

KETTERING CITY COUNCIL  
REGULAR MEETING MINUTES  
September 23, 2008

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, September 23, 2008, 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: Duke, Klepacz, Lehner, Thompson and Wanamaker  
Spolrich

Council Members Absent: None

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 Greger, Earl Jones and John Golub. He welcomed pages Andrew Bohananon and Lauren Rose from Kettering Middle School. He thanked these volunteers for their assistance.

Mayor Patterson expressed comments about the storm damage and issues that occurred over the last week and thanked Kettering citizens for their patience and for helping out their neighbors during this trying time.

APPROVAL OF MINUTES

September 9, 2008 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 – Firefighter Appreciation Week – October 5 – 12, 2008

Mrs. Lehner read the above Proclamation and same was accepted by Fire Chief Bob Miles.

APPOINTMENT – Parks, Recreation and Cultural Arts Advisory Board – Bryan Suddith (Term Ending 12/31/11)

Mrs. Lehner made a motion to appoint Bryan Suddith to the Parks, Recreation and Cultural Arts Advisory Board. Mr. Duke seconded this motion. The motion was approved by a unanimous roll call vote.

APPOINTMENT – Board of Community Relations – Theresa Lenzini (Term Ending 12/31/10)

Mr. Thompson made a motion to appoint Theresa Lenzini to the Board of Community Relations. Mr. Duke seconded this motion. The motion was approved by a unanimous roll call vote.

PUBLIC HEARINGS

ORDINANCES IN SECOND READING

RESOLUTIONS

A RESOLUTION  
NO: 8502-08  
BY: MR. DUKE AND MRS. LEHNER

SUPPORTING AND ENCOURAGING GENERAL MOTORS TO  
REINVEST IN THE GM MORAINÉ ASSEMBLY PLANT LOCATED AT  
2601 STROOP ROAD

Mr. Duke read the above resolution and moved for approval. Mrs. Lehner 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. Lehner, 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: 8503-08  
BY: MRS. LEHNER AND MR. SPOLRICH

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

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

Mr. Fullenkamp reported the following projects will be submitted: Woodman Drive and East Dorothy Lane Intersection Reconstruction and the East Stroop Road and Shroyer Road Intersection Transportation Enhancement.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Lehner, 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: 8504-08  
BY: MR. SPOLRICH AND MR. THOMPSON

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

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; Mr. Duke, Yea; Mrs. Lehner, 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: 8505-08  
BY: MR. THOMPSON AND MR. KLEPACZ

AUTHORIZING THE CITY MANAGER TO GRANT JOHN R. MOORE II AN  
ADVANCE OF SICK LEAVE HOURS, SUCH THAT HIS SICK LEAVE  
BALANCE SHALL NOT EXCEED A NEGATIVE BALANCE OF NINE  
HUNDRED AND SIXTY (960) HOURS.

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

Mr. Fullenkamp explained that a Kettering Firefighter was injured while helping out a friend during the windstorm. An advance of sick leave hours is recommended while he is recovering.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Lehner, 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: 8506-08  
BY: MR. KLEPACZ AND MR. WANAMAKER

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO ENTER INTO AN AGREEMENT FOR THE PURPOSE OF OBTAINING SPONSORSHIPS FOR THE PARKS, RECREATION AND CULTURAL ARTS DEPARTMENT

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

Mr. Fullenkamp explained this will allow the City to contract with an outside party to act on the City's behalf in obtaining sponsorships for the Parks, Recreation and Cultural Arts Department.

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. Lehner, 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: 8507-08  
BY: MR. THOMPSON AND MR. KLEPACZ

AUTHORIZING THE CITY MANAGER TO EXPEND ADDITIONAL FUNDS FOR RENTAL OF BACKLINE EQUIPMENT FOR FRAZE PAVILION PERFORMANCES

Mr. Thompson 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. Lehner, 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: 8508-08  
BY: MR. DUKE AND MRS. LEHNER

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO PURCHASE EQUIPMENT AND CONSTRUCT UPGRADES TO THE PLAYGROUND FOR ALL AT INDIAN RIFFLE PARK

Mr. Duke read the above resolution and moved for approval. Mrs. Lehner 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. Lehner, 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: 8509-08  
BY: MR. SPOLRICH AND MR. THOMPSON

APPOINTING PEGGY LEHNER TO SERVE AS THE CITY OF KETTERING REPRESENTATIVE ON THE RTA BOARD OF TRUSTEES

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

Mr. Fullenkamp explained this legislation will reappoint Peggy Lehner to a three year term to serve as the City's representative on the Greater Dayton Regional Transportation Authority (RTA) Board of Trustees.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Lehner, Abstain; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Klepacz, Yea; Mr. Thompson, Yea; Mayor Patterson, Yea. There being six (6) Yea votes, one (1) Abstain votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION  
NO: 8510-08  
BY: MR. SPOLRICH AND MR. THOMPSON

AUTHORIZING THE CITY MANAGER TO ENTER INTO ONE OR MORE AGREEMENTS TO PURCHASE NATURAL GAS FOR CERTAIN CITY-OWNED FACILITIES FOR THE PERIOD OCTOBER 1, 2008 THROUGH SEPTEMBER 30, 2009

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; Mr. Duke, Yea; Mrs. Lehner, 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.

Mayor Patterson asked for a motion to amend this evening's agenda. Mr. Duke moved to add Item #10 under Ordinances in First Reading to the agenda. Mr. Spolrich seconded this motion and the motion was declared carried by a majority roll call vote.

#### ORDINANCES IN FIRST READING

AN ORDINANCE  
NO: 4109-08  
BY: MR. DUKE AND MRS. LEHNER

TO AMEND CHAPTER 1133 OF THE CODIFIED ORDINANCES OF THE CITY OF KETTERING AND DECLARING AN EMERGENCY

Mr. Duke read the above ordinance and moved for approval. Mrs. Lehner seconded the motion.

Mr. Dave Eubank, Law Director explained this is a housekeeping matter to redefine the definition of "Family" in Chapter 1133 of the Codified Ordinances.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Lehner, 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 ordinance duly adopted.

## CERTIFICATIONS AND PETITIONS

### MANAGER'S REPORT

Mr. Fullenkamp, Assistant City Manager reported:

Mr. Fullenkamp updated Council on upcoming and community events.

- Tuesday, September 30, 2008 at 7:00 p.m. the Montgomery County Board of Commissioners will hold a meeting in Council Chambers.
- Firefighter Appreciation Week – October 5 – 12, 2008.
- October 8, 2008 at 12:00 noon – Kettering Rotary Club Firefighter of the Year Award Luncheon at the Presidential Banquet Center.
- Sunday, October 12, 2008 – Open house will be held at all the fire stations from 1:00 – 3:00 p.m.
- Sunday, October 12, 2008 – Firefighter Graduation Ceremonies and demonstrations from 4:00 – 6:00 at Bobbie Place.

Mr. Fullenkamp urged citizens to attend these events and enjoy our community.

Mr. Fullenkamp then gave an in-depth storm update report. If citizens have questions about debris pickup times they can call 296-3255 for more details or check the City's Web Site for additional information.

### OTHER BUSINESS NOT ON WRITTEN AGENDA

#### Communications and Reports

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

Mr. John Bettinger, 801 Stoneybrook Drive – He expressed concerns the City Manager and Councilmember Peggy Lehner would not meet him to discuss the abortion clinic on Stroop Rd. He is against abortion.

### COUNCIL COMMITTEE REPORTS

Mr. Duke – Attended the Miami Valley Communications Council Annual dinner. It was a nice crowd and they had the opportunity to talk with those running for state office. On September 11, 2008 he participated in giving out Valor Awards along with Governor Strickland to folks that have gone above and beyond to save lives.

Mrs. Lehner – Urged citizens to not allow their children to play in fallen trees. The hospitals are seeing a lot of broken bones.

Mr. Spolrich – Reported his electricity was restored today and he is grateful. He was proud to see how neighbors worked together during the storm aftermath.

Mr. Thompson – Expressed he was amazed to see the number of extension cords running from house to house and across the streets. Every morning his neighbor who had electricity brought his wife a cup of coffee. Now that's true friendship. Kettering is a great place to live.

Mr. Klepacz – He attended the annual breakfast for first responders at the American Legion on September 11, 2008. We Care Arts is holding their annual fashion show this Saturday. A few members of Council will be modeling at this event. Tickets are still available. He thanked City Staff and the citizens of Kettering for all they did to help out during the storm aftermath.

Mr. Wanamaker – Asked citizens to be patient in regards to debris pickup. It will be a long and tough process.

Mayor Patterson – Expressed he has been Mayor for three years and this week has been the most trying and the most rewarding. He has seen neighbor helping neighbor and people coming together and pitching in to help others. He is proud of Council, Staff and the citizens of Kettering. This is a resilient community and when things are tough we rally around our neighbors and our community. He thanked Vickie Carraher, Senior Services Coordinator for checking on the seniors in our community. His father always said, “When there is trouble, this too shall pass.” We will get through this. The problems we are having now will soon come to pass.

There being no further business to come before this meeting of the Kettering City Council, Mayor Patterson adjourned the meeting at 8:43 p.m.

ATTEST:

Connie S. Gaw  
Clerk of Council

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DONALD E. PATTERSON, MAYOR