

KETTERING CITY COUNCIL  
REGULAR MEETING MINUTES  
May 12, 2009

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, May 12, 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 Wanamaker

Council Members Absent: Thompson (excused)

Total Members Present: Six (6)

There was a ceremony by the Kettering Police Department Color Guard. Mayor Patterson 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 and thanked these volunteers for their assistance.

APPROVAL OF MINUTES

April 28, 2009 - Regular and Workshop Meetings

Mr. Spolrich reported that he reviewed the above minutes and moved the minutes be approved. Mr. Klepacz seconded the motion and there being five (5) yea votes, one (1) abstain votes (Mayor Patterson) 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: Police Memorial Week – May 10 – 16, 2009

Mr. Wanamaker read the above Proclamation and same was accepted by Police Chief O'Dell.

PROCLAMATION: With Wings and A Halo – R.E.A.C.H. A Child Month – May 2009

Mr. Klepacz read the above Proclamation and same was accepted by Laura Lowe Everhart, Executive Director and Dave Crist, Assistant Executive Director of "With Wings and a Halo."

PROCLAMATION: Relay for Life Days – May 16 & 17, 2009

Mr. Duke read the above Proclamation and same was accepted by City staff, Ron Hundt and Addie Weaver.

PRESENTATION: Partners for Healthy Youth Advisory Board Project Update

Andrea White, Michael Cata and Allison Chabut with the Partners for Healthy Youth Advisory Board gave the presentation this evening. They gave Council an update of activities held at the Community Day of Service on April 25, 2009.

PUBLIC HEARINGS

PUBLIC HEARING - To amend the Land Use, Development and Zoning Provisions for Economic Development Overlay District No. 15 (Kettering Business Park) by permitting indoor recreational use in current Building No. 2 as a conditional use.

Mayor Patterson opened the public hearing.

Mr. Tom Robillard, Director of the Planning and Development Department gave the presentation this evening. He reported this request is an amendment that would permit

indoor recreation uses as a conditional use in Building No. 2. The text amendment would require a tenant and/or the City staff to submit a conditional use request to the Board of Zoning Appeals. However, even prior to that deliberative process staff would make a determination as to whether there would be any potential affects on surrounding properties. There is currently a baseball tenant and this will allow them to continue to use the facility during inclement winter months and will not impact neighboring properties.

Mayor Patterson asked for Council comments. None were heard.

Mayor Patterson asked for Public comments. None were heard.

Mayor Patterson closed the public hearing and stated a decision will be made at the May 26, 2009 Council Meeting.

### ORDINANCES IN SECOND READING

AN ORDINANCE  
NO: 4122-09  
BY: MR. DUKE AND MRS. SCHRIMPF

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. 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; Mayor Patterson, 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: 8633-09  
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 WILMINGTON PIKE-SMITHVILLE TO NORTH CORPORATION LINE RESURFACING PROJECT (PROJECT NO. 92-108o; ODOT PROJECT MOT WILMINGTON PIKE PHASE 2, PID 86191)

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

Mr. Schwieterman explained this project will involve the resurfacing of a section of Wilmington Pike. MVRPC has allocated funding for 100% of the cost of the project from the American Recovery and Reinvestment Act. Construction is scheduled for 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. Wanamaker, Yea; Mr. Klepacz, 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: 8634-09  
BY: MR. SPOLRICH AND MR. KLEPACZ

AUTHORIZING THE CITY MANAGER TO ENTER INTO ONE OR MORE AGREEMENTS FOR THE PURCHASE AND INSTALLATION OF ADDITIONAL SECURITY CAMERAS AT KETTERING MUNICIPAL COURT

Mr. Spolrich 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. Klepacz, Yea; Mr. Wanamaker, 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: 8635-09  
BY: MR. KLEPACZ AND MR. WANAMAKER

AUTHORIZING THE CITY MANAGER TO ACCEPT A \$2,500.00 GRANT FROM THE KETTERING PARKS FOUNDATION FOR OPERATION OF CAMP FUNTASTIC

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

Mr. Schwieterman explained this is a free summer camp offered to at risk youth. The Kettering Parks, Recreational and Cultural Arts Department will conduct the camp.

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; 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: 8636-09  
BY: MR. WANAMAKER AND MR. DUKE

AMENDING THE COMMUNITY DEVELOPMENT BLOCK GRANT ("CDBG") PROGRAM FOR FISCAL YEAR 2009 ("FY2009") AND AUTHORIZING THE CITY MANAGER TO ACCEPT 2009 CDBG ENTITLEMENT FUNDS FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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

Mr. Tom Robillard explained each year as a result of reconciling uncommitted funds available, encumbrances and program income received from the prior year, the CDBG program is amended. This resolution allows the City to accept the 2009 CDBG funding.

There being no discussion on the motion, the following votes were recorded: Mr. Klepacz, Yea; Mr. Wanamaker, Yea; Mr. Duke, Yea; Mrs. Schrimpf, Yea; Mr. Spolrich, Yea; 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: 8637-09  
BY: MR. DUKE AND MRS. SCHRIMPF

AUTHORIZING THE CITY MANAGER TO SEEK PROPOSALS AND TO ENGAGE IN COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR WIRELESS COMMUNICATION DEVICES AND SERVICES

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

Mr. Schwieterman explained this contract covers City cell phones, blackberries and direct connect devices.

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; 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: 8638-09  
BY: MRS. SCHRIMPF AND MR. SPOLRICH

AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS AND TO CONTRACT FOR THE 2009 SIDEWALK, CURB AND DRIVE APPROACH REPAIR PROGRAM (PROJECT NO. 05-109)

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

Mr. Schwieterman explained this program includes replacement of necessary curb, drive approaches and sidewalks and then resurfacing of streets at various locations throughout the City.

There being no discussion on the motion, the following votes were recorded: Mr. Klepacz, Yea; Mr. Wanamaker, Yea; Mr. Duke, Yea; Mrs. Schrimpf, Yea; Mr. Spolrich, Yea; 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: 8639-09  
BY: MR. SPOLRICH AND MR. KLEPACZ

AUTHORIZING THE CITY MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE OHIO DEPARTMENT OF DEVELOPMENT IN CONNECTION WITH THE CITY'S NEIGHBORHOOD STABILIZATION PROGRAM.

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

Mr. Robillard explained this agreement is the final step for the City to receive Neighborhood Stabilization Program funds from the Ohio Department of Development to assist in foreclosure mitigating measures in the City.

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; 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: 8640-09  
BY: MR. KLEPACZ AND MR. WANAMAKER

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

Mr. Schwieterman explained this resolution allows for the appropriation of monies from the Court Special Project Fund, and the Special Grants and Programs Fund.

There being no discussion on the motion, the following votes were recorded: Mr. Klepacz, Yea; Mr. Wanamaker, Yea; Mr. Duke, Yea; Mrs. Schrimpf, Yea; Mr. Spolrich, Yea; 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 AMEND THE LAND USE, DEVELOPMENT AND ZONING PROVISIONS FOR ECONOMIC DEVELOPMENT OVERLAY DISTRICT NO. 15 (KETTERING BUSINESS PARK) BY PERMITTING INDOOR RECREATIONAL USE IN CURRENT BUILDING NO. 2 AS A CONDITIONAL USE.

Mr. Wanamaker read the above ordinance in first reading. The ordinance will appear on the May 26, 2009, Council meeting agenda for second reading.

AN ORDINANCE  
NO: 4123-09  
BY: MR. DUKE AND MRS. SCHRIMPF

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN AN AGGREGATE PRINCIPAL AMOUNT OF \$12,300.000 FOR THE PURPOSE OF IMPROVING THE CITY'S RECREATION AND PARK FACILITIES BY CONSTRUCTING, EQUIPPING AND FURNISHING THE EXPANSION, ADDITION AND RENOVATION OF THE RECREATION CENTER AND BY IMPROVING VARIOUS PARKS BY PROVIDING EQUIPMENT, RECREATIONAL FACILITIES AND SITE IMPROVEMENTS FOR RECREATIONAL PURPOSES, AND DECLARING AN EMERGENCY

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

Mr. Schwieterman explained this ordinance provides for the issuance and sale of bonds in an aggregate principal amount for the purpose of improving the City's recreation and park facilities.

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; Mayor Patterson, Yea. There being six (6) Yea votes, and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

CERTIFICATIONS AND PETITIONS

MANAGER'S REPORT

Mr. Schwieterman, City Manager reported:

- National Police Memorial Week – Annual Memorial Service, May 13, 2009 at 3:00 p.m. on the Government Center Plaza.
- Kettering Leadership Academy Graduation – Thursday, May 14, 2009.
- Kettering Relay for Life – May 16 and 17, 2009 at Delco Park.
- Clean Sweep Neighborhood Meetings – Tuesday May 12, 2009 at Berwin Park and Thursday, May 14, 2009 at State Farm Park.
- Older Americans Month – May 2009 – Various senior home visits scheduled throughout the month.
- Community Block Party, May 27, 2009 from 5:30 – 8:00 at the Lincoln Park Civic Commons.
- Homestead reduction deadline is June 1, 2009. Anyone 65 years or older during 2009 can apply.
- Mini Grand Prix Car Show – May 23, 2009 at Lincoln Park Civic Commons from 11:00 – 4:00. Lincoln Park Blvd. from Shroyer to Isaac Prugh will be closed.
- New Waste Management contract programs begin July 1, 2009. If residents have questions they can call 299-trash.

OTHER BUSINESS NOT ON WRITTEN AGENDACommunications and ReportsAudience Participation (5 Minute Limit Per Speaker)COUNCIL COMMITTEE REPORTS

Mr. Duke – Reported this is the Kettering Leadership Academy's fifth graduating class. Steve Bergstresser, Engineering Director is one of this year's graduates. Mr. Duke recently attended Kettering Medical Center's unveiling of their new Gamma Knife. There are only two in the State of Ohio. The knife is used for brain tumors and is an amazing piece of equipment. He recently attended O'Reilly's Auto Parts grand opening and Ribbon Cutting on Wilmington Pike. He also attended a retreat for the First Tier Suburbs programs. They looked at where we are going as a first tier community. They put together an agenda for the next three years.

Mrs. Schrimpf – Happy Birthday to Kettering resident Katie Dierkers who turns 90 today. She still gets up every morning and walks at the Kettering Recreation Center walking track. Welcome to Lynn's Daytime Donuts, a newly opened business in the Wilmington Heights Shopping Center. She recently attended a fundraiser for We Care Arts "An Evening at the Races." She has enjoyed visiting the many senior events over the last couple of weeks

Mr. Spolrich – He expressed that he is impressed with the "Kettering Connection" document that is passed out at each senior event. The Kettering Connection is located in the Town and Country Shopping Center. If seniors have questions they can visit or call them for answers. Attended the Alter High School performance of Grease last week. The kids did an outstanding job. He thanked Alter and Fairmont students for paying attention to what they were doing on prom night. There were no reported accidents or incidents. Tonight's posting of the colors by the Kettering Police Department is the reason we show respect to our flag. It shows our patriotism.

Mr. Klepacz – Stated that when he was at the O'Reilly Auto Parts Ribbon Cutting the representative from their regional office told him that every time they opened a new store they make a donation to a local charity. Goodwill received this donation.

Mr. Wanamaker – Reported that he received the program for this year's Frazee events. He is very impressed with all the acts and it look like it is going to be another great season.

Mayor Patterson – The Kettering Mayor's Ball was a great success because of all the hard work of many people. He thanked Reynolds and Reynolds for the use of their facilities for the Ball. The Kettering Education received \$25,000 from the Ball. Reynolds and Reynolds Foundation contributed another \$5,000. Kettering J.C.'s

Foundation gave them \$50,000. Next year SICSA has been chosen as the Charity for the Mayor's Ball. Plans are already being made for next year's event. He thanked Vice Mayor Duke for running the April 28, 2009 Council meeting while he attended the 2009 Washington D.C. Community Fly-in. On May 1, 2009 he attended activities for the Kettering Fairmont High School Youth in Government Day. Students held a mock City Council Meeting at the Government Center. Congratulation to Kettering City Schools, their levy passed by 77%. It continues to amaze him the continued support of this community. With these economic times everyone is doing more with less. He thanked the residents of Kettering. Several senior events are being held throughout the month. Vickie Carraher does a great job of putting these events together. It is nice to spend time with the senior residents of the community.

At 8:49 p.m. Mayor Patterson asked for a motion to go into executive session pursuant to Section 121.22 of the Ohio Revised Code for the purposes of a conference with the Law Director regarding pending or imminent litigation and to consider the appointment, employment or compensation of a public employee. A motion was made by Mr. Klepacz and seconded by Mr. Duke. The motion was unanimously approved by a roll call vote.

At 9:45 p.m. Mrs. Schrimpf made a motion for City Council to come out of executive session and open into regular session. Mr. Wanamaker seconded this motion. The motion was unanimously approved.

There being no further business to come before this meeting of the Kettering City Council, Mayor Patterson adjourned the meeting at 9:46 p.m.

ATTEST:

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DONALD E. PATTERSON, MAYOR

Connie S. Gaw  
Clerk of Council