



# CITY OF KETTERING

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

## KETTERING COUNCIL AGENDA

May 23, 2023

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 9, 2023- Council Meeting & Workshop Minutes

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

Proclamation      Police Memorial Week  
Proclamation      EMS Week  
Presentation      Montgomery County Auditor

### PUBLIC HEARINGS

### PUBLIC COMMENT ON LEGISLATION

(5 Minute Limit per Speaker)

### ORDINANCES IN SECOND READING

### RESOLUTIONS

1. Authorizing completion of Ohio Department of Transportation ("ODOT") Project MOT-48-6.49, PID 111571, within the City of Kettering and authorizing the City Manager to enter into one or more related contracts with ODOT.

### 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**  
**2023**

May 22	7:30 p.m.	Sister Cities
May 23	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting
May 29	All Day	Government Center Closed
May 30	6:00 p.m.	Joint School Board Meeting
June 1	4:00 p.m.	Parks, Recreation and Cultural Arts Advisory Board
June 5	7:00 p.m.	Planning Commission
June 7	2:30 p.m.	Civil Service Commission
June 12	7:00 p.m.	Board of Zoning Appeals
June 13	4:00 p.m. 6:00 p.m. 7:30 p.m.	Partners for Healthy Youth Council Workshop City Council Meeting

# Proclamation

**Whereas:**

*The Congress of the United States of America has designated the week of May 14, 2023 through May 20, 2023 to be dedicated as National Police Week which pays tribute to all the men and women who have fallen in the line of duty; and*

*WHEREAS: During this week, several Kettering Police Officers honored the fallen by participating in the Montgomery County Law Enforcement Memorial, Kettering Police Memorial, and presented Colors at the May 9, 2023 City Council meeting; and*

*WHEREAS: Every year during this week, the Kettering Police Department pays tribute to our own fallen Officer Paul Metzger with a memorial in his honor at Lincoln Park Civic Commons; and*

*WHEREAS: The citizens of Kettering continue to honor the valor and dedication of the Kettering Police Department by displaying blue exterior lights throughout the community.*

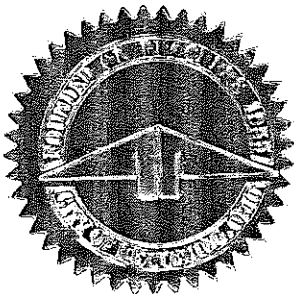
*NOW, THEREFORE, I, Peggy Lehner, Mayor of the City of Kettering, Ohio, on behalf of City Council and the community, do hereby proclaim*

*May 14-20, 2023*

*to be*

**POLICE MEMORIAL WEEK**

*in the City of Kettering, Ohio, and urge all citizens to thank the men and women who work continuously to protect our community.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Kettering, Ohio, to be affixed this 23rd day of May, in the Year of our Lord, Two Thousand and Twenty-Three.*

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**PEGGY LEHNER**  
*Mayor of the City of Kettering, Ohio*

# Proclamation

**Whereas:**

*Emergency Medical Services is a vital public service; and*

*WHEREAS: The members of Emergency Medical Services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and*

*WHEREAS: Access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and*

*WHEREAS: Emergency Medical Services have grown to fill a gap by providing important, out of hospital care, including preventative medicine, follow-up care and access to telemedicine; and*

*WHEREAS: The Emergency Medical Services system consists of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers, educators, administrators, pre-hospital nurses, emergency nurses, emergency physicians, trained members of the public and other out of hospital medical care providers; and*

*WHEREAS: The members of Emergency Medical Services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills. The Greater Miami Valley EMS Council has provided protocol and training throughout the region for over 50 years; and*

*WHEREAS: It is appropriate to recognize the value and the accomplishments of Emergency Medical Services providers by designating Emergency Medical Services Week.*

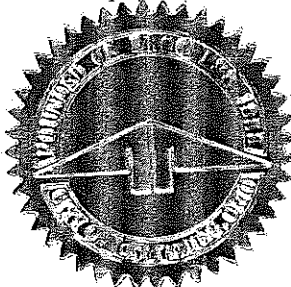
*NOW, THEREFORE, I, Peggy Lehner, Mayor of the City of Kettering, Ohio, on behalf of City Council and the community, do hereby proclaim*

*May 21-27, 2023*

*to be*

## **EMERGENCY MEDICAL SERVICES WEEK**

*in the City of Kettering, Ohio, and I urge all citizens to recognize the importance of all Emergency Medical Services and thank those professionals who are working to keep our community safe and healthy.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Kettering, Ohio, to be affixed this 23rd day of May, in the Year of our Lord, Two Thousand and Twenty-Three.*

**PEGGY LEHNER**  
*Mayor of the City of Kettering, Ohio*

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING COMPLETION OF OHIO DEPARTMENT OF  
TRANSPORTATION ("ODOT") PROJECT MOT-48-6.49, PID  
111571, WITHIN THE CITY OF KETTERING AND  
AUTHORIZING THE CITY MANAGER TO ENTER INTO ONE  
OR MORE RELATED CONTRACTS WITH ODOT**

WHEREAS, ODOT has determined the need for mill and fill with asphalt concrete on State Route 48, Straight Line Mile 6.49 to 6.95, more or less, within the City of Kettering, Montgomery County, Ohio, ODOT Project MOT-48-6.49, PID 111571 (the "Project");

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

Section 1. Council finds that the Project is in the public interest and gives consent to ODOT to complete the Project. The City Manager is authorized to cooperate with ODOT in execution of the Project.

Section 2. In relation to the Project:

The City agrees to participate in the cost of the Project;

The City further agrees to pay 100% of the cost of those features requested by the City which are determined by the State and Federal Highway Administration to be unnecessary for the Project;

The City further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. ODOT shall not approve a change order or extra work contract until it first gives notice, in writing, to the City. The City shall contribute its share of the cost of these items in accordance with other sections herein; and

The City further agrees to pay 100% of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act.

Section 3. The City Manager is authorized to enter into and execute contracts with ODOT which are necessary to develop plans for and to complete the Project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

Upon request of ODOT, the City Manager is also authorized to execute any appropriate documents to affect the assignment of all rights, title, and interest of the City to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

Section 4. The City agrees that all right-of-way required for the described Project will be acquired and/or made available in accordance with current State and Federal regulations. The City also understands that right-of-way costs include eligible utility costs.

The City further agrees that all utility accommodation, relocation and reimbursement for the Project, if any, will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 5. Upon completion of the Project, and unless otherwise agreed, the City will: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

Section 6. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

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

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

Estimated Cost: \$540,000.00  
Amount Budgeted: \$540,000.00  
Account No.: 2070-77750

(Requested by: Engineering Department)