

Donald E. Patterson, Mayor • Bill Lautar, Vice Mayor

Bruce E. Duke • Jacque Fisher • Tony Klepacz • Rob Scott • Joseph D. Wanamaker

KETTERING COUNCIL AGENDA

July 9, 2019

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

June 25, 2019 - Council Meeting & Workshop Minutes

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

Presentation

Sister Cities Youth Exchange

PUBLIC HEARINGS

PUBLIC COMMENT ON LEGISLATION

(5 Minute Limit per Speaker)

ORDINANCES IN SECOND READING

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

RESOLUTIONS

- 4. Authorizing payment of the Miami Valley Research Park Association annual assessment.
- 5. Authorizing the City Manager to accept grant funds from the Ohio Department of Public Safety, Ohio Division of EMS.
- 6. To adopt the 2019 Montgomery County Natural Hazard Mitigation Plan.
- 7. Authorizing the purchase of road salt through an approved State or Local Cooperative Purchasing Program.
- 8. Authorizing the City Manager to use competitive bargaining and negotiated quotes to contract for expansion of Government Center parking lot electrical service.
- 9. Authorizing the City Manager to enter into a cost-sharing agreement with the Board of Education of the Kettering City School District for the Safety Supervisors Section Program for the 2019-2020 school year.
- 10. Authorizing the City Manager to use competitive bargaining and negotiated quotes to contract for the removal and replacement of ash trees on city owned properties.
- 11. 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).
- 12. Authorizing the City Manager to contract for slide repair at the Adventure Reef Water Park.

13. 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, 2019.

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 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

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
July 17	8:00 a.m.	Volunteer Advisory Council
July 22	7:00 p.m. 7:30 p.m.	Board of Zoning Appeals Sister Cities
July 23	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting

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:

<u>Section 1.</u> 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.

<u>Section 2.</u> 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 <u>Exhibit A</u>. 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. PA	ATTERSON, Mayor
ATTEST:	CERTIFICATE	OF APPROVAL
LASHAUNAH D. KACZYNSKI,	THEODORE A	. HAMER III,

(Requested by: Planning and Development Department)



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:

<u>Section 1</u>. Approval is hereby granted for the vacation of the utility easement across the Property. The vacated easement is depicted in the attached <u>Exhibit A</u> 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.

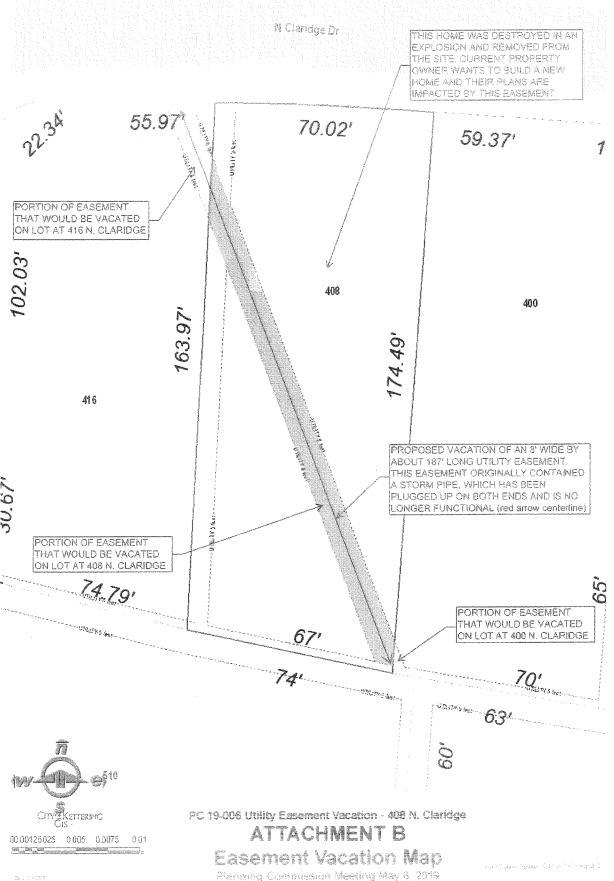
<u>Section 2</u>. The Clerk of Council is directed and authorized to prepare a certified copy of this Ordinance, and the Planning and Development Director of this City is hereby directed and authorized to accept the certified copy of this Ordinance from the Clerk of Council and, upon satisfaction of 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.

<u>Section 3</u>. 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.
ATTEST:	DONALD E. PATTE	
LASHAUNAH D. KACZYNSKI, Clerk of Council	THEODORE A. HAI	MER III,

(Requested By: Planning and Development Department)

EXHIBIT A



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:

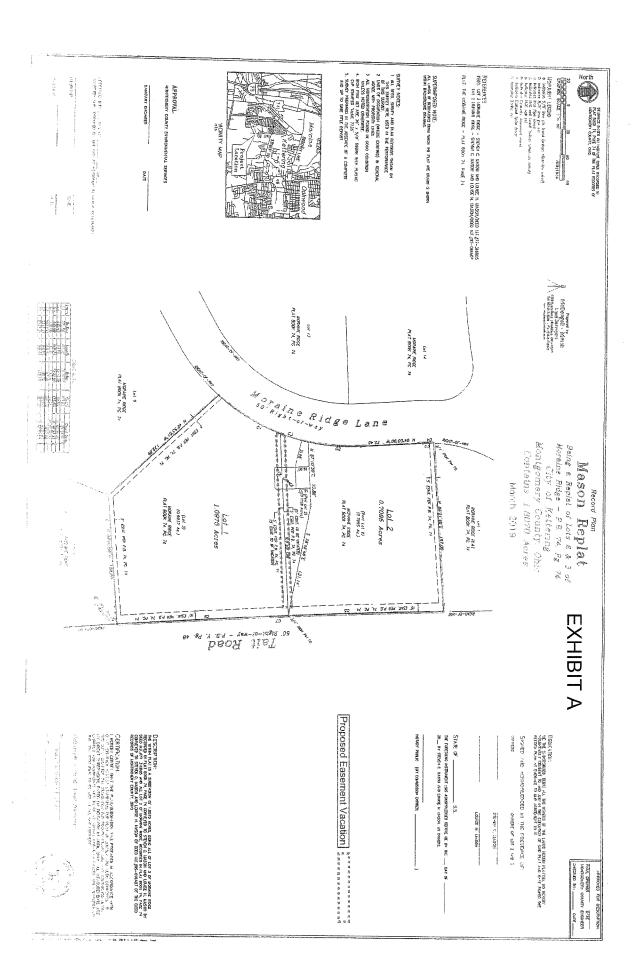
Section 1. Approval is hereby granted for the vacation of part of the utility easement on the Property. The portion of the easement to be vacated is depicted on the attached $\underline{\textbf{Exhibit A}}$ as the "Proposed Easement Vacation."

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.

<u>Section 3</u>. 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	
A TYPE OUT.	DONALD E. PATTEI		
ATTEST:	CERTIFICATE OF A	PPROVAL	
LASHAUNAH D. KACZYNSKI, Clerk of Council	THEODORE A. HAN Law Director	ŒR III,	

(Requested By: Planning and Development Department)



A RESOLUTION

ву:		No.
AUTHORIZING PAYMENT RESEARCH PARK ANNUA		
WHEREAS, land in the Miami Valley	Research Park is subject to annual a	ssessment; and
WHEREAS, the City owns land in the	Miami Valley Research Park;	
NOW, THEREFORE, Be It Resolved l Ohio, that:	by the Council of the City of Ketterin	ng, State of
Section 1. The City Manager is author annual assessment on City owned prop		
Section 2. As provided in Section 4-8 force and effect immediately upon its a		shall take full
Passed by Council this	_ day of	2019.
	DONALD E. PATTERSON, I	Mayor
ATTEST:	CERTIFICATE OF APPROV	AL
LASHAUNAH D. KACZYNSKI, Clerk of Council	THEODORE A. HAMER, III Law Director	,
Estimated Cost: \$60,000.00 Budgeted: Acct. No.: 0550-72550		

(Requested by: City Manager's Office)

A RESOLUTION

No.

By:

FUNDS FROM		NAGER TO ACCEPT GRANT ARTMENT OF PUBLIC SAFETY,	
		rity One Training and Equipment Grant Division of EMS; and	nt from
WHEREAS, said Gran	nt funds will be used	to purchase emergency medical equip	ment;
WHEREAS, the grant	requires no matching	g contribution from the City; and	
WHEREAS, the City'	s grant application ha	as been approved;	
NOW, THEREFORE,	Be It Resolved by th	e Council of the City of Kettering, Oh	io that:
accept the above-descr	ribed grant from the C ther, this Council her	to take all necessary and proper action Ohio Department of Public Safety, Ohi eby affirms all matters and statements	
Section 3. This Resolu	ution shall take full fo	orce and effect immediately upon its a	doption.
Passed by Cou	ncil this da	ny of	2019.
		DONALD E. PATTERSON, Mayor	
ATTEST:		CERTIFICATE OF APPROVAL	
LASHAUNAH D. KA Clerk of Council	CZYNSKI,	THEODORE A. HAMER, III, Law Director	
Estimated Cost: Amount Budgeted: Acct. No.:	\$2,841.00 \$0 Special Grants & Pro	ograms	
(Requested by: Fire D	Department)		

A RESOLUTION

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Bv:		No
DY.	· · · · · · · · · · · · · · · · · · ·	110

TO ADOPT THE 2019 MONTGOMERY COUNTY NATURAL HAZARD MITIGATION PLAN

WHEREAS, there currently exists between the City of Kettering, Ohio and the Board of Commissioners of Montgomery County, Ohio an agreement that the County, through its Office of Emergency Management, shall provide emergency management for the City in conjunction with a countywide coordinated program; and

WHEREAS, through this countywide coordinated program, the Montgomery County Office of Emergency Management has developed the 2019 Montgomery County Natural Hazard Mitigation Plan (the "Plan") that includes all hazards to which Montgomery County and its municipalities are susceptible as per Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and

WHEREAS, goals, objectives, and strategies to mitigate against the hazards that have been identified in the County, including the City of Kettering, have been developed; and

WHEREAS, mitigation measures for the City and surrounding areas have been analyzed and prioritized; and

WHEREAS, Montgomery County stakeholders have reviewed the Plan; and

WHEREAS, The City of Kettering desires to adopt the Plan;

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

<u>Section 1</u>. The Plan, which is on file in the Office of the Director, Montgomery County Office of Emergency Management, is hereby approved and adopted. The City Manager is authorized to implement the actions prescribed in the Plan.

<u>Section 2</u>. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this	day of2019.
	DONALD E. PATTERSON, Mayor
ATTEST:	CERTIFICATE OF APPROVAL
CONNIE S. GAW, Clerk of Council	THEODORE A. HAMER, III, Law Director

(Requested by: Fire Department)

A RESOLUTION

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AUTHORIZING THE PURCHASE OF ROAD SALT THROUGH AN APPROVED STATE OR LOCAL COOPERATIVE PURCHASING PROGRAM

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

 $\underline{\text{Section 1.}}$ The City Manager is hereby authorized to purchase approximately 4,800 tons of road salt through an approved state or local cooperative purchasing program.

 $\underline{\text{Section 2.}}$ 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,	THEODORE A. HAMER, III,		

Estimated Cost: \$417,650.00 Amount Budgeted: \$180,000.00

Acet. No: 2000-72224

(Requested by: Public Service Department)

A RESOLUTION

No.

By:			

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR EXPANSION OF GOVERNMENT CENTER PARKING LOT ELECTRICAL SERVICE

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 expansion of electrical service at the Government Center Parking Lot. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

<u>Section 2.</u> 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, M	ayor
ATTEST:	CERTIFICATE OF APPROVA	L
LASHAUNAH D. KACZYNSKI, Clerk of Council	THEODORE A. HAMER, III, Law Director	

Estimated Cost: \$95,000.00 Amount Budgeted: \$95,000.00

Acct. No.: 6600-77720

(Requested by: Public Service Department)

A RESOLUTION

By:	No

AUTHORIZING THE CITY MANAGER TO ENTER INTO A COST-SHARING AGREEMENT WITH THE BOARD OF EDUCATION OF THE KETTERING CITY SCHOOL DISTRICT FOR THE SAFETY SUPERVISORS SECTION PROGRAM FOR THE 2019-2020 SCHOOL YEAR

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 an agreement with the Board of Education of the Kettering City School District to share the cost of maintaining the Engineering Department's Safety Section Program for adult crossing guards and safe route monitoring for elementary school areas and elementary students for the 2019-2020 school year. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

<u>Section 2</u>. 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. PATTERS	SON, Mayor
ATTEST:	CERTIFICATE OF API	PROVAL
LASHAUNAH D. KACZYNSKI, Clerk of Council	THEODORE A. HAME Law Director	ER, III,

(Requested by: Engineering Department)

A RESOLUTION

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR THE REMOVAL AND REPLACEMENT OF ASH TREES ON CITY OWNED PROPERTIES

WHEREAS, ash trees on City-owned properties have been infested with the Emerald Ash Borer; and

WHEREAS, it is prudent to remove the ash trees;

NOW, THEREFORE, 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 to contract for the removal and replacement of diseased ash trees on City owned properties. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate

<u>Section 2.</u> As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this	day of201	€.
	DONALD E. PATTERSON, Mayor	
ATTEST:	CERTIFICATE OF APPROVAL	
LASHAUNAH D.KACZYNSKI, Clerk of Council	THEODORE A. HAMER, III, Law Director	

Estimated Cost: \$150,000.00 Amount Budgeted: \$150,000.00

Acct. No.: 6502-77750

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

A RESOLUTION

No.

By:

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:

<u>Section 1.</u> 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 the KFWC. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

<u>Section 2.</u> 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, May	or
ATTEST:	CERTIFICATE OF APPROVAL	
LASHAUNAH D. KACZYNSKI, Clerk of Council	THEODORE A. HAMER, III, Law Director	

Estimated Cost:

\$70,000.00

Amount Budgeted:

\$70,000.00

Acct. No.:

2413-72220

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

A RESOLUTION

Bv:	No
DY.	140

AUTHORIZING THE CITY MANAGER TO CONTRACT FOR SLIDE REPAIR AT THE ADVENTURE REEF WATER PARK

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 one or more agreements with Safe Slide Restoration to perform repairs on one of the Tropical Twister slides at Adventure Reef Water Park. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

<u>Section 2</u>. 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. PATTE	RSON, Mayor
ATTEST:	CERTIFICATE OF A	PPROVAL
LASHAUNAH D. KACZYNSKI, Clerk of Council	THEODORE A. HAN	MER, III,

Estimated Cost: \$29,000.00 Amount Budgeted: \$0.00 Acct.: 6113-77750

(Requested by: Public Service Department)

A RESOLUTION

TA TELES	DECTION
By:	No.
TO MAKE SUPPLEMENTAL CURRENT EXPENSES AND OTH CITY OF KETTERING, STATE OF YEAR ENDING DECEMBER 31, 20	OHIO, DURING THE FISCAL
Be It Resolved by the Council of the City of Ket	tering, State of Ohio, that:
	s and other expenditures of the City of Kettering , the following supplemental sums are set aside and
A. From the Special Grants and Program	ns Fund:
Other	\$ 2,841.00
<u>Section 2.</u> The Director of Finance is author department as long as the adjustments made do rethat fund or department.	ized to adjust appropriations within any fund or not exceed the total appropriation authorized within
Section 3. The Clerk of Council is authorized a the Montgomery County Auditor.	nd directed to forward a copy of this Resolution to
Section 4. As provided in Section 4-8 of the Cit upon its adoption.	y Charter, this Resolution takes effect immediately
Passed by Council this day o	f2019.
	DONALD E. PATTERSON, Mayor
ATTEST:	CERTIFICATE OF APPROVAL

THEODORE A. HAMER, III

Law Director

(Requested by: Finance Department)

LASHAUNAH D. KACZYNSKI,

Clerk of Council