

KETTERING CITY COUNCIL  
REGULAR MEETING MINUTES  
March 23, 2010

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, March 23, 2010, at 7:30 p.m. in the Recital Hall at Kettering Fairmont High School, 3601 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, 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 operator, John Golub and welcomed pages Eric Blankenship and Sydney Isaacs from Van Buren Middle School. He thanked these volunteers for their assistance.

APPROVAL OF MINUTES

March 9, 2010 – Regular and Workshop 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, one (1) abstain vote (Mr. Wanamaker) 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 – Community Development Block Grant Week – April 4 – 10, 2010

Mr. Duke read the above Proclamation and same was accepted by Tom Robillard, Planning & Development Department Director.

PROCLAMATION – Fair Housing Month – April 2010

Mr. Webb read the above Proclamation and same was accepted by Jim McCarthy, Miami Valley Fair Housing.

SPECIAL RECOGNITION: Zachary Harnish, Appointment to West Point

Marty Heide with Congressman Mike Turner's office gave a presentation about the selection process for West Point appointments. She recognized Zachary Harnish and presented him a Certificate of Appointment to West Point.

PUBLIC HEARINGS

Mayor Patterson stated that before the following public hearing can be held all persons that will give testimony or information to City Council during the public hearing must take an oath to affirm their testimony and information is the truth to the best of their knowledge and belief. Mayor Patterson administered the oath to all those giving testimony.

Public Hearing – Appeal of BZA Decision, Case #4012 (State Farm Park)

Staff Presentation:

Mr. Ron Hundt, City Planner gave the presentation. He showed a site plan (Exhibit 4) of State Farm Park and the homes along Vale Drive. Mr. Hundt explained the Kettering Board of Zoning Appeals approved the modification to the Final Development Concept Plan for State Farm Park that included approval of: "Exhibit 4" as the Development Concept Plan for State Farm Park; plantings throughout the park that should include mostly deciduous canopy type trees; Kettering Parks, Recreation & Cultural Arts Department shall exercise effective supervision over large event activities at State Farm Park including control over vehicle movement and parking in proper locations and

control over volume levels and time limitations for public address systems and loud speakers; and that proposed practice fields due east of the existing baseball fields shall be at least 150 feet from the rear lot lines of homes on Vale Drive. Mr. Dolson appealed this decision of the Board of Zoning Appeals.

Mr. Klepacz asked if the 150 feet is from the homeowner's property line or the easement.

Mr. Hundt replied from the homeowner's property line.

Mr. Duke asked how automobiles will access the overflow parking lot.

Mr. Hundt replied for programmed events, cars will have permission to drive on the grass area over to the additional parking area.

Mr. Webb asked what the shaded area would be to west.

Mr. Hundt replied that it may be a future playing field. Nothing is planned at this time.

Mrs. Schrimpf stated there was a 3 to 2 vote by the Board of Zoning Appeals. How often is there a split vote?

Mr. Hundt replied not very often. This time there were different opinions.

Mayor Patterson asked if the two opposing board members did not follow the zoning guidelines or did they just not like the issues.

Mr. Hundt replied they were concerned about some of the changes being made. The two that opposed made their decision based on the belief they had the latitude to say no.

MaryBeth Thaman, Director of Parks, Recreation and Cultural Arts Department thanked Mr. Dolson and the neighbors for their input. State Farm Park is approximately 30 acres with multiple user groups. The Parks Department provides field maintenance for all Kettering and organized sports teams. The City has agreements with all organizations as to how and when they use this park. In 2008, an architect team was hired to create a parks master plan. Neighborhood parks ranked high for needed improvements and upgrades. A survey was conducted to find out what type of improvements residents would like to see in area parks. A copy of this survey is available on the City's website. Over the past year staff has met with all user groups to come up with a plan for the neighborhood parks. These meetings were helpful in identifying changes to be made. They found out there were different needs for the user groups and surrounding neighbors. In State Farm Park the electric for sound systems has been disconnected. Beginning in January 2010 organizations will be required to get a special permit to use a sound system. Parks staff can approve or disapprove these permits as they see fit. New walking paths will be added and will connect with the neighborhood in the northwest corner. Lighting will be more neighbor friendly. There will also be improvements to the parking area. New park benches will be placed along the walking paths and in the playground area. Landscaping will be replaced at the entryway of the park and around the playing fields. They will also re-grade an undeveloped portion of the field. In summary, staff feels changes made were consistent with other parks renovations and they will continue to work diligently with all user groups and be sensitive to neighborhood needs.

Mayor Patterson asked if staff is still working on improvement plans for State Farm Park.

Ms. Thaman stated the final plan is before Council this evening. All work has stopped pending the outcome of this appeal.

Mayor Patterson asked if communications were made to the neighbors regarding the permitting process and the sound system.

Ms. Thaman replied that neighbors have not been advised, only the user groups.

Mayor Patterson commented this might have been something staff should have done to alleviate neighborhood concerns.

Mrs. Schrimpf asked if the neighbors were included in the focus groups.

Ms. Thaman replied that some neighbors did participate.

Mrs. Schrimpf asked if the user groups for State Farm Park are now required to get a sound system permit.

Ms. Thaman replied that a permit is needed. Staff will be sensitive to the surrounding neighbors.

Mr. Duke asked if guidelines have been developed for the permitting process. Are we also addressing bullhorns or other types of temporary systems.

Ms. Thaman replied this will be addressed in the evaluation portion of the permit.

Mr. Duke stated he feels there are still many issues that need to be ironed out.

Mr. Thompson stated that he is opposed to any type of sound system. At State Farm Park you do not need a sound system. He is not in favor of this. He lives near this park and for years he has had to listen to the noise created by the sound system. He can hear it in his house even with the TV on.

Mr. Klepacz asked if the electric source for sound systems has been disconnected in this park permanently.

Ms. Thaman replied that it has. There is absolutely no way anyone can plug anything in at this park. All electric has been disconnected.

Mr. Klepacz asked if the practice field proposed for temporary parking will be re-graded.

Ms. Thaman replied that it will be re-graded to support the parking of cars on the grass area.

Mayor Patterson stated that groups need to follow our rules regarding sound systems or go somewhere else to play.

Ms. Thaman agreed that we need to be sensitive to neighborhood needs. She wants to work with residents to make it fair for everyone.

Mr. Webb suggested that when they go through the process and set up permanent guidelines they should look at the system that is appropriate for the event. It is not necessary to have background music.

Mr. Wanamaker asked if there is a time limit on lights and activity in City Parks.

Ms. Thaman replied 11:00 p.m. She does know the lights have sometime stayed on a little longer than 11:00. State Farm Park is the only neighborhood park with lighting.

Appellant Presentation:

Appellant, Mr. David Dolson, 2829 Vale Drive expressed that he is appealing the decision of the Board of Zoning Appeals. State Farm Park is behind his house. Neighbors were not included in the meetings and never received an announcement as to when they were being held. There was definitely a lack of communication at the beginning of the planning stages. They were only asked to participate after all the plans were made. He was not aware of the disconnection of the electric today. Only heard it at the meeting this evening. He has lived in his residence since 1988. He has made many complaints to the police about the sound system but they will not respond. He has complained at other meetings but staff has never taken his concerns to heart. His biggest concern is the planning process for this 30-acre park. Almost 20 of these acres have been developed almost exclusively for two sports groups. He would like to see the remaining 10 acres not yet developed devoted to the neighborhood park, not overflow

parking. The BZA says this will serve dual purposes (parking/playing fields) but it only serves one purpose, the playing fields. The walking paths serve the playing fields. The neighbors did not have an opportunity to make a difference to this park. Late this afternoon he received a memo from Ms. Thaman and he has not had time to review or respond and would like a continuance to have time to respond. He showed a Power Point presentation and reviewed the decisions made by the Board of Zoning Appeals. He showed the park plan presented at the BZA meeting and expressed the park plan after approval is different.

Mr. Hundt replied staff can make minor modifications.

Mayor Patterson gave the oath for testimony to Mr. Schwieterman and several other audience participants.

Mr. Eubank, Law Director reminded Council to keep their questions pertinent to the BZA appeal.

Mr. Schwieterman, City Manager stated the modifications for State Farm Park are being funded from the City's general fund not the bond levy monies.

Mr. Dolson stated he thought that Kettering voters approved the funding; the neighbors were not advised differently.

Mr. Hundt indicated that he was unaware that funding was coming from the general fund.

Mr. Dolson stated he did not like the BZA statement that the proposed changes "appeared to be in the best interest of Kettering citizens." He showed the survey results to Council and reviewed the statistics.

Mr. Webb pointed out that maybe this survey was filled out by people that take the time to fill out surveys. If it were sent to his home it probably was not filled out. A lot of residents probably were not represented in the numbers.

Mayor Patterson stated that at looking at the survey and what rates high on the list for neighborhood parks, State Farm Park does have a lot of the things that your are pointing out that rate highly.

Mr. Duke expressed the noise volume levels will change with the BZA decision. He does understand Mr. Dolsons concerns about the future ball field, and asked him what he suggests for this area.

Mr. Dolson replied rather than ball fields he would like to see development that would enhance the beautiful stream and wet area. Maybe a boardwalk path. The City needs to get out of the mindset that every piece of land has to be developed with a sports field. If more sports fields are built it will adversely affect the neighbors. He still feels the sound system will continue and will not be prohibited.

Mr. Eubank stated that according to the approval of the conditional use, it does not fully prohibit sound systems in the park.

Mayor Patterson stated this should be addressed by policy changes.

Mr. Dolson replied the sound system should have been outlawed years ago. The City Noise Ordinance addresses this as well as Section 648.05 Disturbing the Peace. Nothing was ever enforced.

Mayor Patterson expressed that a lot of time has been spent on the sound system. Ms. Thaman has indicated the electric has been cut off and no sound system will be at this park anymore. Council is opposed to a sound system. He asked that Mr. Dolson move forward with his presentation.

Mr. Schwieterman suggested that Council listen to the rest of Mr. Dolsons presentation and not ask questions. Please let him get through this so that the residents also have a chance to speak. They can then make arrangements for a continuance.

Mr. Dolson went on to report he feels the original application is incomplete and misleading and did not address the negative effects of the proposed use. He reviewed the application that was submitted to the Board of Zoning Appeals. He showed the 2006 Master Plan, which had very little resemblance to what the BZA approved. He asked that Council overturn the BZA decision and give State Farm Park back to the citizens of Kettering. Please respect the park neighbors and their property. Maintain the existing ball fields but re-plan the development of the 10 acres. He expressed that Mr. Eubank has been very forthright and a pleasure to work with. The City has a great group of people in the City offices and he thanks everyone for their time.

Mayor Patterson expressed that Mr. Dolson has put a lot of time, effort and passion into his presentation. Council appreciates when citizens become engaged and bring forth their issues and concerns. He then asked for any comments from the audience.

#### Audience Participation:

Richard Yox, 2833 Vale Drive – Most of his concerns were addressed in the presentation. He is however concerned with the housing stock. The housing is at least 50 years old in this area. This area is targeted for the Clean Sweep program, which tells him it is in decay and something needs to be done. The City is spending a lot of money to improve this park. Eighty percent of the money is going to the athletic fields with only twenty percent going to neighborhood areas. All they got was an undefined play area and an overflow parking lot. He is concerned with the traffic. Six to eight teams play there on a regular basis. People drive in from all over to patron these parks. He feels that access should be made off of County Line Road. Something needs to be done because Vale Drive is the only way to get in and out of this park.

Bonnie Catrell, 2829 Vale Drive – She agrees with all statements made by Mr. Dolson. She hopes Council will consider and address all concerns.

#### Additional Comments:

Mr. Eubank reported Council received a memo from Ms. Thaman this afternoon. Mr. Dolson received it even later than Council. Mr. Dolson feels he can address this memo in writing. Mr. Eubank advised Council to close the public hearing and give Mr. Dolson two weeks to address this memo and Council will make their decision thereafter, probably sometime in May maybe earlier.

Mr. Duke expressed a lot of discussion was about the sound system and the development of acreage in the other part of the park. Is this included in the BZA decision and will there be any other changes Council will be voting on.

Mr. Eubank replied that he does not think so but that is subject to City Councils final decision.

Mr. Webb asked how Council will handle the other issues.

Mr. Eubank replied that Council cannot fuse the other issues with the BZA appeal. The means to do this is through City staff. Council can direct staff to look into and review the process. The findings can then be reported back to Council.

Mayor Patterson closed the Public Hearing.

#### ORDINANCES IN SECOND READING

#### RESOLUTIONS

A RESOLUTION

NO: 8791-10

BY: MR. KLEPACZ AND MRS. SCHRIMPF

IN SUPPORT OF THE GOOGLE FIBER FOR COMMUNITIES INITIATIVE AND  
AUTHORIZING THE CITY MANAGER TO JOIN WITH OTHER COMMUNITIES  
FOR A JOINT RESPONSE TO THE REQUEST FOR INFORMATION BY  
GOOGLE

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

Mr. Schwieterman explained this resolution authorized the City to join with other communities in our region in a joint response to the Google Request for Information.

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: 8792-10  
BY: MRS. SCHRIMPF AND MR. DUKE

AUTHORIZING THE CITY MANAGER TO FILE AN AMENDED APPLICATION WITH THE U.S. DEPARTMENT OF ENERGY FOR GRANT FUNDS THROUGH THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM AND FOR THE PURPOSES OF IMPROVING ENERGY EFFICIENCY AND FOSSIL FUEL EMISSION WITHIN THE CITY OF KETTERING

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

Mr. Schwieterman explained the City was recently notified that due to an oversight, the original amount of award would be increased by \$500.00. The extra funds will be used for general grant administration. Staff submitted an amendment to the Department of Energy and it has been approved.

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: 8793-10  
BY: MR. DUKE AND MR. WEBB

TO ACKNOWLEDGE AND RECOGNIZE KETTERING'S POSITIVE RELATIONSHIP WITH THE U.S. AIR FORCE AND WRIGHT PATTERSON AIR FORCE BASE; AND TO ACCEPT THE OPPORTUNITY TO BE A CIVIC PARTNER AND SPONSOR OF THE 2010 FREEDOM'S CALL EVENT

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

Mr. Schwieterman explained this resolution will authorize a donation of \$1,000 on the City of Kettering's behalf to the "Freedoms Call" event at Wright Patterson Air Force Base scheduled for Friday, June 25, 2010. Numerous communities in the area are major sponsors of this event and were asked to participate.

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: 8794-10  
BY: MR. WEBB AND MR. THOMPSON

AUTHORIZING THE CITY MANAGER TO ACCEPT A \$200.00 GRANT FROM THE KETTERING PARKS FOUNDATION TO PAY ATTENDANCE FEES FOR TWENTY SENIORS TO ATTEND A CPR CLASS AT THE CHARLES I. LATHREM SENIOR CENTER

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

Mr. Schwieterman explained a citizen made a donation to the Parks Foundation with a request that funds be used for this purpose.

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: 8795-10  
BY: MR. THOMPSON AND MR. WANAMAKER

AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENT(S) WITH THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO FOR THE TARGETED COMMUNITY BASED COLLABORATIVE ("TCBC") PROGRAM

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

Mr. Schwieterman explained the purpose of this collaborative is to fund the After School Enrichment Program and the School Community Liaison Program.

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: 8796-10  
BY: MR. WANAMAKER AND MR. KLEPACZ

A RESOLUTION DECLARING THE NECESSITY TO IMPROVE CRESCENT BOULEVARD BY REPAIRING AND/OR REPLACING CURBS, GUTTERS, DRIVEWAY APPROACHES AND SIDEWALKS, AND OTHERWISE IMPROVING THE SAME, TOGETHER WITH ALL NECESSARY APPURTENANCES (CRESCENT BOULEVARD REBUILD – PROJECT NUMBER 02-282)

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: 8797-10  
BY: MR. KLEPACZ AND MR. DUKE

AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS AND SIGN INSTRUMENTS RELATED TO A SINGLE FAMILY RESIDENTIAL PROJECT WITH HABITAT FOR HUMANITY UNDER THE CITY'S NEIGHBORHOOD STABILIZATION PROGRAM 1 (NSP1) INITIATIVE

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

Mr. Robillard explained this legislation will allow the City to authorize the purchase agreement for two properties by Habitat for Humanity.

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: 8798-10  
BY: MRS. SCHRIMPF AND MR. DUKE

AUTHORIZING THE CITY MANAGER TO ENTER AGREEMENTS AND SIGN INSTRUMENTS RELATED TO A SINGLE FAMILY RESIDENTIAL PROJECT WITH NEIGHBORHOOD HOUSING SERVICES, INC. UNDER THE CITY'S NEIGHBORHOOD STABILIZATION PROGRAM 1 (NSP1) INITIATIVE

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

Mr. Schwieterman reported this resolution authorizes the City to enter into a purchase agreement for vacant lots and to enter into an NSP1 loan agreement with Neighborhood Housing Services of Hamilton. These properties were included as part of the City's NSP1 application as potential infill sites.

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: 8799-10  
BY: MR. DUKE AND MR. WEBB

TO AMEND THE CITY OF KETTERING'S HOUSING REHABILITATION PROGRAM GUIDELINES

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

Mr. Robillard explained annually the Housing Rehabilitation Program Guidelines are updated to reflect the needs of the funding sources and our community.

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: 8800-10  
BY: MR. WEBB AND MR. THOMPSON

ACCEPTING THE RECOMMENDATIONS OF THE CITY OF KETTERING TAX INCENTIVE REVIEW COMMITTEE RESULTING FROM ITS 2009 ANNUAL ENTERPRISE ZONE PROGRAM AGREEMENT REVIEW

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

Mr. Schwieterman explained the TIRC has recommended continuing two current Enterprise Zone agreements/abatements. Both are Reynolds and Reynolds agreements.

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: 8801-10  
BY: MR. THOMPSON AND MR. WANAMAKER

AUTHORIZING THE CITY MANAGER TO CONTRACT FOR THE PURCHASE AND INSTALLATION OF AN 800 MHZ RADIO SYSTEM FOR THE PUBLIC SERVICE DEPARTMENT AND VEHICLE MAINTENANCE CENTER

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

Mr. Schwieterman explained the current radio system is obsolete and repair parts are no longer available. New radios are essential from a regional operations standpoint, to tie in with Montgomery County's MHz system.

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: 8802-10  
BY: MR. WANAMAKER AND MR. KLEPACZ

AUTHORIZING THE CITY MANAGER TO APPLY FOR RECYCLING INCENTIVE GRANT FUNDS IN THE AMOUNT OF \$18,164.00 FROM THE MONTGOMERY COUNTY SOLID WASTE DISTRICT

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

Mr. Schwieterman explained funds will be used to purchase four solar powered recycling compactors for use at the Frazee Pavilion and the Recreation Complex.

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: 8803-10  
BY: MR. KLEPACZ AND MRS. SCHRIMPF

AUTHORIZING THE CITY MANAGER TO SUBMIT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT THE 2009 ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING AND TO APPROVE THE 2010 REGIONAL FAIR HOUSING PLAN

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

Mr. Robillard explained this resolution will authorize the submittal of the 2009 Analysis of Impediments to Fair Housing and the 2010 Regional Fair Housing Plan to the US Department of Housing and Urban Development to enable the City to receive federal funding from HUD.

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: 8804-10  
BY: MRS. SCHRIMPF AND MR. DUKE

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO PURCHASE HARDWARE AND RELATED COMPONENTS FOR IMPLEMENTATION OF A POSITRON 911 MAPPING SYSTEM

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

Mr. Schwieterman explained this resolution authorized the City to enter into contracts for the purchase of a Positron 911 Mapping System. The mapping system will allow us to plot and tract both hard line and wireless 911 calls on dispatchers screens.

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: 8805-10  
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 DECEMBER 31, 2010.

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

Mr. Schwieterman explained this resolution appropriates monies for the Freedoms Call contribution and the Senior CPR classes.

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.

ORDINANCES IN FIRST READING

CERTIFICATIONS AND PETITIONS

MANAGER'S REPORT

Mr. Schwieterman, City Manager reported:

Mr. Schwieterman updated Council on upcoming and community events.

- Ohio Severe Weather Week – March 24, 2010 there will be a tornado drill with siren activation.
- 2010 Census – Urged residents to complete the questionnaire that is mailed to them in March. It is important everyone participates.
- Reviewed the Fraze performance season
- Spring leaf pickup will begin on April 5, 2010. Crews will move quickly throughout the community.
- Mulch is now available to citizens.
- City Income Taxes are due on April 15, 2010. Forms are available on City website or the Tax Department.
- South Suburban Coalition is hosting a 5k Run on April 17, 2010. For more information contact Andrea White at 296-2461.
- Applications are being accepted for a PFHY board member through the end of March.

Mr. Schwieterman presented a Power Point Presentation regarding the Frazee Pavilion. He showed a site plan and explained the different areas around the Frazee. Beginning this year those sitting outside the Frazee will not be permitted to sit on private property along Lincoln Park Blvd. An area to the front of the fountains has been designated as the public listening area. The goal is not to prohibit the enjoyment of Frazee events but to respect the private property areas. Sidewalks will still be open for public use.

#### OTHER BUSINESS NOT ON WRITTEN AGENDA

##### Communications and Reports

##### Audience Participation (5 Minute Limit Per Speaker)

#### COUNCIL COMMITTEE REPORTS

Mr. Klepacz – He congratulated Zach Harnish for his appointment to West Point. On March 19, 2010 he attended the “Seniors Helping Seniors” event at the Terraces on West Dorothy Lane. It was interesting seeing Kettering Fairmont High School seniors talking about what they learned from the senior citizens and the senior citizens talking about what they learned from the high school seniors. It was a great event.

Mrs. Schrimpf – She reported the Board of Community Relations is pleased to host a panel discussion on domestic partnerships at Van Buren Middle School on April 22, 2010 at 7:00 p.m. She urged residents to come into the lobby of Kettering Fairmont High School to take a look at the artwork on display. All of the artwork is by kids of all ages from our community.

Mr. Duke – On March 18, 2010 he attended the MVRPC “Going Places” workshop at Fairmont High School. He was pleased with this event and impressed with the process. The Sister City Committee held their annual social event at Buffalo Wild Wings on March 22, 2010. There was a great turnout and he thanked everyone for coming. He appreciated the supportiveness of the Alter and Fairmont ladies basketball teams. When the Alter ladies played in Columbus the Fairmont ladies team attended and vice versa.

Mr. Webb – He congratulated the Kettering Children’s Theater cast and crew of Rumpelstiltskin. They did a wonderful job and he is excited to have this resource in our community.

Mr. Thompson – He congratulated Zachary Harnish and expressed that our country needs young men like him. He reminded everyone that Freedom is not free.

Mr. Wanamaker – No Report.

Mayor Patterson – On March 10, 2010 he attended an open house for Dayton Clinical Oncology in Research Park. On March 11, 2010 he attended a Business Appreciation Breakfast at We Care Arts. He was pleased that a number of local businesses attended. It was a very informative breakfast. On March 12, 2010 he attended the Dayton Chamber Breakfast Briefing at the Racquet Club. Mayor Gary Leitzell was the guest speaker. He attended the MVRPC “Going Places” workshop on March 18, 2010. He attended the Seniors Helping Seniors event on March 19, 2010. This was a fun event for both our youth and seniors. On March 16, 2010 he attended the art exhibit opening reception at Kettering Fairmont High School. He was amazed at the outstanding art by our area students. He congratulated Zachary Harnish on his appointment to West Point. This is a very special honor for Mr. Harnish. It was nice to see the Alter/Fairmont girl’s basketball teams be supportive of each other by going to Columbus for the State Championship playoffs. It was a nice effort to show their spirit for this community.

There being no further business to come before this meeting of the Kettering City Council, Mayor Patterson adjourned the meeting at 10:47 p.m.

ATTEST:

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DONALD E. PATTERSON, MAYOR

Connie S. Gaw  
Clerk of Council