



CITY OF KETTERING

DONALD E. PATTERSON, MAYOR • BILL LAUTAR, VICE MAYOR
BRUCE E. DUKE • JACQUE FISHER • TONY KLEPACZ • ROBERT SCOTT • JOSEPH D. WANAMAKER
KETTERING COUNCIL
AGENDA

November 12, 2019

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

6:00 P.M. **COUNCIL WORKSHOP** Kettering Room
7:30 P.M. **REGULAR MEETING** Council Chambers

PLEDGE OF ALLEGIANCE

INVOCATION

APPROVAL OF MINUTES

October 22, 2019 - Council Meeting & Workshop Minutes
October 29, 2019- Special Meeting Minutes

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

PUBLIC HEARINGS

1. P.C. 19-007- Composite Subdivision- Public Pedestrian Access Easement Vacation

PUBLIC COMMENT ON LEGISLATION

(5 Minute Limit per Speaker)

ORDINANCES IN SECOND READING

RESOLUTIONS

2. Authorizing an additional expenditure of funds for street light maintenance.
3. To amend Resolution No. 10319-19.
4. Authorizing the City Manager to accept donations from Day Air Credit Union and Christ United Methodist Church.
5. Authorizing the City Manager to accept a ServeOhio grant.
6. 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

7. To appropriate project parcel 1-T of the Wilmington Pike Improvements- East Stroop Road to Centerville Corporation Line Project in the City of Kettering, Ohio (Project No. 02-108R); and to declare an emergency.

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

| | | |
|-------------|-------------------------------------|--|
| November 12 | 4:00 p.m. 6:00 p.m. 7:30 p.m. | Partners for Healthy Youth Council Workshop City Council Meeting |
| November 18 | 7:00 p.m. 7:00 p.m. | Planning Commission Board of Community Relations |
| November 20 | 8:00 a.m. | Volunteer Advisory Council |
| November 25 | 7:00 p.m. 7:30 p.m. | Board of Zoning Appeals Sister Cities |
| November 26 | 6:00 p.m. 7:30 p.m. | Council Workshop City Council Meeting |

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING AN ADDITIONAL EXPENDITURE OF FUNDS
FOR STREET LIGHT MAINTENANCE**

WHEREAS, due to unanticipated costs, including those due to multiple traffic crashes and replacing rapidly deteriorating steel poles with aluminum poles at the intersection of Research Boulevard with Diconix, an additional \$20,000.00 is needed for street light maintenance;

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

Section 1. The City Manager is authorized to expend an additional \$20,000.00 for street light maintenance for a total amount not to exceed \$60,000.00 through the end of calendar year 2019.

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. LAVENDER,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost: \$60,000.00
Funds Available: \$60,000.00
Acct. No.: 0950-72350

(Requested by: Engineering Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

TO AMEND RESOLUTION NO. 10319-19

WHEREAS, Resolution No. 10319-19 authorized the City Manager to contract for expansion of Government Center parking lot electrical services; and

WHEREAS, unanticipated equipment upgrades required by DP&L to meet new load demands resulted in added costs, but additional funds are available for other projects to pay for them; and

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

Section 1. Resolution No. 10319-19 is amended to authorize an expenditure of funds not to exceed \$129,319.00.

Section 2. In all other respects, Resolution No. 10319-19 shall remain in full force and effect.

Section 3. 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: \$129,319.00
Amount Budgeted: \$95,000.00
Acct. No.: 6600-77720

(Requested by: Public Service Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ACCEPT
DONATIONS FROM DAY AIR CREDIT UNION AND CHRIST
UNITED METHODIST CHURCH**

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 \$500.00 donation from Day Air Credit Union and a \$500.00 donation from Christ United Methodist Church; said donations to be used for Cities of Service and Make a Difference Day.

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 _____ 2019.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost: \$1,000.00
Funds Available: \$1,000.00
Acct. No.: Special Grants and Programs

(Requested by: Volunteer Services)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ACCEPT A
SERVEOHIO GRANT**

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

Section 1. The City Manager is authorized to take all necessary and proper action to accept a ServeOhio grant and use the grant funds for expenses related to Cities of Service and Make a Difference Day. Furthermore, this Council ratifies the grant application.

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: \$2,000.00
Funds Available: \$0
Acct. No.: Special Grants and Programs

(Requested by: Volunteer Services)

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, 2019**

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, 2019, the following supplemental sums are set aside and appropriated:

A. From the Special Grants and Programs Fund:

| | |
|-------|------------|
| Other | \$2,000.00 |
|-------|------------|

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. 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: \$2,000.00
Amount Budgeted: \$0
Acct. No.: Special Grants & Programs Fund

(Requested by: Finance Department)

CITY OF KETTERING, OHIO

AN EMERGENCY ORDINANCE

By:

No.

**TO APPROPRIATE PROJECT PARCEL 1-T OF THE
WILMINGTON PIKE IMPROVEMENTS – EAST
STROOP ROAD TO CENTERVILLE CORPORATION
LINE PROJECT IN THE CITY OF KETTERING, OHIO
(PROJECT NO. 02-108R); AND TO DECLARE AN
EMERGENCY**

WHEREAS, the acquisition of real property interests is necessary for the Wilmington Pike Improvements - East Stroop Road to Centerville Corporation Line Project and is also necessary on an immediate basis for the preservation of the public peace, health, safety, and welfare.

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

Section 1. Under the Constitution and the laws of the State of Ohio, the following described property and estate(s) or interest(s) therein (combined, the "Property") are hereby appropriated: a temporary easement in the property described as Project Parcel 1-T, and more particularly described in attached Exhibit A. The purpose of this appropriation of property is the improvement of public streets and roadways and includes reconstructing and resurfacing portions of Wilmington Pike, installation and/or repair of curbs, gutters, sidewalks, drive approaches, and other related appurtenances as described in the project plans (combined, the "Project"). All elements of the Project are for the purpose of benefiting the public peace, health, safety, and welfare of this City.

Section 2. This Council finds that the appropriation is required for the stated public purpose, that the City has been unable to agree with the owner(s) of the Property, and that the immediate possession of the Property is necessary for the Project.

Section 3. This Council determines that the total value of the appropriated Property, including the damages, if any, to the residue, is \$751.00.

Section 4. The Law Director of this City is hereby authorized to take or cause to be taken any action necessary for the City to immediately gain possession and ownership of the Property, including, but not limited to, filing or causing to be filed an appropriation action in a court of competent jurisdiction so that the amount of compensation to be paid for the Property may be determined.

Section 5. This Ordinance is hereby declared to be an emergency measure on the basis that: it is necessary for the immediate preservation of the public peace, health, safety, and welfare; any delay may cause Project funding from the Ohio Department of Transportation to be withdrawn, Project bidding to be delayed, and construction costs to increase; and it is necessary to cause the Project to be implemented as soon as possible for continued vehicular and pedestrian safety. Therefore, this Ordinance shall become and be effective immediately upon its passage.

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: \$751.00
(Included in Budget)
Acct. No: 5223-77750

(Requested by Engineering Department)

EXHIBIT A

(3 pages including this page)

EXHIBIT A

LPA RX 887 T

Page 1 of 2

Rev. 07/09

Ver. Date 6/10/14

PID 105752

**PARCEL 1-T
WILMINGTON PIKE IMPROVEMENTS
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
DRIVE AND GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY
CITY OF KETTERING, OHIO**

(Surveyor's description of the premises follows)

Situate in the City of Kettering, County of Montgomery, State of Ohio, Section 16, Town 2, Range 6, M.Rs. and being more particularly described as follows:

Being part of Lot 1 of the Hempstead-Wilmington Plat, as recorded in Plat Book 77, Page 34 conveyed to Kettering RES, LLC, as recorded on L.R. Deed 17-073131, of the Deed Records of Montgomery County, Ohio, said parcel being on the LEFT side of the centerline of right-of-way as shown on the Wilmington Pike Improvements Centerline Plat, as recorded in Plat Book 232 Page 64 and being located within the following described points in the boundary thereof:

All references herein to station and offset are to the centerline of right-of-way of Wilmington Pike.

COMMENCING, for reference, at the intersection of the centerline of right-of-way of Wilmington Pike and the north line of said Section 16, and the south line of said Section 22 at Station 91+01.29 being South 38 degrees 31 minutes 13 seconds East at a distance of 2.99 feet from witnessed 1" iron pin found within a monument box at Station 91+04.28 and offset 0.10' RT;

thence along the centerline of right-of-way of Wilmington Pike *South 40 degrees 24 minutes 34 seconds East* for a distance of *426.73 feet* to a point at the northeast corner of said Hempstead-Wilmington Plat; said point being located at Wilmington Pike Centerline Station 86+74.56;

thence leaving said centerline of right-of-way of Wilmington Pike, *South 31 degrees 55 minutes 52 seconds West* for a distance of *52.47 feet* to a 3/4" iron pin found at the northeast corner of said Lot 1 and on the existing west right-of-way line of Wilmington Pike; said point being located at 50.00 feet left of Wilmington Pike Centerline Station 86+58.65; said point being **THE TRUE POINT OF BEGINNING** of the parcel herein described:

thence with a temporary easement the following 6 courses:

- 1.) *South 40 degrees 24 minutes 34 seconds East* for a distance of *58.32 feet* to a point being located at 50.00 feet left of Wilmington Pike Centerline Station 86+00.33;

EXHIBIT A

LPA RX 887 T

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Rev. 07/09

Ver. Date 6/10/14

PID 105752

- 2.) *South 49 degrees 35 minutes 26 seconds West* for a distance of *1.00 feet* to a point being located at 51.00 feet left of Wilmington Pike Centerline Station 86+00.33;
- 3.) *North 40 degrees 24 minutes 34 seconds West* for a distance of *17.73 feet* to a point being located at 51.00 feet left of Wilmington Pike Centerline Station 86+18.06;
- 4.) *South 64 degrees 13 minutes 46 seconds West* for a distance of *21.78 feet* to a point being located at 72.07 feet left of Wilmington Pike Centerline Station 86+23.57;
- 5.) *North 43 degrees 13 minutes 32 seconds West* for a distance of *20.31 feet* to a point being located at 73.07 feet left of Wilmington Pike Centerline Station 86+43.86;
- 6.) *North 16 degrees 55 minutes 18 seconds East* for a distance of *27.40 feet* to **THE TRUE POINT OF BEGINNING** of the parcel herein described:

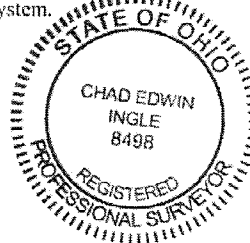
The above described area is contained within Montgomery County Auditor's Parcel Number N64 03212 0001 and contains 0.0162 acres (709.67 Sq. Ft.), more or less.

This description was prepared and reviewed on May 10, 2018 by the City of Kettering Engineering Department.

This description is based on a survey made under the direction and supervision of Chad E. Ingle, Registered Surveyor Number 8498 in November, 2018.

Prior instrument reference as of the date this survey was prepared: IR Deed 17-073131 in the Deed Records of Montgomery County, Ohio.

All bearings shown are for project use only. They are based on 1983 North American Datum (2011 Adjustment) State Plane Coordinates, Ohio South Zone 3402, Geoid 12B (Conus) as determined by the City of Kettering using the O.D.O.T V.R.S. System.



Chad E. Ingle
Chad E. Ingle, Ohio Registered Surveyor No. 8498

12.12.18
Date