



# 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

September 22, 2020

Kettering Government Center- South Building  
3600 Shroyer Road Kettering, Ohio 45429

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**\*\*NOTE: DUE TO THE COVID-19 PANDEMIC, CITIZENS WISHING TO SPEAK TO CITY COUNCIL ARE ENCOURAGED TO REGISTER TO SPEAK PRIOR TO THE START OF THE COUNCIL MEETING TO ENSURE SAFE SOCIAL DISTANCING RULES AND PRACTICES ARE FOLLOWED. CITIZENS WISHING TO SPEAK 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 TO REGISTER TO SPEAK. REGISTRATION SHEETS WILL ALSO BE AVAILABLE AT THE ENTRANCE OF THE GOVERNMENT CENTER PRIOR TO THE START OF THE CITY COUNCIL MEETING.**

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

### PLEDGE OF ALLEGIANCE

### INVOCATION

### APPROVAL OF MINUTES

September 8, 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

1. To amend the traffic control map and the traffic control file of the City of Kettering to show the installation of traffic signs on various city streets in the City of Kettering, Ohio.

### RESOLUTIONS

2. Finding that public safety personnel are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
3. Authorizing the submission of applications for Federal Fast Act Funds through the Miami Valley Regional Planning Commission.

4. Authorizing the submission of an application for level 2 electric vehicle charging station grant funding through the Miami Valley Regional Planning Commission.
5. 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**

September 21	7:00 p.m. 7:00 p.m.	Planning Commission Board of Community Relations
September 22	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting
September 28	7:00 p.m. 7:30 p.m.	Board of Zoning Appeals Sister Cities
October 5	7:00 p.m.	Planning Commission
October 8	4:00 p.m.	Parks, Recreation and Cultural Arts Advisory Board
October 12	7:00 p.m.	Board of Zoning Appeals
October 13	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

AN ORDINANCE

By:

No.

**TO AMEND THE TRAFFIC CONTROL MAP AND THE TRAFFIC CONTROL FILE OF THE CITY OF KETTERING TO SHOW THE INSTALLATION OF TRAFFIC SIGNS ON VARIOUS CITY STREETS IN THE CITY OF KETTERING, OHIO**

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

Section 1. The Traffic Control Map and the Traffic Control file of the City of Kettering, Ohio are hereby amended to show:

- A. STOP – Northbound Prugh Woods Drive at East Dorothy Lane;
- B. ROW – East Dorothy Lane; and
- C. NO PARKING ANY TIME – Both sides of Prugh Woods Drive from E. Dorothy Lane to the Entrance of Kettering Recreation Complex Parking Lot for a total distance of approximately 1,375' on each side.

Section 2. The City Engineer is hereby directed to have signs erected or taken down in accordance with this amendment.

Section 3. As permitted in Section 406.03 of the Codified Ordinances of the City of Kettering, Ohio, the temporary traffic control authorization has been used to quickly install these regulations.

Section 4. As provided in Section 4-8 of the City Charter, this Ordinance shall be effective two weeks after 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: Engineering Department)

**CITY OF KETTERING, OHIO**

**A RESOLUTION**

**By:**

**No.**

**FINDING THAT PUBLIC SAFETY PERSONNEL ARE  
SUBSTANTIALLY DEDICATED TO MITIGATING OR  
RESPONDING TO THE COVID-19 PUBLIC HEALTH  
EMERGENCY**

WHEREAS, the Coronavirus Aid, Relief, and Economic Security Act, 116 Public Law 136, (the CARES Act) was signed into law by the President of the United States on March 27, 2020; and

WHEREAS, in House Bill 481 of the 133<sup>rd</sup> General Assembly (HB 481), the Ohio General Assembly established a process for distributing funds provided by the CARES Act; and

WHEREAS, HB 481, required political subdivisions receiving funds under Section 1 of the CARES Act, to pass a resolution affirming that funds from the County Coronavirus Relief Distribution Fund may be expended only to cover costs of the political subdivision consistent with the requirements of Section 5001 of the CARES Act as described in 42 U.S.C. 801(d), and any applicable regulations before receiving said funds; and

WHEREAS, on June 23, 2020 this Council adopted Resolution No.10457-20 and affirmed that all funds received from the Montgomery County Coronavirus Relief Distribution Fund pursuant to HB 481 be expended only to cover costs of the City of Kettering consistent with the requirements of Section 5001 of the CARES Act as described in 42 U.S.C 801(d) and any applicable regulations and guidance; and

WHEREAS, the Ohio Office of Budget and Management (OBM), in its Guidance & Frequently Asked Questions, updated August 28, 2020, (OBM Guidance) directed local jurisdictions to “evaluate all proposed expenditures based on guidance contained within the U.S. Department of Treasury Guidance and Coronavirus Relief Fund Frequently Asked Questions”; and

WHEREAS, the OBM Guidance further advised that “it is presumed for administrative convenience that personnel costs related to [public safety] are substantially dedicated” for purposes of the CARES Act unless the chief executive of the entity receiving the funds determines otherwise; and

WHEREAS, the United States Department of the Treasury (Treasury), in its Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments, dated September 2, 2020, (Treasury Guidance) advised that “[p]ayroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency” are eligible expenditures of CARES Act funds; and

WHEREAS, the Treasury Guidance further advised that local governments may presume that “public health and public safety employees meet the substantially dedicated test, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise. This means that, if this presumption applies, work performed by such employees is considered to be a substantially different use than accounted for in the most recently approved budget as of March 27, 2020. All costs of such employees may be covered using payments from the Fund for services provided during the period that begins on March 1, 2020, and ends on December 30, 2020”; and

WHEREAS, the Treasury Guidance further advised that “public safety employees” include “police officers (including state police officers), sheriffs and deputy sheriffs, firefighters, emergency medical responders, correctional and detention officers, and those who directly support such employees such as dispatchers and supervisory personnel”;

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

Section 1. In reliance on the Treasury Guidance and OBM Guidance and having examined the circumstances of the City of Kettering, this Council finds and determines that the Treasury presumption that City of Kettering public safety employees meet the substantially dedicated test applies and no specific circumstances rebut the presumption. This Council further finds and determines that the following City of Kettering public safety positions are substantially dedicated to mitigating or responding to the COVID-19 public health emergency:

Fire Department  
Firefighters;  
Captains;  
Battalion Chiefs;  
Assistant Chiefs;  
Fire Chief;

Police Department  
Patrol Officers;  
Sergeants;  
Lieutenants;  
Captains;  
Chief of Police;

Public Safety Dispatch  
Public Safety Dispatchers.

Therefore, current and future distributions of CARES Act funds to the City of Kettering may be expended to cover the payroll and benefits of the public safety positions listed above.

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 \_\_\_\_\_ 2020.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

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

(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 funding consideration in the Transportation Improvement Program (TIP); and

WHEREAS, the City has committed to a timely project development schedule; and

WHEREAS, the City will commit the necessary resources to support the estimated local cost portion of the projects and the following list of projects will be submitted to MVRPC, shown in order of the City's priority:

1. Forrer Blvd Improvements – Smithville Road to Woodman Drive (Project No. 02-140F) - Estimated Local Share \$900,000;
2. Marshall Road Improvements – East David Road to Wilmington Pike (Project No. 02-120i) - Estimated Local Share \$624,796; and
3. Kettering Traffic Signal Replacements Phase 4 (Project No. 02-005E) - Estimated Local Share \$553,326; and

WHEREAS, the City requests the following exemptions from MVRPC's Complete Streets Policy for the proposed project funding applications:

1. Forrer Blvd Improvements – Smithville Road to Woodman Drive:  
Exception No. 2 – The street or road is already adequately designed to accommodate all users, and thus is complete without further enhancements;
2. Marshall Road Improvements – East David Road to Wilmington Pike:  
Exception No. 4 – The project consists of maintenance, repair or resurfacing of an existing cross-section only; and
3. Kettering Traffic Signal Replacements Phase 4:  
Exception No. 5 – The project consists primarily of the installation of traffic control or safety devices;

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

Section 1. The City Manager is hereby directed and authorized to make application on behalf of the City of Kettering to the MVRPC for funds for the project(s) and exemption(s) described in the recital paragraphs above.

Section 2. The City Manager is hereby authorized to sign on behalf of the City the applications for funds as referred to in Section 1 of this Resolution.

Section 3. 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 applications 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 required by the MVRPC as part of the funding process.

Section 4. 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 5. 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: Engineering Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR  
LEVEL 2 ELECTRIC VEHICLE CHARGING STATION GRANT  
FUNDING THROUGH THE MIAMI VALLEY REGIONAL  
PLANNING COMMISSION**

WHEREAS, the Miami Valley Regional Planning Commission (MVRPC) is submitting a regional grant application to the Ohio Environmental Protection Agency (Ohio EPA) for funding to support development of level 2 electric vehicle charging stations; and

WHEREAS, the MVRPC is applying for this grant on behalf of 37 jurisdictions in Montgomery, Warren, and Greene Counties; and

WHEREAS, the grant will fund up to \$15,000.00 per dual port charging station; and

WHEREAS, possible sites for installation of electric vehicle charging stations in Kettering are at Kettering Recreation Complex, Kettering Government Center, and Delco Park;

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

Section 1. The City Manager is authorized to take all necessary and proper action to apply through the MVRPC for the above-described Ohio EPA grant. The City Manager is further authorized to sign any documents and instruments, including amendments or extensions thereto, that the City Manager deems appropriate.

Section 2. If the grant application is approved, the City Manager is authorized to take all necessary and proper action to accept the above-described grant and to sign any related documents, amendments, or extensions on behalf of the City, so long as such action and the related documents are in conformance with this resolution.

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

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THEODORE A. HAMER III,  
Law Director

Estimated Cost: \$120,000.00  
Funds Available:  
Acct. No.:

(Requested by: Planning and Development 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, 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 Capital Improvement Fund:

KPD HQ Construction and FF&E \$550,000.00

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. 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: \$550,000.00  
Amount Budgeted: \$0  
Acct. No. 6605-77750

(Requested by: Finance Department)