

KETTERING CITY COUNCIL  
REGULAR MEETING MINUTES  
June 22, 2010

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, June 22, 2010, at 7:30 p.m. in the Recital Hall at Kettering Fairmont High School, 3301 Shroyer Road. Vice Mayor Walter A. Klepacz, presided and the Clerk of Council, Connie S. Gaw, recorded. This meeting was telecast live on the cable access channel.

Council Members Present: Klepacz, Duke, Schrimpf, Thompson,  
Wanamaker and Webb

Council Members Absent: Patterson (excused)

Total Members Present: Six (6)

Vice Mayor Klepacz led the audience in the Pledge of Allegiance and then gave the invocation. He introduced the cable TV operators, John Golub, Earl Jones and Jay Taylor and thanked these volunteers for their assistance.

APPROVAL OF MINUTES

June 1 & 2, 2010 – Council Retreat Minutes

June 8, 2010 – Regular and Workshop Minutes

Mrs. Schrimpf reported that she reviewed the above minutes and moved the minutes be approved. Mr. Duke seconded the motion and there being six (6) 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

PUBLIC HEARINGS

ORDINANCES IN SECOND READING

AN ORDINANCE  
NO: 4154-10  
BY: MRS. SCHRIMPF AND MR. DUKE

TO LEVY SPECIAL ASSESSMENTS FOR THE CONSTRUCTION AND RECONSTRUCTION OF CONCRETE SIDEWALKS, CURBS, GUTTERS AND DRIVEWAY APPROACHES, TOGETHER WITH THE NECESSARY APPURTENANCES, FOR THE "GLENGARRY DRIVE IMPROVEMENTS PROJECT" (PROJECT NUMBER 02-258)

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

Mr. Schwieterman explained the next four ordinances levy assessments for replacing curbs, sidewalks and drive approaches throughout various areas of Kettering. All assessments not paid in cash will be certified by the County Auditor to be collected according to our assessment policy term and interest schedule beginning in January 2011.

The following votes were recorded: Mr. Duke, Yea; Mrs. Schrimpf, Yea; Mr. Wanamaker, Yea; Mr. Thompson, Yea; Mr. Webb, Yea; Vice Mayor Klepacz, Yea. There being six (6) Yea votes, and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

AN ORDINANCE  
NO: 4155-10  
BY: MR. DUKE AND MR. WEBB

TO LEVY SPECIAL ASSESSMENTS FOR THE CONSTRUCTION AND RECONSTRUCTION OF CONCRETE SIDEWALKS, CURBS, GUTTERS AND DRIVEWAY APPROACHES, TOGETHER WITH THE NECESSARY APPURTENANCES, FOR THE ACORN DRIVE REBUILD – PEACH ORCHARD TO END OF PROJECT (PROJECT NUMBER 02-278B)

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

The following votes were recorded: Mr. Webb, Yea; Mr. Thompson, Yea; Mr. Wanamaker, Yea; Mrs. Schrimpf, Yea; Mr. Duke, Yea; Vice Mayor Klepacz, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

AN ORDINANCE  
NO: 4156-10  
BY: MR. WEBB AND MR. THOMPSON

TO LEVY SPECIAL ASSESSMENTS FOR THE CONSTRUCTION AND RECONSTRUCTION OF CONCRETE SIDEWALKS, CURBS, GUTTERS AND DRIVEWAY APPROACHES, TOGETHER WITH THE NECESSARY APPURTENANCES, FOR THE "KETTERING BOULEVARD IMPROVEMENTS PROJECT" (PROJECT NUMBER 02-283)

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

The following votes were recorded: Mr. Duke, Yea; Mrs. Schrimpf, Yea; Mr. Wanamaker, Yea; Mr. Thompson, Yea; Mr. Webb, Yea; Vice Mayor Klepacz, Yea. There being six (6) Yea votes, and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

AN ORDINANCE  
NO: 4157-10  
BY: MR. THOMPSON AND MR. WANAMAKER

TO LEVY SPECIAL ASSESSMENTS FOR THE CONSTRUCTION AND RECONSTRUCTION OF CONCRETE, SIDEWALKS, CURBS, GUTTERS AND DRIVEWAY APPROACHES, TOGETHER WITH THE NECESSARY APPURTENANCES FOR THE 2009 SIDEWALK REPAIR PROGRAM (PROJECT NUMBER 05-109)

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

The following votes were recorded: Mr. Webb, Yea; Mr. Thompson, Yea; Mr. Wanamaker, Yea; Mrs. Schrimpf, Yea; Mr. Duke, Yea; Vice Mayor Klepacz, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

AN ORDINANCE  
NO: 4158-10  
BY: MR. WANAMAKER AND MRS. SCHRIMPF

EXPRESSING THE CITY'S INTENT TO NEGOTIATE JOINTLY WITH OTHER CITIES IN THE REGION ON ONE PRICE SCHEDULE UNDER WHICH ELECTRIC LIGHT SERVICES SHALL BE FURNISHED TO THE RESIDENTS OF THE CITY FOR THE PURPOSE OF STREET LIGHTING

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

Mr. Schwieterman explained this resolution will allow the City to participate in the regional coalition to negotiate the upcoming street light contract. This approach will provide the resources and regional representation needed to negotiate a reasonable and competitive contract.

The following votes were recorded: Mr. Duke, Yea; Mrs. Schrimpf, Yea; Mr. Wanamaker, Yea; Mr. Thompson, Yea; Mr. Webb, Yea; Vice Mayor Klepacz, Yea. There being six (6) Yea votes, and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

## RESOLUTIONS

A RESOLUTION  
NO: 8848-10  
BY: MRS. SCHRIMPF AND MR. DUKE

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE KETTERING BOARD OF EDUCATION TO SHARE THE COST OF MAINTAINING THE SAFETY SECTION PROGRAM FOR ELEMENTARY STUDENTS AND ELEMENTARY SCHOOLS FOR THE 2010-2011 SCHOOL YEAR

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

Mr. Schwieterman explained this resolution will allow the cost sharing agreement to maintain the safety section services for adult crossing guard functions and transportation safety in the elementary schools for school year 2010-2011.

The following votes were recorded: Mr. Webb, Yea; Mr. Thompson, Yea; Mr. Wanamaker, Yea; Mrs. Schrimpf, Yea; Mr. Duke, Yea; Vice Mayor Klepacz, 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: 8849-10  
BY: MR. DUKE AND MR. WEBB

AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION WITH AAA AND THE AAA FOUNDATION FOR TRAFFIC SAFETY FOR AN AAA SCHOOL SAFETY PATROL ADVANCEMENT GRANT IN A TOTAL AMOUNT OF \$500.00

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

Mr. Fullenkamp explained this resolution will authorize the City to submit an application and accept grant funding. The intent of this grant program is to further advance existing school safety patrol programs, with an emphasis on the safety and educational benefits the program provides to students and communities.

The following votes were recorded: Mr. Duke, Yea; Mrs. Schrimpf, Yea; Mr. Wanamaker, Yea; Mr. Thompson, Yea; Mr. Webb, Yea; Vice Mayor Klepacz, 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: 8850-10  
BY: MR. WEBB AND MR. THOMPSON

APPROVING AN INCREASE TO THE ESTIMATED COST TO REHABILITATE  
THE RESIDENTIAL PROPERTY LOCATED AT 2581 TALISMAN DRIVE

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

Mr. Robillard explained the bid received from the contractor was more than estimated and this resolution will approve a slight increase to the amount originally budgeted.

The following votes were recorded: Mr. Webb, Yea; Mr. Thompson, Yea; Mr. Wanamaker, Yea; Mrs. Schrimpf, Yea; Mr. Duke, Yea; Vice Mayor Klepacz, 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: 8851-10  
BY: MR. THOMPSON AND MR. WANAMAKER

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, 2010

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

Mr. Fullenkamp explained this resolution will allow for the acceptance of grant funds from the AAA Foundation for Traffic Safety and AAA for a AAA School Safety Patrol Advancement Grant.

The following votes were recorded: Mr. Duke, Yea; Mrs. Schrimpf, Yea; Mr. Wanamaker, Yea; Mr. Thompson, Yea; Mr. Webb, Yea; Vice Mayor Klepacz, 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

CERTIFICATIONS AND PETITIONS

MANAGER'S REPORT

Mr. Schwieterman updated Council on upcoming and community events.

- Freedom Call Tattoo – WPAFB on Friday, June 25, 2010. Gates open at 4:00 p.m.
- Congratulations to the Finance Department for receiving the Certificate of Achievement Award from the Government Finance Officers Association.
- Frazee Pavilion events are in full swing for the summer. Reviewed upcoming Frazee Events.
- Public Meeting to discuss State Farm Park Design Changes is on Tuesday June 29, 2010 at Kettering Recreation Center at 6:00 p.m.
- Go 4<sup>th</sup>! – Sunday, July 4, 2010 at Delco Park from 6:00 – 10:00 p.m. Fireworks begin at 9:45 p.m.
- Waste Management will operate on a normal schedule the week of July 5, 2010.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Communications and Reports

Audience Participation (5 Minute Limit Per Speaker)

Mr. Todd Moore, 2620 Wehrly Avenue – His neighbor at 2624 Wehrly Avenue constructed a fence 1 foot into his property line. He spoke to the permit department and Mr. Hundt about this. Because the neighbor had a mortgage survey he was advised to get a state survey. The state survey showed the violation and he asked Mr. Hundt to put a stop order on the fence. The neighbor put the fence up the next day. He was advised he could remove the fence on his own since it was in violation. He sent a certified letter to his neighbor that he would be removing the fence, however the neighbor would not accept the letter and it was returned as undeliverable. He does not get along with this neighbor. He feels Mr. Hundt failed to do anything for him regarding this issue and he should not have been the one to have to purchase a state survey to show the violation. He is at his wits end and feels violated.

Vice Mayor Klepacz thanked Mr. Moore for coming before Council this evening.

Mr. Schwieterman suggested Mr. Moore speak with the Law Director and the Planning and Development Director after the meeting to discuss this issue in more detail.

#### COUNCIL COMMITTEE REPORTS

Mrs. Schrimpf – She congratulated Panera Bread on their 10<sup>th</sup> anniversary in Kettering. She thanked the Sister City Committee for all their hard work at Spass Nacht. It was a lot of fun and a great event.

Mr. Duke – He congratulated Sister City Committee staff that worked very hard to make Spass Nacht a success. The crowd was down a little this year, probably from the rain earlier in the day. The band was fantastic and everyone had a wonderful time. He expressed a special thanks to all those who came and those who volunteered.

Mr. Webb – He reported there is a Korean War Memorial Ceremony that will be held this Saturday at 5:00 p.m. on Riverside Drive. He wanted to let his friends, the Richle family know that his thoughts and prayers go out to them. Steve Richle recently had a very severe motorcycle accident and is still in the Intensive Care Unit.

Mr. Thompson – He expressed he was not present to cast his annual “no” vote on the firework display this year. Using fireworks individually is illegal and dangerous. He urged people not to use them this July 4<sup>th</sup>. Don’t let your children play with fireworks.

Mr. Wanamaker – He agreed with Mr. Thompson that using personal fireworks is very dangerous. He commended Mr. Duke on a great Spass Nacht event. He wished everyone a safe and enjoyable 4<sup>th</sup> of July.

Mr. Klepacz – On June 8, 2010 he attended the Panera Bread 10<sup>th</sup> anniversary celebration. Instead of cutting a ribbon, the Mayor cut a big baguette. The many Frazee events over the last few weeks have been amazing and he is looking forward to those upcoming.

There being no further business to come before this meeting of the Kettering City Council, Vice Mayor Klepacz adjourned the meeting at 8:04 p.m.

ATTEST:

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WALTER A. KLEPACZ, VICE MAYOR

Connie S. Gaw  
Clerk of Council