

KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
April 25, 2006

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, April 25, 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, Thompson,
Wanamaker and Wasky

Council Members Absent:

Total Members Present: Seven (7)

Mayor Patterson led the audience in the Pledge of Allegiance and then gave the invocation. He introduced the student pages, Alic Brock and Alexis Garybush, from Kettering Middle School. He then introduced the cable TV operators, Bill Greger and Earl Jones. He thanked these volunteers for their assistance.

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

PROCLAMATION: National Volunteer Week, April 23 – 29, 2006

Mr. Duke read the above proclamation and same was accepted by Kari Basson, Chairperson of the Volunteer Advisory Council.

MAYOR'S AWARD: YOUTH VOLUNTEER SERVICE

Mayor Patterson presented the Mayor's Award to Alter Key Club – Alter High School and same was accepted by the members of the Key Club and their advisor Mr. Norm Rich, and assistant Jan Stauble.

PROCLAMATION: Arbor Day – April 22, 2006

Mr. Wasky read the above proclamation and same was accepted by Dave Miller, Public Service Department.

PRESENTATION – Resolution of Support – Kettering City Schools

Jim Trent, President of the School Board and George Bayless, School Board Member presented a Resolution of Support to Mayor Patterson and Kettering City Council for the City of Kettering Tax Increase Issue that will be on the ballot May 2, 2006.

RESOLUTIONS OF APPRECIATION:

A RESOLUTION

NO. 8073-06

BY: MR. WANAMAKER AND MR. DUKE

AN ACKNOWLEDGEMENT OF SERVICE AND EXPRESSION OF
APPRECIATION TO NEAL W. MARSHFIELD 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 Neal Marshfield on his retirement and thanked him for his 20 years of exemplary service in the Streets Department. Mr. Marshfield thanked everyone and stated that he enjoyed his service to the City of Kettering and feels the City is a great place to work.

APPOINTMENTS: Kay Bosse – Chris Morgan – Susan Bennett – Kettering Arts Council

Mr. Duke moved for approval to appoint Ms. Bosse, Ms. Morgan and Ms. Bennett to the Kettering Arts Council. Mr. Wasky seconded the motion. There being no discussion on the motion, the motion was declared carried by a unanimous vote.

CERTIFICATION – PLANNING COMMISSION RECOMMENDS APPROVAL –

To amend the provisions of Economic Development Overlay District No. 13 (formerly known as the Dayton Christian Overlay District).

The Clerk of Council read the above certification and announced Council would hold a public hearing on this request under the Public Hearings portion of the Council meeting this evening.

CERTIFICATION – PLANNING COMMISSION RECOMMENDS APPROVAL –

To rename the portion of Rahn Road from East Strop Road to the Greene County line to Walden Way.

The Clerk of Council read the above certification and announced Council would hold a public hearing on this request at the May 9, 2006 Council meeting.

PUBLIC HEARINGS

PUBLIC HEARING

To amend the provisions of Economic Development Overlay District No. 13 (formerly known as the Dayton Christian Overlay District).

Mayor Patterson opened the public hearing and called on Rob Anderson, City Planner of the Planning and Development Department.

Rob Anderson, City Planner - Planning & Development Department reported that this amendment will permit the construction of an addition to the school building on the property, which will accommodate an additional 150 students. They will also demolish one of the existing single-family homes on the property and create a bus turn around to the east of the expanded school building. The expansion will add 27,000 sq. ft. of new school space. In order to accommodate the expansion, two temporary classrooms that are immediately east of the existing building will be removed. Residents of the area have expressed concern over issues related to property maintenance and operation of the school. There are several property maintenance issues that need to be addressed, such as the planting of some trees that have been removed and the maintenance of one of the existing single-family houses on the property. The Planning Commission as part of their recommendation of approval required Montgomery County Education Service Center to fix all the property maintenance items within six months of approval of this EDO modification. There is also an issue of the property being in the 100-year flood plain. Before any permits are issued the applicant will need to meet special requirements. Mr. Anderson then asked for any questions from Council.

COUNCIL COMMENTS AND QUESTIONS

Mr. Wasky stated that Council received a letter from a resident on Glenn Abbey Drive regarding property maintenance concerns and wanted to make sure her concerns were addressed this evening.

Mr. Anderson replied that he was aware of that letter and is planning to walk the site with the applicant to determine any issues that need to be addressed and repaired. One of the issues that the resident was concerned about is the non-use of the soccer field. This field will continue to be used by the previous owner, Dayton Christian Schools, who have contracted to lease the field for the next few years.

Mr. Duke asked who will upkeep and maintain the stadium during the contract and after it expires.

Mr. Anderson replied that the applicant could address this question.

COMMENTS BY PROPONENTS

Mr. Donald Thompson, Montgomery County Educational Service Center, 200 S. Keowee St., Dayton – stated that Dayton Christian has a five-year lease, with three years left. They have the option to renew. Dayton Christian will maintain the property while under contract and if they do not renew Montgomery County will be responsible.

Mrs. Lehner asked what the ages of the students are attending this school.

Mr. Donald Thompson replied that it is children of all ages. Multi-handicapped youngsters will be to the front of the building. The main building will house middle school through high school students. Many of these students have behavior disorders. They come from 16 school districts throughout Montgomery County.

Councilmember Thompson expressed concern regarding the route the approximate 20 busses would take throughout the residential neighborhoods.

Mr. Anderson and Mr. Donald Thompson assured Council that their primary concerns are safety and that concerns have been addressed with the Transportation Engineering Department and the current route is the best solution.

Mayor Patterson stated that in the letter received from the Glenn Abbey resident she expressed concern about the cleaning of snow from sidewalk areas through the winter months. He hopes this will be maintained.

Mr. Anderson replied that the applicant is aware of this and safety is their number one concern, so they will want to keep their sidewalks clean.

Mayor Patterson expressed that the neighbor also mentioned that a parking lot in the rear of the property is a hang out after hours and on the weekends.

Mr. Donald Thompson stated that they would be installing a gate system to eliminate people from driving into the parking lot when activities are not scheduled.

Mayor Patterson asked for public comments.

COMMENTS BY OPPONENTS

Ned Weymouth, 1574 Glenn Abbey, Kettering – stated that he lives on a corner lot and the soccer field is right behind his home. He showed an aerial photograph of where his home is located. He is concerned about property maintenance. The property has not been taken care of. He received a letter from Mr. Robillard stating his concerns would be addressed and to date this has not happened. Dayton Christian was not a good neighbor and did not take care of their property. Montgomery County has basically done nothing to this property

for the last two years but now. He gets promises from the City, but nothing ever happens. They have problems with people hanging out in the parking lot at the rear. He calls the police but they never show up. He is also concerned about the traffic flow for the school. He has talked with Irena Titova-Spang, from the Transportation Engineering Department about analyzing the traffic in this area. She replied that she felt everything was fine. Traffic in that area in the morning is a nightmare and he is in disagreement of the bus routes. He counted the buses one morning and counted 25. There is a real traffic problem in this area and he feels that it has never been addressed. Council does not know the true facts and asked that they not approve this request.

Mr. Robillard, Planning & Development Director stated that the letter Mr. Weymouth referred to was addressed and all issues were taken care of except for some trees located on the Delphi property. Since then however, four bushes have died on that site and will be replaced.

Mr. Weymouth stated that the trees on the Delphi property were never taken care of.

Mr. Anderson reported that Irena and Marc from the Transportation Engineering Department did monitor the site one morning to monitor bus patterns. Subsequent to that investigation they met with Mr. Thompson and came up with a plan that they feel meets all safety concerns.

Mr. Al Fullenkamp, Director of Engineering stated that a traffic study was done two years ago along Wilmington Pike. Concerns were addressed when the Farrington Development was built several years ago. Farrington Drive to Glenn Abbey is three lanes to Wilmington and can handle this traffic situation. They have not determined if a traffic light will ever be put there. It is a work in progress and they will continue to monitor this area as time goes on. Adjustments may need to be made in the future.

Mr. Donald Thompson stated that he thought that they have 20 buses and 2 vans but will check for sure. They have fixed some fences and gates already on their property. They will maintain their property and address any concerns or complaints and are aware of the landscape issues and are in the process of taking care of them. They have tried to address all the traffic concerns in that area.

Mr. Tim Welch, 1482 Glenn Abbey, Kettering – stated that he lives just across from the driveway and is also concerned about traffic and noise. Most of the buses are diesel powered and have a bad smell. He sent a letter to Mr. Anderson asking that they change the drive to the southern portion of the property and was told this was not feasible.

Mr. Donald Thompson replied that many of the children at this facility have behavior problems and disabilities and it is very important that they are supervised. They cannot have children on the southern portion if there were a drive. If they moved the drive to the south it would then go right through their playground and parking lot. They need to have the ability to secure their students and be able to control any situation that may arise. Their concern is for the safety of the students.

Mr. Dan Carolus, 3748 Braddock, Kettering – stated that he worked with the Montgomery County Sanitary Division and they take care of all water towers and anything to do with wastewater. They only have six or seven people for all of Montgomery County so if there is a problem with tall grass near the water tower they should contact Greg Marrow.

There being no further discussion, the Mayor closed the public hearing and advised Council would render a decision at the May 9, 2006 Council Meeting.

PUBLIC HEARING:

Vacation of Sagamon Avenue right-of-way north of Devon Avenue and two public alleys. This request is part of the Johnstown Woods development that is located on the former Wagner Wood property along Devon Avenue at the intersection of Sagamon and Lavern Avenues.

Mayor Patterson stated that there was some problem with the language of the legislation for this case and the Public Hearing will not be heard this evening as planned. However, he is aware that there is someone in the audience that wished to speak regarding this case. He asked if anyone would like to come forward with any comments.

John Chico, 8529 Byers Rd. Miamisburg – stated that the Johnstown Development would be very similar to the condominium complex David's Retreat. It will compliment the neighborhood beautifully. The reason for this request is because they need to vacate all of the odd pieces and make them one so that they can start the building process.

Mayor Patterson asked for a motion to amend the agenda to remove this Public Hearing 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 seven (7) Yea votes, the motion was declared carried by a unanimous vote.

ORDINANCES IN SECOND READING

None

RESOLUTIONS

A RESOLUTION

NO: 8074-06

BY: MRS. LEHNER AND MR. SPOLRICH

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

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

Mr. Husemann explained that this is a supplemental appropriation related to the acceptance of Community Development Block Grant Funds in the amount of \$540,899. The CDBG funds were accepted at the April 11, 2006 meeting. This appropriation will allow the funds to be expended.

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; Mr. Thompson, Yea; Mayor Patterson, 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

TO AMEND THE PROVISIONS OF ECONOMIC DEVELOPMENT
OVERLAY DISTRICT NO. 13 (FORMERLY KNOWN AS THE DAYTON
CHRISTIAN OVERLAY DISTRICT)

Mr. Spolrich read the above ordinance in first reading. The ordinance will appear on the May 9, 2006 Council meeting agenda for second reading.

AN ORDINANCE

TO AMEND CHAPTER 169 OF THE CODIFIED ORDINANCES OF THE
CITY OF KETTERING, OHIO

Mr. Husemann reported that this amendment deals with the Board of Community Relations. The existing legislation deals primarily with fair housing issues. The BCR role has expanded in recent years to be far more comprehensive seeking an inclusive community that fosters equal opportunity and respect for all persons. The change also reflects revisions in the board structure and membership.

Mr. Thompson read the above ordinance in first reading. The ordinance will appear on the May 9, 2006 Council meeting agenda for second reading.

MANAGER'S REPORT

Mr. Steve Husemann, City Manager reported:

City of Kettering Strategic Plan – was developed in 1998 and revised annually until 2004. There are 7 goals, 28 strategies and 35 tactics. Mr. Husemann presented a power point presentation that reviewed some of the strategies of the Strategic Plan for Kettering. He expressed that the income tax increase is very important to the City so that they can continue to meet the goals of this Strategic Plan. He asked that everyone please vote yes on the tax increase proposal on the May 2, 2006 ballot.

Councilmember Keith Thompson excused himself from the rest of the meeting.

COUNCIL COMMITTEE REPORTS

Mr. Spolrich reported that he reviewed the minutes from the regular meeting of April 11, 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 at Trent Arena. They heard about various youth issues throughout the City. On April 27, 2006 Council will be hosting the Fairmont Youth in Government Day.

Mrs. Lehner – No Report.

Mr. Spolrich – No Report.

Mr. Wanamaker – No Report.

Mr. Duke reported that the Leadership Academy is still seeking applications for the next academy, which starts in September. Applications need to be filed by June to be considered. For more information, please contact the City Managers office. He encouraged everyone to get out and vote on May 2, 2006.

Mayor Patterson asked everyone to please support the Tax Increase Levy on May 2, 2006.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Communications and Reports

Council Comments

Audience Participation (5 Minute Limit Per Speaker)

Mr. James Stupp, 2607 Crestwell – Showed some photographs of cars parked in front of his neighbor's home and a copy of his neighbor's business card. His neighbor runs a personal business from his residence. He works on cars and moves vehicles around so not to get sited by the police and also sells utility trailers of all sizes. Mr. Stupp has called the Police Department many times. His neighbor is always working on some type of vehicle and right now he has a small bus and an ambulance. His backyard is a mess. He has talked with various departments at the City but has not yet found the right person to help him.

Mr. Husemann reported that this has been an ongoing situation with this property. Unfortunately, all of the vehicles are licensed.

Mr. Robillard stated that often it is hard to prove a home business is going on, but he will look into it. The law prohibits them from going onto private property and looking at the back yard. They can only go from what they see from the street and often that is not much. Sometimes the adjoining neighbors will allow the inspectors to go onto their rear property to look at another neighbors yard.

Mrs. Lehner expressed that this is exactly why they have set up the Property Maintenance Tax Force because of issues like this. This is the type of problem that they have not yet found the tools to fix.

Mayor Patterson stated that he to is fed up with issues like this. He assured Mr. Stupp that the City would look into this.

Dan Carolus, 3748 Braddock St. – He is concerned that a lot of the tree and landscape contractors doing business in Kettering are not paying their share of taxes. He feels that many tax dollars are just leaving the City and he thinks that it should be checked out. He is still concerned for our parks and asked that the City please leave them alone. He wants to keep Kettering beautiful. Council needs to look hard at what is going on along Dorothy Lane. He is going to contact the Street Department and help them with the traffic problems on Stroop and Glengarry.

Renee Crosby, 3940 Tiffany Drive – She showed an aerial photograph of a proposed driving circle in Indian Riffle Park that she found on the website and is upset because she never received anything in the mail nor was she ever contacted by the Parks and Recreation Department regarding this. It will be less than 100 feet from her property line and she thinks that it may promote drug trafficking or promiscuous activity near her property. She feels the City needs to do a better job of informing the public.

Mr. Husemann explained this plan is being submitted, but is not final. Cards were sent out to area residents informing them of this. It is just a conceptual drawing and not firm at all. He suggested that she contact MaryBeth Thaman, Director of the Parks and Recreation Department because this is the body that makes the decisions. The process is; the Parks and Recreation Department, Parks Board, Planning Commission and then finally City Council.

Marlene Britenstein, 2345 Broadmore Dr. – She stated that Council was presented with a petition from 90% of the neighbors opposing the Acorn Drive project and it has been ignored. She wondered why it was being disregarded. People in this area have begged the City not to put in sidewalks. They have not had any recent feedback from the City and she asked what is the status of this project.

Mr. Husemann replied that letters have been recently sent to the residents in this project area and she probably didn't receive one because she is not a resident in the project area. The City is still receiving input for consideration and has not made any decisions to date.

Mayor Patterson stated that Council asked the Engineering Department to stake out where the sidewalks are going to be on each of the homes in the project area. Council is still reviewing this and has not yet made a final determination. There is not a rush on this project. They are still receiving input and trying to respond to it. There is nothing to report.

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. For six years now he has been speaking to the public to save gasoline and still prices go up. There are one million new drivers each year. Gasoline costs too much money and someone is ripping off the public. He reminded everyone not to go through drive up windows at banks and restaurants. Shut off your engine and go in. The job market is really scary and so many people are losing their jobs. Please buy what America makes. He asked that everyone please support the tax increase levy on May 2, 2006 by voting yes.

Jill Abrams, 2709 Harvey Ave. – She stated that if the tax levy passes it would be a big burden on Kettering residents because they will pay bigger fees for everything. The residents of the Acorn Project are being hit the hardest. Soon they will be expected to pay more income tax as well as the assessment, plus higher property taxes. There is also the possibility of another school levy. The Council should reconsider this tax levy proposal by lowering it or doing away with it all together. If the levy passes the City has not stated whether any of the money will go to police or fire service. Her guess is it will go to the Parks project or the Wilmington Pike Corridor Study will be implemented. The City has a surplus of money and is not in the red. Instead of impressing people outside of the City they should work on impressing people within the city. They should strive for a City of safety and service. Is a Volunteer Firefighter program all they have to offer citizens? She quoted Charles Kettering. She thanked Amy Berlean for getting the Council information updated on the web site.

Teresa Britenstein, 2825 Acorn Dr. – She started out the New Year with higher property taxes and then had to send money to the IRS. Now she may have an assessment of \$6,000. In addition, the City wants to raise the income tax. She is being taxed to death! Next year she may have to pay more money to the schools. She urged everyone to vote no on the tax increase levy and make the City be responsible for their spending. City Council is going to bankrupt this city and take advantage of all the hard working citizens. She works hard for her money and everything goes to taxes. It's business as usual for the City and nothing is ever done. Vote no on the tax increase.

Celeste Hogler, 4249 Lotz Road – She stated that she is voting yes for the tax increase levy. Since 1981 the City has provided their citizens with many amenities and the administration provides first rate fire and police services. Kettering was founded on progress. These improvements did not happen all by themselves. We depend on the City as much as the City depends on us. Sure, her take home pay will be less but she urges everyone to vote yes on May 2nd.

Marilou Smith, 2125 Oaktree Drive East – She came tonight to speak in favor of the tax increase. She has lived in this City for 40 years and has been very happy here. She has held numerous City positions and has learned so much. It has been over 25 years since Kettering has had a tax increase. When she was on Council they talked about this at past Council retreats and decided to plan ahead instead of going broke. That is why they are asking for this increase. Next week we will be voting. Many committees and volunteers have worked very hard on this issue and she thanks them all. She feels this increase is very necessary and urges everyone to vote yes if you love this City and want to see progress.

Gary Gose, AMVETS Kettering Post, 3108 Woodman Drive – He urged everyone to get out and vote regardless of if they vote yes or no on the tax issue. Please remember Memorial Day that is coming up. On June 3, 2006 they will be going to the Veterans Administration and if anyone would like to go along, please contact the Post.

EXECUTIVE SESSION

Mayor Patterson called for a motion to go into Executive Session. Mrs. Lehner moved to enter into Executive Session to discuss Personnel Matters. Mr. Wasky seconded the motion. The motion was carried by a unanimous roll call vote.

Council entered into Executive Session at 10:14 p.m.

Council came out of executive session and opened up into regular session at 11:31 p.m.

Mr. Duke moved to adjourn the meeting. Mr. Spolrich seconded this motion. Upon a unanimous roll call vote the motion passed.

There being no further business to come before this meeting of the Kettering City Council, Mayor Patterson adjourned the meeting at 11:35 p.m.

ATTEST:

Connie S. Gaw
Clerk of Council

DONALD E. PATTERSON, MAYOR