

KETTERING CITY COUNCIL  
REGULAR MEETING MINUTES  
July 14, 2009

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, July 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: Mayor Patterson, Duke, Klepacz, Schrimpf, Spolrich, and Thompson

Council Members Absent: Wanamaker (excused)

Total Members Present: Six (6)

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 and thanked these volunteers for their assistance.

APPROVAL OF MINUTES

June 23, 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

PRESENTATION: Mayor's Charity Ball/Check Presentation in Kettering Education Foundation

Mayor Patterson presented a check to the Kettering Education Foundation in the amount of \$22,761.48 from the proceeds earned at the Charity Ball. Matt Wahrhaftig from the Kettering Education Foundation accepted the check.

PROCLAMATION: Parks, Recreation and Cultural Arts Department – July 2009

Mrs. Schrimpf read the above Proclamation and same was accepted by MaryBeth Thaman, Parks, Recreation and Cultural Arts Department Director.

PRESENTATION: Parks, Recreation and Cultural Arts Department

Bill Tschirhart, presented a PowerPoint presentation to Council about the amenities that the Parks and Recreation Department provides for the Kettering Community.

APPOINTMENT: Parks, Recreation, and Cultural Arts Advisory Board – Carrie Kihn (Term Ending 12/31/09) and Sondra Estevez (Term Ending 12/31/13)

Mr. Duke made a motion to appoint Carrie Kihn and Sondra Estevez to the Parks, Recreation, and Cultural Arts Advisory Board. Mrs. Schrimpf seconded this motion. The motion was approved by a unanimous roll call vote.

PUBLIC HEARINGS

PUBLIC HEARING – To amend Economic Development Overlay District No. 15 by modifying the residential portion of the Districts Development Concept Plan and Principal Permitted Uses

Mayor Patterson opened the Public Hearing.

Tom Robillard, Planning and Development Director gave the presentation this evening. He showed a site plan of the area and explained this amendment would allow multi-unit dwellings for a designated area of the overlay district. Currently the permitted uses for the residential portion of Kettering Business Park are for single-family attached, single-

family detached housing and a public park. If the amendment were approved, Area 1 would be single-family detached units, Area 2 senior housing and Area 3 a public park.

Mayor Patterson asked for Council comments. None were heard. Mayor Patterson asked for public comments. None were heard. He then closed the public hearing and stated a decision would be made at the July 28, 2009 Council Meeting.

ORDINANCES IN SECOND READING

RESOLUTIONS

A RESOLUTION  
NO: 8667-09  
BY: MR. DUKE AND MRS. SCHRIMPF

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO PROCURE RIGHT-OF-WAY ACQUISITION SERVICES IN CONNECTION WITH THE WOODMAN DRIVE AND RESEARCH BLVD. INTERSECTION RECONSTRUCTION PROJECT (PROJECT NO. 02-106o)

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

Mr. Schwieterman explained the intersection of Woodman Drive & Research Blvd. will be slightly realigned as part of the project, requiring minor right-of-way acquisition. Construction is to begin in summer, 2010.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Schrimpf, Yea; Mr. Duke, Yea; Mr. Klepacz, Yea; Mr. Thompson, Yea; Mayor Patterson, 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: 8668-09  
BY: MRS. SCHRIMPF AND MR. SPOLRICH

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

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

Mr. Gorsuch explained this resolution will authorize the City to enter into a modified Economic Development Incentive Grant Agreement with the Community Blood Center and to reaffirm the City of Kettering's Grant Assistance.

There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mrs. Schrimpf, Yea; Mr. Spolrich, Yea; Mayor Patterson, 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: 8669-09  
BY: MR. SPOLRICH AND MR. THOMPSON

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES AND TO ENTER INTO ONE OR MORE CONTRACTS FOR MEDICAL, DENTAL, AND LIFE INSURANCE FOR THE EMPLOYEES OF THE CITY OF KETTERING, KETTERING MUNICIPAL COURT AND THE OFFICE OF THE CLERK OF THE KETTERING MUNICIPAL COURT

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. Klepacz, Yea; Mr. Thompson, Yea; Mayor Patterson, 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: 8670-09

BY: MR. THOMPSON AND MR. KLEPACZ

AUTHORIZING THE CITY MANAGER TO APPLY FOR AND PURSUE AVAILABLE ENERGY EFFICIENCY REBATES FROM DAYTON POWER AND LIGHT FOR ENERGY SAVINGS INITIATIVES PLANNED FOR THE GOVERNMENT CENTER SOUTH BUILDING RENOVATION

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

Mr. Schwieterman explained the application would allow DP&L to reserve the appropriate level rebate for the City and enable the City to respond to feedback from DP&L about savings opportunities before the design is complete.

There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mrs. Schrimpf, Yea; Mr. Spolrich, Yea; Mayor Patterson, 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: 8671-09

BY: MR. KLEPACZ AND MR. DUKE

TO DECLARE THE NECESSITY AND INTENTION OF ACQUIRING CERTAIN PROPERTY INTERESTS IN PROJECT PARCEL "1CH" OF THE DOROTHY LANE BRIDGE REPLACEMENT AND STREET IMPROVEMENT PROJECT IN THE CITY OF KETTERING, OHIO

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

Mr. Schwieterman explained this resolution will begin the process of appropriation of Parcel 1CH (permanent channel easement) for the Dorothy Lane Bridge Replacement project, scheduled to begin construction later this year.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Schrimpf, Yea; Mr. Duke, Yea; Mr. Klepacz, Yea; Mr. Thompson, Yea; Mayor Patterson, 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: 8672-09

BY: MR. DUKE AND MRS. SCHRIMPF

TO DECLARE THE NECESSITY AND INTENTION OF ACQUIRING CERTAIN PROPERTY INTERESTS IN PROJECT PARCELS "2CH" AND "2T" OF THE DOROTHY LANE BRIDGE REPLACEMENT PROJECT IN THE CITY OF KETTERING, OHIO

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

Mr. Schwieterman explained this resolution will begin the process of appropriation of Parcel 2CH (permanent channel easement) and 2T (temporary construction easement) for the Dorothy Lane Bridge Replacement project, scheduled to begin construction later this year.

There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mrs. Schrimpf, Yea; Mr. Spolrich, Yea; Mayor Patterson, 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: 8673-09  
BY: MRS. SCHRIMPF AND MR. SPOLRICH

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

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

Mr. Schwieterman explained this resolution will authorize the acceptance of the 2009 Neighborhood Stabilization Program funds from the Ohio Department of Development and appropriate the funds as indicated in the approved budget

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Schrimpf, Yea; Mr. Duke, Yea; Mr. Klepacz, Yea; Mr. Thompson, Yea; Mayor Patterson, 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 AMEND ECONOMIC DEVELOPMENT OVERLAY DISTRICT NO. 15 BY  
MODIFYING THE RESIDENTIAL PORTION OF THE DISTRICT'S  
DEVELOPMENT CONCEPT PLAN AND PRINCIPAL PERMITTED USES

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

AN ORDINANCE

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

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

Mr. Schwieterman explained this Ordinance will allow for a boundary line adjustment to the Kettering northern/Dayton southern joint boundary in front of portions of the parking lot that serves Dot's Market on Patterson Road. This boundary line adjustment was requested by Greenmont Village.

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. 4122-09

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

AN ORDINANCE

TO AMEND THE TRAFFIC CONTROL MAP AND THE TRAFFIC CONTROL FILE OF THE CITY OF KETTERING, OHIO TO SHOW THE INSTALLATION OF TRAFFIC SIGNS ON VARIOUS STREETS AND AVENUES IN THE CITY OF KETTERING, OHIO

STOP – ON JAMES MADISON TRAIL SOUTH AT FEDERALIST DRIVE;  
AND  
STOP – ON BIRDWOOD ROAD AT FEDERALIST DRIVE

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

AN ORDINANCE

AUTHORIZING PARTICIPATION IN OHIO DEPARTMENT OF TRANSPORTATION (ODOT) PURCHASING.

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

CERTIFICATIONS AND PETITIONS

MANAGER'S REPORT

Mr. Schwieterman, City Manager reported:

- Neighborhood Park Meetings: Wenzler, Oak Park, Van Buren and Kennedy – July 16, 2009 from 6:30 – 8:30 p.m. at the Kettering Recreation Center. State Farm Park – July 21, 2009 from 6:00 – 7:30 p.m. at the Kettering Recreation Center.
- Holiday at Home 2009 Pageant – July 24, 2009, 6:00 p.m. at the Fairmont High School Auditorium.
- Far Hills Resurfacing project will begin on July 24, 2009. Work will be done at night between 8:00 p.m. and 7:00 a.m. weather permitting. Project will be complete by the end of August.
- Trash bills arrived in homes the week of July 6, 2009. Many calls were received mostly from seniors.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Communications and Reports

Audience Participation (5 Minute Limit Per Speaker)

Amy Daigle, 3831 Fulton Ave. – Her neighbors do not maintain their property in a clean manner. They have many animals, junk in their yard and other nuisances. Area neighbors have been struggling for many years just to get their mail because her neighbor lets their dogs out when the mail carrier comes around. She has contacted the City many times for help as well and Montgomery County and the Post Office. The Post Office suggested that she move. When the Police come out the dogs were inside. She is waiting for someone to help her resolve this. She just wants to enjoy her home.

Mr. Schwieterman stated he did receive a letter from Ms. Daigle earlier this week and has discussed it with the Planning Department and the City's animal control officer. There are currently active property maintenance issues with this residence. Mr. Robillard, Planning and Development Director will meet with her after the meeting to discuss the issues in further detail.

Mary Faulkner, 2709 Lindale Ave. Dayton – She is the owner of the 3831 Fulton Avenue property. She too is concerned with the issues going on and why it is taking so long to do something about it. She has called many people at the City and this has not been resolved. She wanted to install a privacy fence and the neighbor would not allow the fence company in their yard to install it. These neighbors are like cancer. How could she ever sell this home with neighbors like them next door. She would appreciate Council's attention to this matter.

Mr. Duke stated he received e-mail just yesterday from Mrs. Faulkner and turned it over to Mr. Schwieterman to work on. He thanked her for coming. He knows she must be very frustrated.

#### COUNCIL COMMITTEE REPORTS

Mr. Duke – On June 25, 2009 he attended the Green Expo sponsored by Heapy Engineering. On July 4, 2009 he enjoyed the Go 4<sup>th</sup> event at Delco Park. Kudos to all that worked on this event. On July 8, 2009 he attended a ribbon cutting for the Children's Medical Center Outpatient Testing Center on Far Hills Ave. Also, on July 8<sup>th</sup> he attended the dedication of the Playground for All at Indian Riffle Park. He attended the moving of historical homes from the Kettering Moraine Museum to Carillon Park. It was neat to watch them being moved to their permanent home.

Mrs. Schrimpf – Reminded citizens they can still see the Gallery of Landscapes at the Rosewood Arts Center through July 24, 2009.

Mr. Spolrich – Wanted to let the public know that Bellbrook Fence Company graciously provided the fencing to protect the buildings and the students at the "Safety Village." He attended several Frazee events over the last few weeks. He likes the sense of community that the Frazee provides. It is a treasure in our midst and we should not take it for granted. The Partners for Healthy Youth Character Word of the Month is "Spirituality." He reminded citizens not to forget to recycle and volunteer.

Mr. Thompson – No Report.

Mr. Klepacz – Recently the MLK Committee met to discuss the MLK Breakfast scheduled for January 18, 2009. On July 1, 2009 he represented the City at WPAFB for the groundbreaking of the new technology center. 100 new positions will be created. Construction will be completed by April of 2011. This project already has two Kettering businesses working with them and hopefully many more. He met a resident that expressed he was happy with the opening of the new Children's Medical Center Outpatient Testing Center in Kettering. He no longer has to drive his children over to Children's Hospital. Mr. Klepacz also attended the dedication for the "Play Ground for All" at Indian Riffle. On July 13, 2009 he attended the swearing in ceremony for two new police officers. It was a moving ceremony and he congratulated the officers. And, for all those that were unaware, Willie Nelson played golf in Kettering at Community Golf Course.

Mayor Patterson – Children's Medical Center opening a facility in our community is a big deal. Parents can now take their kids to the Kettering location for testing. Congratulations to them. Congratulations to our two new police officers. He attended one of the public meetings regarding the parks last night. He would guess around 100 people attended. This is the time if residents have an interest in their park to please participate in these meetings. It is an opportunity to express your ideas and concerns. The City was recently recognized for participation in the Arbor Day Tree City Program. This is the 26<sup>th</sup> year the City has received this national recognition.

There being no further business to come before this meeting of the Kettering City Council, Mayor Patterson adjourned the meeting at 8:43 p.m.

ATTEST:

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DONALD E. PATTERSON, MAYOR

Connie S. Gaw  
Clerk of Council