

KETTERING CITY COUNCIL  
REGULAR MEETING MINUTES  
November 10, 2009

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, November 10, 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, Klepacz, Schrimpf, Spolrich, Thompson and Wanamaker

Council Members Absent: Duke (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, Bill Greger, Earl Jones and John Golub and welcomed pages, Josh Garst and Kelsey Reinert from St. Charles School. He thanked these volunteers for their assistance.

APPROVAL OF MINUTES

October 27, 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

PUBLIC HEARINGS

ORDINANCES IN SECOND READING

RESOLUTIONS

A RESOLUTION

NO: 8718-09

BY: MRS. SCHRIMPF AND MR. SPOLRICH

AUTHORIZING THE CITY MANAGER TO ENTER INTO ONE OR MORE  
CONTRACTS TO PRE-PURCHASE NATURAL GAS AT A FIXED RATE FOR  
THE KETTERING RECREATION COMPLEX

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

Mr. Tom Glardon, Facilities Director explained this will allow the City to pre-purchase natural gas specifically for the Kettering Recreation Center for the period of November, 2009 through October 2010.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Schrimpf, 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: 8719-09  
BY: MR. THOMPSON AND MR. KLEPACZ

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE PURCHASE OF FIRE DEPARTMENT BUNKER GEAR TO REPLACE GEAR THAT HAS REACHED THE 10-YEAR LIFE EXPECTANCY

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

Mr. Schwieterman reported this purchase would allow for replacement of gear for 22 persons whose current gear has reached the 10-year life expectancy for safety per NFPA standards.

There being no discussion on the motion, the following votes were recorded: Mr. Thompson; Yea; Mr. Klepacz, Yea; Mr. Wanamaker, 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: 8720-09  
BY: MR. THOMPSON AND MR. KLEPACZ

AUTHORIZING THE CITY MANAGER TO APPLY FOR FEDERAL EARMARK FUNDS FOR THE KETTERING BUSINESS PARK – SITE PREPARATION AND INFRASTRUCTURE PROJECT

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

Mr. Gregg Gorsuch, Economic Development Manager explained this resolution authorizes the City to submit a Priority Application to the Dayton Development Coalition and a more complete follow up application to our congressional representative for Federal Earmark Funds for the Kettering Business Park Redevelopment - Site Preparation and Infrastructure Project.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Schrimpf, 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: 8721-09  
BY: MR. KLEPACZ AND MR. WANAMAKER

AUTHORIZING THE CITY MANAGER TO ACCEPT ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT FUNDS FORM THE U.S. DEPARTMENT OF ENERGY

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

Mr. Schwieterman explained this resolution allows for the acceptance of Energy Efficiency and Conservation Block Grant Funds to be used for energy efficiency upgrades in the Government Center, energy audits for low and moderate-income residents and general grant administration.

There being no discussion on the motion, the following votes were recorded: Mr. Thompson; Yea; Mr. Klepacz, Yea; Mr. Wanamaker, 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: 8722-09  
BY: MR. WANAMAKER AND MRS. SCHRIMPF

AUTHORIZING THE CITY MANAGER TO SUBMIT THE ONE-YEAR ACTION PLAN AND EXECUTE THE REQUIRED CERTIFICATIONS TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO ENABLE THE CITY TO RECEIVE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME FUNDS FOR PROGRAM YEAR 2010

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

Mr. Tom Robillard, Planning and Development Director explained each year the City is required to submit an action plan that outlines the activities that will be undertaken with Community Development Block Grant funds for the following year.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Schrimpf, 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: 8723-09  
BY: MRS. SCHRIMPF AND MR. SPOLRICH

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR THE PURCHASE OF 2535 DUNHILL PLACE AND APPROVING THE PURCHASE OF SAID PROPERTY

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

Mr. Tom Robillard explained this is the first purchase to be made from the State of Ohio Neighborhood Stabilization Funds the City received earlier this year. The funds are to be used to address the neighborhood issues caused by the vacancy and foreclosure crisis.

There being no discussion on the motion, the following votes were recorded: Mr. Thompson; Yea; Mr. Klepacz, Yea; Mr. Wanamaker, 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: 8724-09  
BY: MR. SPOLRICH AND MR. THOMPSON

TO REMAND BZA CASE NO. 4006 TO THE BOARD OF ZONING APPEALS FOR FURTHER PROCEEDINGS

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

Mr. Hundt explained this resolution involves the Planning and Development Department's appeal of the Board of Zoning Appeals decision made on October 26, 2009 in Case No. 4006. When the Board of Zoning Appeals approved the case, the motion for approval used the City staff report as a preamble to its decision. This means the BZA approved the request, but the approval was made with a written record indicating that only three of the required five variance standards were met and satisfied. Therefore, from a procedural view the BZA did not correctly approve the requested variances in this case. He asked this case be remanded back to the BZA for further proceedings.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Schrimpf, 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: 8725-09

BY: MR. THOMPSON AND MR. KLEPACZ

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

Police Chief O'Dell explained this supplemental appropriation is for two Law Enforcement Grants. The first being a Justice Assistance Grant that will reimburse the City for equipment expenditures relative to accident and criminal investigations, operational equipment and community relations. The second is for the acceptance of a Byrne Memorial Justice Assistance Grant. This grant will reimburse the City for equipment expenditures related to criminal investigations and patrol operations.

There being no discussion on the motion, the following votes were recorded: Mr. Thompson; Yea; Mr. Klepacz, Yea; Mr. Wanamaker, 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.

#### ORDINANCES IN FIRST READING

#### CERTIFICATIONS AND PETITIONS

#### MANAGER'S REPORT

Mr. Mark Schwieterman, City Manager reported:

- Kettering Police Department – accepts its seventh re-accreditation from the Commission on Accreditation for Law Enforcement Agencies on November 21, 2009. The Kettering Police Department has also been named a flagship agency for the second consecutive time. Congratulations to Ohio's Finest.
- Leaf pickup has begun. Crews are in the second of three passes through the City. For additional information citizens can call the leaf hotline at 296-3255.
- Tenant Landlord Panel Discussion - Wednesday November 18, 2009 from 7:00 – 9:00 p.m. at the Kettering Government Center.
- Board of Community Relations – Two volunteer board positions are currently vacant. Applicants can call the Council Office at 296-2416 for more information or application.
- Government Center Closed for Thanksgiving Holiday on November 26, and 27, 2009. No trash pickup on Thanksgiving Day.
- Mayors Christmas Tree Lighting – Friday, December 4, 2009 from 6:00 – 8:00 p.m. The tree lighting is at 6:30 p.m.
- He thanked staff for their support of this year's United Way Campaign.

#### OTHER BUSINESS NOT ON WRITTEN AGENDA

##### Communications and Reports

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

Joseph Koussa, 1537 Beaver Creek Lane – He had an operation to remove his prostate two months ago and that is why he has not been attending Council meetings. People have been asking him why he has not been attending. He wanted everyone to know he is doing well.

COUNCIL COMMITTEE REPORTS

Mrs. Schrimpf – On October 29, 2009 she attended the Ribbon of Hope Luncheon. On October 30, 2009, attended a ribbon cutting for Beautiful Me. Attended the We Care Arts Holiday Festival on November 7, 2009. On November 8, 2009 she attended the Open House for the Regional Sculpture Competition at Rosewood Art Gallery. The gallery exhibit will be on display until December 11, 2009.

Mr. Spolrich – Reminded citizens to take advantage of the “Avenue of Flags” project. It would be an excellent Christmas gift that will support the community. He congratulated all those elected throughout the region in last week’s election. He thanked Council and others that helped to support his campaign. It has been a privilege to support the Kettering citizens over the last four years. Community service is good and important work that meets community needs. He has been committed to doing this for the citizens of Kettering. It is now time for him to move on to new activities and new adventures.

Mr. Thompson – Expressed he has enjoyed working with Mr. Spolrich over the last four years. He still has a few more meetings to attend. He congratulated the Police Department on their re-accreditation. They are truly “Ohio Finest.”

Mr. Klepacz – He also attended the “Beautiful Me” ribbon cutting ceremony. This business assists women with cosmetic challenges due to cancer. He attended the re-grand opening and ribbon cutting events for Carousel Beauty College and Alternate Solutions. He reminded citizens to attend the BCR Tenant Landlord Workshop on November 18, 2009. The Martin Luther King Breakfast is just around the corner. He had breakfast with Jim Trent who was recently release from the hospital. Mr. Trent is feeling much better.

Mr. Wanamaker – He stated it has been an honor and privilege to serve with Mr. Spolrich on Council. He wishes him the best of luck. The Fairmont Spirit Fundraiser was very successful, raising over \$53,000.00 to support the backpack program and Habitat to Humanity. He recently received an email from a citizen praising Kettering for doing such a great job of transforming old neighborhoods in this community. The writer indicated he has been riding his bike through these neighborhoods and is able to notice many of the improvements, much more than when you drive through the neighborhoods in a car.

Mayor Patterson –. He attended the Ribbon of Hope Luncheon and the Kettering Medical Center “Real Men Wear Pink” Program. On October 30, 2009, attended the Ohio Committee on Local Government Reform Public Hearing. Also on October 30, 2009 he read a proclamation and judged Halloween costumes at the Kettering Rotary 5k Run. Attended the re-grand opening of Carousel Beauty College and Alternate Solutions and expressed congratulations to both businesses. On behalf of MVRPC he welcomed a group for their Complete Streets Forum. On Friday, November 6, 2009, attended the City of Kettering Volunteer Luncheon at the Presidential Banquet Center. This year’s volunteers saved the City approximately \$700,000 dollars because people were willing to step up and volunteer. He thanked all of the City volunteers. Tomorrow, November 11, 2009 he will attend the National College Veterans Day Dedication event. He congratulated the Kettering Police Department on their re-accreditation and thanked Chief O’Dell for providing great leadership. The Avenue of Flags is a great program because you don’t have to worry about putting the flag out or taking it in at the end of the day. He expressed that Mr. Spolrich has been a great community supporter and cheerleader. The things Mr. Spolrich has accomplished with Kettering youth, the school system and Holiday at Home makes this community a better place. Congratulations to Mrs. Schrimpf and Mr. Webb for winning Council positions in the recent election. This Council will continue to do the best job possible for the community.

There being no further business to come before this meeting of the Kettering City Council, Mayor Patterson adjourned the meeting at 8:25 p.m.

ATTEST:

Connie S. Gaw, Clerk of Council

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DONALD E. PATTERSON, MAYOR