



CITY OF KETTERING

PEGGY LEHNER, MAYOR • JACQUE FISHER, VICE MAYOR
BRYAN N. SUDDITH • LISA DUVALL • SHANE SULLIVAN • JYL HALL • BOB SCOTT

KETTERING COUNCIL AGENDA

February 27, 2024

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

January 23, 2024- Workshop Minutes Amendment- Date Correction
February 13, 2024- Council Meeting & Workshop Minutes

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

Appointment	Personnel Board of Appeals- Mark Schwieterman (Term ending 12/31/24)
Appointment	Civil Service Commission- Mark Schwieterman (Term ending 12/31/25)
Special Presentation	State of the City Address

PUBLIC HEARINGS

PUBLIC COMMENT ON LEGISLATION

(5 Minute Limit per Speaker)

ORDINANCES IN SECOND READING

RESOLUTIONS

1. Authorizing the City Manager to enter into and implement a collective bargaining agreement with the Kettering Unit, Public Service Union Local 101, Ohio Council 8, AFSCME, AFL-CIO, which is consistent with a tentative agreement reached by the bargaining teams.
2. Authorizing acceptance of a donation of a television and related appurtenances from the Kettering Parks Foundation.
3. Authorizing the City Manager to apply for a Recreational Trails Program Grant from the Ohio Department of Natural Resources.
4. Authorizing the City Manager to accept reimbursement from the Ohio Attorney General's Office for police officer training costs.
5. Authorizing the City Manager to purchase television, radio, newspaper, billboard and internet advertising for the 2024 Frazee Pavilion performance season from various sources.
6. Authorizing the City Manager to negotiate and enter into contracts for entertainment for the Frazee Pavilion 2024 performance season.
7. Authorizing payment of music licensing fees for concerts at Frazee Pavilion during 2024.
8. Authorizing the City Manager to contract for the rental of musical and performance related backline equipment on a "show-by-show" and "as-needed" basis for the Frazee Pavilion 2024 season.

9. Authorizing the City Manager to enter into agreements for discounts, complimentary tickets and complimentary program participation to benefit the advertising and promotion of calendar year 2024 Parks, Recreation and Cultural Arts programs and the 2024 Frazee Pavilion performance season.
10. Appointing Shane Sullivan and Bob Scott as Trustees of the Kettering Development Corporation.
11. Authorizing the City Manager to contract for emergency home repair services with Miami Valley Community Action Partnership.
12. 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, 2024.

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
2024

February 26	7:30 p.m.	Sister Cities
February 27	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meetings
March 4	7:00 p.m.	Planning Commission
March 11	7:00 p.m.	Board of Zoning Appeals
March 12	4:00 p.m. 6:00 p.m. 7:30 p.m.	Partners for Healthy Youth Council Workshop City Council Meeting

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

AUTHORIZING THE CITY MANAGER TO ENTER INTO AND IMPLEMENT A COLLECTIVE BARGAINING AGREEMENT WITH THE KETTERING UNIT, PUBLIC SERVICE UNION LOCAL 101, OHIO COUNCIL 8, AFSCME, AFL-CIO , WHICH IS CONSISTENT WITH A TENTATIVE AGREEMENT REACHED BY THE BARGAINING TEAMS

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, to enter into a collective bargaining agreement with the Kettering Unit, Public Service Union Local 101, Ohio Council 8, AFSCME, AFL-CIO, which is consistent with a Tentative Agreement reached by the bargaining teams. 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 _____ 2024.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER, III,
Law Director

(Requested by: Human Resources Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

AUTHORIZING ACCEPTANCE OF A DONATION OF A TELEVISION AND RELATED APPURTENANCES FROM THE KETTERING PARKS FOUNDATION

NOW, THEREFORE, 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 take all necessary and proper action to accept a donation of a television and related appurtenances valued at \$700.00 from the Kettering Parks Foundation. The donation will be used in the Olive Conference Room.

Section 2. City Council hereby expresses its gratitude and appreciation to the 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 _____ 2024.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost: \$700.00
Amount Budgeted: \$0
Acct. No.: 2400-72220

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

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

AUTHORIZING THE CITY MANAGER TO APPLY FOR A RECREATIONAL TRAILS PROGRAM GRANT FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES

WHEREAS, the State of Ohio, through the Ohio Department of Natural Resources, administers financial assistance for public recreation purposes, through the Recreational Trails Program; and

WHEREAS, the City of Kettering is eligible to apply for a Recreational Trails Program Grant; and

WHEREAS, 20% matching funds from the City are required under this Grant; and

WHEREAS, if awarded, the grant funds will be used to assist with the renovation and construction of accessible path and trail improvements at Pondview Park;

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

Section 1. The City Manager, on behalf of the City, is hereby authorized to take all necessary and proper action to apply for the above-described Grant from the Ohio Department of Natural Resources.

Section 2. The City of Kettering does agree to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms and conditions of the Recreational Trails Program.

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 _____ 2024.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost: \$150,000.00 Grant
 \$ 37,500.00 City
 Total \$187,500.00

Amount Budgeted: \$200,000.00
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 ACCEPT
REIMBURSEMENT FROM THE OHIO ATTORNEY GENERAL'S
OFFICE FOR POLICE OFFICER TRAINING COSTS**

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

Section 1. The City Manager is hereby authorized, on behalf of the City, to accept \$92,863.39 from the Ohio Attorney General's Office to reimburse the City for 2023 continuing professional training costs for Kettering police officers.

Section 2. This Resolution shall take full force and effect immediately upon its adoption.

Passed by Council this _____ day of _____ 2024.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER, III,
Law Director

Estimated Cost: \$92,863.39
Amount Budgeted: \$0.00
Acct. No. Special Grants and Programs

(Requested by: Police Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO PURCHASE
TELEVISION, RADIO, NEWSPAPER, BILLBOARD AND
INTERNET ADVERTISING FOR THE 2024 FRAZE PAVILION
PERFORMANCE SEASON FROM VARIOUS SOURCES**

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

Section 1. Pursuant to Subsection "I" of Section 152.02 of the Codified Ordinances of the City of Kettering, the City Manager, on behalf of the City, is authorized to purchase, as necessary and under the terms and in the form the City Manager determines is in the interest of the City, television, radio, newspaper, billboard, internet, other advertising from various sources for the 2024 Fraze Pavilion performance season, without sealed bidding and without competitive bargaining.

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 _____ 2024.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated cost: \$134,000.00
Amount Budgeted: \$134,000.00
Acct. No.: 2202-72740

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

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND
ENTER INTO CONTRACTS FOR ENTERTAINMENT FOR THE
FRAZE PAVILION 2024 PERFORMANCE SEASON**

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

Section 1. The City Manager, on behalf of the City, is hereby authorized to negotiate and enter into contracts for entertainment and related contracts for the Frazee Pavilion 2024 performance season. 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 _____ 2024.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost: \$2,800,000.00
Amount Budgeted: \$2,800,000.00
Acct. No. 2202-72550

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

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING PAYMENT OF MUSIC LICENSING FEES FOR
CONCERTS AT FRAZE PAVILION DURING 2024**

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

Section 1. This Council hereby authorizes expenditures of funds in payment of music licensing fees for 2024 concerts at Fraze Pavilion to each of the following organizations:

- | | | |
|----|--|-------------|
| a. | American Society of Composers, Authors
and Publishers (ASCAP) | \$40,000.00 |
| b. | Broadcast Music Incorporated (BMI) | \$40,000.00 |

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 _____ 2024.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost: \$80,000.00
ASCAP: \$40,000.00
BMI: \$40,000.00
Amount Budgeted: \$80,000.00
Acct. No.: 2202-72210

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

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

AUTHORIZING THE CITY MANAGER TO CONTRACT FOR THE RENTAL OF MUSICAL AND PERFORMANCE RELATED BACKLINE EQUIPMENT ON A "SHOW-BY-SHOW" AND "AS-NEEDED" BASIS FOR THE FRAZE PAVILION 2024 SEASON

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, this Council hereby authorizes the City Manager to contract with one or more entities for the rental of musical and performance related instruments and equipment on a "show-by-show" and "as-needed" basis for performances during the Frazee Pavilion 2024 performance season, with options to renew for two additional seasons. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

Section 2. 1. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this _____ day of _____ 2024.

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. 2202-72510

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

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS FOR DISCOUNTS, COMPLIMENTARY TICKETS AND COMPLIMENTARY PROGRAM PARTICIPATION TO BENEFIT THE ADVERTISING AND PROMOTION OF CALENDAR YEAR 2024 PARKS, RECREATION AND CULTURAL ARTS PROGRAMS AND THE 2024 FRAZE PAVILION PERFORMANCE SEASON

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

Section 1. The City Manager, on behalf of the City, is hereby authorized to enter into written agreements and amendments or extensions thereto with persons, businesses, or other entities for performance discounts and/or free complimentary tickets that, in the opinion of the City Manager, benefit the promotion and advertising of the 2024 Frazee Pavilion performance season.

Section 2. The City Manager is further authorized to enter into written agreements and amendments or extensions thereto with persons, businesses, or other entities for program discounts and/or free program admittance or participation that, in the opinion of the City Manager, benefit the promotion and advertising of programs offered by the City of Kettering Parks, Recreation and Cultural Arts Department during calendar year 2024.

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 _____ 2024.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

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

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**APPOINTING SHANE SULLIVAN AND BOB SCOTT AS
TRUSTEES OF THE KETTERING DEVELOPMENT
CORPORATION**

WHEREAS, this Council desires to appoint Shane Sullivan and Bob Scott to new terms of office as Trustees of Kettering Development Corporation;

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

Section 1. This Council hereby appoints Shane Sullivan and Bob Scott as Trustees of the Kettering Development Corporation, for terms of office effective as of January 1, 2024 and ending December 31, 2025, to represent the City and its interests in that capacity and affirms that any prior appointments of said trustees were made for the same purpose.

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 _____ 2024.

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.

**AUTHORIZING THE CITY MANAGER TO CONTRACT FOR
EMERGENCY HOME REPAIR SERVICES WITH MIAMI
VALLEY COMMUNITY ACTION PARTNERSHIP**

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 authorized, on behalf of the City, to contract with Miami Valley Community Action Partnership to provide emergency home repairs for Kettering homeowners with low to moderate income. 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 _____ 2024.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI
Clerk of Council

THEODORE A. HAMER III
Law Director

Estimated Cost: \$75,000.00
Funds Available: \$75,000.00
Acct. No. 8040-72550

(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, 2024

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, 2024, the following supplemental sums are set aside and appropriated:

A. From the Parks & Recreation Fund:

PARKS & RECREATION DEPARTMENT
Operating Expenses \$ 700.00

B. From the Special Grants and Programs Fund:

Law Enforcement Funds \$ 92,863.39

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 _____ 2024.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI, Clerk of Council

THEODORE A. HAMER III, Law Director

Estimated Cost: \$93,563.39
Amount Budgeted: \$0
Acct. No. Various

(Requested by: Finance Department)