO BE EXPENDED FOR ECONOMIC DEVELOPMENT PURPOSES EFFECTIVE JANUARY 1, 2012

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

The following votes were recorded: Mr. Webb, Yea; Mr. Thompson, Yea; Mr. Wanamaker, Yea; Mr. Klepacz, Yea; Mrs. Schrimpf, Yea; Mr. Duke, 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: 9062 -11
BY: MR. THOMPSON AND MR. WANAMAKER

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR THE SALE OF 3101 WILMMINGTON PIKE TO CATHY D. JOHNSON

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

Mr. Schwieterman explained this legislation allows the City to enter into a purchase agreement for the sale of City owned property commonly known as 3101 Wilmington Pike and declaring said property as surplus.

The following votes were recorded: Mr. Duke, Yea; Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Wanamaker, Yea; Mr. Thompson, Yea; Mr. Webb, 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: 9063 -11
BY: MR. WANAMAKER AND MR. KLEPACZ

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION ("ODOT") TO ALLOW THE CITY TO SERVE AS RESPONSIBLE LEAD AGENCY FOR ADMINISTRATION OF THE CITYWIDE TRAFFIC SIGNAL SYSTEM UPGRADE PROJECT (CITY PROJECT NUMBER 02-005B; ODOT PROJECT MOT CITYWIDE SIGNAL UPGRADE, PID 90812)

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

The following votes were recorded: Mr. Webb, Yea; Mr. Thompson, Yea; Mr. Wanamaker, Yea; Mr. Klepacz, Yea; Mrs. Schrimpf, Yea; Mr. Duke, 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: 9064 -11
BY: MR. KLEPACZ AND MRS. SCHRIMPF

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION ("ODOT") TO ALLOW THE CITY TO SERVE AS RESPONSIBLE LEAD AGENCY FOR ADMINISTRATION OF THE IRON HORSE BIKEWAY – STROOP & WILMINGTON INTERSECTION TO DELCO PARK PROJECT (CITY PROJECT NUMBER 05-004e; ODOT PROJECT MOT IRON HORSE BIKEWAY, PID 90822)

Mr. Klepacz read the above resolution 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. Thompson, Yea; Mr. Webb, 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: 9065 -11
BY: MRS. SCHRIMPF AND MR. DUKE

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN
AGREEMENT FOR EMERGENCY ROAD REPAIRS TO KENTSHIRE
DRIVE

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

The following votes were recorded: Mr. Webb, Yea; Mr. Thompson, Yea; Mr. Wanamaker, Yea; Mr. Klepacz, Yea; Mrs. Schrimpf, Yea; Mr. Duke, 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: 9066 -11
BY: MR. DUKE AND MR. WEBB

TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR CURRENT EXPENSES
AND OTHER EXPENDITURES OF THE CITY OF KETTERING, STATE OF
OHIO, DURING THE FISCAL YEAR ENDING DECMEBER 31, 2011

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

Mr. Schwieterman explained an appropriation of \$25,000.00 is requested for the Law Department's personnel budget for current year obligations and leave payout.

The following votes were recorded: Mr. Duke, Yea; Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Wanamaker, Yea; Mr. Thompson, Yea; Mr. Webb, 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: 9067 -11
BY: MR. WEBB AND MR. THOMPSON

TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND
OTHER EXPENDITURES OF THE CITY OF KETTERING, STATE OF
OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2012

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

The following votes were recorded: Mr. Webb, Yea; Mr. Thompson, Yea; Mr. Wanamaker, Yea; Mr. Klepacz, Yea; Mrs. Schrimpf, Yea; Mr. Duke, 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 updated Council on upcoming and community events.

- City Offices Closed for the Holidays – December 23 and 26, 2011 and January 2, 2012.
- No delay in Waste Management Service for the Christmas and New Years Holiday.
- Polen Farm Christmas Day Gathering – December 25, 2011 from 1:00 – 4:00 p.m. Event is free and all are welcome.
- Dog License's are on sale now. Deadline is January 31, 2011.

- Congratulations to Councilmember Keith Thompson for 55 years of service to the City of Kettering.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Communications and Reports

Audience Participation (5 Minute Limit Per Speaker)

Jim Snyder, 1104 Rio Lane – He talked about December being an anniversary month for the Korean Reservoir Battle that ended with 12,000 casualties. The Korean War is a forgotten war. Dayton has a unique Korean War Memorial. It is the only memorial that has the names of the missing in action.

David Gray, 1954 Farmside Drive – He knew nothing about the texting ban until this evening. He is displeased Council considered this because there are many more things that are more dangerous than texting. Now people will only try to hide their texting, which makes it even more dangerous. It will be difficult to enforce. There is a potential for constitutional infringements. He wanted to express to Council his personal concerns and opinions.

Kevin Donald, 181 Canterbury Drive – He knows that the City is planning an educational campaign for residents, but what about those that are just passing through.

Mr. Schwieterman explained there are plans to place signs at some of the major entryways into the City. There will also be media and newspaper announcements to get the word out about the texting ban.

Mayor Patterson stated there are already 35 states that have passed a texting ban. Hopefully the State of Ohio will follow soon. A statewide ban would be much easier to enforce. Kettering has decided to pass it on their own and hopes the state will step up to the plate as soon as possible and pass a statewide ban. Education will be the key component to making this work. They hope to change behavior habits and make no texting while driving as common as getting into your car and fastening your seatbelt.

COUNCIL COMMITTEE REPORTS

A RESOLUTION
NO: 9059 -11
BY: MAYOR PATTERSON

AN ACKNOWLEDGEMENT OF SERVICE AND EXPRESSION OF
APPRECIATION TO KEITH THOMPSON BY THE COUNCIL OF THE
CITY OF KETTERING, OHIO

Mayor Patterson read and presented the resolution of appreciation to Keith Thompson. He thanked him for his 55 years of service to the City of Kettering. He also announced a bench and bronze plaque will be placed on the Government Center Plaza in honor of Mr. Thompson's service.

Mr. Klepacz – He stated for the last few months Mr. Thompson has been on his farewell tour. He has enjoyed listening to him speak formally and informally. What comes through the most is the service that Mr. Thompson has provided all these years. He began serving our country in the Navy, then our community as a police officer and now serving for the last 28 years as a councilmember. There is no one like Keith Thompson. You always know where you stand with Keith. He has only known him for five years but in those five years he has become a friend. Mr. Thompson told him he loves this City and try not to go screwing it up.

Mrs. Schrimpf – She commented that Mr. Thompson is an icon and treasure to the City of Kettering. It was a pleasure getting to know him. With his absence she will try to be an advocate for his concerns. She hopes to see him around town and not the Government Center. Mr. Thompson gave her a direct quote. He won't come back unless it's to kick someone's behind. She certainly hopes he doesn't have to do that.

Mr. Duke – He has worked with Mr. Thompson for 26 years and is really getting sick of him. Their relationship has been that of father, brother, and compadre of evil deeds. But mostly Mr. Thompson has been a mentor to him and he looks up to him with respect. He doesn't know to many other people who loves his wife like Mr. Thompson does. Kay Thompson is the most important person in his life. They are both very lucky. Mr. Thompson has attended 672 City Council meetings. There are approximately 30 stories in his repertoire and they were repeated 4 times annually. He then told a funny story about a trip that he and Mr. Thompson took to Houston. He will miss serving on Council with Mr. Thompson and wished him well on his retirement.

Mr. Webb – He stated that he is the new guy on the block, so he had the pleasure of sitting next to Mr. Thompson for the last two years. Mr. Thompson is someone that you don't have to go far into a conversation to know that he gives you straight talk. He appreciates his helping hand during Council meetings. Mr. Thompson represents a generation that did a lot of important things in a time that was different. He loves to hear his stories. It is a connection to the past that he has enjoyed.

Mr. Wanamaker – He stated he met Mr. Thompson in 1959, fifty-two years ago. Right away he knew Mr. Thompson was the "Police Department." He never has seen anyone that could drive a cop car like him. He was a great police officer, a cop's cop. Always fair and compassionate. Bad guys did not want to mess around with him. He admired Mr. Thompson then, and still does. When he joined City Council he realized just how valuable Mr. Thompson has been. He is a man of integrity and he always feels comfortable being round him and will miss that. He will continue with Mr. Thompson's message about the 4th of July fireworks and the kids playing in leaves in the fall. It has been great working with Mr. Thompson and he will be missed.

Mayor Patterson – He has had the privilege of serving with Mr. Thompson for 14 years. You can't know him without his stories. One of the benefits of Council is getting to know those you serve with. He played golf with Mr. Thompson on the City League for 8 years. It was the first dealing he had with Keith outside of Council. The more time you spend with Mr. Thompson the more you understand him. You get what you see. He is a great guy and is fun to be around. A great mentor. He told a funny story about when he and Mr. Thompson attended a convention in Atlanta. Mr. Thompson took him to learn how to fire a handgun. He thinks of him like a father. He was asked to come up with a sentence about Mr. Thompson: His life and the City of Kettering are better having had Mr. Thompson pass through it. He wished Keith Thompson the best of luck.

Mr. Thompson – He expressed that you usually only hear nice things like this at a funeral. He has made two good decisions in his life, the first being when he married his wife Kay. The second was beginning his service on the Kettering Police Department. He remembers when they first put the slogan "Ohio's Finest" on the police cars. Some officers were leery of it and he remembers telling them they had better believe they were Ohio's Finest or they could go somewhere else and work. Over the years he has been privileged to work with the finest people in the City.

There being no further business to come before this meeting of the Kettering City Council, Mr. Thompson adjourned the meeting at 9:14 p.m.

ATTEST:

DONALD E. PATTERSON, MAYOR

Connie S. Gaw
Clerk of Council