



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

June 13, 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

May 23, 2017- Council Meeting & Workshop Minutes
May 30, 2017- Special Meeting 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 the City Manager to use competitive bargaining and negotiated quotes to contract for multi-turf spray units.
2. Authorizing the City Manager to use competitive bargaining and negotiated quotes to contract for repair of concrete surfaces and edging at the Skate Plaza in Indian Riffle Park.
3. Authorizing the City Manager to enter into one or more cost participation agreements with the City of Centerville for the Hewitt Avenue Bikeway Connector Project (City Project No. 05-004H; ODOT Project MOT-Hewitt Ave Bikeway Connector PID 105751).
4. Authorizing the City Manager to use competitive bargaining and negotiated quotes to contract for replacement of backboard winch systems in the Kettering Recreation Center.
5. Authorizing the City Manager to enter into an agreement for the purchase and installation of emergency lighting and equipment for police vehicles.
6. Authorizing the City Manager to accept grants from the Community Foundation for Kettering.
7. Authorizing the City Manager to seek proposals and to use competitive bargaining and negotiated quotes to contract for design services for the Frazee Pavilion 2018 performance season.
8. 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, 2017.

ORDINANCES IN FIRST READING

9. Vacating part of a utility easement in the Stroop Subdivision and Tait Road Plat.

CERTIFICATIONS AND PETITIONS

Certification- Planning Commission recommends approval of P.C. 17-013- Development Pattern District- Map Amendment. A public hearing on this request will be held on Tuesday, June 27, 2017 at the Kettering City Council meeting.

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

June 12	7:00 p.m.	Board of Zoning Appeals
June 13	4:00 p.m. 6:00 p.m. 7:30 p.m.	Partners for Healthy Youth Council Workshop City Council Meeting
June 19	7:00 p.m. 7:00 p.m.	Planning Commission Board of Community Relations
June 20	5:00 p.m.	Kettering Arts Council
June 21	8:00 a.m.	Volunteer Advisory Council
June 26	7:00 p.m. 7:30 p.m.	Board of Zoning Appeals Sister Cities
June 27	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting
July 3	7:00 p.m.	Planning Commission
July 4	All Day	Government Center Closed- Independence Day
July 10	7:00 p.m.	Board of Zoning Appeals
July 11	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 THE CITY MANAGER TO USE COMPETITIVE
BARGAINING AND NEGOTIATED QUOTES TO CONTRACT
FOR MULTI-TURF SPRAY UNITS**

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 is hereby authorized to use such bargaining and negotiation procedures and to enter into one or more agreements for multi-turf spray units. The City Manager is further authorized to enter into any amendments to said agreement(s) which, in the City Manager's opinion, are in the 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: \$37,890.00
Amount Budgeted: \$30,000.00
Acct. No.: 2453-77740

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

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE
BARGAINING AND NEGOTIATED QUOTES TO CONTRACT
FOR REPAIR OF CONCRETE SURFACES AND EDGING AT THE
SKATE PLAZA IN INDIAN RIFFLE PARK**

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 is hereby authorized to use such bargaining and negotiation procedures and to enter into one or more agreements for repair of concrete surfaces and edging at the Skate Plaza. The City Manager is further authorized to enter into any amendments to said agreement(s) which, in the City Manager's opinion, are in the 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: \$40,000.00
Amount Budgeted: \$40,000.00
Acct. No.: 6104-77750

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

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

AUTHORIZING THE CITY MANAGER TO ENTER INTO ONE OR MORE COST PARTICIPATION AGREEMENTS WITH THE CITY OF CENTERVILLE FOR THE HEWITT AVENUE BIKEWAY CONNECTOR PROJECT (CITY PROJECT NO. 05-004H, ODOT PROJECT MOT-HEWITT AVE BIKEWAY CONNECTOR PID 105751)

WHEREAS, the City of Kettering and the City of Centerville wish to collaborate on the following project, with the City of Kettering serving as lead agency:

1. Hewitt Avenue Bikeway Connector Project (City Project No. 05-004H, ODOT Project MOT-Hewitt Ave Bikeway Connector PID 105751) (the "Project"); and

WHEREAS, the City of Kettering has secured federal funding through the Transportation Alternatives Program to fund portions of the Project; and

WHEREAS, the Parties agree to split the Project costs as shown in Exhibit A attached hereto and incorporated herein;

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 one or more cost participation agreements with the City of Centerville for the Hewitt Avenue Bikeway Connector Project (City Project No. 05-004H; ODOT Project MOT-Hewitt Ave Bikeway Connector PID 105751). The City Manager is further authorized to enter into any amendments to said agreement(s) which, in the City Manager's opinion, are in the interests of the City.

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 _____ 2017.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER, III,
Law Director

(Requested by: Engineering Department)

EXHIBIT "A"

(2 total pages, including this page)

EXHIBIT A

Project Component	Estimated Total Cost	TA Funds Project Allocation	Local Funds Project Allocation	Centerville Reimbursement % to Kettering
Construction Plan Development	≈ \$30,000.00	None	≈ \$30,000.00	50% of the actual total cost to develop construction plans
Acquisition of ROW	≈ \$25,000.00	None	≈ \$25,000.00	50% of the actual total cost to acquire right-of-way.
Construction Engineering	≈ \$26,800.00	≈ \$13,400.00	≈ \$13,400.00	0% Centerville shall perform construction engineering for the portion of the Project within the Centerville corporate boundary and will pay all costs associated with such construction engineering.
Construction	≈ \$670,000.00	≈ \$335,000.00	≈ \$335,000.00	50% of Local Funds Project Allocation

***Costs listed in the table above are estimates and not actual costs of the Project. However, Kettering shall invoice Centerville in accordance with the actual costs of the Project, and Centerville shall reimburse Kettering in accordance with the percentages listed in the table above for the actual costs of the Project.**

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE
BARGAINING AND NEGOTIATED QUOTES TO CONTRACT
FOR REPLACEMENT OF BACKBOARD WINCH SYSTEMS IN
THE KETTERING RECREATION 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 is hereby authorized to use such bargaining and negotiation procedures and to enter into one or more agreements for replacement of backboard winch systems in the Kettering Recreation Center gymnasium. The City Manager is further authorized to enter into any amendments to said agreement(s) which, in the City Manager's opinion, are in the 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: \$31,700.00
Amount Budgeted: \$0
Acct. No.: 6113-77750

(Requested by: Public Service Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ENTER INTO
AN AGREEMENT FOR THE PURCHASE AND
INSTALLATION OF EMERGENCY LIGHTING AND
EQUIPMENT FOR POLICE VEHICLES**

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 an agreement with KE Rose Company for the purchase and installation of emergency lighting and equipment for police vehicles. The City Manager is further authorized to enter into any amendments to said agreement which, in the City Manager's opinion, are in the 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: \$59,495.58
Amount Budgeted: \$69,500.00
Acct.: 0600-72220

(Requested by: Police Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ACCEPT GRANTS
FROM THE COMMUNITY FOUNDATION FOR KETTERING**

WHEREAS, the City has applied for grants from the Community Foundation for Kettering for support of the following projects:

- A. Rosewood Arts Centre's *ArtLocal* project, creating new, collaborative artworks in Kettering neighborhoods; and
- B. Parks Department's *Environmental Education/Land Lab Watershed Heroes* project, enhancing current environmental stewardship programs; and

WHEREAS, the City's grant applications have been approved and grants will be awarded for the *ArtLocal* project in the amount of \$5,500 and for the *Environmental Education/Land Lab Watershed Heroes* project in the amount of \$3,000;

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

Section 1. This City Council hereby authorizes the City Manager to take all necessary and proper action to accept the above-described grants from the Community Foundation for Kettering. Further, this Council hereby affirms all matters and statements included in the grant application and authorizes the City Manager to sign any related agreements and instruments and any amendments thereto.

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

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

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO SEEK PROPOSALS
AND TO USE COMPETITIVE BARGAINING AND NEGOTIATED
QUOTES TO CONTRACT FOR DESIGN SERVICES FOR THE
FRAZE PAVILION 2018 PERFORMANCE SEASON**

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 competitive quotations than through sealed bids, the City Manager is hereby authorized to seek proposals and to use such bargaining and negotiated quotes to enter into one or more contracts for design services, including marketing, advertising, social media, promotional materials, copywriting and website design services for the Frazee Pavilion 2018 performance season and any renewal seasons. Said authorization shall be contingent upon this Council's approval of budgeted spending for calendar year 2018. The City Manager is further authorized to enter into any contract amendments that, in the City Manager's opinion, are beneficial to the 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: \$85,000.00
Amount Budgeted: \$85,000.00 (to be included in 2018 budget)
Acct. No.: 2200-72740
(Requested by: Parks, Recreation and Cultural Arts 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, 2017

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, 2017, the following supplemental sums are set aside and appropriated:

A. From the General Fund:

ECONOMIC DEVELOPMENT	
Operating Expenses	\$ 602,000.00
TRANSFERS TO OTHER FUNDS	
Capital Improvement Fund	\$ 220,000.00

B. From the Special Grants and Programs Fund:

Other	\$ 11,500.00
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C. From the Capital Improvement Fund:

STREETSCAPE IMPROVEMENTS	\$ 220,000.00
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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. 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: Finance Department)

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

VACATING PART OF A UTILITY EASEMENT IN THE
STROOP SUBDIVISION AND TAIT ROAD PLAT

WHEREAS, on March 20, 2017 the Planning Commission in Case No. PC-17-008 considered and recommended approval of an application to vacate part of a utility easement in the Stroop Subdivision and Tait Road Plat; and

WHEREAS, on March 28, 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 the vacation, that the vacation 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 part of a utility easement on Lots 17 and 21 of the Stroop Subdivision and Tait Road Plat, recorded in Plat Book Y, Page 48, as described and depicted in the attached Exhibit A.

Section 2. 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 3. 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 "A"

(3 total pages, including this page)



Judge Engineering Company

Professional Engineers and Surveyors • Consultants

Description of Part of a Utility Easement
To Be Vacated Upon Lot 17 and 21,
Stroop Subdivision and Tait Road
City of Kettering, Montgomery County, Ohio

Situate in Section 4, Town 1, Range 6 M.Rs., City of Kettering, Montgomery County, Ohio and being part of a utility easement upon Lots 17 and 21 of the Stroop Subdivision and Tait Road as recorded in Plat Book Y, Page 48 of the plat records of said county to be vacated, said easement being more particularly described as follows:

Beginning at a point of curvature at the northwest corner of Lot 17;

thence northeastwardly on a curve to the right having a radius of 475.51 feet an arc distance of 5.09 feet to a point, (said curve having a central angle of $0^{\circ}36'47''$, a chord bearing of $N 62^{\circ}06'33'' E$ and a chord distance of 5.09 feet);

thence $S 17^{\circ}07'00'' E$ a distance of 266.46 feet to a point;

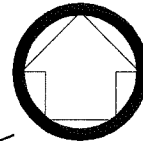
thence $S 79^{\circ}01'30'' W$ a distance of 10.06 feet to a point;

thence $N 17^{\circ}07'00'' W$ a distance of 263.42 feet to a point of curvature;

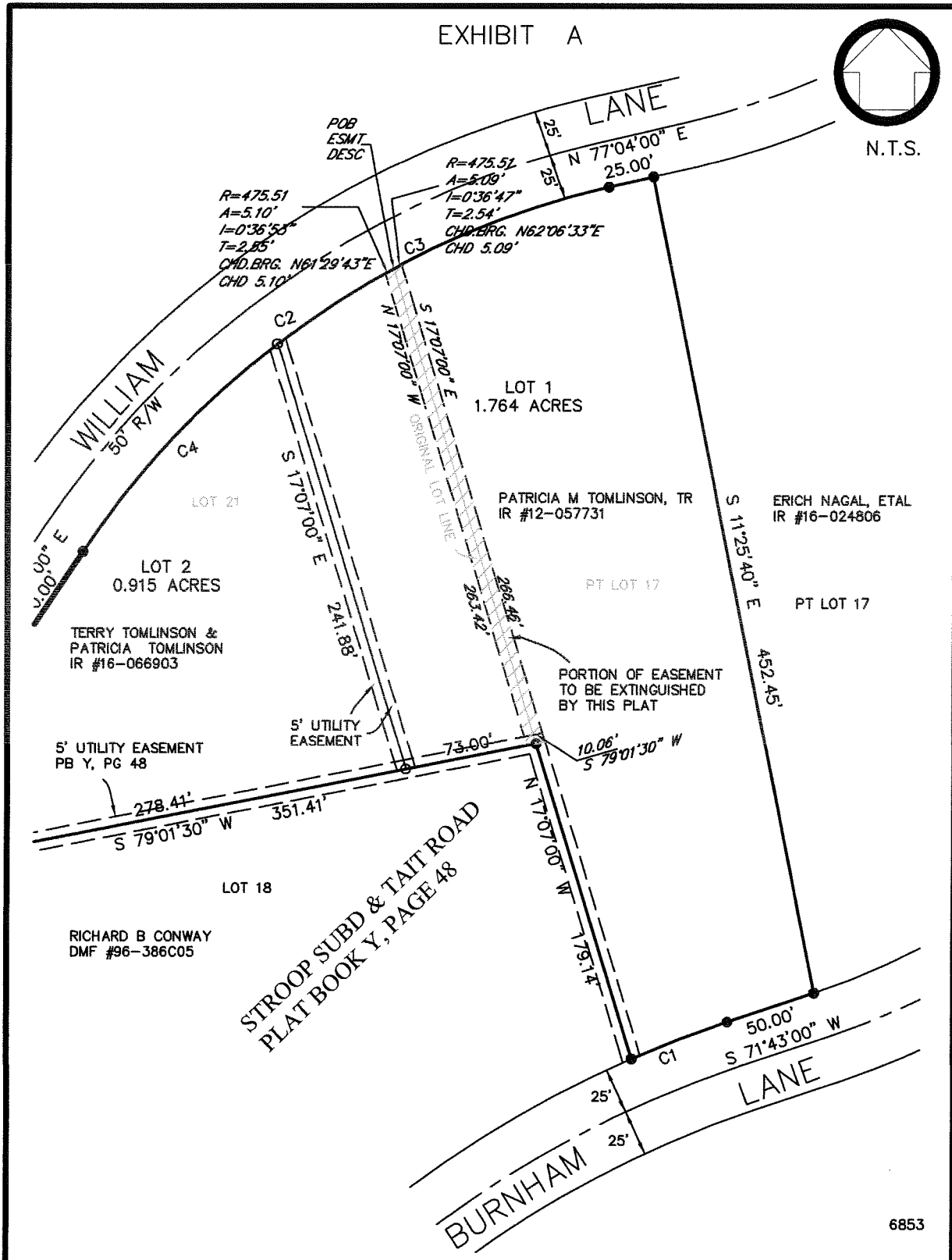
thence northeastwardly on a curve to the right having a radius of 475.51 feet an arc distance of 5.10 feet to the point of beginning and terminus of the herein described easement (said curve having a central angle of $0^{\circ}36'53''$, a chord bearing of $N 61^{\circ}29'43'' E$ and a chord distance of 5.10 feet).

6853

EXHIBIT A



N.T.S.



CERTIFICATION

DATE: June 6, 2017
TO: Mayor and Council, City of Kettering
FROM: Planning Commission
SUBJECT: PC-17-013 – Development Pattern District – Map Amendment

Planning Commission hereby certifies that a public hearing was held at their meeting on June 5, 2017 with a decision reached at that meeting.

Planning Commission hereby submits its recommendation to Council that the requested Map Amendment be approved.

Vote of the Planning Commission

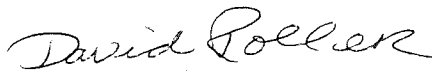
The motion recommending approval was passed by a vote of 4:0.

Reason for Request

The proposed request is for the approval of a Development Pattern District Map Amendment to amend the designation for the property located at 2400 East Dorothy Lane from the NC-Neighborhood Development Pattern District to the N-Neighborhood Development Pattern District. The principal reason for this request is to accommodate the reuse and modernization of the existing structure, which is currently nonconforming.

Respectfully submitted,

KETTERING PLANNING COMMISSION


By: David Roller, City Planner
Planning and Development Department