



# CITY OF KETTERING

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

## KETTERING COUNCIL AGENDA

**August 8, 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

July 25, 2023- Council Meeting & Workshop Minutes

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

Special Presentation      Police Department Introduction Ceremony

### PUBLIC HEARINGS

1. P.C. 23-014- To rezone the properties at 4225 & 4235 Wilmington Pike from BP (Business Park), R-1 (Residential), and R-4 (Residential) to R-4 (Residential).

### PUBLIC COMMENT ON LEGISLATION

(5 Minute Limit per Speaker)

### ORDINANCES IN SECOND READING

2. To rezone 2119 E. Dorothy Lane from Economic Development Overlay District No. 14 to B-Business District (Planning Commission Case No. PC 23-013).

### RESOLUTIONS

3. Authorizing the City Manager to accept a grant from the Ohio Arts Council.
4. Authorizing the City Manager to use competitive bargaining and negotiated quotes to contract for the Rosewood Arts Center Landscape Project.
5. Authorizing acceptance of a donation from Kettering Parks Foundation for the Rosewood Arts Center Landscape Project.
6. Authorizing the City Manager to use competitive bargaining and negotiated quotes to contract for the repair and renovation of asphalt paths at Indian Riffle Park.
7. Authorizing the City of Kettering to become a "Power a Clean Future Ohio Community" and to adopt a goal to reduce greenhouse gas emissions in the city.
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, 2023.

### 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**

August 8	4:00 p.m. 6:00 p.m. 7:30 p.m.	Partners for Healthy Youth Council Workshop City Council Meeting
August 14	7:00 p.m.	Board of Zoning Appeals
August 17	6:30 p.m.	Sustainability Committee
August 21	7:00 p.m. 7:00 p.m.	Planning Commission Board of Community Relations
August 22	5:30 p.m. 7:30 p.m.	CIP Workshop City Council Meeting
August 28	7:00 p.m. 7:30 p.m.	Board of Zoning Appeals Sister Cities

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

**TO REZONE 2119 EAST DOROTHY LANE FROM ECONOMIC DEVELOPMENT OVERLAY DISTRICT NO. 14 TO B-BUSINESS DISTRICT (PLANNING COMMISSION CASE NO. PC 23-013)**

WHEREAS, on June 5, 2023 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 2119 East Dorothy Lane (Montgomery County Auditor's Parcel No. N64 03406 0024) (the "Property") to B-Business District; and

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

WHEREAS, on July 11, 2023, 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 \_\_\_\_\_ 2023.

\_\_\_\_\_  
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

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ACCEPT A  
GRANT FROM THE OHIO ARTS COUNCIL**

WHEREAS, the City applied for a four-year sustainability grant from the Ohio Arts Council; and

WHEREAS, the City's grant application was approved; and

WHEREAS, the amount of grant funds awarded may vary from year to year and will be used for general operating support of Rosewood Arts Center programs;

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 and expend the above-described grant from the Ohio Arts Council for fiscal year 2024. Furthermore, Council ratifies the grant application and affirms all matters and statements included therein.

Section 2. This Resolution shall take full force and 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: \$34,098.00  
To be included  
In 2024 budget: \$34,098.00  
Acct. No.: 2440/2441

(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 THE ROSEWOOD ARTS CENTER LANDSCAPE PROJECT**

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 Rosewood Arts Center Landscape 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 \_\_\_\_\_ 2023.

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

ATTEST:

CERTIFICATE OF APPROVAL

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

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

Estimated Cost: \$133,546.00  
Base: \$107,530.00  
Add/Alternates: \$26,016.00  
Total: \$133,546.00

Amount Available: \$133,546.00  
Acct. No.: 6120-77750

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

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING ACCEPTANCE OF A DONATION  
FROM KETTERING PARKS FOUNDATION FOR THE  
ROSEWOOD ARTS CENTER LANDSCAPE PROJECT**

BE IT RESOLVED by the Council of the City of Kettering, Ohio that:

Section 1. The City Manager, on behalf of the City, is hereby authorized to accept a \$19,316.00 donation from Kettering Parks Foundation. The donation will be used to supplement the landscaping project at the Rosewood Arts Center.

Section 2. City Council hereby expresses its gratitude and appreciation to Kettering Parks Foundation for the generous donation and the positive impact it will have on the City and its residents.

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 \_\_\_\_\_, 2023.

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

ATTEST:

CERTIFICATE OF APPROVAL

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

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

Estimated Cost: \$19,316.00  
Amount Budgeted: \$0  
Acct. No.: 6120-77750

(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 THE REPAIR AND RENOVATION OF ASPHALT PATHS AT  
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 such bargaining and negotiation procedures and to enter into one or more contracts for the repair and renovation of asphalt paths at 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 \_\_\_\_\_ 2023.

\_\_\_\_\_  
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: \$75,000.00  
Acct. No.: 6100-77750

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

**CITY OF KETTERING, OHIO**

**A RESOLUTION**

**By:**

**No.**

**AUTHORIZING THE CITY OF KETTERING TO BECOME  
A "POWER A CLEAN FUTURE OHIO COMMUNITY"  
AND TO ADOPT A GOAL TO REDUCE GREENHOUSE  
GAS EMISSIONS IN THE CITY**

WHEREAS, the City, through prior enactment of Kettering Codified Ordinance Chapter 179, has determined that environmental and economic sustainability is a priority issue for the City; and

WHEREAS, the City, through its membership in the Miami Valley Regional Planning Commission (MVRPC), participates in and supports MVRPC's Carbon Reduction Program and programs to reduce and mitigate transportation emissions; and

WHEREAS, as evidenced by the City's participation in MVRPC and other programs, local governments have a unique opportunity to achieve reductions in both energy use and carbon emissions along with costs savings through building and facilities management, land use, transportation planning, and through economic and community development; and

WHEREAS, uncertainty in energy prices and a potential reduction of use and transition from fossil fuel energy sources present new challenges and opportunities both to the City and its residents, schools, and businesses; and

WHEREAS, efforts to address energy and climate issues provide an opportunity to transition towards energy self-reliance and strengthened community resilience and to further provide environmentally healthy and cheaper-to-operate public buildings, encourage new economic development and local jobs and support local renewable energy production; and

WHEREAS, Kettering's Sustainability Committee, established under C.O. Chapter 179, has recommended the City's consideration of and active participation in, a broader non-profit, non-partisan coalition of cities and local governments located throughout the state of Ohio called "Power a Clean Future Ohio" (PCFO) whose goal is, among other things, to build a clean, carbon reduced future for member communities; and

WHEREAS, the PCFO coalition can provide the City with tools and resources to create and implement carbon reduction plans that are achievable, measurable, equitable, and economical; and

WHEREAS, participation in the PCFO coalition would allow the City to utilize the coalition's Infrastructure Grant Assistance Program (IGAP) which is available to all PCFO coalition participants to provide support and technical assistance in pursuing federal funding for clean energy and clean transportation projects; and

WHEREAS, the PCFO coalition would provide assistance in creating cost-effective sustainable development policies in areas of: (1) Renewable Energy; (2) Energy Efficiency; (3) Transportation Electrification; and (4) Land Use

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



Section 1. The City is authorized to participate in the “Power a Clean Future Ohio” coalition, acknowledging that this Resolution allows the City of Kettering to be recognized as a “Power a Clean Future Ohio Community.”

Section 2. The City hereby announces its goal of reducing greenhouse emissions within the City of Kettering. The City will develop a plan to achieve this goal and will seek input from the community in its development.

Section 3. The City will, when feasible and within the City’s discretion, prioritize low cost measures identified in the plan to meet energy needs, always being mindful of the use of taxpayer dollars and the impact upon consumer’s personal expenses.

Section 4. The City Manager shall designate the City’s PCFO coordinator for implementation of this program.

Section 5. The City will utilize the Sustainability Committee and, when feasible and within the City’s discretion, involve other community members and governmental entities as appropriate in the planning, promoting, and implementing of these policies.

Section 6. The City will use its best efforts to implement policies identified in at least two of the following four PCFO coalition policy categories: (1) Renewable Energy; (2) Energy Efficiency; (3) Transportation Electrification; and (4) Land Use, with a goal of achieving carbon emission reduction, cost savings, and quality of life improvement.

Section 7. The City will provide an annual report on how well participation in the PCFO coalition is serving the City.

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

(Requested by: Sustainability Committee)

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, 2023

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, 2023, the following supplemental sums are set aside and appropriated:

A. From the General Fund:

TRANSFERS TO OTHER FUNDS
Capital Improvement Fund \$ 20,100.00

B. From the Capital Improvement Fund:

TRAFFIC CONTROLS \$ 20,100.00
PARKS & RECREATION \$ 19,316.00

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 \_\_\_\_\_ 2023.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI, Clerk of Council

THEODORE A. HAMER III, Law Director

Estimated Cost: \$39,416.00 net transfer
Amount Budgeted: \$0.00
Acct. No. Various

(Requested by: Finance Department)