

KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
January 8, 2008

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, January 8, 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)

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.

SWEARING IN OF NEWLY ELECTED DISTRICT COUNCILMEMBERS

Mayor Patterson called each newly elected District Councilmember down to the podium to swear them in to uphold their Oath of Office. Keith Thompson – District 1; Joe Wanamaker – District 2; Tony Klepacz – District 3; Bruce Duke – District 4.

APPOINTMENT OF VICE MAYOR (TERM ENDING 12/31/09)

Mayor Patterson opened the nominations for Vice Mayor. Mr. Klepacz nominated Bruce Duke. Mr. Wanamaker seconded the motion. There being no other nominations from the floor, the Mayor closed the nominations. Mr. Duke was elected to a two-year term as Vice Mayor by acclamation. On behalf of the members of Council, Mayor Patterson congratulated Mr. Duke and thanked the out-going Vice Mayor, Mr. Wanamaker for serving during 2007.

APPROVAL OF MINUTES

December 8, 2007 Regular and Workshop Meetings
December 18, 2007 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

APPOINTMENTS: 2008 Council Committees

Long Range Planning Committee

Mr. Duke, Chair

Mr. Wanamaker

Intergovernmental/Interagency Relations Committee

Mr. Klepacz, Chair

Mr. Spolrich

Community Relations and Promotion Committee

Mr. Spolrich, Chair

Mr. Klepacz

Finance and Personnel Committee

Mr. Thompson, Chair

Mrs. Lehner

Public Health and Safety Committee

Mrs. Lehner, Chair

Mr. Thompson

Public Service Committee

Mr. Wanamaker, Chair
Mr. Duke

Mayor Patterson read the above appointments for the 2008 Council Committees. Mrs. Lehner moved for approval. Mr. Spolrich seconded this motion and there being no discussion, the motion was declared carried by a unanimous vote.

RESOLUTIONS OF APPRECIATION – Board and Commission Members

A RESOLUTION
NO. 8352-08

BY: MR. DUKE AND MRS. LEHNER

ACKNOWLEDGEMENT OF SERVICE AND EXPRESSION OF APPRECIATION TO JIM PROBASCO, KETTERING ARTS COUNCIL

A RESOLUTION
NO. 8353-08

BY: MRS. LEHNER AND MR. SPOLRICH

ACKNOWLEDGEMENT OF SERVICE AND EXPRESSION OF APPRECIATION TO LAWRENCE SELKA, KETTERING ARTS COUNCIL

A RESOLUTION
NO. 8354-08

BY: MR. SPOLRICH AND MR. THOMPSON

ACKNOWLEDGEMENT OF SERVICE AND EXPRESSION OF APPRECIATION TO JAMES H. GAY, BOARD OF COMMUNITY RELATIONS

A RESOLUTION
NO. 8355-08

BY: MR. THOMPSON AND MR. KLEPACZ

ACKNOWLEDGEMENT OF SERVICE AND EXPRESSION OF APPRECIATION TO CHARLES R. FINNEY, BOARD OF ZONING APPEALS

A RESOLUTION
NO. 8356-08

BY: MR. SPOLRICH AND MR. WANAMAKER

ACKNOWLEDGEMENT OF SERVICE AND EXPRESSION OF APPRECIATION TO DONALD J. ERISMAN, SISTER CITY COMMITTEE

A RESOLUTION
NO. 8357-08

BY: MR. WANAMAKER AND MRS. LEHNER

ACKNOWLEDGEMENT OF SERVICE AND EXPRESSION OF APPRECIATION TO PHYLLIS WORTHMAN, SISTER CITY COMMITTEE

The above Resolutions of Appreciation were read by Council and passed by acclamation. Mayor Patterson thanked these dedicated volunteers for their service on behalf of the community.

APPOINTMENTS: Board and Commission Members

Susan Bennett	3 Year Term	Kettering Arts Council
Chris Morgan	3 Year Term	Kettering Arts Council
Kay Bosse	3 Year Term	Kettering Arts Council
William Linesch	6 Year Term	Civil Service Commission
Sue McCall	5 Year Term	Parks Recreation and Cultural Arts Advisory Board

Andrea White	3 Year Term	Partners for Healthy Youth Advisory Board
Kari Basson	3 Year Term	Partners for Healthy Youth Advisory Board
William Linesch	1 Year Term	Board of Personnel Appeals
Jeffrey Mullins	1 Year Term	Board of Personnel Appeals
Dave Dutton	2 Year Term	Property Maintenance Board
Ewald Schulte	2 Year Term	Property Maintenance Board
Martin VandenBrock	2 Year Term	Property Maintenance Board
Ben Shannon	2 Year Term	Board of Plumbers Registry
Karen Hickman	3 Year Term	Sister City Committee
Mary Lou Meers	3 Year Term	Sister City Committee
Teresa Wehmeyer	3 Year Term	Sister City Committee
Paul Fleitz	3 Year Term	Sister City Committee
Judy Kocevor	3 Year Term	Sister City Committee
Mary Creason	3 Year Term	Sister City Committee
Tammy Ashmore	3 Year Term	Sister City Committee
William Forsthoefel	1 Year Term	Board of Tax Appeals
John Sweeterman	1 Year Term	Board of Tax Appeals
Larry Hodapp	1 Year Term	Board of Tax Appeals
Kari Basson	3 Year Term	Volunteer Advisory Council
Stacey Schweikhart	3 Year Term	Volunteer Advisory Council
Ralph Korner	4 Year Term	Volunteer Celebration Committee
Jack Middleton	4 Year Term	Volunteer Celebration Committee
Keith Thompson	1 Year Term	Volunteer Firefighters' Dependents Fund Board
Bruce Duke	1 Year Term	Volunteer Firefighters' Dependents Fund Board

APPOINTMENTS: Board and Commission Members (Unfulfilled Terms)

Yolanda Clemmons	Term Ending 12/31/08	Board of Community Relations
Ken Lackey	Term Ending 12/31/08	Property Maintenance Board

Mayor Patterson read the above appointments and administered the Oath of Office to those members of the Boards and Commissions who were present. He thanked them for their dedicated service on behalf of the community.

30 MINUTE RECESS – BOARD & COMMISSION RECEPTION – At 8:10 p.m., the Mayor called for a 30 minute recess and invited the audience to join Council in the lobby for refreshments.

MEETING RECONVENED

The Mayor called the meeting back to order at 8:40 p.m.

Mayor Patterson asked for a motion to accept these appointments to the various Boards and Commissions. Mrs. Lehner so moved and Mr. Spolrich seconded the motion. The motion was declared carried by a unanimous vote.

PUBLIC HEARINGS

PUBLIC HEARING – Vacation of a portion of Woodbank Drive in the Walden Development.

Mr. Tom Robillard, Director of the Planning and Development Department reported that Planning Commission has recommended approval of this vacation. He showed an aerial site plan and explained the proposed vacation would affect a 110' segment of this roadway, which is currently not improved as a public street. The vacation is being requested as part of a replatting of land that would create an open space lot at the east end of this street, as well as the dedication of new right-of-way that would coincide with the cul-de-sac already constructed at the end of the paved portion of Woodbank Drive.

Mr. Thompson asked if there was a street sign that indicated that it was a dead end street.

Mr. Robillard replied that he is not sure. If not, they could place a sign that would say "No Outlet."

Mayor Patterson asked for public comments. None were heard

There being no further discussion, Mayor Patterson closed the public hearing and advised that Council would render a decision at the January 22, 2008 Council Meeting.

ORDINANCES IN SECOND READING

RESOLUTIONS

A RESOLUTION
NO: 8358-08
BY: MR. DUKE AND MRS. LEHNER

AUTHORIZING THE PAYMENT OF CITY OF KETTERING 2008
MEMBERSHIP DUES TO MIAMI VALLEY REGIONAL PLANNING
COMMISSION.

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

Mr. Schwieterman explained this resolution will allow for the payment of membership dues for 2008.

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: 8359-08
BY: MRS. LEHNER AND MR. SPOLRICH

APPOINTING BRUCE DUKE AS TRUSTEE OF THE KETTERING
DEVELOPMENT CORPORATION.

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

Mr. Schwieterman explained this resolution is for the reappointment of Mr. Duke to a two-year term with the term of office ending on December 31, 2009.

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 six (6) Yea votes, one (1) abstain votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 8360-08
BY: MR. SPOLRICH AND MR. THOMPSON

TO AMEND THE CITY OF KETTERING'S FIRST TIME HOMEBUYER
PROGRAM.

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

Mr. Robillard expressed this resolution amends the City of Kettering's First Time Homebuyer Program Guidelines. The program guidelines are updated annually to reflect the needs of the funding sources and our community. The substantial differences in this program are increased homeownership education that will be required along with an increased amount of homeowner provided funds.

Mrs. Lehner asked how long it would take a homeowner to complete the education program.

Mr. Robillard replied it would take six months.

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: 8361-08
BY: MR. THOMPSON AND MR. KLEPACZ

AUTHORIZING THE CITY MANAGER TO APPLY FOR GRANT FUNDS FROM THE GREATER DAYTON REGIONAL TRANSIT AUTHORITY ("RTA") IN THE AMOUNT OF \$29,200.00.

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

Mr. Schwieterman explained this grant will allow for 80% of the cost for the enhancement of 6 bus stop locations around the city and the construction of 2 new shelters are proposed.

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: 8362-08
BY: MR. KLEPACZ AND MR. WANAMAKER

AUTHORIZING AN EXPENDITURE OF FUNDS FOR FIRE DEPARTMENT TRAINING FROM SINCLAIR COMMUNITY COLLEGE.

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: 8363-08
BY: MR. WANAMAKER AND MR. DUKE

AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS AND TO CONTRACT FOR THE INSTALLATION OF TREES IN THE AREA OF THE ACORN AREA RESIDENTIAL RECONSTRUCTION PROJECT (PROJECT #02-278A).

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

Mr. Schwieterman explained that as part of the Acorn Reconstruction Project many trees were removed. This program provides new trees to those residents within the construction project who request replacement trees.

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: 8364-08
BY: MR. DUKE AND MRS. LEHNER

AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS FOR THE 2008 STREET MAINTENANCE PROGRAMS THROUGH ADVERTISING FOR BIDS AND/OR COMPETITIVE BARGAINING AND NEGOTIATED QUOTES AS DEEMED BY THE CITY MANAGER MOST ADVANTAGEOUS TO THE CITY.

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: 8365-08
BY: MRS. LEHNER AND MR. SPOLRICH

AUTHORIZING AN ECONOMIC DEVELOPMENT AND JOB CREATION FINANCIAL INCENTIVE TO TENNECO AUTOMOTIVE OPERATION CO., INC.

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

Mr. Gorsuch explained this resolution will authorize the payment of local job creation tax credits for the Tenneco Automotive Operating Company.

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: 8366-08
BY: MR. SPOLRICH AND MR. THOMPSON

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, 2008.

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

Mr. Schwieterman stated this supplemental appropriation will allow for appropriation of funds for Community Information and the RTA Grant.

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.

ORDINANCES IN FIRST READING

AN ORDINANCE

PROVIDING FOR THE VACATION OF A PORTION OF WOODBANK DRIVE.

Mr. Thompson read the above ordinance in first reading. The ordinance will appear on the January 22, 2008, Council meeting agenda for second 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 SOUTH SIDE OF WEST BOWMAN AVENUE FROM SOUTH DIXIE HIGHWAY WESTWARD FOR A DISTANCE OF 380 FEET.

Mr. Klepacz read the above ordinance in first reading. The ordinance will appear on the January 28, 2008, Council meeting agenda for second reading.

CERTIFICATIONS AND PETITIONS

MANAGER'S REPORT

Mr. Mark Schwieterman, City Manager reported:

Mr. Schwieterman turned the meeting over to Mr. Steve Bergstresser, Director of Engineering.

Mr. Bergstresser reported they were successful in receiving a grant through the Safe Routes to School Program from the Ohio Department of Education. This will allow them to make some infrastructure improvements, enhance safety education and training, and provide additional law enforcement. Kettering was one of five cities in the State to receive this grant.

Mr. Schwieterman congratulated all who worked on this project.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Communications and Reports

Audience Participation (5 Minute Limit Per Speaker)

Joseph Koussa, 1537 Beaver Creek Lane - He asked God to keep an eye on all of the military men and women throughout the world fighting for our safety and freedom.

He prays for their safe return. He is concerned about the many businesses who have moved jobs out of this country. Most items are now made overseas. What will happen to the people in America who need jobs? We have a serious problem and our government does not know how to fix it. We cannot depend on the President or Congress to fix it. If we all come together and make enough noise we can bring business back to the United States so that our people can have good jobs. He congratulated Mr. Duke for his appointment as Vice Mayor. Happy New Year and God Bless America.

COUNCIL COMMITTEE REPORTS

Mr. Duke – No Report.

Mrs. Lehner – No Report.

Mr. Spolrich – Congratulated all those that were appointed to Boards and Commission this evening. They are greatly appreciated.

Mr. Thompson – No Report.

Mr. Klepacz – Reminded Council and citizens to attend the Martin Luther King Annual Breakfast on January 21, 2008 at Christ United Methodist Church at 7:30 a.m. He hoped to see everyone there.

Mr. Wanamaker – Leaf pick-up crews are in District 1 and 2 and he asked citizens to please be patient. It has been very difficult due to the past snow and rain. The Yard Debris Center is now closed until March. Citizens can still take their yard debris to the Montgomery County site.

Mayor Patterson – Reported that on December 21, 2008, he and other members of Council attended the annual gift-wrapping for needy families event at the Fire Station on Bobbie Place. These gifts were later distributed to needy families in Kettering. This is a great program and he expressed kudos to the Fire Department for a job well done. On December 25, 2008 he attended the Christmas at Polen Farm event. The barn was open this year and the crowd was larger than in previous years. He thanked Bill and Marynel Bradley and all of the volunteers for their hard work in making this event such a success. On December 27, 2008 he attended the retirement reception for West Carrollton's Mayor Maxine Gilman. He wished her well. On January 3, 2008 he attended Mayor Seagraves Annual Prayer Breakfast in Brookville. Nice way to start off the New Year. Today he attended the ribbon-cutting event for Drexel Heritage Furniture on East Dorothy Lane. It was a nice ceremony and he wished them much success. He congratulated the four elected officials and looked forward to serving with them. He wished everyone a Happy New Year.

There being no further business to come before this meeting of the Kettering City Council, Mayor Patterson adjourned the meeting at 9:16 p.m.

ATTEST:

Connie S. Gaw
Clerk of Council

DONALD E. PATTERSON, MAYOR