

KETTERING CITY COUNCIL  
REGULAR MEETING MINUTES  
August 9, 2005

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, August 9, 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, Thompson,  
Wanamaker, and Wasky

Total Members Present: Seven (7)

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.

Mr. Thompson suggested a moment of silence to honor the Ohio Marines that were killed in the line of duty, just this week.

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

PRESENTATION: Alicia Budich and Anthony Rodriguez  
Mayor Smith announced that Ms. Budich and Mr. Rodriguez were unable to attend this evening. She thanked them for serving as Youth Ambassadors at the 2005 City Folk Festival. They were two of 15 area youths chosen as ambassadors this year. Their Certificates of Appreciation will be mailed to them.

PRESENTATION: Neighborhood Pride Awards  
Tim Nye, Neighborhood Pride - commented that over 600 nominations were received for this year's program. Mr. Nye congratulated the June and July Neighborhood Pride Award winners. He then showed a video presentation of all of the homes that had won an award.

JUNE/JULY NEIGHBORHOOD PRIDE AWARD WINNERS:

JUNE AWARD WINNERS

Matthew & Theresa Beasley, 1417 Scottsdale Dr.  
Millie & Dale Thomas, 3047 Vale Drive  
William & Lucille Knox, 710 East Drive  
Dorothy Scarpelli, 4311 Wallington Drive  
Tim & Marlene Swegman, 2301 Andrew Road  
Marilyn & Jim O'Brien, 5009 Marilake Circle  
Rita Gujadhur, 4975 Walnut Walk  
Vivette Bowling, 3859 Villanova Drive  
Denise Hale, 3600 Blossom Heath Road  
James & Brenda Carlisle, 3945 Lenox Drive  
Jay & Karen Van Houten, 3165 Southern Blvd.  
John & Barbara Bramhall, 1540 Stockton Avenue

JULY AWARD WINNERS

William Helterbride, 29 W. Wren Circle  
Michael & Cynthia Blankenship, 2906 Kerwood Dr.  
Arnold & Lucille Nickell, 2832 Gaylord Avenue  
Ada King, 3121 Sudbury Drive  
China Cottage, 3718 Wilmington Pike  
Paul & Patti Stoll, 2025 Brainard Drive  
Michael & Patricia Waker, 4740 Ackerman Blvd.  
Chad Gemin, 241 Sherbrooke Drive  
Jeffrey & Diane Henehan, 3151 Sunnycrest Lane  
Myrtle Arnette, 1700 Lanbury Drive  
Peter & Beth Deutscher, 1360 Springhill Avenue  
Steven Roark & Jeffrey Baldwin, 3831 Villanova Dr.

The Mayor congratulated all members of the Neighborhood Pride Committee for another very successful season.

Following the video presentation, the Mayor called for a 30-minute recess at 8:05 p.m. and invited members of the audience to join the members of Council in the lobby for refreshments.

The meeting was reconvened at 8:40 p.m.

DECISIONS AND PUBLIC HEARINGS

PUBLIC HEARING: Amending Various Sections of the Kettering Codified Ordinances so as to Modify the Requirements for Showing the Minimum Building Setback on Final Plats and to Modify the Form of Surety Required to Guarantee Public Improvements Associated with New Developments.

Mayor Smith opened the public hearing and called on Tom Robillard, Director of the Planning and Development Department.

Tom Robillard, Director - Planning & Development Department reported that this request is to modify text of the City of Kettering Subdivision Code. The first being to modify the requirements for showing the minimum setback on final plats and the second, to modify the form of surety required to guarantee public improvements associated with new developments.

COUNCIL COMMENTS & QUESTIONS

Mr. Duke asked if the newer developments final plats would be different than the ones currently approved. Mr. Robillard replied that yes, this text amendment would remove the requirement that setbacks be shown on the subdivision plat.

Mr. Wasky asked that with the new setback code changes would they have to go back and revise all of the language on past plats, or would they be grandfathered in. Mr. Robillard replied that they would not go back and revise past plats. Over the last couple of years the Planning Commission has granted variances to not show setback on final plats.

COMMENTS BY PROPONENTS

There were none.

COMMENTS BY OPPONENTS

There were none.

There being no further discussion, the Mayor closed the public hearing and advised Council would render a decision at the August 23, 2005, Council meeting.

ORDINANCES IN SECOND READING

RESOLUTIONS

A RESOLUTION  
NO: 7939-05  
BY: MRS. LEHNER AND MR. WASKY

AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT FROM THE OHIO DEPARTMENT OF ALCOHOL AND DRUG ADDICTION SERVICES.

Mrs. Lehner read the above resolution and moved for approval. Mr. Wasky seconded the motion. There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Wanamaker, Yea; Mr. Duke, Yea; Mrs. Lehner, Yea, Mr. Wasky, Yea, Mr. Patterson, Yea; Mayor Smith, Yea. There being seven (7) Yea votes and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

A RESOLUTION  
NO. 7940-05  
BY: MR. WASKY AND MR. PATTERSON

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 WOODMAN DRIVE AND RESEARCH BOULEVARD INTERSECTION PROJECT (PROJECT NUMBER 02-1060; ODOT PROJECT MOT-SR 835-1.64)

Mr. Wasky read the above resolution 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; Mr. Thompson, Yea; Mayor Smith, 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. 7941-05  
BY: MR. PATTERSON AND MR. THOMPSON

AUTHORIZING THE CITY MANAGER TO ACCEPT A \$168,525 GRANT FROM THE MONTGOMERY COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES.

Mr. Patterson 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; Mrs. Lehner, Yea, Mr. Wasky, Yea, Mr. Patterson, Yea; Mayor Smith, Yea. There being seven (7) Yea votes and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

A RESOLUTION  
NO. 7942-05  
BY: MR. THOMPSON AND MR. WANAMAKER

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

Mr. Schweiterman explained that this supplemental appropriation addresses three grants (Parks Foundation Financial Assistance Program Contribution, Healthy Youth and Montgomery County Targeted Community-Based Collaborative Program) and additional funding for the Law Department.

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; Mr. Thompson, Yea; Mayor Smith, 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. 7943-05  
BY: MR. WANAMAKER AND MR. DUKE

AUTHORIZING THE CITY MANAGER TO ENTER INTO A COOPERATION AGREEMENT WITH THE DAYTON METROPOLITAN HOUSING AUTHORITY.

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

Mr. Schweiterman reported that the Dayton Metro Housing Authority is in the process of acquiring and retrofitting 16 dwelling units in the City of Kettering. DMHA is not required to make real estate tax payments pursuant to state statute. DMHA proposes with this agreement to make payment to the City in lieu of real estate tax payments.

Mr. Patterson asked if the payment DMHA made would be the same as the real estate tax payment. Mr. Schweiterman replied that the payment would be less than the real estate taxes that would otherwise be paid if a private party owned the property.

There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Wanamaker, Yea; Mr. Duke, Yea; Mrs. Lehner, Yea, Mr. Wasky, Yea, Mr. Patterson, Yea; Mayor Smith, Yea. There being seven (7) Yea votes and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

ORDINANCES IN FIRST READING

AN ORDINANCE

AMENDING VARIOUS SECTIONS OF THE KETTERING CODIFIED ORDINANCES SO AS TO MODIFY THE REQUIREMENTS FOR SHOWING THE MINIMUM BUILDING SETBACK ON FINAL PLATS AND TO MODIFY THE FORM OF SURETY REQUIRED TO GUARANTEE PUBLIC IMPROVEMENTS ASSOCIATED WITH NEW DEVELOPMENTS.

Mr. Duke read the above ordinance in first reading. The ordinance will appear on the August 23, 2005, Council meeting agenda for second reading.

AN EMERGENCY ORDINANCE

NO: 4017-05

BY: MRS. LEHNER AND MR. WASKY

TO APPROPRIATE PROJECT PARCEL(S) 5WD, 5WD1, 5T1, 5T2 AND 5T3 FOR THE WEST DOROTHY LANE AND SOUTH DIXIE HIGHWAY RECONSTRUCTION PROJECT (02-104E PHASE 1; PID 75649) AND TO DECLARE AN EMERGENCY.

Mr. Lehner read the above emergency ordinance 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; Mr. Thompson, Yea; Mayor Smith, 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: 4018-05

BY: MR. WASKY AND MR. PATTERSON

TO APPROPRIATE PROJECT PARCEL(S) 67T FOR THE WEST DOROTHY LANE AND SOUTH DIXIE HIGHWAY RECONSTRUCTION PROJECT (02-104E PHASE 1; PID 75649) AND TO DECLARE AN EMERGENCY.

Mr. Wasky read the above emergency ordinance and moved for approval. Mr. Patterson seconded the motion. There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Wanamaker, Yea; Mr. Duke, Yea; Mrs. Lehner, Yea, Mr. Wasky, Yea, Mr. Patterson, Yea; Mayor Smith, 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: 4019-05

BY: MR. PATTERSON AND MR. THOMPSON

TO APPROPRIATE PROJECT PARCEL(S) 9T FOR THE WEST DOROTHY LANE AND SOUTH DIXIE HIGHWAY RECONSTRUCTION PROJECT (02-104E PHASE 1; PID 75649) AND TO DECLARE AN EMERGENCY.

Mr. Patterson read the above emergency ordinance and moved for approval. Mr. Thompson 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; Mr. Thompson, Yea; Mayor

Smith, 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: 4020-05  
BY: MR. THOMPSON AND MR. WANAMAKER

TO APPROPRIATE PROJECT PARCEL(S) 10T and 10T1 FOR THE WEST DOROTHY LANE AND SOUTH DIXIE HIGHWAY RECONSTRUCTION PROJECT (02-104E PHASE 1; PID 75649) AND TO DECLARE AN EMERGENCY.

Mr. Thompson read the above emergency ordinance and moved for approval. Mr. Wanamaker seconded the motion. There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Wanamaker, Yea; Mr. Duke, Yea; Mrs. Lehner, Yea, Mr. Wasky, Yea, Mr. Patterson, Yea; Mayor Smith, 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: 4021-05  
BY: MR. WANAMAKER AND MR. DUKE

TO APPROPRIATE PROJECT PARCEL(S) 12WD and 12T FOR THE WEST DOROTHY LANE AND SOUTH DIXIE HIGHWAY RECONSTRUCTION PROJECT (02-104E PHASE 1; PID 75649) AND TO DECLARE AN EMERGENCY.

Mr. Wanamaker read the above emergency ordinance 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; Mr. Thompson, Yea; Mayor Smith, 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: 4022-05  
BY: MR. DUKE AND MRS. LEHNER

TO APPROPRIATE PROJECT PARCEL(S) 13WD and 13T FOR THE WEST DOROTHY LANE AND SOUTH DIXIE HIGHWAY RECONSTRUCTION PROJECT (02-104E PHASE 1; PID 75649) AND TO DECLARE AN EMERGENCY.

Mr. Thompson read the above emergency ordinance and moved for approval. Mr. Wanamaker seconded the motion. There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Wanamaker, Yea; Mr. Duke, Yea; Mrs. Lehner, Yea, Mr. Wasky, Yea, Mr. Patterson, Yea; Mayor Smith, Yea. There being seven (7) Yea votes and no (0) Nay votes, the motion was declared carried and the emergency ordinance duly adopted.

CERTIFICATIONS & PETITIONS

CERTIFICATION: PLANNING COMMISSION RECOMMENDS APPROVAL OF –  
Modification of the Kettering Medical Center Master Plan to Accommodate an Overflow Parking Lot on the East Side of the Existing Lot.

CERTIFICATION: PLANNING COMMISSION RECOMMENDS APPROVAL OF –  
Zoning Case 856-05, Amending 1167.17F to add High Rise Apartments

as a Permitted Location for the Conditional Accessory Installation of Antennas and Equipment for Telephone Communication.

The Clerk of Council read the above certifications and announced Council will hold public hearings on these requests at the August 23, 2005, Council meeting.

PETITION: Request for the Vacation of a 10' Utility Easement Located at 3417 Sunny Crest Lane.

The Clerk of Council read the above petition and announced that this request would be remanded to Planning Commission.

#### MANAGER'S REPORT

Mr. Schweiterman, the Assistant City Manager reported:

BRAC HEARINGS – Mr. Husemann is in Washington D.C. to attend the BRAC hearings representing DFAS Dayton. The City of Kettering feels that DFAS has a lot to offer; Room for expansion, low operation costs, and close proximity to Wright Patterson Air Force Base. Mr. Husemann will be giving sworn testimony at the hearing, which will enable us to become certified.

Mayor Smith thanked all of the volunteers that attended the DFAS rally last week. She feels that it was a great success and that the BRAC representatives definitely knew that they were there.

TRASH – Last year the city signed a five-year contract with Waste Management. In the agreement there was a clause that would allow for the rates to increase. The tipping fees have increased so therefore the increase will be passed on to Kettering residents. They anticipate the increase will be 20 to 30 cents per month and he should have the exact figures by the end of the month. Residents can expect to see the increase on their fourth quarter billing in September.

#### COUNCIL COMMITTEE REPORTS

Mr. Patterson reported that he reviewed the minutes from the regular and workshop Council meetings of July 19, 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. Thompson had no report.

Mr. Wanamaker reminded everyone that the "Creative Cities - Employee Art Show" began earlier this evening in the Government Center Lobby. He encouraged everyone to attend.

Mr. Duke reported that it was very hot at the DFAS Rally last week. Temperatures reached over 95 degrees. Bonnie Pittl and her volunteer group were handing out water to the rally participants. It was great to watch Mayor Smith's efforts in support of DFAS. She and everyone who attended did a fabulous job. He attended the US Senior Open every day last week. He was very impressed with how all of our city employees worked so well with the NCR staff. It was great for our city to receive national exposure during the tournament. Kudos to everyone that participated. The picnic held for the Steyr youth visitors was a very nice event. He attended a ribbon cutting for Java Café a couple of weeks ago at Kettering Towne Center. They have great coffee and pastries. He stated that Bernie Wannamaker has been selected as the "Grand Marshall" for the 2005 Holiday at Home Parade. It is also Bernie's 50<sup>th</sup> wedding anniversary this evening and he wished Bernie and his wife a very happy anniversary.

Mrs. Lehner commented that at a previous meeting, discussion had indicated that she and Mr. Thompson would set up a task force regarding property maintenance issues. This process will soon begin and she encouraged anyone

who has an interest to please e-mail her with their comments. She also expressed that Maureen Patterson did a wonderful job of heading up the entire volunteer force at the US Open last week.

Mr. Wasky reported that on July 25, 2005, he, Mayor Smith, representatives from the Police Department and various city staff members met with the Tenants Council at the Trails of Oak Creek. The purpose of the meeting was to discuss property maintenance and police enforcement issues. On Thursday, August 11, 2005 at 7:00 p.m. a public meeting will be held at Central Christian Church to discuss the Van Buren Redevelopment project. He also indicated that there was an interesting article in the August "Ohio" magazine by a Kettering resident that wrote about why he is proud to live in Kettering. The article talked about the progressiveness of Kettering's government and schools. He encouraged everyone to read this article. The Kettering Recreation Center's lifeguards recently won a local competition, which allowed them to go to a State Competition in Akron, Ohio. He thanked all of the city staff that participated in this effort.

Mr. Patterson reported that July 25 – 31 was a week to be proud of. The US Senior Open was a once in a lifetime experience. There were approximately 3500 volunteers that helped at this event. The police and fire departments did an unbelievable job. Special thanks to Mike McCall, the Chairman of this event. He put forth a lot of effort for a successful US Open. Kudos to Mayor Smith who got NCR to fly our Kettering Flag. He had the pleasure of attending Marni Flagel's retirement party at County Corporation. Marni has served as President for County Corp. for the last 25 years. She will be missed and he wished her the best. He also attended the Sister Cities Steyr Youth Picnic. The kids from Steyr gave wonderful presentations.

Mayor Smith expressed that she was very sorry to hear of the Golden Nugget Restaurant fire. The City is working with the owners to help them out and she is looking forward to the day that they will be back in operation. On Thursday, August 11, 2005, a media reception will be held at Polen Farms to kick off the Holiday at Home event. The Queen and her Court will be introduced as well as the Grand Marshall, Bernie Wannamaker. Holiday at Home is a great celebration for the city and she encouraged everyone to attend all of the upcoming events. She was also impressed with the fire, police and the street departments for their outstanding work at the US Senior Open. It was a great happening for the City of Kettering.

#### BUSINESS NOT ON WRITTEN AGENDA Communications and Reports

#### Council Comments

##### Audience Participation (5 Minute Limit Per Speaker)

Tom Leist, 226 Tamarac Lane – He stated that he was here this evening to represent the Board of Governors for the Strathmoor Condominium complex. The detention pond, which is part of the public storm sewer, is in need of cleaning. The Engineering Department has indicated that it is the homeowner association's responsibility to clean out this pond. He does understand that the pond is on private property but believes that the sludge is partly created by Kettering sewers. They feel that the City should help to clean this up and he asked that Council please consider his request.

Mr. Patterson asked if this neighborhood had a storm water system in their streets. Mr. Leist replied that they did have storm grates in the streets.

Mr. Fullenkamp stated that an agreement was made on the record plan that the clean up would be the responsibility of the homeowner's association. He stated that he would be happy to sit down with their board to discuss ways that the city can help. However, at this point and time it is outlined that it is the responsibility of Strathmoor Crossing.

Mr. Wasky asked if it was generally always the property owner's responsibility to clean out detention areas. Mr. Fullenkamp replied, yes.

Mrs. Lehner wondered if a pond was already at this location prior to the construction of Strathmoor Crossing. Mr. Leist replied that he did not believe that there was one at that location, but he was not around at that time.

Mr. Duke commented that he remembers when this complex was developed. There has always been an issue regarding responsibility of cleanup. He suggested working with the engineers.

Mr. Fullenkamp expressed that the developer at that time chose to have a detention pond/basin that would handle the water from the Strathmoor Crossing development.

Mayor Smith suggested that Mr. Leist and Mr. Fullenkamp talk after the meeting.

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 read a story about an American man who could not find a job. This man wondered why he could not find a good job, not thinking that all of the items that he buys and uses are not made in the United States. Mr. Koussa encouraged everyone to make noise and bring back our factories to the U.S. so that our people can find work. Whenever you visit the store, ask for "American Made" items. You can hardly find anything that is "Made in America" anymore.

There being no further business to come before this regular meeting of the Kettering City Council, Mayor Smith adjourned the meeting at 9:44 p.m.

ATTEST:

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MARILOU W. SMITH, MAYOR

Connie S. Gaw  
Clerk of Council