

KETTERING CITY COUNCIL  
REGULAR MEETING MINUTES  
November 28, 2006

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, November 28, 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:

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, Earl Jones and John Golub. He thanked these volunteers for their assistance.

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

PRESENTATION: Montgomery County Auditor – Karl Keith – Rental  
Registration

Karl Keith, Montgomery County Auditor gave a report on the status of the new rental property registration program. A new law was passed earlier this year that required landlords to register their properties with the Auditors office.

PUBLIC HEARINGS

None

ORDINANCES IN SECOND READING

AN ORDINANCE  
NO: 4065-06  
BY: MR. WASKY AND MRS. LEHNER

TO REZONE THE APPROXIMATE 7.86 ACRE PROPERTY  
LOCATED ON FAR HILLS AVENUE, COMMONLY KNOWN AS THE  
GROBY PROPERTY (FORMERLY GROBY GARDEN CENTER),  
FROM "R-1, SUBURBAN RESIDENTIAL" ZONING  
CLASSIFICATION TO "ECONOMIC DEVELOPMENT OVERLAY  
DISTRICT NO. 21" (ZONING CASE 865-06)

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

Mr. Robillard, Planning & Development Director reported that the EDO document would give general guidelines to follow for the development of this property. Final development plans will go back before the Planning Commission for final review.

Mr. Duke commented that as these final plans go back before the Planning Commission; if citizens are unhappy at that point they can appeal the decision to City Council.

And there being no further discussion, 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, Abstain. There being six (6) Yea votes, one (1) abstain vote, and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

AN ORDINANCE  
NO: 4066-06  
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 TO SHOW:

- STOP – CONSTITUTIONAL COURT AT MONTPEILIER DRIVE
- STOP – DOLLEY DRIVE AT JAMES MADISON TRAIL NORTH
- STOP – FREEDOM WAY AT MONTPEILIER DRIVE
- STOP – FREEDOM WAY AT E. RAHN ROAD
- STOP – MONTPEILIER DRIVE AT JAMES MADISON TRAIL SOUTH, EASTBOUND AND WESTBOUND

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

Mr. Schwieterman explained that these traffic signs will be in the Madison's Grant Development.

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.

RESOLUTIONS

A RESOLUTION  
NO: 8169-06  
BY: MR. SPOLRICH AND MR. THOMPSON

APPOINTING DONALD PATTERSON AND PEGGY LEHNER AS TRUSTEES OF THE KETTERING DEVELOPMENT CORPORATION.

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

Mr. Schwieterman explained this will appoint Don Patterson and Peggy Lehner for a two-year term that will end on December 31, 2008.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mr. Wasky, Yea; Mrs. Lehner, Abstain; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Thompson, Yea; Mayor Patterson, Abstain. There being five (5) Yea votes, two (2) Abstain votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION  
NO: 8170-06  
BY: MR. THOMPSON AND MR. WANAMAKER

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR THE PURCHASE OF REAL PROPERTY IN

CONNECTION WITH THE FEMA/OHIO MITIGATION GRANT PROGRAM.

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

Mr. Schwieterman explained this allows the City to purchase the property at 1136 Imperial Boulevard in the Wiles Creek area. The owner has agreed to sell the property to the City of Kettering

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: 8171-06

BY: MR. WANAMAKER AND MR. DUKE

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO PURCHASE THREE BRONZE SCULPTURES.

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

Mr. Schwieterman explained that as part of the Art in Public Places program, the City Sites Committee has selected three bronze sculptures to purchase from the Galleria Silecchia in Sarasota Florida. "The Runner" and "Old Man and His Dog" will be placed at the Lincoln Park Civic Commons. "Ollie" will be installed at the Rob Dyrdek/DC Shoes Skate Plaza.

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: 8172-06

BY: MR. DUKE AND MR. WASKY

AUTHORIZING THE CITY MANAGER TO ACCEPT A \$300,000.00 GRANT FROM THE OHIO DEPARTMENT OF DEVELOPMENT, DEFENSE CONVERSION ASSISTANCE PROGRAM.

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

Mr. Gorsuch, Economic Development Manager explained this will allow the city to accept the DCAP Grant in the amount of \$300,000. The funds will be used toward the refurbishing/repair of the existing DFAS building at 1050 Forrer Boulevard.

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: 8173-06  
BY: MR. WASKY AND MRS. LEHNER

TO MAKE A SUPPLEMENTAL APPROPRIATIONS 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. Schwieterman explained this will allow supplemental appropriations to be made for the Mayor & Council Office, Law Department, Administrative Support, Economic Development, the General Fund, Police Pension, Parks & Recreation, DESC Reuse, Street Maintenance, Capital Improvement, and allow transfers to other funds.

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: 8174-06  
BY: MRS. LEHNER AND MR. SPOLRICH

TO APPROVE THE ENLARGEMENT OF THE PARTNERS FOR HEALTHY YOUTH ADVISORY BOARD.

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

Mr. Schwieterman explained that City Council will appoint one of the additional members and the Board of the Kettering School District will appoint the other new member.

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

AN ORDINANCE

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 TO SHOW:  
PEDESTRIAN CROSSING PROHIBITED: NORTH CROSSWALK AT THE INTERSECTION OF EAST STROOP ROAD AND GLENGARRY DRIVE.

Mrs. Spolrich read the above ordinance in first reading. The ordinance will appear on the December 12, 2006, Council meeting agenda for second reading.

## AN ORDINANCE

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 TO SHOW:

**STOP** – MARILYN AVENUE WESTBOUND AT ITS INTERSECTION WITH NORTHBOUND/SOUTHBOUND WHITLOCK PLACE ROW.

**STOP** – PHOENIX PLACE EASTBOUND AT ITS INTERSECTION WITH NORTHBOUND/SOUTHBOUND WHITLOCK PLACE ROW.

**STOP** – NEW HORIZON PLACE SOUTHBOUND AT ITS INTERSECTION WITH EASTBOUND/WESTBOUND PHOENIX PLACE ROW.

**STOP** – PHOENIX PLACE NORTHBOUND AT ITS INTERSECTION WITH EASTBOUND/WESTBOUND NEW HORIZON PLACE ROW.

Mr. Thompson read the above ordinance in first reading. The ordinance will appear on the December 12, 2006, Council meeting agenda for second reading.

### CERTIFICATIONS AND PETITIONS

CERTIFICATION - Planning Commission recommends approval of a request to rezone a 3.574-acre property located at 2739 County Line Road, from R-1 Suburban Residential District to R-2 One Family Residence District (Zoning Case 870-06).

CERTIFICATION - Planning Commission recommends approval of a request to rezone a 0.684-acre property located at 2759 County Line Road, from R-1 Suburban Residential District to R-2 One Family Residence District (Zoning Case 871-06).

The Clerk of Council read the above certifications and announced Council would hear the public hearings for these requests at the Council Meeting of December 12, 2006.

Mr. Wasky stated that the two zoning cases for which certification was just received by Council, are dealing with the same project. He moved to consolidate Zoning Case No. 870-06 and Zoning Case No. 871-06 for the purposes of Council's consideration and that the two consolidated cases now be known as Zoning Case C870-06. Mrs. Lehner seconded this 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.

### MANAGER'S REPORT

Mr. Mark Schwieterman, City Manager reported:

Waste Management – billings are scheduled for December 12, 2006. Citizens will see an increase on that bill due to an increase in tipping fees.

Giving Trees – are located in the Government Center Lobby and the Recreation Center. They received 357 names of Kettering children that are in need. This is a much larger number than in the past. He asked that citizens help by taking a tag off one of the trees to help a child in need.

Mayors Christmas Tree Lighting – is this Friday, December 1, 2006. Activities begin at 6:00p.m, with the tree lighting at 8:00 p.m. He invited all to attend.

Countywide Dispatch Program – A number of months ago a regional study was organized by the Mayors and Managers Association regarding a regional

dispatch program. That study is now complete. They have been receiving many comments from residents and employees as to what this means to our community. The City of Kettering is not yet ready to make a decision. They are still in the fact finding mode and trying to gather information. There are still a number of issues at this time and they do not have enough information to make an informed decision. The City is committed to trying to come to a decision by the end of this year because Montgomery County would like a decision by the end of January. Presentations will be made to Council by mid December.

Police Chief Jim O'Dell reported that officer Dondi Marsh who recently retired in June passed away on Thanksgiving weekend after a long battle with cancer. He expressed condolences to the Marsh family.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Communications and Reports

Audience Participation (5 Minute Limit Per Speaker)

Bruce Abrams, 4100 Glenheath Drive - stated that for many years the City's radio systems have needed to be replaced and now the project is being delayed due to a centralized 911 system. The Kettering Fraternal Order of Police do not endorse moving the 911 dispatch to Montgomery County and do not feel that it is in the best interest of City.

Rosie Padlo, 624 Schuyler Drive - stated that she is against the outsourcing of the dispatchers because they now work as a team and are familiar with this community. The City's Police Department has top accreditation in Ohio and she is concerned that they may not be able to maintain this if the dispatch is outsourced. Let's keep our dispatch here in the Kettering community.

Ester Carter, 3500 Governors Trail – stated that she used to be Deputy Mayor in San Francisco, California and is a new citizen to the Kettering area. She offered her services if they would like to have residents involved in the dispatch decision. Consolidation of services are wonderful for cost effectiveness, but public safety is more important. This is an issue that must be discussed with the safety professionals. Please take into consideration as to what the City's Police and Fire Chiefs think. Safety is the most important aspect in making the decision.

Jim Tobias, 2825 Ghent Avenue – stated that he is against combining the dispatch centers. The City of Kettering has one of the best Police Chiefs in the country. He should handle the day-to-day operations for Kettering, not Montgomery County. He urged Council to update our dispatch centers and not combine with anyone else. Let's stay in Kettering.

Sharon Griesmeyer, 2928 Roanoke Avenue – stated that she appreciates the personal touches of our local police and fire departments. Our police department proudly has national accreditations. What kind of guarantee do we have that a centralized dispatch will work? She doubts that a centralized dispatch would be able to help someone that needed help and could only describe buildings or landmarks. She has no doubt that a Kettering dispatcher could help them.

Gary Gose, AMVETS Post, 3108 Woodman Drive – reported that AMVETS put together food baskets and fed six families on Thanksgiving Day. They are still working on sending veterans to Washington D.C. and will have more information about the trip on December 12, 2006. Their members will be visiting the V.A. Center this Saturday and will be leaving the Post at 10:30 a.m. He invited anyone who is interested to join them. He asked that everyone say an extra prayer for all of our troops.

Scott Stone, 369 Rue Marseille – stated that he realized that Council does not have any answers right now regarding the dispatch consolidation, but hopes that citizens will be able to address their concerns at a future meeting.

Mr. Schwieterman stated that there are two council meetings in December and he hopes to have a report to Council by December 19, 2006. A presentation will be made with discussion, similar to this evenings meeting. The city will keep the citizens informed of these meeting by the Kettering Oakwood Times and Council Agendas. He is not sure if there will be a special meeting yet.

David Brethen, 1288 Robert Dickey Pkwy. – stated that as things get larger they get less personal. If you were in trouble would you rather call Dorothy Lane Market or Wal-Mart?

Mike Pi, 4625 Wilmington – stated that he is very upset that Council is even considering this. Kettering already does a fantastic job. His daughter lives in Dayton and recently called 911 and was put on hold for two minutes. His brother is a Dayton police officer and often gets complaints from citizens that they were put on hold for several minutes. This happens often. He would rather talk to someone in Kettering that knows Kettering.

Jim Young, 4100 Glenheath Drive – stated that he is a member of the Federal Order of Police and works in dispatch occasionally. Every call that they receive does not result in a dispatch of police or fire personnel. They know the city and know where things are. The Kettering dispatchers are here to serve the citizens of Kettering. He hopes that a county dispatch can do this but doubts that they can. The dispatchers give great service to Kettering citizens and he hopes they can continue.

Regina Bier, 431 Shroyer Road, Dayton – stated that she has been a member of the Kettering Police Department for 12 years. She lives in Dayton and if she calls 911 she does not get that personal touch that the Kettering dispatchers give their citizens. The Dayton Police Department just does not care and gets you off of the phone fast. She does not think that the citizens of Kettering want to have their integrity compromised for financial reasons.

There was a discussion between Councilmember's with the consensus being that they do not take the decision of a countywide dispatch lightly and will work to gather more information to make a decision that is in the best interest of Kettering citizens.

#### COUNCIL COMMITTEE REPORTS

Mr. Spolrich reported that he reviewed the minutes of the regular and workshop meetings November 14, 2006 and moved 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. Spolrich stated that on Friday, November 17, 2006 his son returned from Iraq after serving 14 months. He would like to recognize employers that support the troops in this time of conflict. It is comforting to know that they have their jobs to come back to.

Mr. Thompson – expressed that the dispatch decision will not be based on how much money will be saved but will be based on if they can maintain the level of service that we have now and that our police officers are safe.

Mr. Wanamaker – reported that leaf pickup is now in District Four. Leaves are heavy because of the nice weather. Snow is expected Friday evening and twelve trucks are ready if this should happen.

Mr. Duke – reported that he was happy to hear from all of the citizen concerns regarding the dispatch centers. He appreciated them coming. He attended a ribbon cutting last week for a new bank in Van Buren Shopping Center. He reminded everyone that during the tree lighting on December 1, 2006, Christ United Methodist Church also has a program in their parking lot from 6:00 – 8:00 p.m. called the Road to Bethlehem.

Mr. Wasky – reported that on Friday, November 17, 2006 he attended the Volunteer Appreciation Luncheon to recognize the City's many volunteers. Partners for Healthy Youth will host a presentation on February 20, 2006 at the Kettering-Moraine Chamber of Commerce to service clubs to get them on board to help support Youth Month in March. Tuesday, November 20, 2006 he attended the JFK Elementary Schools Thanksgiving and Veterans Day Program. Hats off to the principal, teachers and all of the kids. Mr. Wasky recently celebrated his 60<sup>th</sup> birthday and he thanked the Council for bringing him a birthday cake to this evening's Council workshop.

Mrs. Lehner – No report.

Mayor Patterson – urged everyone to stop by the Government Center and take a tag off of the Giving Tree and fill that need. The firefighters are also adopting families for Christmas. On November 16, 2006 he read a book to a group of children at the Kettering Far Hills Library. This is a regular program that the library has and he urged parents to call and get their children involved. He also expressed condolences to Dondi Marsh's family and stated that they are in his thoughts and prayers.

There being no further business to come before this meeting of the Kettering City Council, Mayor Patterson adjourned the meeting to a workshop session and other matters at 9:29 p.m.

ATTEST:

Connie S. Gaw  
Clerk of Council

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DONALD E. PATTERSON, MAYOR