

**KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
November 22, 2005**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, November 22, 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, Lehner, Patterson, Thompson, Wanamaker, and Wasky

Total Members Present: Seven (7)

Boy Scout Troop 236 with Christ United Methodist Church led the Flag Ceremony. Scouts, George Best, Henry Best, Kirby Brooks, Nick Kern and Andrew Kern participated in the ceremony.

Mayor Smith then gave the invocation. She introduced the Pages from St. Albert the Great School, Alex Cattran, Jessica Moncivaiz and Sarah Bennett. She also introduced the cable TV operators, Bill Greger and Earl Jones. She thanked these volunteers for their assistance.

Mayor Smith welcomed Gregg Gorsuch, the city's new Economic Development Manager to the meeting this evening.

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

AWARD: Mayor's Award for Volunteer Service – Dr. Charles Goodwin
Mayor Smith thanked Dr. Goodwin and presented this award of service for his significant contributions to the youth of the City of Kettering. Dr. Goodwin is the Scout Master for Troop # 236.

Dr. Goodwin expressed that he is deeply honored to receive this Mayor's award. He stated that he has the best team of youth and leaders in the whole nation.

DECISIONS AND PUBLIC HEARINGS

DECISION - To amend various sections of the City of Kettering Zoning Code to amend zoning provisions regarding radio, television and telephone towers and antennas and equipment on existing structures.

Mayor Smith stated that the motion in second reading for this case was being withdrawn and replaced with Modified Ordinance 11-18-05 in first reading and will be read later this evening.

Mr. Wasky made a motion to withdraw the motion in second reading for this case and replace it with Modified Ordinance 11-18-05 in first reading, and moved for approval. Mr. Patterson seconded the motion and there being no 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 six (7) Yea votes and no (0) Nay votes, the motion was declared carried.

DECISION - To rezone an approximate 0.797-acre parcel of property located on East Stroop Road approximately 400 feet west of the intersection of Wilmington Pike from I-Industrial to B-General Business.

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

AN ORDINANCE

NO. 4027-05
BY: MRS. LEHNER AND MR. WASKY

TO REZONE AN APPROXIMATE 0.797 ACRE PARCEL OF PROPERTY LOCATED ON EAST STROOP ROAD APPROXIMATELY 400 FEET WEST OF THE INTERSECTION OF WILMINGTON PIKE FROM I-INDUSTRIAL TO B-GENERAL BUSINESS

Mrs. Lehner read the above ordinance in second reading and moved for approval. Mr. Wasky seconded the motion and there being no discussion, the following votes were recorded: Mr. Thompson, Yea; Mr. Wanamaker Yea; Mr. Duke, Yea; Mrs. Lehner, Nay; Mr. Wasky, Yea; Mr. 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: 7981-05
BY: MR. PATTERSON AND MR. THOMPSON

AUTHORIZING THE CITY MANAGER TO ACCEPT A \$260,000.00 GRANT FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES

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

Mr. Husemann explained that the purpose of this legislation is to accept grant money to go towards the construction of a bikeway along Research Blvd. and State Farm Park.

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. There being seven (7) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 7982-05
BY: MR. THOMPSON AND MR. WANAMAKER

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO PROCURE RIGHT-OF-WAY ACQUISITION SERVICES IN CONNECTION WITH THE "WOODMAN DRIVE TRANSPORTATION ENHANCEMENT PROJECT" (PROJECT NO. 02-100P)

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

Mr. Husemann explained this would permit the City to contract Right-of-Way acquisition services for the Woodman Drive Project. This is for a wall to be built along the east side of Woodman Drive from Rainbow to Forrer Blvd. Proposals have been solicited and they are in the process of reviewing the submitted proposals.

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.

A RESOLUTION
NO: 7983-05
BY: MR. WANAMAKER AND MR. DUKE

AUTHORIZING THE CITY MANAGER TO CONTRACT FOR RIGHT OF WAY ACQUISITION SERVICES FOR THE WEST DOROTHY LANE AND SOUTH DIXIE HIGHWAY RECONSTRUCTION PROJECT PHASE II (PROJECT #02-104EB)

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

Mr. Huseman explained that Phase I is now complete and they are prepared to begin the right-of-way acquisition for Phase II. Phase II construction is to be bid in October of 2006.

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. There being seven (7) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION

NO. 7984-05

BY: MR. DUKE AND MRS. LEHNER

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MONTGOMERY COUNTY ALCOHOL, DRUG ADDICTION AND MENTAL HEALTH SERVICES (ADAMHS) BOARD FOR ADMINISTRATION OF THE OHIO DEPARTMENT OF ALCOHOL AND DRUG ADDICTION SERVICES (ODADAS) GRANT

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

Mr. Husemann reported that this ODADAS grant funds the Kettering Youth Council and the Partners for Healthy Youth during the fiscal year July 1, 2005 through June 30, 2006. Montgomery County ADAMHS Board administers the grant.

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.

A RESOLUTION

NO. 7985-05

BY: MRS. LEHNER AND MR. WASKY

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

Mrs. Lehner read the above resolution and moved for approval. Mr. Wasky seconded the motion.

Mr. Husemann explained that the departments did an excellent job staying within their budgets, especially considering unexpected increases in utility, gasoline expenses and unexpected retirements.

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. There being seven (7) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION

NO. 7986-05

BY: MR. WASKY AND MR. PATTERSON

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR THE PURCHASE OF 2505 HAMPTON ROAD AND APPROVING THE PURCHASE OF SAME PROPERTY

Mr. Wasky read the above resolution 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; Mrs. Lehner, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Thompson, 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. 7987-05

BY: MR. PATTERSON AND MR. THOMPSON

AMENDING THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 2005

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

Mr. Husemann explained that the City of Kettering 2005 CDBG Program needs to be amended to address relocation requirements. Tenants occupy several of the homes the city is trying to purchase from willing sellers in the Wiles Creek target area. If the property owner decides to sell the property to the city and the tenant is forced to move, Federal rules require the tenant be relocated and moving expenses paid.

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.

A RESOLUTION

NO. 7988-05

BY: MR. THOMPSON AND MR. WANAMAKER

APPROVING AN AGREEMENT WITH THE MONTGOMERY COUNTY BOARD OF COMMISSIONERS FOR THE DISPOSITION OF HOUSING ASSISTANCE RELATED LOANS

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

Mr. Husemann explained that this legislation is required to finalize the transfer of the 3 remaining housing rehabilitation loans funded with HOME matching funds received as a result of the Montgomery County-Kettering Consortium. The Consortium was dissolved in 1999, therefore, requiring these loans to be transferred to the county for service and collection.

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.

A RESOLUTION

NO. 7989-05

BY: MR. WANAMAKER AND MR. DUKE

APPROVING GUIDELINES FOR USE OF HOUSING TRUST FUNDS TO ASSIST WITH NEW HOME PURCHASES

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

Mrs. Higgins, CDBG Manager, explained that earlier this year Council passed a resolution for the sale of two lots for infill housing. Mrs. Higgins showed elevations and photos of the two homes under construction. The request this evening is a "Gap" program for families in need. This will assist homebuyers with incomes at or below 80% of the median for the Dayton area to purchase one of the new homes under construction in the Wiles Creek Neighborhood Revitalization Area. These funds are to provide up to \$10,000 to income eligible homebuyers to cover down payment, closing costs or interest buy downs to make the house they wish to purchase more affordable.

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. There being seven (7) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION

NO. 7990-05

BY: MR. DUKE AND MRS. LEHNER

AUTHORIZING THE CITY MANAGER TO SUBMIT ON BEHALF OF THE CITY OF KETTERING A GRANT APPLICATION TO THE OHIO DEPARTMENT OF JOB AND FAMILY SERVICES FOR FUNDS TO ESTABLISH THE TRAILS OF OAK CREEK COMPUTER AND LEARNING ROOM

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

Mr. Husemann explained that this application would include activities that will assist the tenants to become self-sufficient through intensive case management, job coaching, self-esteem building and educational opportunities. The grant program is for 18 months and will require the hiring of one part-time person for the duration of the grant. One of the grant's goals is to have the center self-sustaining after the 18 months.

Mrs. Pat Higgins expressed that she would like to thank the Chaplin from Kettering Medical Center for furnishing some students from their college to get this program started.

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.

ORDINANCES IN FIRST READING

AN ORDINANCE

AMENDING PERSONNEL ORDINANCE NO. 4011-05 TO EXTEND INTO THE FUTURE THE DATE ON WHICH EMPLOYEES OF THE CITY OF KETTERING, OHIO CALLED TO ACTIVE MILITARY DUTY MUST COMMENCE SUCH SERVICE, IN ORDER TO BE ELIGIBLE FOR EXTENDED MILITARY LEAVE BENEFITS

Mrs. Lehner read the above ordinance in first reading. The ordinance will appear on the December 13, 2005, Council meeting agenda for second reading.

AN ORDINANCE

TO AMEND VARIOUS SECTIONS OF THE CITY OF KETTERING ZONING CODE SO AS TO AMEND THE ZONING PROVISIONS REGARDING RADIO, TELEVISION AND TELEPHONE TOWERS AND ANTENNAS AND EQUIPMENT ON EXISTING STRUCTURES (MODIFIED – 11/18/05)

Mr. Wasky read the above ordinance in first reading. The ordinance will appear on the December 13, 2005, Council meeting agenda for second reading.

CERTIFICATIONS & PETITIONS

CERTIFICATION - Planning Commission recommends approval of an amendment to Economic Development Overlay #15, also known as Kettering Business Park. This amendment includes rezoning of two parcels totaling 4.7419 acres (formerly a railroad right of way) from R-2, one family residence district to EDO #15, and establishing

new development standards and procedures for EDO #15 for approximately 32.7 acres of vacant land south of the Kettering Business Park. (Zoning Case 860-05)

The Clerk of Council read the above certification and announced that this request was received from the Planning & Development Director, just this evening. Council will hold a public hearing on this request at the December 13, 2005, Council meeting.

Mr. Patterson stated that he feels that a motion should be made to legally add this certification to the agenda this evening.

Mr. Patterson made a motion to add the above certification request to this evening's agenda. Mr. Thompson seconded the motion and there being no discussion, the motion was declared carried by a unanimous vote.

MANAGER'S REPORT

Mr. Steve Husemann, City Manager reported:

Leaf Pickup – is currently in District 7. Crews have been through every neighborhood twice already and are now half way through the third pickup. This is the slowest time for leaf pickup. Crews pick up leaves throughout each area, five times a year.

Parks & Recreation Department – is selling debit cards this year for the holidays. It is basically a gift certificate that can be used at the Kettering Recreation Center. He suggested buying one for a holiday gift.

COUNCIL COMMITTEE REPORTS

Mr. Patterson reported that he reviewed the minutes from the regular and workshop Council meetings of October 25, 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 had no report this evening.

Mr. Wanamaker reported that he was recently appointed to the Greene County Advisory and Waste Water Committee. On October 26, 2005 he attended his first committee meeting. They discussed the improvements to the Sugar Creek plant that is in the design phase. Southeast Kettering will drain into this plant. The project is scheduled for bid in 2006, construction 2007, and completion in 2008. He also reported that the Kettering Parks & Recreation department has a wonderful program for children with disabilities called Camp Discovery. The local AMBUCS chapter donated \$4,000 to enhance this program. Proceeds came from their annual chili cook-off.

Mr. Duke reported that on Friday, November 18, 2005 he attended the annual volunteer luncheon. He expressed kudos to Bonnie Pittl and her staff for putting on such a great luncheon. Over 1,200 active volunteers dedicate thousands of hours to this community. He congratulated Mr. Patterson, Mrs. Lehner and Mr. Spolrich for their winning seats in this past election.

Mrs. Lehner thanked the residents of Kettering for electing her to return to her seat in City Council. It is a privilege to serve and she is looking forward to four more years. She and Mayor Smith just returned from a trip to visit Kettering's Sister City, Steyr Austria. They attended a very special celebration. A large number of those that attended were from Bethlehem and came to discuss the political struggles in their country. It was a very informative visit and she appreciated the opportunity to represent Kettering.

Mr. Wasky reported that he recently visited the Vietnam Moving Wall that was temporarily placed at a church in Centerville. This wall has been touring the Country since 1984. It was a very moving experience. He met with the Partners for Healthy Youth Committee. They will be sponsoring a Kettering Youth Leadership Academy on January 19, 2006. Applications are available for grades 8 – 11 at the Kettering Government Center.

Mr. Patterson expressed that the Volunteer Luncheon was a great success. Our Council Volunteer, Bernie Wannemacher received two awards for his level of service at this luncheon. Bernie is in the hospital and was not able to make it to the luncheon. He wished him a speedy recovery. The Property Maintenance Task Force met last week. This group is on the right track and is addressing issues from area residents. On December 2, 2005 at 7:45 p.m.

there will be a dedication ceremony for the James Trent Arena, followed up by a basketball game between Fairmont and Alter. On November 10, 2005, he and his wife Maureen became first time grandparents of a little granddaughter.

Mayor Smith stated that since the last meeting the new Kettering Fitness Center is now open for business. It has been quite a success and they have sold approximately 800 new memberships so far. Thanks to Bonnie Pittl and MaryLou Randolph who worked very hard coordinating this year's volunteer luncheon. Mayor Smith reported that she had a wonderful time in Styer, Austria and attended many interesting programs. Bernie Wannemacher has been ill and in the hospital. She wished him well. The Christmas Tree Lighting is on Friday, December 2, 2005 from 5:30 – 9:00. There will be carriage rides, Krispy Kream Doughnuts, coffee and hot chocolate.

BUSINESS NOT ON WRITTEN AGENDA Communications and Reports

Council Comments

Audience Participation (5 Minute Limit Per Speaker)

Mr. Gary Gose, AMVETS, 3108 Woodman Drive, Kettering – Mr. Gose reported that their post is almost ready to open. They are still accepting drop off donations for the victims of Hurricane Katrina. Toys, clothing, or money would be appreciated. Call 528-2003 with any questions.

Mr. Ben Beakman, AMVETS, 3108 Woodman Drive, Kettering – Mr. Beakman stated that he recently assisted in sending a semi truck loaded with supplies to Jackson MS. There are still many people in need in that area. He has been working with a pastor in Jackson to distribute all of the items. They are still accepting contributions. New or good used clean clothes are needed as well as cleaning supplies, bedding, household items and health items. They plan to make another trip to deliver all donations sometime before Christmas.

Mrs. Lehner stated that everyone tends to react to emergencies with an outpouring of support. But, as time passes we forget about them. There are many families that are still displaced and need help.

Mr. Duke replied that it is a point well taken. Of the 200,000 homes in New Orleans, at least 100,000 are uninhabitable. All of those people are displaced. We can't forget about them. It will be years before many of these communities can be rebuilt.

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. The President has asked everyone to work together to save fuel. Don't drive if you don't have to and don't buy gas on Sunday. We need to build our nations economy so our fellow Americans can have jobs. Many are without work. He wished everyone a Happy Thanksgiving.

Mayor Smith reminded everyone of the Joint School Board/Council Meeting on November 29, 2005 at Trent Arena. The next regular City Council Meeting is set for December 13, 2005. A Budget Workshop and Executive Session will immediately follow the meeting this evening.

There being no further business to come before this regular meeting of the Kettering City Council, Mayor Smith adjourned the meeting at 9:05 p.m.

ATTEST:

MARILOU W. SMITH, MAYOR

Connie S. Gaw
Clerk of Council