

KETTERING CITY COUNCIL  
REGULAR MEETING MINUTES  
July 19, 2005

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, July 19, 2005, at 7:30 p.m. in the Council Chambers of the Kettering Government Center, 3600 Shroyer Road. The Mayor, Marilou W. Smith, 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, Patterson, Wanamaker, and Wasky

Council Members Absent Thompson

Total Members Present: Six (6)

Mayor Smith led the audience in the Pledge of Allegiance and then gave the invocation. She also introduced the cable TV operators, Bill Greger and Earl Jones. She thanked these volunteers for their assistance.

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

RESOLUTION OF APPRECIATION:

A RESOLUTION  
NO. 7929-05  
BY: MR. DUKE AND MRS. LEHNER

EXPRESSING THE SYMPATHY OF THE KETTERING CITY COUNCIL  
TO THE FAMILY OF WERNER W. VOLLRATH

Mr. Duke read the above resolution and moved for approval. Mrs. Lehner seconded the motion and the motion was declared carried by acclamation. The Mayor presented the Resolution of Sympathy to Mr. Ken Vollrath, son of Werner Vollrath, and other family members who were present. Werner Vollrath will long be remembered as one of the founding fathers of our city.

DECISIONS AND PUBLIC HEARINGS

DECISION: Vacation of a 40' wide ingress/egress easement and two utility easements in the Woodman Center Plat, Section Three.

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

AN ORDINANCE  
NO. 4014-05  
BY: MRS. LEHNER AND MR. WASKY

TO PROVIDE FOR THE VACATION OF AN INGRESS/EGRESS  
EASEMENT AND TWO UTILITY EASEMENTS GENERALLY LOCATED  
ON OR ABUTTING LOT 4 OF THE WOODMAN CENTER RECORD  
PLAN

Mrs. Lehner read the above resolution and moved for approval. Mr. Wasky seconded the motion and there being no discussion, the following votes were recorded: Mr. Patterson, Yea; Mr. Wasky, Yea; Mrs. Lehner, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mayor Smith, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

DECISION: Approved 6-0.

ORDINANCES IN SECOND READING

AN ORDINANCE  
NO. 4015-05  
BY: MR. WASKY AND MR. PATTERSON

TO AMEND THE TRAFFIC CONTROL MAP AND THE TRAFFIC CONTROL FILE OF THE CITY OF KETTERING, OHIO, TO SHOW THE INSTALLATION AND REMOVAL OF TRAFFIC SIGNS ON VARIOUS STREETS AND AVENUES IN THE CITY OF KETTERING, OHIO

INSTALL: STOP  
COLLEGE DRIVE; SPAULDING ROAD ROW  
COLLEGE DRIVE; RESEARCH BLVD. ROW  
EAST LEG OF COLLEGE DRIVE; WEST LEG OF COLLEGE DRIVE  
ROW & FOUNDERS DRIVE ROW  
REMOVAL: STOP  
FOUNDERS DRIVE; SPAULDING ROAD ROW

Mr. Wasky read the above ordinance in second reading and moved for approval. Mr. Patterson seconded the motion. There being no discussion on the motion, the following votes were recorded: Mr. Wanamaker, Yea; Mr. Duke, Yea; Mrs. Lehner, Yea; Mr. Wasky, Yea, Mr. Patterson, Yea; Mayor Smith, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

AN ORDINANCE  
NO. 4016-05  
BY: MR. PATTERSON AND MR. WANAMAKER

TO AMEND THE TRAFFIC CONTROL MAP AND THE TRAFFIC CONTROL FILE OF THE CITY OF KETTERING, OHIO, TO SHOW THE INSTALLATION AND REMOVAL OF TRAFFIC SIGNS ON VARIOUS STREETS AND AVENUES IN THE CITY OF KETTERING, OHIO

NO LEFT TURN (RIGHT TURN ONLY) FROM CURRENT TIM HORTON-WENDY'S DRIVEWAY, 370 FEET SOUTH OF EAST DOROTHY LANE, ONTO EAST STROOP SOUTHBOUND.

Mr. Patterson read the above resolution and moved for approval. Mr. Wanamaker seconded the motion and there being no discussion, the following votes were recorded: Mr. Patterson, Yea; Mr. Wasky, Yea; Mrs. Lehner, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mayor Smith, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

RESOLUTIONS

A RESOLUTION  
NO: 7930-05  
BY: MR. WANAMAKER AND MR. DUKE

AUTHORIZING THE CITY MANAGER TO ACCEPT A \$16,621.00  
GRANT FROM THE COMMUNITY FOUNDATION FOR KETTERING

Mr. Wanamaker read the above resolution in its entirety and moved for approval. Mr. Duke seconded the motion. There being no discussion on the motion, the following votes were recorded: Mr. Wanamaker, Yea; Mr. Duke, Yea; Mrs. Lehner, Yea; Mr. Wasky, Yea, Mr. Patterson, Yea; Mayor Smith, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION  
NO. 7931-05  
BY: MR. DUKE AND MRS. LEHNER

TO MAKE A SUPPLEMENTAL APPROPRIATION FOR CURRENT  
EXPENSES AND OTHER EXPENDITURES OF THE CITY OF  
KETTERING, STATE OF OHIO, DURING THE FISCAL YEAR ENDING  
DECEMBER 31, 2005

Mr. Duke read the above resolution in its entirety and moved for approval. Mrs. Lehner seconded the motion. There being no further discussion, the following votes were recorded: Mr. Patterson, Yea; Mr. Wasky, Yea; Mrs. Lehner, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mayor Smith, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

Mr. Husemann explained that the supplemental appropriation is for three separate items:

- a. \$18,000 is requested for the installation of a paver/concrete patio around the 9/11 sculpture. This amount includes \$17,000 for construction, \$1,500 for lighting and \$2,500 for landscaping. Kettering Foundation will provide \$15,000 and the City will be responsible for the excess amount. A transfer from the General Fund is also requested for the City's share of \$6,000.
- b. A supplemental appropriation for recycling related expenditures. Total amount \$10,664.
- c. A supplemental appropriation related to change order #2 estimated at \$1,000, for the East Stroop Road Sidewalk – Vineyard to Hempstead Station Road project.

A RESOLUTION  
NO. 7932-05  
BY: MRS. LEHNER AND MR. WASKY

AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN  
APPLICAION AND ANY OTHER AGREEMENTS AS MAY BE  
NECESSARY AND APPROPRIATE TO PARTICIPATE IN THE OHIO  
PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT  
AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S)

Mrs. Lehner read the above resolution in its entirety and moved for approval. Mr. Wasky seconded the motion. There being no discussion on the motion, the following votes were recorded: Mr. Wanamaker, Yea; Mr. Duke, Yea; Mrs. Lehner, Yea; Mr. Wasky, Yea, Mr. Patterson, Yea; Mayor Smith, Yea. There

being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION  
NO. 7933-05  
BY: MR. WASKY AND MR. PATTERSON

TO DECLARE THE NECESSITY AND INTENTION OF ACQUIRING PROPERTY INTERESTS IN PROJECT PARCELS 10T AND 10T1 FOR THE WEST DOROTHY LANE AND SOUTH DIXIE HIGHWAY RECONSTRUCTION PROJECT (02-104E-PHASE 1; PID 75649), IN THE CITY OF KETTERING, OHIO.

Mr. Wasky read the above resolution in its entirety and moved for approval. Mr. Patterson seconded the motion. There being no further discussion, the following votes were recorded: Mr. Patterson, Yea; Mr. Wasky, Yea; Mrs. Lehner, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mayor Smith, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION  
NO. 7934-05  
BY: MR. PATTERSON AND MR. WANAMAKER

TO DECLARE THE NECESSITY AND INTENTION OF ACQUIRING PROPERTY INTERESTS IN PROJECT PARCELS 13WD AND 13T FOR THE WEST DOROTHY LANE AND SOUTH DIXIE HIGHWAY RECONSTRUCTION PROJECT (02-104E-PHASE 1; PID 75649), IN THE CITY OF KETTERING, OHIO.

Mr. Patterson read the above resolution in its entirety and moved for approval. Mr. Wanamaker seconded the motion. There being no discussion on the motion, the following votes were recorded: Mr. Wanamaker, Yea; Mr. Duke, Yea; Mrs. Lehner, Yea; Mr. Wasky, Yea, Mr. Patterson, Yea; Mayor Smith, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION  
NO. 7935-05  
BY: MR. WANAMAKER AND MR. DUKE

TO DECLARE THE NECESSITY AND INTENTION OF ACQUIRING PROPERTY INTERESTS IN PROJECT PARCELS 5WD, 5WD1, 5T1, 5T2, AND 5T3 FOR THE WEST DOROTHY LANE AND SOUTH DIXIE HIGHWAY RECONSTRUCTION PROJECT (02-104E-PHASE 1; PID 75649), IN THE CITY OF KETTERING, OHIO

Mrs. Wanamaker read the above resolution in its entirety and moved for approval. Mr. Duke seconded the motion. There being no discussion on the motion, the following votes were recorded: Mr. Patterson, Yea; Mr. Wasky, Yea; Mrs. Lehner, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mayor Smith, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION  
NO. 7936-05  
BY: MR. DUKE AND MRS. LEHNER

TO DECLARE THE NECESSITY AND INTENTION OF ACQUIRING PROPERTY INTERESTS IN PROJECT PARCEL 9T FOR THE WEST DOROTHY LANE AND SOUTH DIXIE HIGHWAY RECONSTRUCTION PROJECT (02-104E-PHASE 1; PID 75649), IN THE CITY OF KETTERING, OHIO.

Mr. Duke read the above resolution in its entirety and moved for approval. Mrs. Lehner seconded the motion. There being no discussion on the motion, the following votes were recorded: Mr. Wanamaker, Yea; Mr. Duke, Yea; Mrs. Lehner, Yea; Mr. Wasky, Yea, Mr. Patterson, Yea; Mayor Smith, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION  
NO. 7937-05  
BY: MRS. LEHNER AND MR. WASKY

TO DECLARE THE NECESSITY AND INTENTION OF ACQUIRING PROPERTY INTERESTS IN PROJECT PARCEL 12WD AND 12T FOR THE WEST DOROTHY LANE AND SOUTH DIXIE HIGHWAY RECONSTRUCTION PROJECT (02-104E-PHASE 1; PID 75649), IN THE CITY OF KETTERING, OHIO.

Mrs. Lehner read the above resolution in its entirety and moved for approval. Mr. Wasky seconded the motion. There being no discussion on the motion, the following votes were recorded: Mr. Patterson, Yea; Mr. Wasky, Yea; Mrs. Lehner, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mayor Smith, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION  
NO. 7938-05  
BY: MR. WASKY AND MR. PATTERSON

TO DECLARE THE NECESSITY AND INTENTION OF ACQUIRING PROPERTY INTERESTS IN PROJECT PARCEL 67T FOR THE WEST DOROTHY LANE AND SOUTH DIXIE HIGHWAY RECONSTRUCTION PROJECT (02-104E-PHASE 1; PID 75649), IN THE CITY OF KETTERING, OHIO

Mr. Wasky read the above resolution in its entirety and moved for approval. Mr. Patterson seconded the motion. There being no discussion on the motion, the following votes were recorded: Mr. Wanamaker, Yea; Mr. Duke, Yea; Mrs. Lehner, Yea; Mr. Wasky, Yea, Mr. Patterson, Yea; Mayor Smith, Yea. There being six (6) Yea votes and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

ORDINANCES IN FIRST READING

None

CERTIFICATIONS & PETITIONS

The Clerk of Council stated that there were no certifications or petitions received.

MANAGER'S REPORT

Mr. Husemann, the City Manager reported:

US SENIOR OPEN – Mr. Husemann reported that the US Open would begin next week. Many streets in the area will be closed and not accessible for on street parking. Shuttle service will be available at the UD Arena. He is looking forward to a great event and a lot of excitement.

NATIONAL GUARD – On Saturday, July 16, 2005, he attended a going away ceremony at the Vineyard Church in Beavercreek for the 641<sup>st</sup> National Guard Unit. Many are going back to Iraq and he extended his best wishes and safe return.

COUNCIL COMMITTEE REPORTS

Mr. Patterson reported that he reviewed the minutes from the regular and workshop Council meetings of June 28, 2005. He moved that the minutes be approved. Mr. Wanamaker seconded the motion and there being no discussion, the motion was declared carried by a unanimous vote.

Mr. Patterson reported that some of City Council attended the annual bocce ball tournament at the Bella Villa Lodge. They did not perform to the best of their abilities and lost two out of three games. They always have a good time and he is looking forward to next year. He also attended a neighborhood garage sale and promo event hosted by Clear Channel. It was nice to interact with the neighbors. A ribbon-cutting event was held on July 7, 2005 at the Christian Massage and Wellness Center on West Dorothy Lane. He wished them the best of luck.

Mr. Wasky reported that the Kettering team raised \$1,400.00 for the Relay for Life event in June. It was one of the best years ever and he thanked the team captains for all of their hard work. A public meeting will be held regarding the Van Buren Shopping Center redevelopment on Thursday, August 11, 2005 at 7:00 p.m. at Central Christian Church. Also, Life Essentials (they provide area senior citizens transportation to doctor appointments) is looking for volunteer drivers, if anyone is interested they can call 586-0545 or contact Debra Childress, Senior Service Coordinator at 296-3356.

Mrs. Lehner reported that for many years the National League of Cities has been aware that our needs have not been addressed on a federal level. Ten-area suburbs have come together to meet on a monthly basis to form a coalition (First Tier Suburbs Council of Miami Valley) and make sure our needs are addressed. Annual dues are \$100.00 and she asked for Council to pass a motion this evening to officially join this coalition.

Mrs. Lehner made a motion that the City of Kettering join the First Tier Suburbs Council of Miami Valley with annual dues of \$100.00. Mr. Wasky seconded the motion and there being no discussion, the motion was declared carried by a unanimous vote.

Mr. Duke reported that 12 youth students would be arriving from Steyr, Austria this week as part of our "Sister City" exchange program. Tomorrow evening a potluck will be held at Polen Farms and Council will have a chance to meet all of them at that time. He thanked all of the host families who have opened their homes to these students.

Mr. Wanamaker had nothing to report.

Mayor Smith reminded everyone of the Lite 99 "Free" Luncheon at the Lincoln Park Commons on Wednesday, July 20, 2005 from 11:30 a.m. until 1:15 p.m. Everyone is invited to attend. She stated that she had a great time last month showing the America in Bloom Judges, our beautiful city. On September 10, 2005, they will announce the winners of the different categories of this contest.

She also expressed farewell to the 641<sup>st</sup> National Guard Soldiers that went back to Iraq this month. She thanked the Kettering Recreation Center for teaching one of these soldiers to swim before he left for Iraq. She was very honored to have gone to Buffalo, NY, last month to speak with BRAC and let them know why we need to keep DEFAS here in Kettering.

BUSINESS NOT ON WRITTEN AGENDA  
Communications and Reports

Council Comments

Audience Participation (5 Minute Limit Per Speaker)

Joseph Koussa, 1537 Beavercreek Lane - He attended the Fourth of July Celebration at Delco Park and all he could think about were all of the military men and women throughout the world fighting for our safety and freedom. He prays for their safe return. He encouraged residents to help bring down the price of gasoline by not using the drive thru windows at retail establishments. He said that many people have asthma due to all of the air pollution caused from gasoline. Also, 65% of the people in this country are overweight. Park your car and walk inside, exercise is good for you.

Gayle Siler, 4811 Pamela Sue Dr. – She stated that she does not normally get involved in political activities but she is very concerned about the imminent domain issue. She is not for government taking the property of private citizens. She asked that the City of Kettering develop a definition of the word “blight”, and make sure it is spelled out so that it makes sense to everyone. In Columbus, a house was identified as blight, only because it did not have central air conditioning or a garage. This allowed a Pottery Barn to be built on their property. This is not what she would like to see happen here. This is a very worrisome move by the U.S. Government. No one is safe.

Mayor Smith replied that all are aware of this issue. She thanked Ms. Siler for her comments.

There being no further business to come before this regular meeting of the Kettering City Council, Mayor Smith adjourned the meeting at 8:33 p.m.

ATTEST:

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MARILOU W. SMITH, MAYOR

Connie S. Gaw  
Clerk of Council