

KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
November 24, 2009

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, November 24, 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 welcomed page, Samantha Murdock from Kettering Fairmont High School. He thanked these volunteers for their assistance.

APPROVAL OF MINUTES

November 10, 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 one (1) abstain vote, 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: 8726-09

BY: MRS. SCHRIMPF AND MR. SPOLRICH

AUTHORIZING THE CITY MANAGER TO CONTRACT WITH PUBLIC SAFETY
HEALTH AND WELLNESS TO ADMINISTER TESTING, EXAMS,
SCREENINGS AND VACCINATIONS FOR FIRE DEPARTMENT MEMBERS

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. 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: 8727-09
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 PUBLIC SAFETY DISPATCHERS UNIT OF THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC.

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: 8728-09
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 Resolution will allow for appropriations for the Law Department; Planning & Development Department; Police Department; Fire Department; Transfer to Other Funds; Street Maintenance Fund, Police Pension Fund and the EMS Fund

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

AN ORDINANCE

TO AMEND THE TRAFFIC CONTROL MAP AND THE TRAFFIC CONTROL FILE OF THE CITY OF KETTERING, OHIO TO SHOW THE REMOVAL OF TRAFFIC SIGNS ON VARIOUS STREETS AND AVENUES IN THE CITY OF KETTERING, OHIO

- A. THE TRAFFIC CONTROL DEVICES AUTHORIZED BY ORDINANCE NUMBER 3671-95, SECTION 1(B), [WHICH READS "NO PARKING SCHOOL DAYS LINCOLN PARK BOULEVARD, NORTH SIDE, FOR 100 FEET BEGINNING 200 FEET EAST OF WALTHAM AVENUE AND ENDING 300 FEET EAST OF WALTHAM AVENUE"], SHALL BE REMOVED AND SAID SECTION OF SAID ORDINANCE SHALL BE AND HEREBY IS FULLY RESCINDED AND REPEALED.

Mr. Thompson read the above ordinance in first reading. The ordinance will appear on the December 8, 2009, Council meeting agenda for second reading.

AN ORDINANCE

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

- A. COUNTY LINE AND TONAWANDA TRAIL
- B. SOUTHERN BOULEVARD AND BLOSSOM HEATH ROAD
- C. SOUTHERN BOULEVARD AND KETTERING MEDICAL CENTER-MAIN ENTRANCE

Mr. Klepacz read the above ordinance in first reading. The ordinance will appear on the December 8, 2009, Council meeting agenda for second reading.

AN ORDINANCE

TO AMEND SECTION 139-02 OF THE CODIFIED ORDINANCES OF THE CITY OF KETTERING

Mr. Wanamaker read the above ordinance in first reading. The ordinance will appear on the December 8, 2009, Council meeting agenda for second reading.

Mayor Patterson excused himself from voting on the next eight emergency ordinances due to a possible conflict of interest. He turned the meeting over to Vice Mayor Duke.

Mr. Spolrich made a motion to amend the agenda by removing the ordinance related to Project Parcels 3WD and 3T that is currently Agenda Item No. 9, and replacing that ordinance with another ordinance related to Project Parcels 26WD and 26T. Both the removed ordinance and the replacing ordinance are in connection with the Dorothy Lane and Wilmington Pike Improvement Project.

AN EMERGENCY ORDINANCE

NO: 4136-09

BY: MRS. SCHRIMPF AND MR. SPOLRICH

TO APPROPRIATE PROJECT PARCELS "2AWD" AND "2AT" FOR THE DOROTHY LANE AND WILMINGTON PIKE INTERSECTION IMPROVEMENT PROJECT IN THE CITY OF KETTERING AND TO DECLARE AN EMERGENCY

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

Mr. Schwieterman explained this ordinance and the next seven ordinances are emergency ordinances to appropriate the parcels because of the timing of acquisition of the property interests and the project processes immediately following the acquisition are very critical for the funding of this project.

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

AN EMERGENCY ORDINANCE

NO: 4137-09

BY: MR. SPOLRICH AND MR. THOMPSON

TO APPROPRIATE PROJECT PARCELS "2WD" AND "2T" FOR THE DOROTHY LANE AND WILMINGTON PIKE INTERSECTION IMPROVEMENT PROJECT IN THE CITY OF KETTERING AND TO DECLARE AN EMERGENCY

Mr. Spolrich read the above emergency ordinance 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. Wanamaker, Yea; Mr. Klepacz, Yea; Mr. Thompson, Yea; Vice Mayor Duke, Yea. There being six (6) Yea votes, and no (0) Nay votes, the motion was declared carried and the emergency ordinance duly adopted.

AN EMERGENCY ORDINANCE
NO: 4138-09
BY: MR. THOMPSON AND MR. KLEPACZ

TO APPROPRIATE PROJECT PARCELS "26WD" AND "26T" FOR THE DOROTHY LANE AND WILMINGTON PIKE INTERSECTION IMPROVEMENT PROJECT IN THE CITY OF KETTERING AND TO DECLARE AN EMERGENCY

Mr. Thompson read the above emergency ordinance 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; Mrs. Schrimpf, Yea; Mr. Spolrich, Yea; Vice Mayor Duke, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the emergency ordinance duly adopted.

AN EMERGENCY ORDINANCE
NO: 4139-09
BY: MR. KLEPACZ AND MR. WANAMAKER

TO APPROPRIATE PROJECT PARCELS "4WD-1" AND "4WD-2", 4T-1" AND "4T-2" FOR THE DOROTHY LANE AND WILMINGTON PIKE INTERSECTION IMPROVEMENT PROJECT IN THE CITY OF KETTERING AND TO DECLARE AN EMERGENCY

Mr. Klepacz read the above emergency ordinance 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. Wanamaker, Yea; Mr. Klepacz, Yea; Mr. Thompson, Yea; Vice Mayor Duke, Yea. There being six (6) Yea votes, and no (0) Nay votes, the motion was declared carried and the emergency ordinance duly adopted.

AN EMERGENCY ORDINANCE
NO: 4140-09
BY: MR. WANAMAKER AND MR. DUKE

TO APPROPRIATE PROJECT PARCELS "5WD" AND "5T" FOR THE DOROTHY LANE AND WILMINGTON PIKE INTERSECTION IMPROVEMENT PROJECT IN THE CITY OF KETTERING AND TO DECLARE AN EMERGENCY

Mr. Wanamaker read the above emergency ordinance 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; Mrs. Schrimpf, Yea; Mr. Spolrich, Yea; Vice Mayor Duke, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the emergency ordinance duly adopted.

AN EMERGENCY ORDINANCE
NO: 4141-09
BY: MRS. SCHRIMPF AND MR. SPOLRICH

TO APPROPRIATE PROJECT PARCELS "14WD" AND "14T-1" AND "14T-2" FOR THE DOROTHY LANE AND WILMINGTON PIKE INTERSECTION IMPROVEMENT PROJECT IN THE CITY OF KETTERING AND TO DECLARE AN EMERGENCY

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

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

AN EMERGENCY ORDINANCE
NO: 4142-09
BY: MR. SPOLRICH AND MR. THOMPSON

TO APPROPRIATE PROJECT PARCELS "16WD" AND "16T" FOR THE DOROTHY LANE AND WILMINGTON PIKE INTERSECTION IMPROVEMENT PROJECT IN THE CITY OF KETTERING AND TO DECLARE AN EMERGENCY

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

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

AN EMERGENCY ORDINANCE
NO: 4143-09
BY: MR. THOMPSON AND MR. KLEPACZ

TO APPROPRIATE PROJECT PARCELS "66WD" AND "66T" FOR THE DOROTHY LANE AND WILMINGTON PIKE INTERSECTION IMPROVEMENT PROJECT IN THE CITY OF KETTERING AND TO DECLARE AN EMERGENCY

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

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

Mayor Patterson returned to the meeting.

CERTIFICATIONS AND PETITIONS

MANAGER'S REPORT

Mr. Mark Schwieterman, City Manager reported:

- 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.
- 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.
- Giving Tree Holiday Gift Donation Program – In the process of filling requests.
- Christmas at Polen Farms – December 5, 2009, 10:00 – 5:00 and December 6, 2009, 11:00 – 5:00.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Communications and Reports

Audience Participation (5 Minute Limit Per Speaker)

Ryan Lynch 2972 Oakland Avenue – He recently sent concerns about his neighborhood to City Staff. They are having a lot of problems with Wal-Mart and the RTA Bus Stops. Also issues with Section 8 Housing. There are 20 bus stops within one-half mile of Wal-Mart. Mr. Schwieterman has agreed to have a meeting with him and a community meeting in the future, possibly the week of December 14th at Community Golf Center. He hopes for a good conversation and that they can get their problems resolved.

Mayor Patterson thanked him for his comments and stated he felt they should meet with Mr. Lynch prior to the public meeting. It will be easier to address his questions if they know all his concerns. He asked him to call Mr. Schwieterman to set up a time to talk.

Mr. Lynch replied he feels this is also a Moraine issue and he hopes to get City Staff from Moraine to also attend the Community meeting.

COUNCIL COMMITTEE REPORTS

Mr. Thompson – Remember the Service Men and Women during the Thanksgiving Holiday.

Mr. Klepacz – The Tenant Landlord Workshop was very successful. Around 100 people attended. On November 21, 2009 he attended the Open House at 2425 Delta Avenue. This was the house constructed by the Fairmont High School Construction Trade Students. He urged residents to go over and take a look. It is interesting because they used a lot of recycled materials. It is an energy efficient “Green” house. He attended the 23rd Annual Mid-East Cross Country Championship at Indian Riffle Park. Ninety-Six athletes from Ohio, Michigan and Indiana participated in this event.

Mr. Wanamaker – No Report.

Mr. Duke – The Sister City Committee has several volunteer openings on their committee. For an application call 296-2416. He thanked Council for their support over the past month while he was out for back surgery.

Mrs. Schrimpf – She expressed good luck to the Alter Knights. She thanked the JFK Elementary Students for putting on a wonderful Thanksgiving Program today. It was a delightful event.

Mr. Spolrich – Urged residents to support the Giving Tree Program. They have until December 4, 2009 to turn in gifts or donate money. Please take a tag and support the children of our community. He reminded everyone to recycle, volunteer and “buy” Kettering this Christmas season. Happy Thanksgiving.

Mayor Patterson – On November 11, 2009 he attended the Optimist Youth Celebration. 100 plus people attended this great event. Also on November 11th he attended the flag dedication and Veterans Day celebration at National College. On November 12, 2009 he attended an educational class for the Kettering Leadership Academy. On November 16, 2009 he read a Proclamation for a Time Warner event at Carillon Park that encouraged youth to pursue science and math careers. On November 17, 2009 he attended the Dayton Regional Rally at the UD Arena. On November 20, 2009 he attended the Sugar Plum Festival of Trees and was honored to be a judge. He attended the JFK Elementary Thanksgiving Program today. The kids did a wonderful job and he enjoyed it very much. Congratulations to the Alter Knights

and good luck on their Saturday game. He wished everyone a happy and safe Thanksgiving.

There being no further business to come before this meeting of the Kettering City Council, Mayor Patterson adjourned the meeting at 8:31 p.m.

ATTEST:

DONALD E. PATTERSON, MAYOR

Connie S. Gaw, Clerk of Council