

KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
September 22, 2009

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, September 22, 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)

Cub Scout Pack #318 from St. Albert School preformed a flag ceremony and led the Pledge of Allegiance.

Mayor Patterson introduced the Cable TV operators, Bill Gray, Earl Jones and John Golub. He welcomed pages Josh VanWinkle and Brad Steel from Kettering Middle School and thanked these volunteers for their assistance.

APPROVAL OF MINUTES

September 8, 2009 - Regular and Workshop Meetings

September 15, 2009 – Special Meeting Minutes

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 – Firefighter Appreciation Week – October 3 – 10, 2009

Mr. Duke read the above Proclamation and same was accepted by Chief Bob Miles.

FIRE DEPARTMENT CITIZENSHIP AWARD/MAYORS CERTIFICATE OF COMMENDATION

Fire Chief Bob Miles and Mayor Patterson presented Justin Enigk and Brianna Enigk with the Fire Citizenship Award and the Mayor's Certificate of Commendation. Brianna who is five years old noticed smoke coming from her neighbor's home and notified her father, Justin who entered the burning smoke filled home to pull the neighbor to safety.

PRESENTATION –Dayton Metro Library – Levy Issue

Diane Miller, Branch Manager for the Wilmington/Stroop Library and Teresa Huntly, Branch Manager for the Kettering/Moraine Library gave a presentation about the services their libraries provide. They urged citizens to support the levy issue that will be on the November 3, 2009 ballot.

PUBLIC HEARINGS

ORDINANCES IN SECOND READING

RESOLUTIONS

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

A RESOLUTION
NO: 8697-09
BY: MRS. SCHRIMPF AND MR. SPOLRICH

TO DECLARE THE NECESSITY AND INTENTION OF ACQUIRING CERTAIN PROPERTY INTERESTS IN PROJECT PARCELS "2WD" AND "2T" OF THE DOROTHY LANE AND WILMINGTON PIKE INTERSECTION IMPROVEMENT PROJECT IN THE CITY OF KETTERING, OHIO.

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

Mr. Schwieterman explained the next nine resolutions deal with the necessity and intention of acquiring certain property interests for the Dorothy Lane and Wilmington Pike Intersection Improvement Project. This project is scheduled to begin construction early next 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; 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: 8698-09
BY: MR. SPOLRICH AND MR. THOMPSON

TO DECLARE THE NECESSITY AND INTENTION OF ACQUIRING CERTAIN PROPERTY INTERESTS IN PROJECT PARCELS "2A WD" AND "2A T" OF THE DOROTHY LANE AND WILMINGTON PIKE INTERSECTION IMPROVEMENT PROJECT IN THE CITY OF KETTERING, OHIO

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. 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: 8699-09
BY: MR. THOMPSON AND MR. KLEPACZ

TO DECLARE THE NECESSITY AND INTENTION OF ACQUIRING CERTAIN PROPERTY INTERESTS IN PROJECT PARCELS "3WD" AND "3T" OF THE DOROTHY LANE AND WILMINGTON PIKE INTERSECTION IMPROVEMENT PROJECT IN THE CITY OF KETTERING, OHIO

Mr. Thompson 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. 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: 8700-09
BY: MR. KLEPACZ AND MR. WANAMAKER

TO DECLARE THE NECESSITY AND INTENTION OF ACQUIRING CERTAIN PROPERTY INTERESTS IN PROJECT PARCELS "4WD-1" AND "4WD-2" AND "4T-1" AND "4T-2" OF THE DOROTHY LANE AND WILMINGTON PIKE INTERSECTION IMPROVEMENT PROJECT IN THE CITY OF KETTERING, OHIO

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. 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: 8701-09
BY: MR. WANAMAKER AND MR. DUKE

TO DECLARE THE NECESSITY AND INTENTION OF ACQUIRING CERTAIN PROPERTY INTERESTS IN PROJECT PARCELS "5WD" AND "5T" OF THE DOROTHY LANE AND WILMINGTON PIKE INTERSECTION IMPROVEMENT PROJECT IN THE CITY OF KETTERING, OHIO.

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. 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: 8702-09
BY: MRS. SCHRIMPF AND MR. SPOLRICH

TO DECLARE THE NECESSITY AND INTENTION OF ACQUIRING CERTAIN PROPERTY INTERESTS IN PROJECT PARCELS "14WD" AND "14T-1" AND "14T-2" OF THE DOROTHY LANE AND WILMINGTON PIKE INTERSECTION IMPROVEMENT PROJECT IN THE CITY OF KETTERING, OHIO.

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; 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: 8703-09
BY: MR. SPOLRICH AND MR. THOMPSON

TO DECLARE THE NECESSITY AND INTENTION OF ACQUIRING CERTAIN PROPERTY INTERESTS IN PROJECT PARCELS "16WD" AND "16T" OF THE DOROTHY LANE AND WILMINGTON PIKE INTERSECTION IMPROVEMENT PROJECT IN THE CITY OF KETTERING, OHIO.

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: 8704-09
BY: MR. THOMPSON AND MR. KLEPACZ

TO DECLARE THE NECESSITY AND INTENTION OF ACQUIRING CERTAIN PROPERTY INTERESTS IN PROJECT PARCELS "66WD" AND "66T" OF THE DOROTHY LANE AND WILMINGTON PIKE INTERSECTION IMPROVEMENT PROJECT IN THE CITY OF KETTERING, OHIO.

Mr. Thompson 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. 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: 8705-09
BY: MR. KLEPACZ AND MR. WANAMAKER

AUTHORIZING THE CITY MANAGER TO ENTER INTO ONE OR MORE AGREEMENTS TO PURCHASE REAL PROPERTY INTERESTS LOCATED AT 2844 HAIG AVE. (PARCELS 52WD AND 52E) FROM STEVEN L. BREWER FOR PERMANENT AND TEMPORARY RIGHT OF WAY PURPOSES AND FOR RELOCATION ASSISTANCE PURPOSES; ALL IN CONNECTION WITH THE EAST DOROTHY LANE AND WILMINGTON PIKE INTERSECTION IMPROVEMENTS, (CITY PROJECT NO. 02-102I, ODOT PID 81024).

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. 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.

A RESOLUTION
NO: 8706-09
BY: MR. WANAMAKER AND MR. DUKE

AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SUBMIT APPLICATIONS FOR FEDERAL SAFETEA-LU TRANSPORTATION FUNDS THROUGH THE MIAMI VALLEY REGIONAL PLANNING COMMISSION

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

Mr. Schwieterman explained this resolution will allow the City to submit applications for Federal SAFETEA-LU funds for the Far Hills Safety Improvement – Stroop to Rahn and the Southeast Corridor Trail Bikeway – Jane Newcome Park to Hempstead Station Drive projects.

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.

ORDINANCES IN FIRST READING

CERTIFICATIONS AND PETITIONS

MANAGER'S REPORT

Mr. Schwieterman, City Manager reported:

- The Kettering Ice Arena was recognized by the Professional Skaters Association for the Excellence on Ice award for outstanding coaching and progressive training.
- H1N1 Virus public health informational meetings will be held on September 22, 2009 at 6:30 p.m. at the Christian Life Center. On September 24, 2009 at the Mt. Enon Baptist Church and on September 28, 2009 at the Life Enrichment Center.
- Make a Difference Day is Saturday, October 24, 2009 at the Town & Country Shopping Center. This year's project is storm drain markers. Groups and individuals must register by October 12, 2009. For more information call 296-2433.
- Leaf Pickup Program begins October 26, 2009. Three passes will be made throughout the City. Rake "leaves only" to the curb. For more information call 296-3255.
- Beggar Night in Kettering – Saturday, October 31, 2009 from 6 – 8 p.m.
- Neighborhood Parks Meetings – Thursday, October 22, 2009 at the Kettering Recreation Center from 6:30 – 8:30 p.m. regarding Southern Hills, Walther, and Ireland Parks.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Communications and Reports

Audience Participation (5 Minute Limit Per Speaker)

Joanne Fuchs, 4724 Renwood Drive – She has concerns about the park plans for Ernst Park. They plan to cut down many trees. Several will come down for the tennis court and soccer fields. It is a shame to lose such beautiful trees in this park. Also, the placement of the path is very close to residential homes on the south and southwest side. The path has been moved slightly but still not enough. There is a privacy issue for those neighbors. She feels this is becoming a sports park rather than a neighborhood park. She has also heard of the possibility of putting in a dugout. She thinks this is a mistake.

Mr. Schwieterman replied he did not have a definitive answer regarding dugouts. This is not something the City is going to spend dollars on. He has not seen any plans for one. The walking paths will be 25 feet from property lines. Trees will come down in two specific areas, near the tennis courts and in the southeastern area for field space. Some of the trees will be relocated and additional trees and landscape buffers will be added.

Mr. Thompson does not like the idea of a dugout, especially at night it could become a hangout and something the police would have to constantly check out.

Bob Gottes, 4700 Renwood Drive – He is concerned about the process the City took for Ernst Park. The concept was presented to citizens and they indicated they would like walking paths not sports fields. The City does not listen to it's citizens. This concept was put together even before the park levy was approved. Early in the process they asked how many trees would be lost. At first they said they did not think any would be lost. Now this is not the case. They are removing several large mature trees. They told us no fences and no dugouts. He has asked for a copy of the proposal, but has never received it. He was told that it was not important or necessary for him to have a copy of the plan. He feels the citizen survey was completely ignored and the voices of residents were never heard. He would like to take his park levy vote back. Where does this end and what is the cost.

Mr. Thompson asked if there is adequate parking to handle the activity in this area.

Mr. Schwieterman replied they are not bringing in more activities or traffic. The park usage will remain the same as it relates to parking. There have been several versions of the Ernst Park plan. This is still a living document and is still being updated. Plans are not in the construction drawing phase. Many options have been proposed. The Board of Zoning Appeals approved plans for walking paths and they still need to talk with neighbors before they are finalized. There will not be an irrigation system at the park. He just recently met with Mr. Gottes and discussed these plans.

Mr. Klepacz stated he is not sure the current plans will even help Mr. Gottes. Things are still changing on this document. He appreciates him coming to speak on this subject. The target has changed even as late as this week.

Ashley Webb, 321 S. Bromfield Road – He is the son of a former Kettering Firefighter. He thanked all of the firefighters of Kettering for their service. He grew up riding his bike to the Wilmington Stroop library. Now he walks to the library with his kids. They all love their library. He commends them for the services they perform for the Kettering community. He urged everyone to support the library levy. At the last Council Meeting he talked to Council about the gas aggregation program. In the Kettering – Oakwood Times there is a advertisement regarding the Ohio Natural Gas plan, which will give citizens another option. He attended the ceremonies and re-grand opening of the AMVETS Kettering Post this past weekend.

Mayor Patterson stated if residents do decide to enroll in other optional gas programs they should make sure they understand the differences. There may be termination fees and they should read the fine print.

COUNCIL COMMITTEE REPORTS

Mr. Duke – Expressed condolences to the family of Joanne Clodfelter who recently passed away. Joanne was a longtime Kettering Reporter for the Dayton Daily News. She will be greatly missed. A Memorial Service will be held in her honor on October 24, 2009. The Kettering Leadership Academy completed their retreat last week. On October 3, 2009 several Kettering firehouses will hold open houses. He urged residents to attend and take their children.

Mrs. Schrimpf – Reported it was great to have the library representatives attend the meeting this evening. They do a great job. She attended the AMVETS ribbon cutting on Saturday, September 19, 2009. She also attended the Fairmont High School production of "If I Were You". She attended Senator Sherrod Browns' breakfast meeting last week and an engagement where the speaker was Betty Montgomery. Two worthy events are coming up: The March of Dimes Silent Auction and We Care Arts Style Show.

Mr. Spolrich – On September 11, 2009 the VFW hosted a breakfast, lunch, and dinner for our first responders. He attended the Nancy Cartwright program "If I Were You" at Fairmont High School that supported Project Read. Several students performed with Nancy. He thanked her for helping to support speech and drama in our Kettering schools. Firefighters do make a difference in our community. They do a fine job of educating our children and citizens. They put in a lot of time on quality training and we are fortunate to have them. He reminded everyone Kettering is an important City, so volunteer, recycle and buy Kettering.

Mr. Thompson – Expressed today is the beginning of fall. Don't drive through leaves in gutters because kids could be playing in them. When cutting the grass, make sure your animals and kids are not in the yard. Your mower could kick up a rock and injure them.

Mr. Wanamaker – Tonight the Fire Department was honored. They do many things for the residents of Kettering. They respond to heart attack call. If anyone is interested in taking CPR classes call 296-2489. The winners of the AMBUCS Chili Festival Cook-off were TGI Fridays of Beaver creek, Chimneys and Tanks.

Mayor Patterson – Recently he spoke on the Fox 45 Morning Show about everything Kettering. On September 10, 2009 he attended the Classic Car Cruise-In at the Lathrem Center. On September 9, 2009 he attended the Hospice Fashion Show. On September 11, 2009 he attended the AMBUCS Chili Festival at Polen Farm. On September 12, 2009 Day Air Credit Union hosted a Breakfast with the Mayor event. He greeted and talked with residents that came into the credit union. On September 12, 2009 he attended the Board of Community Relations Annual Neighborhood event at JFK Elementary. On September 15, 2009 he attended a Joint Meeting with Planning Commission and Kettering City Council. Congratulations to All Star Sports Restaurant that opened their business a few weeks ago. On September 17, 2009 he attended an Energy Seminar at the Kettering Government Center that will be running on cable access over the next few weeks. The AMVETS re-grand opening was a nice event. He welcomed Nancy Cartwright to the Fairmont Stage. The students at Fairmont continue to amaze him. They were very prepared and professional and did a wonderful job. Joanne Clodfelter was a reporter that became a part of the fabric of this community and Council. She was also actively involved in this community. Heartfelt sympathies to her husband Bob and her family. We will all be at the Memorial Service to honor her.

There being no further business to come before this meeting of the Kettering City Council, Mayor Patterson adjourned the meeting at 9:18 p.m.

ATTEST:

Connie S. Gaw
Clerk of Council

DONALD E. PATTERSON, MAYOR