

KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
September 26, 2006

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, September 26, 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, Earl Jones and John Golub. He welcomed the pages, Mady Brahm and Savannah Gibson from Kettering Middle School. He thanked these volunteers for their assistance.

Mayor Patterson asked that "Item #4, under Ordinances in Second Reading, be removed from the agenda

Mr. Wasky made a motion to remove Item #4, Ordinance in Second 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 unanimous vote.

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

PROCLAMATION: Firefighter Appreciation Week – September 24 – October 1, 2006

Mr. Wasky read the above proclamation and same was accepted by Fire Chief Robert Zickler.

PRESENTATION: Regional Transit Authority (R.T.A) Annual Report

Mark Donaghy, Executive Director of the Regional Transit Authority updated Council on current and future projects of the R.T.A. Council welcomed Mr. Donaghy as the new Executive Director and commended him for all of the exciting new changes happening at RTA.

PUBLIC HEARINGS

None

ORDINANCES IN SECOND READING

AN ORDINANCE

NO: 4057-06

BY: MR. THOMPSON AND MR. WANAMAKER

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 NO. 4050-06.

Mr. Thompson read the above ordinance in second reading and moved for approval. Mr. Wanamaker seconded the motion.

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: 4058-06
BY: MR. WANAMAKER AND MR. DUKE

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 ANY TIME – BOTH SIDES OF AVON WAY FROM THE
EASTERN TERMINUS WESTWARD FOR A DISTANCE OF 20 FEET.

Mr. Wanamaker read the above ordinance in second reading and moved for approval. Mr. Duke 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 ordinance duly adopted.

AN ORDINANCE
NO: 4059-06
BY: MR. DUKE AND MR. WASKY

TO AMEND SECTION 191.03 OF THE KETTERING CODIFIED
ORDINANCES SO AS TO CHANGE THE RATE OF INCOME TAX FROM
ONE AND THREE-QUARTER PERCENT PER ANNUM TO TWO AND
ONE-QUARTER PERCENT PER ANNUM.

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

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: 4060-06
BY: MR. WASKY AND MRS. LEHNER

TO PROCEED WITH THE ACORN AREA RESIDENTIAL
RECONSTRUCTION PROJECT (PROJECT NUMBER 02-278).

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

RESOLUTIONS

A RESOLUTION
NO: 8146-06
BY: MRS. LEHNER AND MR. SPOLRICH

AUTHORIZING THE CITY MANAGER TO ENTER INTO A COST-SHARING AGREEMENT WITH THE BOARD OF COMMISSIONERS OF MONTGOMERY COUNTY, OHIO FOR THE DOROTHY LANE BRIDGE REPLACEMENT PROJECT (CITY PROJECT NUMBER 03-925B AND ODOT PID NUMBER 81556).

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

Mr. Fullenkamp explained this and the next two resolutions will allow them to enter into a cost-sharing agreement with Montgomery County for engineering design services and construction costs for the Dorothy Lane Bridge. He explained that all of the bridges in Kettering are inspected on a yearly basis and this one got the lowest grade. It is literally falling apart underneath. The goal is to keep Dorothy Lane open at all times, but it is possible they may have a few night closures.

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: 8147-06
BY: MR. SPOLRICH AND MR. THOMPSON

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR ENGINEERING DESIGN SERVICES FOR THE DOROTHY LANE BRIDGE REPLACEMENT PROJECT (PROJECT NUMBER 03-925B AND ODOT PID NUMBER 81556).

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

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: 8148-06
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 DOROTHY LANE BRIDGE REPLACEMENT PROJECT (PROJECT NUMBER (03-925B; ODOT PROJECT MOT-DOROTHY LANE BRIDGE, PID NUMBER 81556).

Mr. Wanamaker read the above resolution and moved for approval. Mr. Duke 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: 8149-06
BY: MR. THOMPSON AND MR. WANAMAKER

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, 2006.

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

Mr. Schwieterman explained this resolution authorizes appropriations for the Police Department for additional expenditures resulting from the agreement between the City of Kettering and the FOP, Ohio Labor Council affecting the compensation plans and additional benefits for Police command officers, and also, appropriations from the CIP Fund for costs pertaining to the Dorothy Lane Bridge Replacement 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: 8150-06
BY: MR. DUKE AND MR. WASKY

A RESOLUTION DECLARING THE NECESSITY TO IMPROVE GREENHOUSE DRIVE BY CONSTRUCTING AND RECONSTRUCTING CURBS, GUTTERS, DRIVE APPROACHES AND OTHERWISE IMPROVING THE SAME, TOGETHER WITH ALL NECESSARY APPURTENANCES (GREENHOUSE DRIVE REBUILD – PROJECT NUMBER 02-280).

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

Mr. Fullenkamp explained a letter was sent to property owners on July 21, 2006, informing them of the project. Assessment estimates, plans and specifications are on file with the Clerk of Council.

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: 8151-06
BY: MR. WASKY AND MRS. LEHNER

AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT FOR THE ACORN AREA RESIDENTIAL RECONSTRUCTION PROJECT (PROJECT NUMBER 02-278).

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

Mr. Schwieterman explained this resolution authorizes the City to begin the Acorn Area Residential Reconstruction Project. Improvements will include new asphalt pavement, concrete sidewalk, drive approaches, curb and gutter and storm sewer. Roadways included in the project are: Acorn Drive – Dorothy to North of Peach Orchard; Colonial Ave. – Dorothy to Acorn; Broad Blvd. – Acorn to California; and Orchard Dr. – Acorn to Colonial.

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: 8152-06
BY: MRS. LEHNER AND MR. SPOLRICH

TO APPROVE THE ACCEPTANCE OF \$168,525.00 OF MONTGOMERY COUNTY JOB AND FAMILY SERVICES TARGETED COMMUNITY-BASED COLLABORATIVE (TCBC) FUNDS.

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

Mr. Schwieterman explained the City was notified in July that the contract from the Montgomery County Department of Job and Family Services has been awarded. This years contract is in effect from July 1, 2006 through June 30, 2008. The purpose of this grant is to fund the After School Enrichment Program and the School Community Liaison Program.

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 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 – EAST SIDE OF ROSLYN AVENUE, STARTING 118 FEET SOUTH OF THE SOUTHERN EXTENDED CURB OF HARVEST AND CONTINUING SOUTHWARD FOR A DISTANCE OF 65 FEET.

Mr. Spolrich read the above ordinance in first reading. The ordinance will appear on the October 10, 2006, Council meeting agenda for second reading.

CERTIFICATIONS AND PETITIONS

None

MANAGER'S REPORT

Mr. Mark Schwieterman, City Manager reported:

Senior Call Program – The City will soon reinstate a program to call seniors at home to check on their well being on a regular basis. It may be some time before this program is operational. Seniors can call the Senior Services Coordinator, Debra Childress at 296-3356 for more information.

Mr. Schwieterman then called on MaryBeth Thaman, Parks, Recreation and Cultural Arts Director to give a report on the Senior Transportation Program.

Ms. Thaman reported that Kettering residents age 60 and older can use this program. Riders must be able to board unassisted, unless they are in a wheel chair. Residents can go within a 1-½ mile radius of Kettering for doctor appointments, banking, groceries, etc., as well as request extended trips outside the boundaries of Kettering. First time users will need to complete a registration card and purchase a rider's card. The program's call center is open to schedule appointments from 8:00 a.m. – Noon, Monday through Friday. First pickup is 8:30 a.m. with the last being at 4:30 p.m. Volunteers will drive cars and vans. Paid drivers will drive buses. All drivers receive background checks and training. There will be a limited number of appointments available each day and riders should be ready 30 minutes before scheduled pickup. Program will begin on October 1, 2006 and residents should call 296-2483 with any questions.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Communications and Reports

Audience Participation (5 Minute Limit Per Speaker)

Dr. Greg Wise, 4300 Delco Dell Rd. – On September 15, 2006, Smoke Free Kettering gave a press release at Applebee's to raise awareness of the results of their Indoor Air Study. Researchers came to Kettering to study the indoor air of 14 businesses. A device monitored the air quality for 30 minutes. Smoking establishments had levels of 17 to 27 times higher in RSP's than non-smoking establishments. Employees working in these smoking establishments are subjected to this on a daily basis. It is time to do what is right and give workers the protection from a smoke filled environment. He asked that citizens please vote "No" on Issue 4 and "Yes" on Issue 5, on the State Ballot.

There was then discussion between Council members in support of Issue 5 on the State Ballot.

COUNCIL COMMITTEE REPORTS

Mr. Wasky - reported that he attended a meeting of the Mayor's and Managers Association at Wright Patterson Air Force Base. He extended get-well wishes to Centerville Mayor, Mark Kingseed, and wished him a speedy recovery.

Mrs. Lehner – reported the Board of Community Relations is still seeking new members. They meet once a month with possible additional committee meetings. If anyone is interested please call the Office of the Clerk of Council for more details.

Mr. Spolrich – No report.

Mr. Thompson – No report.

Mr. Wanamaker – reported the Safety Section of the Engineering Department recently trained 340 student safety patrol officers. He commended the Street Department for the wonderful job with the street resurfacing program this year. He reminded citizens that the Leaf Pickup Program would begin soon.

Mr. Duke – reported he attended a meeting last week in Columbus with the State Fire Commission. The City of Kettering is very proud of Fire Chief Robert Zickler, who was the only Fire Chief in the State of Ohio to be asked to attend the 9-11 Ceremony in New York.

Chief Zickler stated he was very honored and privileged to have been asked to attend this ceremony. The Governor of the State of Ohio was asked to send one Law Enforcement Officer and one Fire Chief from the State of Ohio. The ceremony gave thanks to the first responders in New York on 9-11 and this is another phase of their recovery, to move past the mourning.

Mayor Patterson – reported that on September 20, 2006 he attended an open house at the Miami Valley Communications Council. It was a comprehensive tour and very informative. On Saturday, September 23, 2006 he attended a fundraiser at We Care Arts and participated in their fashion show. On Sunday, September 24, 2006 he attended the Firefighter Challenge at Station 33. Station 34 won the competition. It was very interesting to see them all work as a team. On September 27, 2006 he will attend a luncheon where the Kettering Rotary will present the Firefighter of the Year Award to Kettering Fire Firefighter, Dennis Nevin. He extended get-well wishes to Centerville Mayor, Mark Kingseed.

Mr. Spolrich reported that he reviewed the minutes of the regular and workshop meetings September 12, 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.

EXECUTIVE SESSION

Mayor Patterson called for a motion to go into Executive Session. Mr. Wasky moved to enter into Executive Session to discuss pending or imminent litigation with the Law Director. Mrs. Lehner seconded the motion. The motion was carried by a unanimous roll call vote.

Council entered into Executive Session at 8:58 p.m.

Council came out of executive session and opened up into regular session at 9:45 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 9:48 p.m.

ATTEST:

Connie S. Gaw
Clerk of Council

DONALD E. PATTERSON, MAYOR