

KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
January 22, 2008

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, January 22, 2008, 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)

APPROVAL OF MINUTES

January 22, 2008 Regular and Workshop Meetings

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

PROCLAMATION: Career and Technical Education Month – February 2008

Mr. Duke read the above Proclamation. Nancy Brown, Career Coordinator from Fairmont High School accepted this proclamation.

PRESENTATION: Relay for Life 2007 Recap and 2008 Expectations

Mr. Rob Lampe, 2007 Relay for Life Chairperson gave the presentation. He thanked Council and the community for all of their support for the 2007 Campaign. There were 45 teams and over 100 survivors that participated in last years walk. He is looking forward to 2008. Jeff Zaret will be chairing the 2008 Relay for Life. They both are looking forward to another successful event this year.

PRESENTATION: Sinclair Community College Levy Issues

Dr. Steve Johnson, President of Sinclair Community College gave the presentation. He urged citizens to support the passage of the Sinclair Community College 2.5 Replacement plus 0.7 Mill Levy at the March 4, 2008 elections. He thanked Council for their support.

APPOINTMENT: Charles Shanesy – Board of Community Relations, Jhembert Perdomo, Board of Community Relations, Rob Pretzinger, Board of Zoning Appeals

Mr. Spolrich made a motion to approve the appointment of Charles Shanesy and Jhembert Perdomo to the Board of Community Relations and Rob Pretzinger to the Board of Zoning Appeals. Mr. Thompson seconded this motion. The motion was approved by unanimous vote.

PUBLIC HEARINGS

ORDINANCES IN SECOND READING

AN ORDINANCE

NO: 4090-08

BY: MRS. LEHNER AND MR. SPOLRICH

PROVIDING FOR THE VACATION OF A PORTION OF WOODBANK
DRIVE

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. Thompson, Yea; Mr. Klepacz, Yea; Mr. Wanamaker, Yea; Mr. Duke, 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.

AN ORDINANCE

NO: 4091-08

BY: MR. SPOLRICH AND MR. THOMPSON

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 PARKING ANYTIME – ON THE SOUTH SIDE OF WEST BOWMAN AVENUE FROM SOUTH DIXIE HIGHWAY WESTWARD FOR A DISTANCE OF 380 FEET

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

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Lehner, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Klepacz, Yea; Mr. Thompson, 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: 8367-08

BY: MR. THOMPSON AND MR. KLEPACZ

SUPPORTING THE PASSAGE OF THE SINCLAIR COMMUNITY COLLEGE 2.5 REPLACEMENT PLUS 0.7 MILL LEVY AT THE MARCH 4, 2008 ELECTION.

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

There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Klepacz, Yea; Mr. Wanamaker, Yea; Mr. Duke, 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: 8368-08

BY: MR. KLEPACZ AND MR. WANAMAKER

AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR RECREATIONAL TRAIL PROGRAM FUNDS.

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

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Lehner, Yea; Mr. Duke, Abstain; Mr. Wanamaker, Yea; Mr. Klepacz, Yea; Mr. Thompson, 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: 8369-08
BY: MR. WANAMAKER AND MR. DUKE

AUTHORIZING THE CITY MANAGER TO ENTER INTO A COST-SHARING AGREEMENT WITH THE CITY OF CENTERVILLE, OHIO FOR THE WHIPP ROAD – BRAINARD TO WILMINGTON PIKE – SIDEWALK, CURB AND DRIVE APPROACH REPAIR PROGRAM AND RESURFACING PROJECT (PROJECT #02-128E).

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

Mr. Steve Bergstresser explained the City of Kettering and the City of Centerville are proposing a joint project to repair concrete curb, sidewalk and drive approaches and then resurface with asphalt the section of Whipp Road from Wilmington Pike at the east end to Brainard Drive at the west end. The City of Kettering will bid the project and be reimbursed by the City of Centerville for their portion.

There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Klepacz, Yea; Mr. Wanamaker, Yea; Mr. Duke, 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: 8370-08
BY: MR. DUKE AND MRS. LEHNER

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDMENT TO THE COST PARTICIPATION AGREEMENT WITH THE BOARD OF COMMISSIONERS OF MONTGOMERY COUNTY, OHIO FOR ADDITIONAL WATER MAIN WORK FOR THE ACORN AREA RESIDENTIAL RECONSTRUCTION PROJECT (CITY PROJECT NUMBER 02-278)

Mr. Duke 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. Spolrich, Yea; Mrs. Lehner, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Klepacz, Yea; Mr. Thompson, 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: 8371-08
BY: MRS. LEHNER AND MR. SPOLRICH

AUTHORIZING AN EXPENDITURE OF FUNDS FOR TRAFFIC SIGNAL MAINTENANCE IN CALENDAR YEAR 2007.

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. Thompson, Yea; Mr. Klepacz, Yea; Mr. Wanamaker, Yea; Mr. Duke, 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: 8372-08
BY: MR. SPOLRICH AND MR. THOMPSON

AUTHORIZING THE CITY MANAGER TO PURCHASE UPGRADED SOFTWARE AND HARDWARE FOR THE VOIP PHONE SYSTEM.

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

Mr. Schwieterman explained with this upgrade the life of the phone system will be extended approximately 4 to 5 years. The upgrade includes the Inform cast paging system. The Court has expressed interest in utilizing this capability in their building on Wilmington Pike. The price includes installation, configuration and maintenance of software and hardware.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Lehner, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Klepacz, Yea; Mr. Thompson, 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: 8373-08
BY: MR. THOMPSON AND MR. KLEPACZ

AUTHORIZING THE CITY MANAGER TO PURCHASE TELEVISION, RADIO AND NEWSPAPER, BILLBOARD AND INTERNET ADVERTISING FOR THE 2008 FRAZE PAVILION PERFORMANCE SEASON FROM VARIOUS SOURCES.

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

There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Klepacz, Yea; Mr. Wanamaker, Yea; Mr. Duke, 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: 8374-08
BY: MR. KLEPACZ AND MR. WANAMAKER

AUTHORIZING THE CITY MANAGER TO CONTRACT FOR THE PURCHASE OF BEER AND WINE FOR SPECIAL EVENTS AND FOR FRAZE PAVILION CONCESSIONS DURING THE 2008 PERFORMANCE SEASON.

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

There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Klepacz, Yea; Mr. Wanamaker, Yea; Mr. Duke, 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: 8375-08
BY: MR. WANAMAKER AND MR. DUKE

AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO ENTERTAINMENT CONTRACTS FOR THE 2008 FRAZE PAVILION SEASON.

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

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Lehner, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Klepacz, Yea; Mr. Thompson, 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: 8376-08
BY: MR. DUKE AND MRS. LEHNER

AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS FOR DISCOUNTS, COMPLIMENTARY TICKETS AND COMPLIMENTARY PROGRAM PARTICIPATION TO BENEFIT THE ADVERTISING AND PROMOTION OF CALENDAR YEAR 2008 PARKS, RECREATION AND CULTURAL ARTS PROGRAMS AND THE 2008 FRAZE PAVILION PERFORMANCE SEASON.

Mr. Duke 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. Wanamaker, Yea; Mr. Duke, 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: 8377-08
BY: MRS. LEHNER AND MR. SPOLRICH

TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A ONE-YEAR RENEWAL OF THE CONTRACT CURRENTLY IN PLACE FOR THE RENTAL OF SEASON LIGHT EQUIPMENT AND TECHNICAL DIRECTOR SERVICES FOR FRAZE PAVILION AND RENTAL OF LIGHTING EQUIPMENT AS REQUIRED BY PERFORMERS ON A PER SHOW BASIS.

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. Duke, Yea; Mr. Wanamaker, Yea; Mr. Klepacz, Yea; Mr. Thompson, 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: 8378-08
BY: MR. SPOLRICH AND MR. THOMPSON

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KETTERING/MORaine/OAKWOOD CHAMBER OF COMMERCE TO SELL ADVERTISING FOR THE 2008 FRAZE PROGRAM BOOK.

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

There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Klepacz, Yea; Mr. Wanamaker, Yea; Mr. Duke, 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: 8379-08
BY: MR. THOMPSON AND MR. KLEPACZ

TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A ONE-YEAR RENEWAL OF THE CONTRACT CURRENTLY IN PLACE FOR THE RENTAL OF SEASON SOUND EQUIPMENT AND SOUND TECHNICIAN SERVICES FOR FRAZE PAVILION AND RENTAL OF SOUND EQUIPMENT AS REQUIRED BY PERFORMERS ON A PER SHOW BASIS.

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

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Lehner, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Klepacz, Yea; Mr. Thompson, 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: 8380-08
BY: MR. KLEPACZ AND MR. WANAMAKER

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE HAIG AVENUE, FROM ANSEL DRIVE TO 350 FEET SOUTH OF COLFAX AVENUE, BY REMOVING EXISTING PAVEMENT AND RESURFACING WITH NEW ASPHALT PAVEMENT, CONSTRUCTING AND RECONSTRUCTING SIDEWALKS, CURBS, GUTTERS, DRIVE APPROACHES, STORM SEWERS, AND OTHERWISE IMPROVING THE SAME, TOGETHER WITH ALL NECESSARY APPURTENANCES (HAIG AVENUE RECONSTRUCTION – PROJECT NUMBER 02-272E).

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

Mr. Schwieterman explained this will begin the legislative process to levy assessment for the Haig Avenue Reconstruction Project.

There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Klepacz, Yea; Mr. Wanamaker, Yea; Mr. Duke, 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: 8381-08
BY: MR. WANAMAKER AND MR. DUKE

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR THE INSTALLATION AND PROGRAMMING OF TELEPHONE SERVICE AT THE NORTH BUILDING OF THE GOVERNMENT CENTER AND TO CHANGE OVER THE TELEPHONE AND NETWORK SERVICE AT THE FAIRMONT FITNESS CENTER.

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

Mr. Schwieterman explained this will allow for the purchase of two switches to be installed in the North Building for phone and network service back to the Government Center. This will also allow for the Fairmont Fitness Center and the Frazee to connect to the Government Center through the North Building equipment. Also, in this quote is the new switch for the Fairmont Fitness Center.

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

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 PARKING ANYTIME – ON THE NORTH SIDE OF ROCKHILL AVENUE FROM FAR HILLS AVENUE EASTWARD FOR A DISTANCE OF 85 FEET.

Mr. Duke read the above ordinance in first reading. The ordinance will appear on the February 12, 2008, Council meeting agenda for second reading.

CERTIFICATIONS AND PETITIONS

MANAGER'S REPORT

Mr. Mark Schwieterman, City Manager reported:

Property Maintenance – In February, staff is proposing an ordinance to update the City's property maintenance procedures. Over the last several months the Property Maintenance Task Force has been meeting and reviewing current procedures. Changes are proposed and staff will give a presentation of those changes. He thanked all those involved in this effort.

Leaf Pick-Up Program – The final round of leaf pick-up is scheduled for completion this week. Crews are currently in District 8 and will hopefully finish District 11 by the end of this week. If you live in Districts 1 through 7 and still have leaves you will need to dispose of them by other means, as crews will not be coming back through in those areas. A spring clean up day will be scheduled and dates will be announced as soon as they are decided.

Alter Community Meeting – Staff attended the Alter High School Community Meeting last week. The purpose of the meeting was for Alter to give information to residents about their proposed new Master Plan. A presentation was given by City staff as to what the City's involvement will be in this project. If anyone has any questions regarding this project, please call the Office of the City Manager at 296-2412.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Communications and Reports

Audience Participation (5 Minute Limit Per Speaker)

Ken Poorman, 2540 Barryknoll St. – expressed concerns about the new Tenneco project and wondered when this would all take place. He wondered if the 350 new jobs would be new employees or in addition to the workforce already in place at Delphi.

Mr. Schwieterman replied that the City has not yet committed to the Job Tax Creation Program with Tenneco to date. He cannot give an exact time when all this will happen. He is hopeful a decision will be made shortly. The plan calls for 350 new Tenneco jobs in the State of Ohio. Not necessarily an addition to the jobs already there. Tenneco will be operating a portion of the Delphi Plant.

Mrs. Lehner asked if the Delphi jobs were going to be eliminated.

Mr. Schwieterman replied he feels the jobs will probably be eliminated. He is not sure if Tenneco plans to incorporate Delphi employees.

Charles Shanesy, 5398 Brainard Dr. – He thanked Council for their efforts in helping to clean up the Oak Creek area. They had serious problems in this area in the past, but things are so much better now. He knows this will be an ongoing project. He thanked Chief O'Dell, Captain Cavanaugh, Tony Klepacz and Al Fullenkamp for their efforts to clean up his community. He is proud to live in Kettering and be a part of the Board of Community Relations. He will do his best to serve the City to pay back all that they have done for him.

COUNCIL COMMITTEE REPORTS

Mr. Duke – No Report.

Mrs. Lehner – The Martin Luther King Walk from the Fairgrounds to Downtown Rally was a great and well-coordinated event. Kudos to Marilou Smith for a job well done. She also attended the MLK Banquet as a conclusion to the day's events.

Mr. Spolrich – No Report.

Mr. Thompson – Advised citizens that Council reviews the 2008 Budget thoroughly each year. Each expenditure is reviewed and goes through a long process before they are authorized for purchase.

Mr. Klepacz – He congratulated the two new Board of Community Relation members. The Martin Luther King Breakfast was very successful. Approximately 350 people attended. He thanked Council for serving breakfast. Last night, The Flying to the Hoops Basketball Tournament brought many people into the City of Kettering from all over the Country.

Mr. Wanamaker – No Report.

Mayor Patterson – Thanked all those that participated in the Martin Luther King Breakfast. They have great sponsors, Kettering Medical Center and the Limited Group that support this event. Judge Rice was an excellent speaker. This morning the City swore in four new Police Officers. It was a nice ceremony and he looks forward to seeing these young officers serving the Kettering community. On January 15, 2008 he attended the Miami Valley Military Affairs Association Annual Reception. The State of the City Address will be given on the February 12, 2008 agenda.

There being no further business to come before this meeting of the Kettering City Council, Mayor Patterson adjourned the meeting at 9:01 p.m.

ATTEST:

Connie S. Gaw
Clerk of Council

DONALD E. PATTERSON, MAYOR