



CITY OF KETTERING

DONALD E. PATTERSON, MAYOR • ROBERT SCOTT, VICE MAYOR
BRUCE E. DUKE • TONY KLEPACZ • BILL LAUTAR • AMY SCHRIMPF • JOSEPH D. WANAMAKER

KETTERING COUNCIL AGENDA

October 10, 2017

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

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

PLEDGE OF ALLEGIANCE

INVOCATION

APPROVAL OF MINUTES

September 26, 2017- Council Meeting & Workshop Minutes

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

Appointment Regional Transit Authority Board of Trustees – Franz Hoge (Term ending 10/31/20)
Presentation Sinclair Community College Levy

PUBLIC HEARINGS

PUBLIC COMMENT ON LEGISLATION

(5 Minute Limit per Speaker)

ORDINANCES IN SECOND READING

RESOLUTIONS

1. Accepting the rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying same to the Montgomery County and Greene County Auditors.
2. Authorizing the City Manager to accept a donation of Unmanned Aerial System (UAS) Equipment from the Fraternal Order of Police Associates (FOPA).
3. Authorizing the City Manager to enter into an Economic Development Incentive Grant agreement with Northwestern Tools, Inc.
4. Authorizing the City Manager to apply for a Safety Grant from the Ohio Bureau of Workers' Compensation.
5. Authorizing the City Manager to accept a donation of \$10,000 from the Kettering Parks Foundation.
6. Authorizing the City Manager to enter into a contract with the State of Ohio and a third party, independent public accountant for audit services for audit years 2017 through 2021.
7. Authorizing the submission of applications for Federal FAST Act funds through the Miami Valley Regional Planning Commission.
8. Approving an additional expenditure of funds in the amount of \$84,680 for repairs to traffic signals in 2017.
9. Authorizing the City Manager to purchase the real property commonly known as 3729 Wilmington Pike.
10. To make supplemental appropriations for current expenses and other expenditures of the City of Kettering, State of Ohio, during the fiscal year ending December 31, 2017.

ORDINANCES IN FIRST READING

CERTIFICATIONS AND PETITIONS

Certification- Planning Commission has recommended approval of P.C. 17-025 – Modification of EDO-15 - New Entry Signs - Request for the modification of the approved EDO-15 Zoning Document to permit the installation of new entry signage for the Kettering Business Park. A public hearing on this request will be held on Tuesday, October 24, 2017 at the Kettering City Council meeting.

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 2017

October 10	4:00 p.m. 6:00 p.m. 7:30 p.m.	Partners for Healthy Youth Council Workshop City Council Meeting
October 16	7:00 p.m. 7:00 p.m.	Planning Commission Board of Community Relations
October 17	5:00 p.m.	Kettering Arts Council
October 18	8:00 a.m.	Volunteer Advisory Council
October 23	7:00 p.m. 7:30 p.m.	Board of Zoning Appeals Sister Cities
October 24	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

ACCEPTING THE RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING SAME TO THE MONTGOMERY COUNTY AND GREENE COUNTY AUDITORS

WHEREAS, action has been certified to this Council by the Budget Commission, together with an Auditor estimate of the rate of each tax necessary to be levied by this Council both within and without the ten mill tax limitation;

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

Section 1. That the rates, as determined by the Budget Commission in its certification, be, and the same are, hereby accepted.

Section 2. That the following taxes, both within and without the ten mill limitation, be and are hereby levied on the taxable property within this City effective January 1, 2017, collected in 2018:

<u>FUND</u>		<u>MILLS</u>	
General Fund	3.50	(Voted - outside 10 mills)	
General Fund	2.20	(Unvoted - inside 10 mills)	
Police Pension	<u>.30</u>	(Unvoted - inside 10 mills)	
	6.00		
Bond Retirement Fund	<u>.79</u>	(Voted - outside 10 mills)	
TOTAL	6.79		

Section 3. This Council directs the Clerk of Council to forward certified copies of this Resolution to the Montgomery County and the Greene County Auditors.

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 _____ 2017.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

AMY J. HAYSLIP,
Acting Clerk of Council

THEODORE A. HAMER, III,
Law Director

(Requested by Finance Director)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ACCEPT A
DONATION OF UNMANNED AERIAL SYSTEM (UAS)
EQUIPMENT FROM THE FRATERNAL ORDER OF POLICE
ASSOCIATES (FOPA)**

BE IT RESOLVED by the Council of the City of Kettering, State of Ohio, that:

Section 1. The City Manager is hereby authorized to accept from the FOPA a donation of Unmanned Aerial System (UAS) equipment for use by the Kettering Regional SWAT Team.

Section 2. This Resolution shall take full force and effect immediately upon its adoption.

Passed by Council this _____ day of _____ 2017.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

AMY J. HAYSLIP,
Acting Clerk of Council

THEODORE A. HAMER, III,
Law Director

(Requested by: Police Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ENTER INTO AN
ECONOMIC DEVELOPMENT INCENTIVE GRANT
AGREEMENT WITH NORTHWESTERN TOOLS, INC.**

WHEREAS, Northwestern Tools, Inc. ("Northwestern") desires to purchase the property at 4800 Hempstead Station Drive and relocate its business there from 3130 Valleywood Drive; and

WHEREAS, in order to do so, Northwestern requires an economic development incentive grant from the City of Kettering; and

WHEREAS, Northwestern intends to retain approximately 27 full-time equivalent employees after its move with a total annual payroll of approximately \$1.4 million;

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 enter into an Economic Development Incentive Grant Agreement with Northwestern and to provide Northwestern with an incentive estimated at \$65,000 over a 5-year grant period. Additional terms that the City Manager deems are appropriate and in the interest of the City shall also be included. The City Manager is further authorized to sign any necessary agreements and instruments for this transaction and any amendments thereto.

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

Passed by Council this _____ day of _____ 2017.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

AMY J. HAYSLIP,
Acting Clerk of Council

THEODORE A. HAMER, III,
Law Director

Estimated Cost: \$65,000.00 (over a 5 year period)
Amount Budgeted: Will be budgeted beginning in 2018
Acct. No. 0550-72550

(Requested by: City Manager's Office)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO APPLY FOR A
SAFETY GRANT FROM THE OHIO BUREAU OF
WORKERS' COMPENSATION**

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

Section 1. The City Manager is hereby authorized, on behalf of the City of Kettering, to take all necessary and proper action to apply for a \$15,000 Safety Grant from the Ohio Bureau of Workers' Compensation and the Firefighter Exposure to Environmental Elements Grant Program.

Section 2. This Resolution shall take full force and effect immediately upon its adoption.

Passed by Council this _____ day of _____ 2017.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

AMY J. HAYSLIP,
Acting Clerk of Council

THEODORE A. HAMER, III,
Law Director

(Requested by: Fire Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ACCEPT A
DONATION OF \$10,000 FROM THE KETTERING PARKS
FOUNDATION**

WHEREAS, a donation of \$10,000 has been offered to the City of Kettering from the Kettering Parks Foundation; and

WHEREAS, the donation will be used to purchase household paper goods and general cleaning supplies for distribution to underserved families in Kettering through the Partners for Healthy Youth – Kettering Supplies initiative;

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 accept a \$10,000 donation from the Kettering Parks Foundation as described above and to use the donation as described in the recital paragraphs.

Section 2. This Resolution shall take full force and effect immediately upon its adoption.

Passed by Council this _____ day of _____ 2017.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

AMY J. HAYSLIP,
Acting Clerk of Council

THEODORE A. HAMER, III,
Law Director

(Requested by: Parks, Recreation and Cultural Arts Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ENTER INTO A
CONTRACT WITH THE STATE OF OHIO AND A THIRD
PARTY, INDEPENDENT PUBLIC ACCOUNTANT FOR AUDIT
SERVICES FOR AUDIT YEARS 2017 THROUGH 2021**

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

Section 1. The City Manager is hereby authorized to enter into a contract with the State of Ohio and a third party, independent public accountant selected by the Auditor of State for audit services during audit years 2017 through 2021. The City Manager is further authorized to enter into any amendments to said contract as the City Manager determines are in the best interests of the City.

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 _____ 2017.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

AMY J. HAYSLIP,
Acting Clerk of Council

THEODORE A. HAMER, III,
Law Director

Estimated Cost: \$180,000.00 (5 years)
 \$33,200.00 (for 2017)
Funds Available: \$33,200.00
Acct. Nos. 0150, 0352, 3810

(Requested by: Finance Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE SUBMISSION OF APPLICATIONS FOR
FEDERAL FAST ACT FUNDS THROUGH THE MIAMI VALLEY
REGIONAL PLANNING COMMISSION**

WHEREAS, the Miami Valley Regional Planning Commission (“MVRPC”) has solicited local government entities to submit new transportation projects for Federal FAST Act Transportation funds; and

WHEREAS, the following list of projects will be submitted to MVRPC, shown in order of the City’s priority and including the required local match:

1. East David Road Resurfacing – Ackerman to Wilmington (Project No. 02-116Q). Estimated Local Share = \$707,484;
2. West Stroop Road Sidewalk – Overland Trail to NW Southmoor Circle (Project No. 05-213E). Estimated Local Share = \$94,900;
3. East Rahn Road Reconstruction – Centerville Corp. Line to Bigger Road (Project No. 02-130i). Estimated Local Share = \$756,704;

WHEREAS, the City will request that the following exemptions to MVRPC’s Regional Complete Streets Policy be granted:

1. East David Road Resurfacing: Exemption #4 – the project consists of resurfacing of an existing cross-section only.
2. West Stroop Road Sidewalk: No exemption required.
3. East Rahn Road Reconstruction: Exemption #2 – Rahn Road provides adequate infrastructure to accommodate all users, and is complete without further enhancements..

WHEREAS, the City of Kettering will commit to a timely project development schedule; and

WHEREAS, the City of Kettering will commit the necessary resources to support the local cost portion of the projects;

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

Section 1. The City Manager or the City Manager’s designee is authorized to submit applications to MVRPC as set forth in the preamble.

Section 2. The City Manager is hereby directed and authorized to take or cause to be taken all other action necessary and proper to secure the funding sought by the application referred to herein and provide any additional information sought by reviewing agencies during the time the application is under review. The City Manager is further directed and authorized to cause compliance with all reporting requirements of the Miami Valley Regional Planning Commission as part of the funding process.

Section 3. Upon application approval, the City hereby states its commitment to the local contribution for the project as identified in these applications, including local contribution of costs exceeding the current estimates or subsequent revised estimates as accepted by the MVRPC.

Section 4. The Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 5. This Resolution shall take full force and effect immediately upon its adoption.

Passed by Council this _____ day of _____ 2017.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

AMY J. HAYSLIP,
Acting Clerk of Council

THEODORE A. HAMER, III,
Law Director

(Requested by: Engineering Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**APPROVING AN ADDITIONAL EXPENDITURE OF FUNDS IN
THE AMOUNT OF \$84,680 FOR REPAIRS TO TRAFFIC
SIGNALS IN 2017**

WHEREAS, two vehicular crashes this year have resulted in costly repairs to traffic signals at West Stroop and Tait Road and at Woodman Drive and Danube Court; and

WHEREAS, these necessary repairs will be performed under the City's annual Traffic Signal Maintenance contract which requires City Council approval of the additional expenditure of funds; and

WHEREAS, the City is pursuing reimbursement for these repairs through the at-fault drivers' auto insurance companies;

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

Section 1. This Council hereby approves the expenditure of additional funds in the amount of \$84,680 for repairs to the traffic signals at West Stroop and Tait Road and at Woodman Drive and Danube Court.

Section 2. This Resolution shall take full force and effect immediately upon its adoption.

Passed by Council this _____ day of _____ 2017.

DONALD E. PATTERSON, Mayor.

ATTEST:

CERTIFICATE OF APPROVAL

AMY J. HAYSLIP,
Acting Clerk of Council

THEODORE A. HAMER, III,
Law Director

Estimated Cost: \$84,680.00
Amount Budgeted: \$39,000.00
Acct. No.: 0800-72352

(Requested by: Engineering Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO PURCHASE THE
REAL PROPERTY COMMONLY KNOWN AS 3729
WILMINGTON PIKE**

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

Section 1. The City Manager is hereby authorized to purchase the real property commonly known as 3729 Wilmington Pike, Kettering, Ohio for an amount, excluding typical closing and transaction costs, not to exceed \$55,000.00. Additional terms and conditions that the City Manager deems appropriate may also be included. The City Manager is authorized to sign any necessary agreements and instruments, including amendments thereto, for this transaction.

Section 2. This Resolution shall take full force and effect immediately upon its adoption.

Passed by Council this _____ day of _____ 2017.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

AMY J. HAYSLIP,
Acting Clerk of Council

THEODORE A. HAMER, III,
Law Director

Estimated Cost: \$55,000.00
Amount Budgeted: \$55,000.00
Acct. No.: 9101-18100

(Requested by: Planning and Development)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF KETTERING, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2017

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

Section 1. To provide for the current expenses and other expenditures of the City of Kettering during the fiscal year ending December 31, 2017, the following supplemental sums are set aside and appropriated:

A. From the Parks & Recreation Fund:

PARKS & RECREATION DEPARTMENT
Operating Expenses \$ 10,000.00

B. From the Frazee Pavilion Operations Fund:

HUMAN SERVICES
Operating Expenses \$ 147,000.00

C. From the Capital Improvement Fund:

TRAFFIC CONTROLS \$ 84,680.00

Section 2. The Director of Finance is authorized to adjust appropriations within any fund or department as long as the adjustments made do not exceed the total appropriation authorized within that fund or department.

Section 3. The Clerk of Council is authorized and directed to forward a copy of this Resolution to the Montgomery County Auditor.

Section 4. This Resolution shall take full force and effect immediately upon its adoption.

Passed by Council this _____ day of _____ 2017.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

AMY J. HAYSLIP,
Acting Clerk of Council

THEODORE A. HAMER, III
Law Director

(Requested by: Finance Department)

CERTIFICATION

DATE: **October 3, 2017**

TO: **Mayor and Council, City of Kettering**

FROM: **Planning Commission**

SUBJECT: **PC-17-025 – Modification of EDO-15 – New Entry Signs**

Planning Commission hereby certifies that a public hearing was held at their meeting on October 2, 2017 with a decision reached at that meeting.

Planning Commission hereby submits its recommendation to Council that the requested Zoning Text Amendment to EDO-15 be approved.

Vote of the Planning Commission

The motion recommending approval was passed by a vote of 3:0.

Reason for Request

The proposed request is for the modification of the approved EDO-15 Zoning Document to permit the installation of new entry signage for the Kettering Business Park. The original EDO-15 document was written very rigidly, with a complete set of design guidelines and a specific graphic for a single entry sign permitted for this 175 acre development. While the development has one main entry, since the Business Park also now houses the Kettering Municipal Court, some ground signage for this significant public facility is now also appropriate.

Respectfully submitted,

KETTERING PLANNING COMMISSION



By: Ronald L. Hundt, Zoning Administrator
 Planning and Development Department