

KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
October 13, 2009

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, October 13, 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, Bill Gray, Earl Jones and Joe McKenzie. He welcomed pages Marissa Fine and Jacob Vanleeuwen from Van Buren Middle School and thanked these volunteers for their assistance.

Mayor Patterson then moved to amend the agenda to add one resolution and to retain, but move four pieces of legislation from one location to another on the agenda; all as set forth in the amended agenda distributed earlier this evening in Council's Workshop Session. Mr. Duke seconded this request. Motion was carried by unanimous vote.

APPROVAL OF MINUTES

September 22, 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

PROCLAMATION – National Breast Cancer Awareness Month – October 2009

Mrs. Schrimpf read the above Proclamation. Mayor Patterson expressed this Proclamation will be placed in the Government Center lobby throughout the month of October.

PRESENTATION - Relay for Life – 2009 Update

Jon Thalman, 2009 – 2010 Tri-Chairperson thanked everyone for supporting and participating in the 2009 Relay for Life. It was a very successful year, with net earnings of \$94,000.00. Next years walk will be held on May 15 & 16, 2010 at Delco Park.

AUGUST/SEPTEMBER NEIGHBORHOOD PRIDE AWARD WINNERS:

Carol Dickerson, Co-Chairperson of the Neighborhood Pride Committee congratulated the June and July Neighborhood Pride Award winners. She then showed a video presentation of all of the homes that had won an award.

AUGUST 2009

Dean & Kathleen Pocius, 1520 Flesher Ave.
Michael & Cynthia Blankenship, 2906 Kerwood
Deborah Getter, 4406 Woodbank Dr.
Ronald & Sandra Stacy, 5698 Shadow Oaks Pl.
Marcy Ann Nangle, 2849 Winton Dr.
Mary Rasper, 3468 Oakmont
Christin Dickerson, 1005 Chateau Dr.
Kenneth & Kathleen Stechschulte, 3174 Lenox Dr.
Daniel & Catherine Godale, 4498 Lotz Rd.

SEPTEMBER 2009

Melissa Smith, 1919 Malcom Dr.
Janice Kendig, 1551 Glenn Abbey Dr.
Bob & Jackie Luther, 2916 Swigart Rd.
Saverio & Ascelsa La Forges, 2500 Parklawn Dr.
Kathleen Howard, 2764 Winton Dr.
Bill Norman & Mary Ryan, 517 Oakview Dr.
James & Mary Madden, 5090 Jameswood Cir.
Jerry & Ann Edwards, 3090 Fairmont Ave.
Leslie & Mary Anne Parker, 435 Timberlea Tr.

Marcia Mills, 3765 Elmira Dr.
John & Rosemary Brothers, 2500 Adirondack Trl.
Nancy Roberson Law, 1225 E. David Rd.

Scott & Libby Finefrock, 3150 Wrenford St.
Terry & Kimberley Adkins, 1315 Upson Pl.
St. Charles Elementary School, 4500 Ackerman Blvd.

Following the video presentation, Ms. Dickerson called each of the award winners to the podium to present them with a certificate and each had their picture taken with the Mayor.

The Mayor congratulated Ms. Dickerson and the Neighborhood Pride Committee for another very successful season.

PUBLIC HEARINGS

ORDINANCES IN SECOND READING

RESOLUTIONS

A RESOLUTION

NO: 8707-09

BY: MR. DUKE AND MRS. SCHRIMPF

SUPPORTING PASSAGE OF DAYTON METRO LIBRARY ISSUE 40 ON THE
BALLOT IN NOVEMBER 2009

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: 8708-09

BY: MRS. SCHRIMPF AND MR. SPOLRICH

SUPPORTING PASSAGE OF THE FIVE RIVERS METROPARKS ISSUE ON
THE BALLOT NOVEMBER 3, 2009, FOR THE PURPOSE OF PRESERVING
OUR PARKS AND NATURAL AREAS IN MONTGOMERY COUNTY

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: 8709-09

BY: MR. SPOLRICH AND MR. THOMPSON

TO AUTHORIZE AN INCREASE IN 2009 EXPENDITURES FOR
ALCOHOLIC BEVERAGES AT FRAZE PAVILION

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

Mr. Schwieterman explained the increased amount was offset by concession revenue.

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: 8710-09

BY: MR. THOMPSON AND MR. KLEPACZ

ACCEPTING THE RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING SAME TO THE MONTGOMERY COUNTY AND GREENE COUNTY AUDITORS

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

Mr. Schwieterman explained Montgomery County and the Ohio Revised Code require this resolution annually each year. This does not represent any new or increase in taxes.

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: 8711-09

BY: MR. KLEPACZ AND MR. WANAMAKER

AUTHORIZING THE CITY MANAGER TO GRANT JERRY L. FINLEY AN ADVANCE OF SICK LEAVE HOURS, SUCH THAT HIS SICK LEAVE BALANCE SHALL NOT EXCEED A NEGATIVE BALANCE OF THREE HUNDRED (300) HOURS

Mr. Klepacz read the above resolution 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. 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: 8712-09

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, 2009

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

Mr. Schwieterman explained this resolution will allow for appropriations from the CIP Program related to the East Stroop Rd, Far Hills to Shroyer Resurfacing Project.

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: 8713-09
BY: MR. DUKE AND MRS. SCHRIMPF

TO AMEND THE CITY OF KETTERING'S 2009 DOWN PAYMENT ASSISTANCE PROGRAM GUIDELINES

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.

Mayor Patterson excused himself from voting on the next three resolutions and one emergency ordinance due to a possible conflict of interest. He turned the meeting over to Vice Mayor Duke.

A RESOLUTION
NO: 8714-09
BY: MRS. SCHRIMPF AND MR. SPOLRICH

AUTHORIZING THE CITY MANAGER TO ENTER INTO ONE OR MORE AGREEMENTS TO PURCHASE REAL PROPERTY INTERESTS IDENTIFIED AS PARCELS 15WD AND 15T OF THE DOROTHY LANE AND WILMINGTON PIKE INTERSECTION IMPROVEMENT PROJECT; SAID ACQUISITION FOR PERMANENT AND TEMPORARY RIGHT OF WAY PURPOSES (CITY PROJECT NO. 02-102I, ODOT PID 81024).

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

Mr. Bergstresser, Engineering Director explained this resolution and the next would allow for the purchase of property for the Dorothy Lane and Wilmington Pike Intersection Improvement 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 resolution duly adopted.

A RESOLUTION
NO: 8715-09
BY: MR. SPOLRICH AND MR. THOMPSON

AUTHORIZING THE CITY MANAGER TO ENTER INTO ONE OR MORE AGREEMENTS TO PURCHASE REAL PROPERTY INTERESTS IDENTIFIED AS PARCELS 64WD AND 64T OF THE DOROTHY LANE AND WILMINGTON PIKE INTERSECTION IMPROVEMENT PROJECT, SAID ACQUISITION FOR PERMANENT AND TEMPORARY RIGHT OF WAY PURPOSES (CITY PROJECT NO. 02-102I, ODOT PID 81024).

Mr. Spolrich 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: 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 resolution duly adopted.

A RESOLUTION
NO: 8716-09
BY: MR. THOMPSON AND MR. KLEPACZ

AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENT AMENDMENTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION ("ODOT") FOR ADMINISTRATION OF THE EAST DOROTHY LANE AND WILMINGTON PIKE INTERSECTION IMPROVEMENT PROJECT (CITY PROJECT NO. 02-102I, ODOT PROJECT MOT-DOROTHY/WILMINGTON, PID 81024)

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

Mr. Bergstresser explained this project was selected by the Miami Valley Regional Planning Commission to receive Federal Economic Stimulus funds for construction in 2010. This resolution will allow the City to enter into an amended agreement with ODOT that reflects the new stimulus funding.

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 resolution duly adopted.

ORDINANCES IN FIRST READING

AN EMERGENCY ORDINANCE
NO: 4134-09
BY: MR. KLEPACZ AND MR. WANAMAKER

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

Mr. Bergstresser explained this ordinance is an emergency ordinance to appropriate the parcels to ensure ODOT funding is not withdrawn and there is no increase in construction costs.

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 resolution duly adopted.

Mayor Patterson returned to the meeting.

AN ORDINANCE

LEVYING A SIX MILL TAX FOR ALL PURPOSES OF THE CITY UPON THE TAX LISTS OR DUPLICATES OF PROPERTY ASSESSED AND LISTED FOR TAXATION ACCORDING TO VALUE IN THE CITY

Mr. Wanamaker read the above ordinance in first reading. The ordinance will appear on the October 27, 2009, Council meeting agenda for second reading.

Mr. Schwieterman explained this is the annual ordinance for the six-mill property tax that has been in place since 1958. This does not represent any new or increase in taxes.

CERTIFICATIONS AND PETITIONSMANAGER'S REPORT

Mr. Schwieterman, City Manager reported:

- Tenant Panel Discussion – Thursday, October 22, 2009, from 7 – 9 p.m. at the Government Center and is sponsored by the Board of Community Relations.
- Congratulations to Captain Duane Cobb, recently named Kettering Firefighter of the Year by the Kettering Rotary on October 7, 2009.
- Congratulations to the six employees receiving the Special Way Award.
- Make a Difference Day – Saturday, October 24, 2009 at Town & Country Shopping Center.
- Leaf pickup begins October 26, 2009. Three passes will be made through the City. Rake leaves only to the curb.
- Neighborhood Parks Meeting – Thursday, October 22, 2009 from 6:30 – 8:30 p.m. at the Kettering Recreation Center. Parks discussed will be Southern Hills, Walther, Ireland Parks and the Kettering Recreation Center Complex.

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

Rob Gibson, 696 Uplands Camp – He recently came to speak at a Council Meeting in May. He passed out written information to Council, which explained the drainage problems he is having on his property. He has been working with the City for the last three years on this issue and it still has not been resolved. They have hired an attorney because of the lack of communication with the City. He explained the City is draining water onto his property and he is seeking damages and correction of the pipe that drains onto his property. He feels it is shameful that the City will not take responsibility for this. He will be here at every meeting to let Council know this is an ongoing problem.

Mr. Eubank expressed he can appreciate the frustration that Mr. Gibson has. However, he cannot talk about or discuss litigation in public. He can say they have not been able to come to an agreement and a judge will decide this issue.

Daniel Brown, Brown Law Offices, Dayton Ohio – He is the attorney for Mr. Gibson and they are not trying to litigate this in public. He hopes that Council will seriously consider this matter and urges Mr. Eubank to resolve this. The Gibson's filed a motion for litigation but for some reason the City has denied this request. He would like them to reverse their stance. The Gibson's need help, please help them.

COUNCIL COMMITTEE REPORTS

Mr. Duke – Reported on a sad note, Collette Heuneke passed away. Ms. Heuneke was a Kettering resident and recently celebrated her 105th Birthday. He expressed condolences to her friends and all those that knew her. Norton's Grill has moved from Wilmington Pike to Lincoln Park Drive. This will be a great addition for the Frazee area. He encouraged folks to stop in.

Mrs. Schrimpf – Reported that she recently attended the Leukemia/Lymphoma Walk at the Frazee. Hundreds of people were there supporting this cause. She congratulated the Firefighter's that were recently sworn in at Delco Park. On October 5, 2009 she attended the March of Dimes Annual Fundraiser. On October 10, 2009 she attended the Fairmont High School Band Competition.

Mr. Spolrich – Gave a salute to the St. Albert the Great publication called the "Great Gazette." The Church has been located at its current location for 70 years. On October 3, 2009 he visited the Fire Station Open Houses. The community had the opportunity to visit the stations and to meet our firefighters. On October 7, 2009 he participated in "Walk to School" day at Orchard Park Elementary. Kettering has great neighborhood schools. He was glad everyone wore a pink ribbon this evening and he hoped all would continue to support the breast cancer cause. Don't forget to volunteer, recycle and buy Kettering.

Mr. Wanamaker – He congratulated the Neighborhood Pride Winners. This is a wonderful program and the City looks beautiful. Hats off to the Neighborhood Pride Committee for another job well done.

Mr. Thompson – No Report.

Mayor Patterson –. On September 24, 2009 he attended the Kiwanis Police Officer of the Year Program, where they presented Detective Adam Walker the annual award. On September 25, 2009 he attended the SICSA Red Dog Fundraiser. On September 30, 2009 he attended the groundbreaking ceremonies for the Community Tissue Center. He attended the Leukemia/Lymphoma Walk and presented them with a proclamation. On October 10, 2009 he participated in the We Care Arts Fashion Show. On October 4, 2009 he swore in the newest Kettering Volunteer Firefighters. On October 6, 2009 he attended the Glenbeck Apartment Neighborhood Meeting. On October 7, 2009 he attended Walk to School Day at Orchard Park Elementary. On October 7, 2009 he attended the Rotary Club, which honored Captain Duane Cobb as the Kettering Firefighter of the Year. On October 7, 2009 he attended the President's Club Luncheon. This year's award recipient was Dan Sadler. Today he attended a Dayton Development Coalition Luncheon. He sent a hello to Jim Trent who is now home from the hospital and doing well.

There being no further business to come before this meeting of the Kettering City Council, Mayor Patterson adjourned the meeting at 9:05 p.m.

ATTEST:

DONALD E. PATTERSON, MAYOR

Connie S. Gaw
Clerk of Council