

KETTERING CITY COUNCIL  
REGULAR MEETING MINUTES  
May 9, 2006

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

Council Members Absent: Wasky (excused)

Total Members Present: Six (6)

Mayor Patterson led the audience in the Pledge of Allegiance and then gave the invocation. He introduced the student pages, Jessica Monciviaz and Sarah Bennett, from Saint Albert the Great. He then 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

PROCLAMATION: African American Forum Day, May 13, 2006

Mrs. Lehner read the above proclamation and same was accepted by Michele Lyons with the GE Finance African American Forum.

PROCLAMATION: "Relay for Life" Days, May 20 & 21, 2006

Mr. Spolrich read the above proclamation and same was accepted by Robert Lampe, 2006 Co-Chair for Relay for Life.

PROCLAMATION: Police Memorial Week – May 14 – May 20, 2006

Mr. Thompson read the above proclamation. Mayor Patterson stated that Chief O'Dell was not present to accept this proclamation and it will be sent to the Police Department for display during the week of May 14, 2006.

MAYOR'S AWARD: YOUTH VOLUNTEER SERVICE

Mayor Patterson presented the Mayor's Award to Amber Mitchell for her outstanding achievements for Youth Volunteer Service, and same was accepted by Amber Mitchell.

CERTIFICATION – PLANNING COMMISSION RECOMMENDS APPROVAL –

Providing for the vacation of a portion of Sagamon Avenue and portions of two sixteen-foot wide alleys that abut Sagamon Ave.

Mayor Patterson asked for a motion to amend the agenda to remove the reading of the Certification. Mr. Spolrich made the motion to remove the Certification from the agenda. Mr. Thompson seconded the motion and there being six (6) Yea votes, the motion was declared carried by a unanimous vote.

PUBLIC HEARINGS

PUBLIC HEARING

Changing the name of a portion of Rahn Road to Walden Way.

Mayor Patterson 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 for a name change for Rahn Road where it meets Stroop Road. He showed an aerial photograph and explained that Kettering residents within the Walden development have requested this name change to better direct visitors to their homes. It was originally labeled Rahn Road to encourage a thoroughfare connection from E. Stroop Road to the main portion of Rahn Road that extends from the Greene County line on the east to Far Hills on the west. While the City is still interested in encouraging the connection of this street system, the renaming of the small portion of Rahn Road will not affect efforts to make that connection. The portion of Rahn Road to be renamed is approximately 300' long, running between E. Stroop Road and Walden Way. There are no properties addressed off of that portion of Rahn Road. The street name change would promote better acknowledgement of Walden Way.

COUNCIL COMMENTS AND QUESTIONS

None

COMMENTS BY PROPONENTS

None

COMMENTS BY OPPONENTS

None

There being no further discussion, the Mayor closed the public hearing and advised Council would render a decision at the May 23, 2006 Council Meeting.

PUBLIC HEARING:

Providing for the vacation of a portion of Sagamon Avenue and portions of two sixteen-foot wide alleys that abut Sagamon Avenue.

Mayor Patterson opened the public hearing and called on Rob Anderson, City Planner of the Planning and Development Department.

Rob Anderson, City Planner - Planning & Development Department reported that this public hearing is on a request to vacate the 25 feet of the unused portion of Sagamon Avenue right-of-way north of Devon Avenue to Dorothy Lane and two public alleys. He showed an aerial site plan and explained that this right-of-way and the alleys are completely within the site plan for the Johnstowne Woods development, which was recently approved by the Planning Commission. The applicant cannot go forward with his development until the right-of-way and alleys are vacated. This is the final housekeeping piece that needs to be done before the record plan can be approved and recorded.

COUNCIL COMMENTS AND QUESTIONS

None

COMMENTS BY PROPONENTS

None

COMMENTS BY OPPONENTS

None

There being no further discussion, the Mayor closed the public hearing and advised Council would render a decision at the May 23, 2006 Council Meeting.

ORDINANCES IN SECOND READING

AN ORDINANCE  
NO: 4039-06  
BY: MR. WANAMAKER AND MR. DUKE

TO AMEND ECONOMIC DEVELOPMENT OVERLAY DISTRICT NO. 13  
(FORMERLY KNOWN AS THE DAYTON CHRISTIAN OVERLAY  
DISTRICT)

Mr. Wanamaker read the above ordinance in second reading and moved for approval. Mr. Duke seconded the motion and there being no discussion, the following votes were recorded: Mr. Thompson, Yea; Mr. Wanamaker Yea; Mr. Duke, 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 ordinance duly adopted.

AN ORDINANCE  
NO: 4040-06  
BY: MR. DUKE AND MRS. LEHNER

TO AMEND CHAPTER OF THE CODIFIED ORDINANCES OF THE CITY  
OF KETTERING, OHIO

Mr. Duke read the above ordinance in second reading and moved for approval. Mrs. Lehner seconded the motion and there being no discussion, the following votes were recorded: Mr. Spolrich, Yea; Mrs. Lehner, Yea; Mr. Duke, 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 ordinance duly adopted.

RESOLUTIONS

A RESOLUTION  
NO: 8075-06  
BY: MRS. LEHNER AND MR. SPOLRICH

AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS  
FOR THE PURCHASE OF REAL PROPERTIES IN CONNECITON WITH  
THE FEMA/OHIO MITIGATION GRANT PROGRAM

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

Mr. Husemann explained that work continues on the FEMA/State of Ohio Mitigation Grant. Additional property owners in the floodway have agreed to sell to the City of Kettering. The properties are located at 1051 Wiles Drive, 1109 Eldorado Avenue and 2617 South Blvd.

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. 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: 8076-06  
BY: MR. SPOLRICH AND MR. THOMPSON

DECLARING IT NECESSARY TO IMPROVE CERTAIN STREETS, AVENUES AND PUBLIC HIGHWAYS IN VARIOUS LOCATIONS THROUGHOUT THE CITY OF KETTERING, STATE OF OHIO, BY PROVIDING STREET LIGHTING OF SAME STREETS, AVENUES AND PUBLIC HIGHWAYS.

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

Mr. Husemann explained that this is the first step in the annual street lighting program that includes various locations that were not included on the assessment list in the past and streets that had lights installed in the past few years and are now to be added to the list.

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

Mayor Patterson asked for a motion to read the below ordinance in first reading as an "expedited ordinance." Mr. Spolrich made the motion to read this ordinance as an "expedited ordinance." Mr. Thompson seconded the motion and there being six (6) Yea votes, the motion was declared carried by a unanimous vote.

AN ORDINANCE  
NO: 4042-06  
BY: MR. THOMPSON AND MR. WANAMAKER

PROVIDING FOR THE VACATION OF A PORTION OF SAGAMON AVENUE AND PORTIONS OF TWO SIXTEEN FOOT WIDE ALLEYS THAT ABUT SAGAMON AVENUE; AND TO DETERMINE PASSAGE OF THIS ORDINANCE IN AN EXPEDITED FASHION

Mr. Thompson read the above ordinance and moved for approval. Mr. Duke seconded the motion and there being no discussion, the following votes were recorded: Mr. Thompson, Yea; Mr. Wanamaker Yea; Mr. Duke, 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 expedited ordinance duly adopted.

AN ORDINANCE

CHANGING THE NAME OF A PORTION OF RAHN ROAD TO "WALDEN WAY"

Mr. Wanamaker read the above ordinance in first reading. The ordinance will appear on the May 23, 2006 Council meeting agenda for second reading.

MANAGER'S REPORT

Mr. Steve Husemann, City Manager reported:

Two Bulgarian Interns – are visiting and working at the City for the next three weeks. The City of Kettering has an ongoing exchange program and good working relationship with Bulgaria. He welcomed them to the City of Kettering.

Wiles Creek Clean-up Week is in process. Yard sales are also going on within this area.

COUNCIL COMMITTEE REPORTS

Mr. Spolrich reported that he reviewed the minutes from the regular meeting of April 25, 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.

Mrs. Lehner – reported that the Board of Community Relations would like to invite all citizens to attend the upcoming annual Peace Bridge event on May 21, 2006 at the Oak and Ivy Park in the Wright Dunbar Neighborhood. It is a great family event with hotdogs and refreshments followed by a short walk and ceremony.

Mr. Spolrich – reported that tomorrow evening, May 9, 2006 is the 10<sup>th</sup> annual Hot Dog Roast at Orchard Park Elementary. All citizens are welcome to attend. There will be a tour of the new construction at the school and they are also celebrating their 50<sup>th</sup> anniversary in this community.

Mr. Wanamaker – reported that chip seal is being put down in the road construction area on Woodman Drive. This is only temporary and asphalt will be put down within the next couple of weeks.

Mr. Duke - reported that on May 11, 2006 a Volunteer Celebration Concert will be held at Fairmont High School for all of our City volunteers. On May 1, 2006 he attended the grand opening for Griffin Hallmark at Kettering Towne Center. It is a beautiful store and he welcomed them back to the shopping center. On Saturday, April 29, 2006 he attended the EKRC opening day program at State Farm Park. This is their 50<sup>th</sup> baseball season in this community. Over 625 kids participate on 30 or 40 teams throughout the summer. The field was decorated with balloons and military color guards performed. Just like a real opening day for the baseball season. It was a great event!

Mayor Patterson - agreed that the EKRC opening day was a great event. They went to a lot of trouble putting on this first class event. He was privileged to throw out the first pitch of the season. The upcoming Volunteer Celebration Concert is a great night of fun and a nice way to recognize our volunteers. He congratulated the citizens of Kettering for passing the Tax Levy. It passed by a 58% margin and that shows that the citizens want to keep the services that they have become accustomed to. He thanked all of the volunteers and staff that gave of their time. He especially thanked past Mayor Marilou Smith and Frank Perez for all of their hard work on this campaign.

Mrs. Lehner asked that everyone think of our volunteer Bernie Wannemacher who is very ill and in the hospital. She wished him a speedy recovery.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Communications and Reports

Council Comments

Audience Participation (5 Minute Limit Per Speaker)

Mr. David Turpin, 861 Orchard Drive – expressed that he was very concerned with the signs that were at the voting poles on Election Day. He showed several photos of school billboards that urged people to vote for the tax issue. He feels that the use of school billboards supporting the tax levy is wrong. He is also concerned about the Acorn Drive project. He disagrees with this and feels the City should be paying for this, not the residents, because the City is mostly benefiting from it. He doesn't like to put money out of his pocket when it is unnecessary.

Mr. Duke stated that the signs were more than 100 feet of the polls and therefore legal.

Mrs. Lehner expressed that in this City the schools support the city and the city supports the schools. That is what makes us a great city.

Bruce Abrams, 2709 Harvey Avenue – asked for an update on the crosswalk situation in front of Fairmont High School. He has one child that attends Fairmont this year, but next year he will have three. This is a dangerous situation that needs to be corrected. It has been more than two months since a student was struck in that crosswalk and the citizens of Kettering would like to know what plans are being made to make it safer. School will be letting out soon and it will still be an issue this fall.

Mayor Patterson expressed that he is very concerned as well. Council has agreed that something needs to be done. The City has decided to hire a consultant to help identify what can be done to make our crosswalks safer. Staff is in the process of reviewing the Request for Proposals and a consultant should be hired soon.

Mr. Thompson stated that there are many dangerous crosswalks throughout Kettering. One of them is at the Town and Country Shopping Center along Shroyer Road, where an elderly woman was recently killed crossing the street. The consultants will be looking at all dangerous situations, not only at schools.

Mr. Fullenkamp, Engineering Director reported that interviews are being held next week and hopefully a consultant will be hired before the next Council meeting. Enforcement is a key issue and they need to come up with an enforcement plan. Parents, students and drivers need to be educated. Recommendations will be made before the next school year starts.

Mr. Abrams stated that he feels that the consultants may not get an accurate report once school is out of session.

Mr. Fullenkamp agreed that timing is not our friend and he also would like to get the consultants under contract as soon as possible so that they can witness the situation first hand.

George Bayless, 2422 S. Patterson Blvd. – reported that a mock crash was held at Fairmont High School to educate students, that would be attending the prom, of the dangers of what can happen when wrong choices are made. Two wrecked cars were brought in and four students played accident victims. If they save one life with this mock crash it is worth it. He thanked Police, Fire, EMS and Public Service for participating. He also commended the Planning and Development Department for their quick action in having a neighboring property owner clean up his yard. The yard was mowed last week and it makes the neighborhood look much better.

Gary Gose, AMVETS Kettering Post, 3108 Woodman Drive – they are still accepting applications for membership. Please remember Memorial Day and to put out your flag. On June 3, 2006 they will be going to the Veterans Administration and if anyone would like to go along, please contact the Post. Also, if anyone has any torn or worn flags that need to be disposed of, please bring them to the post for proper disposal.

EXECUTIVE SESSION

Mayor Patterson called for a motion to go into Executive Session. Mr. Duke moved to enter into Executive Session to discuss Personnel Matters. Mrs. Lehner seconded the motion. The motion was carried by a unanimous roll call vote.

Council entered into Executive Session at 8:39 p.m.

Council came out of executive session and opened up into regular session at 9:42 p.m.

Mr. Duke moved to adjourn the meeting. Mr. Spolrich seconded this motion. Upon a unanimous roll call vote the motion passed.

There being no further business to come before this meeting of the Kettering City Council, Mayor Patterson adjourned the meeting at 9:45 p.m.

ATTEST:

Connie S. Gaw  
Clerk of Council

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DONALD E. PATTERSON, MAYOR