

KETTERING CITY COUNCIL  
REGULAR MEETING MINUTES  
March 25, 2008

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, March 25, 2008, 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, Lehner, Thompson and Wanamaker

Council Members Absent: Spolrich

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, Bill Greger, Earl Jones and John Golub. He thanked these volunteers for their assistance.

APPROVAL OF MINUTES

March 4, 2008 Regular and Workshop Meetings

Mr. Duke reported that he reviewed the above minutes and moved the minutes be approved. Mrs. Lehner 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: Community Development Block Grant Week – March 24 – 30, 2008

Mr. Klepacz read the above Proclamation. Tom Robillard, Director of Planning and Development accepted the Proclamation.

PRESENTATION: Montgomery County Clerk of Courts Office

Gregory Brush with the County Clerks Office gave the presentation this evening. He presented information about their passport acceptance and services.

PUBLIC HEARINGS

ORDINANCES IN SECOND READING

RESOLUTIONS

Mayor Patterson stated the need for the agenda to be amended this evening and asked for a motion to approve the following:

1. To remove current Item # 11 from the agenda - this is a removal of an Ordinance to proceed with the Haig Avenue Reconstruction Project.
2. To add a new Item #11 to the agenda - this new item is a Resolution approving an EDGE application for the City.
3. To add a new Item #12 to the agenda - this new item is a Resolution authorizing the sale of the 2425 Delta Avenue property.
4. To change the amount involving current Resolution #5 regarding purchases from Sinclair Community College from \$25,000 to \$30,000.

Mr. Duke made a motion to approve the above amendments to the agenda. Mrs. Lehner seconded this motion. It was approved by a unanimous vote.

A RESOLUTION  
NO: 8408-08  
BY: MR. DUKE AND MRS. LEHNER

APPOINTING MAYOR DONALD E. PATTERSON TO SERVE AS THE CITY OF KETTERING DELEGATE TO THE SOUTH SUBURBAN TEEN ALCOHOL AND OTHER DRUG PREVENTION COALITION AND APPOINTING CITY MANAGER MARK W. SCHWIETERMAN TO SERVE AS ALTERNATE.

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

Mr. Schwieterman explained this coalition has been established by eight communities to address underage alcohol and drug use in our south suburbs.

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. Lehner, Yea; Mayor Patterson, Abstain. There being five (5) Yea votes, one (1) abstain votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION  
NO: 8409-08  
BY: MRS. LEHNER AND MR. THOMPSON

DECLARING THE NECESSITY OF REPAIRING CURBS, SIDEWALKS AND DRIVEWAY APPROACHES AT VARIOUS LOCATIONS WITHIN THE CITY OF KETTERING (PROJECT NUMBERS 02-128E, 04-108, 04-408 AND 05-108)

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

Mr. Schwieterman explained this resolution declares the necessity of replacing curbs, sidewalks and driveway approaches on Cardington Road, Doddington Road, Abingdon Road, Old Lane Avenue, Whipp Road, Grist Mill Court, and at various locations where safety hazards exist within the City of Kettering.

There being no discussion on the motion, the following votes were recorded: Mrs. Lehner, Yea; Mr. Duke, Yea; Mr. Wanamaker, 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: 8410-08  
BY: MR. THOMPSON AND MR. KLEPACZ

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO ENTER INTO AN AGREEMENT FOR ADMINISTRATION OF EMS BILLING SERVICES

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

Mr. Schwieterman explained the current contract expires May 31, 2008.

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. Lehner, 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: 8411-08  
BY: MR. KLEPACZ AND MR. WANAMAKER

AUTHORIZING THE PURCHASE OF REAL PROPERTY COMMONLY KNOWN AS 2505 DELTA AVENUE

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

Mr. Schwieterman reported after purchase the structure on the property will be demolished and the property used to complete the extension of Eureka Avenue.

There being no discussion on the motion, the following votes were recorded: Mrs. Lehner, Yea; Mr. Duke, Yea; Mr. Wanamaker, 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: 8412-08  
BY: MR. WANAMAKER AND MR. DUKE

AUTHORIZING THE CITY MANAGER TO PAY FOR TUITION AND TO PURCHASE BOOKS AND TRAINING MATERIALS FROM SINCLAIR COMMUNITY COLLEGE FOR 2008 FIRE AND/OR EMS-RELATED TRAINING

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. Thompson, Yea; Mr. Klepacz, Yea; Mr. Wanamaker, Yea; Mr. Duke, Yea; Mrs. Lehner, 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: 8413-08  
BY: MR. DUKE AND MRS. LEHNER

AUTHORIZING THE CITY MANAGER TO APPLY FOR COMMUNITY GRANT FUNDS FROM THE DAYTON FOUNDATION

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

Mr. Schwieterman stated this resolution authorizes the City to submit a grant request application for funding to provide cell phones, direct connect and GPS capability for the Public Service vehicles.

There being no discussion on the motion, the following votes were recorded: Mrs. Lehner, Yea; Mr. Duke, Yea; Mr. Wanamaker, 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: 8414-08  
BY: MRS. LEHNER AND MR. THOMPSON

ACCEPTING THE RECOMMENDATIONS OF THE CITY OF KETTERING TAX INCENTIVE REVIEW COMMITTEE RESULTING FROM ITS 2007 ANNUAL ENTERPRISE ZONE PROGRAM AGREEMENT REVIEW.

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

Mr. Schwieterman explained the Tax Incentive Review Council reviewed Kettering's seven active Enterprise Zone Agreements and has recommended continuing four current agreements/abatements and terminating one current agreement. Two agreements have expired.

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. Lehner, 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: 8415-08  
BY: MR. THOMPSON AND MR. KLEPACZ

AUTHORIZING THE CITY MANAGER TO ACCEPT A \$2,500.00 DONATION FROM THE MLK BREAKFAST COMMITTEE.

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

Mr. Schwieterman stated this donation was awarded to assist in the operation of Camp Fantastic which is a free summer camp offered to youth at Greenmont and Kennedy Schools. The camps will be conducted by the Kettering Parks Department.

There being no discussion on the motion, the following votes were recorded: Mrs. Lehner, Yea; Mr. Duke, Yea; Mr. Wanamaker, 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: 8416-08  
BY: MR. KLEPACZ AND MR. WANAMAKER

TAKING ACTION IN CONNECTION WITH THE TAX INCENTIVE AGREEMENT WITH AMCO PRODUCTS.

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

Mr. Schwieterman explained at their annual meeting the City of Kettering Tax Incentive Review Council recommended termination of all tax incentive agreements between the City and AMCO Products, Inc.

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. Lehner, 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: 8417-08  
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, 2008.

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

Mr. Schwieterman explained this resolution will allow for appropriations for the Frazee Pavilion, CIP Fund and General Fund Transfers.

There being no discussion on the motion, the following votes were recorded: Mrs. Lehner, Yea; Mr. Duke, Yea; Mr. Wanamaker, 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: 8418-08  
BY: MR. DUKE AND MRS. LEHNER

AUTHORIZING THE SUBMISSION OF CITY OF KETTERING PROJECTS FOR THE ED/GE PROGRAM.

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

Mr. Schwieterman stated the application for Spring 2008 would include two projects; Kettering Medical Center Traffic Signals and NanoSpere – Production of Nanocomposites for Aerospace.

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. Lehner, 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: 8419-08  
BY: MRS. LEHNER AND MR. THOMPSON

AUTHORIZING THE SALE OF THE PROPERTY KNOWN AS 2425 DELTA AVENUE AND DECLARING SAME PROPERTY AS SURPLUS.

Mrs. Lehner 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: Mrs. Lehner, Yea; Mr. Duke, Yea; Mr. Wanamaker, 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

#### CERTIFICATIONS AND PETITIONS

CERTIFICATION: Planning Commission recommends approval of a requested amendment to Economic Development Overlay District #8 to allow the development of two small retail spaces on the Northeast Out-lot of the Arbor Commercial Center (Z.C. #879-08).

CERTIFICATION: Planning Commission recommends approval of the rezoning of Tannenberg Kennels located at 2625 East Stroop Road from an R-1 Suburban Residence District to Residential Development Overlay #1 (Z.C. 880-08).

Mrs. Gaw read the above Certifications and explained the public hearings for these requests will be held at the April 8, 2008 Council Meeting.

#### MANAGER'S REPORT

Mr. Mark Schwieterman, City Manager reported:

Speaker of the House – Jon Husted is holding a Citizen Forum Open House on March 28, 2008 from 8:00 – 11:30 a.m. in Conference Room #1 of the Kettering Government Center. All citizens are invited to attend. No appointment is necessary.

During Snow Removal – Snow Plows damaged some of the grassy areas next to the street during the recent heavy snow. He asked that citizens call the Public Service Department at 296-2472 if their properties were damaged and crews will come out and either re-sod or seed.

Mr. Bergstresser, Director of Engineering reported the City was awarded through the Miami Valley Regional Planning Commission, four federally funded projects. Dorothy Lane Resurfacing Project; Wilmington Pike Road Reconstruction Project; Traffic Signal Replacement Project on Eight Major Intersections and an Enhancement Project on East Stroop Road in front of the Town & Country Shopping Center. These projects total 11 million dollars. The Federal Government will fund 8 million.

#### OTHER BUSINESS NOT ON WRITTEN AGENDA

##### Communications and Reports

##### Audience Participation (5 Minute Limit Per Speaker)

Joseph Koussa, 1537 Beaver Creek Lane - He asked God to keep an eye on all of the military men and women throughout the world fighting for our safety and freedom. He prays for their safe return. He is disappointed that we have so many foreign made products in this country. If we all would come together and make enough noise we could bring the manufacturers back to the United States so that our citizens can find jobs.

#### COUNCIL COMMITTEE REPORTS

Mr. Thompson – No Report.

Mr. Klepacz – March is Healthy Youth Month. Council has been visiting various schools throughout this month and he has enjoyed each and every visit. They will be going to Fairmont High School tomorrow. He is excited about the donation to the MLK Breakfast Committee. This money will help to pay for the children's field trips while they are at camp. It was a very successful program last year. Kettering Medical Center Network and Limited Brands/Columbus are the major sponsors.

Mr. Wanamaker – On May 5, 2008 the City will conduct a spring leaf pickup throughout the City. He encouraged citizens to begin raking leaves to the street in April. The pickup process will go very quickly.

Mr. Duke – The Sister City Committee held their annual dinner last night. He represented the City today at the 711<sup>th</sup> Human Performance Wing event at Wright Patterson Air Force Base.

Mrs. Lehner – Expressed she also enjoyed visiting all of the area schools during Healthy Youth Month. She recognized and commended the youth in this community that were so involved in the many activities that were held throughout the month. Recently, Council went to We Care Arts and created artwork to sell at the upcoming Mayor's Ball. The artwork will be on display at the We Care Arts Ball on March 28, 2008.

Mayor Patterson – He commended all those involved in Healthy Youth Month. The many events held during the month were all well attended. On March 13, 2008 he represented the City during a bus trip to Detroit in support of the GM Plant in Moraine. He went with 23 other community leaders. Hats off to Moraine Mayor, Dave Hicks who put the trip together. The City will continue to support these jobs in our community.

There being no further business to come before this meeting of the Kettering City Council, Mayor Patterson adjourned the meeting at 8:47 p.m.

ATTEST:

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DONALD E. PATTERSON, MAYOR

Connie S. Gaw  
Clerk of Council