

KETTERING CITY COUNCIL  
REGULAR MEETING MINUTES  
March 24, 2009

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, March 24, 2009, 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, Schrimpf, 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, Earl Jones and John Golub. He welcomed page Sarah Lykins from Kettering Fairmont High School and thanked these volunteers for their assistance.

APPROVAL OF MINUTES

March 10, 2009 - 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

PUBLIC HEARINGS

Public Hearing – To amend Economic Development Overlay #14, known as the Woodman/Dorothy Business Center, to allow the construction and use of a fuel center on the east side of the Kroger Store at 2115 E. Dorothy Lane.

Mayor Patterson opened the Public Hearing on this request.

Ron Hundt, City Planner gave the presentation this evening. He showed a site plan for the Woodman/Dorothy Business Center Economic Development Overlay. He showed an Ariel photograph and explained proposed location for fuel center and then turned the presentation over to applicant.

Jonathan Wocher, Suite 220 - 5725 Dragon Way – Architect for Kroger – Mr. Wocher stated this request will amend the text of the overlay to allow Kroger to build a fuel center and allow the sell of fuel. The addition of the fuel center will meet the demands for Kroger and their customers. There is currently a drive in the supermarket industry to have “one stop shopping.” This will allow Kroger to compete with other super centers. There are over 500 Kroger fuel centers across the country. He showed an illustration of the overall site plan and several illustrations of the proposed fuel center placement. There will be an installation of a sidewalk from the store to the entrance on Woodman Drive. Intense landscape mounding will be placed along Woodman Drive and the north side of the fuel center. He showed the entrance and exit of fuel truck delivery. He showed an illustration of the proposed fuel canopy design and explained the columns will be brick to match the store. The colors will comply with current store colors. He showed the landscape plan that included insidious trees, evergreens and shrubs. He showed a photo imaging of proposed main entrance on Woodman Drive and views looking from other angles. He showed illustration of proposed ground signage. They are not proposing any new driveways. The hours of operation for the fuel center are 6:00 a.m. to 11:00 p.m. This fuel center will benefit the citizens of Kettering. It will allow their customers to redeem customer loyalty rewards. He asked for any questions from Council.

Mr. Duke asked if any goods would be sold from the kiosk.

Mr. Wocher replied yes, attendants will sell cigarettes, gum and other small item sales.

Mr. Klepacz asked for Mr. Wocher to describe the traffic flow in and out of the site.

Mr. Wocher explained there will be no new access to public streets. Customer will have several options. The main entrance will be off of Woodman Drive as well as an entrance off of Dorothy Lane and also Delco Park Drive.

Mayor Patterson asked for audience participation.

Those in Favor:

None

Those Opposed:

Gerald McDonald 2700 Kettering Tower, Dayton, Ohio – Explained he is speaking against this because of traffic safety and flow. No traffic studies have been done on this site. When this site was originally designed, gas stations were not contemplated. When Mr. Throckmorton asked about putting a fuel center on his property he was told they were not permitted in this district. Kroger's was originally designed without a gas station. Now Kroger wants to have a fuel center. He feels it sets a dangerous precedence. It is now an accessory use. What is to stop other businesses from wanting to have a fuel center. There are seven pumping stations so at any given time fourteen cars will be getting gas. This is some serious usage. There are other Kroger stores in this area that do not have fuel centers so many people will be coming to this location to get gas. There are many problems with this site. It is already crowded and even now you can't find a place to park. Fuel centers are normally at the front. This one is on the side. At a minimal this issue needs to go back to Planning Commission. He does not understand why the City did not order a traffic study. He urged City Council to vote against this request.

Mr. Richard Oakes, 1397 Jackson Road, Dayton – Traffic Engineer - He is here to speak against this request. He has completed an onsite review of the site and has determined that a safety study should be completed. He showed photographs of the site. There are many concerns. Roadways do not line up appropriately and there are concerns about the entrance into the store. The average number of trips in and out of this site is approximately 2,360. This will increase traffic and create safety hazards along the east side of the building and throughout the site. The access to the gas pumps is continuous. There will be numerous conflicts with cars and pedestrians. One of the entrances has a three way stop sign, which is very dangerous. These issues should be resolved.

Mr. Duke asked if there are vehicles currently parked along the east side of the building. Does his study show if they are customers or employees.

Mr. Oakes replied the times that he was out there, he saw customers accessing their cars in this area.

Mayor Patterson asked Mr. Hundt to address circulation issues.

Mr. Hundt replied Planning Commission determined this property does not require a traffic impact study. They felt the applicant provided enough information. There are five entrances into this site, which is more than many of the other Kroger locations. He visited a Kroger fuel center in Bethel, Ohio and felt it was more confusing to have the fuel center in the parking lot than along the side of the building. The City's Engineering Department did make some suggestions, which will be implemented. A fuel center can be a positive for this center. The Franklin Foundation is pleased with the addition of the sidewalk for their senior residents. There is sufficient information provided by Kroger and they can address any issues that should come up in the final development plan.

Mr. Klepacz asked when Kroger decided to put in fourteen pumps they obviously looked at projections of how much gas they would sell at this location. Did staff look at any numbers as to how much added traffic this will bring to the site.

Mr. Hundt replied UDF has ten pumps and Speedway has seven. Data was evaluated but no traffic study was done. There were no objections by the City's traffic engineers.

Mayor Patterson asked if the landscape proposed will be maintained well into the future. Often landscaping will die and not get replaced. Is there protection to force Kroger to maintain this level of landscaping?

Mr. Eubank, Law Director stated the City does have protections in place for property owners. There will also be a second decision stage where Kroger will go back to Planning Commission with a final development plan. Often the City will get an agreement from the property owner that the landscape will be forever maintained as specified on the plan.

Mayor Patterson strongly suggested the maintenance agreement be a part of the final development plan.

Mr. Hundt replied the City has a good history with the Kroger's at this location. They maintain their property and landscaping. No complaints have been received on this property.

Jerry Throckmorton, 2125 E. Dorothy Lane – He is concerned that Mr. Hundt feels this traffic situation is ok. He talked with the City Traffic Engineer about this and asked for information on how they determined this. He has not received any to date. He wondered if the City's Engineers are licensed engineers. He did not expect to speak this evening and asked if he could give the rest of his time to his attorney.

Mr. McDonald again stressed that a traffic study was not done. This evening, Mr. Oakes a traffic engineer said you have serious problems. Why would you not do traffic study? There are already many complaints about this site. Fifteen to twenty spaces will disappear once this fuel center is built. Handicapped people will be walking in the roadway. This is not one stop shopping. This is two stop shopping. There are a lot of circulation issues that are not addressed in the staff report. Information was not received because it was not done. Please look at the traffic circulation before approval of this site.

Mr. Hundt replied the City does have a licensed traffic engineer and the site was evaluated. He does not recall them asking for any information. Staff recommends approval of this request.

Mr. Thompson asked if the report by the traffic engineer was a written report.

Mr. Hundt replied that it is a written document.

Mr. Thompson asked that a copy be given to Mr. Throckmorton for review.

Mr. Eubank stated that if Mr. Throckmorton and his Counsel would like to make a request for documents, they could submit their request to him in writing tomorrow.

Mayor Patterson closed the public hearing and stated a decision will be made at the April 14, 2009 Council Meeting.

#### ORDINANCES IN SECOND READING

##### AN ORDINANCE

NO: 4114-09

BY: MR. DUKE AND MRS. SCHRIMPF

TO LEVY ASSESSMENTS FOR THE "GREENHOUSE DRIVE REBUILD PROJECT  
(PROJECT NUMBER 02-280)

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

Mr. Schwieterman explained this ordinance is to levy assessments for the Greenhouse Drive Rebuild 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. Schrimpf, 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: 4115-09

BY: MRS. SCHRIMPF AND MR. SPOLRICH

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 EAST AND WEST SIDE OF JAMES MADISON  
TRAIL NORTH BETWEEN SWIGERT ROAD AND DOLLEY DRIVE

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

Mr. Schwieterman explained these parking restrictions are to provide for safe vehicle operation on James Madison Trail North between the roundabout at the intersection of James Madison Trail North and Swigert Road and Dolley Drive.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Schrimpf, 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.

AN ORDINANCE  
NO: 4116-09  
BY: MR. SPOLRICH AND MR. THOMPSON

TO PROVIDE BY MUTUAL AGREEMENT FOR THE ADJUSTMENT OF THE  
BOUNDARIES BETWEEN THE CITIES OF KETTERING AND OAKWOOD, OHIO

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

Mr. Schwieterman explained as a result of the platting of private property in Oakwood that is located on the Oakwood/Kettering corporate boundary, it became known that a very small portion of the Oakwood property was located in Kettering and was also part of the Dorothy Lane right-of-way. Upon request by the City of Oakwood and the Oakwood property owner, Kettering agreed to a small adjustment in the corporate boundaries between the two cities that will benefit both Oakwood and Kettering.

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. Schrimpf, 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.

RESOLUTIONS

A RESOLUTION  
NO: 8603-09  
BY: MR. THOMPSON AND MR. WANAMAKER

AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENT WITH WASTE  
MANAGEMENT, INC. FOR RESIDENTIAL WASTE AND CITY WASTE REMOVAL  
SERVICES

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

Mr. Fullenkamp showed a PowerPoint presentation that explained the different service options available. The City received proposals from two trash companies. Waste Management was found to be the lowest and most responsive vendor to the City's Request for Proposal.

Mr. Wanamaker asked if Waste Management picked up propane tanks.

Mr. Fullenkamp replied they couldn't be set out for pickup. Tanks must be taken to the South Incinerator site.

Mr. Klepacz thanked Mr. Fullenkamp for his presentation. He planned to vote no on this resolution. He feels the cost for house-side pickup is much greater than curbside. With the state of the economy the increase is unacceptable.

Mr. Spolrich stated he would also be voting no this evening, primarily because of the cost. Surrounding communities have curbside pickup. With the state of the economy he feels the City should have looked at the money that residents could save by going to curbside.

Mr. Duke expressed this is a difficult discussion because it is cost vs. service. His primary thoughts are of seniors having to carry heavy containers to the curb in the winter months. Also he does not like the looks of curbside service. It is a good contract and he feels the rates are good. Citizens need to be educated about the different service options.

Mayor Patterson asked for any public input. None was heard.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Nay; Mrs. Schrimpf, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Klepacz, Nay; Mr. Thompson, Yea; Mayor Patterson, Yea. There being five (5) Yea votes, and two (2) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION  
NO: 8604-09  
BY: MR. KLEPACZ AND MR. WANAMAKER

ACCEPTING THE RECOMMENDATIONS OF THE CITY OF KETTERING TAX INCENTIVE REVIEW COMMITTEE RESULTING FROM ITS 2008 ANNUAL ENTERPRISE ZONE PROGRAM AGREEMENT REVIEW.

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

Mr. Gorsuch explained this resolution approves the 2008 Annual Enterprise Zone Agreement. After Council action, the appropriate reports will be forwarded to the Ohio Department of Development.

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. Schrimpf, 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: 8605-09  
BY: MR. DUKE AND MRS. SCHRIMPF

TO ACCEPT REIMBURSEMENT FROM THE STATE OF OHIO IN THE AMOUNT OF \$9,720.00 FOR POLICE DEPARTMENT IN-SERVICE TRAINING.

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

Mr. Schwieterman explained this resolution authorizes the City to accept reimbursement funds from the State of Ohio for mandatory on-line law enforcement training. Training is mandated by the State of Ohio for all police officers. The topics vary each year.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Schrimpf, 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: 8606-09  
BY: MR. WANAMAKER AND MR. DUKE

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION ("ODOT") FOR ODOT PID NO. 81026 (MOT KETTERING BIKEPATH PROJECT, CITY PROJECT NO. 05-004B).

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

Mr. Schwieterman explained this agreement reflects the additional monies in economic stimulus funds allocated for the Bikepath project from MVRPC.

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. Schrimpf, 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: 8607-09  
BY: MRS. SCHRIMPF AND MR. SPOLRICH

AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE EAST STROOP ROAD RESURFACING PROJECT, FROM FAR HILLS AVENUE TO SHROYER ROAD, AND ACCEPTING \$179,792.00 IN FEDERAL ECONOMIC STIMULUS FUNDS TO SUPPLEMENT THE LOCAL MATCH FOR THE KETTERING BIKEPATH PROJECT.

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

Mr. Bergstresser explained this allows the City to accept Federal American Recovery and Reinvestment Act of 2009 funds from MVRPC to supplement local-match funding.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Schrimpf, 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: 8608-09  
BY: MR. SPOLRICH AND MR. THOMPSON

AUTHORIZING THE CITY MANAGER TO ENTER INTO ONE OR MORE AGREEMENTS TO ENGAGE AN AGENT TO ACT ON THE CITY'S BEHALF IN OBTAINING SPONSORSHIPS FOR THE FRAZE PAVILION AND THE PARKS, RECREATION AND CULTURAL ARTS DEPARTMENT.

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

Mr. Schwieterman explained the agent has agreed to be paid on a percentage basis based on sponsorships obtained and the percentage varies based on the length and amount of the sponsorship.

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. Schrimpf, 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: 8609-09  
BY: MR. THOMPSON AND MR. KLEPACZ

AUTHORIZING THE CITY MANAGER TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT, AND ANY SUBSEQUENT AMENDMENTS TO THIS AGREEMENT, WITH THE KETTERING UNIT, PUBLIC SERVICE UNION LOCAL #101 AND OHIO COUNCIL #8, AFSCME/AFL-CIO

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

Mr. Schwieterman explained the public service employees represented by AFSCME have ratified the agreement by vote of the membership.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Schrimpf, 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: 8610-09  
BY: MR. KLEPACZ AND MR. WANAMAKER

AUTHORIZING THE SUBMISSION OF CITY OF KETTERING PROJECTS FOR THE ED/GE PROGRAM

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

Mr. Gorsuch explained this resolution will authorize the submission of projects for the ED/GE program, in the Spring 2009 funding cycle.

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. Schrimpf, 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: 8611-09  
BY: MR. WANAMAKER AND MR. DUKE

A RESOLUTION DECLARING THE NECESSITY TO IMPROVE GLENGARRY DRIVE FROM THE KETTERING RECREATION COMPLEX TO EAST STROOP ROAD BY CONSTRUCTING AND RECONSTRUCTING CURBS, SIDEWALKS AND DRIVE APPROACHES AND OTHERWISE IMPROVING THE SAME, TOGETHER WITH ALL NECESSARY APPURTENANCES (CITY PROJECT NUMBER (02-258)

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

Mr. Bergstresser explained the repairs will be made in conjunction with a safety improvement and asphalt-resurfacing project scheduled for Glengarry this summer.

Property owners will have until July 15, 2009 to complete any repairs through a private contractor.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Schrimpf, 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: 8612-09  
BY: MR. DUKE AND MRS. SCHRIMPF

AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS AND TO ENTER INTO ONE OR MORE CONTRACTS FOR STREET, CURB, DRIVE APPROACH AND SIDEWALK IMPROVEMENTS FOR ACORN DRIVE FROM PEACH ORCHARD TO ITS NORTH END (PROJECT NUMBER 02-278B)

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

Mr. Bergstresser explained this project will replace deteriorated curb, drive approaches and sidewalks along Acorn Drive, from Peach Orchard to the north terminus of Acorn Drive, as well as Fairhaven Court off of Acorn Drive. Once the concrete work is complete, the road will be resurfaced with new asphalt.

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. Schrimpf, 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: 8613-09  
BY: MRS. SCHRIMPF AND MR. SPOLRICH

AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS AND TO ENTER INTO ONE OR MORE CONTRACTS FOR STREET, CURB, DRIVE APPROACH AND SIDEWALK IMPROVEMENTS FOR KETTERING BOULEVARD FROM HOYLE PLACE TO WEST STROOP ROAD (PROJECT NUMBER 02-283)

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

Mr. Bergstresser explained this project will replace deteriorated curb, drive approaches and sidewalks along Kettering Boulevard, from Hoyle Place to West Stroop Road. Once the concrete work is complete, the road will be resurfaced with new asphalt.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Schrimpf, 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: 8614-09  
BY: MR. SPOLRICH AND MR. THOMPSON

AUTHORIZING THE CITY MANAGER TO ENTER INTO TWO AGREEMENTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR STATE ROUTE 48 (FAR HILLS AVENUE) SECTION 6.49 RESURFACING PROJECT, ODOT PID 80854, CITY PROJECT NO. 02-100RB

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

Mr. Bergstresser explained the Far Hills Resurfacing – North Corp. Line to Talawanda Resurfacing Project is scheduled for this summer.

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. Schrimpf, 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: 8615-09  
BY: MR. THOMPSON AND MR. KLEPACZ

AUTHORIZING THE CITY MANAGER TO ENTER INTO A THIRTY-SIX MONTH CONTRACT WITH AT&T FOR CENTREX AND CIRCUIT SERVICES

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

Mr. Schwieterman explained this will enable the City to continue basic Centrex services (fax, modem, analog and circuits) that augment our VoIP system for the next 36 months.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Schrimpf, 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: 8616-09  
BY: MR. KLEPACZ AND MR. WANAMAKER

AUTHORIZING THE CITY MANAGER TO PAY FOR TUITION AND TO PURCHASE BOOKS AND TRAINING MATERIALS FROM SINCLAIR COMMUNITY COLLEGE FOR 2009 FIRE AND/OR EMS-RELATED TRAINING

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

Mr. Schwieterman explained this resolution will cover all books and tuition for any 2009 training.

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. Schrimpf, 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: 8617-09  
BY: MR. WANAMAKER AND MR. DUKE

AUTHORIZING THE ASSISTANT CITY MANAGER TO ENTER INTO AN AGREEMENT BETWEEN THE CITY AND OAK CREEK SWIM CLUB FOR THE ACQUISITION OF CERTAIN PROPERTY INTERESTS AND MAKING OF CERTAIN IMPROVEMENTS TO SWIM CLUB AND CITY PROPERTY

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

Mr. Fullenkamp explained the City has substantial planned improvements to Pondview Park. However, to effectuate the improvements, it is necessary to acquire easements and similar property interests from Oak Creek Swim Club, and adjacent and neighboring property owner.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Schrimpf, 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: 8618-09

BY: MR. DUKE AND MRS. SCHRIMPF

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, 2009.

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

Mr. Schwieterman explained this resolution allows for the appropriation of monies from the General Fund; Street Maintenance Fund; State Highway, Construction and Maintenance Fund; Parks and Recreation Fund; Frazee Pavilion Fund; DESC Reuse Fund and from the Special Grants and Program Fund.

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. Schrimpf, 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

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. 4112-08.

Mrs. Schrimpf read the above ordinance in first reading. The ordinance will appear on the April 14, 2009, Council meeting agenda for second reading.

AN ORDINANCE

TO AMEND THE SPECIFIC DEVELOPMENT GUIDELINES FOR ECONOMIC DEVELOPMENT OVERLAY DISTRICT NO. 14 (THE WOODMAN/DOROTHY BUSINESS CENTER)

Mr. Spolrich the above ordinance in first reading. The ordinance will appear on the April 14, 2009, Council meeting agenda for second reading.

CERTIFICATIONS AND PETITIONS

CERTIFICATION: Planning Commission recommends approval of an amendment to Section 1151.15B (Standards for Accessory Uses and Structures) of the City of Kettering Zoning Code).

Mrs. Gaw read the above Certification and announced the public hearing for this request will be held at the April 14, 2009 Council Meeting.

MANAGER'S REPORT

Mr. Schwieterman, City Manager reported:

- March is Youth Month in the City of Kettering. Many activities were planned for the youth in our community. The Youth Summit will be held on March 25, 2009 at Trent Arena.
- Severe Weather Awareness Week – March 22 – March 28, 2009. The City will be testing the emergency sirens on Wednesday, March 25, 2009 at 9:50 a.m.
- Red Cross three steps to preparedness:
  - 1. Get A Kit
  - 2. Make a Plan
  - 3. Be Informed
  - For more ideas and information go to: [www.redcross.org](http://www.redcross.org)
- Litter Lady Bug Program is going on at the Boonshoft Museum.
- Spring Leaf Pickup - Begins week of April 20, 2009. Citizens should rake leaves to the curb. Leaves only, no sticks brush or sod. Call 296-3255 for more information.

- Cable Channel 23 – Community Access Channel has moved to digital channel 723. Kettering programming will continue to be on Channel 6.
- April 15, 2009 is the deadline for filing 2008 City Income Tax.
- Contractors are in the process of cutting down ash trees on City owned property that are in bad shape or in a bad location.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Communications and Reports

Audience Participation (5 Minute Limit Per Speaker)

COUNCIL COMMITTEE REPORTS

Mr. Duke – On March 23, 2009 Sister City held their annual dinner. Several awards were given. Mayor Patterson accepted the Corporate Salute Award, Janet Bolton the Community Volunteer Award and Helen Smith the Distinguished Service Award. Congratulations to the Alter ladies for a fine basketball season and also to the University of Dayton team.

Mrs. Schrimpf – Congratulated the Fairmont girl's basketball team who made it to the regionals.

Mr. Spolrich – The Youth Summit is on March 25, 2009 at Trent Arena. On Friday, March 27, 2009 is the Youth Chillin' at the Rec. event. Students can participate for \$2.00 or 2 canned goods. The Youth Community Day of Service is on Saturday, April 25, 2009. Partners for Healthy Youth are sponsoring a Character Drive. DeClarks Cards and Gifts is celebrating their 50<sup>th</sup> Anniversary. Clark's Drug Store is providing a new service for seniors. They will take care of their paperwork along with consulting services. He read names of apartment complexes that have an outstanding record on property maintenance. He thanked them for doing an excellent job of taking care of their property. He urged residents to take pride and take care of their property.

Mr. Thompson – Complimented the Street Department for doing an excellent job of fixing the potholes.

Mr. Klepacz – No report.

Mr. Wanamaker - No report.

Mayor Patterson – Stated that Vice Mayor Duke received an award for his Government Involvement at the Sister City annual dinner. Mayor Duke has been the Council Liaison for many years. He passed out granola bars this week at Van Buren Middle School and expressed that it is nice to have the opportunity to spend time with the kids. On Sunday, March 22, 2009 he presented a proclamation to Judy Hadley at Christ United Methodist Church who is retiring. He wished her well. He attended the Red Cross annual luncheon on March 24, 2009. Congratulations to all the recipient winners, especially the Blue Star Mothers.

There being no further business to come before this meeting of the Kettering City Council, Mayor Patterson adjourned the meeting at 9:34 p.m.

ATTEST:

Connie S. Gaw  
Clerk of Council

\_\_\_\_\_  
DONALD E. PATTERSON, MAYOR