

KETTERING CITY COUNCIL  
REGULAR MEETING MINUTES  
August 8, 2006

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, August 8, 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, Spolrich, Thompson,  
Wanamaker and Wasky

Council Members Absent: None

Total Members Present: Seven (7)

Mayor Patterson led the audience in the Pledge of Allegiance and then gave the invocation. He 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

RESOLUTION OF SUPPORT: Board of Community Relations – Partnership for  
Working Toward Inclusive Communities

Mrs. Lehner read the above proclamation and explained that cities across the country are supporting this initiative. She will present this resolution to the Board of Community Relations at their next meeting.

PUBLIC HEARINGS

PUBLIC HEARING

To amend the development provisions of Economic Development Overlay District No. 11, Day Air Credit Union, so as to permit a freestanding sign at the corner of Wilmington Pike and Marshall Road.

Mayor Patterson

Mayor Patterson stated that the applicant has requested that this case be withdrawn.

Mr. Wasky made a motion to withdraw the public hearing and the ordinance in first reading from the agenda this evening. Mrs. Lehner seconded this motion and there being seven (7) Yea votes and no (0) nay votes, the motion was declared carried by a majority vote.

ORDINANCES IN SECOND READING

AN ORDINANCE  
NO: 4047-06  
BY: MR. WASKY AND MRS. LEHNER

APPROVING AN AMENDED DEVELOPMENT CONCEPT PLAN FOR  
KETTERING MEDICAL CENTER

Mr. Wasky read the above ordinance in second reading and moved for approval.  
Mrs. Lehner seconded the motion.

Mr. Schwieterman explained that this ordinance was in first reading at the last Council meeting. At that meeting one citizen raised a question about late night truck traffic on Southern Boulevard. Kettering Medical Center identified the truck that was the offender and asked that they and all truck traffic come in off of Stroop Road instead of West Dorothy Lane.

And there being no further discussion, the following votes were recorded: Mr. Thompson, Yea; Mr. Wanamaker Yea; Mr. Duke, Yea; Mr. Wasky, Yea; Mrs. Lehner, Yea; Mr. Spolrich, Yea; Mayor Patterson, 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: 4048-06  
BY: MRS. LEHNER AND MR. SPOLRICH

PROVIDING FOR THE VACATION OF AN APPROXIMATE 0.11 ACRE  
PORTION OF COLFAX AVENUE

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

AN ORDINANCE  
NO: 4049-06  
BY: MR. SPOLRICH AND MR. THOMPSON

AUTHORIZING THE SUBMISSION TO A VOTE OF THE QUALIFIED  
ELECTORS OF THE CITY OF KETTERING WHETHER TO AMEND  
THREE SECTIONS OF THE CITY CHARTER

Mr. Spolrich read the above ordinance in second reading and moved for approval. Mr. Thompson seconded this motion and there being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Wanamaker Yea; Mr. Duke, Yea; Mr. Wasky, Yea; Mrs. Lehner, Yea; Mr. Spolrich, Yea; Mayor 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: 8125-06

BY: MR. THOMPSON AND MR. WANAMAKER

AUTHORIZING THE CITY MANAGER TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT, AND ANY SUBSEQUENT AMENDMENTS TO THIS AGREEMENT, WITH THE KETTERING FIREFIGHTERS, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 2150.

Mr. Thompson 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. Spolrich, Yea; Mr. Wasky, Yea; Mrs. Lehner, 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.

A RESOLUTION

NO: 8126-06

BY: MR. WANAMAKER AND MR. DUKE

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, 2006.

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

Mr. Schwieterman explained that this supplemental appropriation is for the Law Department operating budget for outside legal services related to ongoing matters and for the Recycle Ohio Grant operating expenditures.

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

A RESOLUTION

NO: 8127-06

BY: MR. DUKE AND MR. WASKY

AUTHORIZING THE CITY MANAGER TO ACCEPT A \$20,059 GRANT FROM THE OHIO ARTS COUNCIL

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

Mr. Schwieterman explained that the City will enter into this agreement for general operating support of the Rosewood Arts Centre programs for programming during the Fiscal Year, July 1, 2006 through June 30, 2007.

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

A RESOLUTION  
NO: 8128 -06  
BY: MR. WASKY AND MRS. LEHNER

TO DECLARE THE NECESSITY AND INTENTION OF ACQUIRING PROPERTY INTERESTS IN PROJECT PARCELS 40WD AND 40T FOR THE WEST DOROTHY LANE AND SOUTH DIXIE HIGHWAY RECONSTRUCTION PROJECT (02-104E-PHASE 2; PID 75650), IN THE CITY OF KETTERING, OHIO.

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

Mr. Schwieterman reported this and the next resolution involves appropriating property needed for the West Dorothy Lane and South Dixie Highway Reconstruction Project.

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

A RESOLUTION  
NO: 8129-06  
BY: MRS. LEHNER AND MR. SPOLRICH

TO DECLARE THE NECESSITY AND INTENTION OF ACQUIRING PROPERTY INTERESTS IN PROJECT PARCELS 44WD AND 44T FOR THE WEST DOROTHY LANE AND SOUTH DIXIE HIGHWAY RECONSTRUCITO PROJECT (02-104E-PHASE 2; PID 75650), IN THE CITY OF KETTERING, OHIO.

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; Mr. Wasky, Yea; Mrs. Lehner, 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 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 4043-06 and 4046-06.

Mr. Spolrich read the above ordinance in first reading. The ordinance will appear on the August 22, 2006 Council meeting agenda for second reading.

AN ORDINANCE

TO AMEND THE DEVELOPMENT PROVISIONS OF ECONOMIC DEVELOPMENT OVERLAY DISTRICT NO. 11, DAY AIR CREDIT UNION, SO AS TO PERMIT A FREESTANDING SIGN AT THE CORNER OF WILMINGTON PIKE AND MARSHALL ROAD.

This Ordinance was withdrawn by a unanimous vote during the Public Hearing portion of this meeting.

CERTIFICATIONS AND PETITIONS

None.

MANAGER'S REPORT

Mr. Mark Schwieterman, City Manager reported:

Arbor Public Hearing – He apologized for the late notice to the public that the Planning Commission's Public Hearing regarding the Arbor Development was pulled from the agenda at the last minute. This item was tabled at the request of the applicant and will be re-advertised and neighbors re-notified when it is ready to be heard again by the Planning Commission.

Al Fullenkamp – has been chosen as the new Assistant City Manager. Mr. Fullenkamp will be a valuable asset in the City Managers office. Al Fullenkamp has 30 years of service with the City, most recently as the Public Services Director. His appointment is effective August 21, 2006.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Communications and Reports

Audience Participation (5 Minute Limit Per Speaker)

Belinda Hoffman, 2340 Stroop Rd. – She is a concerned Kettering resident that works at Children's Medical Center. She has been active in providing information regarding smoking to adults and teens for the last 12 years. The Board of Trustees and upper management of Children's Medical Center took a stand to promote a smoke-free policy. Smoke free policies are not a new concept. It is now the City of Kettering's turn to take a stand. Thousands of dollars are spent each year to inform children about the dangers of smoking. It does not make sense to let our children continue to be subjected to secondhand smoke. Even the Surgeon Generals report says secondhand smoke is dangerous. The Mayor of Dayton has indicated that they will not go smoke free until all of the surrounding suburbs do. She asked that Council take action today and don't wait for the state, and implement a 100% smoke free law.

Tom Foster, 832 Shrub Drive – He has been a resident of Kettering since the City was chartered. He is also employed in Kettering. He is concerned about the health and safety of workers in the City because they should have a safe work environment. City Council has the opportunity and the authority to make workplaces safer in Kettering by promoting a smoke free law. The Surgeons General's Report has declared secondhand smoke to be a danger and indicates that there is no risk free exposure to secondhand smoke. It does not make sense to have a separate area for non-smokers in restaurants because the air is not cleansed of secondhand smoke. Smoke free policies and regulations do not have an adverse impact on the hospitality industry. City Council needs to do the right thing and implement a 100% clean air ordinance for the City. Make Kettering a safer and more pleasant place for its citizens.

Patricia Hale, 3815 Walnut Grove Lane, Beaver Creek – She is the Campaign Coordinator for Smoke Free Kettering. They have had enthusiastic response from businesses about this campaign. Kettering businesses care about reducing secondhand smoke. Everyone deserves to work in a smoke free facility

breathing clean air. According to studies, a smoke free law does not negatively impact businesses. The only one that is impacted is the tobacco industry. In the heart of tobacco country, Lexington Kentucky is smoke free and has been for some time now. They have had 60 businesses and 4,000 individuals sign their endorsement form. This is a social justice issue. Secondhand smoke is a serious problem and it is Council's responsibility to protect employees and citizens of Kettering. She urged citizens to go to their website ([www.smokefreekettering.org](http://www.smokefreekettering.org)) and sign their endorsement form. She believes it is now time to pass a comprehensive smoke free law and encouraged Council to begin the process.

Gary Gose, AMVETS Kettering Post, 3800 Woodman Drive – He urged anyone that is serving overseas to check in with the VA Center to get signed up for medical services. They are still collecting for Katrina Relief and are in need of working microwaves, stoves and refrigerators. The Career Center is open for all Veterans free of charge. They will be starting up a Junior AMVETS for kids 5 – 17. Call the Post for more details. They also are accepting flags for retirement and citizens can bring them to the Post.

#### COUNCIL COMMITTEE REPORTS

Mr. Spolrich reported that he reviewed the minutes from the workshop meeting of July 11, 2006 and the regular and workshop meetings of July 25, 2006, and moved that the minutes be approved. Mr. Thompson seconded the motion and there being seven (7) Yea votes and no (0) nay votes, the motion was declared carried by a majority vote.

Mr. Wasky – No Report.

Mrs. Lehner – reminded citizens that it is illegal to park your car on the grass because it is a zoning violation and not permitted.

Mr. Spolrich – No Report.

Mr. Thompson – welcomed and congratulated Al Fullenkamp on his appointment as Assistant City Manager.

Mr. Wanamaker – congratulated Mr. Fullenkamp on his new position as Assistant City Manager. He has worked with Al for the last 30 years and knows that he will do a fantastic job. He also congratulated the Kettering Life Guard Team for finishing first in their competition.

Mr. Duke – reminded citizens that Art on the Commons is this Sunday, August 13, 2006 from 11 – 5. He expressed sympathy to the family of Lois Pettit who recently passed away. Lois and her husband Walter were long time volunteers for the City of Kettering.

Mayor Patterson – reported that they could not have found a more competent, dedicated person for the Assistant City Manager position than Al Fullenkamp. He looks forward to working with Mr. Fullenkamp. The Creative City Employee Art Exhibit is currently on display at the Kettering Government Center. The art will be on display the entire month of August. The Frazee Pavilion is having a fabulous season of good performances and great crowds. Last week he attended the Kettering College of Medical Arts ribbon cutting ceremony. They have a beautiful addition on the south side of their campus. He expressed condolences to the family of Lois Pettit. She was a volunteer for the City for many years and he will miss seeing her at community events.

There being no further business to come before this meeting of the Kettering City Council, Mayor Patterson adjourned the meeting at 8:15 p.m.

ATTEST:

Connie S. Gaw  
Clerk of Council

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DONALD E. PATTERSON, MAYOR