

KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
January 10, 2006

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, January 10, 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

Total Members Present: Seven (7)

Mayor Patterson led the audience in the Pledge of Allegiance and then gave the invocation. He introduced the pages from St. Charles School, Michael Adkins and Philip Riazzi. He introduced the cable TV operators, Bill Greger, J. Earl Jones and John Golub, Communications Council. He thanked these volunteers for their assistance.

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

APPOINTMENTS: 2006 Council Committees
Long Range Planning Committee
Mr. Duke, Chair
Mr. Wanamaker
Intergovernmental/Interagency Relations Committee
Mr. Wasky, Chair
Mr. Spolrich
Community Relations and Promotion Committee
Mr. Spolrich, Chair
Mrs. Lehner
Finance and Personnel Committee
Mr. Thompson, Chair
Mr. Wasky
Public Health and Safety Committee
Mrs. Lehner, Chair
Mr. Thompson
Public Service Committee
Mr. Wanamaker, Chair
Mr. Duke

Mr. Duke read the above appointments for the 2006 Council Committees and moved for approval. Mrs. Lehner seconded this motion and there being no discussion, the motion was declared carried by a unanimous vote.

ELECTION: Vice-Mayor

Mayor Patterson opened the nominations for Vice Mayor. Mr. Wanamaker nominated Ray Wasky. Mr. Thompson seconded the motion. There being no other nominations from the floor, the Mayor closed the nominations. Mr. Wasky was elected to a two-year term as Vice Mayor by acclamation. On behalf of the members of Council, Mayor Patterson congratulated Mr. Wasky and thanked the out-going Vice Mayor, Mrs. Lehner for serving during 2004 & 2005.

DECISIONS AND PUBLIC HEARINGS

DECISION – To amend Economic Development Overlay No. 15 by enlarging its boundaries and adopting provisions for land use regulations and development guidelines for the enlarged area and certain other areas of the same district.

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

AN ORDINANCE
NO: 4032-06
BY: MR. WASKY AND MRS. LEHNER

TO AMEND ECONOMIC DEVELOPMENT OVERLAY DISTRICT NO. 15
BY ENLARGING ITS BOUNDARIES AND ADOPTING PROVISIONS
FOR LAND USE REGULATIONS AND DEVELOPMENT GUIDELINES
FOR THE ENLARGED AREA AND CERTAIN OTHER AREAS OF THE
SAME DISTRICT

Mr. Wasky read the above ordinance in second reading and moved for approval. Mrs. Lehner seconded the motion and there being no 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.

ORDINANCES IN SECOND READING:

AN ORDINANCE
NO: 4033-06
BY: MRS. LEHNER AND MR. SPOLRICH

TO AMEND THE TRAFFIC CONTROL MAP AND THE TRAFFIC
CONTROL FILE OF THE CITY OF KETTERING, OHIO TO SHOW THE
INSTALLATION OF TRAFFIC SIGNS ON VARIOUS STREETS AND
AVENUES IN THE CITY OF KETTERING, OHIO:
NO PARKING SCHOOLS DAYS – ON THE SOUTH SIDE OF
CLARENDON DRIVE FROM APPLETON PLACE'S EXTENDED WEST
CURB WESTWARDLY 100 FEET

Mrs. Lehner read the above ordinance in second reading and moved for approval. Mr. Spolrich 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; Mr. Thompson, Yea; Mayor Patterson, Yea. There being six (7) Yea votes and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

RESOLUTIONS

A RESOLUTION
NO: 8008-06
BY: MR. SPOLRICH AND MR. THOMPSON

AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS AND
TO CONTRACT FOR THE WOODMAN DRIVE WILMINGTON TO
DANUBE RESURFACING PROJECT (PROJECT NO. 02-106Q)

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

Mr. Husemann explained that this will allow for the resurfacing of Woodman Drive between Wilmington Pike and Danube and will consist of a considerable amount of concrete pavement repair followed by a 2" asphalt overlay. The new street will have thermo plastic pavement markings and raised pavement markers.

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: 8009-06

BY: MR. THOMPSON AND MR. WANAMAKER

AUTHORIZING THE CITY MANAGER TO CONTRACT FOR ANNUAL MAINTENANCE, CUSTOMER SUPPORT AND SOFTWARE UPDATES FOR THE FINANCE/HUMAN RESOURCE DEPARTMENTS COMPUTER SYSTEM

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

Mr. Husemann explained that this is the annual maintenance, customer support and software update agreement with Sunguard-Bitech, the provider of the payroll, finance, purchasing and human resource computer system.

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.

A RESOLUTION

NO: 8010-06

BY: MR. WANAMAKER AND MR. DUKE

AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS FOR THE 2006 STREET MAINTENANCE PROGRAMS AND RAHN ROAD AND MARSHALL ROAD IMPROVEMENTS THROUGH ADVERTISING FOR BIDS AND/OR COMPETITIVE BARGAINING AND NEGOTIATED QUOTES AS DEEMED BY THE CITY MANAGER MOST ADVANTAGEOUS TO THE CITY

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

Mr. Husemann explained that this is the standard annual request for maintenance projects for the year.

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. 8011-06
BY: MR. DUKE AND MR. WASKY

AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION WITH THE OHIO OFFICE OF CRIMINAL JUSTICE SERVICES, BUREAU OF JUSTICE ASSISTANCE, FOR GRANT FUNDS IN THE AMOUNT OF \$80,000.00

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

Mr. Husemann reported that the City is eligible to submit a competitive proposal to apply for a state grant for \$80,000 from the Bureau of Justice Assistance. This grant will provide funding for the Kettering Police Department to replace the 10 year old Firearms Training system used by TCSU agencies. There is a 25 percent match requirement to be covered by the Miami Valley Communications Council.

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.

A RESOLUTION
NO. 8012-06
BY: MR. WASKY AND MRS. LEHNER

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR DESIGN SERVICES FOR FRAZE PAVILION MARKETING/ADVERTISING/PROMOTIONAL MATERIALS, AND COPYWRITING SERVICES

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

Mr. Husemann explained that this would authorize the City Manager to seek proposals and use competitive negotiations to contract for design services for Frazee Pavilion. These items will be used to promote the various ticketed and free events at the Frazee. Items include season brochure, program book, newspaper ads, posters and website.

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. 8013-06
BY: MRS. LEHNER AND MR. SPOLRICH

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KETTERING/MORAIN/OAKWOOD CHAMBER OF COMMERCE TO SELL ADVERTISING FOR THE 2006 FRAZE PROGRAM BOOK

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

Mr. Husemann explained that the City has contracted with the Chamber of Commerce to sell advertising for the Program Book.

Mr. Duke expressed that he is very proud of the Frazee. The Frazee was never intended to be a moneymaker but is a nice amenity to the community.

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.

A RESOLUTION
NO. 8014-06
BY: MR. SPOLRICH AND MR. THOMPSON

AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS FOR DISCOUNTS, COMPLIMENTARY TICKETS AND COMPLIMENTARY PROGRAM PARTICIPATION TO BENEFIT THE ADVERTISING AND PROMOTION OF CALENDAR YEAR 2006 PARKS, RECREATION AND CULTURAL ARTS PROGRAMS AND THE 2006 FRAZEE PAVILION PERFORMANCE SEASON

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

Mr. Husemann explained that this resolution allows the Frazee management to provide special promotions for marketing and contractual purposes. Free tickets are not given to friends, Council members or charities but used for special promotions as marketing tools.

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. 8015-06
BY: MR. THOMPSON AND MR. WANAMAKER

AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO ENTERTAINMENT CONTRACTS FOR THE 2006 FRAZEE PAVILION SEASON

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

Mr. Husemann reported that this would allow for negotiations for entertainment for the Frazee 2006 entertainment season. The Frazee staff will handle these negotiations.

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.

A RESOLUTION
NO. 8016-06
BY: MR. WANAMAKER AND MR. DUKE

AUTHORIZING THE CITY MANAGER TO CONTRACT FOR THE PURCHASE OF BEER AND WINE FOR SPECIAL EVENTS AND FOR FRAZE PAVILION CONCESSIONS DURING THE 2006 PERFORMANCE SEASON

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

Mr. Husemann explained that this authorized the purchase of beer and wine for resale at the Frazee.

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. 8017-06
BY: MR. DUKE AND MR. WASKY

AUTHORIZING THE CITY MANAGER TO PURCHASE TELEVISION, RADIO AND NEWSPAPER, BILLBOARD AND INTERNET ADVERTISING FOR THE 2006 FRAZE PAVILION PERFORMANCE SEASON FROM VARIOUS SOURCES

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

Mr. Husemann reported that this would allow for the purchase of advertising from various sources without sealed bidding. Competitive bargaining is more practical due to the nature of this type of purchase and because sources have fixed rates for such advertising.

Mr. Wasky asked what the cost is for television versus radio. Mr. Husemann replied that he would give him a copy of the report.

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.

A RESOLUTION
NO. 8018-06
BY: MR. WASKY AND MRS. LEHNER

TO APPROVE A MULTIPLE JURISDICTION SUBMISSION OF AN APPLICATION FOR APPLICATION FOR GRANT FUNDS FROM THE CLEAN OHIO TRAILS PROGRAM FOR CONSTRUCTION, OPERATION

AND MAINTENANCE OF THE IRON HORSE RECREATION TRAIL AND
KETTERING RECREATION TRAIL.

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

Mr. Husemann explained that the City of Centerville, Centerville Washington Park District and the City of Kettering will pursue the funding for the construction of the Iron Horse Recreation Center Trail and Kettering Recreation Trail extension by submitting a joint grant application to the Clean Ohio Trails program. This will provide a nice recreation resource to the south side of the community as well as being a good neighbor to Centerville and Washington Township.

Mr. Wasky asked if this route was part of the old railway. Mr. Husemann replied that a portion of it was.

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.

ORDINANCES IN FIRST READING
None

CERTIFICATIONS & PETITIONS

PETITION:

Street Lighting – From Comanche Drive to Cunnington Lane

The Clerk of Council read the above petition and announced that this request will be remanded to City Staff for review.

OTHER BUSINESS NOT ON WRITTEN AGENDA:

MANAGER'S REPORT

Mr. Steve Husemann, City Manager reported:

Mayor Smith's Farewell Reception – is this Thursday, January 12, 2006, from 5:00 – 7:30 p.m., at the James Trent Arena. Presentations will begin at 6:00 p.m. All of the public is invited to attend.

COUNCIL COMMITTEE REPORTS

Mayor Patterson reported that for the last time, he reviewed the minutes from the regular and workshop Council meetings of December 13, 2005 and December 20, 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. Wasky had no report this evening.

Mrs. Lehner stated for those citizens that do not know where Trent Arena is located, it is immediately behind Fairmont High School. On Monday, January 16, 2006, the MLK Breakfast will be held at Christ United Methodist Church. Tickets are still available and are \$5.00 for adults and \$2.00 for children. They can be purchased at the City Manager's office, Lathrem Center, Books & Company, or the Chamber of Commerce. This is the third year for this regional event and she

urged everyone to attend. Mrs. Lehner welcomed Mr. Spolrich to Council and congratulated Mayor Patterson and Mr. Wasky. She expressed that she is happy to see Bernie Wannemacher back after his long absence.

Mr. Spolrich expressed that he was happy to be at the Council meeting and looked forward to serving the community.

Mr. Thompson welcomed Mr. Spolrich to his first Council meeting. He congratulated Mayor Patterson.

Mr. Wanamaker also welcomed Mr. Spolrich and commended Mrs. Lehner for doing a great job as past Vice Mayor. He stated that the Miami Valley Cable Council would be selecting a new director sometime this spring and is currently in the process of reviewing possible candidates.

Mr. Duke reported that the Polen Farm Christmas Celebration was once again an exceptional event and a great opportunity that is offered to our community to spend time with others on Christmas day.

Mayor Patterson welcomed Mr. Spolrich, the City's newest Councilmember. He congratulated Mr. Wasky for being newly elected as Vice Mayor and thanked Mrs. Lehner for doing a wonderful job as past Vice Mayor. He thanked Council staff for helping out at the "Mayors Swearing In" meeting and reception, last Sunday. He commended Marynel and Bill Bradley for a job well done at the Polen Farm Christmas Celebration. This event has grown so large, they may need to look into expanding into a larger facility in the future. He said hello to past Mayor, Marilou Smith because he knew she would be watching from home this evening.

BUSINESS NOT ON WRITTEN AGENDA Communications and Reports

Council Comments

Audience Participation (5 Minute Limit Per Speaker)

Teresa Breitenstein, 2825 Acorn Drive – She is concerned about the proposed reconstruction of the Acorn Drive area because it will increase their taxes. She feels this project is wrong and unfair because improvements should come out of the Cities tax base, not paid for by each individual homeowner in that area. Council passed this without the public knowing any of the details, until it was too late. She has not found one person in this neighborhood that is happy about this project and she plans to bring a petition before Council to stop it. It is an illegal tax increase that the City is imposing on the citizens in that area. She will make this an issue at the next election.

Mr. Husemann replied that the City has not had a tax increase since 1981. The Acorn project that she is referring to is an assessment. Most of Kettering was built in a time period when curb, gutter and sidewalks were paid for by a developer. These citizens paid for an improved lot. The Acorn area is in an area where these improvements were never made. It is not fair to assess other residents in the City to enhance the property value in that area. This reconstruction project has already been approved by Council and is the process of moving forward.

There was then discussion between the Mayor, Council, City Staff and Mrs. Breitenstein concerning this project, with the conclusion being that Mrs. Breitenstein will talk to Mr. Husemann or Mr. Fullenkamp after the meeting to set up a time to come in to discuss her concerns in more detail.

Joseph Koussa, 1537 Beaver Creek Lane - He is glad to be here for Mr. Mayor's first meeting. 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. He asked that everyone please remember to not idle their car and save gasoline. We need to build up our economy so fellow Americans can have jobs and not give our money to terrorist countries for gasoline. He congratulated Mrs. Lehner and Mr. Spolrich.

Greta Ott, AMVETS – Kettering Post, 3108 Woodman Drive - The club is now officially open. They are still waiting for their State Liquor License, but are serving soft drinks and sandwiches. A career center is set up for Veterans and anyone interested can call the post for more details. She thanked Council for all of their help.

Mayor Patterson stated that he and Marilou Smith attended the grand opening this past Saturday and they bought the first diet cokes served. The AMVETS post is a very nice facility and he wished them the best of success.

There being no further business to come before this regular meeting of the Kettering City Council, Mayor Patterson adjourned the meeting at 8:48 p.m.

ATTEST:

DONALD E. PATTERSON, MAYOR

Connie S. Gaw
Clerk of Council