

KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
July 28, 2009

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, July 28, 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, 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 and thanked these volunteers for their assistance.

APPROVAL OF MINUTES

July 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, one (1) abstain vote by 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

CITIZENS AWARD OF VALOR: Joshua Arnett and Michael Krach

Police Chief O'Dell awarded Joshua Arnett and Michael Krach with the Citizens Award of Valor. The Citizens Award is the highest award a civilian can receive. On April 26, 2009 Mr. Arnett and Mr. Krach witnessed a crash at Research and Shakertown Rd. The at-fault vehicle was on fire and at a risk to their own personal welfare, pulled the driver to safety. They attempted to assist the victim in the second vehicle and performed rescue breathing and chest compressions until the medics arrived. Mayor Patterson thanked Mr. Arnett and Mr. Krach for their selfless act to save the lives of others.

DISTINGUISHED SERVICE AWARD: Officer Ryan Meno, Officer Adam Savino and Officer Ryan Vandergrif

Police Chief O'Dell awarded the Distinguished Service Award to Officer Meno, Officer Savino and Officer Vandergrif. The Distinguished Service Award is awarded for an act that involves significant risk to an officer's life. Recently, the officers responded to an attempted suicide call. Upon arrival they went to an attached garage where they saw a man sitting on the floor with a plastic bag over his head. There was a bottle of propane tucked under the bag and he refused to exit the garage when commanded. The garage was locked so the door was forced open and the officers could smell the strong odor of gas. The man refused all commands so the officers grabbed him, removed the propane bottle and the bag from his head, and dragged him out of the garage to safety. Mayor Patterson thanked the officers for their brave service to our community.

INTRODUCTIONS AND WELCOME: Sister City Visitors from Steyr, Austria

Gary Busch, Chairperson and Coordinator of the Steyr Austria Sub Committee welcomed the visitors from Steyr Austria. He introduced these guests. The chaperone for the youth group, expressed his appreciation for the hospitality extended to them during their visit. They gave a gift from the Mayor of Steyr to Mayor Patterson. Mayor Patterson gave them a gift to take back to their Mayor.

Mayor Patterson welcomed the visitors and host families and gave each a gift from the City of Kettering. Mayor Patterson stated Council would now adjourn for a reception in honor of the Sister City guests. At 8:00 p.m. Vice Mayor Duke made a motion for adjournment. Mrs. Schrimpf seconded this request. Motion passed by a unanimous vote.

Motion to Reconvene – Mr. Thompson made a motion to reconvene the meeting at 8:23 p.m. Mr. Spolrich seconded this request. Motion passed by a unanimous vote.

PUBLIC HEARINGS

ORDINANCES IN SECOND READING

AN ORDINANCE
NO: 4128-09
BY: MR. DUKE AND MRS. SCHRIMPF

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

Mr. Schwieterman explained this request would also allow multi-unit dwellings as a permitted use for the residential portion of Kettering Business Park.

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: 4129-09
BY: MRS. SCHRIMPF AND MR. SPOLRICH

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

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

Mr. Schwieterman explained the boundary line adjustment is to the Kettering northern/Dayton southern joint boundary in front of portions of the parking lot that serves Dot's Market on Patterson 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 ordinance duly adopted.

AN ORDINANCE
NO: 4130-09
BY: MR. SPOLRICH AND MR. THOMPSON

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. 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 ordinance duly adopted.

AN ORDINANCE
NO: 4131-09
BY: MR. THOMPSON AND MR. KLEPACZ

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. Thompson read the above resolution and moved for approval. Mr. Klepacz 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: 4132-09
BY: MR. KLEPACZ AND MR. WANAMAKER

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

Mr. Klepacz read the above resolution and moved for approval. Mr. Wanamaker 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 ordinance duly adopted.

RESOLUTIONS

A RESOLUTION
NO: 8674-09
BY: MR. WANAMAKER AND MR. DUKE

TO DECLARE THE NECESSITY AND INTENTION OF ACQUIRING CERTAIN PROPERTY INTERESTS IN PROJECT PARCELS "26WD" AND "26T" OF THE DOROTHY LANE AND WILMINGTON PIKE INTERSECTION IMPROVEMENT PROJECT IN THE CITY OF KETTERING, OHIO

Mr. Wanamaker 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 parcels for the Dorothy/Wilmington Intersection Improvements project, scheduled to begin construction next 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: 8675-09
BY: MR. DUKE AND MRS. SCHRIMPF

AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS AND TO CONTRACT FOR THE MOT-WILMINGTON PIKE PHASE 2 ROADWAY IMPROVEMENTS PROJECT FROM SMITHVILLE TO THE NORTHERN CORPORATION LINE, CITY PROJECT NO. 02-1080

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

Mr. Schwieterman explained this project will replace deteriorated curb, drive approaches and sidewalks along Wilmington Pike from Smithville Road to the Northern Corporation Line. The project will also include joint repair of the existing concrete base and the road surface will be milled and 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: 8676-09
BY: MRS. SCHRIMPF AND MR. SPOLRICH

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION ("ODOT") TO ALLOW THE CITY TO SERVE AS RESPONSIBLE LEAD AGENCY FOR ADMINISTRATION OF THE EAST STROOP ROAD AND SHROYER ROAD INTERSECTION TRANSPORTATION ENHANCEMENT PROJECT (CITY PROJECT NUMBER 02-110M; ODOT PROJECT MOT STROOP/SHROYER, PID 86327)

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

Mr. Schwieterman explained this will authorize the City to sign the necessary contracts with ODOT. Construction of this project is scheduled to begin in 2014.

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: 8677-09
BY: MR. SPOLRICH AND MR. THOMPSON

AMENDING THE COMMUNITY DEVELOPMENT BLOCK GRANT ("CDBG") PROGRAM FOR FISCAL YEAR 2009 ("FY2009")

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

Mr. Schwieterman explained under the CDBG guidelines the City may use funding to pay for legal services related to housing code enforcement. Staff would like to use this funding to pay for such fees. All required public notices and citizen participation requirements have been followed.

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: 8678-09

BY: MR. THOMPSON AND MR. KLEPACZ

TO APPROVE IN AN ADMINISTRATIVE FASHION A MASTER SERVICES AGREEMENT WITH INTERSTATE GAS SUPPLY AND A PROGRAM MANAGEMENT SERVICES AGREEMENT WITH AMPO, INC; ALL SUCH APPROVALS FOR THE PURPOSES OF IMPLEMENTING AN "OPT-OUT" NATURAL GAS AGGREGATION UTILITY PROGRAM FOR THE CITY OF KETTERING

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

Mr. Schwieterman explained this resolution approves an agreement with Interstate Gas to supply natural gas and a management services agreement with AMPO, Inc. to assist in managing the proposed natural gas aggregation with Miami Valley Communication Council. Approval of these agreements is part of the process of initiating the opt-out natural gas aggregation program for Kettering via the MVCC.

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: 8679-09

BY: MR. KLEPACZ AND MR. WANAMAKER

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MONTGOMERY COUNTY FOR AN EDGE PROGRAM FUNDING AWARD

Mr. Klepacz read the above resolution and moved for approval. Mr. Wanamaker 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 resolution duly adopted.

A RESOLUTION

NO: 8680-09

BY: MR. WANAMAKER AND MR. DUKE

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. 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. 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

CERTIFICATIONS AND PETITIONS

MANAGER'S REPORT

Mr. Schwieterman, City Manager reported:

- Property Maintenance Report – 2nd Quarter of 2009.
- Holiday at Home
- Clean Sweep Neighborhood Celebrations. Saturday, August 1, 2009, 1:00 - 3:30 p.m. at Berwin Park and Saturday, August 8, 2009, 1:00 – 3:30 p.m. at State Farm Park.
- Citizens Police Academy is accepting applications. Registration Deadline is September 1, 2009.
- Life Guard Competitions. The Doggie Paddlers won the regional 2009 Red Cross Lifeguard Competition. The Floaters took third place and Team Sharkbait took fifth place.
- Frazee Pavilion Schedule
- Far Hills Resurfacing Project – This evening project should be completed by the end of August.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Communications and Reports

Audience Participation (5 Minute Limit Per Speaker)

COUNCIL COMMITTEE REPORTS

Ms. Schrimpf – Congratulated Arrow Wine on their 75th Anniversary. Congratulations to the Sister City Group. They had a nice picnic at Polen Farm for the Steyr visitors. The Dayton Metro Libraries are in full swing with their summer reading programs.

Mr. Spolrich – Recently attended the kick off for the “Smile for a Lifetime Foundation.” Two local orthodontists provide free orthodontics to families not capable of providing this for their children. Arrow Wine had a successful 75th Anniversary event. Mama Disalvo’s recently celebrated their 35th Anniversary. These are two local businesses that provide excellent customer service to the community. He has heard several comments from area residents; happy with the attitude of our Police Officers; complaint about the noise from Frazee events; comments about Park renovations; positive comments about Frazee events; hoped Kettering Schools would not let students fail; and efforts put forth in cleaning up storm debris.

Mr. Thompson – Kroger on Stroop Road will be celebrating their re-grand opening this week.

Mr. Klepacz – Attended the Board of Community Relations meeting on July 20, 2009. They will have two tenant landlord workshops this year. This workshop has been very successful and they will be held in October and November. The Frazee season is going very well. He recently attended two events at the Frazee. Arrow Wine celebrated their 75th Anniversary. They soon will have the 3rd generation family member taking over the business.

Mr. Wanamaker – He is very pleased with the Public Service Department. He recently turned in a complaint about a manhole and it was corrected in a timely manner.

Mr. Duke – On July 20, 2009 he attended the opening of a new business in our community, Nanosphere at the National Composite Center. He thanked the host families for the Steyr youth. This program could not be done without them.

Mayor Patterson – Congratulations to Officers Meno, Savino and Vandergrif. Also congratulations to Joshua Arnett and Michael Krach. He appreciated all of them for stepping forward to help others. Over the past month several park meetings have been held to discuss plans and ideas for our area parks. They have been well attended and the City has received valuable input. He presented and read a proclamation at the Arrow Wine 75th Anniversary celebration. On Saturday, July 25, 2009 he attended the SICSA Dog Wash event. His dog painted a paw print picture. Mayor Patterson had his picture taken with Ms. Ohio. Tomorrow he is going to SICSA's luncheon in honor of their 35th Anniversary. Congratulations to the Sister City Committee for another successful Steyr youth visit

There being no further business to come before this meeting of the Kettering City Council, Mayor Patterson adjourned the meeting at 9:13 p.m.

ATTEST:

Connie S. Gaw
Clerk of Council

DONALD E. PATTERSON, MAYOR