



# 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

May 22, 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

May 8, 2018 - Council Meeting & Workshop Minutes

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

Proclamation      Bike Month

### PUBLIC HEARINGS

### PUBLIC COMMENT ON LEGISLATION

(5 Minute Limit per Speaker)

### ORDINANCES IN SECOND READING

1. To rezone 1725 East David Road and 489 Hempstead Station Drive (Planning Commission Case No. PC-17-035).

### RESOLUTIONS

2. Authorizing the City Manager to use competitive bargaining and negotiated quotes to contract for the design of renovations to Police Department facilities.
3. Authorizing the City Manager to enter into and implement a collective bargaining agreement, with the Kettering unit of the Public Service Union Local No. 101, Ohio Council 8, which is consistent with a tentative agreement reached by the bargaining teams.
4. Adopting renewed and recalculated street light assessments and certifying them to the County Auditor for collection.
5. Authorizing the City Manager to apply for an Ohio Department of Natural Resources Natureworks Grant.
6. Amending Resolution No. 10101-18 and authorizing the City Manager to contract for the completion of landscape improvements at the Government Center, Delco Park, Lincoln Park/Civic Commons and Prugh Woods.
7. 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, 2018.

### ORDINANCES IN FIRST READING

8. Vacating portions of utility and drainage easements in the Ashton Gardens Subdivision (Planning Commission Case No. PC-18-007).

**CERTIFICATIONS AND PETITIONS**

**MANAGER'S REPORT/COMMUNITY UPDATE**

**OTHER BUSINESS NOT ON WRITTEN AGENDA**

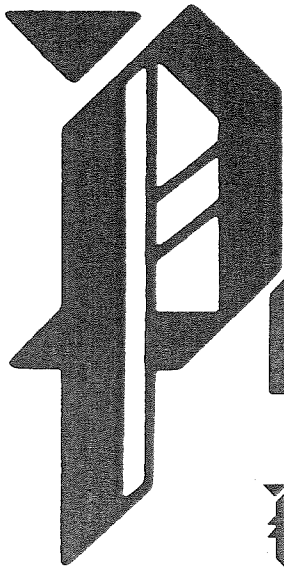
Audience Participation (5 Minute Limit per Speaker)

**CITY COUNCIL REPORT/UPDATE**

The City of Kettering invites people with disabilities to enjoy our programs, services, parks, and facilities. Contact Anna Breidenbach at [anna.breidenbach@ketteringoh.org](mailto: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**

May 21	7:00 p.m. 7:30 p.m.	Board of Community Relations Sister Cities
May 22	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting
May 28	All Day	Government Center Closed- Memorial Day
June 4	7:00 p.m.	Planning Commission
June 7	4:00 p.m.	Parks, Recreation, and Cultural Arts Advisory Board
June 11	7:00 p.m.	Board of Zoning Appeals
June 12	4:00 p.m. 6:00 p.m. 7:30 p.m.	Partners for Healthy Youth Council Workshop City Council Meeting
June 18	7:00 p.m. 7:00 p.m.	Planning Commission Board of Community Relations



Office of the Mayor

# 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:** *Throughout the month of May, the residents of Kettering and its visitors will experience the joys of bicycling through educational programs, races, commuting events, charity events, or by simply getting out and going for a ride; and*

**WHEREAS:** *Kettering's road and trail system attracts bicyclists each year, providing economic health, transportation, tourism, and scenic benefits; and*

**WHEREAS:** *Creating a bicycling-friendly community has been shown to improve citizens' health, well-being, and quality of life, growing the economy of Kettering, attracting tourism dollars, improving traffic safety, supporting student learning outcomes, and reducing pollution, congestion, and wear and tear on our streets and roads; and*

**WHEREAS:** *There are various events for all ages during the month of May that promote bicycling such as Bike to School Day that was held on May 9, and Bike to Work Day that was held on May 18; and*

**WHEREAS:** *Bike Miami Valley, Five Rivers Metroparks, The Dayton Cycle Club, the League of American Bicyclists, schools, parks and recreation departments, police departments, public health districts, hospitals, companies and civic groups will be promoting bicycling during the month of May 2018; and*

**WHEREAS:** *These groups are also promoting bicycle tourism year round to attract more visitors to enjoy our local restaurants, hotels, retail establishments, and cultural and scenic attractions; and*

**WHEREAS:** *These groups are also promoting greater public awareness of bicycle operation and safety education in an effort to reduce collisions, injuries, and fatalities and improve health and safety for everyone on the road; and*

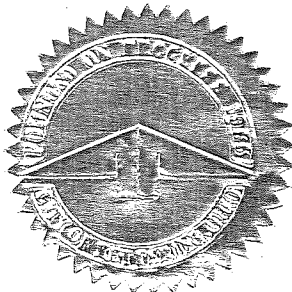
**NOW, THEREFORE,** I Donald E. Patterson, Mayor of the City of Kettering, Ohio, on behalf of the community, do hereby proclaim

**MAY 2018**

**to be**

**NATIONAL BIKE MONTH**

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



**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Seal of the City of Kettering, Ohio, to be affixed this 22nd day of May in the Year of our Lord, Two Thousand and Eighteen.

**DONALD E. PATTERSON**  
Mayor of the City of Kettering, Ohio

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

TO REZONE 1725 EAST DAVID ROAD AND 489 HEMPSTEAD STATION DRIVE (PLANNING COMMISSION CASE NO. PC-17-035)

WHEREAS, on March 19, 2018, after publication and issuance of notice as required by the zoning regulations of this City, a public hearing was conducted by the City of Kettering Planning Commission concerning an application to rezone three parcels of land to O-Office District: (1) 4745 Hempstead Station Drive (Auditor's Parcel No. N64 04416 0008) (the "City Parcel"); (2) 1725 East David Road (Auditor's Parcel No. N64 04526 002) (the "SAA Parcel"); and (3) 489 Hempstead Station Drive (Auditor's Parcel No. N64 03404 0031) (the "Vectren Parcel"); and

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

WHEREAS, on April 10, 2018, after publication and issuance of notice as required by the zoning regulations of this City, 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 report and recommendation of the Planning Commission and the criteria set forth in Sections 1153.12.9, Consistency, through 1153.12.15, Other Factors, of Chapter 1153 of the Zoning Code, the staff report 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 for the SAA Parcel and the Vectren Parcel. However, City Council finds that requested rezoning of the City Parcel requires further study and defers making any decision regarding the City Parcel to a later date.

Section 2. Based on the foregoing, the SAA Parcel and the Vectren Parcel are rezoned to O-Office 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; 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. This ordinance shall take full force and 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)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE  
BARGAINING AND NEGOTIATED QUOTES TO CONTRACT  
FOR THE DESIGN OF RENOVATIONS TO POLICE  
DEPARTMENT FACILITIES**

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 for the design of renovations to the existing Police Department facility and the former Fire Headquarters in Building #46 at Kettering Business Park to accommodate Police Department training facilities. 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. 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: \$525,000.00  
Amount Budgeted: \$0  
Acct. No.: CIP Fund

(Requested by: Public Service Development)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ENTER INTO AND IMPLEMENT A COLLECTIVE BARGAINING AGREEMENT, WITH THE KETTERING UNIT OF THE PUBLIC SERVICE UNION LOCAL NO. 101, OHIO COUNCIL 8, WHICH IS CONSISTENT WITH A TENTATIVE AGREEMENT REACHED BY THE BARGAINING TEAMS.**

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 a collective bargaining agreement with the Kettering unit of the Public Service Union Local No. 101, Ohio Council, which is consistent with a Tentative Agreement reached by the bargaining teams.

Section 2. Furthermore, the City Manager is hereby authorized to enter into any subsequent amendments to said agreement, as long as the City Manager determines the effect of any amendment is in the best interest of the City.

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 \_\_\_\_\_, 2018.

ATTEST:

\_\_\_\_\_  
DONALD E. PATTERSON  
Mayor

\_\_\_\_\_  
AMY J. HAYSLIP  
Acting Clerk of Council

CERTIFICATE OF APPROVAL

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

(Requested by: Human Resources)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**ADOPTING RENEWED AND RECALCULATED STREET LIGHT  
ASSESSMENTS 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. 10138-18 passed by this Council on April 24, 2018, 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 of Montgomery County, Ohio, 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 \_\_\_\_\_ 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 APPLY FOR AN  
OHIO DEPARTMENT OF NATURAL RESOURCES  
NATUREWORKS GRANT**

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

Section 1. The City Manager is hereby authorized to file an application with the Ohio Department of Natural Resources for a Natureworks grant in the amount of \$200,000.00, with matching grant funds required in the amount of \$50,000; all funds to be used for the purchase and installation of a playground at Gentile Park.

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: Parks, Recreation and Cultural Arts Department)



CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AMENDING RESOLUTION NO. 10101-18 AND AUTHORIZING  
THE CITY MANAGER TO CONTRACT FOR THE COMPLETION  
OF LANDSCAPE IMPROVEMENTS AT THE GOVERNMENT  
CENTER, DELCO PARK, LINCOLN PARK/CIVIC COMMONS  
AND PRUGH WOODS**

WHEREAS, Resolution No. 10101-18 authorized the City Manager to use competitive bargaining and negotiated quotes to contract for the completion of landscape improvements at the Government Center, Delco Park, Lincoln Park/Civic Commons, and Prugh Woods; and

WHEREAS, the original estimated cost was \$268,000.00; and

WHEREAS, the current estimated cost for these projects is \$333,000.00;

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

Section 1. Resolution No. 10101-18 is amended so that the City Manager is authorized to contract for the completion of landscape improvements at the Government Center, Delco Park, Lincoln Park/Civic Commons, and Prugh Woods in the amount of \$333,000.00. The City Manager is also authorized to enter into any contract amendments that, 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.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
AMY J. HAYSLIP,  
Acting Clerk of Council

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

Estimated Cost: \$333,000.00

Amount Budgeted: \$268,000.00

Acct. No.: 5284-77750 (\$102,000.00)

6504-77750 (\$106,000.00)

6116-77750 (\$ 20,000.00)

6115-77750 (\$105,000.00)

(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, 2018**

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, 2018, the following supplemental sums are set aside and appropriated:

A. From the General Fund:

HUMAN RESOURCES DEPARTMENT	
Operating Expenses	\$ 120,000.00
TRANSFERS TO OTHER FUNDS	
Street Maintenance Fund	\$ 25,000.00
Parks & Recreation Fund	\$ 12,500.00
Capital Improvement Fund	\$ 610,000.00

B. From the Street Maintenance Fund:

STREET DEPARTMENT	
Personal Service	\$ 25,000.00

C. From the Parks & Recreation Fund:

PARKS & RECREATION DEPARTMENT	
Personal Service	\$ 12,500.00

D. From the Capital Improvement Fund:

PARKS & RECREATION	\$ 30,000.00
STREET SURFACING	\$ 30,000.00
TREE PLANTING & LANDSCAPING	\$ 55,000.00
OTHER	\$ 525,000.00

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. 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: Finance Department)

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

VACATING PORTIONS OF UTILITY AND DRAINAGE EASEMENTS IN THE ASHTON GARDENS SUBDIVISION (PLANNING COMMISSION CASE NO. PC-18-007)

WHEREAS, on April 2, 2018 the Planning Commission considered and recommended approval of an application to vacate portions of several utility and drainage easements dedicated on the Lincoln Park Center Section Four Plat as part of the Ashton Gardens Subdivision; and

WHEREAS, on April 24, 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 portions of utility and drainage easements originally dedicated on the Lincoln Park Center Section Four Plat; the vacated portions are depicted in the attached Exhibit A as shaded areas and labeled as “ESMT. TO BE EXTINGUISHED WITH THIS PLAT.”

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

AMY J. HAYSLIP, Acting Clerk of Council

THEODORE A. HAMER III, Law Director

(Requested By: Planning and Development Department)

EXHIBIT A

(consisting of 2 total pages including this page)

