

KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
April 8, 2008

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, April 8, 2008, 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 Assistant Clerk of Council, Pat Honious, recorded. This meeting was telecast live on the cable access channel.

Council Members Present: Duke, Klepacz, Lehner, Thompson and Wanamaker
Spolrich

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, Earl Jones and John Golub. He welcomed pages, Cameron Thomas from Kettering Middle School and Darin Thomas from Fairmont High School. He thanked these volunteers for their assistance.

APPROVAL OF MINUTES

March 28, 2008 Regular and Workshop Meetings

Mr. Duke reported that he reviewed the above minutes and moved the minutes be approved. Mrs. Lehner seconded the motion and there being seven (7) yea votes, and no (0) nay votes, the motion was declared carried by a majority roll call vote.

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

PROCLAMATION: Arbor Day – April 19, 2008

Mr. Spolrich read the above Proclamation. Mike Fleenor, Parks Superintendent, accepted the Proclamation.

PROCLAMATION: YMCA Healthy Kids Day – April 19, 2008

Mr. Thompson read the above Proclamation. Angela Wakefield, Senior Membership Director for the South YMCA accepted the Proclamation.

PUBLIC HEARINGS

PUBLIC HEARING - To amend the provisions for Economic Development Overlay District No. 8 (The Arbor Commercial Center).

Mayor Patterson opened the Public Hearing but explained that due to a potential conflict of interest he will turn the meeting over to Vice Mayor Duke.

Mr. Ron Hundt, City Planner for the Planning and Development Department reported Planning Commission recommended approval of this request. He showed a site plan and explained the development. This request would allow the development of two small retail spaces on the northeast outlot of the Arbor Commercial Center (EDO #8). It also allows for a limited menu restaurant with a drive in window. The original zoning document did not allow drive in windows as part of any restaurant but did permit them for other uses such as dry cleaners and financial institutions. If approved by Council, the Site Plan and Building Elevation approval will go to the Planning Commission at a future meeting. He asked for questions from Council.

Mrs. Lehner wondered why drive in windows for restaurants were not included in the original document.

Mr. Hundt replied that he felt that the original owners were listening to the concerns of the neighbors.

Mr. Klepacz stated he has always been intrigued with limited menu restaurants. It is hard to define them. He is glad that steps have been taken to tighten up what might go into this development in the future.

Mr. Hundt replied this is correct. Planning Commission will have a chance to review what could go onto this site in the future.

Vice Mayor Bruce Duke asked for public comments.

Marc Sternberg, 338 Rue Marseille - He stated he is the President of the Homeowners Association for the Villas of the Arbor Development. The Board has met and discussed this issue and feel this is the best development for this site. They have confidence in the developer, City staff and the Planning Commission. They are in favor of this development.

There being no further discussion, Vice Mayor Duke closed the public hearing and advised that Council would render a decision at the April 22, 2008 Council Meeting.

Mayor Patterson returned to the meeting.

PUBLIC HEARING - To rezone the approximate 1.5 Acre Property Located at 2625 East Stroop Road, commonly known as Tannenberg Kennels from "R-1, Suburban Residential" Zoning Classification to "Residential Development Overlay District No. 1" (Zoning Case 880-08).

Mayor Patterson opened the Public Hearing.

Mr. Ron Hundt, City Planner for the Planning and Development Department reported Planning Commission recommended approval of this request. The owners of this property (Tannenberg Kennels) have requested rezoning because the current zoning of this 1.5-acre parcel does not permit the expansion or allow for significant improvement of the kenneling facility. A Residential Development Overlay District would allow them to make selected improvements to this facility. Mr. Hundt asked for questions from Council.

Council made no comments.

Mayor Patterson asked for public comments.

Dave Reid 110 N. Main St., Suite 900, Dayton – He is the family attorney for Tannenburg Kennels. Bob Becker is the second-generation owner of Tannenberg Kennels. This request is vital for the future success of this facility. Tannenberg was founded 60 years ago and has always resided at this location. This is one of the finest boarding facilities in the country. It has remained focused on its pets needs. Maintenance of the facility has always been important. They have employed hundreds of Kettering teenagers over the years. There are currently 5 full time and 15 part time employees. The Becker's are very proud to be positive ambassadors for newcomers in Kettering. They want to remain a top facility. New competition is driving their needs. They have never lost focus on the pets but now need to accommodate the pet owners. There is currently not much of a waiting area and they would like to expand this. They also need to update their office and require more walking area for pets. They don't want to expand the number of pets but to improve the condition for the current amount of pets. He explained the area surrounding this site.

Robert Becker, 2212 Shroyer Road – He has been part of this community since he was born. He will be 60 years old this year. He is as old as the business. This community is home. He is proud to see this community grow. It is a terrific place to live and work. They see a lot of new people coming to this area. He is very proud of this City. He is very proud of this business and wants to keep it top notch. They maintain their property and take the absolute best care of the animals.

Mayor Patterson stated that Kettering is a tremendous City. He thanked Mr. Becker for all that he does and for being a part of this community.

Mr. Thompson reported that he used to take his Shepard over to be boarded at Tannenberg Kennels. What impressed him the most is the good care they took of the animals that are boarded there. It is a nice facility.

Mrs. Lehner assured citizens that Council would look closely at the plan that is being proposed this evening. Their decision will be based on this.

There being no further discussion, Mayor Patterson closed the public hearing and advised that Council would render a decision at the April 22, 2008 Council Meeting.

ORDINANCES IN SECOND READING

RESOLUTIONS

A RESOLUTION
NO: 8420-08
BY: MR. DUKE AND MRS. LEHNER

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT
FOR THE PURCHASE OF BLACKBERRY CELL PHONE SERVICES

Mr. Duke 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. Thompson, Yea; Mr. Klepacz, Yea; Mr. Wanamaker, Yea; Mr. Duke, 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: 8421-08
BY: MRS. LEHNER AND MR. SPOLRICH

AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS AND TO
CONTRACT FOR THE 2008 SIDEWALK, CURB, AND DRIVE APPROACH
REPAIR PROGRAM (PROJECT NO. 05-108)

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

Mr. Schwieterman explained this will allow for replacement of curb, drive approaches and necessary sidewalk and then resurfacing the streets with asphalt on portions of Cardington Road, Doddington Road, Abingdon Road and Old Lane Avenue.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Lehner, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Klepacz, 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: 8422-08
BY: MR. SPOLRICH AND MR. THOMPSON

AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS AND TO
CONTRACT FOR A TRAFFIC SIGNAL OVERHEAD REBUILD AT THE
INTERSECTION OF PATTERSON ROAD AND NORTON AVENUE/
REMBRANDT BOULEVARD, PROJECT NO. 02-132C.

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

Mr. Schwieterman explained the overhead wiring at the intersection of Patterson and Norton/Rembrandt is due to be replaced as part of the Upgrade overhead Wiring Program for 2008. The signal originally was installed in 1958.

There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Klepacz, Yea; Mr. Wanamaker, Yea; Mr. Duke, 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: 8423-08

BY: MR. THOMPSON AND MR. KLEPACZ

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (“ODOT”) TO ALLOW THE CITY TO SERVE AS RESPONSIBLE LEAD AGENCY FOR ADMINISTRATION OF THE KETTERING TRAFFIC SIGNAL REPLACEMENTS PROJECT (PROJECT NUMBER 02-005A; ODOT PROJECT MOT -TRAFFIC SIGNALS KETTERING, PID 84087)

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

Mr. Schwieterman explained this resolution will allow him to sign the necessary contracts with ODOT. This project is scheduled to begin construction in 2011.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Lehner, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Klepacz, 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: 8424-08

BY: MR. KLEPACZ AND MR. WANAMAKER

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (“ODOT”) TO ALLOW THE CITY TO SERVE AS RESPONSIBLE LEAD AGENCY FOR ADMINISTRATION OF THE DOROTHY LANE RESURFACING – BERKLEY TO COUNTY LINE – PROJECT (PROJECT NUMBER 02-104F; ODOT PROJECT MOT – DL REPAIR, PID 84088).

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

Mr. Schwieterman explained this resolution will allow him to sign the necessary contracts with ODOT. This project is scheduled to begin construction in 2011.

There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Klepacz, Yea; Mr. Wanamaker, Yea; Mr. Duke, 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: 8425-08

BY: MR. WANAMAKER AND MR. DUKE

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (“ODOT”) TO ALLOW THE CITY TO SERVE AS RESPONSIBLE LEAD AGENCY FOR ADMINISTRATION OF THE WILMINGTON PIKE RECONSTRUCTION – ANSEL TO SMITHVILLE – PROJECT (PROJECT NUMBER 02-108N; ODOT PROJECT MOT-WILMINGTON PIKE, PID 84089).

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

Mr. Schwieterman explained this resolution will allow him to sign the necessary contracts and to enter into an agreement with ODOT. This project is scheduled to begin in 2011.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Lehner, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Klepacz, 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: 8426-08
BY: MR. DUKE AND MRS. LEHNER

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION ("ODOT") TO ALLOW THE CITY TO SERVE AS RESPONSIBLE LEAD AGENCY FOR ADMINISTRATION OF THE STROOP ROAD EAST – SOUTHMOOR CIRCLE NE TO SHROYER – TRANSPORTATION ENHANCEMENT PROJECT (PROJECT NUMBER 02-110L; ODOT PROJECT MOT – STROOP ROAD, PID 84090)

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

Mr. Schwieterman explained this resolution will allow him to sign the necessary contracts and to enter into an agreement with ODOT. This project is scheduled to begin in 2011.

There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Klepacz, Yea; Mr. Wanamaker, Yea; Mr. Duke, 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: 8427-08
BY: MRS. LEHNER AND MR. SPOLRICH

TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF KETTERING, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2008.

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

Mr. Schwieterman reported this resolution will allow for appropriations related to the Pondview Grant.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Lehner, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Klepacz, 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 LEVY SPECIAL ASSESSMENTS FOR THE "ACORN AREA RESIDENTIAL RECONSTRUCTION" PROJECT (PROJECT NUMBER 02-278)

Mr. Duke read the above Ordinance in first reading. The Ordinance will appear on the April 22, 2008, Council meeting agenda for second reading.

AN ORDINANCE

TO LEVY SPECIAL ASSESSMENTS FOR THE CONSTRUCTION AND RECONSTRUCTION OF CONCRETE SIDEWALKS, CURBS, GUTTERS AND DRIVEWAY APPROACHES, TOGETHER WITH THE NECESSARY APPURTENANCES, FOR THE 2007 SIDEWALK REPAIR PROGRAM (PROJECT NUMBER 05-107)

Mr. Duke read the above Ordinance in first reading. The Ordinance will appear on the April 22, 2008, Council meeting agenda for second reading.

AN ORDINANCE

TO AMEND THE TRAFFIC CONTROL MAP AND 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.

Mr. Thompson read the above Ordinance in first reading. The Ordinance will appear on the April 22, 2008, Council meeting agenda for second 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

Mr. Klepacz read the above Ordinance in first reading. The Ordinance will appear on the April 22, 2008, Council meeting agenda for second reading.

AN ORDINANCE

TO AMEND THE PROVISIONS FOR ECONOMIC DEVELOPMENT OVERLAY DISTRICT NO. 8 (THE ARBOR COMMERCIAL CENTER).

Mr. Wanamaker read the above Ordinance in first reading. The Ordinance will appear on the April 22, 2008, Council meeting agenda for second reading.

AN ORDINANCE

TO REZONE THE APPROXIMATE 1.5 ACRE PROPERTY LOCATED AT 2625 EAST STROOP ROAD, COMMONLY KNOWN AS TANNENBERG KENNELS FROM "R-1, SUBURBAN RESIDENTIAL" ZONING CLASSIFICATION TO "RESIDENTIAL DEVELOPMENT OVERLAY DISTRICT NO. 1" (ZONING CASE 880-08).

Mr. Duke read the above Ordinance in first reading. The Ordinance will appear on the April 22, 2008, Council meeting agenda for second reading.

CERTIFICATIONS AND PETITIONS

MANAGER'S REPORT

Mr. Mark Schwieterman, City Manager reported:

Personnel Ordinance – Under Ordinances in First Reading this evening there are changes proposed to our Personnel Ordinance that relate to our Fire Department organization and pay rates for the Dispatchers. This will allow for the addition of

administrative or captain level positions in the Fire Department. They hope to add three Captain positions. The Fire Marshals position will be a civilian position.

South Suburban Coalition Town Hall Meeting – Will be held this Thursday, April 17, 2008 from 7:00 - 8:30 p.m. in Washington Twp. The guest speaker for this event is Hope Taft.

Home Ownership Seminar - Will be held on April 23, 2008 from 6:00 – 7:00 p.m. at the Kettering Recreation Center.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Communications and Reports

Audience Participation (5 Minute Limit Per Speaker)

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. He is disappointed that we have so many foreign cars made in this country and he feels we should all buy an American car. Where will this country be if Ford and General Motors go out of business?

Gary Gose, AMVETS Post 2003, 3108 Woodman Dr – The National Guard is coming for a Town Hall Meeting on Tuesday, April 15th from 7:00 – 9:00 at the Kettering Government Center to speak to military families. Blue Star Mothers continue to work with troops overseas and are still accepting monetary donations. The post will be attending the Matt Maupin ceremonies. The National Museum at WPAFB on May 17, 2008 will be holding a tribute and dinner for all World War II Veterans. Veterans need to call and sign up by May 1, 2008. If citizens have a worn or torn flag, please bring them by the Post for proper disposal. The AMVETS Post is here to support the community.

COUNCIL COMMITTEE REPORTS

Mr. Duke – Represented the City at the Wright State University Arts Gala. The Performing Arts Program at Wright State is a gem with many talented students. In the audience there are three Leadership Academy students and two graduates. His daughter recently had a beautiful baby son. So, he is now a proud grandfather.

Mrs. Lehner – No Report.

Mr. Spolrich – The City is having a Spring Clean Up the first week of May.

Mr. Schwieterman replied the Spring Clean Up will be held the first full week of May. Crews will be out picking up leaves only. Please use the month of April to get your leaves to the curb. It will not take long; so make sure your leaves are out because crews will be moving very quickly.

Mr. Thompson – No Report.

Mr. Klepacz – No Report.

Mr. Wanamaker – No Report.

Mayor Patterson – On March 27, 2008 the City of Kettering hosted a CDBG event at Governors Place. It was a well-attended and nice event. Representative Mike Turner attended. Angela Williams from the Planning & Development Department did a wonderful job putting this event together. He was on the Daily Show and talked about Property Maintenance issues. The City is looking to keep the values of homes in this community as high as they can be. The Mayor's Ball is this Saturday, April 12, 2008 at Reynolds & Reynolds. The funds this year will benefit We Care Arts. Last years funds went to Day Break. Something unique will take place at the Mayor's Ball this year. Members of Council and staff have created pieces of art to action at this event. It will be a fun time.

There being no further business to come before this meeting of the Kettering City Council, Mayor Patterson adjourned the meeting at 9:00 p.m.

ATTEST:

Connie S. Gaw
Clerk of Council

DONALD E. PATTERSON, MAYOR