

KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
July 25, 2006

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, July 25, 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, Wanamaker and Wasky

Council Members Absent: Thompson (excused)

Total Members Present: Six (6)

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

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

CERTIFICATES OF RECOGNITION: Board of Zoning Appeals

Mayor Patterson presented Certificates of Recognition to Charles R. Finney, Albert L. Sessler, Jr. and Hubert I. Webster for their 36 years of outstanding service on the Kettering Board of Zoning Appeals.

PUBLIC HEARINGS

PUBLIC HEARING

Amendment to the Development Concept Plan for Kettering Medical Center.

Mayor Patterson opened the public hearing and called on Ron Hundt, City Planner, Planning and Development Department.

Ron Hundt, City Planner - Planning & Development Department reported that this request is to amend the Development Concept Plan for Kettering Medical Center. Mr. Hundt showed an aerial site plan and explained the area. He explained that in 1994 a Master Plan was developed and it is now time to make amendments to that plan. This request has gone before the Planning Commission and Board of Zoning Appeals and both have recommended approval.

Fred Manchur, President, Kettering Medical Center, 3535 Southern Boulevard – Mr. Manchur passed out a hard copy of the presentation to Council members. Three years ago they were asked by the City to put together a new Master Plan. They have worked very hard to do this. This plan will set them forward over the next 10 years. Families will need more health care than ever for early diagnosis and intervention. Their mission is to improve the quality of life for people in our community. Kettering Medical Center is a fine institution with fine staff. Their commitment to state-of-the-art technology is strong. He thanked the community for their input. He feels they were able to improve the project because of

neighbor concerns. They want to work with their neighbors and provide the very best care possible.

Richard Haas, Kettering Medical Center, 3535 Southern Boulevard – He explained this was presented to Planning Commission and Board of Zoning Appeals and has been in process over the last several months. The first thing they did in the planning process was to meet with the neighbors. He thanked them for their participation. Their goal is to maintain and improve neighborhood character. The landscape plan is very important to them and he feels they have one of the nicest grounds in the community. They plan to make several improvements. Some of the improvement that he outlined were: revitalize the Kettering College of Medical Arts by upgrading the architectural treatments in the renaissance style; improve the parking detail to the east parking lot; slow traffic down to 25 miles per hour along Southern Blvd.; restrict delivery routes to come in from only Southern Blvd; add pedestrian crosswalks along Southern Blvd. to make it safer for those crossing. Kettering Medical Center is the largest employer in the City of Kettering. They presented 14 different projects to the Planning Commission and 8 of those were supported. Some of the immediate projects planned are the renovation of the pastoral care counseling center; new east parking lot; update the grounds building; enlarge the loading dock; new mechanical center; new north parking garage; move the helicopter port; new patient tower with 125 private beds; grow the outpatient services and physicians practices on campus.

Frank Perez, President & CEO, Kettering Medical Center Network – Mr. Perez thanked the Mayor and Council for their time. Kettering Medical Center is a regional medical center. Seventy-five percent of their patients come from the immediate area. Healthcare needs are on the rise. By 2010 about 3 in 10 residents in our region will be over 65. He thanked the City of Kettering and the entire community for the input they have received in developing this amended master plan. It represents a combined effort they believe will provide the best plan to serve the community.

COUNCIL COMMENTS AND QUESTIONS

Mrs. Lehner asked if KMC currently had a helicopter that used the heliport.

Mr. Haas replied that they do not but use it occasionally to receive and send patients.

Mr. Duke asked if there would be a new entrance for deliveries and truck traffic.

Mr. Haas replied that there would be no added entrances but they would ask that deliveries come from Stroop Road, not West Dorothy Lane.

Mr. Duke asked how they determined their parking demands.

Mr. Haas replied that for every 1000 sq. ft. of space you need five to six parking spaces.

Mr. Hundt stated that both the Planning Commission and Board of Zoning Appeals did recommend approval of this plan. Council received a copy of the new Master Plan.

COMMENTS BY PROPONENTS

Steve Bramlidge, Kettering-Moraine-Oakwood Chamber of Commerce – Mr. Bramlidge stated that he is in favor of the KMC plan. The value to this community is great. It will create new high tech jobs and spawn additional businesses. It also brings notoriety to the City. He suggested that Council help them to invest in their future and support them as one of the areas leading organizations.

COMMENTS BY OPPONENTS

Tom Kinney, 4749 Shady Hill Lane and 956 Big Hill Rd. (his mothers property) – Mr. Kinney stated he has followed this request but still has many concerns. He is concerned about the physician office buildings and parking issues. This will cause more traffic. He feels they do not need the east parking lot. Students could be shuttled from the church or parking garages. The neighbors suggested a plan for a parking lot on another site but were ignored. He would like to see the pluses and minuses of this project debated.

Patricia Smith, 1105 Ridgeview – She has lived in this area before the hospital was even built. She feels they are being invaded in the neighborhood by Kettering Medical Center. She is very concerned with the traffic and pollution. Large tractor-trailer trucks often wake her up late at night. If they bring the doctors offices on the hospital site it will create empty buildings elsewhere in the city. Kettering does need jobs and she is in favor of this. She hopes that the City will work towards getting other types of jobs as well, such as manufacturing. Kettering Medical Center is an out of state owned hospital.

Mr. Perez expressed for clarification that Kettering Medical Center is not an out of the state owned hospital. It is based here in Ohio.

Mr. Duke asked if the hospital had set times for deliveries.

Mr. Haas replied that he knows of only one truck that delivers in the early morning and that is the dairy truck. The loading dock is not open at night. They will monitor this issue to see if they can facilitate change.

Ms. Smith stated that the truck goes by every night around mid-night. She can go out and check to see if there is a name on the truck. This is a big concern for the neighbors in this area.

Rosemary Starr, 700 Ashton Circle – She does not understand why they can't put a parking garage where the church parking lot is. This would be a logical place to put it and it would be out of the way.

Georgianna Parisi, 1350 Tamerlane Road – She feels that Ms. Starr has a good idea about the parking garage. She lives on the west side and her house will look directly at the proposed parking garage on the west side. She hopes that they will reconsider the site. She has lived in this area her entire life. She thinks they should have green space or a park along Southern Boulevard. She does not see that outpatient physician offices are need. Traffic is a concern and problem and it will only continue to get worse. Property values in this area will decrease.

Barb Sheets, Laurelwood and Southern Blvd. – She has great concerns with property values and that they will go down. She thinks if Kettering Medical Center would like to grow they should do so on their own property. To expand to the other side of the road when they were promised that nothing would ever be built there is not fair.

Mr. Hundt replied that in the 1994 Master Plan it did allow for parking and building construction on the east side. At that time they did not have a specific plan. There will still be an approximate 100 ft area of landscaped green space along Southern Blvd. Parking will be buffered. Kettering Medical Center is open to having as much green space as possible.

Mr. Duke agreed that the hospital did have zones set up for building on the east side in their 1994 plans. Everything they are now proposing fits into that original plan.

Mrs. Lehner stated for clarification that Kettering Medical Center does own the property on the east side. The City of Kettering does not own this property.

There being no further discussion, the Mayor Patterson closed the public hearing and advised that Council would render a decision at the August 8, 2006 Council Meeting.

Mayor Patterson then excused himself from the meeting because of a conflict of interest regarding the next agenda item. He turned the meeting over to Vice Mayor Wasky.

PUBLIC HEARING

Vacation of an approximate 0.11-acre portion of Colfax Avenue.

Vice Mayor Wasky opened the public hearing and called on Ron Hundt, City Planner, Planning and Development Department.

Ron Hundt, City Planner - Planning & Development Department reported this request is for the closing of Colfax Avenue at Wilmington Pike. This portion adjoins the property that was rezoned at the last Council meeting. Omni Prints customers now back out into the right-of-way on Colfax and that is a big concern. He worked with both property owners to vacate this portion of Colfax. A new roadway connection will be made that will line up with the southern entrance to Beavertown School. This will allow for entry and exit for the neighborhood to the real. This proposal is beneficial to all properties involved.

COUNCIL COMMENTS AND QUESTIONS

Mr. Duke asked if customers want to go to Omni Prints would they access it through the new extension and will LaRossa's Pizza have an entrance off of Wilmington Pike.

Mr. Hundt replied that LaRossa's Pizza would be accessed off of the Jaybee extension. There will be no curb cuts along Wilmington Pike. Customers will also have access into the shopping center off of the new extension, on Colfax.

COMMENTS BY PROPONENTS

None

COMMENTS BY OPPONENTS

Mike Dowler, 1201 Colfax Avenue – Mr. Dowler has lived on Colfax for 20 years. There are only three houses with addresses on Colfax. His neighbors are also against the closing. It is hard to get onto Wilmington Pike at certain times of the day. If you were to put in another traffic light it will only congest the traffic even more. He is concerned with the closing of Colfax because fire and rescue may be slowed down. Snow removal and water runoff could also be a concern. There is already a Domino's Pizza and a Papa John's in this area. They don't need any more pizza joints. He is worried that trash may blow into his yard. Noise could be an issue if they decide to have an outdoor eating area. He feels by closing this street it will create more traffic on Rushland. There is a rise in terrain and hoped that landscaping along Colfax and Haig would be addressed.

Mr. Hundt stated that at least half of these questions had to do with the development that was approved at the last Council meeting. This is a commercially zoned property and appropriate for restaurants, etc. The City is aware of the backup of traffic along Wilmington Pike. Many traffic enhancements are planned for this neighborhood in the future. There will be no drainage issues. The closing of Colfax will not impair fire or police access. He will work with Mr. Dowler on any further concerns.

Mr. Wasky asked about the terrain issue.

Mr. Hundt replied that Haig Avenue is lower than Wilmington Pike. The proposed housing on Haig will be on the lower ground. There will be a 6 to 8 ft. grade difference. Details have been worked out with the engineers and they have approved the plan.

There being no further discussion, the Vice Mayor Wasky closed the public hearing and advised that Council would render a decision at the August 8, 2006 Council Meeting.

Mayor Patterson returned to the meeting.

ORDINANCES IN SECOND READING

None

RESOLUTIONS

A RESOLUTION

NO: 8115-06

BY: MR. WASKY AND MR. LEHNER

AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS AND TO CONTRACT FOR THE STROOP ROAD WEST AT SOUTHERN BOULEVARD CULVERT REHABILITATION PROJECT (CITY PROJECT NUMBER 03-906D; OHIO PUBLIC WORKS COMMISSION PROJECT NUMBER CDR08)

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

Mr. Schwieterman explained that this will allow the City to advertise for bids and enter into a contract. This project involves the invert repair of approximately 1,235 feet of an 84' reinforced concrete storm sewer pipe along West Stroop Road between Dogwood Trail and Southern Boulevard. This project is being partially funded by a 75% grant from the Ohio Public Works commission not to exceed \$75,000.

There being no discussion on the motion, the following votes were recorded: Mr. Wanamaker, Yea; Mr. Duke, Yea; Mr. Wasky, Yea; Mrs. Lehner, Yea; Mr. Spolrich, Yea; Mayor Patterson, 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: 8116-06

BY: MRS. LEHNER AND MR. SPOLRICH

AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION WITH THE GOVERNOR'S HIGHWAY SAFETY OFFICE FOR FFY 2007 HIGHWAY SAFETY GRANT FUNDS IN THE AMOUNT OF \$15,000.00

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

Mr. Schwieterman explained that this grant will allow the City to perform a traffic safety study on Far Hills Avenue between Stroop Road and Rahn Road. This corridor was determined by Ohio Department of Transportation as a hot spot because of the amount of accidents and congestion.

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; Mayor Patterson, 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: 8117-06
BY: MR. SPOLRICH AND MR. WANAMAKER

AMENDING THE COMMUNITY DEVELOPMENT BLOCK GRANT
("CDBG") PROGRAM FOR FISCAL YEAR 2006 (FY2006)

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

Mr. Schwieterman explained they are amending the CDBG 2006 Program as a result of the City needing to allocate additional funds for the acquisition of homes as a result of the FEMA/State of Ohio Mitigation Grant and acquisition of substandard and/or unsafe homes in the Wiles Creek Neighborhood Revitalization Strategy Area.

There being no discussion on the motion, the following votes were recorded: Mr. Wanamaker, Yea; Mr. Duke, Yea; Mr. Wasky, Yea; Mrs. Lehner, Yea; Mr. Spolrich, Yea; Mayor Patterson, 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: 8118-06
BY: MR. WANAMAKER AND MR. DUKE

TO ACCEPT HOME PROGRAM FUNDS FOR THE CITY OF
KETTERING'S HOUSING REHABILITATION PROGRAM

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

Mr. Schwieterman reported this resolution will allow the City to accept the \$200,000 in HOME grant funding to be used for Housing Rehabilitation Program implementation.

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; Mayor Patterson, 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: 8119-06
BY: MR. DUKE AND MR. WASKY

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, 2006

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

Mr. Schwieterman explained this would allow him to make a supplement appropriation related to an Inter-Governmental Agreement establishing the Dayton-Kettering HOME Consortium and will allow the City to receive \$200,000 in HOME funding.

There being no discussion on the motion, the following votes were recorded: Mr. Wanamaker, Yea; Mr. Duke, Yea; Mr. Wasky, Yea; Mrs. Lehner, Yea; Mr. Spolrich, Yea; Mayor Patterson, 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: 8120-06
BY: MR. WASKY AND MRS. LEHNER

AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS AND TO CONTRACT FOR THE DOROTHY LANE EAST AT STROOP ROAD - LANE ADDITION PROJECT (CITY PROJECT NUMBER 02-102H: OHIO PUBLIC WORKS COMMISSION PROJECT NUMBER CDR05)

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

Mr. Schwieterman reported this would authorize him to advertise for bids and enter into a contract for the Dorothy Lane East at Stroop Road – Lane Addition Project. This project involves the construction of an additional eastbound lane on Dorothy Lane between Bromley Place at Stroop Road.

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; Mayor Patterson, 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: 8121-06
BY: MRS. LEHNER AND MR. SPOLRICH

TO APPOINT AN ASSESSMENT EQUALIZATION BOARD TO HEAR OBJECTIONS TO ESTIMATED ASSESSMENTS FOR THE IMPROVEMENT PROJECT KNOWN AS “ACORN AREA RESIDENTIAL RECONSTRUCTION PROJECT” (PROJECT NO. 02-278) AND THE STREET LIGHTING IMPROVEMENT PROJECT FOR WHICH THE NECESSITY WAS DECLARED IN RESOLUTION NO. 8076-06; BOTH PROJECTS LOCATED IN THE CITY OF KETTERING

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

Mr. Schwieterman explained that this resolution appoints an Assessment Equalization Board to hear objections relating to the improvement project known as “Acorn Area Residential Reconstruction Project and the “Street Lighting Improvement Project” assessments.

There being no discussion on the motion, the following votes were recorded: Mr. Wanamaker, Yea; Mr. Duke, Yea; Mr. Wasky, Yea; Mrs. Lehner, Yea; Mr. Spolrich, Yea; Mayor Patterson, 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: 8122-06
BY: MR. SPOLRICH AND MR. WANAMAKER

AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN APPLICATION AND ANY OTHER AGREEMENTS AS MAY BE NECESSARY AND APPROPRIATE TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION TRANSPORTATION IMPROVEMENT PROGRAMS(S)

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

Mr. Schwieterman reported this is the yearly application for CIP projects for which the City may attempt to acquire OPWC funding. The City proposes to submit two this year. They are: David Road West – Twilight to Overland and Forrer Boulevard – Wilmington to Woodman.

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; Mayor Patterson, 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: 8123-06
BY: MR. WANAMAKER AND MR. DUKE

AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS AND TO CONTRACT FOR THE TRAFFIC SIGNAL OVERHEAD REBUILD AT THE INTERSECTION OF DAVID ROAD AND WILMINGTON PIKE (PROJECT NUMBER 02-116M)

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

Mr. Schwieterman reported the condition of the overhead wiring at the intersection is poor, as this signal was installed in 1978 and never rebuilt since that time. This project is a part of the upgrade Overhead Wiring CIP program of the Engineering Department.

There being no discussion on the motion, the following votes were recorded: Mr. Wanamaker, Yea; Mr. Duke, Yea; Mr. Wasky, Yea; Mrs. Lehner, Yea; Mr. Spolrich, Yea; Mayor Patterson, 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: 8124-06
BY: MR. DUKE AND MR. WASKY

AUTHORIZING THE PURCHASE OF REAL PROPERTY KNOWN AS 2804 GAYLORD AVENUE

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

Mr. Schwieterman reported this resolution will allow the City Manager to purchase 2804 Gaylord as part of the CDBG Program. The purchase price is \$32,500. The house will be demolished upon acquisition. After demolition the lot will be used for redevelopment.

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; Mayor Patterson, 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

AN ORDINANCE

APPROVING AN AMENDED DEVELOPMENT CONCEPT PLAN FOR
KETTERING MEDICAL CENTER

Mr. Wasky read the above ordinance in first reading. The ordinance will appear on the August 8, 2006 Council meeting agenda for second reading.

AN ORDINANCE

PROVIDING FOR THE VACATION OF AN APPROXIMATE 0.11 ACRE
PORTION OF COLFAX AVENUE

Mrs. Lehner read the above ordinance in first reading. The ordinance will appear on the August 8, 2006 Council meeting agenda for second reading.

AN ORDINANCE

AUTHORIZING THE SUBMISSION TO A VOTE OF THE QUALIFIED
ELECTORS OF THE CITY OF KETTERING WHETHER TO AMEND
THREE SECTIONS OF THE CITY CHARTER

Mr. Spolrich read the above ordinance in first reading. The ordinance will appear on the August 8, 2006 Council meeting agenda for second reading.

CERTIFICATIONS AND PETITIONS

CERTIFICATION – PLANNING COMMISSION RECOMMENDS DENIAL –

Of the proposed modification to EDO #11 to permit a third freestanding sign for Day-Air Credit Union (Z.C. 869-06).

The Clerk of Council read the above certification and announced Council would hold a public hearings on this request at the August 8, 2006 Council meeting.

MANAGER'S REPORT

Mr. Mark Schwieterman, City Manager reported:

Mr. Schwieterman requested that the topic of "Economic Development Matters" be added to the Executive Session this evening.

Mr. Wasky made a motion to add "Economic Development Matters" to the Executive Session. Mr. Spolrich seconded the motion and there being six (6) Yea votes and no (0) nay votes, the motion was declared carried by a majority vote.

Mr. Schwieterman congratulated Mr. Al Fullenkamp for being honored for his vision, display of leadership, organizational and management skills by the Ohio Society of Professional Engineers. He then turned the meeting over to Mr. Fullenkamp to give a brief update on pedestrian safety.

Mr. Fullenkamp reported that a few months ago the City hired a consultant to review safety issues in school zones and other dangerous cross walks areas in Kettering. The consultant has reviewed the situation and made recommendations, which will be discussed at a public meeting at Fairmont Recital Hall on Thursday, July 27, 2006 at 7:00 p.m. The public is invited to attend. The City would like to have some of the recommendations implemented and in place by August 29, 2006 when school begins.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Communications and Reports

Audience Participation (5 Minute Limit Per Speaker)

Dr. Greg Wise, 4300 Delco Dell Road – reported that he is a volunteer for Smoke Free Kettering. This organization was initiated last year. Two weeks ago he attended the thirteenth World Conference on Tobacco and Health in Washington DC. Secondhand smoke has been found to be much more dangerous than anyone thought. Over 1 billion people will die from secondhand smoke in the future. In June the Surgeons General report was released, which reviewed the broad range of issues related with secondhand smoke. We live in a world where several countries have gone smoke free. Arkansas and Hawaii have recently been added to the list of smoke free states. Many hotel chains are smoke free. Bob Evans will be smoke free next week. He urged Council to do what is in their authority because they have an obligation to the community. He asked that citizens go to the Smoke Free Kettering website or reference the Surgeon General report for more information.

Akash Gojal, 5737 Stonehaven Drive – stated that he talks with youth on how to stay smoke free. Smoking and secondhand smoke can have major effects on the body. His father is a cardiologist. His great uncle has lung cancer and heart disease from smoking. Many health issues are involved with secondhand smoke and it is the City Councils responsibility to protect their citizens. He does not think that a smoking ban would have a major effect on local businesses. He will not patronize restaurants that are not smoke free. He asked that Council pass a one hundred percent smoke free law.

Carol Clegg, 1424 Berwin Avenue – stated that her daughter was diagnosed with breast cancer in 2005. Just a few months later her daughter's father-in-law was diagnosed with lung cancer. Her daughter is a breast cancer survivor and the father-in law has passed away.

Mike Dowler, 1201 Colfax Avenue – stated that he has been a non-smoker for 10 years. He feels that people should have a choice to smoke if they want to and he is against a smoke free Kettering. It's not right to take the privilege away from those who smoke. You also have people that will not patronize a restaurant because it is smoke free.

Roger Rickle, 2889 Ramblingwood Drive, Centerville – stated that he is a volunteer for Smoke Free Kettering. He has worked for Kettering Medical Center for over 30 years and has treated patients suffering from smoking and second hand smoke. The effects of second hand smoke are deadly for those that work around it. He encourages City Council to join with the many other cities to put a ban on smoking. Kettering is a great place to work, play and die. Council can make this a smoke free community.

Kyle Peavley, 972 Hathaway Drive, Middletown – indicated he is with the Campaign for Tobacco Free Kids (STAND). They recently held a smoke free dining day and called every restaurant and asked them to go smoke free for one day. Comment cards were given to the customers to fill out. It was a very successful event. At least 20 countries and 14 states in the United States are now smoke free. New York has had a 6% increase in business since going smoke free. There is no risk free exposure to second hand smoke. He has done

his part in making communities aware of the dangers of smoking and second hand smoke. He asked that Council make Kettering a smoke free community.

Diane Hughes, 3853 Holloway Ct. – stated that she worked in restaurants for 17 years. Seven years ago she lost her best friend to cancer. She herself also has cancer. She has been in remission but cancer has crushed many of her dreams. But because of Cancer she has helped many people. She was exposed to second hand smoke on a daily basis when she worked in restaurants. This law is not about the people who frequent bars and restaurants but also about the people that work in them. She will not patronize businesses that are not smoke free. No one protected her friend or her from second hand smoke. All citizens and workers have the right to breath clean air. She asked that Council do what is right and implement a one hundred percent smoke free law.

Diane Hessler, 2708 Colonial Avenue – She thanked Mr. Fullenkamp and Ms. Wuensch for coming to her property to work with her regarding the Acorn Reconstruction Project. They talked to her about a retaining wall and agreed that it was necessary. She hoped that if anyone objects to the assessment the City is flexible in working with peoples schedules because of the vacation season.

Mr. Eubank replied that the Equalization Board has not yet met or scheduled any hearings.

Mr. Fullenkamp stated that the plans are for the Board to hear the objections for the Street Lighting Assessments first. The Acorn Reconstruction hearing should be in late August or the first part of September.

Ms. Hessler wondered if the property that the City owned on Gaylord would be used for access into the DESC residential project.

Mr. Schwieterman replied that this property was purchased because it is adjacent to other properties that the City owns and will be used to make the properties better shaped. No access plans have been determined at this point. The City has not identified a final plan for the DESC project and therefore has not pursued properties.

Ms. Hessler indicated that she was still worried that with the building of this new development they will use their streets for cut through access.

Mr. Schwieterman replied they are currently reviewing the concept of how to line the streets up as to not make cut through traffic attractive.

David Small, 4817 Winding Creek Trail – stated he supports the smoke free project for Kettering. He has practiced surgery in the area for over 30 years. He raised his children in Kettering and this city is his home. He respects a persons right to smoke, but his wife is asthmatic. Even non-smoking sections can create asthmatic attacks. They carefully choose what restaurants they patronize. His career has been built upon treating people with cancer. He likes being a part of a community that is innovative. The state will soon have the smoking issue on the ballot. If it does not pass Council owes the citizens protection from smoke damage. He hopes Council will have a Resolution by the end of the year.

Jill Abrams, 2709 Harvey Avenue – stated that recently there was an article in the Kettering Oakwood Times by Mark Schwieterman, City Manager. She would like for him to make a correction to that article. It said an independent consultant would review the policies of the Fire Department. This has not been done. City Staff has been the one to review the policies. The City Managers office has been aware of problems since 1985. She is concerned about response time and training and volunteer firefighter staffing. Volunteer firefighters have a 20 – 25% turnover rate. It is a danger to citizens. She feels Kettering should have all career firefighters.

Mr. Schwieterman replied that this article was inserted while he was on vacation. The word independent should not have been in this article. An independent contractor was discussed at one time but has not been pursued. He will see if the K/O Times can insert a correction to this article. Staff meetings are scheduled to discuss and develop a six-month plan for the Fire Department. Public services are an important issue to the City.

Patricia Hale, 3815 Walnut Grove Lane, Beavercreek – stated that she was born and raised in Kettering. She is here to inform Council about community support for the Smoke Free Kettering campaign. She is the campaign coordinator. A large group of concerned citizens would like a comprehensive smoke free law. The Surgeon Generals report states that secondhand smoke is a killer. It is City Council's responsibility to protect the citizens of Kettering. People deserve to work in a smoke free environment. Going smoke free does not harm businesses. Over 4,000 people have signed their endorsement form. She encouraged citizens to visit their website (www.smokefreekettering.org) and sign up. Seventy-Five percent of Kettering residents do not smoke. She wondered what other issue that Council has debated recently that has this much support. Over 20 Ohio cities are living in a smoke free community. She asked Council to enact a comprehensive smoke free law. Council is the only group that has the power and authority to pass a smoke free law. She asked that citizens contact the Mayor and City Council regarding this issue.

Gary Gose, AMVETS Kettering – He urged anyone that is serving overseas to check in with the VA Center to get signed up for medical services. They are still collecting for Katrina Relief and are in need of working microwaves, stoves and refrigerators. The Career Center is open for all Veterans free of charge. They will be starting up a Junior AMVETS for kids 5 – 17. Call the Post for more details.

COUNCIL COMMITTEE REPORTS

Mr. Spolrich reported that he reviewed the minutes from the regular and workshop meetings of June 27, 2006 and the regular meeting of July 11, 2006, and moved that the minutes be approved. Mr. Wanamaker seconded the motion and there being six (6) Yea votes (with Mrs. Lehner abstaining from voting on the July 11, 2006 meeting) and no (0) nay votes, the motion was declared carried by a majority vote.

Mr. Wanamaker – No Report.

Mr. Duke – No Report

Mr. Wasky – No Report.

Mrs. Lehner – No Report.

Mr. Spolrich – No Report.

Mayor Patterson – reported that Kettering City Employees are having a "Creative City" art exhibit in the Government Center Lobby. He urged citizens to stop by and see the work of the many talented employees. He congratulated Mead Corporation, which will soon be moving into the community with 200 plus jobs. He welcomed them and wished them many years of success.

There being no further business to come before this meeting of the Kettering City Council, Mayor Patterson adjourned the meeting at 10:53 p.m.

ATTEST:

Connie S. Gaw
Clerk of Council

DONALD E. PATTERSON, MAYOR