

KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
April 26, 2005

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, April 26, 2005, at 7:30 p.m. in the Council Chambers of the Kettering Government Center, 3600 Shroyer Road. The Mayor, Marilou W. Smith, presided and the Clerk of Council, Virginia J. Schulke, recorded. This meeting was telecast live on the cable access channel.

Council Members Present: Duke, Lehner, Patterson, Thompson,
Wanamaker, and Wasky.

Total Members Present: Seven (7)

Mayor Smith gave the invocation and led the audience in the Pledge of Allegiance. She introduced Pages from Kettering Middle School, Chris Wantz and Brianna Mulkey. She also introduced the cable TV operators, Bill Greger and Earl Jones. The Mayor thanked these volunteers for their assistance.

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

PROCLAMATION: Walk Kettering Day – May 6, 2005

Mrs. Lehner read the above proclamation and same was accepted by Jim Englehardt, PRCA Sports and Fitness Supervisor.

PROCLAMATION: Days of Remembrance – May 1 – 6, 2005

Mr. Wasky read the above proclamation and Mayor Smith stated that this proclamation will hang in the Government Center Lobby on May 1 – 6, 2005

RESOLUTIONS OF APPRECIATION:

A RESOLUTION
NO. 7892-05

BY: MR. WANAMAKER AND MR. DUKE

AN ACKNOWLEDGEMENT OF SERVICE AND EXPRESSION OF
APPRECIATION TO FRANK E. POSTLE BY THE COUNCIL OF THE
CITY OF KETTERING, OHIO

Mr. Wanamaker read the above resolution and moved for approval. Mr. Duke seconded the motion and the motion was declared carried by acclamation. On behalf of the members of Council and the City Administration, the Mayor congratulated Frank Postle on his retirement and thanked him for his 26 years of exemplary service in the Kettering Parks, Recreation and Cultural Arts Department.

A RESOLUTION
NO. 7893-05

BY: MAYOR SMITH AND VICE MAYOR LEHNER

AN ACKNOWLEDGEMENT OF SERVICE AND EXPRESSION OF
APPRECIATION TO VIRGINIA "JEAN" SCHULKE BY THE COUNCIL OF
THE CITY OF KETTERING, OHIO

Mayor Smith read the above resolution and moved for approval. Vice Mayor Lehner seconded the motion and the motion was declared carried by acclamation. On behalf of the members of Council and the City Administration,

the Mayor congratulated Jean Schulke on her retirement as Clerk of Council and thanked for her 26 years of exemplary service.

DECISIONS AND PUBLIC HEARINGS

DECISION: ZONING CASE 716-05, 717-05, 718-05, 719-05, 720-05 and 721-05. Request to Rezone Subject Properties: 1689 W. Dorothy Lane, 2727 and 2801 S. Dixie Highway and 2510, 2620, 2640 and 2690 Lance Drive from M-2 (City of Moraine Zoning Designation) to "B" for Business District.

There being no discussion, the Mayor asked for a motion:

Mr. Wasky commented that he was not present at the April 12, 2005, meeting but did review the Zoning Case information and reviewed the videotape of the meeting and said he was prepared to vote.

AN ORDINANCE
NO. 4002-05
BY: MRS. LEHNER AND MR. WASKY

REZONE APPROXIMATELY 1.9025 ACRES OF REAL PROPERTY COMPRISING LOT NO. 5207 IN THE SOUTHERN HILLS CROSSING PLAT AND LOCATED AT 1689 DOROTHY LANE FROM M-2 (CITY OF MORaine ZONING DESIGNATION) TO "B" BUSINESS DISTRICT (CITY OF KETTERING ZONING DESIGNATION (ZONING CASE 716-05).

Mrs. Lehner read the above ordinance in second reading and moved for approval. Mr. Wasky seconded the motion. There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Wanamaker, Yea; Mr. Duke, Yea; Mrs. Lehner, Yea; Mr. Wasky, Yea, Mr. Patterson, Yea; Mayor Smith, 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. 4003-05
BY: MR. WASKY AND MR. THOMPSON

REZONE APPROXIMATELY 1.9025 ACRES OF REAL PROPERTY LOCATED AT 2801 SOUTH DIXIE HIGHWAY FROM M-2, (CITY OF MORaine ZONING DESIGNATION) TO "B" BUSINESS DISTRICT (CITY OF KETTERING ZONING DESIGNATION (ZONING CASE 717-05).

Mr. Wasky read the above ordinance in second reading and moved for approval. Mr. Thompson seconded the motion. There being no discussion on the motion, the following votes were recorded: Mr. Patterson, Yea; Mr. Wasky, Yea; Mrs. Lehner, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Thompson, Yea; Mayor Smith, 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. 4004-05
BY: MR. PATTERSON AND MR. THOMPSON

REZONE APPROXIMATELY 2.913 ACRES OF REAL PROPERTY LOCATED AT 2727 SOUTH DIXIE HIGHWAY FROM M-2, (CITY OF MORaine ZONING DESIGNATION) TO "B" BUSINESS DISTRICT (CITY OF KETTERING ZONING DESIGNATION (ZONING CASE 718-05).

Mr. Patterson read the above ordinance in second reading and moved for approval. Mr. Thompson seconded the motion. There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr.

Wanamaker, Yea; Mr. Duke, Yea; Mrs. Lehner, Yea; Mr. Wasky, Yea, Mr. Patterson, Yea; Mayor Smith, 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. 4005-05
BY: MR. THOMPSON AND MR. WANAMAKER

REZONE APPROXIMATELY 0.551 ACRES OF REAL PROPERTY LOCATED AT 2690 LANCE DRIVE FROM M-2, (CITY OF MORaine ZONING DESIGNATION) TO "B" BUSINESS DISTRICT (CITY OF KETTERING ZONING DESIGNATION (ZONING CASE 719-05).

Mr. Thompson read the above ordinance in second reading and moved for approval. Mr. Wanamaker seconded the motion. There being no discussion on the motion, the following votes were recorded: Mr. Patterson, Yea; Mr. Wasky, Yea; Mrs. Lehner, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Thompson, Yea; Mayor Smith, 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. 4006-05
BY: MR. WANAMAKER AND MR. DUKE

REZONE FOUR PARCELS OF REAL PROPERTY LOCATED ALONG THE WESTERN EDGE OF ESPLANADE CENTER FROM M-2, (CITY OF MORaine ZONING DESIGNATION) TO "B" BUSINESS DISTRICT (CITY OF KETTERING ZONING DESIGNATION (ZONING CASE 720-05).

Mr. Wanamaker read the above ordinance in second reading and moved for approval. Mr. Duke seconded the motion. There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Wanamaker, Yea; Mr. Duke, Yea; Mrs. Lehner, Yea; Mr. Wasky, Yea, Mr. Patterson, Yea; Mayor Smith, 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. 4007-05
BY: MR. DUKE AND MRS. LEHNER

REZONE APPROXIMATELY 1.217 ACRES OF REAL PROPERTY LOCATED AT 2510 LANCE DRIVE FROM M-2, (CITY OF MORaine ZONING DESIGNATION) TO "B" BUSINESS DISTRICT (CITY OF KETTERING ZONING DESIGNATION (ZONING CASE 721-05).

Mr. Duke read the above ordinance in second reading and moved for approval. Mrs. Lehner seconded the motion. There being no discussion on the motion, the following votes were recorded: Mr. Patterson, Yea; Mr. Wasky, Yea; Mrs. Lehner, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Thompson, Yea; Mayor Smith, Yea. There being seven (7) Yea votes and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

ORDINANCES IN SECOND READING

AN ORDINANCE
NO. 4008-05

BY: MRS. LEHNER AND MR. WASKY

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

- A. NO PARKING ANYTIME – on the west side of Overland Trail from the intersection with Stroop Road southward for a distance of 65 feet and on the east side of Overland Trail from a distance of 65 feet south of the intersection with Stroop road northward to the intersection with Stroop Road.
- B. NO PARKING ANYTIME – on the south side of Cushing Avenue from Shroyer road extended east curb eastwardly to Aerial Avenue extended west curb.
- C.

Mrs. Lehner read the above ordinance in second reading and moved for approval. Mr. Wasky seconded the motion. There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Wanamaker, Yea; Mr. Duke, Yea; Mrs. Lehner, Yea; Mr. Wasky, Yea, Mr. Patterson, Yea; Mayor Smith, Yea. There being seven (7) Yea votes and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

RESOLUTIONS

(Untabled and Withdrawn)

A RESOLUTION

BY: MR. WASKY AND MR. PATTERSON

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH COUNTY CORP FOR A HOUSING TRUST FUND LOAN IN THE AMOUNT OF \$140,000.00

Mr. Wasky read the above resolution and moved to untable and withdraw this request. Mr. Patterson seconded the motion. There being no discussion on the motion, the following votes were recorded: Mr. Patterson, Yea; Mr. Wasky, Yea; Mrs. Lehner, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Thompson, Yea; Mayor Smith, Yea. There being seven (7) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution withdrawn.

A RESOLUTION

NO. 7894-05

BY: MR. PATTERSON AND MR. THOMPSON

TO APPOINT A MUNICIPAL CLERK

Mr. Patterson read the above resolution in its entirety and moved for approval. Mr. Thompson seconded the motion. There being no further discussion, the following votes were recorded: Mr. Patterson, Yea; Mr. Wasky, Yea; Mrs. Lehner, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Thompson, Yea; Mayor Smith, Yea. There being seven (7) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

Mayor Smith commented the new Clerk of Council, Mrs. Connie Gaw, came to the Mayor and Council Office from the Planning & Development Department. The Mayor welcomed her.

A RESOLUTION
NO. 7895-05
BY: MR. THOMPSON AND MR. WANAMAKER

AUTHORIZING THE CITY MANAGER TO APPLY FOR AN
"ASSISTANCE TO FIREFIGHTERS GRANT" FROM THE FEDERAL
EMERGENCY MANAGEMENT AGENCY AND THE UNITED STATES
FIRE ADMINISTRATION.

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

The City Manger, Mr. Husemann, commented that the grant funds would allow the Fire Department to purchase portable and mobile radios and thermal imaging devices.

There being no further discussion, the following votes were recorded: Mr. Thompson, Yea; Mr. Wanamaker, Yea; Mr. Duke, Yea; Mrs. Lehner, Yea; Mr. Wasky, Yea; Mr. Patterson, Yea; Mayor Smith, Yea. There being seven (7) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted

MOTION TO AMEND THE AGENDA

Ms. Lehner made a motion to amend the agenda to add a resolution not shown on the printed agenda (advance of sick leave hours to Dondi Marsh) and moved for approval. Mr. Wasky seconded the motion. There being no discussion, the following votes were recorded: Mr. Thompson, Yea; Mr. Wanamaker, Yea; Mr. Duke, Yea; Mrs. Lehner, Yea; Mr. Wasky, Yea; Mr. Patterson, Yea; Mayor Smith, Yea. There being seven (7) Yea votes and no (0) Nay votes, the motion was declared carried and the agenda was amended.

A RESOLUTION
NO. 7896-05
BY: MR. WANAMAKER AND MR. DUKE

AUTHORIZING THE CITY MANAGER TO GRANT DONDI J. MARSH AN
ADVANCE OF SICK LEAVE HOURS, SUCH THAT HIS SICK LEAVE
BALANCE SHALL NOT EXCEED A NEGATIVE BALANCE OF FOUR
HUNDRED (400) HOURS.

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

City Manager, Steve Husemann, commented that Ptl. Dondi was a long time police officer who had been ill. He was currently working part time but was still in need of additional sick hours until he can return to full time status.

Mr. Patterson read the above resolution and moved for approval. Mr. Thompson seconded the motion. There being no further discussion, the following votes were recorded: Mr. Patterson, Yea; Mr. Wasky, Yea; Mrs. Lehner, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Thompson, Yea; Mayor Smith, 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

CERTIFICATIONS & PETITIONS

MANAGER'S REPORT

Mr. Husemann, the City Manager reported:

State Fire Commission – The Manager congratulated Councilmember Duke on his appointment by the Governor to the State Fire Commission. He said Kettering was fortunate to have a representative in this area.

Tree City U.S.A. – Kettering was named Tree City USA for the 22nd consecutive year since 1982. Mr. Husemann commended Frank Postle, Parks Superintendent, who has been very involved in this program throughout the years.

County Animal Shelter – The Manager advised the Animal Shelter set up a new procedure on when they accept animals and Kettering will no longer have 24-hour coverage. Animals will not be picked up between the hours of 11:00 p.m. – 7:00 a.m. by an animal control officer. Space has been found on a temporary basis at DESC/Kettering Business Park to house the animals picked up by the Police Officers during these hours.

Mrs. Jean Schulke - The City Manager expressed that he had worked with a number of Council Clerks over the years, and that Mrs. Schulke had been the epitome of professionalism and said he enjoyed working with her over the past fifteen years.

COUNCIL COMMITTEE REPORTS

Mr. Patterson reported that he reviewed the minutes from the regular and workshop Council meetings of April 12, 2005. He moved that the minutes be approved. Mr. Thompson seconded the motion and there being no discussion, the motion was declared carried by a unanimous vote.

Mr. Thompson – No report.

Mr. Wanamaker – No report.

Mr. Duke reported that the Volunteer Celebration Concert was held last week at the Presidential Banquet Center with close to 500 volunteers in attendance. He expressed kudos to Bonnie Pittle, Volunteer Resource Manager and her staff for putting on such a successful event.

Mrs. Lehner – No report.

Mr. Wasky reported that the City of Kettering held it's first annual Youth Summit last week. He said A temporary teen center was set up at the Town & Country Shopping Center, which was a huge success with Kettering teens. He said many middle and high school students have requested the youth center be continued. He expressed kudos to everyone who participated in Youth Week and said it was a great. Mr. Wasky gave the Youth Council web site address, www.partnersforhealthyyouth.org, and said it was up and running. Mr. Wasky reported the Intergovernmental/Interagency Relations Committee met recently to discuss RTA issues with Dr. Charles Scriven, Kettering's RTA Delegate.

Mr. Patterson reported that the volunteer celebration was very successful and said Kettering was very lucky to have such wonderful volunteers. He commended Bonnie Pittl and her staff. He also thanked Mike Lehner, Youth Development Coordinator, and Stacy Schweikhart, Division Manager, Program and Special Projects, for all of their work on the Youth Summit.

Mayor Smith reported that due to inclement weather, the Arbor Day Tree Planting had been rescheduled to 4:30 p.m., Friday, April 29. The Mayor also commented on the recent "hard hat" tour of the new Trent Arena and fitness center and said Kettering residents will be astonished at this new complex. Friday, April 15 the Alter Students were at the Government Center for Youth in Government Day.

Fairmont High School students will have Youth In Government Day on Friday, April 29. The Mayor thanked volunteer Mr. Bernie Wannamaker for attending this meeting to take the photographs, and thanked Don Tate from the Planning and Development Department for video taping Mrs. Schulke's last meeting.

BUSINESS NOT ON WRITTEN AGENDA
Communications and Reports

Council Comments

The members joined in thanking Jean Schulke and Frank Postle for their years of service and welcomed Connie Gaw as the new Clerk of Council.

Audience Participation (5 Minute Limit Per Speaker)

There being no further business to come before this regular meeting of the Kettering City Council, Mayor Smith adjourned the meeting at 8:30 p.m.

ATTEST:

MARILOU W. SMITH, MAYOR

Virginia J. Schulke, CMC
Clerk of Council