



# CITY OF KETTERING

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

## KETTERING COUNCIL AGENDA

**May 25, 2021**

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

### PRESENTATION OF THE COLORS

### PLEDGE OF ALLEGIANCE

### INVOCATION

### APPROVAL OF MINUTES

May 11, 2021- Council Meeting & Workshop Minutes

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

Proclamation              Police Memorial Week  
Presentation              Introduction of Promoted Police Sergeants

### PUBLIC HEARINGS

1. P.C. 21-002- Zoning Map Amendment.

### PUBLIC COMMENT ON LEGISLATION

(5 Minute Limit per Speaker)

### ORDINANCES IN SECOND READING

2. To enact Chapter 125 of the Codified Ordinances regarding city council compensation.

### RESOLUTIONS

3. Authorizing the City Manager to accept a donation from Dor-Wood Optimist Club.
4. Authorizing the City Manager to enter into a final agreement with the Ohio Department of Transportation for ODOT Project MOT SR 835, PID 103421, within the City of Kettering.
5. Authorizing the City Manager to enter into and implement a collective bargaining agreement with the Ohio Council 8, AFSCME, AFL-CIO, Local 101, which is consistent with a tentative agreement reached by the bargaining teams.
6. Accepting a transfer of land from the City of Centerville.
7. Authorizing the City Manager to enter into a Cares Act Grant agreement with Kettering Backpack, Inc.
8. Authorizing the City Manager to enter into a Cares Act Grant agreement with Brigid's Path.
9. Authorizing the City Manager to enter into a Cares Act Grant agreement with the Miami Valley Fair Housing Center.
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, 2021.

**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**  
**2021**

May 25	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting
May 31	All Day	Government Center Closed
June 3	4:00 p.m.	Parks, Recreation and Cultural Arts Advisory Board
June 7	7:00 p.m.	Planning Commission
June 8	4:00 p.m. 6:00 p.m. 7:30 p.m.	Partners for Healthy Youth Council Workshop City Council Meeting
June 14	7:00 p.m.	Board of Zoning Appeals
June 21	7:00 p.m. 7:00 p.m.	Planning Commission Board of Community Relations

# Proclamation

**Whereas:**

*The Congress of the United States of America has designated the week of May 9, 2021 through May 16, 2021 to be dedicated as "National Police Week" which pays tribute to all those men and women who have fallen in the line of duty; and*

*WHEREAS: During this week, several Kettering Police Officers participated in "Light Ohio Blue" which allowed officers throughout the Miami Valley Region to participate in the good night lights at Dayton Children's Hospital; and*

*WHEREAS: Every year during this week, the Kettering Police Department pays tribute to our own fallen Officer Paul Metzger with a memorial in his honor at Lincoln Park Civic Commons; and*

*WHEREAS: The citizens of Kettering continue to honor the valor and dedication of the Kettering Police Department by displaying blue exterior lights throughout the community.*

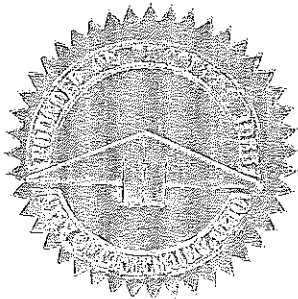
*NOW, THEREFORE, I, Donald E. Patterson, Mayor of the City of Kettering, Ohio, on behalf of City Council and the community, and hereby proclaimed*

*May 9- 16, 2021*

*to be*

## **POLICE MEMORIAL WEEK**

*in the City of Kettering, Ohio, and urged all citizens to thank the men and women who work continuously to protect our community.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Kettering, Ohio, to be affixed this 25th day of May, in the Year of our Lord, Two Thousand and Twenty-One.*

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

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

**TO ENACT CHAPTER 125 OF THE CODIFIED  
ORDINANCES REGARDING CITY COUNCIL  
COMPENSATION**

WHEREAS, Subsection 3-5(b)(1) of the City Charter provides that "Council may increase or decrease the compensation of its members or the Mayor by an ordinance adopted in any odd numbered year no later than June first, provided that no increase in compensation shall be effective during the term of office of the Mayor or Council members in which such vote is taken. This section does not prohibit the payment of increased costs of continuing to provide the identical benefits provided to Council members or the Mayor at the commencement of such member's term of office;" and

WHEREAS, Subsection 3-5(b)(2) of the City Charter provides that "[a]ny ordinance increasing the compensation of Council members or the Mayor shall be limited to the single issue of Council compensation. Such ordinance shall not be passed as an expedited or emergency ordinance;" and

WHEREAS, compensation for the Mayor and at-large Council members has not been adjusted since 2014 and compensation for district Council members has not been adjusted since 2016; and

WHEREAS, members of Council and the Mayor should receive just and reasonable compensation for the work, service, and duties they perform on behalf of the citizens of Kettering, and such compensation is required to attract and retain qualified candidates for elected positions;

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

Section 1. New Chapter 125 of Title One of the Codified Ordinances of Kettering is enacted to read as follows:

CHAPTER 125 COUNCIL COMPENSATION

125.01 Mayor.

Effective with the term beginning on January 1, 2022, the Mayor shall receive an annual salary of \$18,000. Prior thereto, the Mayor shall continue to receive the \$12,000 annual salary set by Charter Section 3-5. Compensation shall be paid on the same schedule used for City employees.

125.02 At-Large Council Members.

Effective with the term beginning on January 1, 2022, at-large Council members shall receive an annual salary of \$12,000. Prior thereto, at-large Council members shall continue to receive the \$8,000 annual salary set by Charter Section 3-5. Compensation shall be paid on the same schedule used for City employees.

125.03 District Council Members.

Effective with the term beginning on January 1, 2024, district Council members shall receive an annual salary of \$12,000. Prior thereto, district Council members shall continue to receive the \$8,000 annual salary set by Charter Section 3-5. Compensation shall be paid on the same schedule used for City employees.

125.04 Supplementary Benefits.

The Mayor and members of Council may purchase voluntary life insurance through the City's group plan at their own expense. The Mayor and members of Council will not receive any other supplementary benefits.

Section 2. Article I, Section N. (Members of Council) of Ordinance No. 4353-20 is repealed.

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this ordinance or Chapter 125 is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

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 \_\_\_\_\_ 2021.

\_\_\_\_\_  
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.

**AUTHORIZING THE CITY MANAGER TO ACCEPT A  
DONATION FROM DOR-WOOD OPTIMIST CLUB**

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

Section 1. The City Manager is hereby authorized, on behalf of the City, to accept a \$500.00 donation from Dor-Wood Optimist Club of Kettering, Ohio; said donation is to be used by the Kettering Police Department Fishing Club at Kettering Middle School for equipment, participation prizes, and other related expenses.

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 \_\_\_\_\_ 2021.

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

ATTEST:

CERTIFICATE OF APPROVAL

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

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

Estimated Cost: \$500.00  
Funds Available: \$0  
Acct. No.: 0600-72220

(Requested by: Police Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ENTER INTO A FINAL AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR ODOT PROJECT MOT SR 835, PID 103421, WITHIN THE CITY OF KETTERING**

WHEREAS, on May 26, 2020, this Council adopted Resolution No. 10450-20 titled "Authorizing Completion Of Ohio Department Of Transportation ('ODOT') Project MOT SR 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"; and

WHEREAS, the Director of Transportation has approved Resolution No. 10450-20 and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this Council; and

WHEREAS, the share of the cost of the City of Kettering is now estimated in the amount of One Hundred Twenty-Three Thousand Eight Hundred Four and 00/100 Dollars, (\$123,804.00), but said estimated amount is to be adjusted in order that the City's ultimate share of said highway improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, ODOT requires the City to adopt a final resolution authorizing said improvement and to affirm its desire for ODOT to proceed with the highway improvement;

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

Section 1. Resolution No. 10450-20 is ratified and affirmed. The City Manager is authorized to enter into and execute a final agreement with ODOT. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

Section 2. The Director of Transportation is hereby requested to proceed with the aforesaid highway improvement.

Section 3. A copy of this resolution shall be transmitted to the Director of Transportation.

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 \_\_\_\_\_ 2021.

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

ATTEST:

CERTIFICATE OF APPROVAL

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

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

Estimated Cost: \$628,609.35 (ODOT share = \$504,805.35; City share = \$123,804.00)  
Amount Budgeted: \$80,000.00  
Acct. No. 2071-77750

(Requested by: Engineering Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ENTER INTO AND  
IMPLEMENT A COLLECTIVE BARGAINING AGREEMENT  
WITH THE OHIO COUNCIL 8, AFSCME, AFL-CIO, LOCAL 101,  
WHICH IS CONSISTENT WITH A TENTATIVE AGREEMENT  
REACHED BY THE BARGAINING TEAMS**

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

Section 1. The City Manager is hereby authorized to enter into a collective bargaining agreement with the Ohio Council 8, AFSCME, AFL-CIO, Local 101, which is consistent with a Tentative Agreement reached by the bargaining teams. 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 \_\_\_\_\_ 2021.

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

ATTEST:

CERTIFICATE OF APPROVAL

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

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

(Requested by: Human Resources)



CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

ACCEPTING A TRANSFER OF LAND FROM THE CITY OF  
CENTERVILLE

WHEREAS, in Ordinance No. 4341-20 Kettering mutually agreed with the City of Centerville to an adjustment in corporate boundaries; and

WHEREAS, after the boundary adjustment, the City of Centerville owns a 0.133 acre parcel of land now located in the City of Kettering known as Pond View Drive Extension State Parcel No. 75 WD-2 (the "Property"); and

WHEREAS, the City of Centerville and the City of Kettering are mutually agreeable that the Property be transferred from the City of Centerville to the City of Kettering; and

WHEREAS, the transfer of the Property is in the best interests of both cities;

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

Section 1. The proposed transfer of the Property described in the recital paragraphs is accepted. The City Manager is authorized to do all things necessary to accept transfer of the Property.

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 \_\_\_\_\_ 2021.

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

ATTEST:

CERTIFICATE OF APPROVAL

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

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

(Requested by: Law Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ENTER INTO A CARES ACT GRANT AGREEMENT WITH KETTERING BACKPACK, INC.**

WHEREAS, on March 23, 2021, this Council adopted Resolution No. 10555-21 authorizing an amendment to the Annual Action Plan for Program Year 2019 to reflect an additional award of CARES Act (CDBG-CV) Funds from HUD; and

WHEREAS, the City of Kettering was awarded \$261,647.00 in CDBG funds under round three of the CARES Act (CDBG-CV), and \$194,000.00 of these funds were set aside for grants to area non-profits that had increased needs due to the coronavirus pandemic;

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 enter into a CARES Act grant agreement with Kettering Backpack to offset the additional costs of providing food to hungry children this summer through the Kettering Backpack "Summer Feeding" program. 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 \_\_\_\_\_ 2021.

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

ATTEST:

CERTIFICATE OF APPROVAL

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

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

Estimated Cost: \$30,000.00  
Funds Available: \$194,000.00  
Acct. No.: 3913-72550

(Requested by: Planning and Development)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ENTER INTO A CARES ACT GRANT AGREEMENT WITH BRIGID'S PATH**

WHEREAS, on March 23, 2021, this Council adopted Resolution No. 10555-21 authorizing an amendment to the Annual Action Plan for Program Year 2019 to reflect an additional award of CARES Act (CDBG-CV) Funds from HUD; and

WHEREAS, the City of Kettering was awarded \$261,647.00 in CDBG funds under round three of the CARES Act (CDBG-CV), and \$194,000.00 of these funds were set aside for grants to area non-profits that had increased needs due to the coronavirus pandemic;

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 enter into a CARES Act grant agreement with Brigid's Path to offset the additional costs of increased staffing hours and meeting increased community needs for the services provided through the "Caring for Babies and Families" program. 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 \_\_\_\_\_ 2021.

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

ATTEST:

CERTIFICATE OF APPROVAL

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

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

Estimated Cost: \$30,000.00  
Funds Available: \$194,000.00  
Acct. No.: 3913-72550

(Requested by: Planning and Development)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ENTER INTO A  
CARES ACT GRANT AGREEMENT WITH THE MIAMI VALLEY  
FAIR HOUSING CENTER**

WHEREAS, on March 23, 2021, this Council adopted Resolution No. 10555-21 authorizing an amendment to the Annual Action Plan for Program Year 2019 to reflect an additional award of CARES Act (CDBG-CV) Funds from HUD; and

WHEREAS, the City of Kettering was awarded \$261,647.00 in CDBG funds under round three of the CARES Act (CDBG-CV), and \$30,000.00 of these funds were set aside for community education to meet increased educational needs due to the coronavirus pandemic;

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 enter into a CARES Act grant agreement with Miami Valley Fair Housing Center to offset the additional costs of providing outreach and education to Kettering residents at risk for exposure to COVID-19 through the "COVID-19 Education and Outreach" program. 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 \_\_\_\_\_ 2021.

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

ATTEST:

CERTIFICATE OF APPROVAL

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

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

Estimated Cost: \$30,000.00  
Funds Available: \$194,000.00  
Acct. No.: 3913-72550

(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, 2021**

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, 2021, the following supplemental sums are set aside and appropriated:

A. From the General Fund:

POLICE DEPARTMENT	
Operating Expenses	\$500.00

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 \_\_\_\_\_ 2021.

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

ATTEST:

CERTIFICATE OF APPROVAL

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

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

Estimated Cost: \$500.00  
Amount Budgeted: \$0  
Acct. No. 0600-72220

(Requested by: Finance Department)