

KETTERING CITY COUNCIL  
REGULAR MEETING MINUTES  
May 24, 2005

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, May 24, 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, Connie S. Gaw, recorded. This meeting was telecast live on the cable access channel.

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

Council Members Absent: Lehner

Total Members Present: Six (6)

Mayor Smith gave the invocation and led the audience in the Pledge of Allegiance. She introduced the Page from St. Charles School, Megan Conway. 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: S.I.C.S.A Walk for Strays – June 4, 2005

Mr. Patterson read the above proclamation and same was accepted by Andrea Lloyd, from S.I.C.S.A.

APPOINTMENT: CHRISTOPHER BAZELEY – SISTER CITY COMMITTEE

Mr. Duke moved for approval to appoint Mr. Bazeley to the Sister City Committee. 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; Mr. Wasky, Yea; Mr. Patterson, Yea; Mayor Smith, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried. Mr. Bazeley was present and stood for recognition.

INTRODUCTION: DESI KOLEVA, INTERN FROM GABROVO, BULGARIA

Mayor Smith introduced Ms. Koleva and welcomed her to our city. Ms. Koleva thanked everyone for their hospitality and read a letter from the Mayor of Gabrovo.

DECISIONS AND PUBLIC HEARINGS

PUBLIC HEARING: To Rezone the Approximate Six Acre Property Located at the Southwest Corner of the Intersection of Woodman Drive and Forrer Boulevard from I -Industrial to Economic Development Overlay #19 (Zoning Case 723-05).

Mayor Smith announced that at the request of the applicant this case is continued, until the June 14, 2005, Council Meeting.

ORDINANCES IN SECOND READING

AN ORDINANCE  
NO. 4009-05  
BY: MR. WASKY AND MR. PATTERSON

TO LEVY SPECIAL ASSESSMENTS FOR CONSTRUCTION AND RECONSTRUCTION OF SIDEWALKS, CURBS, GUTTERS AND DRIVEWAY APPROACHES, TOGETHER WITH THE NECESSARY APPURTENANCES, FOR PROJECT NUMBERS 02-142F AND 05-104.

Mr. Wasky read the above ordinance in second reading and moved for approval. Mr. Patterson seconded the motion. There being no discussion on the motion, the following votes were recorded: Mr. Patterson, Yea; Mr. Wasky, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Thompson, Yea; Mayor Smith, Yea. There being seven (6) Yea votes and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

AN ORDINANCE  
NO. 4010-05  
BY: MR. PATTERSON AND MR. THOMPSON

TO LEVY SPECIAL ASSESSMENTS FOR THE "EAST STROOP ROAD SIDEWALK – VINEYARD TO HEMPSTEAD STATION – PROJECT" (PROJECT NUMBER 02-110K).

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; Mr. Wasky, Yea, Mr. Patterson, Yea; Mayor Smith, 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. 4011-05  
BY: MR. THOMPSON AND MR. WANAMAKER

TO PROVIDE FOR THE TABLE OF ORGANIZATION, POSITION CLASSIFICATION PLAN, COMPENSATION PLAN AND PAY SCHEDULES AND RULES AND REGULATIONS PERTAINING TO CONDITIONS OF WORK AND SUPPLEMENTAL BENEFITS FOR THE EMPLOYEES OF THE CITY OF KETTERING, OHIO, AND TO REPEAL ORDINANCE NO. 3987-04.

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; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Thompson, Yea; Mayor Smith, Yea. There being seven (6) Yea votes and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

RESOLUTIONS

A RESOLUTION  
NO: 7900-05  
BY: MR. WANAMAKER AND MR. DUKE

DESIGNATING CERTAIN CITY OWNED PROPERTIES FOR PARK USE.

Mr. Wanamaker read the above resolution in its entirety 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; Mr. Wasky, Yea; Mr. Patterson, Yea; Mayor Smith, 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. 7901-05  
BY: MR. DUKE AND MR. WASKY

DIRECTING THE CITY ENGINEER TO PREPARE AND FILE  
RENEWED, RECALCULATED, AMENDED AND/OR CONSOLIDATED  
ASSESSMENTS FOR STREET LIGHTING

Mr. Duke read the above resolution in its entirety and moved for approval. Mr. Wasky seconded the motion. There being no further discussion, the following votes were recorded: Mr. Patterson, Yea; Mr. Wasky, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Thompson, Yea; Mayor Smith, 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. 7902-05  
BY: MR. WASKY AND MR. PATTERSON

TO MAKE SUPPLEMENTAL APPROPRIATION FOR CURRENT  
EXPENSES AND OTHER EXPENDITURES OF THE CITY OF  
KETTERING, STATE OF OHIO, DURING THE FISCAL YEAR ENDING  
DECEMBER 31, 2005

Mr. Wasky read the above resolution in its entirety and moved for approval. Mr. Patterson seconded the motion. There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Wanamaker, Yea; Mr. Duke, Yea; Mr. Wasky, Yea; Mr. Patterson, Yea; Mayor Smith, 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. 7903-05

BY: MR. PATTERSON AND MR. THOMPSON

ACCEPTING OWNERSHIP OF APPROXIMATELY 26 ACRES OF REAL PROPERTY KNOWN AS "PARCEL E" OF THE FORMER GENTILE AIR FORCE STATEION (AKA DESC)

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; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Thompson, Yea; Mayor Smith, 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. 7904-05

BY: MR. THOMPSON AND MR. WANAMAKER

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES AND TO ENTER INTO ONE OR MORE CONTRACTS FOR MEDICAL, DENTAL AND LIFE INSURANCE FOR THE EMPLOYEES OF THE CITY OF KETTERING, KETTERING MUNICIPAL COURT AND THE OFFICE OF THE CLERK OF THE KETTERING MUNICIPAL COURT

Mr. Thompson read the above resolution in its entirety and moved for approval. Mr. Wanamaker seconded the motion. There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Wanamaker, Yea; Mr. Duke, Yea; Mr. Wasky, Yea; Mr. Patterson, Yea; Mayor Smith, 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. 7905-05

BY: MR. WANAMAKER AND MR. DUKE

EXPRESSING THE SENTIMENT OF CITY COUNCIL TO ENCOURAGE THE STATE OF OHIO LEGISLATURE TO ADOPT STATE-WIDE NO SMOKING REGULATIONS

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

Mr. Todd Tooker, 2717 South Blvd. Kettering, Ohio – Mr. Tooker expressed that he did not believe that the Government should interfere with the sale and use of a legal consumer product such as tobacco. He felt that the market place should decide the use of this product. He suggested three different options/examples for resolutions with his choice being that the State of Ohio Legislature adopts statewide citizen freedom, and responsibility for smoking.

There was then discussion between the Mayor and Councilmember's, with the consensus being that this resolution only expresses the sentiment of City Council, not the public. They all agreed that they would like to see this go on the ballot statewide and are opposed to each city passing their own bans.

They suggested that the citizens contact their state legislators and let them know how they feel about this issue.

There being no further discussion, the following votes were recorded: Mr. Patterson, Yea; Mr. Wasky, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Thompson, Yea; Mayor Smith, 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. 7906-05  
BY: MR. DUKE AND MR. WASKY

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE KETTERING CITY SCHOOLS TO ASSIST IN STAFFING OF THE SCHOOLS' AFTER SCHOOL ENRICHMENT PROGRAM FOR THE 2004-2005 SCHOOL YEAR IN AN AMOUNT NOT TO EXCEED \$51,000.00

Mr. Duke read the above resolution in its entirety 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; Mr. Wasky, Yea; Mr. Patterson, Yea; Mayor Smith, 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. 7907-05  
BY: MR. WASKY AND MR. PATTERSON  
AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH COUNTY CORP FOR HOUSING TRUST FUNDS TO BE AVAILABLE IN THE CITY OF KETTERING FOR HOUSING ACTIVITIES

Mr. Wasky read the above resolution in its entirety and moved for approval. Mr. Patterson seconded the motion. There being no further discussion, the following votes were recorded: Mr. Patterson, Yea; Mr. Wasky, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Thompson, Yea; Mayor Smith, 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 REZONE THE APPROXIMATE SIX ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WOODMAN DRIVE AND FORRER BOULEVARD FROM "I-INDUSTRIAL" TO "ECONOMIC DEVELOPMENT OVERLAY NO. 19" (ZONING CASE NO. 723-05)

Mayor Smith announced that at the request of the applicant the first reading of the ordinance is continued, until the June 14, 2005, Council Meeting.

## AN ORDINANCE

TO AMEND ITEM NO. 3 OF SUBSECTION (A) OF SECTION 191.06 OF THE CODIFIED ORDINANCES OF THE CITY OF KETTERING PERTAINING TO EMPLOYER'S PAYMENT OF TAX BY ELECTRONIC FUNDS TRANSFER

Mr. Patterson read the above ordinance in first reading. The ordinance will appear on the June 14, 2005, Council meeting agenda for second reading.

### CERTIFICATIONS & PETITIONS

CERTIFICATION – PLANNING COMMISSION RECOMMENDS APPROVAL OF AMENDMENT – To Section 1109.17, 1113.28 and 1117.03 of the City of Kettering Subdivision Regulations.

The Clerk of Council read the above certification and announced Council would hold a public hearing on this amendment at the June 14, 2005, Council meeting.

### MANAGER'S REPORT

Mr. Husemann, the City Manager reported:

SKATE BOARD PARK – The grand opening for the Skate Board Park is set for June 11, 2005. Information concerning scheduled events is on the city's web site.

DEFENSE FINANCE & ACCOUNTING SERVICE (DEFAS) – The city's intent is to aggressively find out why this facility was on the base closure list.

### COUNCIL COMMITTEE REPORTS

Mr. Patterson reported that he reviewed the minutes from the regular and workshop Council meetings of May 10, 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 expressed that the schools will soon be closing for the year. He reminded everyone to keep an eye open and drivers be careful of our kids on bikes and skateboards.

Mr. Wanamaker wished Desi Koleva a safe return home to Bulgaria. Mayor Smith asked Mr. Wanamaker to comment about an award that he recently received. Mr. Wanamaker reported that the South Dayton Chapter of the AMBUCS named him "AMBU of the Year." He was honored to receive this award for his service and dedication to help people, especially children with disabilities.

Mr. Duke reported that there were three new business grand openings over the last couple of weeks, and he welcomes them to our community (attended the Applebee's Ribbon Cutting). He served on the Chet Roush Hall of Fame Committee, which inducted three new members into this organization. Applications will be accepted for the Leadership Academy through June 17, 2005, and are available at the Government Center. He also reminded everyone of the bike helmet law in this community. Please make sure all children under 16 wear their bike helmets.

Mr. Wasky reported that he recently attended the Healthy Youth Advisory Board Meeting. In April, they met with students and received many positive comments.

They had an excellent speaker this year and will rotate the speaker throughout different schools during "Youth Week" next year. Approximately 176 kids attended the "Spring Fling" at Town and Country Shopping Center. The teen center was also a great success and many kids are asking for a permanent center.

Mr. Patterson reported that he attended the grand opening events for Applebee's, Golden City Ball Room, and Kettering Massage and Wellness Center. Congratulations and success to these three new businesses.

Mayor Smith reported that the Police Memorial Ceremony was very impressive and solemn. Remembered were Police Officer, Jerry Cizma, and Police Dispatcher, Barbara Holzhauer, who passed away just this year. The Knights of Columbus held their 50<sup>th</sup> anniversary celebration on May 14, 2005, and she read a proclamation at that event. She attended the Peace Bridge event in Dayton on Sunday, May 15, 2005. Mayor Smith attended a luncheon for the Miami Valley Association of Volunteers and spoke to a group of approximately 75 on May 18, 2005. She attended and read a proclamation for the Community Action Agency on May 20, 2005, in honor of "Community Action Month." The Rubber Duck Regatta will be held at Riverscape, in Dayton, on Sunday, May 29, 2005, to benefit United Rehabilitation Services. Application forms are available in the City Council office, so please adopt a duck. She also threw out the first pitch at the Dayton Dragons game on May 17, 2005.

BUSINESS NOT ON WRITTEN AGENDA  
Communications and Reports

Council Comments

Audience Participation (5 Minute Limit Per Speaker)

Todd Tooker, 2717 South Blvd.- reported that in his constant efforts to assist City Council, he found on the Internet an article about someone wanting a city to identify dog droppings by DNA. He expressed that this is just the type of things we need to watch out for

There being no further business to come before this regular meeting of the Kettering City Council, Mayor Smith adjourned the meeting at 8:50 p.m.

ATTEST:

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MARILOU W. SMITH, MAYOR

Connie S. Gaw  
Clerk of Council