



# CITY OF KETTERING

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

## KETTERING COUNCIL AGENDA

September 13, 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

August 23, 2022- Council Meeting & Workshop Minutes  
September 8, 2022- Special Meeting Minutes  
September 9, 2022- Special Meeting Minutes  
September 10, 2022- Special Meeting Minutes

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

Presentation                      Big Brothers Big Sisters of Greater Dayton  
Award Presentation              Fire Department Mission Lifeline Award

### PUBLIC HEARINGS

### PUBLIC COMMENT ON LEGISLATION

(5 Minute Limit per Speaker)

### ORDINANCES IN SECOND READING

### RESOLUTIONS

1. Authorizing the City Manager to use competitive bargaining and negotiated quotes or an approved cooperative purchasing program to purchase playground equipment for Indian Riffle Park.
2. Authorizing the City Manager to use competitive bargaining and negotiated quotes to contract for pressure washing, painting, roofing, and repair of equipment, amenities, and structures at various parks in Kettering.
3. Authorizing the City Manager to contract with Brumbaugh Construction for the purchase of new rooftop units for Phase III of the Rosewood Art Center Renovation Project.
4. Authorizing the City Manager to contract with LWC Incorporated for design and related services for the Rosewood Arts Center Theater.
5. Authorizing the City Manager to use competitive bargaining and negotiated quotes to contract for improvements to the restroom facilities at State Farm Park.
6. Authorizing the City Manager to use competitive bargaining and negotiated quotes to contract for improvements to the shop floor, including electrical, at the Vehicle Maintenance Center.
7. To amend Resolution Nos. 10525-21, 10696-22, and 10716-22 regarding equipment purchases.
8. 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**

**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**

September 13	4:00 p.m. 6:00 p.m. 7:30 p.m.	Partners for Healthy Youth Council Workshop City Council Meeting
September 19	7:00 p.m. 7:00 p.m.	Planning Commission Board of Community Relations
September 26	7:00 p.m. 7:30 p.m.	Board of Zoning Appeals Sister Cities
September 27	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES OR AN APPROVED COOPERATIVE PURCHASING PROGRAM TO PURCHASE PLAYGROUND EQUIPMENT FOR INDIAN RIFFLE PARK**

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 competitive bargaining and negotiated quotes or an approved cooperative purchasing program to contract for the purchase of playground equipment for Indian Riffle Park. 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: \$100,000.00  
Amount Budgeted: \$100,000.00  
Acct. No.: 6100-77750

(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 PRESSURE WASHING, PAINTING, ROOFING, AND REPAIR OF EQUIPMENT, AMENITIES, AND STRUCTURES AT VARIOUS PARKS IN KETTERING**

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 pressure washing, painting, roofing, and repair of equipment, amenities, and structures at various parks in Kettering. 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: \$30,000.00  
Amount Budgeted: \$30,000.00  
Acct. No.: 6100-77750

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

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO CONTRACT WITH  
BRUMBAUGH CONSTRUCTION FOR THE PURCHASE OF NEW  
ROOFTOP UNITS FOR PHASE III OF THE ROSEWOOD ART  
CENTER RENOVATION PROJECT**

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, the City Manager is hereby authorized, on behalf of the City, to contract with Brumbaugh Construction for the purchase of Rooftop Units for Phase III of the Rosewood Art 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: \$75,000.00  
Amount Budgeted: \$0  
Acct. No. 6120-77750

(Requested by: Public Service Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO CONTRACT WITH  
LWC INCORPORATED FOR DESIGN AND RELATED  
SERVICES FOR THE ROSEWOOD ARTS CENTER THEATER**

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, the City Manager is hereby authorized, on behalf of the City, to contract with LWC Incorporated for design and related services for the Rosewood Arts Center Theater. 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: \$57,000.00  
Amount Budgeted: \$57,000.00 (through the fund raising campaign)  
Acct. No. 6132-77750

(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 IMPROVEMENTS TO THE RESTROOM FACILITIES AT  
STATE FARM PARK**

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 improvements to the restroom facilities at State Farm Park. 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: \$40,000.00  
Amount Budgeted: \$40,000.00  
Acct. No.: 6100-77750

(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 IMPROVEMENTS TO THE SHOP FLOOR, INCLUDING ELECTRICAL, AT THE VEHICLE MAINTENANCE 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 improvements to the shop floor, including electrical, at the Vehicle Maintenance 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: \$50,000.00  
Amount Budgeted: \$50,000.00  
Acct. No.: 9741-19200

(Requested by: Public Service Department)



CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**TO AMEND RESOLUTION NOS. 10525-21, 10696-22, AND  
10716-22 REGARDING EQUIPMENT PURCHASES**

WHEREAS, Resolution Nos. 10525-21, 10696-22, and 10716-22 (collectively, the "Resolutions") authorized the City Manager to purchase equipment through sealed bids, negotiated quotes, or a cooperative purchasing program; and

WHEREAS, due to prevailing market and supply chain conditions, the City Manager has been unable to purchase some equipment through sealed bids, negotiated quotes, or a cooperative purchasing program as such equipment is currently unavailable or only available on a "first come, first served" basis necessitating purchases from sole sources suppliers;

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

Section 1. Resolution Nos. 10525-21, 10696-22, and 10716-22 are amended to authorize the City Manager to purchase equipment through sole source suppliers if the equipment could not be reasonably purchased through sealed bids, negotiated quotes, or a cooperative purchasing program.

Section 2. In all other respects, Resolution Nos. 10525-21, 10696-22, and 10716-22 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

(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:

PLANNING AND DEVELOPMENT DEPARTMENT		
Capital Outlay	\$	29,000.00
FIRE DEPARTMENT		
Operating Expenses	\$	36,000.00
ENGINEERING DEPARTMENT		
Operating Expenses	\$	3,000.00
OTHER COST CENTERS	\$	7,000.00
TRANSFERS TO OTHER FUNDS		
DESC Reuse Fund	\$	10,000.00
Capital Improvement Fund	\$	132,000.00

B. From the DESC Reuse Fund:

Defense Electronics Supply Center (DESC) Reuse	\$	10,000.00
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C. From the Capital Improvement Fund:

PARKS & RECREATION	\$	132,000.00
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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: \$217,000.00, net transfers  
Amount Budgeted: \$0  
Acct. No. Various

(Requested by: Finance Department)