

KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
September 12, 2006

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, September 12, 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 John Golub. He welcomed the pages, Sarah Murray and Bailey Francis from Fairmont High School. He thanked these volunteers for their assistance.

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

PROCLAMATION: National Alcohol & Drug Addiction Recovery Month – September 2006

Mr. Wasky read the above proclamation and Mayor Patterson stated that this proclamation would be posted in the Government Center Lobby through the month of September.

PROCLAMATION: National Prostate Cancer Awareness Month – September 2006

Mr. Duke read the above proclamation and Mayor Patterson stated that this proclamation would be posted in the Government Center Lobby through the month of September.

PROCLAMATION: National Save A Life Month – September 2006

Mr. Spolrich read the above proclamation and Mayor Patterson stated that this proclamation would be sent to the National Save A Life Foundation Headquarters to be posted on their website.

PRESENTATION: Miami Valley Communications Council – Open House Invitation September 20, 2006

Steve Husemann, Executive Director of the Miami Valley Communications Council reported on current projects of the Communications Council and invited Council to their Open House on September 20, 2006.

PUBLIC HEARINGS

None

ORDINANCES IN SECOND READING

AN ORDINANCE
NO: 4053-06
BY: MRS. LEHNER AND MR. SPOLRICH

TO REPEAL SECTION 1104.13, STORMWATER RUNOFF, SOIL EROSION AND SEDIMENTATION CONTROL, OF THE CODIFIED ORDINANCES OF THE CITY OF KETTERING AND TO REPLACE IT WITH A NEW CHAPTER 1701, STORM WATER RUNOFF CODE.

Mrs. Lehner read the above ordinance in second reading and moved for approval. Mr. Spolrich 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: 4054-06
BY: MR. SPOLRICH AND MR. THOMPSON

TO AMEND THE TRAFFIC CONTROL MAP AND THE TRAFFIC CONTROL FILE OF THE CITY OF KETTERING, OHIO TO SHOW THE INSTALLATION OF TRAFFIC SIGNS/SIGNALS ON VARIOUS STREETS AND AVENUES IN THE CITY OF KETTERING, OHIO. AMENDED TO SHOW: TRAFFIC SIGNAL AT EAST STROOP ROAD AND GLENGARRY DRIVE.

Mr. Spolrich read the above ordinance in second reading and moved for approval. Mr. Thompson 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: 8141-06
BY: MR. THOMPSON AND MR. WANAMAKER

TO ACCEPT AND APPROVE THE REPORT OF THE ASSESSMENT EQUALIZATION BOARD FOR THE ACORN AREA RESIDENTIAL RECONSTRUCTION PROJECT (PROJECT NO.02-278).

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

Mr. Fullenkamp explained this will accept the report of the Equalization Board for the Acorn Project. Three property owners presented their case in front of the Board.

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: 8142-06
BY: MR. WANAMAKER AND MR. DUKE

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE KETTERING SCHOOL DISTRICT TO SHARE THE COST OF MAINTAINING THE SAFETY PROGRAM FOR ELEMENTARY STUDENTS/PEDESTRIANS FOR THE 2006-2007 SCHOOL YEAR.

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

Mr. Fullenkamp explained that the City and School Board share the cost of services for the Safety Supervisors in performing crossing guard duties and monitoring safe routes to elementary public schools.

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: 8143-06
BY: MR. DUKE AND MR. WASKY

ACCEPTING THE RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING SAME TO THE COUNTY AUDITOR.

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

Mr. Fullenkamp reported this legislation will accept the rates as determined by the Budget Commission and authorize the necessary tax levies and certify same to the Montgomery County and Greene County Auditors. This is the annual legislation accepting the City's property tax rate. This does not represent any new or increase in taxes.

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: 8144-06
BY: MR. WASKY AND MRS. LEHNER

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

Mr. Fullenkamp explained this resolution authorizes appropriations for the Montgomery County Solid Waste Policy Committee Incentive Grants #1 and #2, and for the Economic Development Department.

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: 8145-06
BY: MRS. LEHNER AND MR. SPOLRICH

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OWNER OF PROPERTY LOCATED AT 4751 HEMPSTEAD STATION DRIVE REGARDING ECONOMIC DEVELOPMENT MATTERS.

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

Mr. Fullenkamp explained that as part of the move of a business operation to the City of Kettering, it is necessary to provide an incentive to the owner of the MCSi building. This will allow the City to enter into an agreement for the necessary incentive.

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 NO. 4050-06.

Mr. Fullenkamp explained this will provide changes in benefits for Police Command Officers and revisions pertaining to certain full time Firefighting personnel.

Mr. Spolrich read the above ordinance in first reading. The ordinance will appear on the September 26, 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.

NO PARKING ANY TIME – BOTH SIDES OF AVON WAY FROM THE EASTERN TERMINUS WESTWARD FOR A DISTANCE OF 20 FEET.

Mr. Thompson read the above ordinance in first reading. The ordinance will appear on the September 26, 2006, Council meeting agenda for second reading.

AN ORDINANCE

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. Fullenkamp explained that on May 2, 2006 the City of Kettering voters approved a levy for the first time in 25 years to increase the City's income tax rate. An effective date of January 1, 2007 allows for a sufficient period of time for notification of Kettering taxpayers and avoids a mid-year rate change, which makes tax reporting more difficult for taxpayers.

Mr. Wanamaker read the above ordinance in first reading. The ordinance will appear on the September 26, 2006, Council meeting agenda for second reading.

AN EMERGENCY ORDINANCE

NO: 4055-06

BY: MR. DUKE AND MR. WASKY

TO APPROPRIATE PROJECT PARCEL(S) 44WD AND 44T FOR THE WEST DOROTHY LANE AND SOUTH DIXIE HIGHWAY RECONSTRUCTION PROJECT (02-104E-PHASE 1; PID 75650) AND **TO DECLARE AN EMERGENCY.**

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

Mr. Fullenkamp reported that an emergency ordinance is necessary to be able to meet the ODOT imposed deadlines and keep ODOT project funding.

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 Emergency Ordinance duly adopted.

AN EMERGENCY ORDINANCE

NO: 4056-06

BY: MR. WASKY AND MRS. LEHNER

TO APPROPRIATE PROJECT PARCEL(S) 40WD AND 40T FOR THE WEST DOROTHY LANE AND SOUTH DIXIE HIGHWAY RECONSTRUCTION PROJECT (02-104E-PHASE 1; PID 75650) AND **TO DECLARE AN EMERGENCY.**

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

Mr. Fullenkamp reported an emergency ordinance is necessary to be able to meet the ODOT imposed deadlines and keep ODOT project funding.

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 Emergency Ordinance duly adopted.

AN ORDINANCE

LEVYING A SIX-MILL TAX FOR ALL PURPOSES OF THE CITY UPON THE TAX LISTS OR DUPLICATES OF PROPERTY ASSESSED AND LISTED FOR TAXATION ACCORDING TO VALUE IN THE CITY.

Mr. Fullenkamp explained this is annual ordinance for the six-mill property tax that has been in place since 1958 and does not represent any new or increase in taxes.

Mrs. Lehner read the above ordinance in first reading. The ordinance will appear on the September 26, 2006, Council meeting agenda for second reading.

AN ORDINANCE

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

Mr. Fullenkamp explained this will allow the City to proceed with the Acorn Project. Improvements will include new asphalt pavement, concrete sidewalk, drive approaches, curb and gutter, and storm sewer.

Mr. Spolrich read the above ordinance in first reading. The ordinance will appear on the September 26, 2006, Council meeting agenda for second reading.

CERTIFICATIONS AND PETITIONS

None

MANAGER'S REPORT

Mr. Al Fullenkamp, Assistant City Manager reported:

The Recycling Center – The City Manager's article in the Kettering-Oakwood Times tomorrow will discuss the City's Recycling Center. The City plans to phase out a portion of the recycling center but will continue to collect yard debris, due to contracts with Waste Management, residents now have house side recycling pickup. Montgomery County also has a new recycling center on the western edge of Kettering, just off of West Dorothy Lane.

School Zone and Cross Walk Study – Staff is still in the process of reviewing the initial report and has asked the consultant to speed up their findings and report regarding Shroyer Road.

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. President Bush said that many Democrats in Washington want the military to come home before the job is done. We have a two party system to keep everyone on their toes. He quoted George Washington. He welcomed and congratulated Mr. Fullenkamp on his new position as Assistant City Manager.

Patricia Hale, 3815 Walnut Grove Lane, Beaver Creek – She is the Campaign Coordinator for Smoke Free Kettering. Worker protection and clean air laws are the main focus on their agenda. For each 8-hour workday in a smoky environment, non-smokers are inhaling 70 dangerous chemicals. There is overwhelming evidence that second hand smoke causes cancer and heart disease. She is the voice of those that work in a smoky environment. They are having a press conference this Friday at Applebee's to share the results of the Air Monitoring Study. She encouraged all to attend. She asked citizens to go to the Smoke Free Kettering website and sign their endorsement form online. Her letter was published in today's Dayton Daily News Editorial Section. She urged everyone to get out in November and vote for the states smoke free legislation.

Teresa Britenstein, 2825 Acorn Drive – She was watching television this evening and came right over when she heard that the City was going forward with the Acorn Project, even though the neighborhood objects. They have received no help from the City or their Councilmember to stop this project. She does not understand why they have to pay for the street. Sidewalks have been forced upon them. She stated that when the project begins the neighborhood is going to start recall procedures on the Mayor and Council. She feels this project is unfair and punishes people in her neighborhood who can't afford it. The City has put them in a corner and this is war.

COUNCIL COMMITTEE REPORTS

Mr. Spolrich reported that he reviewed the minutes of the regular and workshop meetings of August 22, 2006, and the workshop meeting of April 25, 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. Wasky - reported that the architect, Eugene Betz, who designed the City Offices Building at the Government Center recently passed away and he expressed sympathy to the family. Mr. Wasky met with the 800mhz Committee to discuss the new proposed plan. He also attended the Holiday at Home festivities over the Labor Day weekend.

Mr. Spolrich – No report.

Mrs. Lehner – reported that Mayor Patterson's wife Maureen donated one of her kidneys to a co-worker last week. She is very proud of Maureen and wished her a speedy recovery.

Mr. Thompson – No report.

Mr. Wanamaker – No report.

Mr. Duke – thanked Ms. Hale for coming to the meeting to share her views. He reminded residents to vote for the State's smoke-free legislation, not the smoke-less legislation on the November ballot. He went to Camp Joy with the new

Leadership Academy class. They are off to a great start and will have an excellent class this year. He urged the other members of Council to attend some of their classes.

Mayor Patterson – reported the annual Holiday at Home celebration was a big success. He thanked the committee for doing an excellent job this year. On September 7, 2006 the Taste of Kettering was held at the Frazee Commons. This is the major fundraiser for the Kettering-Moraine-Oakwood Chamber of Commerce and it was well attended. There was a nice article in last week's paper for Keith Thompson about his 50 years of service with the City of Kettering. He thanked everyone for all the cards, notes, calls and prayers for his wife Maureen. Maureen and Marsha are both doing well. Mayor Patterson attended a dinner honoring the Policeman of the Year, Kettering Police Officer, William Carolyi.

There being no further business to come before this meeting of the Kettering City Council, Mayor Patterson adjourned the meeting at 8:49 p.m.

ATTEST:

Connie S. Gaw
Clerk of Council

DONALD E. PATTERSON, MAYOR