



# CITY OF KETTERING

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

## KETTERING COUNCIL AGENDA

February 13, 2018

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

January 23, 2018 - Council Meeting & Workshop Minutes

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

### PUBLIC HEARINGS

1. P.C. 17-033- Request for Zoning District Map Amendment to reclassify land associated with the transfer of property between the Dayton Metro Library at 3980 Wilmington Pike and the Wynds Apartments at 3970 Parliament Place.

### PUBLIC COMMENT ON LEGISLATION

(5 Minute Limit per Speaker)

### ORDINANCES IN SECOND READING

### RESOLUTIONS

2. Authorizing the City Manager to use competitive bargaining and negotiated quotes to contract for insurance and other related benefits and administrative services for the employees of the City of Kettering, Kettering Municipal Court, and the Office of the Clerk of the Kettering Municipal Court.
3. Authorizing the City Manager to submit an application to the Ohio Department of Transportation Municipal Bridge Program for funding of the Ridgeway Road Bridge Replacement Project (City Project No. 03-904C).
4. To renew the agreement for street light maintenance.
5. Authorizing the City Manager to purchase equipment through sealed bids, negotiated quotes, or a cooperative purchasing program.
6. Authorizing the City Manager to advertise for bids and to contract for the Valleywood Drive Improvements-Phase 2 (Cemetery Lane to East Dorothy Lane), City Project No. 02-232B.
7. Authorizing the City Manager to enter into an agreement with the Miami Valley Blue Umpires Association.
8. Authorizing the City Manager to apply for a Dayton Power and Light "Right Tree in the Right Place" grant.

### ORDINANCES IN FIRST READING

9. To enact section 152.07 of the Codified Ordinances of the City of Kettering regarding local purchasing preference.

**CERTIFICATIONS AND PETITIONS**

Certification- Planning Commission recommends approval of P.C. 17-035- Request for Zoning District Map Amendment to reclassify land from ED-3 and I-Industrial to O-Office. A public hearing on this request will be held on Tuesday, February 27, 2018 at the Kettering City Council meeting.

Certification- Planning Commission recommends vacation of P.C. 18-001- Request for vacation of unused utility easement at 3216 Delaney Street. A public hearing on this request will be held on Tuesday, February 27, 2018 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**  
**2018**

February 13	4:00 p.m. 6:00 p.m. 7:30 p.m.	Partners for Healthy Youth Council Workshop City Council Meeting
February 19	All Day	Government Center Closed- Holiday
February 21	8:00 a.m.	Volunteer Advisory Council
February 26	7:00 p.m. 7:30 p.m.	Board of Zoning Appeals Sister Cities
February 27	6:00 p.m. 7:30 p.m.	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 INSURANCE AND OTHER RELATED BENEFITS AND ADMINISTRATIVE SERVICES FOR THE EMPLOYEES OF THE CITY OF KETTERING, KETTERING MUNICIPAL COURT, AND THE OFFICE OF THE CLERK OF THE KETTERING MUNICIPAL COURT**

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 contracts to provide benefits for the employees of the City of Kettering, Kettering Municipal Court, and the Office of the Clerk of the Kettering Municipal Court including life, medical, drug, dental, and other ancillary and voluntary benefits including, but not limited to vision, and short and long term disability insurance, and administrative services including, but not limited to plan administration, wellness program administration and services, actuarial services, Patient Protection & Affordable Care Act (PPACA) services, general consulting services, COBRA, HSA, HRA, and FSA administration, and stop loss insurance. Such contractual arrangements may also include agreements with one or more brokers or consultants setting the level of commissions or fees for professional services in acquiring and administering these insurance programs. The City Manager is further authorized to enter into amendments to said contracts which, in the City Manager's opinion, are in the interests of the City.

Section 2. This Resolution shall take full force and effect immediately upon its adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
BILL LAUTER, Vice Mayor

ATTEST:

CERTIFICATE OF APPROVAL

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

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

(Requested by: Human Resources Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF TRANSPORTATION MUNICIPAL BRIDGE PROGRAM FOR FUNDING OF THE RIDGEWAY ROAD BRIDGE REPLACEMENT PROJECT (CITY PROJECT NO. 03-904C)**

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

Section 1. This Council hereby authorizes the City Manager to submit an application to the Ohio Department of Transportation Municipal Bridge Program for funding of the Ridgeway Road Bridge Replacement Project (City Project No. 03-904C).

Section 2. This Resolution shall take full force and effect immediately upon its adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

\_\_\_\_\_  
BILL LAUTER, Vice 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.

**TO RENEW THE AGREEMENT FOR STREET LIGHT  
MAINTENANCE**

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

Section 1. The City Manager is authorized to renew the existing agreement with Capital Electric for street light maintenance and to enter into any amendments to the existing agreement that, in the City Manager's opinion, are beneficial to the interests of the City.

Section 2. This Resolution shall take full force and effect immediately upon its adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

\_\_\_\_\_  
BILL LAUTER, Vice Mayor

ATTEST:

CERTIFICATE OF APPROVAL

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

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

Estimated Cost: \$30,000.00  
Amount Budgeted: \$30,000.00  
Acct. No.: 0950-72350

(Requested by: Engineering Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO PURCHASE  
EQUIPMENT THROUGH SEALED BIDS, NEGOTIATED QUOTES,  
OR A COOPERATIVE PURCHASING PROGRAM**

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

Section 1. The City Manager is hereby authorized to use sealed bids, competitive bargaining and negotiated quotes, or an approved cooperative purchasing program to purchase the following listed vehicles and equipment needed for City use. For each purchase, the City Manager may use whichever method the City Manager deems to be in the interest of the City.

	<u>Equipment</u>	<u>Department</u>	<u>Est. Cost</u>
a.	4 Marked Vehicles	Police Department	\$ 130,000
b.	2 Unmarked Vehicles	Police Department	\$ 42,000
c.	1 Rescue Engine	Fire Department	\$ 663,000
d.	2 Staff Vehicles	Fire Department	\$ 74,000
e.	1 SBICA Replacement	Fire Department	\$ 620,000
f.	1 Inspectors Truck	Engineering Department	\$ 36,000
g.	2 Heavy Dump Trucks	Public Service Department	\$ 350,000
h.	1 Tandem Heavy Dump	Public Service Department	\$ 225,000
i.	1 Small SUV	Public Service Department	\$ 35,000
j.	1 Sewer Camera	Public Service Department	\$ 75,000
k.	2 Leaf Vacuum Loaders	Public Service Department	\$ 70,000
l.	1 ¼-Ton Pickup Truck	Public Service Department	\$ 50,000
m.	1 Toro Groundmaster	Parks	\$ 125,000
n.	2 Motor Pool Sedans	Vehicle Maintenance Center	\$ 50,000

Section 2. This Resolution shall take full force and effect immediately upon its adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

\_\_\_\_\_  
BILL LAUTER, Vice Mayor

ATTEST:

CERTIFICATE OF APPROVAL

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

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

Estimated Cost: \$2,545,000  
Amount Budgeted: \$2,545,000  
Acct. No.: Various-77740

(Requested by: Finance Department)

**CITY OF KETTERING, OHIO  
A RESOLUTION**

By:

No.

**AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR  
BIDS AND TO CONTRACT FOR THE VALLEYWOOD DRIVE  
IMPROVEMENTS – PHASE 2 (CEMETERY LANE TO EAST  
DOROTHY LANE), CITY PROJECT NO. 02-232B**

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

Section 1. The City Manager is hereby authorized to advertise for bids and to enter into one or more contracts for the Valleywood Drive Improvements – Phase 2 (Cemetery Lane to East Dorothy Lane), City Project No. 02-232B, in accordance with Chapter 152 of the Kettering Administrative Code, entitled Purchases and Contracts. The City Manager is further authorized to enter into any amendments to the contract(s) that, in the City Manager's opinion, are beneficial to the interests of the City.

Section 2. Bids for such project shall be in accordance with the specifications on file in the Department of Finance, office of the Purchasing Manager. Bidding may be conducted electronically. The bids shall be opened at the time and place named in the advertisement for bids, unless extended by the City; or unless, within seventy-two hours prior to the published time for the opening of bids, excluding Saturdays, Sundays, and legal holidays, any modification of the plans or specifications for the project for which bids are solicited is issued and mailed or otherwise furnished to persons who have obtained plans or specifications for the project in which event the time for opening of bids shall be extended one week, with no further advertising of bids required.

Section 3. The City of Kettering shall and does reserve the right (a) to reject any or all bids so received, (b) to waive any irregularities in a bid, (c) to hold any bid up to sixty (60) days unless the time for awarding the contract is extended by mutual consent of the City and the bidder whose bid the City subsequently accepts or, (d) to accept that bid which in the judgment of the City Manager is in the best interest of the City.

Section 4. This Resolution shall take full force and effect immediately upon its adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

\_\_\_\_\_  
BILL LAUTER, Vice Mayor

ATTEST:

CERTIFICATE OF APPROVAL

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

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

Estimated Cost:       \$200,000.00  
Amount Budgeted:    \$200,000.00  
Acct. No.:             5257-77750

(Requested by: Engineering Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ENTER INTO AN  
AGREEMENT WITH THE MIAMI VALLEY BLUE UMPIRES  
ASSOCIATION**

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

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 enter into an agreement with the Miami Valley Blue Umpires Association to provide umpires and site supervisors for the 2018 Adult League Softball Program. The City Manager is further authorized to enter into any amendments to said agreement that the City Manager deems to be in the interests of the City.

Section 2. This Resolution shall take full force and effect immediately upon its adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

\_\_\_\_\_  
BILL LAUTER, Vice Mayor

ATTEST:

CERTIFICATE OF APPROVAL

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

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

Estimated Cost: \$31,488.00  
Budgeted: \$31,500.00  
Acct. No.: 2414-72550

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



**CITY OF KETTERING, OHIO**

**A RESOLUTION**

**By:**

**No.**

**AUTHORIZING THE CITY MANAGER TO APPLY FOR A  
DAYTON POWER AND LIGHT "RIGHT TREE IN THE RIGHT  
PLACE" GRANT**

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

Section 1. The City Manager is hereby authorized to file an application with Dayton Power and Light for a \$25,000 "Right Tree in the Right Place" grant. The grant funds will assist the City with replacement of trees in its parks.

Section 2. This Resolution shall take full force and effect immediately upon its adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

\_\_\_\_\_  
BILL LAUTER, Vice 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

AN ORDINANCE

By:

No.

**TO ENACT SECTION 152.07 OF THE CODIFIED  
ORDINANCES OF THE CITY OF KETTERING  
REGARDING LOCAL PURCHASING PREFERENCE**

WHEREAS, City Council recognizes that the success of local businesses ensures a thriving local economy, employment of Kettering citizens, and a strong tax base; and

WHEREAS, City Council finds and determines that it is in the best interests of the City of Kettering to give a preference to local businesses when the City is purchasing commodities and equipment in order to strengthen local economic activity and employment and foster and maintain a vital economic future for the City of Kettering;

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

Section 1. Section 152.07 of the Codified Ordinances is enacted to read:

**"152.07 KETTERING LOCAL PREFERENCE**

A. When using Formal Sealed Bidding or Competitive Bargaining to procure commodities and equipment costing \$200,000 or less, the City may exercise a preference for local business as provided herein.

B. For the purposes of this Section 152.07, the following terms, phrases, words, and their derivations shall have the meanings as set forth herein. When not inconsistent with the context, words in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning. References hereafter to "Sections" are, unless otherwise specified, references to Sections in this Chapter 152. Defined terms remain defined terms whether or not capitalized.

1. "Local business" means an individual or business entity that has continuously maintained a permanent office or other permanent facility (e.g., a manufacturing facility, warehouse, retail store, or other business purpose site) within the corporate limits of the City for the past two successive years preceding the making of a bid and has filed a return and paid a payroll or earnings tax to the City in the most recent quarter.

2. "Qualified local business" means a local business that has submitted a bid conforming to the specifications and who is not otherwise disqualified. Any of these factors will disqualify a local business from eligibility for the local preference: i. being on the debarred contractor list; ii. nonpayment of any tax, fee, lien, service charge, or other assessment; iii. failure to comply with the City's income tax code; iv. failure to faithfully perform or satisfactorily complete any previous contract with the City;

3. "Local preference" means that in determining the low bid for commodities and equipment costing \$200,000 or less, the City may allow a qualified local business to match the lowest and best bid received from a non-local business, if the qualified local business' bid was within five percent (5%) of the lowest and best bid received from a non-local business.

4. "Bid" means the price and other required information, if any, quoted to the City by a local or non-local business in response to an invitation to bid, a request for proposal, a request for qualifications, or other means of solicitation used by the City to purchase commodities and equipment.

5. "Non-local business" means an individual or business entity that does not meet the definition of local business.

C. In all invitations to bid, requests for proposal, requests for quotation, and other solicitations for purchase of commodities and equipment, the City shall indicate if local preference, as outlined in this section, is applicable in the evaluation and award of bids received.

D. In bids where the local preference is applicable, forms shall be included in the bid documents for local businesses to certify their qualifications as a local business, and shall authorize the City's Tax Division to release necessary information to verify their qualifications.

E. When purchasing commodities and equipment costing \$200,000 or less, the City may provide a qualified local business with the opportunity to match the lowest and best bid received from a non-local or non-qualifying business. If the lowest and best bid received is from a non-local or non-qualifying business, the qualifying local business that has submitted a bid to the City that conforms to the bid specifications and is within five percent (5%) of the lowest bid submitted by the non-local or non-qualifying business will be given the opportunity to match the lowest and best bid. If that qualifying local business declines to match the lowest and best bid, then the award will be made to the bidder submitting the lowest and best bid.

F. Ties between a qualifying local business and one or more non-local or non-qualifying businesses shall be broken in favor of the qualifying local business. Ties between two or more qualifying local businesses shall be broken by selecting the first bid received. If two or more Bids were received at the same time, then the tie will be broken through a coin toss method administered by the City Manager or the City Manager's designee until the winner remains.

G. The provisions of this section shall not be construed to create any private rights, claims, or causes of action on behalf of any person or entity, including, but not limited to, bidders, proposers, and suppliers. Bids from local businesses must comply in all respects with the applicable specifications. Nothing in this section shall waive or nullify evaluation of delivery, quality, or any other requirements and specifications.

H. The provisions of this section shall not apply to any City contract which is funded in whole or in part with contributions, grants, or loans from any agency of the State of Ohio, the Counties of Montgomery or Greene, or the United States Government, nor shall a local preference apply where it would be otherwise unlawful to utilize a local preference. Further, the provisions of this section shall not apply to emergency procurements, sole source procurements, procurements made through cooperative purchasing programs, or procurements where proximity of the supplier is a determinative factor.

I. The City Manager or City Manager's designee may promulgate rules and regulations for the purpose of administering this section.

J. No person shall provide false information regarding local business or qualified local business status. Doing so shall result in the bidder being prohibited from bidding on another City contract for two years from the date of submission of the bid containing false information."

Section 2. Any portion of the Codified Ordinances requiring modification to reflect the changes expressed in this ordinance shall be so modified.

Section 3. If any portion of this Ordinance is found by a court of competent jurisdiction to be invalid or unlawful, City Council finds and declares that the remainder of this ordinance would be and is enforceable and would have been adopted notwithstanding the finding of invalidity or unlawfulness.

Section 4. Effective Date. This Ordinance shall take full force and effect from and after the earliest date allowed by law.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

\_\_\_\_\_  
BILL LAUTAR, Vice Mayor

ATTEST:

CERTIFICATE OF APPROVAL

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

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

(Requested by: Finance Department)



CITY OF KETTERING  
Planning and Development Department

CERTIFICATION

**DATE:** February 6, 2018  
**TO:** Mayor and Council, City of Kettering  
**FROM:** Planning Commission  
**SUBJECT:** P.C. 17-035 - Request for Zoning District Map Amendment to reclassify land from ED-3 and I – Industrial to O - Office

Planning Commission hereby certifies that a public hearing was held at their meeting on February 5, 2018 with a decision reached at that meeting.

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

Vote of the Planning Commission

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

Reason for Request

This request involves the rezoning of three pieces of land that are located at the NE and SW corners of E. David Road and Hempstead Station Drive. One of the properties is currently owned by the City of Kettering and contains the Fire Headquarters/Station #36, as well as about 4.5 acres of vacant land. While the address of this property is 4745 Hempstead Station Drive, primary access for additional development will likely be off of Glenstead Drive once the site is fully developed. The other principal property included in this request is the School of Advertising Art, which is located at 1725 E. David Road. This two year vocational school will soon be renamed the Modern School of Design, as the owners transition this educational facility into a four year college offering a Bachelor Degree program. A third parcel is the northeast corner of E. David and Hempstead Station, where a Vectren owned natural gas sub-station is located. Two of the properties are zoned ED-3 and the Vectren property is currently zoned I for Industrial use.

The Planning Commission made findings in their approval motion that all required standards for the proposed rezoning have been met.

Respectfully submitted,

KETTERING PLANNING COMMISSION

By: Ronald L. Hundt  
Zoning Administrator  
Planning and Development Department



CITY OF KETTERING  
Planning and Development Department

CERTIFICATION

**DATE:** February 6, 2018  
**TO:** Mayor and Council, City of Kettering  
**FROM:** Planning Commission  
**SUBJECT:** P.C. 18-001 - Request for Vacation of Unused Utility Easement – 3216 Delaney Street

Planning Commission hereby certifies that a public hearing was held at their meeting on February 5, 2018 with a decision reached at that meeting.

Planning Commission hereby submits its recommendation to Council that the requested unused utility easement measuring 5' wide by 120' long starting at the western front lot line of 3216 Delaney Street be recommended to Kettering City Council for vacation.

Vote of the Planning Commission

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

Reason for Request

The applicant in this case (property owner Dennis Wahle) is requesting the vacation of an unused 5' wide utility easement that is preventing him from constructing a new detached garage 3' from his northern side lot line. Kettering does not permit an encroachment of an existing easement with a permanent structure, such as a detached garage. While the proposed placement of the detached structure only affects a 2' wide by 27' long segment of the affected easement, a partial vacation of this unused easement is impractical as it would require a survey after the construction of the garage is complete. In addition, the reduction in easement width would not leave sufficient space within which to place any new utility services. Common utility easements are 10' in width, and actually much wider for County services (sewer and water). No opposition for the vacation of this unused utility easement was made by any of the local utility providers, including Montgomery County Environmental Services, DP&L, Vectren, and Spectrum.

The Planning Commission made a motion that indicates that the reasons to vacate this unused easement can be supported such that this utility easement vacation can be recommended to Kettering City Council for their approval.

Respectfully submitted,

KETTERING PLANNING COMMISSION

A handwritten signature in black ink, appearing to read "Ronald L. Hundt".

By: Ronald L. Hundt  
Zoning Administrator  
Planning and Development Department