



## CITY OF KETTERING

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

### KETTERING COUNCIL AGENDA

June 22, 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

June 8, 2021- Council Meeting & Workshop Minutes

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

Proclamation              Scleroderma Awareness Month

#### PUBLIC HEARINGS

1. P.C. 21-002- Zoning Map Amendment

#### PUBLIC COMMENT ON LEGISLATION

(5 Minute Limit per Speaker)

#### ORDINANCES IN SECOND READING

#### RESOLUTIONS

2. Accepting the findings and recommendations of the Fact Finder in SERB Case No. 2020-MED-10-1127 and authorizing the City Manager to enter into an agreement with the Kettering Professional Firefighters, International Association of Firefighters Local 2150, consistent with those findings and recommendations or as modified by mutual agreement of the parties.

OR

Rejecting the findings and recommendations of the Fact Finder in SERB Case No. 2020-MED-10-1127, involving the City of Kettering and Kettering Professional Firefighters, International Association of Firefighters Local 2150.

3. Authorizing the City Manager to purchase electric vehicle charging stations and related services through negotiated quotes or a cooperative purchasing program.

4. Authorizing the City Manager to contract for technology and other improvements in the Clerk of the Kettering Municipal Court's Office.

5. Authorizing the City Manager to accept the first tranche of the American Rescue Plan Act of 2021 (ARPA) funds and affirm that such funds will be expended only to cover City of Kettering expenditures for eligible uses consistent with the requirements of ARPA, Sec. 9901, Public Law 117-2.

**ORDINANCES IN FIRST READING**

**CERTIFICATIONS AND PETITIONS**

Certification- Planning Commission recommends vacation of P.C. 21-007- Request for street vacation at the northeast corner of Wilmington Pike and Brownleigh Road. A public hearing regarding this request will be held on Tuesday, July 13, 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**

June 21	7:00 p.m. 7:00 p.m.	Planning Commission Board of Community Relations
June 22	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting
June 28	7:00 p.m. 7:30 p.m.	Board of Zoning Appeals Sister Cities
July 5	All Day	Government Center Closed
July 12	7:00 p.m.	Board of Zoning Appeals
July 13	4:00 p.m. 6:00 p.m. 7:30 p.m.	Partners for Healthy Youth Council Workshop City Council Meeting

# Proclamation

**Whereas:**

*Scleroderma is a chronic connective tissue disease which effects an estimated 15,000 Ohioans and 300,000 people in the United States; and*

*WHEREAS: In scleroderma, a patient's immune system becomes overactive and attacks its own tissue through an overproduction of collagen; and*

*WHEREAS: Scleroderma can develop and is found in every age group from infants to the elderly, but its onset is most frequent between the ages of 25 to 55; and*

*WHEREAS: Scleroderma is a very individualized disease and the symptoms range from very mild to life-threatening ; and*

*WHEREAS: Scleroderma can cause thickening and tightening of the skin, as well as serious damage to internal organs including the lungs, heart, kidneys, esophagus and gastrointestinal tract; and*

*WHEREAS: Prompt and proper diagnosis and treatment by qualified physicians can minimize the symptoms of Scleroderma and lessen the chance for irreversible damage, but there is not yet a cure for the disease; and*

*WHEREAS: There are five Scleroderma Foundation support groups in Ohio and the Scleroderma Foundation's mission is support, education and research to help find the cause of and cure for the disease.*

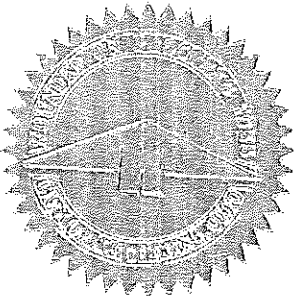
*NOW, THEREFORE, I, Donald E. Patterson, Mayor of the City of Kettering, Ohio, on behalf of City Council and the community, and hereby proclaimed*

*June 2021*

*to be*

## **SCLERODERMA AWARENESS MONTH**

*in the City of Kettering, Ohio, and urge all citizens to bring awareness about scleroderma, with the hope a cure will soon be found.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Kettering, Ohio, to be affixed this 22nd day of June, in the Year of our Lord, Two Thousand and Twenty-One.*

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

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**ACCEPTING THE FINDINGS AND RECOMMENDATIONS OF THE FACT FINDER IN SERB CASE NO. 2020-MED-10-1127 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE KETTERING PROFESSIONAL FIREFIGHTERS, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 2150, CONSISTENT WITH THOSE FINDINGS AND RECOMMENDATIONS OR AS MODIFIED BY MUTUAL AGREEMENT OF THE PARTIES**

WHEREAS, the Council for the City of Kettering has received the findings and recommendations from the Fact Finder in SERB Case No. 2020-MED-10-1127, regarding the outcome of a Fact-Finding Hearing involving the City of Kettering and the Kettering Professional Firefighters, International Association of Firefighters Local 2150;

NOW, THEREFORE, Be it resolved by the Council of the City of Kettering, State of Ohio, that:

Section 1. City Council accepts the findings and recommendations of the Fact Finder in SERB Case No. 2020-MED-10-1127. The City Manager is hereby authorized to enter into an agreement with the Kettering Professional Firefighters, International Association of Firefighters Local 2150, consistent with the terms set forth in the findings and recommendations of the Fact Finder in SERB Case No. 2020-MED-10-1127, or as such findings and recommendations are modified by mutual agreement of the parties, as long as the City Manager deems the effect of any modification appropriate.

Section 2. Furthermore, the City Manager is authorized to enter into any subsequent amendments to said agreement, as long as the City Manager deems the effect of any amendment is appropriate.

Section 3. 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 \_\_\_\_\_ 2021.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER III,  
Law Director

(Requested by: Human Resources Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**REJECTING THE FINDINGS AND RECOMMENDATIONS OF  
THE FACT FINDER IN SERB CASE NO. 2020-MED-10-1127,  
INVOLVING THE CITY OF KETTERING AND KETTERING  
PROFESSIONAL FIREFIGHTERS, INTERNATIONAL  
ASSOCIATION OF FIREFIGHTERS LOCAL 2150**

WHEREAS, the Council for the City of Kettering has received the findings and recommendations from the Fact Finder in SERB Case No. 2020-MED-10-1127, regarding the outcome of a Fact-Finding Hearing involving the City of Kettering and the Kettering Professional Firefighters, International Association of Firefighters Local 2150; and

WHEREAS, the Council for the City of Kettering consists of seven (7) members and is the legislative body for the City of Kettering, as established by its Charter; and

WHEREAS, the Ohio Collective Bargaining Act provides by statute that in order for a legislative body to reject a Fact Finder's findings and recommendations, a three-fifths (3/5) majority vote of all members of the legislative body is required.

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

Section 1. By an affirmative vote of at least three-fifths (3/5) of its members, this Council rejects the findings and recommendations of the Fact Finder in SERB Case No. 2020-MED-10-1127.

Section 2. The Clerk of Council shall prepare a record of this vote to accompany this resolution.

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: Human Resources Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO PURCHASE ELECTRIC  
VEHICLE CHARGING STATIONS AND RELATED SERVICES  
THROUGH NEGOTIATED QUOTES OR A COOPERATIVE  
PURCHASING PROGRAM**

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

Section 1. The City Manager is hereby authorized to use competitive bargaining and negotiated quotes or an approved cooperative purchasing program, to contract for the purchase, installation, service, and maintenance of electric vehicle charging stations at Delco Park and the Kettering Recreation Complex. 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:     \$77,848.00  
Amount Budgeted:   \$77,848.00  
Acct. No.:           Fund 237

(Requested by: Public Service Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO CONTRACT FOR  
TECHNOLOGY AND OTHER IMPROVEMENTS IN THE CLERK  
OF THE KETTERING MUNICIPAL COURT'S OFFICES**

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

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 Brumbaugh Construction, Inc. for construction and installation of technology and other improvements in the Clerk of the Kettering Municipal Court's Offices. 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: \$27,432.00  
Amount Budgeted: \$27,432.00  
Acct. No. 277-8093

(Requested by: Robert L. Scott, Clerk of Court)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ACCEPT THE FIRST TRANCHE OF THE AMERICAN RESCUE PLAN ACT OF 2021 (ARPA) FUNDS AND AFFIRM THAT SUCH FUNDS WILL BE EXPENDED ONLY TO COVER CITY OF KETTERING EXPENDITURES FOR ELIGIBLE USES CONSISTENT WITH THE REQUIREMENTS OF ARPA, SEC. 9901, PUBLIC LAW 117-2**

WHEREAS, The American Rescue Plan Act of 2021, Public Law 117-2, (ARPA) was signed into law on March 11, 2021; and

WHEREAS, The ARPA provides additional relief to address the continued impact of COVID-19 on the economy, public health, state and local governments, individuals, and businesses; and

WHEREAS, currently, the ARPA provides for the initial distribution in 2021 of 50% of the funds allocated to local governments with the remaining 50% to be distributed one year later;

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, on behalf of the City of Kettering, to take all necessary and proper action to accept the above-described funds from the ARPA. Said funds will be expended only to cover City of Kettering expenditures for eligible uses consistent with the requirements of the ARPA, Sec. 9901, Public Law 117-2.

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: \$6,925,760  
Funds Available: \$0  
Acct. No. Fund 269

(Requested by: Finance Department)





CITY OF KETTERING  
Planning and Development Department

CERTIFICATION

**DATE:** June 9, 2021  
**TO:** Mayor and Council, City of Kettering  
**FROM:** Planning Commission  
**SUBJECT:** Request for Street Vacation at the NE Corner of Wilmington Pike and Brownleigh Rd. (PC-21-007)

Planning Commission hereby certifies that a public hearing was held on June 7, 2021 with a decision reached at that meeting concerning a request for a street vacation at the NE Corner of Wilmington Pike and Brownleigh Rd.

Planning Commission hereby submits its recommendation to Council that the requested vacation be approved.

Vote of the Planning Commission

The motion recommending approval was passed by a unanimous vote of 3:0.

Planner's Notes

In anticipation of future street improvements and the sale of the parcel located at the northeast corner of Wilmington Pike and Brownleigh the City of Kettering wishes to vacate an approximate 7.5 foot by 69.5 foot portion of right-of-way which is not needed for street purposes. Staff is currently working with the owner of the adjacent parcel, 3122-3126 Wilmington Pike, to sell the city owner parcel. In preparation for this the city wishes to correct the right-of-way line making it consistent on the east side of Wilmington Pike. The sale of this parcel will be contingent on the dedication of right-of-way from the adjacent property to achieve the same consistency.

Respectfully submitted,

A handwritten signature in cursive script that reads "Tom Robillard".

By: Thomas R. Robillard, Director  
Planning and Development Department