



CITY OF KETTERING

DONALD E. PATTERSON, MAYOR • TONY KLEPACZ, VICE MAYOR
BRUCE E. DUKE • JACQUE FISHER • BILL LAUTAR • JOSEPH D. WANAMAKER

KETTERING COUNCIL AGENDA

April 27, 2021

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

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

PLEDGE OF ALLEGIANCE

INVOCATION

APPROVAL OF MINUTES

April 13, 2021- Council Meeting & Workshop Minutes

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

Proclamation Bike Month
Presentation Goodwill Easter Seals Update

PUBLIC HEARINGS

1. A petition to rename a portion of Waving Willow to Marquesa Drive, Kettering, Ohio 45409.

PUBLIC COMMENT ON LEGISLATION

(5 Minute Limit per Speaker)

ORDINANCES IN SECOND READING

RESOLUTIONS

2. Affirming the decision of the Kettering Board of Zoning Appeals in BZA Case No. 20-016 concerning the property located at 3825 Wilmington Pike.

OR

Reversing the decision of the Kettering Board of Zoning Appeals in BZA Case No. 20-016 concerning the property located at 3825 Wilmington Pike.

3. Authorizing the City Manager to enter into a façade and site improvement grant agreement for the property located at 3035 Wilmington Pike.

4. Authorizing the City Manager to enter into an agreement with the Miami Valley Blue Umpires Association.

5. Authorizing the City Manager to use competitive bargaining and negotiated quotes to contract for the Government Center North Building ADA Access to Public Entrances Project (City Project No. 01-108J) and concrete wall repairs at the Kettering Police Department and the Schantz Avenue Bridge.

6. Authorizing the City Manager to use competitive bargaining and negotiated quotes to contract for the installation of touchless faucets at city facilities.

7. 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, 2021.

ORDINANCES IN FIRST READING

CERTIFICATIONS AND PETITIONS

Certification- Planning Commission recommends denial of P.C. 21-002- Zoning Map Amendment. A public hearing regarding this request will be held on May 11, 2021 at the Kettering City Council meeting.

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
2021

April 26	7:30 p.m.	Sister Cities
April 27	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting
May 3	7:00 p.m.	Planning Commission
May 10	7:00 p.m.	Board of Zoning Appeals
May 11	4:00 p.m. 6:00 p.m. 7:30 p.m.	Partners for Healthy Youth Council Workshop City Council Meeting

Proclamation

Whereas:

The bicycle is an economical, healthy, convenient, and environmentally sound form of transportation and an excellent tool for recreation and enjoyment of Kettering's scenic beauty; and

WHEREAS: With the continued spread of COVID-19, the need to highlight alternative transportation that is activity-friendly, healthy and safe has come into sharp focus"; and

WHEREAS: Biking is a lifeline for so many people during this time; whether it's the primary way people commute to essential jobs, the way people relieve stress and decompress after being home for long periods of time, or the way children get much needed exercise when schools are closed; and

WHEREAS: Creating a bicycling-friendly community has been shown to improve citizens' health and well-being, traffic safety, and wear and tear on roads; and

WHEREAS: The City of Kettering's commitment to create a bicycle friendly community is evident in recent award designations including the city receiving the Bronze Level Bicycle Friendly Award from The League of American Bicyclists and being selected as the host city for the 2021 Miami Valley Cycling Summit; and

WHEREAS: The city will continue to foster relationships with local organizations including Bike Miami Valley, Five Rivers Metroparks, The Dayton Cycle Club, The League of American Bicyclists to enhance bike safety within the Kettering community; and

WHEREAS: With the help of various groups and organizations, public awareness of bicycle safety will continue to grow and will improve the health and safety for everyone on the road which will allow the Kettering community to continue to be a premier destination for cycling.

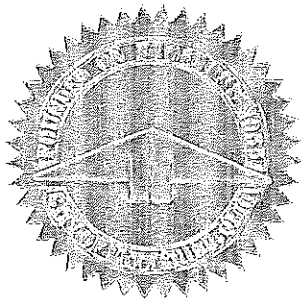
NOW, THEREFORE, I, Donald E. Patterson, Mayor of the City of Kettering, Ohio, on behalf of City Council and the community, do hereby proclaim

May 2021

to be

BIKE MONTH

in the City of Kettering, Ohio, and encourage all citizens to recognize the importance of bicycle safety and to be more aware of cyclists on our streets and roads.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Kettering, Ohio, to be affixed this 27th day of April, in the Year of our Lord, Two Thousand and Twenty-One.

DONALD E. PATTERSON
Mayor of the City of Kettering, Ohio

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AFFIRMING THE DECISION OF THE KETTERING BOARD
OF ZONING APPEALS IN BZA CASE NO. 20-016 CONCERNING
THE PROPERTY LOCATED AT 3825 WILMINGTON PIKE**

WHEREAS, on October 26, 2021, the Board of Zoning Appeals (“BZA”) conducted a public hearing in BZA Case No. 20-016 in the matter of an appeal of the denial of an application for a structure permit (S19-05553) concerning the property located at 3825 Wilmington Pike (“the Property”); and

WHEREAS, on October 26, 2021, the BZA denied the appeal (the “BZA Decision”); and

WHEREAS, a complete written appeal of the BZA Decision was timely filed by William R. Jenkins (the “Appellant”); and

WHEREAS, Appellant waived the time requirement for this Council to hear the appeal so that Council could hear the appeal in person; and

WHEREAS, this Council heard the appeal on April 13, 2021; and

WHEREAS, Appellant was given prior notice of the day and time of the public hearing and the opportunity to appear before this Council and be heard regarding the appeal of the BZA’s decision; and

WHEREAS, Appellant was not prevented from being represented at the public hearing or presenting written arguments to this Council; and

WHEREAS, at the April 13, 2021 public hearing conducted by this Council, the Appellant was allowed to: (1) present Appellant’s positions, arguments and contentions; (2) offer and examine witnesses, under oath, and present evidence in support of Appellant’s positions, arguments, and contentions; (3) cross examine witnesses purporting to refute their position, arguments, and contentions; (4) offer evidence to refute evidence and testimony offered in opposition to Appellant’s positions, arguments and contentions; and (5) proffer any evidence into the record; and

WHEREAS, neither the Appellant nor any other person were prevented from presenting evidence to this City Council by reason of lack of the power of subpoena by the City Council or the refusal of City Council to exercise such power upon request;

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

Section 1. The recital paragraphs are incorporated into this Section 1 as if fully rewritten herein.

Section 2. Based on the record before this Council, Council finds that the Appellant did not meet the burden of proof for showing error in the BZA Decision. Therefore the appeal is denied and the BZA Decision is affirmed.

Section 3. This Council may subsequently enact a resolution to adopt its conclusions of fact which support this decision.

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 _____ 2021.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

(Requested by Council Office)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**REVERSING THE DECISION OF THE KETTERING BOARD OF
ZONING APPEALS IN BZA CASE NO. 20-016 CONCERNING
THE PROPERTY LOCATED AT 3825 WILMINGTON PIKE**

WHEREAS, on October 26, 2021, the Board of Zoning Appeals (“BZA”) conducted a public hearing in BZA Case No. 20-016 in the matter of an appeal of the denial of an application for a structure permit (S19-05553) concerning the property located at 3825 Wilmington Pike (“the Property”); and

WHEREAS, on October 26, 2021, the BZA denied the appeal (the “BZA Decision”); and

WHEREAS, a complete written appeal of the BZA Decision was timely filed by William R. Jenkins (the “Appellant”); and

WHEREAS, Appellant waived the time requirement for this Council to hear the appeal so that Council could hear the appeal in person; and

WHEREAS, this Council heard the appeal on April 13, 2021; and

WHEREAS, Appellant was given prior notice of the day and time of the public hearing and the opportunity to appear before this Council and be heard regarding the appeal of the BZA’s decision; and

WHEREAS, Appellant was not prevented from being represented at the public hearing or presenting written arguments to this Council; and

WHEREAS, at the April 13, 2021 public hearing conducted by this Council, the Appellant was allowed to: (1) present Appellant’s positions, arguments and contentions; (2) offer and examine witnesses, under oath, and present evidence in support of Appellant’s positions, arguments, and contentions; (3) cross examine witnesses purporting to refute their position, arguments, and contentions; (4) offer evidence to refute evidence and testimony offered in opposition to Appellant’s positions, arguments and contentions; and (5) proffer any evidence into the record; and

WHEREAS, neither the Appellant nor any other person were prevented from presenting evidence to this City Council by reason of lack of the power of subpoena by the City Council or the refusal of City Council to exercise such power upon request;

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

Section 1. The recital paragraphs are incorporated into this Section 1 as if fully rewritten herein.

Section 2. Based on the record before this Council, Council finds that the Appellant demonstrated error in the BZA Decision warranting reversal. Therefore, the appeal is granted and the BZA Decision is reversed.

Section 3. This Council may subsequently enact a resolution to adopt its conclusions of fact which support this decision.

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 _____ 2021.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

(Requested by Council Office)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ENTER INTO A
FAÇADE AND SITE IMPROVEMENT GRANT AGREEMENT
FOR THE PROPERTY LOCATED AT 3035 WILMINGTON PIKE**

WHEREAS, in Resolution No. 9393-13, this City Council approved and authorized the City of Kettering Façade and Site Improvement Program ("Program") to provide financial assistance to property owners in order to improve and encourage reinvestment in the Wilmington Pike Corridor and thereby benefit the public health, safety, and welfare; and

WHEREAS, the owner of the property located at 3035 Wilmington Pike (the "Property") wants to make façade and site improvements to the Property (the "Project") but needs financial assistance in order to do so;

NOW, THEREFORE, 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 a Program grant agreement with the owner of 3035 Wilmington Pike to provide reimbursement of up to 50% of Project costs, not to exceed \$25,000.00. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

Section 2. 1. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this _____ day of _____ 2021.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost: Up to \$25,000.00
Amount Budgeted: \$0
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 WITH THE MIAMI VALLEY BLUE UMPIRES
ASSOCIATION**

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, the City Manager is hereby authorized to enter into an agreement with the Miami Valley Blue Umpires Association to provide umpires and site supervisors for the 2021 Adult League Softball Program. 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 _____ 2021.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost: \$22,500.00
Funds Available: \$29,000.00
Acct. No.: 2410-72550

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

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR THE GOVERNMENT CENTER NORTH BUILDING ADA ACCESS TO PUBLIC ENTRANCES PROJECT (CITY PROJECT NO. 01-108J) AND CONCRETE WALL REPAIRS AT THE KETTERING POLICE DEPARTMENT AND THE SCHANTZ AVENUE BRIDGE

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 following projects:

1. The Government Center North Building ADA Access to Public Entrances Project (City Project No. 01-108J);
2. Concrete wall repair at the Kettering Police Department;
3. Concrete wall repair at the Schantz Avenue bridge over South Dixie Highway.

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 _____ 2021.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost: \$58,000.00 (Government Center – ADA)
 \$ 4,000.00 (Schantz Avenue bridge)
Amount Budgeted: \$0
Acct. No.: 6613-77750 (\$58,000.00)
 5262-77750 (\$ 4,000.00)

(Requested by: Engineering Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR THE INSTALLATION OF TOUCHLESS FAUCETS AT CITY FACILITIES

WHEREAS, in response to the COVID-19 pandemic, the City plans to replace approximately 200 faucets with touchless technology at City facilities; and

WHEREAS, as part of the American Rescue Plan Act of 2021, the City anticipates receiving reimbursement for the project costs;

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 and to enter into one or more contracts for the installation of touchless faucets at City facilities in response to the COVID-19 pandemic. 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 _____ 2021.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost: \$200,000.00
Amount Available: \$0
Acct. No.: CIP Fund

(Requested by: Public Services 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, 2021

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, 2021, the following supplemental sums are set aside and appropriated:

A. From the General Fund:

ECONOMIC DEVELOPMENT	
Operating Expenses	\$ 25,000.00

B. From the Capital Improvement Fund:

OTHER	\$ 258,000.00
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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 _____ 2021.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost:	\$283,000.00
Amount Budgeted:	\$0
Acct. No.	0550-72550 & CIP Fund

(Requested by: Finance Department)



CITY OF KETTERING

PLANNING & DEVELOPMENT DEPARTMENT

CERTIFICATION

DATE: April 20, 2021
TO: Mayor and Council, City of Kettering
FROM: Planning Commission
SUBJECT: Request for Zoning Map Amendment (#PC-21-002)

Planning Commission hereby certifies that a public meeting for #PC-21-002 was held on March 1, 2021, March 15, 2021, April 5, 2021 and April 19, 21 concerning a request for a Zoning Map Amendment to rezone the property located at 4225 and 4235 Wilmington Pike from R-4 Multi-Family, R-1 Suburban Residential and BP Business Park to the O-Office district.

Planning Commission hereby submits its recommendation to Council that the requested map amendments to the Official Zoning Map be denied.

Vote of the Planning Commission

The motion recommending denial was passed by a vote of 4:0.

Reason for Request

The applicant is requesting the rezoning in order to accommodate office uses which are not currently permitted under the R-4 Multi-Family Residential district.

Respectfully submitted,

KETTERING PLANNING COMMISSION

By: David Roller, City Planner
Planning and Development Department