

KETTERING CITY COUNCIL  
REGULAR MEETING MINUTES  
March 27, 2007

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, March 27, 2007, 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, Spolrich, Thompson, and Wanamaker

Council Members Absent: Lehner (excused)

Total Members Present: Six (6)

Mayor Patterson led the audience in the Pledge of Allegiance and then gave the invocation. He introduced the student pages, Laurel Yohe and Carrie Adkins, from Alter High School. He then introduced the cable TV operators, Earl Jones, Bill Greger and Joe McKenzie. He thanked these volunteers for their assistance.

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

PRESENTATION: 2007 Great American Clean-up Event

Dan Grater, with the Montgomery County Solid Waste District explained that from March 15 to March 31, 2007 is the 2007 Great American Clean-up. Several area events have been planned. Each year over 5,000 volunteer in the area participate in these events. He then introduced their mascot, "Ladybug" and urged citizens to get involved.

PROCLAMATION: Fair Housing Month – April 2007

Mr. Klepacz read the above Proclamation and same was accepted by John Zimmerman with Miami Valley Fair Housing.

APPOINTMENT: Board of Community Relations – Michael Oaster

Mr. Duke made a motion to appoint Michael Oaster to the Board of Community Relations. Mr. Wanamaker seconded this motion and there being six (6) Yea votes and no (0) nay votes, the motion was declared carried by a majority vote.

RESOLUTION OF APPRECIATION: Ervin L. Welch, City Manager 1954 – 1975

Mayor Patterson read the above Resolution of Appreciation. He also read a Resolution from State Speaker of the House, Jon Husted and State House Representative, John White. There was then a PowerPoint presentation in Mr. Welch's honor. Mayor Patterson presented the Resolutions to Mr. Welch and thanked him for his many years of dedicated service. Mr. Welch expressed that it was an honor to be recognized this evening.

20 MINUTE RECESS – RECEPTION TO HONOR ERVIN L. WELCH - At 8:10 p.m., the Mayor called for a 20 minute recess and invited the audience to join Council in Conference Room #2 for refreshments.

MEETING RECONVENED

The Mayor called the meeting back to order at 8:35 p.m.

Mayor Patterson asked for a motion to add a presentation by the Miami Valley Communications Council to the Agenda this evening.

Mr. Duke made a motion to add the presentation to the agenda. Mr. Klepacz seconded this motion and there being six (6) Yea votes and no (0) Nay votes, the motion was declared carried by a unanimous vote.

PRESENTATION: MIAMI VALLEY COMMUNICATIONS COUNCIL

Mr. Steve Husemann from the Communications Council stated that he came this evening to make everyone aware of the proposal for some unnecessary legislation, Senate Bill 117. This bill introduces an adjustment of franchise fee definitions that could cost our 8 cities \$250,000 or more per year. It would also prevent them from having the capabilities to show live meetings and could restrict how cities manage their own right-of-ways. The Miami Valley Communications Council supports cable/video competition and allowing AT&T to enter the video market on the same basis as Time Warner but they do not feel that we need to cut the revenues that the city receives for the use of its right of ways to accomplish this. Mr. Husemann does not want to see what everyone has worked so hard for go away because of Senate Bill 117.

Mr. Duke stated this bill is being introduced in the Senate and will then go on to the House of Representatives. Our House Representatives are Jon Husted and John White. He urged citizens to begin addressing their representatives to let them know they are opposed to this legislation.

PUBLIC HEARINGS

**PUBLIC HEARING:** To amend the provisions for land use regulations and development guidelines for Economic Development District No. 19 (Forrer Pointe) (Zoning Case No. 723-05).

Mr. Ron Hundt, City Planner, Planning and Development Department reported the Planning Commission has recommended approval of the amendments that would allow them to approve standards for signage for this development without individual requests coming directly to City Council. He showed a site plan and explained that this property was located on the corner of Woodman Drive and Forrer Boulevard. Mr. Hundt also explained that if the applicant or an interested neighbor did not concur with the decision by the Planning Commission, they would still have the ability to appeal the Commission's decision to City Council.

COUNCIL COMMENTS AND QUESTIONS

Mayor Patterson asked if Mr. Hundt was comfortable with the final decision being left up to the Planning Commission and no longer coming before City Council.

Mr. Hundt replied that he was comfortable with this decision because it will allow the Planning Commission some flexibility on minor issues.

Mr. Duke wondered why they went with the policy of everything in this Economic Development Overlay coming before Council and they did not recommend this on any of the other Economic Development Overlays.

Mr. Hundt explained that it was different because this development was office/warehouse. It is essentially the first of its kind because the others are commercial or retail centers.

COMMENTS BY PROPONENTS

None

COMMENTS BY OPPONENTS

None

There being no further discussion, Mayor Patterson closed the public hearing and advised that Council would render a decision at the April 10, 2007 Council Meeting.

ORDINANCES IN SECOND READING

RESOLUTIONS

A RESOLUTION

NO: 8245-07

BY: MR. WANAMAKER AND MR. SPOLRICH

TO ACCEPT CERTAIN PLAT(S) AND RELEASE RELATED BONDS OR  
LETTERS OF CREDIT

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

Mr. Schwieterman explained this will allow the City to accept the public improvements in the Homeland Plat for maintenance by the City of Kettering and to release the bonds/letters of credit, which were posted to insure their completion.

There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Spolrich, Yea; Mayor Patterson, 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: 8246-07

BY: MR. SPOLRICH and MR. THOMPSON

ACCEPTING AND APPROVING THE RECOMMENDATIONS OF THE CITY  
OF KETTERING TAX INCENTIVE REVIEW COUNCIL RESULTING FROM  
ITS 2006 ANNUAL ENTERPRISE ZONE PROGRAM AGREEMENT REVIEW

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

Mr. Schwieterman explained that the City of Kettering Annual Tax Incentive review Council (TIRC) meeting was held on February 28, 2007. This resolution is to accept and approve their recommendations.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mr. Wanamaker, Yea; Mr. Duke, Yea; Mr. Klepacz, Yea; Mr. Thompson, Yea; Mayor Patterson, 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: 8247-07

BY: MR. THOMPSON AND MR. KLEPACZ

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT  
WITH THE STATE OF OHIO, DEPARTMENT OF DEVELOPMENT, FOR THE  
ADMINISTRATION OF THE HOUSING REVOLVING LOAN FUND

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

Mr. Schwieterman reported that as a recipient of HOME funds from the State of Ohio for a housing rehabilitation program, the City is required to complete and execute and agreement regarding the administration of the revolving loan fund. The purpose of the agreement is to maintain adequate program oversight and ensure that communities understand and adhere to the terms of the agreement in conjunction with the administration of the funds.

There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Spolrich, Yea; Mayor Patterson, 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: 8248-07  
BY: MR. KLEPACZ AND MR. DUKE

AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION WITH THE MONTGOMERY COUNTY SOLID WASTE POLICY COMMITTEE FOR GRANT FUNDS IN THE AMOUNT OF \$6,795.60

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

Mr. Schwieterman explained that to be in compliance with EPA regulations, water runoff must be contained on site. The City of Kettering is seeking grant assistance from Montgomery County to purchase (2) Vertex Air 5's.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mr. Wanamaker, Yea; Mr. Duke, Yea; Mr. Klepacz, Yea; Mr. Thompson, Yea; Mayor Patterson, 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: 8249-07  
BY: MR. DUKE AND MR. WANAMAKER

AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS AND TO CONTRACT FOR THE CLOVERFIELD, GREENBELT, BERWIN STORM SEWER IMPROVEMENT PROJECT (PROJECT NO. 03-617)

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

Mr. Schwieterman reported that in response to an ongoing drainage problem in the neighborhood a new storm sewer will be constructed along Greenbelt & Cloverfield along with ditch re-grading and new catch basins on Berwin.

There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Spolrich, Yea; Mayor Patterson, 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: 8250-07  
BY: MR. WANAMAKER AND MR. SPOLRICH

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, 2007

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

Mr. Schwieterman stated that the appropriations requested this evening are all related to various grants the City accepted in previous years. While the grant expenditures were appropriated in 2006, the City's matching portions must be re-appropriated each year if they are unspent as of December 31<sup>st</sup>. These requests are carryovers and not additional spending.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mr. Wanamaker, Yea; Mr. Duke, Yea; Mr. Klepacz, Yea; Mr. Thompson, Yea; Mayor Patterson, 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 THE PROVISIONS FOR LAND USE REGULATIONS AND DEVELOPMENT GUIDELINES FOR ECONOMIC DEVELOPMENT OVERLAY DISTRICT NO. 19 (FORRER POINTE) (ZONING CASE NO. 723-05)

Mr. Spolrich read the above ordinance in first reading. The ordinance will appear on the April 10, 2007, Council meeting agenda for second reading.

##### AN ORDINANCE

TO LEVY SPECIAL ASSESSMENTS FOR THE CONSTRUCTION AND RECONSTRUCTION OF SIDEWALKS, CURBS, GUTTERS AND DRIVEWAY APPROACHES, TOGETHER WITH THE NECESSARY APPURTENANCES, FOR THE 2006 SIDEWALK REPAIR PROGRAM (PROJECT NUMBER 05-106)

Mr. Thompson read the above ordinance in first reading. The ordinance will appear on the April 10, 2007, Council meeting agenda for second reading.

##### AN ORDINANCE

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

- NO PARKING ANYTIME – ON THE NORTH SIDE OF ANDREW ROAD FROM THE EAST CURB EXTENSION OF BIGGER ROAD EASTWARD FOR A DISTANCE OF 60 FEET
- NO PARKING ANYTIME- ON THE SOUTH SIDE OF ANDREW ROAD FROM THE EAST CURB EXTENSION OF BIGGER ROAD EASTWARD FOR A DISTANCE OF 210 FEET
- NO PARKING ANYTIME – ON THE WEST SIDE OF IVES LANE STARTING AT A POINT THAT IS 250 FEET SOUTH OF THE INTERSECTION WITH FRIEDA LANE, MEASURING ALONG CENTER LINE, AND CONTINUING FOR A DISTANCE OF 40 FEET TO THE SOUTH

Mr. Klepacz read the above ordinance in first reading. The ordinance will appear on the April 10, 2007, Council meeting agenda for second reading.

#### CERTIFICATIONS AND PETITIONS

##### MANAGER'S REPORT

Mr. Mark Schwieterman, City Manager reported the last week of April has been designated for "Spring Cleanup." Public service crews will be going throughout

neighborhoods collecting leaves, branches and debris that have fallen throughout the winter. He asked that citizens please place debris curbside on Sunday, April 22<sup>nd</sup> for pickup by crews throughout the week. Also, beginning March 19, 2007, the Yard Debris Drop Off Site summer hours are Monday – Friday, 3:00 p.m. – 8:00 p.m. and Saturday, 9:00 a.m. – 3:00 p.m. This week is severe weather awareness week. The City will be testing its severe weather systems at 9:50 a.m. on Wednesday, March 28, 2007. This will be a test so please do not call 9-1-1. If you need more information please call the police information line. Mr. Schwieterman thanked Mr. Fullenkamp for all of his hard work in making Mr. Welch's presentation a success.

#### OTHER BUSINESS NOT ON WRITTEN AGENDA

##### Communications and Reports

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

Joseph Koussa, 1537 Beaver Creek Lane - He asked God to keep an eye on all of the military men and women throughout the world fighting for our safety and freedom. He prays for their safe return. He thanked all of the City employees for their efforts in this year's snow removal and emergency. He also thanked the postal workers and trash collectors. Everyone did a great job.

Carolyn Wilken, 2170 W. Schantz Ave. – She expressed that she is here this evening to represent Citizens Against Regional Dispatch (CARD). They want to inform citizens and let them know what an important issue this is. They want to keep our dispatch center local and not regional. CARD meets on the first and third Tuesday of each month at the Parkview Community Center, 4100 Glenheath Drive. You can also check out their website at [ketteringcard.com](http://ketteringcard.com).

#### COUNCIL COMMITTEE REPORTS

Mr. Spolrich reported that he reviewed the minutes of the regular and workshop meeting of March 6, 2007, and moved the minutes be approved. Mr. Thompson seconded the motion and there being six (6) Yea votes and no (0) nay votes, the motion was declared carried by a majority vote.

Mr. Wanamaker – thanked Mr. Fullenkamp, Ms. Gaw and Mayor Patterson for the nice presentation that they put together for Mr. Welch.

Mr. Spolrich – No report.

Mr. Thompson – stated that it is nice to honor someone when they are still here to appreciate it instead of after they are gone. He congratulated Mr. Welch and wished him well. This week is severe weather awareness week. It is recommended that citizens keep a three-day supply of emergency rations in your home, especially water. Food items should be those that do not need to be cooked.

Mr. Klepacz – attended a fundraiser at We Care Arts last week. There are great things going on there and he encouraged citizens to visit them. With the appointment of Michael Oaster to the Board of Community Relations this evening it makes them now have a full board. Council has had an exciting couple of weeks serving as greeters at area middle and high schools for the Partners for Healthy Youth Program. It's nice to see the energy going on in this community to keep our youth healthy.

Mr. Duke – reported that he talked with Mr. Welch at the reception this evening and he was honored to be recognized and stated that he said now he can die a happy man. He truly appreciated everyone's hard work. The Sister Cities Annual Dinner was on Monday evening and he thanked Karen Hickman for all of the hard work that she did on this event. He reminded everyone of the upcoming trip to Kettering England this fall. On April 5, 2007 at 10:00 a.m. the Kettering Moraine Museum will reopen and hold a ribbon cutting. It will be nice to get the museum back open again.

Mayor Patterson – reported that March is Youth Month. It was nice to greet all of the students. On March 20, 2007 he attended a PFHY breakfast at Polen Farm. It is

nice to see the wonderful things that the Partners for Healthy Youth are doing in this community. March 23, 2007 he represented the City at the Air Force Claims Service Center ribbon cutting at Kettering Business Park. This morning he attended the Red Cross Volunteer Luncheon. Red Cross is celebrating their 90<sup>th</sup> year. On March 24, 2007 he attended the induction of Pauline Greene into the Dayton Hockey Hall of Fame. Mrs. Green runs the Hockey Shop at the Kettering Recreation Center. She is the first woman to be inducted into the Hall of Fame. He thanked Mr. Fullenkamp for all of his hard work on the Ervin Welch event. Mr. Welch was very appreciative and overwhelmed by the recognition.

There being no further business to come before this meeting of the Kettering City Council, Mayor Patterson adjourned the meeting at 9:33 p.m.

ATTEST:

Connie S. Gaw  
Clerk of Council

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DONALD E. PATTERSON, MAYOR