



CITY OF KETTERING

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

KETTERING COUNCIL AGENDA

May 26, 2020

****REMOTE TELECONFERENCE MEETING****

****NOTE: DUE TO THE COVID-19 PANDEMIC AND RESULTING STATE OF EMERGENCY, THE MAY 26, 2020 MEETING OF THE KETTERING CITY COUNCIL WILL BE CONDUCTED BY TELECONFERENCE WITH VIDEO. ALTHOUGH NO ONE WILL BE IN OR BE ABLE TO ACCESS COUNCIL CHAMBERS DURING THE MEETING, THE PUBLIC MAY STILL OBSERVE AND HEAR THE MEETING THROUGH VARIOUS MEANS. THE MEETING WILL BE TELEVISED AS USUAL ON MVCC CABLE CHANNEL 6 AND STREAMED LIVE OVER THE INTERNET AT MVCC.NET. IT WILL ALSO BE RECORDED AND AVAILABLE FOR LATER VIEWING AT MVCC.NET.**

CITIZENS WISHING TO SPEAK TO CITY COUNCIL DURING THE MEETING SHOULD CONTACT THE CLERK OF COUNCIL'S OFFICE BY PHONE AT (937) 296-2416 DURING NORMAL BUSINESS HOURS OR SEND AN EMAIL TO KETTERINGMAYORCOUNCIL@KETTERINGOH.ORG FOR INSTRUCTIONS. (THIS EMAIL ADDRESS WILL BE MONITORED DURING THE MEETING.) AFTER COMPLETING THE INSTRUCTIONS, CITIZENS WAITING TO SPEAK WILL BE MUTED UNTIL THAT PORTION OF THE MEETING WHERE CITIZEN COMMENTS ARE HEARD AND IT IS THEIR TURN TO SPEAK. BEFORE SPEAKING, ALL CITIZENS MUST STATE THEIR NAME AND ADDRESS FOR THE RECORD. SPEAKERS MUST BE RESPECTFUL. THERE IS A FIVE MINUTE LIMIT PER SPEAKER.

THE MAY 26, 2020 WORKSHOP MEETING OF THE KETTERING CITY COUNCIL WILL BE CONDUCTED BY TELECONFERENCE WITH VIDEO. THE PUBLIC MAY OBSERVE AND HEAR THE MEETING VIA LIVE STREAM ON YOUTUBE.COM AT

https://www.youtube.com/channel/UCI_SOPAtN4vZoPrJRFpVvQ?view_as=subscriber

THE WORKSHOP MAY INCLUDE AN EXECUTIVE SESSION THAT IS NOT OPEN TO THE PUBLIC AND WILL NOT BE STREAMED.

6:00 P.M. **WORKSHOP** Teleconference
7:30 P.M. **REGULAR MEETING** Teleconference

PLEDGE OF ALLEGIANCE

INVOCATION

QUORUM ROLL CALL

APPROVAL OF MINUTES

May 12, 2020- Council Meeting & Workshop Minutes

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

PUBLIC HEARINGS

PUBLIC COMMENT ON LEGISLATION

(5 Minute Limit per Speaker)

ORDINANCES IN SECOND READING

RESOLUTIONS

1. Authorizing completion of Ohio Department of Transportation (“ODOT”) Project MOT-835-1.27/2.73, PID 103421, within the City of Kettering and authorizing the City Manager to enter into one or more related contracts with ODOT.
2. Authorizing the City Manager to enter into a Façade and Site Improvement Grant Agreement for the property located at 3131 Wilmington Pike.
3. In support of fair, direct federal emergency support to reopen and rebuild local American economies.
4. 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, 2020.

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
2020

May 25	All Day	Government Center Closed- Memorial Day
May 26	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting
June 1	7:00 p.m.	Planning Commission
June 4	4:00 p.m.	Parks, Recreation and Cultural Arts Advisory Board
June 8	7:00 p.m.	Board of Zoning Appeals

June 9

4:00 p.m.

6:00 p.m.

7:30 p.m.

Partners for Healthy Youth

Council Workshop

City Council Meeting

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING COMPLETION OF OHIO DEPARTMENT OF
TRANSPORTATION (“ODOT”) PROJECT MOT-835-1.27/2.73,
PID 103421, WITHIN THE CITY OF KETTERING AND
AUTHORIZING THE CITY MANAGER TO ENTER INTO ONE
OR MORE RELATED CONTRACTS WITH ODOT**

WHEREAS, ODOT has determined the need for mill and fill with asphalt concrete on State Route 835, Straight Line Mile 1.27 to 1.64 and 2.73 to 3.16, more or less, within the City of Kettering, Montgomery County, Ohio, ODOT Project MOT-835-1.27/2.73, PID 103421 (the “Project”);

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

Section 1. Council finds that the Project is in the public interest and gives consent to ODOT to complete the Project. The City Manager is authorized to cooperate with ODOT in execution of the Project.

Section 2. In relation to the Project:

The City agrees to participate in the cost of the Project;

The City further agrees to pay 100% of the cost of those features requested by the City which are determined by the State and Federal Highway Administration to be unnecessary for the Project;

The City further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. ODOT shall not approve a change order or extra work contract until it first gives notice, in writing, to the City. The City shall contribute its share of the cost of these items in accordance with other sections herein;

The City further agrees to pay 100% of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act.

Section 3. The City Manager is authorized to enter into and execute contracts with ODOT which are necessary to develop plans for and to complete the Project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

Upon request of ODOT, the City Manager is also authorized to execute any appropriate documents to affect the assignment of all rights, title, and interest of the City to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

Section 4. The City agrees that all right-of-way required for the described Project will be acquired and/or made available in accordance with current State and Federal regulations. The City also understands that right-of-way costs include eligible utility costs.

The City further agrees that all utility accommodation, relocation and reimbursement for the Project, if any, will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 5. Upon completion of the Project, and unless otherwise agreed, the City will: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

Section 6. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this _____ day of _____ 2020.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost: \$400,000.00
Amount Budgeted: \$400,000.00
Account No.: 2070-77750

(Requested by: Engineering Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ENTER INTO A
FAÇADE AND SITE IMPROVEMENT GRANT AGREEMENT
FOR THE PROPERTY LOCATED AT 3131 WILMINGTON PIKE**

WHEREAS, in Resolution No. 9393-13, this City Council approved and authorized the City of Kettering Façade and Site Improvement Program ("Program") to provide financial assistance to property owners in order to improve and encourage reinvestment in the Wilmington Pike Corridor and thereby benefit the public health, safety, and welfare; and

WHEREAS, the owner of the property located at 3131 Wilmington Pike (the "Property") wants to make façade and site improvements to the Property (the "Project") but needs financial assistance in order to do so;

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 a Program grant agreement with the owner of 3131 Wilmington Pike to provide reimbursement of up to 50% of Project costs, not to exceed \$25,000. 1. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

Section 2. 1. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this _____ day of _____ 2020.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost: Up to \$25,000.00
Amount Budgeted: \$0
Acct. No.: 0550-72550

(Requested by: Planning and Development Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**IN SUPPORT OF FAIR, DIRECT FEDERAL EMERGENCY SUPPORT
TO REOPEN AND REBUILD LOCAL AMERICAN ECONOMIES**

WHEREAS, America's cities, towns and villages face unprecedented threats due to the ongoing COVID-19 pandemic emergency; and

WHEREAS, municipalities are essential to America's economic recovery and without funding support for local governments, municipalities may go from being a critical part of the economic solution, to becoming a major obstacle to long-term stabilization and recovery; and

WHEREAS, America's cities, towns, and villages will experience budgetary shortfalls of up \$134 billion in fiscal year 2020 alone, and the negative effects of the pandemic emergency on local communities will continue long after this year; and

WHEREAS, three million critical municipal worker jobs are at risk, threatening cuts to basic community services, including 9-1-1 response, sanitation, and maintenance; and

WHEREAS, communities have taken extraordinary measures to protect health, safety, and the continuation of essential services throughout the emergency; and

WHEREAS, the City of Kettering has already reduced 2020 budgeted expenditures by over \$5 million, incurred expenditures to respond to the COVID-19 pandemic, canceled numerous discretionary programs and events, and reduced normal part-time staffing by approximately 500 people and anticipates incurring substantial revenue shortfalls; and

WHEREAS, America's rural communities and small towns are struggling just as much as big cities and risk being left behind or wiped out entirely;

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

Section 1. The City of Kettering calls on Congress to allocate fair and direct federal support to all of America's communities, regardless of population size. This funding must be flexible and address not only the additional expenses incurred by communities to respond to the pandemic emergency, but also the dramatic budgetary shortfalls resulting from pauses in commerce, tourism, and other economic engines. Local governments will ensure federal funds are immediately used to rebuild and reopen the national economy. That funding will keep middle class workers employed and critical services operating.

Section 2. The City of Kettering has been part of the emergency response and now calls on Congress to build a united national partnership for a safe, healthy, prosperous life.

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 _____ 2020.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

(Requested by: Council Office)

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, 2020

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, 2020, the following supplemental sums are set aside and appropriated:

A. From the General Fund:

ECONOMIC DEVELOPMENT	
Operating Expenses	\$25,000.00

TRANSFERS TO OTHER FUNDS	
Capital Improvement Fund	\$41,425.00

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

Passed by Council this _____ day of _____ 2020.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost: \$66,425.00 net transfers
Amount Budgeted: \$0
Acct. No. Various

(Requested by: Finance Department)