



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

March 27, 2018

Kettering Government Center – South Building
3600 Shroyer Rd. Kettering, Ohio 45429

4:30 P.M. **WORKSHOP** Deeds Room
7:30 P.M. **REGULAR MEETING** Council Chambers

PLEDGE OF ALLEGIANCE

INVOCATION

APPROVAL OF MINUTES

March 13, 2018 - Council Meeting & Workshop Minutes

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

Presentation ADA Transition Plan Development

PUBLIC HEARINGS

PUBLIC COMMENT ON LEGISLATION

(5 Minute Limit per Speaker)

ORDINANCES IN SECOND READING

1. Vacating part of a utility easement in the Rosewood Gardens Plat.

RESOLUTIONS

2. Authorizing the City Manager to apply for Montgomery County Solid Waste District recycling incentive grant funds.
3. Authorizing the City Manager to enter into one or more cost participation agreements with the City of Beavercreek for the County Line Road Widening Project, City Project No. 02-136H, ODOT Project MOT-County Line Road, PID 103418.
4. Authorizing the City Manager to purchase computers as part of the annual PC replacement program.
5. Authorizing the City Manager to enter into one or more contracts with Rozzi's Famous Fireworks for the purchase and display of fireworks for the 2018 Go 4th! Celebration at Delco Park.
6. Authorizing the City Manager to purchase the real property commonly known as 3701 Wilmington Pike.
7. Authorizing the City Manager to execute a quit claim deed transferring the city-owned property at 3729 Wilmington Pike to the Montgomery County Land Reutilization Corporation.

ORDINANCES IN FIRST READING

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 for this request will be held on April 10, 2018 at the Kettering City Council meeting.

Certification- Planning Commission recommends approval of P.C. 18-005- Request for Zoning District Map Amendment to reclassify land from B-Business to R-2 Neighborhood Residence. A public hearing for this request will be held on April 10, 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 invites people with disabilities to enjoy our programs, services, parks, and facilities. Contact Anna Breidenbach at anna.breidenbach@ketteringoh.org or call 296-2439 for more information about our accessibility, inclusion, and special programs initiatives. For TTY assistance, contact Ohio Relay Service at 800-750-0750.

KETTERING CITY CALENDAR
2018

March 26	7:30 p.m.	Sister Cities
March 27	4:30 p.m. 7:30 p.m.	Council Workshop City Council Meeting
April 2	7:00 p.m.	Planning Commission
April 5	4:00 p.m.	Parks, Recreation and Cultural Arts Advisory Board
April 9	7:00 p.m.	Board of Community Relations
April 10	4:00 p.m. 6:00 p.m. 7:30 p.m.	Partners for Healthy Youth Council Workshop City Council Meeting
April 16	7:00 p.m. 7:00 p.m.	Planning Commission Board of Community Relations
April 18	8:00 a.m.	Volunteer Advisory Council
April 23	7:00 p.m. 7:30 p.m.	Board of Zoning Appeals Sister Cities
April 24	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

VACATING PART OF A UTILITY EASEMENT IN THE
ROSEWOOD GARDENS PLAT

WHEREAS, on February 5, 2018 the Planning Commission in Case No. PC-18-001 considered and recommended approval of an application to vacate part of a utility easement in the Rosewood Gardens Plat, Section One; and

WHEREAS, on February 27, 2018, 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 a 5' wide, 120' long utility easement, as depicted in the attached Exhibit A, on north side of Lot 103 of the Rosewood Gardens Plat Section One, recorded in Plat Book PP, Page 52 of the plat records of Montgomery County, Ohio.

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 _____ 2018.

DONALD E. PATTERSON, Mayor

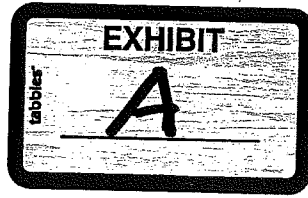
ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

(Requested By: Planning and Development Department)



JOHN D. WYDZIA

SCALE 1/2" = 1'

ROSEWOOD GARDENS PLAT SEC. ONE
SEC. 17, T2, R-6 MRS. PR. 52
CITY OF KETTERING - JUNE 24, 1955



PROPOSED 5' GENERAL
UTILITY EASEMENT
VACATION

PC 18-001 - 5' Plat Easement Vacation
EXHIBIT 3 - Recorder's Plat
Book Showing Easement
Planning Commission Meeting February 5, 2018

[Handwritten signature]

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO APPLY FOR
MONTGOMERY COUNTY SOLID WASTE DISTRICT
RECYCLING INCENTIVE GRANT FUNDS**

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 the Montgomery County Solid Waste District for Recycling Incentive Grant funds in the amount of \$2,627.00, with matching grant funds required in the amount of \$788.10; all grant funds to be used to purchase 500 washable Kraft paper tote bags to be given away at the City's Block Party.

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

Passed by Council this _____ day of _____ 2018.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

AMY J. HAYSLIP,
Acting 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 ENTER INTO ONE OR MORE COST PARTICIPATION AGREEMENTS WITH THE CITY OF BEAVERCREEK FOR THE COUNTY LINE ROAD WIDENING PROJECT (CITY PROJECT NO. 02-136H, ODOT PROJECT MOT-COUNTY LINE ROAD, PID 103418)

WHEREAS, the City of Kettering and the City of Beavercreek wish to collaborate on the following project:

1. County Line Road Widening – Dorothy to Vale Project (City Project No. 02-136H, ODOT Project MOT-County Line Road, PID 103418) (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 Beavercreek for the County Line Road Widening Project (City Project No. 02-136H; ODOT Project MOT-County Line Road, PID 103418). 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 _____ 2018.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

AMY J. HAYSLIP,
Acting Clerk of Council

THEODORE A. HAMER, III,
Law Director

(Requested by: Engineering Department)

Exhibit A: Table Detailing Cost Sharing Agreement Per Project Component

Project Component	Estimated Total Cost	STP Funds Project Allocation	Local Funds Project Allocation	Beavercreek Reimbursement % to Kettering
Construction Plan Development	≈ \$100,000.00	None	≈ \$100,000.00	50% of the actual third party cost to develop construction plans
Acquisition of ROW	≈ \$450,000.00	≈\$270,000	≈ \$180,000.00	50% of the actual total cost to acquire right of way, less any Federal funding allocated to this phase of the improvement
Construction Engineering	≈ \$241,500.00	≈ \$144,900.00	≈ \$96,600	0% Beavercreek shall provide supplemental inspections for the portion of the project within the Beavercreek corporate boundary and will pay all costs associated with such supplemental inspections.
Construction	≈ \$3,450,000.00	≈ \$2,070,000.00	≈ \$1,380,000	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 Beavercreek in accordance with the actual costs of the Project, and Beavercreek 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 PURCHASE
COMPUTERS AS PART OF THE ANNUAL PC
REPLACEMENT PROGRAM**

WHEREAS, a centralized replacement program is a sustainable method for ensuring that City employees are able to perform their jobs using modern, reliable technology and maximizes the opportunity for bulk purchase discounting;

NOW THEREFORE, 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 purchase Dell computers as part of the annual PC Replacement Program which will replace approximately twenty percent of the City's existing computer fleet across all departments.

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 _____ 2018.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

AMY J. HAYSLIP,
Acting Clerk of Council

THEODORE A. HAMER, III,
Law Director

Estimated Cost: \$77,660.00
Amount Budgeted: \$98,160.00
Acct. No: 4400-72220

(Requested by: Administrative Systems)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

AUTHORIZING THE CITY MANAGER TO ENTER INTO ONE OR MORE CONTRACTS WITH ROZZI'S FAMOUS FIREWORKS FOR THE PURCHASE AND DISPLAY OF FIREWORKS FOR THE 2018 GO 4TH! CELEBRATION AT DELCO PARK

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

Section 1. The City Manager is hereby authorized, pursuant to Subsection "I" of Section 152.02 of Chapter 152 of the Codified Ordinances of the City of Kettering, to enter into one or more contracts with Rozzi's Famous Fireworks for the purchase and display of fireworks for the 2018 Go 4th! celebration at Delco Park. The City Manager is further authorized to enter into any amendments to said agreements 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.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

AMY J. HAYSLIP,
Acting Clerk of Council

THEODORE A. HAMER, III,
Law Director

Estimated Cost: \$40,000.00
Amount Budgeted: \$40,000.00
Acct. No.: 2416-72550

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

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO PURCHASE THE
REAL PROPERTY COMMONLY KNOWN AS 3701
WILMINGTON PIKE**

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

Section 1. The City Manager is hereby authorized to purchase the real property commonly known as 3701 Wilmington Pike, Kettering, Ohio for an amount, excluding typical closing and transaction costs, not to exceed \$159,000.00. Additional terms and conditions that the City Manager deems appropriate may also be included. The City Manager is authorized to sign any necessary agreements and instruments, including amendments thereto, for this transaction.

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

Passed by Council this _____ day of _____ 2018.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

AMY J. HAYSLIP,
Acting Clerk of Council

THEODORE A. HAMER, III,
Law Director

Estimated Cost: \$159,000.00
Funds Available: \$159,000.00
Acct. No.: 9101-18100

(Requested by: Planning and Development)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO EXECUTE A QUIT
CLAIM DEED TRANSFERRING THE CITY-OWNED PROPERTY
AT 3729 WILMINGTON PIKE 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 3729 Wilmington Pike 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 3729 Wilmington Pike ("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 _____ 2018.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

AMY J. HAYSLIP,
Acting Clerk of Council

THEODORE A. HAMER, III,
Law Director

(Requested by: Planning and Development Department)



CITY OF KETTERING
Planning and Development Department

CERTIFICATION

DATE: March 20, 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 and then again on March 19, 2018. While a decision made after the initial public hearing, due to concerns about adequate public notice, a second public hearing was opened at the March 19th Planning Commission meeting. A decision was reached after the public hearing was closed at the second 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: March 20, 2018
TO: Mayor and Council, City of Kettering
FROM: Planning Commission
SUBJECT: P.C. 18-005 - Request for Zoning District Map Amendment to reclassify land from B – Business to R-2 Neighborhood Residence

Planning Commission hereby certifies that a public hearing was held at their meeting on March 19, 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 case involves a request to rezone a single residentially used lot from B - Business to R-2 (Neighborhood Residence). The R-2 designation already exists for adjacent properties north, west and east, which all contain homes on lots similar in size to the subject property. The lot to the south, like the subject property is also currently zoned B – Business. According to the owner/applicant, potential buyers have experienced difficulty getting a mortgage loan for the acquisition of the residence on the subject lot due to its commercial zoning designation. The current owners have decided that to consummate a sale of their home they wish to downzone the lot from B- Business to R-2, a single-family residential designation. To evaluate this financing dilemma, staff contacted a couple of mortgage and appraisal companies and they confirmed that many banks now either avoid mortgage loans on such properties or make the terms or restrictions so burdensome that a borrower is compelled to look elsewhere for financing. Many such potential buyers ultimately just pass on the purchase of commercially zoned residential properties.

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