



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

August 22, 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

August 8, 2017- Council Meeting & Workshop Minutes

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

Certificate of Recognition Alter Boys Volleyball Team- Division II State Champions
Presentation Human Services Levy

PUBLIC HEARINGS

PUBLIC COMMENT ON LEGISLATION

(5 Minute Limit per Speaker)

ORDINANCES IN SECOND READING

1. Vacating a portion of right-of-way abutting 3717 Wilmington Pike.

RESOLUTIONS

2. Authorizing the City Manager to execute a quit claim deed transferring the City-owned property at 1020 Imperial Boulevard to the Montgomery County Land Reutilization Corporation.
3. Authorizing the City Manager to use competitive bargaining and negotiated quotes to contract for construction of an elevator at Polen Farm.
4. Authorizing the City Manager to enter into an agreement with Preschool Promise Inc. for funding of the Preschool Promise Program for the 2017-2018 academic year.
5. Authorizing the City Manager to enter into one or more agreements for the expedited removal of an underground storage tank at 3917 Wilmington Pike.
6. Authorizing the City Manager to accept a donation of personal protective equipment from the Kettering Police Foundation.
7. Authorizing the City Manager to use competitive bargaining and negotiated quotes to contract for clearing and reforestation of City-owned property commonly known as Prugh Woods.

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)

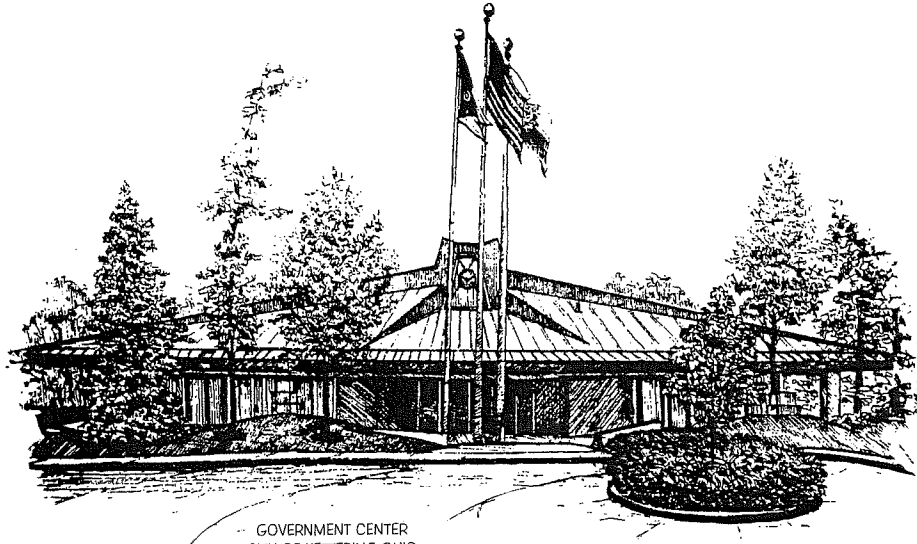
CITY COUNCIL REPORT/UPDATE

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

August 21	7:00 p.m. 7:00 p.m.	Board of Community Relations Planning Commission
August 22	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting
August 23	8:30 a.m.	Council Retreat
August 24	8:30 a.m.	Council Retreat
August 28	7:00 p.m. 7:30 p.m.	Board of Zoning Appeals Sister Cities
September 4	All Day	Government Center Closed- Labor Day
September 11	7:00 p.m.	Board of Zoning Appeals
September 12	4:00 p.m. 6:00 p.m. 7:30 p.m.	Partners for Healthy Youth Council Workshop City Council Meeting
September 18	7:00 p.m. 7:00 p.m.	Planning Commission Board of Community Relations
September 19	5:00 p.m.	Kettering Arts Council
September 20	8:00 a.m.	Volunteer Advisory Council
September 25	7:00 p.m. 7:30 p.m.	Board of Zoning Appeals Sister Cities
September 26	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting



GOVERNMENT CENTER
CITY OF KETTERING OHIO

CERTIFICATE OF CONGRATULATIONS

is hereby presented to

**ALTER HIGH SCHOOL
BOYS VOLLEYBALL TEAM**

**2017 DIVISION II
STATE CHAMPIONS**

Special commendation is due all team members, coaches and staff, for the hard-fought and successful Boys Volleyball 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 22nd day of August
2017.*

DONALD E. PATTERSON
Mayor of Kettering

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

VACATING A PORTION OF RIGHT-OF-WAY ABUTTING 3717
WILMINGTON PIKE

WHEREAS, on June 26, 2017, the Planning Commission, in Case No. PC-17-020, considered and recommended approval of an application to vacate a certain portion of public right-of-way abutting 3717 Wilmington Pike; and

WHEREAS, on July 25, 2017, this Council held a public hearing on the application and Planning Commission's recommendation and during the public hearing no party came forward in opposition; and

WHEREAS, this Council is satisfied that there is good cause for vacating said public right-of-way, that vacation of the right-of-way will not be detrimental to the public interest, and that such vacation should be made;

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

Section 1. Approval is hereby granted for the vacation of 0.001 acres, more or less, of public right-of-way, more particularly described and depicted in Exhibit 1, attached hereto and incorporated herein, which abuts the property commonly known as 3717 Wilmington Pike.

Section 2. The vacated right-of-way shall revert to 3717 Wilmington Pike (Parcel No. N64 01902 0007) as shown in Exhibit 1 (see Instrument No. 2016-00070634 of the Montgomery County Recorder's Office for legal description of the lot).

Section 3. The Clerk of Council is directed and authorized to prepare a certified copy of this Ordinance, and the Planning and Development Director of this City is hereby directed and authorized to accept the certified copy of this Ordinance from the Clerk of Council and, upon satisfaction of all Planning Commission conditions, if any, to further cause that same certified ordinance and any other necessary documents to be properly delivered to the Montgomery County Recorder for appropriate recordation. The City Manager is authorized to sign any instruments necessary to effectuate the vacation.

Section 4. This Ordinance shall take full 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 "1"

(4 total pages, including this page)

LEGAL DESCRIPTION
WILMINGTON PIKE R/W VACATION
Adjacent to Lot 7, Oakdale Plat

Situate in Section 23, Town 2, Range 6, M.Rs., in the City of Kettering, Montgomery County, Ohio, and being part of the Wilmington Road, (now Wilmington Pike), right of way as dedicated by the Oakdale Plat as recorded in Plat Book "K" page 38 of the plat records of said county, being adjacent and contiguous to Lot 7 of said plat, and being more particularly bounded and described, with stations and offsets referenced to the centerline of Wilmington Pike as recorded in Plat Book 77 page 44, as follows:

Beginning for reference at an iron pin set at the northeast corner of said Lot, being the intersection of the south right of way line of Cloverfield Avenue (50') with the west line of Wilmington Pike (width varies), 35.00 feet left of Station 140+71.83;

Thence with the east line of said Lot and said west right of way line South 39° 50' 56" East 15.65 feet to an iron pin set 35.00 feet left of centerline Station 140+56.18, said pin being the TRUE POINT OF BEGINNING for the vacation parcel herein described;

Thence along the arc of a new curve to the right, being the new west right of way line of Wilmington Pike, 7.60 feet, said arc having a radius of 25.50 feet, a central angle of 17° 04' 23" and a chord bearing South 48° 09' 34" East 7.57 feet to an iron pin set 33.91 feet left of centerline Station 140+48.69;

Thence along a new line, being the new west right of way line of Wilmington Pike, South 39° 37' 23" East 22.14 feet to an iron pin set 33.99 feet left of centerline Station 140+26.55;

Thence along the arc of a new curve to the right, being the new west right of way line of Wilmington Pike, 9.00 feet, said arc having a radius of 41.50 feet, a central angle of 12° 25' 24" and a chord bearing South 33° 24' 41" East 8.98 feet to an iron pin set in the existing west right of way line and said east line of Lot 7, 35.00 feet left of centerline Station 140+17.63;

Thence with the existing west right of way line and said east line of Lot 7 North 39° 50' 56" West 38.56 feet to the TRUE POINT OF BEGINNING, containing 0.001 acres, (35 SF), more or less, subject to all legal easements and restrictions of record.

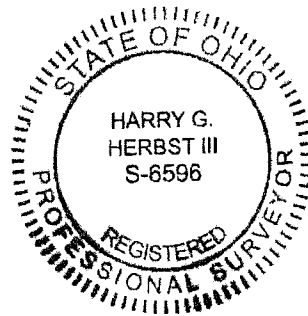
This description is based upon a field survey performed in February, 2016 by LJB Inc. under contract to the City of Kettering, Ohio, with bearings based upon the Ohio State Plane Coordinate System, South Zone, NAD 83, 2011 adjustment, by GPS utilizing ODOT VRS.

Iron Pins referred to as "set" shall be 5/8" by 30" reinforcing rod set by LJB Inc. with cap stamped "LJB INC.".

Evidence of occupation supports the monumentation found in the field and the property lines recited in this description.

Description prepared by:

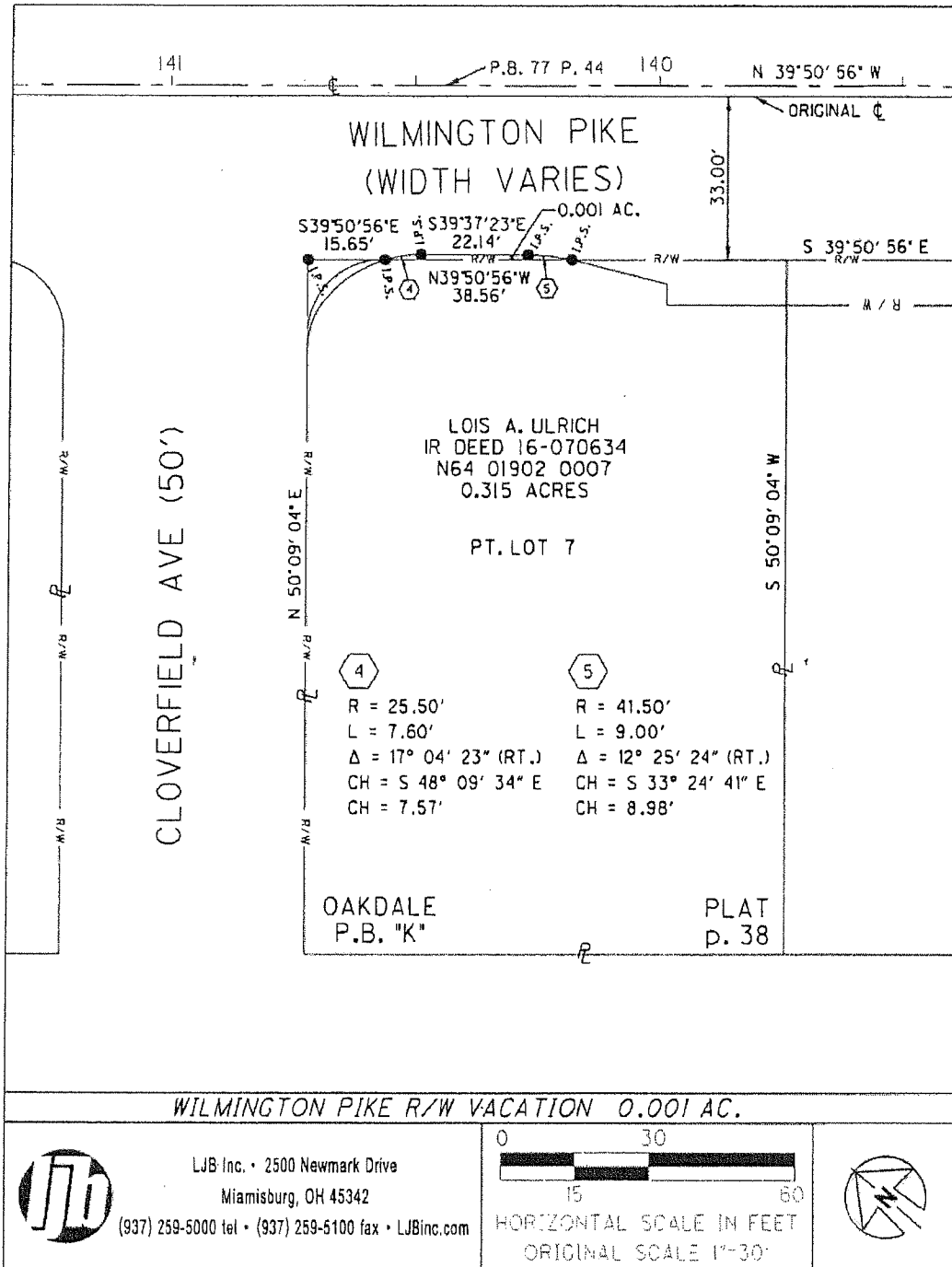
LJB Inc.



By: Harry G. Herbst III

Date: 6/13/2017

Harry G. Herbst III, Ohio P.S. #6596



CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO EXECUTE A QUIT
CLAIM DEED TRANSFERRING THE CITY-OWNED PROPERTY
AT 1020 IMPERIAL BOULEVARD TO THE MONTGOMERY
COUNTY LAND REUTILIZATION CORPORATION**

WHEREAS, the Montgomery County Land Reutilization Corporation ("MCLRC") has received Neighborhood Initiative Program ("NIP") funds to demolish structures in neighborhoods; and

WHEREAS, the City is a participant in the NIP and desires to have the structure on the City-owned property at 1020 Imperial Boulevard demolished;

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 execute a quit claim deed transferring the City-owned property at 1020 Imperial Boulevard ("the Property") to the MCLRC for inclusion in the NIP.

Section 2. The Property is hereby declared as surplus property and no longer required for municipal purposes effective as of the date the quit claim deed is executed.

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

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 CONSTRUCTION OF AN ELEVATOR AT POLEN FARM**

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 use of competitive bargaining and negotiated quotations than through sealed bids, the City Manager is hereby authorized to use such bargaining and negotiation procedures and to contract for construction of an elevator at Polen Farm. The City Manager is further authorized to enter into any amendments to the contract(s) that, in the City Manager's opinion, are in the best interests of the City.

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

THEODORE A. HAMER, III,
Law Director

Estimated Cost: \$185,000.00
Available Funds: \$185,000.00
Acct. No.: 6103-77750

(Requested by: Parks, Recreation and Cultural Arts Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ENTER INTO AN
AGREEMENT WITH PRESCHOOL PROMISE INC. FOR
FUNDING OF THE PRESCHOOL PROMISE PROGRAM FOR
THE 2017-2018 ACADEMIC YEAR**

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

Section 1. The City Manager, on behalf of the City, is authorized to enter into an agreement with Preschool Promise, Inc. for funding of the Preschool Promise Program for the 2017-2018 academic year. The City Manager is further authorized to enter into any amendments to said agreement as the City Manager determines are in the best interests of the City.

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

THEODORE A. HAMER, III,
Law Director

Estimated Cost: \$25,000.00
Amount Budgeted: \$0
Funds Available: \$25,000.00
Acct. No: 1050-72550

(Requested by: City Manager's Office)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ENTER INTO
ONE OR MORE AGREEMENTS FOR THE EXPEDITED
REMOVAL OF AN UNDERGROUND STORAGE TANK AT
3917 WILMINGTON PIKE**

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

Section 1. Pursuant to Subsection "T" of Section 152.02 of the Codified Ordinances of the City of Kettering, this Council hereby authorizes the City Manager to enter into one or more agreements for the expedited removal of an underground storage tank at 3917 Wilmington Pike as part of the Wilmington Pike Streetscape Improvements Project. The City Manager is further authorized to enter into any amendments to said agreement(s) as the City Manager determines to be in the best interests of the City.

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

THEODORE A. HAMER, III,
Law Director

Estimated Cost: \$32,416.00
Amount Available: \$32,416.00
Acct.: 5711-77750

(Requested by: Engineering Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ACCEPT A
DONATION OF PERSONAL PROTECTIVE EQUIPMENT FROM
THE KETTERING POLICE FOUNDATION**

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 the Kettering Police Foundation a donation of personal protective equipment intended to protect police officers from harmful substances.

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

THEODORE A. HAMER, III,
Law Director

Estimated Cost: \$1,700
Amount Budgeted: \$0
Acct. No.: 6540-77750

(Requested by: Police Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE
BARGAINING AND NEGOTIATED QUOTES TO CONTRACT
FOR CLEARING AND REFORESTATION OF CITY-OWNED
PROPERTY COMMONLY KNOWN AS PRUGH WOODS**

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 use of competitive bargaining and negotiated quotations than through sealed bids, the City Manager is hereby authorized to use such bargaining and negotiation procedures and to enter into one or more agreements for clearing and reforestation of City-owned property commonly known as Prugh Woods. The City Manager is further authorized to enter into any amendments to the agreement(s) that, in the City Manager's opinion, are in the best interests of the City.

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

THEODORE A. HAMER, III,
Law Director

Estimated Cost: \$80,000.00
Amount Budgeted: \$80,000.00
Acct. No.: 6504-77750

(Requested by: Parks, Recreation and Cultural Arts Department)