

**KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
February 10, 2015**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, February 10, 2015, at 7:30 p.m. in Council Chambers at the Kettering Government Center South Building, 3600 Shroyer Road. Vice Mayor Bruce Duke presided and Stacy Schweikhart filled in for Clerk of Council, Connie S. Gaw. This meeting was telecast live on cable access.

Council Members Present: Duke, Klepacz, Lautar, Schrimpf, Scott, and Wanamaker

Council Members Absent: Patterson (excused)

Total Members Present: Six (6)

Vice Mayor Duke led the audience in the Pledge of Allegiance and then gave the invocation. He introduced the cable TV operators, Josh Strehle and Earl. He thanked them for their assistance.

He welcomed Daisy Troop 35314 from Oakview Elementary who was in the audience this evening.

APPROVAL OF MINUTES

January 27, 2015 – Council Meeting & Council Workshop Minutes

Mrs. Schrimpf reported that she reviewed the above minutes and moved the minutes be approved. Mr. Lautar seconded the motion and there being six (6) yea votes, and no (0) nay votes for the January 27, 2015 Council Meeting and Workshop Minutes, the motion was declared carried by roll call vote.

Vice Mayor Duke entertained a motion to add a resolution to the agenda:

Accepting the Findings and recommendations of the fact finder in SERB Case No. 2014-MED-04-0564 and authorizing the City Manager to enter into an agreement with the Kettering Professional Firefighters, IAFF, Local 2150- captains Unit, consistent with those findings and recommendations or a modified by mutual agreement of the parties.

Mr. Klepacz made a motion to amend the agenda to add the above resolution. Mrs. Schrimpf seconded this request. Motion carried by unanimous roll call vote.

PROCLAMATIONS, SPECIAL PRESENTATIONS, AWARDS, SPECIAL RESOLUTIONS, APPOINTMENTS TO BOARDS AND COMMISSIONS

Presentation – Miami Valley Fair Housing Center – Update

John Zimmerman, VP of the Miami Valley Fair Housing Center updated City Council about Miami Valley Fair Housing Center activities.

Presentation – Kettering Parks Foundation – Kettering Veterans Plaza

Jim Snyder and John Siebel from the Kettering Veteran Plaza Committee updated City Council about the fundraising activities and status of the project for the Kettering Veterans Plaza at Delco Park.

Appointment – Property Maintenance Board – Jon Larrabee (Term Ending 12/31/16)

Mr. Klepacz made a motion to appoint Jon Larrabee to the Property Maintenance Board with a term ending 12/31/16. Mrs. Schrimpf seconded this motion. Motion carried by unanimous vote.

PUBLIC HEARINGS

ORDINANCES IN SECOND READING

RESOLUTIONS

A RESOLUTION
NO: 9577-15
BY: MRS. SCHRIMPF AND MR. LAUTAR

AUTHORIZING THE CITY MANAGER TO CONTRACT FOR THE SERVICES OF THE MIAMI VALLEY REGIONAL CRIME LABORATORY FOR 2015

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

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Nay; Mr. Wanamaker, Yea; Mr. Scott; Nay; Mr. Lautar, Yea; Vice Mayor Duke, Yea. There being four (4) Yea votes, and two (2) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 9578-15
BY: MR. LAUTAR AND MR. SCOTT

AUTHORIZING THE CITY MANAGER PURCHASE BUNKER GEAR THROUGH A STATE OR LOCAL COOPERATIVE PURCHASING PROGRAM

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

The following votes were recorded: Mr. Lautar, Yea; Mr. Scott, Yea; Mr. Wanamaker, Yea; Mr. Klepacz, Yea; Mrs. Schrimpf, Yea; and 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: 9579-15
BY: MR. SCOTT AND MR. WANAMAKER

AUTHORIZING THE CITY MANAGER TO RENEW CONTRACTS FOR MOWING OF CITY OWNED PROPERTIES

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

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mr. Lautar, 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: 9580-15
BY: MR. WANAMAKER AND MR. KLEPACZ

AUTHORIZING THE CITY MANAGER TO ENTER INTO A FAÇADE AND SITE IMPROVEMENT GRANT AGREEMENT FOR THE PROPERTY LOCATED AT 3600 WILMINGTON PIKE

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

The following votes were recorded: Mr. Lautar, Yea; Mr. Scott, Yea; Mr. Wanamaker, Yea; Mr. Klepacz, yea; Mrs. Schrimpf, Yea; and 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: 9581-15
BY: MR. KLEPACZ AND MRS. SCHRIMPF

DECLARING THE NECESSITY TO IMPROVE THE SOUTH SIDE OF WEST DOROTHY LANE, FROM ALLENDALE DRIVE TO BIG HILL ROAD, BY CONSTRUCTING A SIDEWALK (PROJECT NUMBER 05-220C)

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

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mr. Lautar, 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: 9582-15
BY: MRS. SCHRIMPF AND MR. LAUTAR

AUTHORIZING THE CITY MANAGER TO BID ON AND PURCHASE REAL ESTATE AT AUCTION

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

The following votes were recorded: Mr. Lautar, Yea; Mr. Scott, Yea; Mr. Wanamaker, Yea; Mr. Klepacz, Yea; Mrs. Schrimpf, Yea; and 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: 9583-15
BY: MR. LAUTAR AND MR. SCOTT

AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION WITH THE VIRGINIA KETTERING FOUNDATION FOR A GRANT IN SUPPORT OF THE CITY OF KETTERING "SUBURBANSCAPES" PROGRAM

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

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Wanamaker, Yea; Mr. Scott; Yea; Mr. Lautar, 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: 9584-15
BY: MR. SCOTT AND MR. WANAMAKER

AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION WITH OHIO HUMANITIES FOR A GRANT IN SUPPORT OF THE CITY OF KETTERING "SUBURBANSCAPES" PROGRAM

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

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

A RESOLUTION
NO: 9585-15
BY: MR. WANAMAKER AND MR. KLEPACZ

AUTHORIZING PAYMENT OF MUSIC LICENSING FEES FOR CONCERTS AT FRAZE PAVILION DURING 2015

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

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Wanamaker, Yea; Mr. Scott; Yea; Mr. Lautar, 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: 9586-15
BY: MR. KLEPACZ AND MRS. SCHRIMPF

AUTHORIZING THE CITY MANAGER ENTER INTO AGREEMENTS FOR DISCOUNTS, COMPLIMENTARY TICKETS AND COMPLIMENTARY PROGRAM PARTICIPATION TO BENEFIT THE ADVERTISING AND PROMOTION OF CALENDAR YEAR 2015 PARKS, RECREATION AND CULTURAL ARTS PROGRAMS AND THE 2015 FRAZE PAVILION PERFORMANCE SEASON

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

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

A RESOLUTION
NO: 9587-15
BY: MRS. SCHRIMPF AND MR. LAUTAR

AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO CONTRACTS FOR ENTERTAINMENT FOR THE FRAZE PAVILION 2015 PERFORMANCE SEASON

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

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Wanamaker, Yea; Mr. Scott; Yea; Mr. Lautar, 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: 9588-15
BY: MR. LAUTAR AND MR. SCOTT

AUTHORIZING THE CITY MANAGER TO PURCHASE TELEVISION, RADIO, NEWSPAPER, BILLBOARD AND INTERNET ADVERTISING FOR THE 2015 FRAZE PAVILION PERFORMANCE SEASON FROM VARIOUS SOURCES

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

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

A RESOLUTION
NO: 9589-15
BY: MR. SCOTT AND MR. WANAMAKER

TO AUTHORIZE THE CITY MANAGER TO CONTRACT FOR THE RENTAL OF MUSICAL AND PERFORMANCE RELATED BACKLINE EQUIPMENT ON A "SHOW BY SHOW AND AS NEEDED" BASIS FOR THE FRAZE PAVILION 2015 SEASON

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

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mr. Lautar, 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: 9590-15
BY: MR. WANAMAKER AND MR. KLEPACZ

AUTHORIZING THE CITY MANAGER TO PURCHASE CERTAIN NEEDED EQUIPMENT THROUGH SEALED BIDS, NEGOTIATED QUOTES, OR A COOPERATIVE PURCHASING PROGRAM

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

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

A RESOLUTION
NO: 9591-15
BY: MR. KLEPACZ AND MRS. SCHRIMPF

AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS FOR THE DESIGN AND COMMISSIONING OF FIRE STATION NO. 34

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

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mr. Lautar, 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: 9592-15
BY: MRS. SCHRIMPF AND MR. LAUTAR

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, 2015

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

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

A RESOLUTION
NO: 9593-15
BY: MR. LAUTAR AND MR. SCOTT

ACCEPTING THE FINDINGS AND RECOMMENDATIONS OF THE FACT FINDER IN SERB CASE NO. 2014-MED-04-0564 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE KETTERING PROFESSIONAL FIREFIGHTERS, IAFF, LOCAL 2150-CAPTAINS UNIT, CONSISTENT WITH THOSE FINDINGS AND RECOMMENDATIONS OR A MODIFIED BY MUTUAL AGREEMENTS OF THE PARTIES

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

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Wanamaker, Yea; Mr. Scott; Yea; Mr. Lautar, 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 ORDINANCE

TO AMEND SECTION 1301.02 OF THE CODIFIED ORDINANCES OF THE CITY OF KETTERING

Mr. Scott read the ordinance in first reading. A second and final reading will be held at the February 24, 2015 City council Meeting.

CERTIFICATIONS AND PETITIONS

Certification: Planning Commission held a public hearing on January 2, 2015 approving a request to vacate a 0.0167 of an acre segment of public right-of-way adjoining 3600 Wilmington Pike.

Certification: Planning Commission held a public hearing on January 2, 2015 approving a request to vacate a 0.0159 of an acre segment of public right-of-way adjoining the Zion Cemetery (Lamme Road) at the corner of W. Stroop Road.

Mrs. Schweikhart read the above certifications and announced the public hearings for both requests will be held at a future Council meeting.

MANAGER'S REPORT

Mr. Schwieterman, City Manager updated Council on upcoming and community events.

- Nature Quest Day – Saturday February 14, 2015.
- Presidents Day Mini Camp at the Kettering Rec. Center
- Presidents Day – City Offices Closed. No delay in trash pickup.
- Yard Debris Center – Will reopen Monday, March 2, 2015.
- Frazee Update.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Communications and Reports

Audience Participation (5 Minute Limit per Speaker)

Robert Crane 200 Lewiston Rd. He is here this evening in regards to the rezoning request for James Free Jewelers. He recently visited Ohio State University and talked with several people about how a business impacts property values when they move into a neighborhood. He passed out a packet of information to Council about the pros and cons of his findings. He stated that he hopes this information is of value for Council deliberations.

Tom Moore 113 Rockhill Avenue He is uncomfortable with the lack of data regarding the impact of parking lots in residential areas. He visited the County Auditor's Web Site and looked up property values of the homes surrounding the Oakwood parking lot. There were five single family houses, the rest were apartment units. The property value did not change for one of the homes but the other four properties dropped an average of 20 ½ percent. He looked at properties on the other side of Shafer and those homes increased in value. He also looked at square footage values. He feels this is a more expert opinion of what happened than the report the applicant gave. Beside, Oakwood parking lots are for community usage versus the James Free parking lot that will be used as a private parking lot.

Sue Hundt 108 Rockhill Avenue She stated that in the information packet that Council was given there was a staff report written by Ron Hundt dated December 1, 2014. She referenced and read from a page in that report about the effects of a parking lot abutting residential properties. This document states that it would not be detrimental if screened and landscaped properly. There is no data to support these comments. It takes more than just pretty landscaping. Property values are acritical issue to most people. Property values have already declined due to economic conditions. She asked Council to consider the information they have provided to them opposing this rezoning.

James Snyder – He passed out a packet to Council and told them about a battle that he was in during the Korean War. He asked them to refer to some of the photos in this packet as he explained.

COUNCIL COMMITTEE REPORTS

Mr. Klepacz reported:

- On February 5, 2015 he attended the Health & Wellness Fair at Trent Arena.
- Remember to shop at local Kettering businesses.

Mrs. Schrimpf reported:

- Thanked Mr. Snyder for coming to Council this evening. He is one of her favorite people.
- Great job Stacy for filling in this evening.
- She joined the MVCC Board with Joe Wanamaker.
- Congratulations to Mike Fleener, Parks Superintendent who recently retired.

Mr. Lautar reported:

- Amazing group of students in the audience this evening.
- Attended the First Suburbs Committee Meeting last month.
- One of most powerful monuments in Washington DC is the Korean War Memorial.

Mr. Scott reported:

- Mr. Duke did a great job leading the Council this evening.
- Thanked Mr. Snyder for his service to this Country.
- Wished Mrs. Schrimpf a Happy Birthday.

Mr. Wanamaker reported:

- He also thanked Mr. Snyder for his service to this Country.
- Attended Mike Fleener’s retirement party and presented him with a Certificate from Council for his service.
- He was recently a judge for the Student Science Fair at Prass School.

Vice Mayor Duke reported:

- He thanked Norm Rupert, DP&L Representative who was in the audience. The employees at DP&L are donating dollars given for “Dress Down Day to the Kettering Backpack Program.

They’re being no further business to come before this meeting of the Kettering City Council; Mayor Patterson adjourned the City Council Meeting at 8:48 p.m.

ATTEST:

BRUCE E. DUKE, MAYOR

Connie S. Gaw
Clerk of Council