



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

May 9, 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

April 25, 2017- Council Meeting & Workshop Minutes

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

Proclamation	National Police Week
Proclamation	Bike Month
Certificate of Recognition	Alter Girls Basketball Team- Division II State Champions
Appointment	Kettering Arts Council- Sandra Prell (Term ending 12-31-18)

PUBLIC HEARINGS

PUBLIC COMMENT ON LEGISLATION

(5 Minute Limit per Speaker)

ORDINANCES IN SECOND READING

1. To amend table 41.6 of the City of Kettering Zoning Code.

RESOLUTIONS

2. Authorizing the City Manager to accept from Pickrel, Schaeffer & Ebeling Co., LPA on behalf of the estate of a local citizen a \$2,000.00 donation.
3. Authorizing the City Manager to accept Recycling Incentive Grant funds from the Montgomery County Solid Waste District.
4. To amend Resolution No. 9898-17 authorizing the 2017 Street Maintenance Program.
5. Authorizing the City Manager to seek proposals for the City-owned Street Light LED Conversion Project (City Project No. 07-501).
6. To amend Resolution No. 9923-17.
7. 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

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**

May 8	7:00 p.m.	Board of Zoning Appeals
May 9	4:00 p.m. 6:00 p.m. 7:30 p.m.	Partners for Healthy Youth Council Workshop City Council Meeting
May 15	7:00 p.m. 7:00 p.m.	Planning Commission Board of Community Relations
May 16	5:00 p.m.	Kettering Arts Council
May 17	8:00 a.m.	Volunteer Advisory Council
May 22	7:00 p.m. 7:30 p.m.	Board of Zoning Appeals Sister Cities
May 23	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting
May 29	All Day	Government Center Closed- Memorial Day

P Proclamation

Whereas:

The Congress of the United States of America has designated the week of May 14, 2017 to be dedicated as "National Police Week"; and

WHEREAS: *The law enforcement officers are our guardians of life and property, defenders of the individual right to be free men, warriors in the war against crime, and dedicated to the preservation of life, liberty and the pursuit of happiness; and*

WHEREAS: *The City of Kettering desires to honor the valor, service and dedication of its own Police Officers.*

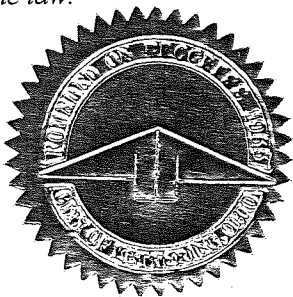
NOW, THEREFORE, I, Donald E. Patterson, Mayor of the City of Kettering, Ohio, do hereby declare

May 14 – May 20, 2017

to be

POLICE MEMORIAL WEEK

in the City of Kettering, Ohio, and call upon our citizens to honor and show our sincere appreciation for the Police Officers of this City by deed, remark and attitude. I call upon all of our citizens to make every effort to express their thanks to our men and women who make it possible for us to leave our homes and family in safety each day and to return to our homes knowing they are protected by those willing to sacrifice their lives, if necessary, to guard our loved ones, property and government against all who would violate the law.



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 May in the Year of our Lord, Two Thousand and Seventeen.

DONALD E. PATTERSON
Mayor of the City of Kettering, Ohio

P Proclamation

Whereas:

The bicycle is an economical, healthy, convenient, and environmentally sound form of transportation and an excellent tool for recreation and enjoyment of Kettering's scenic beauty; and

WHEREAS: *Throughout the month of May, the residents of Kettering and its visitors will experience the joys of bicycling through educational programs, races, commuting events, charity events, or by simply getting out and going for a ride; and*

WHEREAS: *Kettering's road and trail system attracts bicyclists each year, providing economic health, transportation, tourism, and scenic benefits; and*

WHEREAS: *Creating a bicycling-friendly community has been shown to improve citizens' health, well-being, and quality of life, growing the economy of Kettering, attracting tourism dollars, improving traffic safety, supporting student learning outcomes, and reducing pollution, congestion, and wear and tear on our streets and roads; and*

WHEREAS: *There are various events for all ages during the month of May that promote bicycling such as Bike to School Day on May 10, and Bike to Work Day on May 19; and*

WHEREAS: *Bike Miami Valley, Five Rivers Metroparks, The Dayton Cycle Club, the League of American Bicyclists, schools, parks and recreation departments, police departments, public health districts, hospitals, companies and civic groups will be promoting bicycling during the month of May 2017; and*

WHEREAS: *These groups are also promoting bicycle tourism year round to attract more visitors to enjoy our local restaurants, hotels, retail establishments, and cultural and scenic attractions; and*

WHEREAS: *These groups are also promoting greater public awareness of bicycle operation and safety education in an effort to reduce collisions, injuries, and fatalities and improve health and safety for everyone on the road; and*

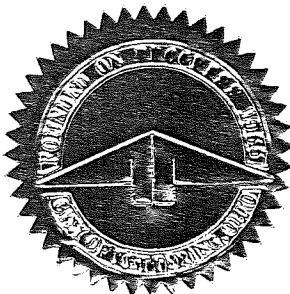
NOW, THEREFORE, I Donald E. Patterson, Mayor of the City of Kettering, Ohio, on behalf of the community, do hereby proclaim

MAY 2017

to be

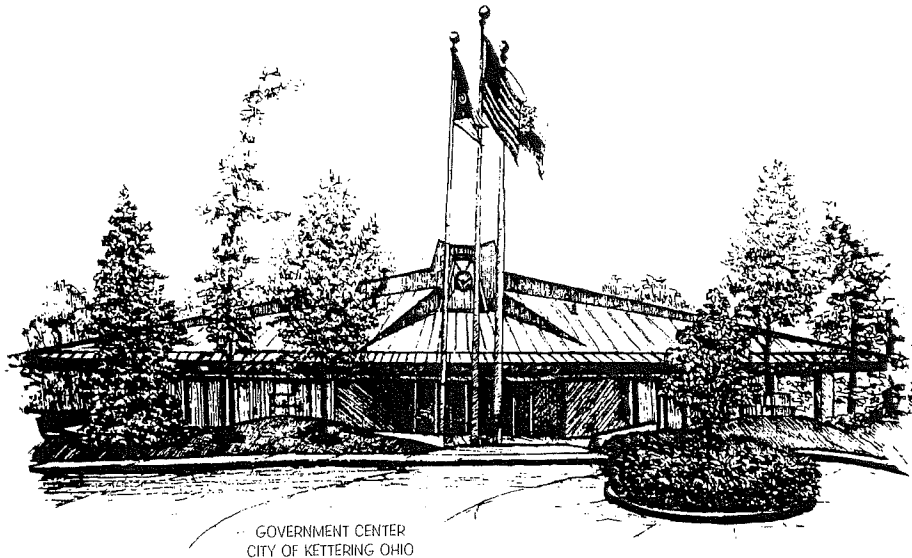
NATIONAL BIKE MONTH

in the City of Kettering, Ohio and encourage all citizens to recognize the importance of bicycle safety and be more aware of cyclists on our streets and highways.



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 May in the Year of our Lord, Two Thousand and Seventeen.

DONALD E. PATTERSON
Mayor of the City of Kettering, Ohio



CERTIFICATE OF CONGRATULATIONS
is hereby presented to

**ALTER HIGH SCHOOL
GIRLS BASKETBALL TEAM**

**2017 DIVISION II
STATE CHAMPIONS**

Special commendation is due all team members, coaches and staff, for the hard-fought and successful Girls Basketball season.

Winning the Division II State Championship exemplifies the superiority of these talented athletes, their perseverance, hard work, and sportsmanship. Your triumph has brought distinction and honor to Alter High School and to the region.

The City Council and the Citizens of Kettering join in expressing our pride in your exceptional accomplishment and offer sincere congratulations and best wishes for continued success.

Presented this 9th day of May 2017.

DONALD E. PATTERSON
Mayor of Kettering

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

**TO AMEND TABLE 41.6 OF THE CITY OF
KETTERING ZONING CODE**

WHEREAS, on March 6, 2017 after giving the required notice, the City of Kettering Planning Commission conducted a public hearing regarding an application to amend Table 41.6 of the Zoning Code in Planning Commission Case No. PC-17-007; and

WHEREAS, after the public hearing, the Kettering Planning Commission voted to recommend that City Council approve the proposed amendments; and

WHEREAS, on March 28, 2017, after giving the required notice, this City Council held a public hearing regarding the Kettering Planning Commission's recommendation;

NOW, THEREFORE, Be It Ordained by the Council of the City of Kettering, State of Ohio, at least five members concurring, that:

Section 1. Having considered the report and recommendation of the Planning Commission, the criteria set forth in Sections 1153.12.9, Consistency, through 1153.12.15, Other Factors, of Chapter 1153 of the Zoning Code, and the staff report and evidence presented at the public hearing, City Council finds that the application to amend the Zoning Code should be approved. Therefore, the amendment(s) shown on Exhibit A, attached hereto and incorporated herein, are hereby approved.

Section 2. The Planning and Development Director of this City shall prepare a revised version of the Zoning Code to reflect and properly incorporate the amendment(s).

Section 3. This ordinance shall take full force and effect from and after the earliest period provided by law.

Passed by Council this _____ day of _____ 2017.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL:

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

(Requested by: Planning and Development Department)

EXHIBIT A

(2 Total Pages Including This Page.)

Key to Proposed City of Kettering Zoning Code Amendments:

1. Existing language appears in regular type. Example: text
2. Existing language to be deleted appears in strikethrough. Example: ~~text~~
3. New language to be added appears in underline. Example: text

Table 41.6 - Setbacks Required

Front Yard Setback	25' minimum*
Side Yard Setback	10' minimum, unless adjoining an R use or district then 15' minimum or 1/2 of the building's height, whichever is greater.
Street Side Yard Setback	15' minimum
Rear Yard Setback	15' minimum, unless adjoining an R use or district then 40' minimum or 1/2 of the building's height, whichever is greater.

*Note to Table 41.6: Educational Institutions and Places of Worship located within Suburban Development Pattern District shall be eligible for a 75% reduction of the front yard setback subject to the satisfaction of the following conditions:

1. The front lot line must have at least 1000' of continuous frontage along a single thoroughfare;
2. The encroachment shall maintain a minimum setback from any residentially used property equal to the width of the adjacent thoroughfare's right-of-way plus 25'; and
3. The height of the encroachment shall be limited to 30' in height.

Building Height

The maximum height of all Principal Structures shall be 45'. However, if a Principal Structure is within 100' of a single unit or duplex residential use the maximum height of the Principal Structure shall be 30'. See also Figure 41.4 - Measuring Height, Section 1141.01.6.

1141.07 SUBURBAN SERVICE DEVELOPMENT PATTERN DISTRICT (SS)

1141.07.1 Description

The Suburban Service (SS) Development Pattern District provides primarily medium density housing and service uses with limited neighborhood-oriented retail and small office uses in medium and low-rise structures built along major roadways. This district is principally served by motorized transportation, but may also be reached by pedestrians and active modes of transportation. The Suburban Service Development Pattern District provides a buffer between higher density commercial nodes, busy roadways, and lower density residential neighborhoods.

BUILDING ENVELOPE

Building Orientation

Overhead doors and service bays may face a public Right-of-Way, Public Park or Plaza subject to the following conditions:

- A. Such openings that are 75% transparent or greater in their ratio of clear material to opaque material, shall be buffered with a continuous hedge or berm, or a combination of the two, no less than 5' in height.

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ACCEPT FROM
PICKREL, SCHAEFFER & EBELING CO., LPA ON BEHALF OF
THE ESTATE OF A LOCAL CITIZEN A \$2,000.00 DONATION**

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 Pickrel, Schaeffer & Ebeling Co., LPA on behalf of the estate of a local citizen a \$2,000.00 donation. The donated funds will be used for the purchase of fire equipment which will enhance the safety and operational efficiency of the Fire Department.

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

LASHAUNAH D. KACZYNSKI,
Clerk of Council

MARGARET A. PASQUALONE
Acting Law Director

(Requested by: Fire Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ACCEPT
RECYCLING INCENTIVE GRANT FUNDS FROM THE
MONTGOMERY COUNTY SOLID WASTE DISTRICT**

WHEREAS, the City has applied for Recycling Incentive Grant funds from the Montgomery County Solid Waste District in the amount of \$571.80; and

WHEREAS, said Grant funds will be used to purchase recycling pens which will be distributed at the City's block party; and

WHEREAS, the grant requires a matching contribution from the City of \$171.54; and

WHEREAS, the City's grant application has been approved;

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

Section 1. The City Council hereby authorizes the City Manager to take all necessary and proper action to accept the above-described grant from the Montgomery County Solid Waste District. Further, this Council hereby affirms all matters and statements included in the grant application and authorizes the expenditure of the necessary matching funds to implement said grant.

Section 3. 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

LASHAUNAH D. KACZYNSKI,
Clerk of Council

MARGARET A. PASQUALONE,
Acting Law Director

Estimated Cost: \$571.80 (\$400.26– Montgomery County Solid Waste District;
\$171.54 – City of Kettering)
Amount Budgeted: \$571.80
Acct. No.: Special Grants and Programs Fund

(Requested by: Engineering Department)

**CITY OF KETTERING, OHIO
A RESOLUTION**

By:

No.

**TO AMEND RESOLUTION NO. 9898-17 AUTHORIZING
THE 2017 STREET MAINTENANCE PROGRAM**

WHEREAS, Resolution No. 9898-17 authorized the City Manager to enter into contracts for the 2017 Street Maintenance Program; and

WHEREAS, the 2017 Concrete Repair Program is included in the 2017 Street Maintenance Program and the cost for the Concrete Repair Program was estimated at \$125,000.00; and

WHEREAS, bids for the 2017 Concrete Repair Program were higher than estimated; and

WHEREAS, it is necessary for additional concrete work to be performed at the Public Service Center at an additional estimated cost of \$21,027.00

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

Section 1. Resolution No. 9898-17 is amended to show an estimated cost of \$170,161.00 for the 2017 Concrete Repair Program.

Section 2. In all other respects, Resolution No. 9898-17 shall remain in full force and effect.

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 _____ 2017.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

MARGARE A. PASQUALONE,
Acting Law Director

Estimated Cost: \$170,161.00
Amount Budgeted: \$150,000.00
Acct. No.: 5220-77750

(Requested by: Public Service Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO SEEK PROPOSALS
FOR THE CITY-OWNED STREET LIGHT LED CONVERSION
PROJECT (CITY PROJECT NO. 07-501)**

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

Section 1. The City Manager is hereby authorized to seek proposals for the City-owned Street Light LED Conversion Project (City Project No. 07-501).

Section 2. 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

LASHAUNAH D. KACZYNSKI,
Clerk of Council

MARGARET A. PASQUALONE,
Acting Law Director

(Requested by: Engineering Department)

**CITY OF KETTERING, OHIO
A RESOLUTION**

By:

No.

TO AMEND RESOLUTION NO. 9923-17

WHEREAS, Resolution No. 9923-17 authorized the City Manager to purchase certain vehicles and equipment, including mowers; and

WHEREAS, it has been determined that it is necessary to change the size and number of mowers to be purchased;

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

Section 1. The words and numbers of Section 1(j) of Resolution No. 9923-17 are repealed and replaced with the following words and numbers:

“j. 5 Mowers Parks \$78,800”

Section 2. In all other respects, Resolution No. 9923-17 shall remain in full force and effect.

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 _____ 2017.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

MARGARET A. PASQUALONE
Acting Law Director

Estimated Cost (for mowers): \$78,800.00
Amount Budgeted: \$87,600.00
Acct. Nos.: 2453-72220 (\$68,300.00)
 2453-77740 (\$10,500.00)

(Requested by: Public Service Department)

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 General Fund:

FIRE DEPARTMENT	
Operating Expenses	\$ 2,000.00

TRANSFERS TO OTHER FUNDS	
DESC Reuse Funds	\$ 40,000.00

B. From the DESC Reuse Fund:

Defense Electronics Supply Center (DESC) Reuse	\$ 40,000.00
--	--------------

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

LASHAUNAH D. KACZYNSKI,
Clerk of Council

MARGARET A. PASQUALONE
Acting Law Director

(Requested by: Finance Department)