



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 25, 2019

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

6:45 P.M. **WORKSHOP** Kettering Room
7:30 P.M. **REGULAR MEETING** Council Chambers

PLEDGE OF ALLEGIANCE

INVOCATION

APPROVAL OF MINUTES

June 11, 2019 - Council Meeting & Workshop Minutes

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

PUBLIC HEARINGS

PUBLIC COMMENT ON LEGISLATION

(5 Minute Limit per Speaker)

ORDINANCES IN SECOND READING

RESOLUTIONS

1. Authorizing the City Manager to use competitive bargaining and negotiated quotes to contract for repair and renovation of park surfaces and paths.

ORDINANCES IN FIRST READING

2. To rezone the Kettering Business Park (Planning Commission Case No. PC 19-005)
3. Vacating a utility easement across 400, 408 and 416 North Claridge Drive (Planning Commission Case No. PC -19-006).
4. Vacating part of a utility easement at 4418 Moraine Ridge Lane (Planning Commission Case No. PC- 19-008)

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 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
2019

June 24	7:30 p.m.	Sister Cities
June 25	6:45 p.m. 7:30 p.m.	Council Workshop City Council Meeting
July 1	7:00 p.m.	Planning Commission
July 4	All Day	Government Center Closed- Independence Day
July 8	7:00 p.m.	Board of Zoning Appeals
July 9	4:00 p.m. 6:00 p.m. 7:30 p.m.	Partners for Healthy Youth Council Workshop City Council Meeting
July 15	7:00 p.m. 7:00 p.m.	Planning Commission Board of Community Relations

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE
BARGAINING AND NEGOTIATED QUOTES TO CONTRACT
FOR REPAIR AND RENOVATION OF PARK SURFACES AND
PATHS**

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 renovation of park surfaces and paths. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

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 _____ 2019.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER, III,
Law Director

Estimated Cost: \$80,000.00
Amount Budgeted: \$80,000.00
Acct. No.: 6100-77750

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

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

**TO REZONE THE KETTERING BUSINESS PARK (PLANNING
COMMISSION CASE NO. PC 19-005)**

WHEREAS, on May 6, 2019, 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 all land located in the Kettering Business Park, which is more particularly depicted as the land within the dashed line on the attached Exhibit A (the "Property"), from Economic Development Overlay No. 15 to Industrial District (I), Office District (O), Neighborhood Residence District (R-2), and Village Residence District (R-4) as also depicted on Exhibit A; and

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

WHEREAS, on May 28, 2019, 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 Industrial District (I), Office District (O), Neighborhood Residence District (R-2), and Village Residence District (R-4) as shown on Exhibit A. Further, the Property shall be in and subject to the Development Pattern Districts as currently shown on the Official Development Pattern Map.

Section 3. As appropriate and necessary, the Official Zoning Map of the City of Kettering, Ohio is hereby revised and amended to reflect the zoning district 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. As provided in Section 4-8 of the City Charter, this Ordinance shall be effective two weeks after adoption.

Passed by Council this _____ day of _____ 2019.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

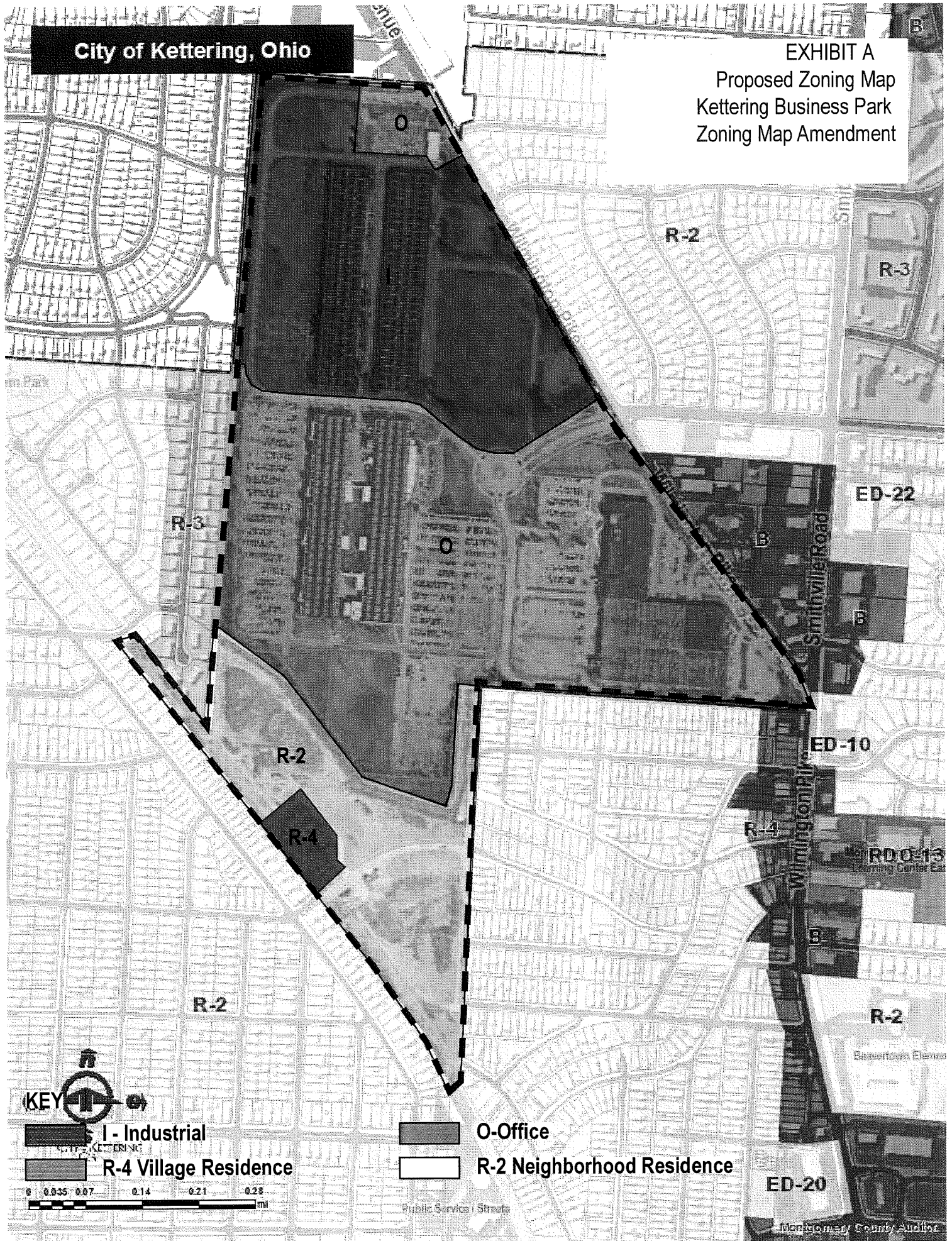
LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

(Requested by: Planning and Development Department)

City of Kettering, Ohio

EXHIBIT A
Proposed Zoning Map
Kettering Business Park
Zoning Map Amendment



KEY

- I - Industrial
- R-4 Village Residence

- O - Office
- R-2 Neighborhood Residence



Public Services Streets

ED-20

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

**VACATING A UTILITY EASEMENT ACROSS 400, 408, and 416 NORTH
CLARIDGE DRIVE (PLANNING COMMISSION CASE NO. PC-19-006)**

WHEREAS, on May 6, 2019 the Planning Commission considered and recommended approval of an application to vacate a utility easement across 400, 408, and 416 North Claridge Drive and more particularly described as Lots 33, 34, and 35 of the Windingway-Ridgeway Plat No. 4, as recorded in Plat Book "Z", Page(s) 21 of the Plat records of Montgomery County, Ohio (the "Property"); and

WHEREAS, on May 28, 2018, this Council held a public hearing on the application and Planning Commission's recommendation and all owners of Property were notified of the public hearing and during the public hearing no party came forward in opposition; and

WHEREAS, at the public hearing, testimony was given that there was an existing underground storm sewer pipe within the easement but that it was not being used and capped at both ends; and

WHEREAS, at the public hearing, James Chesbrough, testified that he is the applicant for the vacation of the easement and owns the Property at 408 North Claridge Drive. He further testified that he knew there was an existing underground pipe in the easement and that he intended to build a house over the area after the easement was vacated.

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 the utility easement across the Property. The vacated easement is depicted in the attached Exhibit A as the areas and labeled "PORTION OF EASEMENT THAT WOULD BE VACATED..." This approval is conditioned on the Property owner(s) taking full responsibility for and assuming all risk associated with any pipe(s) and other facilities within the vacated easement.

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. As provided in Section 4-8 of the City Charter, this Ordinance shall be effective two weeks after adoption.

Passed by Council this _____ day of _____ 2019.

DONALD E. PATTERSON, Mayor

ATTEST:

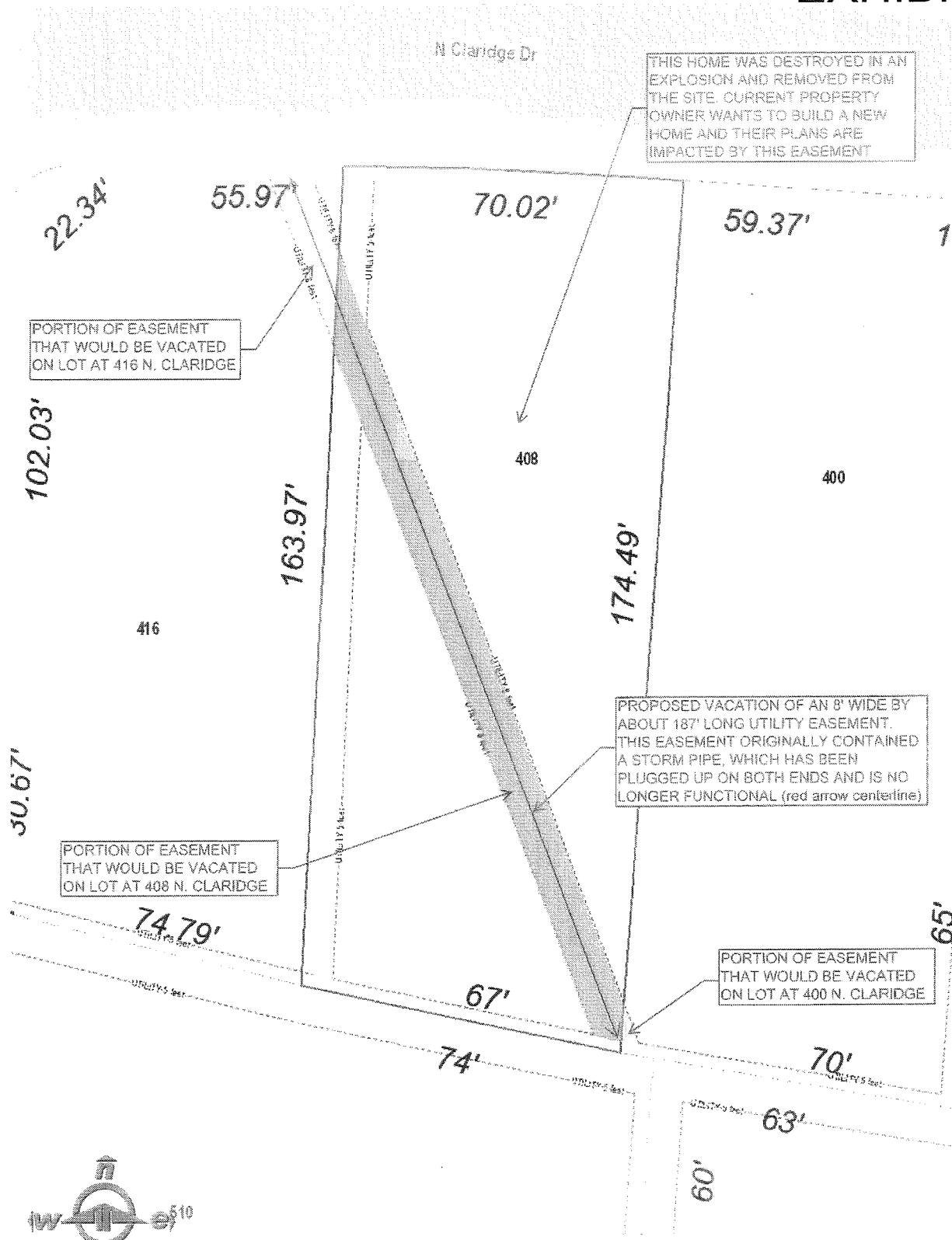
CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

(Requested By: Planning and Development Department)

EXHIBIT A



00 00125 025 0 005 0.0075 0 01

PC 19-006 Utility Easement Vacation - 408 N. Claridge

ATTACHMENT B Easement Vacation Map

Planning Commission Meeting May 6, 2019

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

VACATING PART OF A UTILITY EASEMENT AT 4418 MORAINE
RIDGE LANE (PLANNING COMMISSION CASE NO. PC-19-008)

WHEREAS, on May 6, 2019 the Planning Commission considered and recommended approval of an application to vacate part of a utility easement across 4418 Moraine Ridge Lane and more particularly described as Lots 2 and 3 of Moraine Ridge Record Plan as recorded in Plat Book 74, Page(s) 74 of the Plat records of Montgomery County, Ohio (the "Property"); and

WHEREAS, on May 28, 2018, this Council held a public hearing on the application and Planning Commission's recommendation and all owners of Property were notified of the public hearing 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 part of the utility easement on the Property. The portion of the easement to be vacated is depicted on the attached Exhibit A as the "Proposed Easement Vacation."

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. As provided in Section 4-8 of the City Charter, this Ordinance shall be effective two weeks after adoption.

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