



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 12, 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

August 8, 2023- Council Meeting & Workshop Minutes
August 22, 2023- CIP Workshop Minutes

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

Appointment	Partners for Healthy Youth- Mike Hensel (Term ending 12/31/25)
Proclamation	EcoFest Day
Presentation	Holiday at Home
Award Presentation	Good Neighbor Awards

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-SR 48/835-6.49/1.47, PID 111570, within the City of Kettering and authorizing the City Manager to enter into one or more related contracts with ODOT; and to rescind Resolution 10908-23.
2. Accepting the rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying same to the Montgomery County and Greene County Auditors.
3. Authorizing the City Manager to use competitive bargaining and negotiated quotes to contract for demolition of properties located at 1704 Horlacher Avenue and 2060 Maplecrest Drive.
4. 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

5. To rezone 4225 and 4235 Wilmington Pike from R-1 Suburban Residence, R-4 Village Residence, and BP Business Park Districts to R-4 Village Residence District (Planning Commission Case No. PC 23-014).

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

September 12	4:00 p.m. 6:00 p.m. 7:30 p.m.	Partners for Healthy Youth Council Workshop City Council Meeting
September 18	7:00 p.m. 7:00 p.m.	Planning Commission Board of Community Relations
September 21	6:30 p.m.	Sustainability Committee
September 24	7:00 p.m. 7:30 p.m.	Board of Zoning Appeals Sister Cities
September 25	6:00 p.m. 7:30 pm.	Council Workshop City Council Meeting

Proclamation

Whereas:

The City of Kettering is excited to participate in the second annual event for EcoFest; and

WHEREAS: EcoFest was developed as a way to expand the resources that were available at HoneyFest by continuing to advocate sustainability efforts beyond our local pollinators; and

WHEREAS: EcoFest will highlight a variety of sustainability endeavors including compost and recycling, repurposing, gardening, green energy and river conservation; and

WHEREAS: EcoFest is committed to the longevity of the Kettering community by making a pledge to help eliminate carbon foot print by encouraging participants to bring their own water bottles to refill at water stations instead of utilizing plastic water bottles; and

WHEREAS: There will be educational activities for all ages to help inspire the next generation of conservationist; and

WHEREAS: Educating all members of the Kettering community about the importance of conservation will continue to improve the quality of life for all residents in the community.

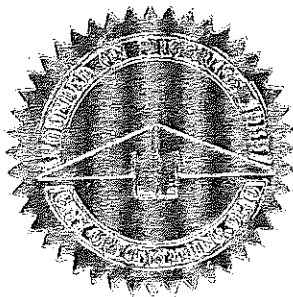
NOW, THEREFORE, I, Peggy Lehner, Mayor of the City of Kettering, Ohio, on behalf of City Council and the community, do hereby proclaim

September 16, 2023

to be

ECOFEST DAY

in the City of Kettering, Ohio, and urge all citizens to recognize the importance of conservation and sustainability to help protect the scenic beauty of our beloved community.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Kettering, Ohio, to be affixed this 12th day of September, 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-SR 48/835-6.49/1.47, PID 111570, WITHIN THE CITY OF KETTERING AND AUTHORIZING THE CITY MANAGER TO ENTER INTO ONE OR MORE RELATED CONTRACTS WITH ODOT; AND TO RESCIND RESOLUTION 10908-23

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 and State Route 835, Straight Line Mile 1.47 to 2.73, more or less, within the City of Kettering, Montgomery County, Ohio, ODOT Project MOT-SR 48/835-6.49/1.47, PID 111570 (the "Project"); and

WHEREAS, previously, the SR-48 and SR-835 roadway segments were separate projects but ODOT combined them into one project; and

WHEREAS, on May 23, 2023, before the projects were combined, Council passed Resolution No. 10908-23 authorizing completion of 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;

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. Resolution No. 10908-23 is rescinded.

Section 7. 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: \$1,967,800.00
To Be Included in
2024 Budget: \$2,027,000.00
Account No.: 2073-77750

(Requested by: Engineering Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

ACCEPTING THE RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING SAME TO THE MONTGOMERY COUNTY AND GREENE COUNTY AUDITORS

WHEREAS, action has been certified to this Council by the Budget Commission, together with an Auditor estimate of the rate of each tax necessary to be levied by this Council both within and without the ten mill tax limitation;

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

Section 1. That the rates, as determined by the Budget Commission in its certification, be, and the same are, hereby accepted.

Section 2. That the following taxes, both within and without the ten mill limitation, be and are hereby levied on the taxable property within this City effective January 1, 2023, collected in 2024:

<u>FUND</u>	<u>MILLS</u>	
General Fund	3.50	(Voted - outside 10 mills)
General Fund	2.20	(Unvoted - inside 10 mills)
Police Pension	<u>.30</u>	(Unvoted - inside 10 mills)
	6.00	
Bond Retirement Fund	<u>.63</u>	(Voted – outside 10 mills)
TOTAL	6.63	

Section 3. This Council directs the Clerk of Council to forward certified copies of this Resolution to the Montgomery County and the Greene County Auditors.

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

(Requested by Finance Director)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE
BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR
DEMOLITION OF PROPERTIES LOCATED AT 1704 HORLACHER
AVENUE AND 2060 MAPLECREST DRIVE**

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 demolition of properties located at 1704 Horlacher Avenue and 2060 Maplecrest Drive 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 _____ 2023.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER, III,
Law Director

Estimated Cost: \$28,400.00
Amount Budgeted: \$8,800.00
Acct. No.: 0500-72550

(Requested by: Planning and Development 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, 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 Planning and Development Department

Personal Service \$ 16,800.00
Operating Expenses \$ 19,600.00

B. From the Special Grants and Programs Fund:

Other \$ 2,285.24

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: \$38,685.24
Amount Budgeted: \$0.00
Acct. No. Various

(Requested by: Finance Department)

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

TO REZONE 4225 AND 4235 WILMINGTON PIKE FROM R-1 SUBURBAN RESIDENCE, R-4 VILLAGE RESIDENCE, AND BP BUSINESS PARK DISTRICTS TO R-4 VILLAGE RESIDENCE DISTRICT (PLANNING COMMISSION CASE NO. PC 23-014)

WHEREAS, on July 17, 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 land located at 4225 and 4235 Wilmington Pike (Montgomery County Auditor's Parcel Nos. N64 03404 0041, N64 03404 0058, N64 03404 0124, N64 02212 0010, N64 02212 0011, and N64 02212 0024) (the "Properties") to R-4 Village Residence District; and

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

WHEREAS, on August 8, 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 R-1 Suburban Residence, R-4 Village Residence, and BP Business Park Districts to R-4 Village Residence 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)