



CITY OF KETTERING

PEGGY LEHNER, MAYOR • JACQUE FISHER, VICE MAYOR
BRUCE E. DUKE • LISA DUVALL • TONY KLEPACZ • JYL HALL • BOB SCOTT

KETTERING COUNCIL AGENDA

April 26, 2022

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

March 24-25, 2022 Special Meeting Minutes
April 12, 2022- Council Meeting & Workshop Minutes

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

Appointment	Board of Community Relations- Vicki Colon (Term ending 12/31/22)
Appointment	Board of Community Relations- Hiren Patel (Term ending 12/31/24)
Proclamation	Building Safety Month
Certificate of Recognition	Alter Girls Basketball Team- 2022 Division II State Champions
Award Presentation	MLK Writing Contest Winners

PUBLIC HEARINGS

1. P.C. 22-005- Zoning Map Amendment.

PUBLIC COMMENT ON LEGISLATION

(5 Minute Limit per Speaker)

ORDINANCES IN SECOND READING

2. To amend the traffic control map and the traffic control file of the City of Kettering to show the installation of traffic signs on Maddix Drive in the City of Kettering, Ohio.

RESOLUTIONS

3. Authorizing the City Manager to use competitive bargaining and negotiated quotes to contract for the purchase of tables, chairs and storage carts for the Charles I. Lathrem Senior Center.
4. Authorizing the City Manager to use sealed bidding, competitive bargaining and negotiated quotes, and/or an approved cooperative purchasing program to purchase furniture, fixtures, and equipment for Phase II of the Rosewood Arts Center renovation project.
5. Amending Resolution No. 10694-22 regarding the renovation of Rosewood Arts Center, Phase 2.
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, 2022.

ORDINANCES IN FIRST READING

7. To rezone 2125 East Dorothy Lane from Economic Development Overlay District No. 14 to B-Business District (Planning Commission Case No. PC 22-002).
8. To rezone 950 Forrer Boulevard from O-Office District to BP-Business Park District (Planning Commission Case No. PC 22-003).

3600 SHROYER ROAD • KETTERING, OHIO 45429-2799

937-296-2416 • FAX 937-296-2550

www.ketteringoh.org

MANAGER'S REPORT/COMMUNITY UPDATE

CERTIFICATIONS AND PETITIONS

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
2022

April 25	7:30 p.m.	Sister Cities
April 26	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting
May 2	7:00 p.m.	Planning Commission
May 9	7:00 p.m.	Board of Zoning Appeals
May 10	4:00 p.m. 6:00 p.m. 7:30 p.m.	Partners for Healthy Youth Council Workshop City Council Meeting

Proclamation

Whereas:

The City of Kettering is committed to recognizing that our growth and strength depends on the safety and essential role our homes, buildings and infrastructure play, both in everyday life and when disasters strike; and

WHEREAS: Each year, in observance of Building Safety Month, people across the country are asked to consider the commitment to improve building safety, resilience and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property; and

WHEREAS: Our confidence in the resilience of these buildings that make up our community is achieved through the devotion of vigilant guardians who are building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers and others in the construction industry-who work year-round to ensure the safe construction of buildings; and

WHEREAS: Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown protectors of public safety-our local code officials- who assure us of safe, sustainable and affordable buildings that are essential to our property; and

WHEREAS: "Safety for All: Building Codes in Action", the theme for Building Safety Month 2022, encourages raised awareness about planning for safe and sustainable construction, career opportunities in building safety; understanding disaster mitigation, energy conservation; and creating a safe and abundant water supply; and

WHEREAS: These modern building codes include safeguards to protect the public from hazards such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquakes.

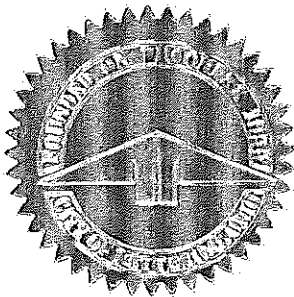
NOW, THEREFORE, I, Peggy Lehner, Mayor of the City of Kettering, Ohio, on behalf of City Council and the community, do hereby proclaim

May 2022

to be

BUILDING SAFETY MONTH

in the City of Kettering, Ohio, and I urge all citizens to reflect on how they can improve building safety in their personal and daily lives.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Kettering, Ohio, to be affixed this 26th day of April, in the Year of our Lord, Two Thousand and Twenty-Two.

PEGGY LEHNER
Mayor of the City of Kettering, Ohio



GOVERNMENT CENTER
CITY OF KETTERING OHIO

CERTIFICATE OF RECOGNITION AND CONGRATULATIONS

IS HEREBY PRESENTED TO

**Alter High School
Girls Varsity Basketball Team**

The City of Kettering is honored to recognize the Alter Girls Varsity Basketball Team for their hard fought and successful 2021-2022 basketball season.

Winning the 2022 Division II State Championship exemplifies the dedication, hard work, and sportsmanship exhibited by these talented athletes. This achievement has brought distinction and honor to Alter High School and the Kettering community.

It is with great pleasure that City Council and the Kettering community congratulates the Alter Girls Varsity Basketball Team on this exceptional accomplishment and extends our best wishes for continued success.

Presented this 26th day of April 2022

**PEGGY LEHNER
Mayor of Kettering**

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

TO AMEND THE TRAFFIC CONTROL MAP AND THE TRAFFIC CONTROL FILE OF THE CITY OF KETTERING TO SHOW THE INSTALLATION OF TRAFFIC SIGNS ON MADDIX DRIVE IN THE CITY OF KETTERING, OHIO

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

Section 1. The Traffic Control Map and the Traffic Control file of the City of Kettering, Ohio are hereby amended to show:

- A. STOP – Northbound and Southbound Maddix Drive;
- B. ROW – Peach Orchard Road; and
- C. NO PARKING ANY TIME – Maddix Drive East Side from Peach Orchard Drive Northward for a total distance of 475ft.

Section 2. The City Engineer is hereby directed to have signs erected or taken down in accordance with this amendment.

Section 3. As permitted in Section 406.03 of the Codified Ordinances of the City of Kettering, Ohio, the temporary traffic control authorization has been used to quickly install these regulations.

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 _____ 2022.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

(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 PURCHASE OF TABLES, CHAIRS AND STORAGE
CARTS FOR THE CHARLES I. LATHREM SENIOR CENTER**

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, on behalf of the City, is hereby authorized to use such bargaining and negotiation procedures and to enter into one or more contracts for the purchase of tables, chairs and storage carts for the Charles I. Lathrem Senior Center. 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 _____ 2022.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER, III,
Law Director

Estimated Cost: \$48,000.00
Amount Budgeted: \$48,000.00
Acct. No.: 8244-77750

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

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

AUTHORIZING THE CITY MANAGER TO USE SEALED BIDDING, COMPETITIVE BARGAINING AND NEGOTIATED QUOTES, AND/OR AN APPROVED COOPERATIVE PURCHASING PROGRAM TO PURCHASE FURNITURE, FIXTURES, AND EQUIPMENT FOR PHASE II OF THE ROSEWOOD ARTS CENTER RENOVATION PROJECT

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

Section 1. The City Manager, on behalf of the City, is hereby authorized to use sealed bidding, competitive bargaining and negotiated quotes, and/or an approved cooperative purchasing program to contract for the purchase of furniture, fixtures, and equipment for Phase II of the Rosewood Arts Center renovation project. 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 _____ 2022.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER, III,
Law Director

Estimated Cost: \$388,000.00
Amount Budgeted: \$0.00
Acct. No.: 6132-77750

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

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

AMENDING RESOLUTION NO. 10694-22 REGARDING THE RENOVATION OF ROSEWOOD ART CENTER, PHASE 2

WHEREAS, Resolution No. 10694-22 authorized the City Manager to advertise for bids and contract for Phase 2 of the renovation at Rosewood Art Center; and

WHEREAS, the original estimated cost was \$1,365,000; and

WHEREAS, the low bid for the project is \$1,762,902 (an additional \$397,902 over the estimated cost); and

WHEREAS, rebidding this project is unlikely to produce a lower bid but will result in delay of the project;

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

Section 1. Resolution No. 10694-22 is amended to authorize an expenditure of funds in the amount of \$1,762,902.

Section 2. In all other respects, Resolution No. 10694-22 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 _____ 2022.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER, III,
Law Director

Estimated Cost: \$1,762,902.00
Amount Budgeted: \$1,365,000.00
Acct. No.: 6120-77750 \$1,733,532.00
 6132-77750 \$29,370.00

(Requested by: Public Service 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, 2022

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, 2022, the following supplemental sums are set aside and appropriated:

A. From the General Fund:

TRANSFERS TO OTHER FUNDS	
Capital Improvement Fund	\$ 908,900.00

B. From the Capital Improvement Fund:

PARKS & RECREATION	\$ 908,900.00
--------------------	---------------

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 _____ 2022.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost: \$908,900.00 net transfers
Amount Budgeted: \$0
Acct. No. Various

(Requested by: Finance Department)

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

**TO REZONE 2125 EAST DOROTHY LANE FROM ECONOMIC
DEVELOPMENT OVERLAY DISTRICT NO. 14 TO B-BUSINESS
DISTRICT (PLANNING COMMISSION CASE NO. PC 22-002)**

WHEREAS, on March 7, 2022 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 a parcel of land located at 2125 East Dorothy Lane (Montgomery County Auditor's Parcel No. N64 03406 0017) (the "Property") to B- Business District; and

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

WHEREAS, on April 12, 2022, 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 staff report(s) and recommendation of the Planning Commission, the criteria set forth in Sections 1153.12.9, Consistency, through 1153.12.15, Other Factors, of Chapter 1153 of the Zoning Code, the testimony and evidence presented at the public hearing, sound planning and zoning practices, the City's adopted plans, goals, and policies, the intent of the Kettering 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 from Economic Development Overlay District No. 14 to B- Business District.

Section 3. As appropriate and necessary, the official Zoning Map of the City of Kettering, Ohio is hereby revised and amended to reflect the zone change(s) referred to in Section 2 above; 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 _____ 2022.

PEGGY LEHNER, 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

AN ORDINANCE

By:

No.

TO REZONE 950 FORRER BOULEVARD FROM O-OFFICE DISTRICT TO BP-BUSINESS PARK DISTRICT (PLANNING COMMISSION CASE NO. PC 22-003)

WHEREAS, on March 21, 2022 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 a parcel of land located at 950 Forrer Boulevard (consisting of Lot 2 of Kettering Business Park, Section One, as recorded in Plat Book 170, Page 1 of the Plat Records of Montgomery County, Ohio and Lot 1 of Kettering Business Park, Section Two as recorded in Plat Book 182, Page 22 of the Plat Records of Montgomery County, Ohio), (the "Property") to BP- Business Park District; and

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

WHEREAS, on April 12, 2022, 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 staff report(s) and recommendation of the Planning Commission, the criteria set forth in Sections 1153.12.9, Consistency, through 1153.12.15, Other Factors, of Chapter 1153 of the Zoning Code, the testimony and evidence presented at the public hearing, sound planning and zoning practices, the City's adopted plans, goals, and policies, the intent of the Kettering 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 from O-Office District to BP- Business Park District.

Section 3. As appropriate and necessary, the official Zoning Map of the City of Kettering, Ohio is hereby revised and amended to reflect the zone change(s) referred to in Section 2 above; 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 _____ 2022.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

(Requested by: Planning and Development Department)