

RESOLUTIONS

A RESOLUTION

NO: 8099-06

BY: MR. WASKY AND MRS. LEHNER

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, 2006

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

Mr. Schwieterman explained that this would appropriate funds for the pay increase for non-union personnel and the Pondview Pier.

There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Wanamaker, 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: 8100-06

BY: MRS. LEHNER AND MR. SPOLRICH

AUTHORIZING THE CITY MANAGER TO ACCEPT AND EXPEND FUNDS FROM THE KETTERING PARKS FOUNDATION FOR THE CONSTRUCTION OF A DOCK AT PONDVIEW NATURE AREA

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

Mr. Schwieterman explained that this would authorize him to accept and expend funds received from the Kettering Parks Foundation for the construction of a dock at the Pondview Park Land Lab. The estimated cost of the project is \$17,000.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Lehner, Yea; Mr. Wasky, Yea; Mr. Wanamaker, Yea; Mr. Thompson, 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: 8101-06

BY: MR. SPOLRICH AND MR. THOMPSON

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION ("ODOT") TO ALLOW THE CITY TO SERVE AS LOCAL PROJECT ADMINISTRATION ("LPA") OF THE MULTI PURPOSE PATHWAY PROJECT BETWEEN CENTERVILLE IRON HORSE PARK AND STATE FARM PARK (ODOT PROJECT MOT KETTERING BIKE PATH, PID 81026; CITY OF KETTERING PROJECT NUMBER 05-004B)

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

Mr. Schwieterman explained that this allows the City to enter into an agreement with ODOT to administer the Multi Purpose Pathway project between Centerville

Iron Horse Park and State Farm Park. The project is to install portions of the Iron Horse Multi Purpose Trail through Kettering.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Lehner, Yea; Mr. Wasky, Yea; Mr. Wanamaker, Yea; Mr. Thompson, 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: 8102-06

BY: MR. THOMPSON AND MR. WANAMAKER

ADOPTING RENEWED AND RECALCULATED STREET LIGHT ASSESSMENTS, AMENDED OR CONSOLIDATED STREET LIGHTING DISTRICTS AND CERTIFYING TO THE COUNTY AUDITOR FOR COLLECTION

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

Mr. Schwieterman reported that this is part of the annual renewal of street lighting assessments.

There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Wanamaker, 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: 8103-06

BY: MR. WANAMAKER AND MR. WASKY

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 EAST DOROTHY LANE AND WILMINGTON PIKE INTERSECTION IMPROVEMENT PROJECT (PROJECT NUMBER 02-102; ODOT PROJECT MOT-DOROTHY/WILMINGTON, PID 81024)

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

Mr. Schwieterman explained that this would allow him to sign the necessary contracts and enter into an agreement with ODOT for the administration of the East Dorothy Lane and Wilmington Pike Intersection Improvement Project.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Lehner, Yea; Mr. Wasky, Yea; Mr. Wanamaker, Yea; Mr. Thompson, 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: 8104-06

BY: MR. WASKY AND MRS. LEHNER

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION ("ODOT") TO ALLOW THE CITY TO SERVE AS LOCAL PROJECT

ADMINISTRATION ("LPA") FOR THE WEST STROOP ROAD PROJECT
(ODOT PROJECT MOT WEST STROOP ROAD, PID 81030; CITY OF
KETTERING PROJECT NUMBER 02-112G)

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

Mr. Schwieterman reported that this would authorize him to enter into an agreement with ODOT. This project will install sidewalk on both sides of W. Stroop Road between Far Hills Ave. and Southmoor Circle, and extend streetlights along W. Stroop Road between Far Hills Ave. and Overland Trail.

There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Wanamaker, 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: 8105-06
BY: MRS. LEHNER AND MR. SPOLRICH

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION ("ODOT") TO ALLOW THE CITY TO SERVE AS LOCAL PROJECT ADMINISTRATION ("LPA") FOR THE SOUTH DIXIE PHASE 4 PROJECT (ODOT PROJECT MOT S. DIXIE PHASE 4, PID 81027; CITY OF KETTERING PROJECT NUMBER 02-114K)

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

Mr. Schwieterman explained that this project will mill and overlay existing pavement, repair concrete medians, curbs, drive approaches and sidewalks on S. Dixie Highway – 300' north of Cardington to the northern corporation limit. This legislation will permit him to sign the necessary contracts for this project.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Lehner, Yea; Mr. Wasky, Yea; Mr. Wanamaker, Yea; Mr. Thompson, 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: 8106-06
BY: MR. SPOLRICH AND MR. THOMPSON

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION ("ODOT") TO ALLOW THE CITY TO SERVE AS LOCAL PROJECT ADMINISTRATION ("LPA") FOR THE SOUTH DIXIE PHASE 3 PROJECT (ODOT PROJECT MOT S. DIXIE PHASE 3, PID 81028; CITY OF KETTERING PROJECT NUMBER 02-104C)

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

Mr. Schwieterman explained that this legislation will allow him to sign the necessary contracts for this project. This project will rehabilitate and improve S. Dixie Highway between 300' north of Dorothy Lane and 300' north of Cardington.

There being no discussion on the motion, the following votes were recorded: Mr. Thompson, Yea; Mr. Wanamaker, 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: 8107-06
BY: MR. THOMPSON AND MR. WANAMAKER

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 \$5,000.00

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

Mr. Schwieterman reported that this will allow him to apply for Highway Safety Grant funds to perform a traffic safety study for the intersection of Dorothy Lane and Woodman Drive. This grant requires no local match and is a reimbursement program.

There being no discussion on the motion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Lehner, Yea; Mr. Wasky, Yea; Mr. Wanamaker, Yea; Mr. Thompson, 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

AMENDING PERSONNEL ORDINANCE NO. 4043-06 TO IMPLEMENT CHANGES AFFECTING THE COMPENSATION PLAN, PAY SCHEDULES AND SUPPLEMENTARY BENEFITS FOR THE EMPLOYEES OF THE CITY OF KETTERING, OHIO.

Mr. Wanamaker read the above ordinance in first reading. The ordinance will appear on the July 11, 2006 Council meeting agenda for second reading.

Mayor Patterson welcomed volunteer Bernie Wannemacher to the meeting. Mr. Wannemacher has not been present at the last few meetings due to illness.

CERTIFICATIONS AND PETITIONS

CERTIFICATION – PLANNING COMMISSION RECOMMENDS APPROVAL –
Rezoning of properties at 2801 and 2809 Wilmington Pike to Economic Development Overlay District #20 (Z.C. 858-05).

CERTIFICATION – PLANNING COMMISSION RECOMMENDS APPROVAL –
Partial Vacation of Colfax Avenue Right-of-Way.

The Clerk of Council read the above certifications and announced Council would hold public hearings on these requests at the July 11, 2006 Council meeting.

MANAGER'S REPORT

Mr. Mark Schwieterman, City Manager reported:

The Charter Review Committee – has met and Marilou Smith, Chairperson will present their recommendations at the July 11, 2006 Council Meeting. These

recommendations will be on the November 2006 Ballot. Three recommendations are being proposed.

July 4th Festivities - will be held at Delco Park from 6 – 9 p.m. There will be food vendors, live music and fireworks. He invited everyone to attend.

Mr. Schwieterman reminded everyone that trash day would be delayed one day due to the July 4th holiday.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Communications and Reports

Audience Participation (5 Minute Limit Per Speaker)

Patricia Hale, 3815 Walnut Grove Lane, Beavercreek – She explained that she is the Campaign Coordinator for Smoke Free Kettering. She grew up and lived in Kettering most of her life. Their campaign goal is to pass a 100% smoke free law. They recently had a campaign kick-off at Town & Country Shopping Center with approximately 100 people in attendance. They have collected 3,500 endorsement forms, with over 30 Kettering businesses and 1,500 Kettering students signing them forms. Smoking kills many people each year and legislation is the most effective way to protect lives. She highlighted the new Surgeon General's report. She urged everyone to visit these web sites: cdc.gov/tobacco, tobaccofreekids.org, smokefreekettering.org. She encouraged everyone to sign an endorsement form which is available on their website. No one should be subjected to secondhand smoke.

Ms. Keven Mosley-Koehler, 679 S. Alpha-Bellbrook Rd. – She explained that she is a volunteer for Smoke Free Kettering. She does most of her errands in Kettering and enjoys patronizing the businesses and facilities. She is very supportive of having a smoke free environment. If Council is afraid that Kettering may lose businesses by becoming smoke free, she feels this is not true. She has visited restaurants where there is a line for the non-smoking section, but you can get a table immediately in the smoking section. Numerous studies show that cities that have went smoke free did not have a negative financial impact on businesses. By being in support you are prohibiting behavior infringement on others. This will protect the good of the community. The government has an obligation to protect citizen safety. She encouraged Council not to wait until state approval.

Mrs. Lehner asked that if Council were to pass an ordinance that made exceptions for certain types of businesses, would that be acceptable.

Ms. Hale replied that their goal is to pass a comprehensive law because that is most beneficial to the citizens. They would consider negotiation other aspects but their goal model is to be like Columbus.

Mrs. Lehner replied that this does however leave discussion open and room to talk. A 100% ban is questionable and her concerns fall with spotty ordinances throughout the state with businesses floating around from city to city looking for the least restrictive ban.

Mayor Patterson stated that he feels this is something that should be done statewide and feels that they should wait until the July time frame passes to see if this issue will be put on the state ballot. The only town smoke free that surrounds Kettering is Centerville.

Gary Gose, AMVETS, 3108 Woodman Drive – He announced that past Mayor Richard Hartmann will be at the post on July 4, 2006 at 7:00 p.m. to read a special poem by a Kettering resident. He invited everyone to attend. They recently visited 73 residents at the VA Center and will be visiting them this Saturday as well. The American Legion Post received over 100 flags for

retirement. He welcomed Bernie Wannemacher to the Council meeting this evening and was glad to see him feeling better.

COUNCIL COMMITTEE REPORTS

Mr. Spolrich reported that he reviewed the minutes from the workshop meeting of May 23, 2006 and the regular and workshop meetings of June 13, 2006, and moved that the minutes be approved. Mr. Thompson 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. Wasky – congratulated Ken Brightman for raising over \$100,000 for the Ronald McDonald House. He attended the grand opening of Triangle Center on June 13, 2006. It was a nice event.

Mrs. Lehner – No Report.

Mr. Spolrich – No Report.

Mr. Thompson - stated that the State of Ohio has a ban on fireworks except for licensed professionals. Fireworks are very dangerous even sparklers. He wished everyone a safe July 4th.

Mr. Wanamaker – reported that the sign shop installed the last of the new burgundy street signs last week. The signs look great and he commended the Public Service Department for another job well done.

Mayor Patterson – reported that on June 15, 2006 he attended the Kettering Kiwanis dinner honoring their Citizen of the Year, Chief James O'Dell. On June 18, 2006 he presented a proclamation to the Mighty Fortress Lutheran Church, in celebration of their 50th anniversary. On June 21, 2006 the Kettering Sister City Committee held their annual fundraiser Spass Nacht at Lincoln Park. Everyone who attended had a great time. June 22, 2006 he presented a proclamation to the National College of Business & Technology honoring their 120th anniversary. On June 22, 2006 he also presented a proclamation to Ms. Terri Lummer for 50 years of service to GE Consumer Finance. She never took a sick day in 50 years, only her vacation time. He attended the ribbon cutting for the YMCA playground. They put together a playground in one day through the effort of volunteers that were mainly from Home Depot. They did an unbelievable job. He attended the Korean Veterans Service on Saturday, June 24, 2006. It was a wonderful and moving celebration. Mayor Patterson expressed that we need to remember what scarifies that people have made for Country. Sunday, June 25, 2006 he read a farewell proclamation for Father Jim Manning at St. Albert the Great Church.

There being no further business to come before this meeting of the Kettering City Council, Mayor Patterson adjourned the meeting at 8:41 p.m.

ATTEST:

Connie S. Gaw
Clerk of Council

DONALD E. PATTERSON, MAYOR