



# CITY OF KETTERING

PEGGY LEHNER, MAYOR • JACQUE FISHER, VICE MAYOR  
BRYAN N. SUDDITH • LISA DUVAL • SHANE SULLIVAN • JYL HALL • BOB SCOTT

## KETTERING COUNCIL AGENDA

July 9, 2024

Kettering Government Center – South Building  
3600 Shroyer Rd. Kettering, Ohio 45429

6:00 P.M.      **WORKSHOP**      Deeds Room  
7:30 P.M.      **REGULAR MEETING**      Council Chambers

### PLEDGE OF ALLEGIANCE

### INVOCATION

### APPROVAL OF MINUTES

June 25, 2024 - Council Meeting & Workshop Minutes

### PROCLAMATIONS, SPECIAL PRESENTATIONS, AWARDS, SPECIAL RESOLUTIONS, APPOINTMENTS TO BOARDS AND COMMISSION

Proclamation      Parks & Recreation Month  
Proclamation      Kettering Sister Cities Youth Exchange Program Day

### PUBLIC HEARINGS

### PUBLIC COMMENT ON LEGISLATION

(5 Minute Limit per Speaker)

### ORDINANCES IN SECOND READING

### RESOLUTIONS

1. Authorizing the City Manager to submit an application to the Ohio Department of Transportation's Municipal Bridge Program for funding of the Galewood Street Bridge Project (City Project 03-928B).
2. To declare the necessity and intention of acquiring property interests in project parcels 4-WD and 4-T of the MOT-W. Stroop Sidewalk Phase 2 (City Project Number 05-213F, ODOT PID NO. 113340).
3. Authorizing the City Manager to contract with South Community Inc. for crisis intervention program support services.
4. To amend Resolution 9912-17 regarding the approval of the petition for additional territories to the Energy Special Improvement District.

### ORDINANCES IN FIRST READING

### CERTIFICATIONS AND PETITIONS

### MANAGER'S REPORT/COMMUNITY UPDATE

### OTHER BUSINESS NOT ON WRITTEN AGENDA

Audience Participation (5 Minute Limit per Speaker)

### CITY COUNCIL REPORT/UPDATE

*The City of Kettering wishes to make certain that all citizens have the opportunity to actively participate in their local government. If you have a disability and require accommodations to participate in a Council meeting, please contact the Clerk of Council at 296-2416 so that reasonable modifications can be made.*

**KETTERING CITY CALENDAR**  
**2024**

July 15	6:00 p.m. 7:00 p.m.	Board of Community Relations Planning Commission
July 18	6:30 p.m.	Sustainability Committee
July 22	7:00 p.m. 7:30 p.m.	Board of Zoning Appeals Sister Cities Committee
July 23	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting

# P roclamation

**Whereas:** *Parks and Recreation Departments are an integral part of communities throughout this country; and*

*WHEREAS: Parks and Recreation improves the quality of life for our citizens by building a healthy, active and connected community; and*

*WHEREAS: Parks and Recreation contributes to the economic and environmental well-being of our community and region and provides a place for children and adults to connect with nature and each other; and*

*WHEREAS: Parks and Recreation creates family traditions that are passed down from generation to generation; and create treasured memories; and*

*WHEREAS: The U.S. House of Representatives has designated July as Parks and Recreation Month; and*

*WHEREAS: Kettering, Ohio recognizes the health, societal and environmental benefits derived from Parks and Recreation.*

*NOW, THEREFORE, I, Peggy Lehner, Mayor of the City of Kettering, Ohio, on behalf of City Council and the community, do hereby proclaim*

*July 2024*

*to be*

## **PARKS AND RECREATION MONTH**

*in the City of Kettering, Ohio, and urge all citizens to become involved in the fine leisure programs, facilities and open space areas available to them during the summer months.*

*IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Kettering, Ohio, to be affixed this 9th day of July, in the Year of our Lord, Two Thousand and Twenty-Four.*

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**PEGGY LEHNER**  
*Mayor of the City of Kettering, Ohio*

# Proclamation

## Whereas:

*The Kettering City Council established the Kettering Sister Cities Committee in 1967 with the mission of formulating and developing plans for an active cultural exchange between Kettering and a foreign city; and*

**WHEREAS:** *The Committee researched cities around the world and recommended the City of Steyr, Austria, to be the first Sister City; and*

**WHEREAS:** *The Kettering Sister Cities Committee held events and activities to promote cultural understanding of our Sister Cities, including Spass Nacht, an Austrian festival, and also by participating in the Holiday at Home parade; and*

**WHEREAS:** *The Committee sponsored professional work and teacher exchanges as well as artistic exchanges when the Civic Band, Children's Choir and Youth Ballet performed in both Sister Cities and bands and artists from our Sister Cities performed in Kettering; and*

**WHEREAS:** *The Committee sponsored cultural exchanges between our citizens and the citizens of Steyr, Austria which were hosted by local families to help build relationships; and*

**WHEREAS:** *The first student exchange between Kettering, Ohio, and Steyr, Austria, took place in 1976, and has continued since then, and this year marks the 45th student exchange as we welcome the youth from Steyr; and*

**NOW, THEREFORE, I, Peggy Lehner, Mayor of the City of Kettering, Ohio, do hereby proclaim**

**July 9, 2024**

**to be**

### **SISTER CITIES YOUTH EXCHANGE PROGRAM DAY**

*in the City of Kettering, Ohio, and urge all citizens to join the Kettering City Council on congratulating Kettering Sister Cities on its youth exchange program, and wishing them continued success in promoting peace throughout mutual respect, understanding, and cooperation—one individual, one community at a time.*

**IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Kettering, Ohio, to be affixed this 9th day of July in the Year of our Lord, Two Thousand and Twenty Four.**

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**PEGGY LEHNER**  
Mayor of the City of Kettering, Ohio

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF TRANSPORTATION'S MUNICIPAL BRIDGE PROGRAM FOR FUNDING OF THE GALEWOOD STREET BRIDGE PROJECT (CITY PROJECT 03-928B)**

WHEREAS, the Ohio Department of Transportation's ("ODOT") Municipal Bridge Program ("Program") provides Federal funds to municipal corporations for roadway bridge replacement and bridge rehabilitation projects; and

WHEREAS, the City of Kettering is currently planning the following roadway bridge replacement/rehabilitation project(s):

1. Galewood Street Bridge Project (City Project 03-928B); and

WHEREAS, the roadway bridge project(s) identified above is a qualified project under the ODOT Municipal Bridge Program;

NOW, THEREFORE, Be It Resolved by the Council of the City of Kettering, State of Ohio, that:

Section 1. The City Manager is hereby authorized to make application on behalf of the City of Kettering to the ODOT for funds for the project identified in the recital paragraphs above.

Section 2. The City Manager is further authorized to take all necessary and proper action to accept any funds awarded and execute any related agreements or instruments. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

Section 3. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
AMY J. HAYSLIP,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER III,  
Law Director

(Requested by: Engineering Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**TO DECLARE THE NECESSITY AND INTENTION OF  
ACQUIRING PROPERTY INTERESTS IN PROJECT  
PARCELS 4-WD AND 4-T OF THE MOT-W. STROOP  
SIDEWALK PHASE 2 (CITY PROJECT NO. 05-213F, ODOT  
PID NO. 113340)**

WHEREAS, the City of Kettering desires to implement the West Stroop Road Sidewalk Phase 2 (City Project No. 05-213F, ODOT PID No. 113340) (the "Project"); and

WHEREAS, the Project will benefit and preserve the public peace, health, safety, and welfare of this City by construction of a public sidewalk and other related appurtenances as specified in the Project plans; and

WHEREAS, the acquisition of certain interests in real estate is necessary for completion of said Project;

NOW THEREFORE, Be It Resolved by the Council of the City of Kettering, State of Ohio:

Section 1. This Council deems it necessary to and, in accordance with law, declares its intention to appropriate a fee simple interest in Project Parcel 4-WD and a temporary easement in Project Parcel 4-T as both are described in Exhibit A, attached hereto and incorporated herein (the "Property"). Persons and entities that may claim an interest in the Property are identified in Exhibit A.

Section 2. The purpose of this appropriation is for the construction of a public sidewalk and other related appurtenances as specified in the Project Plans. All elements of the Project are for the purpose of benefiting the public peace, health, safety, and welfare of this City.

Section 3. The Law Director or the Law Director's designee is authorized and directed to cause written notice of the adoption of this Resolution to be given to the owner(s), person(s) in possession of, or having an interest of record in, the Property or their authorized agent. The notice will be served and a return made in the manner provided for the service and return of summons in civil actions. The Law Director or the Law Director's designee is further authorized, if necessary, to cause notice to be given by publication once a week for three consecutive weeks in a newspaper of general circulation in this City or as provided in R.C. §7.16.

Section 4. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL:

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AMY J. HAYSLIP,  
Clerk of Council

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THEODORE A. HAMER III  
Law Director

Estimated Cost:     \$3,430.00  
Amount Budgeted:   \$3,430.00  
Acct. No.:           5704-77750 (temporary right-of-way)  
                          5704-77760 (permanent right-of-way)

(Requested by Engineering Department)

**EXHIBIT A**

W. STROOP SIDEWALK PHASE 2 (CITY PROJECT NO. 05-213F, ODOT PROJECT MOT-W. STROOP SIDEWALK PHASE 2, PID NO. 113340)

**Parcel 4-WD (Permanent)**

4-WD = 0.0258 acres ± fee simple (permanent).

**Parcel 4-T (Temporary)**

4-T = 0.0398 acres ± temporary easement

**Property Address/Location:**

735 W. Stroop, Kettering, OH 45429-1333

**Owner(s) and Other Parties claiming an Interest:**

Lakestone, LLC  
Nationstar Mortgage, LLC  
Montgomery County Treasurer  
State of Ohio Department of Taxation

**Total Value of Property Interests To Be Acquired:**

\$3,430.00

**Legal descriptions of Parcels 4-WD and 4-T follow this page.**



**PARCEL 4-WD  
MOT-W. STROOP SIDEWALK PHASE 2  
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE  
IN THE FOLLOWING DESCRIBED PROPERTY  
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS  
IN THE NAME AND FOR THE USE OF THE  
CITY OF KETTERING, OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

(Surveyor's description of the premises follows)

Situate in the City of Kettering, County of Montgomery, State of Ohio, Section 5, Town 1, Range 6 M.Rs., being part of a 4.653 acre parcel of land owned by Lakestone, LLC, as recorded in IR DEED 21-018985 of the records of the Montgomery County Recorder's Office and being more particularly described as follows:

Being on the LEFT side of the centerline of right-of-way of W. Stroop Road, as shown on the W. Stroop Road Centerline Location Plan as recorded in Plat Book \_\_\_\_\_, Page \_\_\_\_\_ (I.R. Plat 24-\_\_\_\_\_) and being located within the following described points in the boundary thereof:

All references herein to station and offset are to the centerline of right-of-way of W. Stroop Road.

BEGINNING, for reference, at a concrete monument found at the southwest corner of Lot 3 of the Hidden Valley Plat recorded on Plat Book 87, Page 38 as conveyed to Stacey Lynn and Luigi Carone as recorded on I.R. Deed 21-027859, being located at 60.00 feet left, Station 81+56.18;

thence with the existing north right-of-way line of West Stroop Road, *North 75°02'32" West* for a distance of *347.84 feet* to a point, being located at 59.63 feet left, Station 78+08.49;

thence with the existing east property line of said 4.653 acre parcel of land and the west line of a 0.1432 acre parcel of land conveyed to City of Kettering recorded on Deed Book 2250, Page 483, on a curve to the right with an arc length of 22.98 feet, a radius of 161.14 feet, a delta angle of 08°10'20", a chord bearing South 14°31'31" West, a chord distance of 22.96 feet to an iron pin set, being located at 36.67 feet left, Station 78+08.70, said point being the TRUE POINT OF BEGINNING of the parcel herein described;

thence with the existing east property line of said 4.653 acre parcel of land and the west line of said 0.1432 acre parcel of land, on a curve to the right with an arc length of 6.69 feet, a

**EXHIBIT A**

LPA RX 851 WD

Ver. Date 03/26/24

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radius of 161.14 feet, a delta angle of  $02^{\circ}22'47''$ , a chord bearing South  $19^{\circ}48'04''$  West, a chord distance of 6.69 feet to a point, being located at 30.00 feet left, Station 78+08.13;

thence with the existing east property line of said 4.653 acre parcel of land and the west line of said 0.1432 acre parcel of land, *South  $20^{\circ}58'27''$  West* for a distance of *30.54 feet* to a point, being located 0.37 feet right, Station 78+04.92;

thence with the existing south property line of said 4.653 acre parcel of land and also being the south line of said Section 5, *North  $75^{\circ}02'32''$  West* for a distance of *166.15 feet* to a point, being located at 0.31 feet right, Station 76+38.77;

thence with the existing west property line of said 4.653 acre parcel of land and the east line of a 0.5298 acre parcel of land conveyed to City of Kettering recorded on Deed Book 2250, Page 483, *North  $20^{\circ}27'16''$  East* for a distance of *37.15 feet* to an iron pin set, being located at 36.67 feet left, Station 76+42.34;

thence with the proposed north right-of-way line of West Stroop Road, *South  $75^{\circ}03'48''$  East* for a distance of *166.36 feet* to the TRUE POINT OF BEGINNING of the parcel herein described.

The above described area is contained within Montgomery County Auditor's Parcel Number N64 03304 0110 and contains 0.1413 acres, gross, of which 0.1158 acres is PRO (present road occupied), leaving a net take of 0.0255 acres, more or less, and being subject to all legal highway and any easements or restrictions of record.

Prior instrument reference as of the date this survey was prepared: IR DEED 21-018985 in the Deed Records of Montgomery County, Ohio.

This description was prepared and reviewed on March 26, 2024, by the City of Kettering Engineering Department.

This description is based on a survey made under the direction and supervision of Lee M. Thieman, Registered Surveyor Number 8758 in January 2018.

**EXHIBIT A**

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Monuments referred to as iron pins set are 30 inch long No. 5 iron pin with a yellow cap stamped "City of Kettering". Right-of-way monuments called for as set herein will be set upon the completion of the acquisition process.

All bearings shown are for project use only. They are based on 1983 North American Datum (2011 Adjustment) State Plane Coordinates (Ohio South Zone 3402) as determined by the City of Kettering.

\_\_\_\_\_  
Lee M. Thieman, Ohio Registered Surveyor No. 8758

\_\_\_\_\_  
Date

**PARCEL 4-T  
MOT-W. STROOP SIDEWALK PHASE 2  
TEMPORARY EASEMENT FOR THE PURPOSE OF  
PERFORMING THE WORK NECESSARY FOR  
SIDEWALK GRADING  
FOR 12 MONTHS FROM DATE OF ENTRY BY  
CITY OF KETTERING, OHIO**

(Surveyor's description of the premises follows)

Situate in the City of Kettering, County of Montgomery, State of Ohio, Section 5, Town 1, Range 6 M.Rs., being part of a 4.653 acre parcel of land owned by Lakestone, LLC, as recorded in IR DEED 21-018985 of the records of the Montgomery County Recorder's Office and being more particularly described as follows:

Being on the LEFT side of the centerline of right-of-way of W. Stroop Road, as shown on the W. Stroop Road Centerline Location Plan as recorded in Plat Book \_\_\_\_\_, Page \_\_\_\_\_ (I.R. Plat 23-\_\_\_\_\_) and being located within the following described points in the boundary thereof:

All references herein to station and offset are to the centerline of right-of-way of W. Stroop Road.

BEGINNING at the southeast corner of said 4.653 acre parcel of land, and on the north right of way of Stroop Road, being located at 59.59 feet left, Station 79+06.31;

thence with the existing north right of way line and the south property line of said 4.653 acre parcel of land, *North 75°02'32" West* for a distance of *97.82 feet* to a point, being located at 59.63 feet left, Station 78+08.49, said point being the TRUE POINT OF BEGINNING of the parcel herein described;

thence with the existing east property line of said 4.653 acre parcel of land, on a curve to the right with an arc length of 22.98 feet, a radius of 161.14 feet, a delta angle of 08°10'20", a chord bearing South 14°31'31" West, a chord distance of 22.96 feet to an iron pin set, being located at 36.67 feet left, Station 78+08.70;

thence with the proposed north right-of-way line of W. Stroop Road and a new division line, *North 75°03'48" West* for a distance of *166.36 feet* to an iron pin set, being located at 36.67 feet left, Station 76+42.34;

thence with the existing west property line of said 4.653 acre parcel of land, *North 20°27'16" East* for a distance of *23.13 feet* to a point, being located at 59.69 feet left, Station 76+44.57;

thence with a new temporary easement the following four (4) courses:

**EXHIBIT A**

LPA RX 887 T

Ver. Date 03/26/24

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PID 110255

- 1) *South 75°02'32" East* for a distance of *57.48 feet* to a point, being located at 59.67 feet left, Station 77+02.04;
- 2) *South 6°55'46" West* for a distance of *20.17 feet* to a point, being located at 39.70 feet left, Station 77+04.85;
- 3) *South 74°58'47" East* for a distance of *100.09 feet* to a point, being located at 39.55 feet left, Station 78+04.94;
- 4) *North 25°04'16" East* for a distance of *20.40 feet* to the TRUE POINT OF BEGINNING of the parcel herein described.

The above described area is contained within Montgomery County Auditor's Parcel Number N64 03304 0110 and contains 0.0398 acres, more or less, and being subject to all legal highway and any easements or restrictions of record.

Prior instrument reference as of the date this survey was prepared: IR DEED 21-018985 in the Deed Records of Montgomery County, Ohio.

This description was prepared and reviewed on March 26, 2024 by the City of Kettering Engineering Department.

This description is based on a survey made under the direction and supervision of Lee M. Thieman, Registered Surveyor Number 8758 in January 2018.

All bearings shown are for project use only. They are based on 1983 North American Datum (2011 Adjustment) State Plane Coordinates (Ohio South Zone 3402) as determined by the City of Kettering.

\_\_\_\_\_  
Lee M. Thieman, Ohio Registered Surveyor No. 8758

\_\_\_\_\_  
Date

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO CONTRACT WITH  
SOUTH COMMUNITY INC. FOR CRISIS INTERVENTION  
PROGRAM SUPPORT SERVICES**

Be It Resolved by the Council of the City of Kettering, State of Ohio, that:

Section 1. Pursuant to Subsection I of Section 152.02 of the Codified Ordinances of the City of Kettering, the City Manager is authorized, on behalf of the City, to enter into one or more agreements with South Community Inc. for crisis intervention program support services, waiving sealed bidding. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

Section 2. As provided in Section 4-8 of the City Charter, this Resolution shall take full force and effect immediately upon its adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
AMY J. HAYSLIP,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER III,  
Law Director

Estimated Cost:     \$31,140.00  
Amount Budgeted:   \$31,140.00  
Acct. No.:            0600-72550

(Requested by: Police Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**TO AMEND RESOLUTION 9912-17 REGARDING  
THE APPROVAL OF THE PETITION FOR ADDITIONAL  
TERRITORIES TO THE ENERGY SPECIAL  
IMPROVEMENT DISTRICT**

WHEREAS, on January 24, 2017, the Council (the "Council") of the City of Kettering (the "City") adopted Resolution No. 9912-17 (the "ESID Approval Legislation"); and

WHEREAS, the ESID Approval Legislation approved the Articles of Incorporation of the Dayton Regional Energy Special Improvement District, Inc. (the "Articles of Incorporation") and the *Dayton Regional Energy Special Improvement District Program Plan* (the "Plan"), all in accordance with Ohio Revised Code Chapter 1710; and

WHEREAS, the ESID Approval Legislation further provided the Council's consent to (i) any addition of real property to the territory of the Dayton Regional Energy Special Improvement District (the "District") within the boundaries of any municipal corporation or any township which is contiguous to a Participating Political Subdivision of the District under law; (ii) the addition of the municipal corporation or township in which such real property is located as a Participating Political Subdivision of the District, as defined in Ohio Revised Code Section 1710.01(E); and (iii) any amendment to the Amended Articles of Incorporation necessary to recognize or effect such addition; and

WHEREAS, Ohio Revised Code Chapter 1710 has been amended to enable political subdivisions within a single county or within counties that adjoin one another to become participating political subdivisions of a single energy special improvement district regardless of whether such political subdivisions are contiguous; and

WHEREAS, in order to enable the District to expand to include any political subdivision which may become a participating political subdivision of the District under law, this Council desires to amend the ESID Approval Legislation in order to consent to any such addition, as set forth in this Resolution;

NOW, THEREFORE, Be It Resolved by the Council of the City of Kettering, State of Ohio, that:

Section 1. Section 2 of the ESID Approval Legislation passed on January 24, 2017 is hereby amended by deleting the current Section and replacing it with the following:

This Council hereby approves and consents to (i) any addition of real property to the territory of the District within the boundaries of any municipal corporation or any township which is or may become a Participating Political Subdivision of the District under law; (ii) the addition of the municipal corporation or township in which such real property is located as a Participating Political Subdivision of the District, as defined in Ohio Revised Code Section 1710.01(E); and (iii) any amendment to the Amended Articles of Incorporation necessary to recognize or effect such addition.

Section 2. Except as expressly amended by this Resolution, Resolution 9912-17 shall remain unchanged and in full force and effect.

Section 3. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this legislative resolution were taken in an open meeting of this Council or any of its committees, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

Section 4. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

\_\_\_\_\_  
PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
AMY J. HAYSLIP,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER III,  
Law Director

(Requested by: City Manager's Office)