



CITY OF KETTERING

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

KETTERING COUNCIL AGENDA

June 14, 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

May 24, 2022- Council Meeting & Workshop Minutes

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

PUBLIC HEARINGS

PUBLIC COMMENT ON LEGISLATION

(5 Minute Limit per Speaker)

ORDINANCES IN SECOND READING

RESOLUTIONS

1. Authorizing the sale of 2808 and 2810 Gaylord Avenue and making one or more Community Housing Improvement Program loans to Habitat for Humanity of Greater Dayton, Inc. for construction of new single-family homes.
2. Authorizing an amendment to the agreement with the Board of County Commissioners of Montgomery County, Ohio for application processing services under the U.S. Treasury's Emergency Rental Assistance Program.
3. Authorizing the City Manager to use competitive bargaining and negotiated quotes to contract for the improvement of former Fire Station #33 (Bobbie Place) to accommodate a Police Training Center.
4. Authorizing the City Manager to use competitive bargaining and negotiated quotes to contract for strategic plan consulting services.
5. To amend Resolution No. 10705-22 regarding the renovation and construction of pickleball courts at Kennedy Park and allow an additional expenditure of funds.
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 amend sections 672.04 and 672.05 of the Codified Ordinances regarding fireworks and to declare an emergency.
- 8. To amend the traffic control map and the traffic control file of the City of Kettering to show the installation of traffic signs on Ackerman Boulevard southbound at East Stroop Road in the City of Kettering, Ohio.

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
2022

June 14	4:00 p.m. 6:00 p.m. 7:30 p.m.	Partners for Healthy Youth Council Workshop City Council Meeting
June 20	All Day	Government Center Closed
June 27	7:00 p.m. 7:30 p.m.	Board of Zoning Appeals Sister Cities
June 28	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

AUTHORIZING THE SALE OF 2808 AND 2810 GAYLORD AVENUE AND MAKING ONE OR MORE COMMUNITY HOUSING IMPROVEMENT PROGRAM LOANS TO HABITAT FOR HUMANITY OF GREATER DAYTON, INC. FOR CONSTRUCTION OF NEW SINGLE-FAMILY HOMES

WHEREAS, the City purchased and cleared the property at 2808 Gaylord Avenue for redevelopment with new single-family housing; and

WHEREAS, 2808 Gaylord Avenue was subsequently split into two buildable lots addressed as 2808 and 2810 Gaylord Avenue; and

WHEREAS, Habitat for Humanity of Greater Dayton, Inc. ("Habitat for Humanity") desires to purchase 2808 and 2810 Gaylord Avenue to redevelop with new single-family housing; and

WHEREAS, the City has Community Housing Improvement Program ("CHIP") funds available to lend to Habitat for Humanity for its redevelopment of 2808 and 2810 Gaylord Avenue with new single-family housing;

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

Section 1. This Council hereby approves the sale of 2808 and 2810 Gaylord Avenue to Habitat for Humanity for \$1,000 each and further approves making one or more forgivable loans of CHIP funds, not to exceed \$60,000 total, to Habitat for Humanity for construction of a new single-family home on each lot. The City Manager, on behalf of the City, is authorized to enter into one or more agreements, including additional terms deemed appropriate by the City Manager, with Habitat for Humanity and to sign any additional instruments needed to effectuate this transaction. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

Section 2. Effective as of the day of closing, this Council hereby declares 2808 and 2810 Gaylord Avenue as surplus property and no longer required for municipal purposes.

Section 3. This Resolution shall take full force and 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: \$60,000
Funds Available: \$60,000
Acct. No.: 3847-77750

(Requested by: Planning and Development Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO FOR APPLICATION PROCESSING SERVICES UNDER THE U.S. TREASURY'S EMERGENCY RENTAL ASSISTANCE PROGRAM

WHEREAS, Resolution No. 10606-21 dated August 10, 2021 authorized the City Manager to enter into an agreement with the Board of County Commissioners of Montgomery County, Ohio to provide application processing and related services for Montgomery County under the U.S. Treasury's Emergency Rental Assistance Program to assist persons who have been impacted by COVID-19 and who meet all program requirements, with the main goal to keep those persons housed; and

WHEREAS, Resolution No. 10642-21 authorized acceptance and administration of additional funding; and

WHEREAS, Resolution No. 10693-22 authorized acceptance and administration of additional funding; and

WHEREAS, additional program funding has again become available;

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

Section 1. In order to accept and administer additional program funding, the City Manager is authorized to take all action necessary to amend the agreement with the Board of County Commissioners of Montgomery County, Ohio for application processing and related services under the U.S. Treasury's Emergency Rental Assistance Program. The City Manager is further authorized to sign any additional 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 place 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: \$850,000.00
Funds Available: \$0.00
Acct. No.: Special Grants & Programs

(Requested by: Planning and Development Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR THE IMPROVEMENT OF FORMER FIRE STATION #33 (BOBBIE PLACE) TO ACCOMMODATE A POLICE TRAINING 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 improvement of former Fire Station #33 (Bobbie Place) to accommodate a Police Training 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: \$300,000.00
Amount Budgeted: \$0.00
Acct. No.: 6620-77750

(Requested by: Public Service Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE
BARGAINING AND NEGOTIATED QUOTES TO CONTRACT
FOR STRATEGIC PLAN CONSULTING SERVICES**

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 enter into one or more contracts for strategic plan consulting services. 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

(Requested by: City Manager's Office)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**TO AMEND RESOLUTION NO. 10705-22
REGARDING THE RENOVATION AND
CONSTRUCTION OF PICKLEBALL COURTS
AT KENNEDY PARK AND ALLOW AN
ADDITIONAL EXPENDITURE OF FUNDS**

WHEREAS, Resolution No. 10705-22 authorized the City Manager to enter into one or more agreements for the renovation of existing and construction of new pickleball courts at Kennedy Park; and

WHEREAS, at the time Resolution No. 10705-22 was adopted, the project cost was estimated to be \$244,370.15; and

WHEREAS, the low bid for the Project exceeded the original estimate and the new estimated cost is \$307,520.00; and

WHEREAS, it is anticipated that the additional cost will be covered by underspending on other projects;

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

Section 1. Resolution No. 10705-22 is amended to authorize an expenditure of funds in the amount of \$307,520.00 for the renovation of existing and construction of new pickleball courts at Kennedy Park.

Section 2. In all other respects, Resolution No. 10705-22 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: \$307,520.00
Amount Budgeted: \$307,520.00
Acct. No.: 6101-77750

(Requested by: Parks, Recreation & Cultural Arts 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	\$ 300,000.00

B. From the Special Grants and Programs Fund:

Other	\$ 850,000.00
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C. From the Capital Improvement Fund:

OTHER	\$ 300,000.00
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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 _____ 2022.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost: \$1,150,000.00 net transfers
Amount Budgeted: \$0
Acct. No. Various

(Requested by: Finance Department)

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

**TO AMEND SECTIONS 672.04 AND 672.05 OF THE
CODIFIED ORDINANCES REGARDING FIREWORKS
AND TO DECLARE AN EMERGENCY**

WHEREAS, on June 26, 1956, finding that the discharge and sale of fireworks in the City of Kettering was harmful to the public health, safety and welfare, City Council adopted Ordinance No. 441-56 which prohibited the retail sale, possession, and discharge, ignition, or explosion of fireworks in the City, with exceptions for fireworks exhibitions by responsible persons permitted by the City; and

WHEREAS, the Governor of Ohio recently signed Ohio House Bill 172 (H.B. 172) which amended Ohio Revised Code Chapter 3743 to allow, among other things, persons to possess consumer grade fireworks, eliminating a requirement that purchasers transport fireworks out of the state within 48 hours of purchase, and allows any person authorized to possess consumer grade fireworks to discharge, ignite, or explode them on their own property or on another person's property with permission, on certain designated days of the year beginning July 1, 2022; and

WHEREAS, the unsafe discharge, ignition, or explosion of fireworks continues to pose a significant danger to the public and can cause serious injuries as well as significant property damage, and impedes the public's right to the quiet enjoyment of their premises, especially in densely populated residential and business areas; and

WHEREAS, the City receives complaints every year from residents of the City regarding illegal firework use that disturbs the peace, tranquility, and wellbeing of residents and their pets; and

WHEREAS, this City Council, in order to preserve the peace, tranquility, public health, safety, and wellbeing of its residents and communities, wishes to reaffirm and maintain the prohibition on the discharge, ignition, or explosion of fireworks within the City's territorial limits, and;

WHEREAS, it is also necessary to reconcile the City's fireworks ordinance with the changes made to Ohio Revised Code Chapter 3743 by H.B. 172;

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

Section 1. Pursuant to Article XVIII of the Ohio Constitution and Section 3743.45 of the Ohio Revised Code, this Council hereby reaffirms the prohibition of the unauthorized discharge, ignition, or explosion of fireworks in this City.

Section 2. C.O. Section 672.04, Sale of Fireworks, is amended and renumbered to read as follows:

Sale and Use of Fireworks

(a) No person, within the territorial limits of this City, shall discharge, ignite, or explode fireworks or attempt to discharge, ignite, or explode fireworks.

(b) No person shall possess fireworks in this City or shall possess for sale or sell fireworks in this City, except a licensed manufacturer of fireworks as authorized by sections 3743.02 to 3743.08 of the Ohio Revised Code, a licensed wholesaler of fireworks as authorized by sections 3743.15 to 3743.21 of the Ohio Revised Code, a shipping permit holder as authorized by section 3743.40 of the Ohio Revised Code, a licensed fountain device retailer as authorized by section 3743.27 of the Ohio Revised Code, a person as authorized by sections 3743.44 and 3743.45 of the Ohio Revised Code, or a licensed exhibitor of fireworks as authorized by sections 3743.50 to 3743.55 of the Ohio Revised Code, and except as provided in section 3743.80 of the Ohio Revised Code.

(c) As used in this section, "fireworks" has the same meaning as in section 3743.01 of the Ohio Revised Code. However, "fireworks" shall not include "novelties and trick noisemakers" or "wire sparklers" as those terms are defined in section 3743.01 of the Ohio Revised Code.

(d) The prohibition described in subsection (a) shall not apply to a licensed fireworks exhibitor conducting a fireworks exhibition with a valid permit issued by the City in accordance with Section 672.05.

(e) The offense established under this section is a strict liability offense and strict liability is a culpable mental state for purposes of the Ohio Revised Code Section 2901.20. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

(f) Whoever violates any division of this section shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00).

Section 3. C.O. Section 672.05, Fireworks Display Permits, is amended to read as follows:

A licensed exhibitor of fireworks who wishes to conduct a fireworks exhibition in the City must first apply to the Fire Chief or the Fire Chief's designee for approval to conduct the exhibition. Each applicant shall pay the applicable permit fees established in accordance with Section 133.02. In addition, as part of the permit fee, each applicant shall pay the City's cost to provide the services for fireworks exhibitions required by Ohio Revised Code Section 3743.54 and any other applicable laws, rules, and regulations. The applicant may be required to post in advance a deposit to cover the estimated cost before a permit will be issued. The Fire Chief or the Fire Chief's designee shall not issue a permit until the applicant has paid the fees and complied with all applicable requirements of Ohio Revised Code Chapter 3743 and the Ohio Fire Code. Permits may be revoked for noncompliance with applicable laws, rules, and regulations. If a permit is revoked, fees are nonrefundable.

Section 4. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and wellbeing in order to conform, as soon as possible, the Codified Ordinances concerning fireworks to the Ohio Revised Code and for the further reason that these changes should be effective prior to the July 1, 2022 effective date of H.B. 172. Therefore, provided this Ordinance receives the affirmative vote of five members of Council, it shall take effect and be in force immediately upon its passage; otherwise, from and after the earliest period allowed by law.

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: Law Department)

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 ACKERMAN BOULEVARD SOUTH BOUND AT EAST STROOP ROAD 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. Right Lane Must Turn Right- West Lane Ackerman Boulevard south bound at E. Stroop Road.

B. Thru Only- Center Lane Ackerman Boulevard south bound at E. Stroop Road.

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)