

KETTERING CITY COUNCIL  
REGULAR MEETING MINUTES  
April 11, 2006

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, April 11, 2006, 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, Lehner, Patterson, Wanamaker and Wasky

Council Members Absent: Thompson (excused absence)

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, Lauren Bruns and Tim Green, from Van Buren Middle School. He then introduced the cable TV operators, Bill Greger and Earl Jones. He thanked these volunteers for their assistance.

Mayor Patterson asked for a motion to amend the agenda to remove Public Hearing - Item 1 from consideration this evening. Mr. Wasky made the motion to remove the Public Hearing from the agenda. Mrs. Lehner seconded the motion and there being six (6) Yea votes, the motion was declared carried by a unanimous vote.

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

PRESENTATION – Partners for Healthy Youth

Andrea White, Chairperson of Partners for Healthy Youth Board and Alicia Budich, President of the Kettering Youth Council, gave the presentation this evening. Mrs. White explained that the Partners for Healthy Youth organization is made up of Kettering youth and adults working together to build a healthy community where all of our young people can grow and succeed. Their main focus is on building character and listening to the concerns and challenges facing young people in today's society. Ms. Budich reported that the Youth Council is a supportive atmosphere where students can identify their needs, provide service to the community and participate in social opportunities that are positive and rewarding.

PROCLAMATION: Community Development Block Grant Week, April 17 – 21, 2006

Mr. Wasky read the above proclamation and same was accepted by Patricia Higgins, Community Development Block Grant Manager.

PROCLAMATION: Fair Housing Month – April 2006

Mrs. Lehner read the above proclamation and same was accepted by Debra Juniewicz, Chairperson of the Board of Community Relations.

ORDINANCES IN SECOND READING

AN ORDINANCE  
NO: 4035-06  
BY: MR. SPOLRICH AND MR. WANAMAKER

TO AMEND ECONOMIC DEVELOPMENT OVERLAY DISTRICT NO. 17  
BY AMENDING THE DISTRICT'S DEVELOPMENT CONCEPT PLAN TO  
ALLOW FOR DEVELOPMENT OF AN OFFICE BUILDING ON LOT 10  
OF SECTION 3 OF THE HILLS AND DALES REDEVELOPMENT  
RECORD PLAN

Mr. Spolrich read the above ordinance in second reading and moved for approval. Mr. Wanamaker seconded the motion and there being no discussion, the following votes were recorded: Mr. Wanamaker Yea; Mr. Duke, Yea; Mr. Wasky, Yea; Mrs. Lehner, 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 ordinance duly adopted.

AN ORDINANCE  
NO: 4036-06  
BY: MR. WANAMAKER AND MR. DUKE

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 NOS. 4011-05 AND 4029-05

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

RESOLUTIONS

A RESOLUTION  
NO: 8064-06  
BY: MR. DUKE AND MR. WASKY

TO ACCEPT A GRANT FROM THE GREATER DAYTON REGIONAL  
TRANSIT AUTHORITY

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

Mr. Husemann explained that this grant would provide for 80% of the construction cost of a bus shelter on Far Hills Ave. near Winding Way, not to exceed \$26,502.

There being no discussion on the motion, the following votes were recorded: Mr. Wanamaker, Yea; Mr. Duke, Yea; Mr. Wasky, Yea; Mrs. Lehner, 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: 8065-06  
BY: MR. WASKY AND MRS. LEHNER

TO MAKE A SUPPLEMENTAL APPROPRIATION FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF KETTERING, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2006

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

Mr. Husemann explained that this is for supplemental appropriation to the 2006 budget to allow the City to spend the grant described in the previous resolution. The grant provides 80% of project costs up to \$26,502. The City is responsible for the matching amount of \$6,626. Appropriation is requested for the entire project.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Lehner, Yea; Mr. Wasky, Yea; Mr. Duke, Yea; Mr. Wanamaker, 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: 8066-06  
BY: MRS. LEHNER AND MR. SPOLRICH

APPROVING AN AGREEMENT BETWEEN THE CITY OF KETTERING, OHIO AND MARK W. SCHWIETERMAN

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

Mr. Husemann explained that this agreement would authorize the Mayor to enter into an employment agreement for the position of City Manager with Mark Schwieterman. The agreement is effective June 5, 2006 and will be for a three-year term. Mr. Husemann expressed that he feels that the Mayor made a very wise choice.

Mayor Patterson congratulated Mr. Schwieterman on his appointment as City Manager. Mr. Schwieterman is a great friend to this community and it only makes sense to offer him the position. Council looks forward to working with him.

Mr. Schwieterman thanked everyone for the confidence in him. He is very excited about what the future has to offer for Kettering. He thanked Mr. Husemann for being such a good friend.

There being no discussion on the motion, the following votes were recorded: Mr. Wanamaker, Yea; Mr. Duke, Yea; Mr. Wasky, Yea; Mrs. Lehner, 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. 8067-06  
BY: MR. SPOLRICH AND MR. WANAMAKER

TO AMEND THE CITY OF KETTERING'S FIRST TIME HOMEBUYER  
PROGRAM

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

Mr. Husemann stated that the next few resolutions involve items that would best be explained by Mrs. Pat Higgins, Community Development Block Grant Manager.

Mrs. Higgins explained that the next five resolutions involved programs of the Community Development Block Grant Program. *First Time Home Buyers Program*; this program would be offered to buyers in the Wiles Creek neighborhood for 2006. *Housing Rehabilitation Program Guidelines*; annually staff reviews the guidelines to determine if changes are needed to meet the needs of the residents and HUD guidelines. The priorities for this year are for energy conservation activities. *Purchase Rehabilitation Program Guidelines*; this guideline outlines the rules that pertain to different funding proposals. *FY2006 CDBG Entitlement Grant*; this resolution will allow the City to receive this grant in the amount of \$540,899. The funds will be used for housing rehabilitations, first time homebuyer assistance, business loans, acquisition of property, clearance and demolition, disposition of property, fair housing and general administration. *City of Kettering Community Development Action Plan for 2006*; this plan was submitted to the US Dept. of Housing and Urban Development, the budget allocated funds for projects known and anticipated for the upcoming year.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Lehner, Yea; Mr. Wasky, Yea; Mr. Duke, Yea; Mr. Wanamaker, 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. 8068-06  
BY: MR. WANAMAKER AND MR. DUKE

TO AMEND THE CITY OF KETTERING'S HOUSING REHABILITATION  
PROGRAM GUIDELINES

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

There being no discussion on the motion, the following votes were recorded: Mr. Wanamaker, Yea; Mr. Duke, Yea; Mr. Wasky, Yea; Mrs. Lehner, 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. 8069-06  
BY: MR. DUKE AND MR. WASKY

TO AMEND THE CITY OF KETTERING'S PURCHASE  
REHABILITATION PROGRAM GUIDELINES

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

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Lehner, Yea; Mr. Wasky, Yea; Mr. Duke, Yea; Mr. Wanamaker, 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. 8070-06  
BY: MR. WASKY AND MRS. LEHNER

AUTHORIZING THE CITY MANAGER, AS THE CHIEF EXECUTIVE OFFICER OF THIS CITY, TO ACCEPT 2006 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN THE AMOUNT OF \$540,899.00

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

There being no discussion on the motion, the following votes were recorded: Mr. Wanamaker, Yea; Mr. Duke, Yea; Mr. Wasky, Yea; Mrs. Lehner, 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. 8071-06  
BY: MRS. LEHNER AND MR. SPOLRICH

AMENDING THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 2006 (FY2006)

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

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Lehner, Yea; Mr. Wasky, Yea; Mr. Duke, Yea; Mr. Wanamaker, 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. 8072-06  
BY: MR. SPOLRICH AND MR. WANAMAKER

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR WEED CONTROL AND LAWN MAINTENANCE OF PRIVATE PROPERTIES WITHIN THE CITY THAT ARE IN VIOLATION OF PROPERTY MAINTENANCE CODE REQUIREMENTS

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

There being no discussion on the motion, the following votes were recorded: Mr. Wanamaker, Yea; Mr. Duke, Yea; Mr. Wasky, Yea; Mrs. Lehner, 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.

ORDINANCES IN FIRST READING

CERTIFICATION – PLANNING COMMISSION RECOMMENDS APPROVAL OF VACATION – Vacation of Sagamon Avenue right-of-way north of Devon Avenue and 2 public alleys.

The Clerk of Council read the above certification and announced Council would hold a public hearing on this vacation request at the April 25, 2006 Council meeting.

MANAGER'S REPORT

Mr. Steve Husemann, City Manager reported:

Tax Levy – is on the May 2, 2006 ballot. Cutbacks in recent years have not been enough to impact operating expenses. We need this tax increase to maintain the quality of life in Kettering. The City is on a collision course financially due to cutbacks by state and federal government and rising energy costs. If you are a senior with retirement income or work in the City of Dayton, this tax will not affect you. Marilou Smith and Frank Perez are chairing the Committee to Preserve Stability in Ohio. A public meeting will be held on April 20, 2006 at 7:00 p.m. in Council Chambers of the Kettering Government Center. For more information please contact the City Managers office.

Fill the Pill Program – Refrigerator magnets to make paramedics and emergency personnel aware of “Pill Information” are provided by the Eleventh Foundation and are available at the Government Center and the Lathrem Senior Center.

COUNCIL COMMITTEE REPORTS

Mr. Spolrich reported that he reviewed the minutes from the regular and workshop Council meeting of March 28, 2006, and moved that the minutes be approved. Mr. Wanamaker 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. Wasky reported that he attended the Leadership Luncheon today at Trent Arena. The Partners for Healthy Youth gave an excellent presentation and roundtable discussions were also held. On March 30, 2006 was Alter Youth in Government Day. Council met with students for lunch and students held a mock City Council meeting in Council Chambers.

Mrs. Lehner reported that Kettering is a community that cares for its seniors. They are currently discussing revamping the senior transportation program. Not a lot of details at this point. She asked if anyone has any thoughts or ideas on how this can best be done to please call the City Managers office.

Mr. Spolrich had nothing to report.

Mr. Wanamaker reminded everyone that on April 17, 2006 crews would be performing the last round of leaf pickup throughout the City. Please have leaves out and ready for pickup.

Mr. Duke reported that former Councilmember, Norma Keister passed away last week. She served on City Council from 1975 – 1987. He wanted the family to know that Council is thinking of them at their time of loss and that at a future meeting will have a Resolution of Sympathy to present to the family.

Mayor Patterson reported that he attended the Fairmont Presbyterian groundbreaking for a new parking lot. They had a nice church service and ceremony. On Saturday, April 8, 2006 he attended the ribbon cutting ceremony for the AMVETS POST 2003. The post was packed and he was impressed with

the many improvement that they had made to the facility. He attended the annual dinner for the Sister City Committee. It was a nice dinner with great entertainment. Mayor Patterson then read a letter from a past citizen that was trying to make amends for his past acts. The letter stated that the citizen damaged some property at the Kettering Government Center in his youth and he sent a check for \$300 to cover any damages that occurred. Mayor Patterson stated that he felt that this was very honorable of him.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Communications and Reports

Council Comments

Audience Participation (5 Minute Limit Per Speaker)

Dan Carolus, 3748 Braddock St. – He attended the last Council meeting. He welcomed Mr. Schwieterman as the new City Manager. As a senior he is not against the tax increase but feels that the City should be honest with people about it. The signs throughout the community do not say anything about a tax increase and he feels they are misleading. He is still very concerned about the past meeting regarding the Indian Riffle Park Plan. He is not convinced that the City has withdrawn their idea concerning a connector street on Tiffany Drive. He asked that they stop the park project and thinks that Council should do a Proclamation to leave Indian Riffle Park alone.

Mayor Patterson stated that the City is in the process of sending out a mailing that will explain the tax issue in more detail.

Mr. Husemann stated that they have taken the Tiffany Drive idea completely off of the plan. A proclamation from Council to do this is not necessary.

Teresa Britenstein, 2825 Acorn Dr. – She asked that Council please stop the Acorn Reconstruction Project. She feels that anything said to Council goes in one ear and out the other. She is also opposed to the tax increase. It may not affect the seniors but it will affect their children and their children's children. She feels the reconstruction project should be put on the ballot so that the neighborhood can vote and it should not be Council's decision. This will decrease property values. They do not want sidewalks. She stated that all she works for anymore is to pay taxes, and she can't save any money. It just is not fair.

Renee Crosby, 3940 Tiffany Drive – She stated that she recently purchased property on Tiffany Drive and wondered if there would be more meetings regarding the Indian Riffle Park Plan. She has to live on this street and any changes would be a nightmare. She does not want increased traffic in her neighborhood.

Mr. Duke explained that the purpose of the previous park neighborhood meetings were to get ideas from the folks in the neighborhood and give them a chance to voice their opinion. Currently there is no plan. The Tiffany Drive idea was completely removed from consideration. In the future once the Parks Master Plan is drawn up, there will then be more meetings and the public can give their input at that time. This could be many years down the road.

Jill Abrams, 2709 Harvey Ave. – She thanked Mr. Fullenkamp for keeping her informed about the Acorn project. She has read all the tax information and sees no specific reason that taxes should be raised other than the City has not had an increase in over 20 years. This tax increase will generate 8 to 9 million dollars for the City. She has been told that City will cut services if it does not pass. There is no documentation in the plan to improve the police and fire departments. The City needs a full time Fire department. Volunteers are not as well trained. She wondered where safety falls in this tax increase plan. She feels that citizens are being scared into voting for this increase. Information is important for making

an informed choice. Information is not updated as it should be on the website. Infrastructure is the only thing that is talked about at the tax meetings.

Dave Turpin, 861 Orchard Drive – He stated that he is a retiree and also works a part time job just to make ends meet. This increase will take even more money out of his pocket. He also lives in the Acorn Drive Reconstruction Project area and will need to find resources on how to pay for this as well. People that live in this area could possibly have gas and water line issues that may cost them even more money than anticipated. Many people already have existing sidewalks and driveway that might be affected.

Gary Gose, AMVETS Kettering Post, 3108 Woodman Drive – Their open house and ribbon cutting was held on April 8, 2006. He thanked Mayor Patterson and past Mayor Marilou Smith for stopping by to join them at this event. He also thanked Bernie Wannemacher for taking pictures and donating them to the post.

There being no further business to come before this meeting of the Kettering City Council, Mayor Patterson adjourned the meeting at 9:17 p.m.

ATTEST:

Connie S. Gaw  
Clerk of Council

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DONALD E. PATTERSON, MAYOR