



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

September 25, 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

September 11, 2018- Council Meeting & Workshop Minutes

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

Presentation Neighborhood Pride Awards

PUBLIC HEARINGS

PUBLIC COMMENT ON LEGISLATION

(5 Minute Limit per Speaker)

ORDINANCES IN SECOND READING

RESOLUTIONS

1. Authorizing the City Manager to purchase, through a state or local cooperative purchasing program, annual post warranty maintenance and life cycle for the dispatch radio console.
2. Accepting the rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying same to the Montgomery County and Greene County Auditors.
3. Authorizing the City Manager to apply for an Ohio Law Enforcement Body Armor Program Grant from the Ohio Bureau of Workers' Compensation.
4. Authorizing the City Manager to use competitive bargaining and negotiated quotes to purchase fitness equipment for the Kettering Recreation Complex (KRC) Fitness Center and the Kettering Fitness & Wellness Center (KFWC).
5. To amend Resolution No. 10174-18.
6. Authorizing the City Manager to enter into an agreement for fabrication and delivery of a replacement pedestrian bridge at State Farm Park (State Farm Park Bridge #3 [Central Bridge] Replacement, City Project No. 06-115A).
7. Authorizing a contribution to the Kettering Development Corporation.
8. Authorizing the submission of applications for Federal Fast Act Funds through the Miami Valley Regional Planning Commission.
9. 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

10. To rezone 1770 East David Road (Planning Commission Case No. PC-18-015).

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 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

September 24	7:30 p.m.	Sister Cities Committee
September 25	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting
October 1	7:00 p.m.	Planning Commission
October 4	4:00 p.m.	Parks, Recreation, and Cultural Arts Advisory Board
October 8	7:00 p.m.	Board of Zoning Appeals
October 9	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 PURCHASE,
THROUGH A STATE OR LOCAL COOPERATIVE PURCHASING
PROGRAM, ANNUAL POST WARRANTY MAINTENANCE AND
LIFE CYCLE FOR THE DISPATCH RADIO CONSOLE**

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

Section 1. Pursuant to Section 152.04 of the Codified Ordinances of the City of Kettering, the City Manager is hereby authorized to purchase, through a state or local cooperative purchasing program, annual post warranty maintenance and Life Cycle for the Dispatch radio console.

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: \$33,085.00
Amount Available: \$33,085.00
Acct. No. 0610-72350

(Requested by: Police Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

ACCEPTING THE RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING SAME TO THE MONTGOMERY COUNTY AND GREENE COUNTY AUDITORS

WHEREAS, action has been certified to this Council by the Budget Commission, together with an Auditor estimate of the rate of each tax necessary to be levied by this Council both within and without the ten mill tax limitation;

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

Section 1. That the rates, as determined by the Budget Commission in its certification, be, and the same are, hereby accepted.

Section 2. That the following taxes, both within and without the ten mill limitation, be and are hereby levied on the taxable property within this City effective January 1, 2018, collected in 2019:

<u>FUND</u>		<u>MILLS</u>
General Fund	3.50	(Voted - outside 10 mills)
General Fund	2.20	(Unvoted - inside 10 mills)
Police Pension	<u>.30</u>	(Unvoted - inside 10 mills)
	6.00	
Bond Retirement Fund	<u>.79</u>	(Voted - outside 10 mills)
TOTAL	6.79	

Section 3. This Council directs the Clerk of Council to forward certified copies of this Resolution to the Montgomery County and the Greene County Auditors.

Section 4. 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

(Requested by Finance Director)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO APPLY FOR
AN OHIO LAW ENFORCEMENT BODY ARMOR
PROGRAM GRANT FROM THE OHIO BUREAU OF
WORKERS' COMPENSATION**

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

Section 1. The City Manager is hereby authorized, on behalf of the City of Kettering, to take all necessary and proper action to apply for a \$34,507.62 Ohio Law Enforcement Body Armor Program Grant from the Ohio Bureau of Workers' Compensation to be used for the purchase of tactical vests for Special Response Team members. A city match of 25% will be required.

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

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER, III,
Law Director

(Requested by: Police Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO PURCHASE FITNESS EQUIPMENT FOR THE KETTERING RECREATION COMPLEX (KRC) FITNESS CENTER AND THE KETTERING FITNESS & WELLNESS CENTER (KFWC)

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 purchase of fitness equipment for the KRC fitness Center and for KFWC. 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: \$36,000.00
Amount Budgeted: \$49,000.00
Acct. No.: 2412-72220 (\$10,000)
2413-72220 (\$39,000)

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

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

TO AMEND RESOLUTION NO. 10174-18

WHEREAS, Resolution No. 10174-18 authorized the City Manager to use competitive bargaining and negotiated quotes to contract for the demolition of buildings at 3701 and 3813 Wilmington Pike; and

WHEREAS, quotes for the work exceeded the original estimated cost of \$25,000.00;

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

Section 1. Resolution No. 10174-18 is amended to show \$49,950.00 for the estimated cost.

Section 2. In all other respects, Resolution No. 10174-18 shall remain in full force and effect.

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

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER, III,
Law Director

Estimated Cost: \$49,950.00
Amount Budgeted: \$25,000.00
Acct. No.: 0550-72550

(Requested by: Planning and Development Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR FABRICATION AND DELIVERY OF A REPLACEMENT PEDESTRIAN BRIDGE AT STATE FARM PARK (STATE FARM PARK BRIDGE #3 [CENTRAL BRIDGE] REPLACEMENT, CITY PROJECT NO. 06-115A)

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, this Council hereby authorizes the City Manager to enter into an agreement with CONTECH Engineered Solutions, LLC for fabrication and delivery of a replacement pedestrian bridge at State Farm Park. 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 _____ 2018.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER, III,
Law Director

Estimated Cost: \$30,000.00
Amount Budgeted: Funds Available
Acct.: 6121-77750

(Requested by: Engineering Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING A CONTRIBUTION TO THE KETTERING
DEVELOPMENT CORPORATION**

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

Section 1. This Council hereby authorizes a contribution of \$257,000 to the Kettering Development Corporation for the purpose of assisting with economic development and the prevention, renewal, and rehabilitation of deteriorating or declining property or areas within the City.

Section 2. This Council finds and determines that this financial contribution is a public purpose of importance, as it will be used to help foster economic development, prevent or eliminate blight, and create and maintain community amenities, all of which are beneficial for the City of Kettering and its residents.

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

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER, III,
Law Director

Estimated Cost: \$257,000.00
Funds Available: \$257,000.00

(Requested by: City Manager's Office)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE SUBMISSION OF APPLICATIONS FOR
FEDERAL FAST ACT FUNDS THROUGH THE MIAMI VALLEY
REGIONAL PLANNING COMMISSION**

WHEREAS, the Miami Valley Regional Planning Commission ("MVRPC") has solicited local government entities to submit new transportation projects for Federal FAST Act Transportation funds; and

WHEREAS, the following list of projects will be submitted to MVRPC, shown in order of the City's priority and including the required local match:

1. East David Road Improvements – Far Hills Avenue to Ackerman Boulevard (Project No. 02-116R). Estimated Local Share = \$463,624;
2. West Stroop Road Sidewalk – Overland Trail to Southmoor Circle NW (Project No. 05-213E). Estimated Local Share = \$166,400;
3. Kettering Traffic Signal Replacements Phase 4 (Project No. 02-005E). Estimated Local Share = \$342,615;

WHEREAS, the City will request that the following exemptions to MVRPC's Regional Complete Streets Policy be granted:

1. East David Road Improvements – Far Hills Avenue to Ackerman Boulevard: Exception No. 2 (except Cyclists) – Where the street or road is already adequately designed to accommodate all users, and thus is complete without further enhancements; and Exception No. 8 (cyclists) – Where roadway standards or bicycle and pedestrian standards cannot be met.
2. West Stroop Road Sidewalk: No exemption required.
3. Kettering Traffic Signal Replacements Phase 4: Exemption No. 5 – The project consists primarily of the installation of traffic control or safety devices.

WHEREAS, the City of Kettering will commit to a timely project development schedule; and

WHEREAS, the City of Kettering will commit the necessary resources to support the local cost portion of the projects;

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

Section 1. The City Manager or the City Manager's designee is authorized to submit applications to MVRPC as set forth in the preamble.

Section 2. The City Manager is hereby directed and authorized to take or cause to be taken all other action necessary and proper to secure the funding sought by the application referred to herein and provide any additional information sought by reviewing agencies during the time the application is under review. The City Manager is further directed and authorized to cause compliance with all reporting requirements of the Miami Valley Regional Planning Commission as part of the funding process.

Section 3. Upon application approval, the City hereby states its commitment to the local contribution for the project as identified in these applications, including local contribution of costs exceeding the current estimates or subsequent revised estimates as accepted by the MVRPC.

Section 4. The Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 5. 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: Engineering 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:

OTHER COST CENTERS \$ 250,000.00

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

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER, III
Law Director

(Requested by: Finance Department)

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

TO REZONE 1770 EAST DAVID ROAD (PLANNING
COMMISSION CASE NO. PC 18-015)

WHEREAS, on August 6, 2018, after publication and issuance of notice as required by the City of Kettering Zoning Code, a public hearing was conducted by the City of Kettering Planning Commission concerning an application to rezone a parcel of land located at 1770 East David Road, depicted in the attached Exhibit A as the area bounded by the dashed line, (the "Property") to I Industrial District; and

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

WHEREAS, on September 11, 2018, after publication and issuance of notice as required by the Zoning Code, 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 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.

Section 2. Based on the foregoing, the Property is rezoned to I industrial 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)

EXHIBIT A

(2 total pages including this page)



Exhibit 1
 Proposed Zoning Map Amendment
 1770 E David Road
 Zoning Map Amendment
 August 6, 2018

- KEY**
- I - Industrial
 - EDO
 - R-1, Suburban Residence
 - R-4, Village Residence