

KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
April 14, 2009

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, April 14, 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, Bill Greger, Earl Jones and John Golub. He welcomed pages Chrissy Cameron and Lauren Rose from Kettering Middle School and thanked these volunteers for their assistance.

APPROVAL OF MINUTES

March 24, 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

PROCLAMATION: Arbor Day – April 18, 2009

Mrs. Schrimpf read the above Proclamation and same was accepted by Mr. Mike Fleener, Parks Department Supervisor.

PROCLAMATION: Community Development Block Grant Week – April 12 – 18, 2009

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

PROCLAMATION: Fair Housing Month – April 2009

Mr. Thompson read the above Proclamation and same was accepted by Mr. John Zimmerman, Vice President - Miami Valley Fair Housing Center.

PROCLAMATION: National Volunteer Week – April 19 – 25, 2009

Mr. Klepacz read the above Proclamation and same was accepted by Mrs. Bonnie Pittl, Volunteer Services Manager.

MAYORS AWARD FOR VOLUNTEER SERVICE – Emily Fleitz

Mayor Patterson read the above award and presented it to Emily Fleitz. He thanked her for her volunteer service to the community.

RECOGNITION OF VOLUNTEERS – 5000 or more hours of service

Mayor Patterson presented each volunteer with a certificate and gift bag. He thanked them for their volunteer service to the community.

APPOINTMENT – Volunteer Advisory Board – Jacqueline Fisher (Term Ending 12/31/10)

Mr. Duke made a motion to appoint Jacqueline Fisher to the Volunteer Advisory Board. Mrs. Schrimpf seconded this motion. The motion was approved by a unanimous roll call vote.

CERTIFICATE OF APPRECIATION & RECOGNITION – Robert Chapman – Parks, Recreation and Cultural Arts Advisory Board

Mayor Patterson read the above Certificate and presented it to Bob Chapman. He thanked him for his service on the board and to the community. MaryBeth Thaman, Parks, Recreation and Cultural Arts Director presented a plaque to Mr. Chapman on behalf of the Advisory Board.

PUBLIC HEARINGS

Public Hearing – To amend the text of Section 1151 of the City of Kettering Zoning Code by adding new provisions related to garage use and vehicle storage use on single-family residential properties.

Mayor Patterson opened the Public Hearing on this request.

Ron Hundt, City Planner gave the presentation this evening. He explained this request will limit the size of carport and garage spaces so that the use of the property devoted to storage of vehicles clearly remains the accessory use and not the predominant use of a residential lot. This new language in the Zoning Code will provide clarity necessary to prevent very large storage structures on residential property.

Mayor Patterson asked for audience participation.

Mr. Mike Barnett, 4765 Wilmington Pike – Does not feel this code should be changed. He was already prohibited from building his garage. Council is trying to weed car people out of the community. It does not make sense. You already can't have a car without license tags on private property if you are not going to drive it. There is a lot more stuff the City should be looking at that is more important than garages. The City already has pages and pages of codes. Big Brother is always on your back. He does not feel people want more ordinances and codes in this community.

Mayor Patterson closed the public hearing and stated a decision will be made at the April 28, 2009 Council Meeting.

ORDINANCES IN SECOND READING

AN ORDINANCE
NO: 4117-09
BY: MR. DUKE AND MRS. SCHRIMPF

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.

Mr. Duke read the above ordinance and moved for approval. Mrs. Schrimpf 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. 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: 4118-09
BY: MRS. SCHRIMPF AND MR. SPOLRICH

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

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

Mr. Fullenkamp explained this ordinance will amend the guidelines to allow the construction and use of a fuel center on the east side of the Kroger store at 2115 E. Dorothy Lane.

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.

Mayor Patterson asked for a motion to amend this evening's agenda. Mr. Duke moved to remove Resolution No. 10 (Authorizing the City Manager to enter into an Economic Development Incentive Grant Agreement with the Community Blood Center) from the agenda. Mrs. Schrimpf seconded this motion and the motion was declared carried by a majority roll call vote.

RESOLUTIONS

A RESOLUTION

NO: 8619-09

BY: MR. SPOLRICH AND MR. THOMPSON

AUTHORIZING THE CITY MANAGER TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT, AND ANY SUBSEQUENT AMENDMENTS TO THIS AGREEMENT, WITH THE KETTERING POLICE PATROL OFFICERS, FRATERNAL ORDER OF POLICE, LODGE NO. 92.

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. 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: 8620-09

BY: MR. THOMPSON AND MR. KLEPACZ

AUTHORIZING THE CITY MANAGER TO MAKE CONTRIBUTIONS TO DAYTON HISTORY IN CALENDAR YEARS 2009 AND 2010 FOR THE PURPOSE OF MOVING STRUCTURES/FACILITIES FROM THE KETTERING-MORAINÉ MUSEUM SITE TO CARILLON PARK

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

Mr. Fullenkamp explained this resolution authorizes payment over a two-year period for the purposes of moving structures/facilities from the Kettering-Moraine Museum site to Carillon Park.

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: 8621-09

BY: MR. KLEPACZ AND MR. WANAMAKER

AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS AND TO ENTER INTO ONE OR MORE CONTRACTS FOR THE GLENGARRY DRIVE ROADWAY IMPROVEMENTS PROJECT (PROJECT NUMBER 02-258).

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

Mr. Fullenkamp explained this project will involve the replacement of deteriorated concrete curb, sidewalks, and drive approaches, crosswalk safety improvements, and asphalt resurfacing of Glengarry from East Stroop Road to the Kettering Recreation Complex.

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: 8622-09

BY: MR. WANAMAKER AND MR. DUKE

AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS AND TO ENTER INTO ONE OR MORE CONTRACTS FOR THE EAST STROOP ROAD REPAVING PROJECT FROM FAR HILLS AVENUE TO SHROYER ROAD (CITY PROJECT NUMBER 02-110N)

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

Mr. Fullenkamp explained this project will replace deteriorated concrete curb and sidewalks, and asphalt resurfacing of East Stroop Road from Far Hills Avenue to Shroyer Road.

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: 8623-09
BY: MR. DUKE AND MRS. SCHRIMPF

AUTHORIZING THE CITY MANAGER TO APPLY FOR RECYCLING INCENTIVE GRANT FUNDS IN THE AMOUNT OF \$9,570.00 FROM THE MONTGOMERY COUNTY SOLID WASTE DISTRICT

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

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: 8624-09
BY: MRS. SCHRIMPF AND MR. SPOLRICH

AUTHORIZING THE CITY MANAGER TO ACCEPT A \$5,000.00 GRANT FROM THE KETTERING PARKS FOUNDATION TO ADMINISTER A FINANCIAL ASSISTANCE PROGRAM FOR LOW-INCOME KETTERING RESIDENTS

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

Mr. Fullenkamp explained this program provides assistance for low-income residents to purchase passes or register for classes at any of the PRCA facilities or to purchase membership and/or transportation services at the CIL Senior Center.

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: 8625-09
BY: MR. SPOLRICH AND MR. THOMPSON

AUTHORIZING THE CITY MANAGER TO PURCHASE REAL PROPERTY INTERESTS IN CONNECTION WITH THE "MOT-KETTERING BIKE PATH PROJECT" (CITY PROJECT NO. 05-004B, ODOT PID 81026)

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

Mr. Fullenkamp explained this resolution will authorize the purchase of permanent and temporary right-of-way for installation of the portion of the Kettering Bikeway along the Hempstead Station frontage of SS Kettering, LLC (Store and Lock Facility) on Hempstead Station located opposite the Meijer Store.

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: 8626-09
BY: MR. THOMPSON AND MR. KLEPACZ

DECLARING THE REAL PROPERTY KNOWN AS 2505 HAMPTON ROAD AS SURPLUS PROPERTY AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR SALE OF THE PROPERTY

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

Mr. Fullenkamp explained this legislation will allow for authorization of the purchase agreement for 2505 Hampton Road and a HOME forgivable loan agreement with Dayton Ohio Habitat for Humanity in the amount of \$15,000.00.

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: 8627-09
BY: MR. KLEPACZ AND MR. WANAMAKER

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

Mr. Fullenkamp reported this will allow for the appropriation of monies from the General Fund and the Special Grant and Programs Fund.

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.

ORDINANCES IN FIRST READING

AN ORDINANCE

TO LEVY SPECIAL ASSESSMENTS FOR THE "HAIG AVENUE RECONSTRUCTION" PROJECT (PROJECT NUMBER 02-272E).

Mr. Wanamaker read the above ordinance in first reading. The ordinance will appear on the April 28, 2009, Council meeting agenda for second reading.

AN ORDINANCE

TO AMEND THE TEXT OF SECTION 1151 OF THE KETTERING ZONING CODE BY ADDING NEW PROVISIONS RELATED TO GARAGE USE AND VEHICLE STORAGE USE ON SINGLE-FAMILY RESIDENTIAL PROPERTIES

Mr. Duke read the above ordinance in first reading. The ordinance will appear on the April 28, 2009, Council meeting agenda for second reading.

Mr. Wanamaker asked if the 80% of livable space included basements.

Mr. Robillard replied yes, if the basement area can be livable space as defined in the code.

Mr. Wanamaker expressed if you have a 2000 sq. ft. house and 2000 sq. ft. of basement then you could build a 3200 sq. ft. garage. The footprint of the garage could actually be larger than the house.

AN ORDINANCE

TO LEVY SPECIAL ASSESSMENTS FOR THE CONSTRUCTION AND RECONSTRUCTION OF CONCRETE SIDEWALKS, CURBS, GUTTERS AND DRIVEWAY APPROACHES, TOGETHER WITH THE NECESSARY APPURTENANCES, AT VARIOUS LOCATIONS WITHIN THE CITY OF KETTERING (PROJECT NUMBERS 02-128E, 04-108, 04-408, AND 05-108)

Mrs. Schrimpf read the above ordinance in first reading. The ordinance will appear on the April 28, 2009, Council meeting agenda for second reading.

CERTIFICATIONS AND PETITIONSMANAGER'S REPORT

Mr. Robillard gave the Property Maintenance Update Report for the first quarter of 2009.

Mr. Fullenkamp, Assistant City Manager reported:

- National Volunteer Week – April 19 – 25, 2009. Reception at the Presidential Banquet Center on Thursday, April 23, 2009 at 6:00 p.m.
- Volunteer Firefighter Open House – Saturday, April 18, 2009 from 11:00 – 1:00 at Fire Station 35, 4121 Shroyer Road.
- Congratulations to Amy Schrimpf for receiving the 40 under 40 Award.
- Treefest 2009 – April 18, 2009 at Pondview Park from 9:00 – noon.
- Community Car Wash, Saturday, April 25, 2009 from 9:30 – 4:00.
- Spring leaf pickup begins week of April 20, 2009. Rake leaves to the curb.
- Mayor's Ball for Charity – Saturday, April 25, 2009 at Reynolds and Reynolds Atrium from 6:00 – midnight. Contributions go to the Kettering Education Foundation.
- Earth Day Celebration – April 18, 2009 from noon to 3:00 at the Oakcreek Apartment grounds. Rain date is May 2.
- Women's Walk for Wellness – 2:00 p.m. on Sunday, May 3, 2009 at Carillon Park.
- Senior Trash sign up event – May 6, 2009 from 11:00 – 1:30 at the Lathrem Center.
- Community Block Party, May 27, 2009 from 6:00 – 8:00 at the Lincoln Park Civic Commons.

OTHER BUSINESS NOT ON WRITTEN AGENDACommunications and ReportsAudience Participation (5 Minute Limit Per Speaker)

Arnold Meier, 3736 Valleywood Drive – He came this evening after considerable thought. It would be negligent to not step up and review what occurred with the Regional Dispatch Center as it applies to Kettering. As a member of the CARD group he has addressed Council several times in the past. Thanks to the CARD group and the citizens of Kettering efforts, Council came to the correct decision not to join the regional dispatch. The push to join this project was more than evident at the December 2006 meeting where 14 politicians, movers and shakers, County representatives and former local officials were allowed to address the Council first in line; extolling the savings and the safety improvements that would be made by joining the regional dispatch. What has happened after some three and one-half years of setting the operation up, the savings predicted are grossly inaccurate, the safety of the citizens in the area is critically inadequate and the responses to calls of other nature go unanswered. The cost/call of \$6.65 forecast in January 2007 has been projected growing to \$9.00 to \$12.00 within a year. So one must assume the cost projections were developed upon suspect information. Certain Council members told him directly that their major interest was in saving the City money. How egregious that result would have been given the Council's decision to join the regional dispatch. As was pointed out to Council the cost per building for Kettering to operate our current dispatch unit is a minimal amount and the citizens of Kettering had approved a levy covering services for the City when this issue arose. So, all the savings espoused for this project are in error. The safety of people should be the number one item on anyone's agenda. The result shown in operation of the new regional dispatch has demonstrated otherwise. He is appalled at the result shown. He has worked in industry for years and finds it indefinable that proper tests were not part of the protocol demonstrating whether the phone system or what is chosen to blame, was not working. He cannot come up with a proper name for what has occurred; inept, un-developed, bad engineering, improper installation, lousy leadership are a few that come to mind. Any way you want to cut it the project failed to perform. The major regional dispatch failure and in other's thinking is; this is not a "Robot" operation. Obviously, certain people envisioned "modern" world facilities were going to do all the work. Equipment is being developed every day, but until properly tested and proven, there is no substitute at this time for the knowledge of one's area of operations. And certainly low paid, inexperienced operators are not the answer. Having worked in engineering and procurement for years, the saying is you get what you pay for. Low cost is never always the answer. You have to be experienced, competent and

intelligent enough to research and investigate your project correctly. A rush to judgment might lead to fatal mistakes. Current regional dispatch performance has demonstrated that. We were told that Kettering Council, which was again expressed by Mayor Patterson this past week, that Council would consider joining regional dispatch again at a later date. The citizens of Kettering should be aware of this and maintain a watchful eye over the actions of Council and City management concerning this issue. The decision could prove fatal to you.

Frieda Brigner, Dayton Habitat for Humanity, Siebenthaler Drive – Habitat for Humanity has placed many families throughout the Dayton community. They are happy to soon be a part of the Kettering community. This home will go to a low-income family. The chosen family is already living in an apartment in Kettering. They have five children. Habitat hopes to have this home finished by fall. She thanked all those who have helped to make this project a reality.

Charlene Bayless, 2422 Patterson Boulevard – She is here this evening to offer a no cost suggestion for the City of Kettering Suggestion Box. Circling back to last fall's windstorm, she felt that residents might help each other and the City in times of emergency. Through "Contact with Kettering," in perhaps a permanent citizen emergency preparation and response corner, residents could be urged to take responsibility in times of power loss for assessing one City block, not necessarily the block in which they live. The resident could knock on each door in the block as a caring citizen and neighbor to identify at risk persons and to identify others willing to help. They provide help or get a person's neighbor to keep tabs and offer help for the duration. Just do it. Each citizen of Kettering can do more than they do. The City might keep our responsibilities in front of us by a regular emergency measures corner in Contact with Kettering. Contact with Kettering is the one publication these days that gets into every Kettering home. She last attended a Kettering Council meeting in October 2008 when a family member was honored with a beautification award. It happened to be the meeting when, regarding the downed trees clean up, Council and staff were congratulating each other on a job well done. She felt outrage. Where were the citizens thanking Council and staff for that exceptional work. Here I am, tardily, with thanks to you each and to your teams for clear-headedness and for doing what need to be done in challenging times.

COUNCIL COMMITTEE REPORTS

Mr. Thompson – No Report.

Mr. Klepacz – Last Thursday the Kettering/Oakwood Martin Luther King committee presented a check to Kettering to support Camp Fantastic.

Mr. Wanamaker – Chuck Horn was praised for starting the volunteer program. He did many great things for this City. He also started the leaf-mulching program.

Mr. Duke – Congratulations to Amy Schrimpf for receiving the 40 under 40 Award. Last Thursday, We Care Arts held their annual arts gala. It is a terrific program to help people to improve their lives through the arts. Kettering Leadership Academy is now accepting applications for next year's program. Contact the Volunteer Office at 296-2433 for more information and for an application.

Mrs. Schrimpf – A session for small business owners regarding the Federal Stimulus Bill will be held on April 17, 2009 at Sinclair Community College. The March of Dimes Annual March for Babies is on April 25, 2009 at Carillon Park.

Mr. Spolrich – The Youth Community Day of Service is on April 25, 2009. They will be holding car washes at various locations throughout the City. They will also work on home repairs. He congratulated Dr. Robert Zimmer who celebrated his 40th anniversary of practicing in the city of Kettering. The Holiday at Home committee is seeking applications for their next Grand Marshal.

Mayor Patterson – Last week the City concluded grinding up the final debris from the windstorm from last year. He congratulated Amy Schrimpf for receiving the 40 under 40 Award. On March 25, 2009 he participated in the Kettering Youth Summit. On March 27, 2009 the City hosted a kickoff for Child Abuse Prevention Month. The Montgomery County Commissioners and Montgomery County Children's Services also attended. This evening he attended an event that recognized Kettering Firefighters. The State Auditors Office and the Big Brothers organization were honoring them for their community service.

At 9:26 p.m. Mayor Patterson asked for a motion to go into executive session pursuant to Section 121.22 of the Ohio Revised Code for the purposes of a conference with the Law Director regarding pending or imminent litigation. A motion was made by Mr. Duke and seconded by Mrs. Schrimpf. The motion was unanimously approved by a roll call vote.

At 10:45 p.m. Mr. Thompson made a motion for City Council to come out of executive session and open into regular session. Mr. Wanamaker seconded this motion. The motion was unanimously approved.

There being no further business to come before this meeting of the Kettering City Council, Mayor Patterson adjourned the meeting at 10:46 p.m.

ATTEST:

Connie S. Gaw
Clerk of Council

DONALD E. PATTERSON, MAYOR