

KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
April 28, 2009

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, April 28, 2009, at 7:30 p.m. in the Council Chambers of the Kettering Government Center, 3600 Shroyer Road. The Vice Mayor, Bruce E. Duke, 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: Mayor Donald E. Patterson (excused)

Total Members Present: Six (6)

Vice Mayor Duke led the audience in the Pledge of Allegiance and then gave the invocation. He introduced the cable TV operators, Bill Gregor, Earl Jones and John Golub. He welcomed pages Morgan Goetz and Tristan Buirley from Van Buren Middle School. He thanked these volunteers for their assistance.

APPROVAL OF MINUTES

April 14, 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 six (6) 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: Older American's Month

Mr. Thompson read the above Proclamation and same was accepted by Vickie Carraher, Kettering Senior Services Manager.

MAYORS AWARD FOR VOLUNTEER SERVICE – Lauren Ignozzi

Vice Mayor Duke read the above award and presented it to Lauren Ignozzi. He thanked her for her volunteer service to the community.

APPOINTMENT: Board of Community Relations - Anna Slaidins (Term Ending 12/31/10)

Mrs. Schrimpf made a motion to appoint Anna Slaidins to the Board of Community Relations. Mr. Spolrich seconded this motion. The motion was approved by a unanimous roll call vote.

PRESENTATION: Montgomery County Treasurers Office – Tax Collection Update

Carolyn Rice, Montgomery County Treasurer gave the presentation this evening. She reported there are 23,127 parcels in the City of Kettering. Of those parcels 592 (2.6%) are delinquent in the payment of their taxes. 73 parcels have signed up for the delinquent payment plan. She also reported on other programs such as the "Call 2-1-1" service that the County offers.

PUBLIC HEARINGS

Vice Mayor Duke announced that Council will remove Item No. 2 (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) from the agenda and furthermore remove this ordinance from further consideration. He asked for a motion to remove Item No. 2 from the agenda and also remove this Ordinance from further consideration. Mrs. Schrimpf made the motion and Mr. Spolrich seconded. Motion was approved by a unanimous roll call vote.

Vice Mayor Duke stated if this Council considers another amendment to Section 1151 of the Zoning Code then the amendment will come back for Council's consideration as a new ordinance and with a new public hearing.

ORDINANCES IN SECOND READING

AN ORDINANCE
NO: 4119-09
BY: MRS. SCHRIMPF AND MR. SPOLRICH

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

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

Mr. Schwieterman stated this project was completed in 2007 and this Ordinance will levy the special assessments.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Schrimpf, Yea; Mr. Wanamaker, Yea; Mr. Klepacz, Yea; Mr. Thompson, Yea; Vice Mayor Duke, Yea. There being six (6) Yea votes, and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

AN ORDINANCE
NO: 4121-09
BY: MR. SPOLRICH AND MR. THOMPSON

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)

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

There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Klepacz, Yea; Mr. Wanamaker, Yea; Mrs. Schrimpf, Yea; Mr. Spolrich, Yea; Vice Mayor Duke, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

RESOLUTIONS

A RESOLUTION
NO: 8628-09
BY: MR. THOMPSON AND MR. KLEPACZ

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

Mr. Bergstresser explained ODOT is requiring the City enter into a revised project administration agreement to comply with the reporting and auditing requirements to receive Federal Stimulus funds.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Schrimpf, Yea; Mr. Wanamaker, Yea; Mr. Klepacz, Yea; Mr. Thompson, Yea; Vice Mayor Duke, Yea. There being six (6) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 8629-09
BY: MR. KLEPACZ AND MR. WANAMAKER

AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS AND ENTER INTO ONE OR MORE CONTRACTS FOR CONSTRUCTION OF THE MOT- KETTERING BIKEPATH PROJECT ALONG HEMPSTEAD STATION DRIVE AND EAST STROOP ROAD TO THE WILMINGTON PIKE INTERSECTION (PROJECT NUMBER 05-004B)

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

Mr. Bergstresser explained Federal Congestion Mitigation/Air Quality funds and Federal Economic Stimulus funds have been awarded by the Miami Valley Regional Planning Commission for the construction of this project.

There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Klepacz, Yea; Mr. Wanamaker, Yea; Mrs. Schrimpf, Yea; Mr. Spolrich, Yea; Vice Mayor Duke, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 8630-09
BY: MR. WANAMAKER AND MR. DUKE

DECLARING THE NECESSITY OF REPAIRING CURBS, SIDEWALKS AND DRIVEWAY APPROACHES AT VARIOUS LOCATIONS WITHIN THE CITY OF KETTERING (PROJECT NUMBER 05-109)

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

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Schrimpf, Yea; Mr. Wanamaker, Yea; Mr. Klepacz, Yea; Mr. Thompson, Yea; Vice Mayor Duke, Yea. There being six (6) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 8631-09
BY: MRS. SCHRIMPF AND MR. SPOLRICH

AUTHORIZING THE CITY MANAGER TO GRANT AMY K. BERLEAN AN ADVANCE OF SICK LEAVE HOURS, SUCH THAT HER SICK LEAVE BALANCE SHALL NOT EXCEED A NEGATIVE BALANCE OF THREE HUNDRED (300) HOURS

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

There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Klepacz, Yea; Mr. Wanamaker, Yea; Mrs. Schrimpf, Yea; Mr. Spolrich, Yea; Vice Mayor Duke, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 8632-09
BY: MR. SPOLRICH AND MR. THOMPSON

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ECONOMIC DEVELOPMENT INCENTIVE GRANT AGREEMENT WITH THE COMMUNITY BLOOD CENTER

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

Mr. Schwieterman explained this legislation authorizes the City to enter into a ten-year agreement with Community Blood Center.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Schrimpf, Yea; Mr. Wanamaker, Yea; Mr. Klepacz, Yea; Mr. Thompson, Yea; Vice Mayor Duke, Yea. There being six (6) 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. 4117-09

Mr. Thompson read the above ordinance in first reading. The ordinance will appear on the May 12, 2009, Council meeting agenda for second reading.

CERTIFICATIONS AND PETITIONS

CERTIFICATION: Planning Commission recommends approval of a modification to Economic Development Overlay #15 (Kettering Business Park) that would allow indoor recreational uses within building #2, to be permitted as a conditional use. (Zoning Case #886-09)

Ms. Gaw read the above certification and stated the public hearing for this request will be held at the May 12, 2009 Council meeting.

MANAGER'S REPORT

Mr. Schwieterman, City Manager reported:

- 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.
- Relay for Life – May 16 & 17 at Delco Park.
- Older Americans Month – May 2009 – Various senior home visits scheduled throughout the month.
- Community Block Party, May 27, 2009 from 6:00 – 8:00 at the Lincoln Park Civic Commons.
- Spring debris pick-up is finished for the season.

Mr. Schwieterman reminded everyone the new trash contract will begin July 1, 2009. There are a number of programs to select from. Information can be found on the City's website. Bills will go out late May or early June. If you need an additional recycle bin, call 29-trash.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Communications and Reports

Audience Participation (5 Minute Limit Per Speaker)

David Brown, 2613 South Blvd. – Mr. Brown presented a petition to Council to close off and permanently eliminate business access and cut through traffic resulting from the Vacation of South Boulevard. This has been a three-year ongoing process. Numerous City staff have been out to review the problem, however they have determined the street should stay open. He reviewed the packet that showed a site plan, aerial photograph and numerous pictures showing car and semi truck traffic. He has come this evening to change Council's mind.

Mr. Schwieterman stated they have indeed had numerous discussions with Mr. Brown. Going though past City records, staff feels the exit onto South Blvd. was meant to be kept open to serve the businesses. There is also a drainage issue that staff has been asked to look at and resolve. The adjacent commercial properties are not in favor of shutting off access to South Blvd. Staff will continue to look for ways to make it more difficult to use as a cut through.

Mr. Brown stated that he fears with the reconstruction of the Wilmington-Dorothy intersections this could become an even bigger nightmare. The residents on this street also

want a voice, not just the commercial businesses. Commercial businesses should not be the only factor that dictates what is to be done.

Mr. Wanamaker asked if a traffic study has ever been done in this area.

Mr. Bergstresser, Engineering Director replied none has been done to date. He would estimate the traffic in this area to be very light.

Mr. Wanamaker asked Mr. Brown if he has an estimates of the number of vehicles cutting through on his street.

Mr. Brown replied it varies and depends what is going on out on Wilmington Pike. There is no consideration for the people that live on this street. It is a dangerous situation. Cut through traffic flies up and down this street.

Vice Mayor Duke referred this to Mr. Schwieterman.

Mr. Schwieterman stated that he will meet with Mr. Brown immediately following the meeting this evening to discuss this issue.

Mrs. Schrimpf wondered why the semi for the hardware store uses his street and the other semi for the restaurant uses the main entrance to enter off of Wilmington.

Mr. Brown stated the semi driver told him the manager of the hardware store told him that the hardware store has been there longer than Mr. Brown, so use the back entrance.

Mr. Bergstresser commented the owner of Taylor Hardware stated it works better for truck circulation to use the back entrance.

Mrs. Schrimpf asked how often do semi trucks use this street.

Mr. Brown replied at least once a week.

Mr. Spolrich asked if this is something Council could discuss in a workshop session.

Mr. Schwieterman replied this request could be discussed at a future Council workshop.

Vice Mayor Duke thanked Mr. Brown for bringing this matter before City Council

COUNCIL COMMITTEE REPORTS

Vice Mayor Duke announced Sandra Green, wife of City Firefighter, Steve Green passed away recently. Also, Wallie Welch, wife of past City Manager, Erv Welch passed away. Condolences go out to both families.

Mr. Thompson – Condolences to the families that lost loved ones.

Mr. Klepacz – On April 16, 2009 he attended the National CDBG Celebration in Fairborn. The City received a check for 1.7 million dollars to be used for various community projects in Kettering. Also on April 16, 2009 he went to the celebration that recognized Amy Schrimpf at the 40 under 40 awards. On April 18, 2009 he attended the Pondview Park/Tree Fest celebration. Later that day he attended the Earth Day celebrations at the Trails of Oakcreek. On April 22, 2009 he attended the annual MVRPC Dinner at WPAFB. On April 23, 2009 he attended a ribbon cutting at Mid First Credit Union.

Mr. Wanamaker – Attended the Tree Fest and Earth Day celebrations on April 18, 2009. It was a lot of fun. He offered condolences to Ervin Welch on the passing of his wife Wallie.

Ms. Schrimpf – She also attended the Earth Day celebration. She took her daughter and they had a great time. Both MVRPC and the Dayton Chamber recently held their annual meetings. She congratulated them both.

Mr. Spolrich – On April 25, 2009, the Partners for Healthy Youth held their Community Day of Service. Teams worked on four homes and helped residents on home repairs. Also, several car washes were held throughout the City. It was a huge success. A couple of weeks ago he received an annual Police Department Report. It was an outstanding and informative report. On June 12, 2009 the Parks Foundation and Parks Board is hosting a Have A Heart dinner at the Frazee Pavillion. Citizens are welcome to come and hear more about programs and to make a donation. These donations will be used to send Kettering kids in need to summer camp. Last Friday he attended the Fairmont High School musical “Guys and Dolls.” It was an outstanding performance. On May 8 & 9, 2009 Alter High School students will be performing the musical “Grease.” On April 29, 2009 St. Albert the Great is having a speaker come in to talk to parents about the challenges facing teens today. It is a free event and begins at 7:00 p.m. He urged parents to attend.

Vice Mayor Duke – On April 16, 2009 he attended a citizenship swearing in ceremony. There were 21 citizens from many different countries. He welcomed them. On Friday, April 24, 2009 he attended a tree planting at Orchard Park School. Student Mattie Schrott was the winner of a statewide poster contest. Along with helping to plant the tree, Mattie received a gift certificate and savings bond. He attended the Community Day of Service and the Earth Day at Oakcreek. He welcomed students in the audience from the Leadership Academy. Graduation is coming up soon. Great Mayor’s Ball held on April 25, 2009.

There being no further business to come before this meeting of the Kettering City Council, Vice Mayor Duke adjourned the meeting at 8:59 p.m.

ATTEST:

BRUCE E. DUKE, VICE MAYOR

Connie S. Gaw
Clerk of Council