

**KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
May 13, 2014**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, May 13, 2014, at 7:30 p.m. in Council Chambers at the Kettering Government Center South Building, 3600 Shroyer Road. Mayor Don Patterson presided and the Clerk of Council, Connie S. Gaw, recorded. This meeting was telecast live on the cable access channel.

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

Council Members Absent:

Total Members Present: Seven (7)

The Kettering Police Honor Guard began the meeting with a Flag Ceremony. Mayor Patterson led the audience in the Pledge of Allegiance and then gave the invocation. He introduced the cable TV operators, Liberty Lord and Earl Jones. He thanked them for their assistance.

APPROVAL OF MINUTES

April 22, 2014 – Council Meeting & Council Workshop Minutes

April 29, 2014 – Council/Kettering School Board Special Meeting Minutes

Mrs. Schrimpf reported that she reviewed the above minutes and moved the minutes be approved. Mr. Lautar seconded the motion and there being seven (7) yea votes, and no (0) nay votes for the April 22, 2014 Council Meeting and Council Workshop minutes and the April 29, 2014 Council Special Meeting Minutes, the motion was declared carried by roll call vote.

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

PROCLAMATION Police Memorial Week – May 11 – May 17, 2014

Mr. Duke read the above proclamation and Police Chief O'Dell, accepted it.

PRESENTATION Medal of Valor – Officer John (J.P.) Jung

Police Chief O'Dell gave the presentation and presented Officer John Jung the Medal of Valor. Mayor Patterson thanked Officer Jung for his service to our community.

PROCLAMATION Older Americans Month – May 2014

Mr. Klepacz read the above proclamation and Vickie Carraher, Senior Services Manager accepted it.

PROCLAMATION Mental Health First Aid Awareness Month – May 2014

Mrs. Schrimpf read the above proclamation and Jennifer Cox and Rochele Burnette from Eastway Behavioral Health accepted it.

PROCLAMATION Community Action Month – May 2014

Mr. Lautar read the above proclamation and John Bennett – director of Communications and public Relations from the Community Action Partnership of Greater Dayton accepted it.

PROCLAMATION Relay for Life Days – May 17 & 18, 2014

Mr. Scott read the above proclamation and Mayor Patterson announced that he would be taking it to read and present at the Relay Kickoff on Saturday, May 17, 2014.

SPECIAL PRESENTATION Mayors Ball Check Presentation to the Franklin Foundation

Brenda Stanfield from the Kettering Rotary Club and Mayor Patterson presented a check for \$25,500.82 to Lynn Dalton from the Franklin Foundation. Next years proceeds will benefit the Kettering Backpack Program.

PUBLIC HEARINGS

ORDINANCES IN SECOND READING

AN ORDINANCE

NO: 4227-14

BY MR. DUKE AND MR. KLEPACZ

TO AMEND THE TRAFFIC CONTROL MAP AND THE TRAFFIC CONTROL FILE OF THE CITY OF KETTERING, OHIO TO SHOW THE INSTALLATION OF TRAFFIC SIGNS/SIGNALS ON VARIOUS STREETS AND AVENUES IN THE CITY OF KETTERING, OHIO

- A. No pedestrian crossing on the north crosswalk at the intersection of Ackerman Boulevard and Renwood Drive; and

- B. No stopping or standing school days 7:30 am to 4:00 pm at:
 - 1) Ackerman Boulevard, east side between East Stroop Road and Renwood Drive; and
 - 2) Ackerman Boulevard, west side from East Stroop Road northwardly for 100 feet.

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

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

AN ORDINANCE
NO: 4228-14
BY MR. KLEPACZ AND MRS. SCHRIMPF

TO AMEND SECTION 642.10 OF THE CODIFIED ORDINANCES OF THE CITY OF KETTERING TO PROHIBIT UNAUTHORIZED PEDDLING AND TO REPEAL SECTION 725.07 REGARDING REGULATIONS OF PEDDLERS

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. Duke, (Yea); Mr. Klepacz, Yea; Mrs. Schrimpf, Yea; and Mayor Patterson, Yea. There being seven (7) Yea votes, and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted

RESOLUTIONS

A RESOLUTION
NO: 9472-14
BY: MRS. SCHRIMPF AND MR. LAUTAR

AUTHORIZING THE CITY MANAGER TO APPLY FOR RECYCLING INCENTIVE GRANT FUNDS FROM THE MONTGOMERY COUNTY SOLID WASTE DISTRICT AND TO ACCEPT THE GRANT AS AWARDED

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

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mr. Lautar, 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: 9473-14
BY: MR. LAUTAR AND MR. SCOTT

AUTHORIZING THE CITY MANAGER TO ADVVERTISE FOR BIDS AND TO CONTRACT FOR THE CONSTRUCTION OF NEW FIRE STATIONS ON FAR HILLS AVENUE AND EAST DAVID ROAD

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

Mr. Schwieterman showed a PowerPoint Presentation and explained the City is in the process of beginning phase one of the new Emergency Services Plan and will begin constructing both the Far Hills and E. David sites beginning in fall of 2014.

There was then discussion between City Staff, Mayor and City Councilmembers regarding this project with the consensus that the four station model will allow for better response time and better services to Kettering residents.

The following votes were recorded: Mr. Lautar, Yea; Mr. Scott, Yea; Mr. Wanamaker, Yea; Mr. Duke, (Yea); Mr. Klepacz, Yea; Mrs. Schrimpf, Yea; and 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: 9474-14
BY: MR. SCOTT AND MR. WANAMAKER

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR THE PURCHASE AND INSTALLATION OF TOUGHBOOK LAPTOP COMPUTERS AND MODEMS INTO ALL MARKED POLICE VEHICLES

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. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mr. Lautar, 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: 9475-14

BY: MR. WANAMAKER AND MR. DUKE

TO AMEND RESOLUTION NO. 9442-14 WHICH AUTHORIZED USE OF NEGOTIATED QUOTES TO CONTRACT FOR THE INSTALLATION OF SOFT SURFACE FALL PROTECTION UNDER THE NEW PLAYGROUND AT DELCO PARK

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

The following votes were recorded: Mr. Lautar, Yea; Mr. Scott, Yea; Mr. Wanamaker, Yea; Mr. Duke, Yea; Mr. Klepacz, yea; Mrs. Schrimpf, Yea; and 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: 9476-14

BY: MR. DUKE AND MR. KLEPACZ

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDMENT TO THE EXISTING AGREEMENT FOR DISPLAY OF FIREWORKS AT THE GO 4TH! CELEBRATION AT DELCO PARK

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

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

AN ORDINANCE

ADOPTING AND IMPLEMENTING THE PROCEDURES OF OHIO REVISED CODE CHAPTER 5722 TO FACILITATE REUTILIZATION OF NONPRODUCTIVE LAND SITUATED WITHIN THE CITY OF KETTERING, OHIO

Mr. Klepacz read the above ordinance in first reading. The second and final reading will be at the May 27, 2014 Council Meeting.

CERTIFICATIONS AND PETITIONS

MANAGER'S REPORT

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

- Safety Village Registration has now begun for the June sessions.
- Summer Camp Fair – April 26, 2014.
- Cities of Service Events/Indianola Neighborhood Update
- Art on the Playground at Indian Riffle Elementary – May 17, 2014.
- Pondview Park Open House – May 21, 2014
- Early Bird Water Park Special Update.
- Block Party Update
- Memorial Day – City Administrative Offices will be closed.
- Waste Management will be delayed by one day.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Communications and Reports

Audience Participation (5 Minute Limit per Speaker)

Fred Gilmore, 4309 Overland Trail – He is in opposition of the retrofit sidewalks on E. David Road. He feels property owners should be given the option of whether they want sidewalks or not. He reviewed a copy of the Bicycle Advisory Task Force recommendations that recommended sidewalks be installed on Overland Trail. He feels sidewalks should not be placed there.

Mr. Klepacz stated that typically we would not just go into a neighborhood where major construction is not going on and drop in sidewalks.

Mr. Duke replied that we only put sidewalks in when doing a major construction project.

Mayor Patterson stated that the recommendations are just that, recommendations. Council has the flexibility to accept the recommendations made by the task force or not. He doesn't know of anyone that supports sidewalks on Overland Trail. Sidewalks are not put into an area unless there are major road improvements going on.

Mark Rimkus, 3126 Atherton Road – He feels a wrong decision was made to place sidewalks on West David Road. It is not too late for Council to change their minds and get it right this time.

Kathy Neiheisel, 348 Canterbury Dr. – She is opposed to sidewalks on West David Road and on her street. She read the report from the Bicycle Advisory Task Force, which called for sidewalks to be placed on numerous streets throughout Kettering. She feels this is wrong.

Mr. Duke replied that the task force document that they keep referring to is from several years ago. It was created to see how walkable our community is. He doesn't believe it says anywhere in that report that sidewalks should be put on every street in Kettering. Around 15 people served on this committee and most were citizens.

Judy Kemp, 300 Oakview – She is opposed to the bicycle report to put sidewalks on her street and also opposes sidewalks on W. David Road.

Tom Craft, 400 W. David Road – Mr. Craft still feels sidewalks are not necessary on West David Road. Sidewalks were not added to the Winding Way project. Why pick on the property owners on W. David when there are thousands of homes without sidewalks in Kettering. He prefers grassy space rather than ugly sidewalks. He asked that the Mayor and Council reverse their decision at the next meeting.

Ron Alban – 3313 Lenox Dr. – He indicated that earlier tonight Council voted to build two new fire stations with the total cost to be about 15 million for both stations. The cost is more than double of what was originally stated.

Dick Dungan, 225 Bluegate – He feels that the City could have done a better job sharing information with the residents that opposed the fire station on Far Hills. He thinks a cost benefit analysis should have been done that would allow everyone to better understand the need for these fire stations. He demands this be done

Clifton Harris, 272 & 276 W. Stroop Road – He feels that he lost the use of one of his hands because of City workers and still feels that the City should do the right thing.

Mr. Hamer stated that the Insurance Company has investigated the allegations made by Mr. Harris and have found nothing to support his claims.

Bernard Janko, 350 W. David Road – He has a tree on his property and is concerned that when the sidewalks are put in that it may damage his tree. He feels that sidewalks are being forced on them. He hopes that Council will reconsider. Putting sidewalks on this street is wrong.

COUNCIL COMMITTEE REPORTS

Mr. Duke reported:

- He had a great time at the Mayor's Ball.
- On April 27, 2014 he attended the memorial service for Chet Rousch.
- On May 8, 2014 he attended the Leadership Academy Graduation. It was their 11th year.

Mr. Klepacz reported:

- Had lunch with Fairmont Students on April 23, 2014 for Youth in Government Day.
- Attended the Sister City's Monthly Meeting on April 28, 2014
- Reminded everyone that June 18, 2014 is Spass Nacht at Lincoln Park.
- On May 4, 2014 he attended the Women's Walk for Wellness.
- Remember to support your local Kettering businesses.

Mrs. Schrimpf reported:

- No report this evening.

Mr. Lautar reported:

- On May 12, 2014 he presented a proclamation to the residents at Lincoln Park Manor

Mr. Scott reported:

- Attended a ribbon cutting at MVP Dance and presented them with a Certificate.
- Attended the grand opening for Faulkner Automotive on Woodman Drive.
- He sent in an application to become a member of the Kettering Rotary.

Mr. Wanamaker reported:

- No report this evening.

Mayor Patterson reported:

- Had lunch with students at Youth in Government Day.
- Attended the MVCC Annual dinner.
- Attended a press conference for the Star Spangled Celebration.
- Attended CDBG Day on April 25, 2014. 40th Anniversary Meeting.
- Attended the Joint Council/School Board Meeting.
- Hosted a monthly business segment on the Daily Show. Carpet House was his guest speaker.
- Attended a Ribbon cutting at Lyons Eye Bank.
- Attended the Women's Walk for Wellness.
- Attended the Police Memorial Ceremony on the Government Center Plaza.
- Attended the Kettering Leadership Academy Graduation Ceremony.

They're being no further business to come before this meeting of the Kettering City Council; Mayor Patterson adjourned the City Council Meeting at 10:24 p.m.

ATTEST:

Connie S. Gaw
Clerk of Council

DONALD E. PATTERSON, MAYOR