

CITY OF KETTERING
CITY COUNCIL
SPECIAL MEETING MINUTES
COUNCIL RETREAT
June 1 and 2, 2010

The Council of the City of Kettering, Ohio met in a special City Council retreat session on Tuesday, June 1 and Wednesday, June 2, 2010 at the Tech Center IV building (University Room) located in the Miami Valley Research Park at 3123 Research Boulevard, Kettering, Ohio.

Council Members Present included Mayor Patterson, Vice Mayor Klepacz, Mr. Wanamaker, Mr. Duke, Mrs. Schrimpf, Mr. Webb and Mr. Thompson.

Staff Members Present: City Manager Mark Schwieterman, Assistant City Manager Al Fullenkamp and Economic Development Manager Gregg Gorsuch. Other City staff members that attended the meeting throughout the retreat included Nancy Gregory Finance Director, Kelly O'Connell Budget Manager, Police Chief James O'Dell, Fire Chief Bob Miles, City Engineer Steve Bergstresser, PRCA Director Mary Beth Thaman, Public Service Director Tom Glardon, Planning & Development Director Tom Robillard, Law Director Dave Eubank and Human Resource Director Rick Strader.

Mayor Patterson called the meeting to order at 10:04 a.m. on Tuesday, June 1, 2010 and turned the meeting over to Mr. Schwieterman. Mr. Schwieterman reviewed a memo from the City Manager to Council dated May 31, 2010. Mr. Schwieterman reviewed the following items from the memo with the Council members, Senate Bill 110 update, Solicitation Ordinances, Public Safety Overtime, Police Staffing and the Advantage Sharing Program.

At this point Mr. Schwieterman turned the meeting over to Nancy Gregory, Finance Director and Kelly O'Connell, Budget Manager for the income tax update and the long range forecast.

Ms. Gregory reviewed the City of Kettering income tax revenue comparison for years 2005 through 2009. Ms. Gregory then reviewed the 2009 financial results. Next she reviewed the general fund available balance, including the 2010 budget forecast. Ms. Gregory reviewed the general fund revenues vs. the expenditures from 2000 through 2009. Ms. Gregory also reviewed the Income Tax Revenue, Property Tax Revenue, Court Fines Revenue, Investment Income Revenue and the Local Government Fund Revenue from 2000 through 2009 and the 2010 forecast for each account. Ms. O'Connell then discussed the general fund operating expenditures for the years 2000 through 2009. She also reviewed the subsidy situation for the Police Pension Fund, Street Department, PRCA Operations, Rosewood, Frazee Pavilion Operations, and the Courts.

At this point Ms. Gregory and Ms. O'Connell discussed the Long Range Forecast with the Council members and described the assumptions that were made to create the forecast.

After the presentation there was a question and answer session with Council members and staff regarding the financial presentation.

Break 12:00 – 12:45 (Lunch)

When the meeting reconvened Mr. Schwieterman introduced Mr. Gorsuch to give an economic development update to the Councilmembers.

Mr. Gorsuch began by reviewing the Top 10 employers in the city ranked by number of employees. The Kettering Medical Center is still the largest employer in the city with 3,300 employees. Due to current economic conditions several of the Top 10 employers have slightly reduced their number of employees. The Kettering City Schools were missing from past list, the Schools have been added to the revised list and it was noted the Kettering City Schools employ 1032 people. Next Mr. Gorsuch gave a project update on a recent project (WilmerHale) and a pending economic development project. He noted WilmerHale (Law Firm) has signed a 10-year

lease to have their Professional Services Division occupy 35,000 square feet at the Miami Valley Research Park. The company will have approximately 200 employees at this location with a \$10,000,000 annual payroll. WilmerHale is planning to commence operations at this location on September 1, 2010. The second project (pending) is code named Project NACEC. Project NACEC would retain 225 jobs in the State of Ohio and bring 115 new jobs to the State. The company has narrowed its possible Ohio location to the City of Kettering, Kettering is still competing for the project with other States. The project consultant is currently working with the State of Ohio regarding a possible incentive package. Kettering has secured a \$350,000 ED/GE grant for the project during the Spring 2010 funding round. The company has indicated they hope to make a decision by the end of Summer.

Following the economic development presentation Mr. Schwieterman introduced Mary Beth Thaman, PRCA Director for a Parks, Recreation and Cultural Arts update.

Ms. Thaman reviewed with Council the proposed Veteran's Plaza and Delco Walk Concept Plan. The Veteran's Plaza would be designed as a separate park area in Delco Park, it would be a tribute to all Veterans who served from WWI through the current Middle East conflicts. Ms. Thaman shared the Veteran's Plaza and Delco History Walk map with the Council members. Council shared their questions, comments and observations regarding the plan with Ms. Thaman. The plan will be brought back before Council for further consideration in the near future. Next Ms. Thaman gave Council a Bond Levy Projects update. The update included the public art projects in neighborhood parks in addition Ms. Thaman gave an update on project schedule key dates. Finally Ms. Thaman presented the PRCA financial strategy for sustainability.

The next portion of the meeting was a presentation by City Engineer Steve Bergstresser. Mr. Bergstresser began by giving Council some facts regarding current road construction projects. He noted approximately \$14,000,000 in projects are finishing construction or are under construction or are planned for bidding this year. Of this \$14,000,000 approximately \$10,000,000 is being paid for by outside funding sources. Mr. Bergstresser also updated Council on the following road construction projects: Dorothy Lane and Wilmington Pike intersection, the Dorothy Lane bridge, the Wilmington Pike South resurfacing project, the Wilmington Pike north resurfacing project and the South Dixie Drive phase IV project. Finally, Mr. Bergstresser announced upcoming major projects for 2011 and beyond. These projects included: Dorothy Lane resurfacing, eight traffic signal replacements, the Woodman Drive and Dorothy Lane intersection reconstruction project, Stroop Road enhancement project near Town and Country and the Far Hills safety improvements project.

Break 3:00 – 3:15

When the meeting reconvened Mr. Schwieterman introduced Chief O'Dell who gave a Police Department update.

Chief O'Dell stated the Kettering City Jail accepts prisoners from several cities within the region and has current agreements with Miami Township, Moraine, West Carrollton, Centerville, Oakwood and Ohio State Patrol. There were 2,067 prisoners booked into the jail in 2009 and the total jail operating costs in 2009 was \$456,945. Next Chief O'Dell noted the Kettering Police Department is the founding agency of the Kettering Regional SWAT team. Members on the team are from six agencies in Montgomery County, the team will respond to SWAT callouts to all member agencies as well as others approved by the Chief of Police.

At this point in the retreat Mr. Schwieterman turned the meeting over to Planning and Development Director, Tom Robillard and Community Development Manager, Angela Williams.

Mr. Robillard announced he and Ms. Williams would be discussing what funds are available, the history of Community Development expenditures, current programs and budgets and future projects. Mr. Robillard stated the Community Development Division is currently receiving funds from the following programs, Community Development Block Grant (CDBG), HOME Investment Partnership Program, CDBG-Recovery, Neighborhood Stabilization Program 1 & 2, Lead Hazard Control Grant and the Energy Efficiency and Conservation Block Grant. Ms. Williams spoke next and stated the mission of the CDBG program is to create viable urban communities by providing, principally for persons of low and moderate income, decent housing,

a suitable living environment and expanded economic opportunities. She also noted Kettering is an “entitlement” community for the purpose of receiving CDBG funds from HUD. In order to receive entitlement funds the city must submit a 5-year consolidated plan at the beginning of each session and a 1-year action plan must be submitted each year that specifies how the funds will be spent. The eligible CDBG activities are housing activities, public facilities, economic development and public services. Ms. Williams also noted a typical program year budget entitlement amount is approximately \$620,000. She went on to state the PY 2010 housing activities include, owner occupied housing rehab, disposition of lots for housing, relocation as required for lead based paint abatement. The PY 2010 public facilities activities include, acquisition of property, government center elevator, Renee drive repaving and Oak Creek street lighting. And finally the PY 2010 public service activities include, senior resource coordinator, foreclosure counseling, summer camp scholarship program and the fair housing program.

5:00 p.m. Mr. Schwieterman announced it was time to depart and reconvene at the Kettering Government Center South Building for a tour of the construction project. The tour will be lead by Public Service Director, Tom Glardon.

At 5:50 p.m. the first day of the City Council Retreat was adjourned and the City Council members as well as a few staff members went to dinner.

7:30 a.m. on Wednesday, June 2, 2010 a continental breakfast was served and the second day of the retreat began at 8:00 a.m.

Mr. Schwieterman introduced Chief Miles to give a Fire Department update. Chief Miles began his presentation by reviewing a possible overtime reduction initiative. Next Chief Miles reviewed the Fire Department priorities from 2009. Planning and Analysis and Data Management (RMS). Chief Miles would like to have a request for proposal out by 3rd quarter 2010. Chief Miles discussed the Fire Department long range planning including meeting emergency response goals, an annual improvement plan and fire station and staffing analysis. The department is waiting the contract award for the completion of the study on fire stations, response, staffing and apparatus analysis. Chief Miles discussed volunteer firefighter recruitment and retention, the department is continuing to work on improving volunteer/career relationships and continuing to work on improving the morale of all fire department members.

Council members asked questions regarding volunteer firefighters, staffing issues and fire station locations. Chief Miles and the Council members had a discussion regarding these topics.

Break 9:30 – 9:45

After the break Mr. Schwieterman turned the meeting over to Law Director, Dave Eubank. Mr. Eubank discussed three different types of decisions City Councils are required to make. He discussed legislative decisions, quasi-judicial decisions and ministerial decisions. He then discussed some components of a local government public hearing (due process). Those components include, a legal notice, legal counsel representation, opportunity to be heard (argument), offering of evidence, cross examination of witnesses, examine evidence and the under oath requirement. He then discussed the standards for a legislative (zoning) decision and the standards for a quasi-judicial (appeal) decision. The standards for a legislative (zoning) decision are:

- 1) Status of procedural rules – were they followed?
- 2) Based on the evidence, will it protect or does it support the public health, safety and general welfare of the city?

The standards for a quasi-judicial (appeal) decision are:

- 1) Status of procedural rules – were they followed?
- 2) Based on the evidence, is the decision that has been appealed supported by the preponderance of substantial, reliable and probative evidence on the whole record?

Mr. Eubank noted an appeal of a City Council legislative decision can take many forms and is not confined to the record of the city council public hearing and decision. The Court of Common Pleas has sole jurisdiction for appeals of a City Council quasi-judicial decision. In its review of the matter the Court is confined to the record of the City Council public hearing and decision.

11:15 – 11:30 Break

Miscellaneous Topics:

Mayor Patterson reviewed a few of the Committees and Boards he serves on as a City representative. Some of the committees he discussed included the Homeless Solutions Policy Board and the MVRPC (Chair).

Mr. Duke stated the federal transportation bill is currently bogged down at the federal level. If the bill does not pass local communities are going to need a plan to help fund their roadway improvement projects. Mr. Duke also noted he is the treasurer for the First Suburb Committee, that organization recently went through a strategic planning process.

Mr. Klepacz noted he serves on the Partnership for Healthy Youth. Approximately 35% of Kettering school children are on the free or reduced lunch program. Also 365 kids take home backpacks of food to help with their nutrition needs over the weekend. Mr. Klepacz mentioned there was a church providing meals to the Greenmont and Trails of Oak Creek areas during the summer months. The church has indicated they no longer will be able to provide meals to the Trails of Oak Creek area, so the Partners for Healthy Youth is raising money to provide meals to that area during the summer months.

Mr. Wanamaker said he is a member of the Ambucs organization and they will be donating \$2,500 to the Kettering Park Board next week.

Mr. Schwieterman announced there will be a City Council Retreat wrap up session with Mr. Fullenkamp, City Council members and himself on Tuesday, June 29, 2010, the exact time and location are to be determined.

Being no further business to come before Council the City Council Retreat was adjourned at 12:20 p.m. on Wednesday, June 2, 2010.

ATTEST:

DONALD E. PATTERSON
MAYOR

CONNIE S. GAW
Clerk of Council