

KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
June 23, 2009

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, June 23, 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

June 9, 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

CERTIFICATE OF APPRECIATION AND RECOGNITION: James Trent – Parks, Recreation and Cultural Arts Advisory Board

Mayor Patterson read the above Certificate and presented it to James Trent. 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. Trent on behalf of the Advisory Board.

PUBLIC HEARINGS

ORDINANCES IN SECOND READING

RESOLUTIONS

A RESOLUTION
NO: 8652-09
BY: MR. DUKE AND MRS. SCHRIMPF

ADOPTING RENEWED AND RECALCULATED STREET LIGHT
ASSESSMENTS AND CERTIFYING TO THE COUNTY AUDITOR FOR
COLLECTION

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: 8653-09
BY: MRS. SCHRIMPF AND MR. SPOLRICH

AUTHORIZING THE CITY MANAGER TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT, AND ANY SUBSEQUENT AMENDMENTS TO THIS AGREEMENT, WITH THE KETTERING FIREFIGHTER, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 2150

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; 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: 8654-09
BY: MR. SPOLRICH AND MR. THOMPSON

AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION WITH THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, FOR A "BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT" IN THE AMOUNT OF \$11,491.00

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

Mr. Schwieterman stated these funds will be used for equipment expenditures related to criminal investigations and patrol operations.

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: 8655-09
BY: MR. THOMPSON AND MR. KLEPACZ

AUTHORIZING THE CITY MANAGER TO ACCEPT A \$2,500.00 GRANT FROM THE KETTERING PARKS FOUNDATION TO ADMINISTER A FINANCIAL ASSISTANCE PROGRAM FOR LOW-INCOME KETTERING RESIDENTS

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

Mr. Schwieterman explained this program will provide 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: 8656-09
BY: MR. KLEPACZ AND MR. WANAMAKER

TO APPROVE ESTABLISHMENT OF THE GREATER DAYTON
NEIGHBORHOOD STABILIZATION 2 CONSORTIUM

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

Mr. Schwieterman explained that staff from the cities of Dayton, Kettering, Fairborn and Montgomery County and DMHA have met and determined it would be beneficial to form a consortium to apply for the NSP2 grant funding. The City of Dayton has agreed to be the Lead Member for the Consortium. The grant funding will be used in target areas within the City of Kettering for acquisition/rehab or acquisition/redevelopment of vacant and/or foreclosed homes.

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: 8657-09
BY: MR. WANAMAKER AND MR. DUKE

AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION WITH THE
U.S. DEPARTMENT OF ENERGY FOR \$520,000 IN GRANT FUNDS
THROUGH THE ENERGY EFFICIENCY AND CONSERVATION BLOCK
GRANT PROGRAM FOR THE PURPOSES OF IMPROVING ENERGY
EFFICIENCY AND FOSSIL FUEL EMISSIONS WITHIN THE CITY OF
KETTERING

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

Mr. Schwieterman explained these funds must be used for projects that improve energy efficiency and fossil fuel emissions.

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: 8658-09
BY: MR. DUKE AND MRS. SCHRIMPF

AUTHORIZING THE CITY MANAGER TO PURCHASE
APPROXIMATELY 4,500 TONS OF ROAD SALT THROUGH AN
APPROVED STATE OR LOCAL COOPERATIVE PURCHASING
PROGRAM

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: 8659-09
BY: MRS. SCHRIMPF AND MR. SPOLRICH

TO APPROVE UPDATED 2009 GUIDELINES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT ("CDBG") FUNDED HOUSING REHABILITATION PROGRAM AND THE DOWN PAYMENT ASSISTANCE PROGRAM

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

Mr. Robillard, Planning and Development Director explained annually the Housing Rehabilitation Program Guidelines and the Down Payment Assistance Program Guidelines are updated annually to reflect the needs of the funding sources and our community.

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: 8660-09
BY: MR. SPOLRICH AND MR. THOMPSON

AUTHORIZING THE CITY MANAGER TO ACCEPT A \$7,000.00 GRANT FROM THE KETTERING PARKS FOUNDATION FOR THE CITY'S CAMP FINANCIAL ASSISTANCE PROGRAM

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

Mr. Schwieterman explained this program is available to low-income Kettering residents only.

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: 8661-09
BY: MR. THOMPSON AND MR. KLEPACZ

AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS AND TO ENTER INTO A MULTI-YEAR CONTRACT FOR RENTAL AND CLEANING OF UNIFORMS, MATS AND MOPS

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 resolution duly adopted.

A RESOLUTION
NO: 8662-09
BY: MR. KLEPACZ AND MR. WANAMAKER

TO AUTHORIZE AN INCREASE IN FUNDING FOR ARCHITECTURAL
SERVICES FOR THE SOUTH BUILDING RENOVATION PROJECT

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

Mr. Schwieterman explained the scope of the work for the South Building renovations have increased from \$1,500,000 to \$3,000,000 thus creating the need for additional design work.

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: 8663-09
BY: MR. WANAMAKER AND MR. DUKE

TO SET FORTH A CITY COUNCIL DECISION IN THE MATTER OF THE
APPEAL OF THE PLANNING COMMISSION'S DECISION IN THE CASE
COMMONLY KNOWN AS THE "JAMES FREE SIGN POLICY" CASE

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

Mr. Schwieterman explained the owner of the property appealed the decision of the Planning Commission regarding the sign policy. This resolution overturns the decision of the Planning Commission and sets forth a sign policy for the subject property that is very similar to the recommendations of Planning and Development staff.

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: 8664-09
BY: MR. DUKE AND MRS. SCHRIMPF

AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY COUNCIL, TO
ENTER INTO AN EMPLOYMENT AGREEMENT WITH MARK W.
SCHWIETERMAN

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

Mr. Schwieterman explained this agreement has an effective date retroactive to June 1, 2009 and terminates December 31, 2011.

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: 8665-09
BY: MRS. SCHRIMPF AND MR. SPOLRICH

AUTHORIZING THE CITY MANAGER TO SIGN AND SEND A LETTER TO MIAMI VALLEY COMMUNICATIONS COUNCIL REGARDING GAS AGGREGATION

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

Mr. Schwieterman explained member cities of the MVCC have agreed to enter into a natural gas opt-out aggregation program for its residents and small commercial customers. MVCC will be the administrative agency representing the member cities that participate in the program.

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: 8666-09
BY: MR. SPOLRICH AND MR. THOMPSON

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

Mr. Schwieterman explained this legislation will allow for appropriation of monies for the Parks Foundation Financial Assistance Program Contribution.

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

CERTIFICATION – Planning Commission recommends approval of an amendment to Economic Development Overlay #15 (Kettering Business Park) that would allow multi-unit dwellings for seniors within a portion of the overlay district.

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

MANAGER'S REPORT

Mr. Schwieterman, City Manager reported:

- Go 4th! Celebration – July 4, 2009 from 6 – 10 p.m. at Delco Park. Fireworks begin at 9:45 p.m.
- Water Main Work/Far Hills and Dorothy Lane – Beginning June 24 through June 25, 2009.
- Congratulations to Pam Cochran – 2009 Grand Marshall for the Holiday at Home celebration.

- Neighborhood Pride nominations deadline is August 15, 2009.
- Frazee Performance Update.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Communications and Reports

Audience Participation (5 Minute Limit Per Speaker)

COUNCIL COMMITTEE REPORTS

Mr. Spolrich – On June 16, 2009 he attended an open house for the Red Cross Living Center in Dayton. They had the opportunity to tour this facility. It will be used for families in emergency situations such as fire, etc. On June 22, 2009 attended a program at Carillon Park focused on preserving structures built between 1940 and 1970. They will pick approximately 500 structures to be part of this preservation effort.

Mr. Thompson – No Report.

Mr. Klepacz – No Report.

Mr. Wanamaker – On July 8, 2009 at 6:00 p.m., Indian Riffle Park will hold their grand opening for the newly built “Playground for All.” This project was aimed to support children with disabilities. AMBUC’s will be at this event. He congratulated George and Charlene Bayless for celebrating their 50th wedding anniversary.

Mr. Duke – He congratulated the Co-Chairs of Spass Nacht. Everyone worked very hard this year and it was a successful event. On June 18, 2009 he attended the rededication of the Safety Village. On June 12, 2009 he attended the Have A Heart for Kids event at the Frazee Pavilion. Leadership Academy applications are still being accepted. He urged residents if they would like to participate they need to get them in as quickly as possible.

Mrs. Schrimpf – She attended a ribbon cutting for Lynn’s Daylight Doughnuts on June 13, 2009. She reminded residents of upcoming 15th Annual Landscape Competition at Rosewood Art Center this weekend. She attended the Hills & Dales Park opening ceremony on June 20, 2009. The metro park system has done a great job and she urged citizens to visit.

Mayor Patterson – The Hills & Dales Park is unbelievable. It is a tremendous asset to this community. Spass Nacht did a wonderful job this year raising funds. Congratulations to the Sister City Committee. He congratulated the Frazee staff for another great season. He encouraged citizens to attend the Go 4th! Celebration on July 4th at Delco Park. The “Have a Heart” for Kids event was well attended and a lot of money was raised so that children can attend summer camp. He expressed congratulations to Pam Cochran for being this years Holiday at Home Grand Marshall. He also congratulated Mark Schwieterman and stated it was an honor to work and serve with him. Mark is a constant professional and does an unbelievable job in this community. He is the finest City Manager in this region.

There being no further business to come before this meeting of the Kettering City Council, Mayor Patterson adjourned the meeting at 8:28 p.m.

ATTEST:

DONALD E. PATTERSON, MAYOR

Connie S. Gaw
Clerk of Council