



# CITY OF KETTERING

PEGGY LEHNER, MAYOR • JACQUE FISHER, VICE MAYOR  
BRUCE E. DUKE • LISA DUVALL • TONY KLEPACZ • JYL HALL • BOB SCOTT

## KETTERING COUNCIL AGENDA

May 10, 2022

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

### PLEDGE OF ALLEGIANCE

### INVOCATION

### APPROVAL OF MINUTES

March 24-25, 2022 Special Meeting Minutes  
April 26, 2022- Council Meeting & Workshop Minutes

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

Proclamation                      Bike Month  
Proclamation                      Emergency Medical Services Week

### PUBLIC HEARINGS

### PUBLIC COMMENT ON LEGISLATION

(5 Minute Limit per Speaker)

### ORDINANCES IN SECOND READING

1. To rezone 2125 East Dorothy Lane from Economic Development Overlay District No. 14 to B-Business District (Planning Commission Case No. PC 22-002).
2. To rezone 950 Forrer Boulevard from O-Office District to BP-Business Park District (Planning Commission Case No. PC 22-003).

### RESOLUTIONS

3. Authorizing the City Manager to use competitive bargaining and negotiated quotes to contract for the replacement of the existing electrical services to the Parks Maintenance Center.
4. Authorizing the City Manager to use competitive bargaining and negotiated quotes to contract for the repair of existing concrete walls and handrails at Polen Farm Barn.
5. Adopting renewed and recalculated street light assessments, amended and/or consolidated street lighting districts and certifying them to the County Auditor for collection.
6. Authorizing the City Manager to accept and administer the 2022 Livable & Age-Friendly Communities Grant through the Miami Valley Regional Planning Commission.
7. Authorizing the City Manager to enter into an agreement with Fire Apparatus Service and Repair.
8. Authorizing the City Manager to use competitive bargaining and negotiated quotes to contract for the purchase of a high volume color copier.
9. 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, 2022.

**ORDINANCES IN FIRST READING**

10. To rezone 2001 East Dorothy Lane from Economic Development Overlay District No. 14 to B-Business District (Planning Commission Case No. PC 22-005).

**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**  
**2022**

May 10	4:00 p.m. 6:00 p.m. 7:30 p.m.	Partners for Healthy Youth Council Workshop City Council Meeting
May 16	7:00 p.m. 7:00 p.m.	Planning Commission Board of Community Relations
May 23	7:00 p.m. 7:30 p.m.	Board of Zoning Appeals Sister Cities
May 24	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting
May 30	All Day	Government Center Closed

# 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: Biking is a lifeline for so many people during their daily lives; whether it's the primary way people commute to essential jobs, the way people relieve stress and decompress after being home for long periods of time, or the way children get much needed exercise when schools are closed; and*

*WHEREAS: Creating a bicycling-friendly community has been shown to improve citizens' health and well-being, traffic safety, and wear and tear on roads; and*

*WHEREAS: The City of Kettering's commitment to create a bicycle friendly community is evident in recent award designations including the city receiving the Bronze Level Bicycle Friendly Award from The League of American Bicyclists and being selected as the host city for the 2021 Miami Valley Cycling Summit; and*

*WHEREAS: The city will continue to foster relationships with local organizations including Bike Miami Valley, Five Rivers Metroparks, The Dayton Cycle Club, The League of American Bicyclists to enhance bike safety within the Kettering community; and*

*WHEREAS: With the help of various groups and organizations, public awareness of bicycle safety will continue to grow and will improve the health and safety for everyone on the road which will allow the Kettering community to continue to be a premier destination for cycling.*

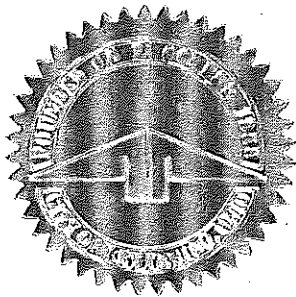
*NOW, THEREFORE, I, Peggy Lehner, Mayor of the City of Kettering, Ohio, on behalf of City Council and the community, do hereby proclaim*

*May 2022*

*to be*

**BIKE MONTH**

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



*IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Kettering, Ohio, to be affixed this 10th day of May, in the Year of our Lord, Two Thousand and Twenty-Two.*

**PEGGY LEHNER**  
*Mayor of the City of Kettering, Ohio*

# Proclamation

**Whereas:**

*Emergency Medical Services is a vital public service; and*

*WHEREAS: The members of Emergency Medical Services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and*

*WHEREAS: Access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and*

*WHEREAS: Emergency Medical Services have grown to fill a gap by providing important, out of hospital care, including preventative medicine, follow-up care and access to telemedicine; and*

*WHEREAS: The Emergency Medical Services system consists of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers, educators, administrators, pre-hospital nurses, emergency nurses, emergency physicians, trained members of the public and other out of hospital medical care providers; and*

*WHEREAS: The members of Emergency Medical Services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills. The Greater Miami Valley EMS Council has provided protocol and training throughout the region for over 50 years; and*

*WHEREAS: It is appropriate to recognize the value and the accomplishments of Emergency Medical Services providers by designating Emergency Services Week.*

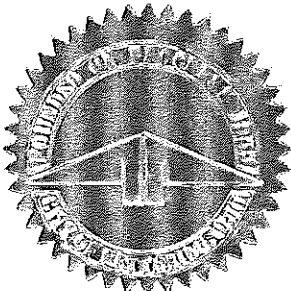
*NOW, THEREFORE, I, Peggy Lehner, Mayor of the City of Kettering, Ohio, on behalf of City Council and the community, do hereby proclaim*

*May 15-21, 2022*

*to be*

## **EMERGENCY MEDICAL SERVICES WEEK**

*in the City of Kettering, Ohio, and I urge all citizens to recognize the importance of all Emergency Medical Services and thank those professionals who are working to keep our community safe and healthy.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Kettering, Ohio, to be affixed this 10th day of May, in the Year of our Lord, Two Thousand and Twenty-Two.*

**PEGGY LEHNER**  
*Mayor of the City of Kettering, Ohio*

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

**TO REZONE 2125 EAST DOROTHY LANE FROM ECONOMIC DEVELOPMENT OVERLAY DISTRICT NO. 14 TO B-BUSINESS DISTRICT (PLANNING COMMISSION CASE NO. PC 22-002)**

WHEREAS, on March 7, 2022 after publication and issuance of notice as required by the City of Kettering Zoning Code, a public hearing was conducted by the City of Kettering Planning Commission concerning an application to rezone a parcel of land located at 2125 East Dorothy Lane (Montgomery County Auditor's Parcel No. N64 03406 0017) (the "Property") to B- Business District; and

WHEREAS, the Planning Commission recommended approval of the proposed zoning change; and

WHEREAS, on April 12, 2022, after publication and issuance of notice as required by the Zoning Code, this City Council held a public hearing with evidence presented by the Planning and Development Department along with the recommendation of the Planning Commission to approve the application, and all parties were afforded the opportunity to be heard and present evidence in support of their positions;

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

Section 1. Having considered the staff report(s) 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, the testimony and evidence presented at the public hearing, sound planning and zoning practices, the City's adopted plans, goals, and policies, the intent of the Kettering Zoning Code, and the public health, safety and welfare requirements underlying the Zoning Code, City Council finds that the application for rezoning should be approved.

Section 2. Based on the foregoing, the Property is rezoned from Economic Development Overlay District No. 14 to B- Business District.

Section 3. As appropriate and necessary, the official Zoning Map of the City of Kettering, Ohio is hereby revised and amended to reflect the zone change(s) referred to in Section 2 above; and Section 1133.02 of the Kettering Codified Ordinances, which adopts the Zoning Map by reference, is hereby reenacted effective as of the first effective date of this Ordinance so as to include the map revision in the Zoning Code. The Director of the Planning and Development Department is directed to make such appropriate revisions on the official Zoning Map of the City.

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 \_\_\_\_\_ 2022.

\_\_\_\_\_  
PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

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

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

(Requested by: Planning and Development Department)

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

**TO REZONE 950 FORRER BOULEVARD FROM O-OFFICE DISTRICT TO BP-BUSINESS PARK DISTRICT (PLANNING COMMISSION CASE NO. PC 22-003)**

WHEREAS, on March 21, 2022 after publication and issuance of notice as required by the City of Kettering Zoning Code, a public hearing was conducted by the City of Kettering Planning Commission concerning an application to rezone a parcel of land located at 950 Forrer Boulevard (consisting of Lot 2 of Kettering Business Park, Section One, as recorded in Plat Book 170, Page 1 of the Plat Records of Montgomery County, Ohio and Lot 1 of Kettering Business Park, Section Two as recorded in Plat Book 182, Page 22 of the Plat Records of Montgomery County, Ohio), (the "Property") to BP- Business Park District; and

WHEREAS, the Planning Commission recommended approval of the proposed zoning change; and

WHEREAS, on April 12, 2022, after publication and issuance of notice as required by the Zoning Code, this City Council held a public hearing with evidence presented by the Planning and Development Department along with the recommendation of the Planning Commission to approve the application, and all parties were afforded the opportunity to be heard and present evidence in support of their positions;

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

Section 1. Having considered the staff report(s) 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, the testimony and evidence presented at the public hearing, sound planning and zoning practices, the City's adopted plans, goals, and policies, the intent of the Kettering Zoning Code, and the public health, safety and welfare requirements underlying the Zoning Code, City Council finds that the application for rezoning should be approved.

Section 2. Based on the foregoing, the Property is rezoned from O-Office District to BP- Business Park District.

Section 3. As appropriate and necessary, the official Zoning Map of the City of Kettering, Ohio is hereby revised and amended to reflect the zone change(s) referred to in Section 2 above; and Section 1133.02 of the Kettering Codified Ordinances, which adopts the Zoning Map by reference, is hereby reenacted effective as of the first effective date of this Ordinance so as to include the map revision in the Zoning Code. The Director of the Planning and Development Department is directed to make such appropriate revisions on the official Zoning Map of the City.

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 \_\_\_\_\_ 2022.

\_\_\_\_\_  
PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

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

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

(Requested by: Planning and Development Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE  
BARGAINING AND NEGOTIATED QUOTES TO CONTRACT  
FOR THE REPLACEMENT OF THE EXISTING ELECTRICAL  
SERVICES TO THE PARKS MAINTENANCE CENTER**

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

Section 1. On the basis that the City can often obtain lower prices and more favorable purchasing conditions through competitive bargaining and negotiated quotations than through sealed bids, the City Manager, on behalf of the City, is hereby authorized to use such bargaining and negotiation procedures and to enter into one or more contracts for the replacement of the existing electrical services to the Parks Maintenance Center. 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 takes effect immediately upon its adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

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

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

Estimated Cost: \$125,000.00  
Amount Budgeted: \$125,000.00  
Acct. No.: 6105-77750

(Requested by: Public Service Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE  
BARGAINING AND NEGOTIATED QUOTES TO CONTRACT  
FOR THE REPAIR OF EXISTING CONCRETE WALLS AND  
HANDRAILS AT POLEN FARM BARN**

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

Section 1. On the basis that the City can often obtain lower prices and more favorable purchasing conditions through competitive bargaining and negotiated quotations than through sealed bids, the City Manager, on behalf of the City, is hereby authorized to use such bargaining and negotiation procedures and to enter into one or more contracts for the repair of existing concrete walls and handrails at Polen Farm Barn. 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 takes effect immediately upon its adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

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

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

Estimated Cost: \$45,000.00  
Amount Budgeted: \$45,000.00  
Acct. No.: 6103-77750

(Requested by: Public Service Department)



CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**ADOPTING RENEWED AND RECALCULATED STREET LIGHT ASSESSMENTS, AMENDED AND/OR CONSOLIDATED STREET LIGHTING DISTRICTS AND CERTIFYING THEM TO THE COUNTY AUDITOR FOR COLLECTION**

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

Section 1. In accordance with Resolution No. 10737-22 passed by this Council on April 12, 2022 in which the Council ordered the renewal and recalculation of street lighting assessments to be placed on file in the office of the Clerk of Council and notice to be published, it is hereby determined that said renewed and recalculated street lighting assessments shall be and are hereby adopted in accordance with Chapter 947, Codified Ordinances of the City of Kettering.

Section 2. The Clerk of this Council is hereby directed to deliver a certified copy of this Resolution, together with a certified copy of the renewed and recalculated street lighting assessments, to the County Auditor for collection.

Section 3. 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 \_\_\_\_\_ 2022.

\_\_\_\_\_  
PEGGY LEHNER, 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 CITY MANAGER TO ACCEPT AND  
ADMINISTER THE 2022 LIVABLE & AGE-FRIENDLY  
COMMUNITIES GRANT THROUGH THE MIAMI VALLEY  
REGIONAL PLANNING COMMISSION**

WHEREAS, the City applied for the 2022 Livable & Age-Friendly Communities Grant from the Miami Valley Regional Planning Commission; and

WHEREAS, the City's grant applications were approved;

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, on behalf of the City of Kettering, to take all necessary and proper action to accept and administer the above-described grant from the Miami Valley Regional Planning Commission, including, without limitation, to sign any agreements or instruments necessary to accept the grant. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate. Furthermore, this Council hereby ratifies all matters and statements included in the grant applications.

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 \_\_\_\_\_ 2022.

\_\_\_\_\_  
PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

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

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

Estimated Cost: \$10,000.00  
Amount Budgeted: \$0  
Acct. No.: Special Grants and Programs

(Requested by: City Manager's Office)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ENTER INTO AN  
AGREEMENT WITH FIRE APPARATUS SERVICE AND REPAIR**

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

Section 1. Pursuant to Subsection I of Section 152.02 of the Codified Ordinances of the City of Kettering, the City Manager is hereby authorized to contract with Fire Apparatus Service and Repair for maintenance and repair of emergency vehicles. 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 takes effect immediately upon its adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

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

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

Estimated Cost: \$285,000.00  
Amount Budgeted: \$180,000.00  
Acct. No. 0700-72353

(Requested by: Fire Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE  
BARGAINING AND NEGOTIATED QUOTES TO CONTRACT  
FOR THE PURCHASE OF A HIGH VOLUME COLOR COPIER**

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

Section 1. On the basis that the City can often obtain lower prices and more favorable purchasing conditions through competitive bargaining and negotiated quotations than through sealed bids, the City Manager, on behalf of the City, is hereby authorized to use such bargaining and negotiation procedures and to enter into one or more contracts for the purchase of a high volume color copier for use in the City's print shop. 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 takes effect immediately upon its adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

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

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

Estimated Cost: \$31,414.00 (\$27,414.00 after rebate)  
Amount Budgeted: \$0  
Acct. No.: 9744-19400

(Requested by: Administrative Systems 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, 2022

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, 2022, the following supplemental sums are set aside and appropriated:

A. From the General Fund:

FIRE DEPARTMENT  
Operating Expenses \$ 105,000.00

TRANSFERS TO OTHER FUNDS  
Capital Improvement Fund \$ 18,000.00

B. From the Special Grants & Programs Fund:

Other \$ 10,000.00

C. From the Capital Improvement Fund:

STREETSCAPE IMPROVEMENTS \$ 18,000.00

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 \_\_\_\_\_ 2022.

\_\_\_\_\_  
PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

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

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

Estimated Cost: \$133,000.00 net transfers  
Amount Budgeted: \$0  
Acct. No. Various

(Requested by: Finance Department)

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

TO REZONE 2001 EAST DOROTHY LANE FROM ECONOMIC DEVELOPMENT OVERLAY DISTRICT NO. 14 TO B-BUSINESS DISTRICT (PLANNING COMMISSION CASE NO. PC 22-005)

WHEREAS, on April 4, 2022 after publication and issuance of notice as required by the City of Kettering Zoning Code, a public hearing was conducted by the City of Kettering Planning Commission concerning an application to rezone a parcel of land located at 2001 East Dorothy Lane (consisting of Lot 22 of the Replat of Lot 19 of the Woodman/Dorothy Business Center Section One as recorded in Plat Book 168, Pages 48 and 48A and recorded in Plat Book 175, Page 19 of the Montgomery County, Ohio Plat Records) (the "Property") from Economic Development Overlay District No. 14 to B- Business District; and

WHEREAS, the Planning Commission recommended approval of the proposed zoning change; and

WHEREAS, on April 26, 2022, after publication and issuance of notice as required by the Zoning Code, this City Council held a public hearing with evidence presented by the Planning and Development Department along with the recommendation of the Planning Commission to approve the application, and all parties were afforded the opportunity to be heard and present evidence in support of their positions;

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

Section 1. Having considered the staff report(s) 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, the testimony and evidence presented at the public hearing, sound planning and zoning practices, the City's adopted plans, goals, and policies, the intent of the Kettering Zoning Code, and the public health, safety and welfare requirements underlying the Zoning Code, City Council finds that the application for rezoning should be approved.

Section 2. Based on the foregoing, the Property is rezoned from Economic Development Overlay District No. 14 to B- Business District.

Section 3. As appropriate and necessary, the official Zoning Map of the City of Kettering, Ohio is hereby revised and amended to reflect the zone change(s) referred to in Section 2 above; and Section 1133.02 of the Kettering Codified Ordinances, which adopts the Zoning Map by reference, is hereby reenacted effective as of the first effective date of this Ordinance so as to include the map revision in the Zoning Code. The Director of the Planning and Development Department is directed to make such appropriate revisions on the official Zoning Map of the City.

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 \_\_\_\_\_ 2022.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI, Clerk of Council

THEODORE A. HAMER III, Law Director