



# 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

**June 12, 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 22, 2018 - Council Meeting & Workshop Minutes

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

Presentation              Sister Cities/ Spass Nacht Update

### PUBLIC HEARINGS

### PUBLIC COMMENT ON LEGISLATION

(5 Minute Limit per Speaker)

### ORDINANCES IN SECOND READING

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

### RESOLUTIONS

2. Authorizing payment of the Miami Valley Research Park annual assessment.
3. Authorizing the City Manager to use competitive bargaining and negotiated quotes to contract for the repair and resurfacing of tennis and basketball courts.
4. Authorizing the City Manager to enter into one or more agreements to purchase equipment and services to update and replace the Police Department's current computer aided dispatch and records management system.
5. Authorizing the City Manager to accept a grant from the Dayton Foundation.
6. Authorizing the City Manager to accept a grant from the Kettering Parks Foundation.
7. Rejecting the findings and recommendations of the Fact Finder in SERB Case No. 2017-MED-10-1292, regarding the outcome of a fact-finding hearing involving the City of Kettering and the Kettering Professional Firefighters, IAFF, Local 2150- Captains Unit.

**OR**

Accepting the findings and recommendations of the Fact Finder in SERB Case No. 2017-MED-10-1292 and authorizing the City Manager to enter into an agreement with the Kettering Professional Firefighters, IAFF, Local 2150- Captains Unit, consistent with those findings and recommendations or as modified by mutual agreement of the parties.

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, 2018.

**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 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**

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
June 20	8:00 a.m.	Volunteer Advisory Council
June 25	7:00 p.m. 7:30 p.m.	Board of Zoning Appeals Sister Cities
June 26	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting
July 2	7:00 p.m.	Planning Commission
July 4	All Day	Government Center Closed- Holiday
July 9	7:00 p.m.	Board of Zoning Appeals
July 10	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

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)

APPROVED FOR DESCRIPTION

RECORDED COUNTY BOOK NO. \_\_\_\_\_  
 COUNTY \_\_\_\_\_ DATE \_\_\_\_\_  
 FILE NO. \_\_\_\_\_

APPROVED BY THE PLANNING COMMISSION  
 CITY OF KENTON

FILE NO. \_\_\_\_\_ DATE \_\_\_\_\_ 2014  
 COUNTY \_\_\_\_\_ DATE \_\_\_\_\_

DEDICATION:

I HEREBY DEDICATE TO THE CITY OF KENTON AND THE BOARD OF HEALTH AND WELFARE OF THE CITY OF KENTON THE LAND SHOWN ON THE PLAT FOR THE PURPOSE OF PROVIDING PUBLIC UTILITIES AND CONDUITS FOR THE WATER MAIN, SEWER, GAS, AND TELEPHONE LINES AND TO BE OPEN TO THE PUBLIC FOR THE USE OF THE CITY OF KENTON AND THE BOARD OF HEALTH AND WELFARE OF THE CITY OF KENTON FOR THE PURPOSES OF THE CITY OF KENTON AND THE BOARD OF HEALTH AND WELFARE OF THE CITY OF KENTON.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL ON THE DAY AND DATE WRITTEN ABOVE.

STATE OF OHIO, LAMAR COUNTY, S.S.  
 BEING ROLF SPOHN, SAYS THAT ALL PERSONS OR CORPORATIONS TO THE BEST OF HIS KNOWLEDGE INTERESTED IN THIS DEDICATION, OTHER AS OWNERS OR BENEFICIARIES, HAVE GIVEN HIS PERMISSION.

BY: \_\_\_\_\_  
 NOTARY PUBLIC  
 IN COMMISSION EXPIRES ON DATE: \_\_\_\_\_

BY: \_\_\_\_\_  
 BY COMMISSION EXPIRES ON DATE: \_\_\_\_\_

BY: \_\_\_\_\_  
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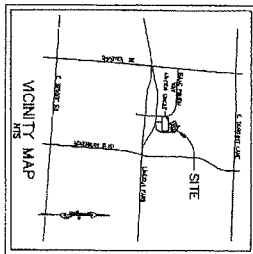
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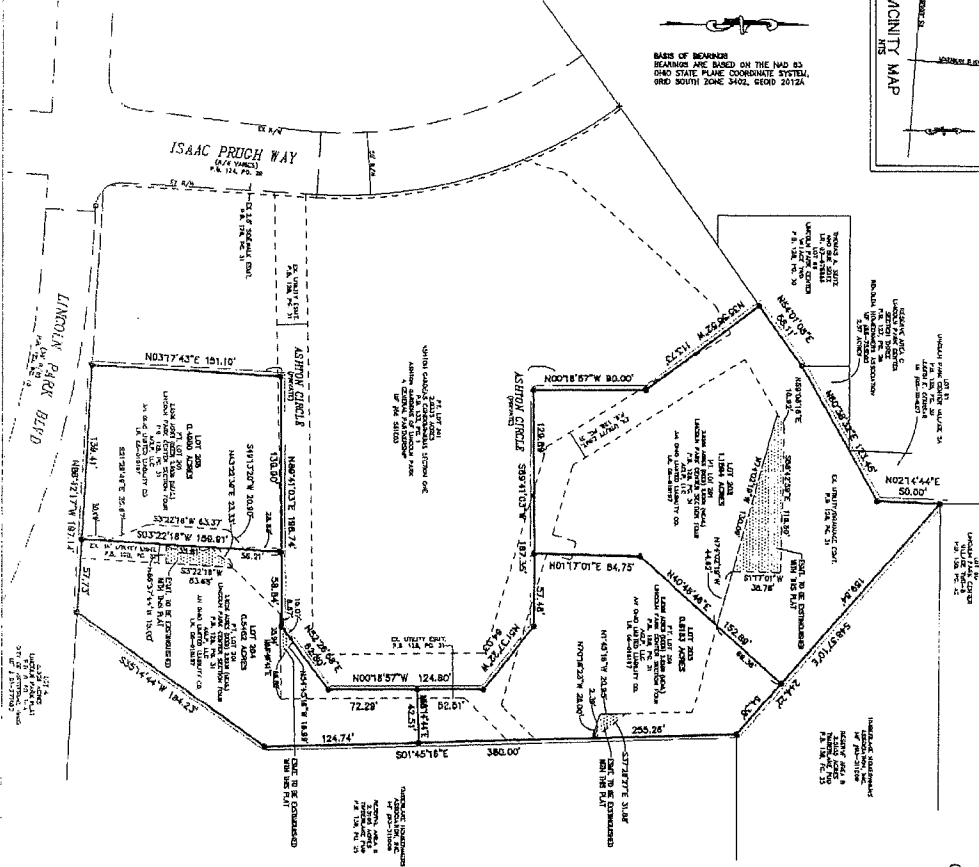
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BASED ON THE 2011  
 2010 STATE PLANNING  
 COORDINATE SYSTEM  
 NAD 83

OCCUPATION STATEMENT  
 THE PLAT SHOWS THE LOCATION OF THE OCCUPATION STATEMENT  
 THE OCCUPATION STATEMENT IS SHOWN  
 SUPERIMPOSITION MAP  
 THE PLAT SHOWS THE LOCATION OF THE SUPERIMPOSITION MAP  
 THE SUPERIMPOSITION MAP IS SHOWN



RECORD PLAN  
**LINCOLN PARK CENTER**  
**SECTION FIVE**  
 BEING A MENAUF OF PART LOT 201 AS RECORDED IN LINCOLN  
 PARK CENTER SECTION FOUR BY PLAT BOOK 128, PAGE 31  
 CITY OF KENTON, HAMILTON COUNTY, OHIO  
 CONTAINING 2.8209 ACRES

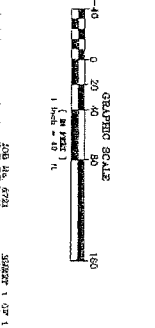


AREA SUMMARY

LOT 1	1.9394 ACRES
LOT 2	0.8414 ACRES
LOT 3	0.8414 ACRES
LOT 4	0.8414 ACRES
TOTAL	2.8209 ACRES

SURVEY REFERENCES:

18	18-04-2002
19	19-04-2002
20	20-04-2002
21	21-04-2002
22	22-04-2002
23	23-04-2002
24	24-04-2002
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99	99-04-2002
100	100-04-2002



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SHEET 1 OF 1

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING PAYMENT OF THE MIAMI VALLEY  
RESEARCH PARK ANNUAL ASSESSMENT**

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

Section 1. The City Manager is authorized to pay the Miami Valley Research Park Association annual assessment on property for 2018.

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

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

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

Estimated Cost: \$67,864.00

Budgeted: \$80,000.00

Acct. No.: 0550-72550

(Requested by: City Manager's Office)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE  
BARGAINING AND NEGOTIATED QUOTES TO CONTRACT  
FOR THE REPAIR AND RESURFACING OF TENNIS AND  
BASKETBALL COURTS**

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 repair and resurfacing of tennis and basketball courts. 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

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

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

Estimated Cost:     \$32,000.00  
Amount Budgeted:   \$32,000.00  
Acct. No.:           6101-77750

(Requested by: Public Service Development)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ENTER INTO ONE OR MORE AGREEMENTS TO PURCHASE EQUIPMENT AND SERVICES TO UPDATE AND REPLACE THE POLICE DEPARTMENT'S CURRENT COMPUTER AIDED DISPATCH AND RECORDS MANAGEMENT SYSTEM**

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

Section 1. Pursuant to Subsection "I" 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 with Spillman Technologies, Inc. to purchase equipment and services to update and replace the Police Department's current Computer Aided Dispatch and Records Management System. The City Manager is further authorized to enter into any amendment(s) to said agreement(s) that the City Manager deems to be 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

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

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

Estimated Cost: \$624,000.00  
Amount Budgeted: \$0  
Acct. No. Various

(Requested by: Police Department)



CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT  
FROM THE DAYTON FOUNDATION**

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

Section 1. The City Manager is hereby authorized, on behalf of the City, to accept a grant in the amount of \$2,500 from the Dayton Foundation and to expend said grant funds to support handicap accessible seating upgrades and/or companion seats for concerts at Frazee Pavilion in a manner consistent with the restrictions placed on that grant by the Dayton Foundation. Furthermore, this Council hereby affirms all matters and statements included in the grant application.

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

\_\_\_\_\_  
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 ACCEPT A GRANT  
FROM THE KETTERING PARKS FOUNDATION**

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

Section 1. The City Manager is hereby authorized, on behalf of the City, to accept a grant in the amount of \$2,500 from the Kettering Parks Foundation and to enter into an agreement with the Kettering Parks Foundation allowing the City to administer the grant. Said grant funds will support the Free Wednesday Night Water Park program in a manner consistent with the restrictions placed on that grant by the Kettering Parks Foundation. Furthermore, this Council hereby affirms all matters and statements included in the grant application.

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

\_\_\_\_\_  
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.

**REJECTING THE FINDINGS AND RECOMMENDATIONS  
OF THE FACT FINDER IN SERB CASE NO. 2017-MED-10-  
1292, REGARDING THE OUTCOME OF A FACT-FINDING  
HEARING INVOLVING THE CITY OF KETTERING AND THE  
KETTERING PROFESSIONAL FIREFIGHTERS, IAFF, LOCAL  
2150 – CAPTAINS UNIT**

WHEREAS, the Council for the City of Kettering has received the findings and recommendations from the Fact Finder in SERB Case No. 2017-MED-10-1292, regarding the outcome of a Fact-Finding Hearing involving the City of Kettering and the Kettering Professional Firefighters, IAFF, Local 2150 – Captains Unit; and

WHEREAS, the Council for the City of Kettering consists of seven (7) members and is the legislative body for the City of Kettering, as established by its Charter; and

WHEREAS, the Ohio Collective Bargaining Act provides by statute that in order for a legislative body to reject a Fact Finder’s findings and recommendations, a three-fifths (3/5) majority vote of all members of the legislative body is required.

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

Section 1. By an affirmative vote of at least three-fifths (3/5) of its members, this Council rejects the findings and recommendations of the Fact Finder in SERB Case No. 2017-MED-10-1292.

Section 2. The Clerk of Council shall prepare a record of this vote to accompany this resolution.

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: Human Resources Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**ACCEPTING THE FINDINGS AND RECOMMENDATIONS OF THE FACT FINDER IN SERB CASE NO. 2017-MED-10-1292 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE KETTERING PROFESSIONAL FIREFIGHTERS, IAFF, LOCAL 2150 – CAPTAINS UNIT, CONSISTENT WITH THOSE FINDINGS AND RECOMMENDATIONS OR AS MODIFIED BY MUTUAL AGREEMENT OF THE PARTIES**

WHEREAS, The Council for the City of Kettering has received the findings and recommendations from the Fact Finder in SERB Case No. 2017-MED-10-1292, regarding the outcome of a Fact-Finding Hearing involving the City of Kettering and the Kettering Professional Firefighters, IAFF, Local 2150 – Captains Unit;

NOW, THEREFORE, Be it resolved by the Council of the City of Kettering, State of Ohio, that:

Section 1. City Council accepts the findings and recommendations of the Fact Finder in SERB Case No. 2017-MED-10-1292. The City Manager is hereby authorized to enter into an agreement with the Kettering Professional Firefighters, IAFF, Local 2150 – Captains Unit, consistent with the terms set forth in the findings and recommendations of the Fact Finder in SERB Case No. 2017-MED-10-1292, or as such findings and recommendations are modified by mutual agreement of the parties, as long as the City Manager determines the effect of any modification is in the best interest of the City.

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.

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

ATTEST:

CERTIFICATE OF APPROVAL

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

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

(Requested by Human Resource 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 Parks, Recreation & Cultural Arts Fund:

Operating Expenses \$ 2,500.00

B. From the Special Grants and Programs Fund:

Other \$ 2,500.00

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

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

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

(Requested by: Finance Department)