

ORDINANCE NO. 2019 -106

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A RIGHT OF ACCESS AGREEMENT WITH ABB INSTALLATION PRODUCTS INC. (ABB IP, INC.) FOR SITE REMEDIATION AT 800 MOGADORE ROAD, AND DECLARING AN EMERGENCY.

WHEREAS, ABB IP, Inc. is engaged in voluntary site remediation of the property known as 800 Mogadore Road, Kent, Ohio and related off-property impacts associated with the historical activities at this Site; and

WHEREAS, in order to complete this site remediation, ABB IP, Inc. and its agents need to enter onto City owned property; and

WHEREAS, ABB IP, Inc. will need to restore the City's property to a condition similar to the property's current condition as described in the attached agreement; and

WHEREAS, the attached agreement (Exhibit "A") needs to be executed in order to allow this access to ABB IP, Inc. and its agents in order to complete the remediation work and to ensure proper restoration of City owned property; and

WHEREAS, time is of the essence as ABB IP, Inc. and the City desire this phase of the remediation work to begin immediately;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Kent, Portage County, Ohio at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That Council does hereby authorize the City Manager or his designee to enter into a Right of Access Agreement with ABB IP, Inc. and their agents so that they may cross over City owned property to remediate the historical activities of said property, as more fully described and in substantial compliance with the attached agreement (Exhibit "A").

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: September 18, 2019
Date

EFFECTIVE: September 18, 2019
Date

Jerry T. Fiala
Jerry T. Fiala
Mayor and President of Council

ATTEST:

Amy Wilkens
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *ORDINANCE No.* 2019-106 ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON September 18, 2019.

(SEAL)

Amy Wilkens
AMY WILKENS
CLERK OF COUNCIL



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: August 13, 2019
TO: Dave Ruller, City Manager
FROM: Bridget Susel, Community Development Director *BS*
RE: Right of Access Agreement

ABB Installation Products, Inc. (ABB IP), the company that currently owns the 800 Mogadore Road site, has been working with two different environmental consulting firms to develop a scope of work for a voluntary remediation plan that will be implemented in order to prevent subsurface petroleum present on the site from reaching the Cuyahoga River. The forthcoming Interim Remedial Action Plans (IRAPs) proposed by ABB IP's consultants for the area known as the "seep spot" will be subject to a 30 day public notice and comment period as part of the Ohio Environmental Protection Agency (EPA) Voluntary Action Program Memorandum of Agreement (VAP MOA) process.

Conducting the proposed remediation and restoration activities will require access through Fred Fuller Park and the Kramer Field Ball Field Complex. The City will need to execute a "Property Right of Access Agreement" with ABB IP in order to allow access to complete the necessary work.

Attached is the draft "Property Right of Access Agreement" and the proposed "Scope of Work" from the environmental consultants. The "Scope of Work" describes the various remediation activities in detail and includes a site map detailing the methodology to be utilized to address the seep.

I am respectfully requesting time at the August 21, 2019 Special Committee session to discuss the "Property Right of Access Agreement" and proposed remediation plan in greater detail and seek Council authorization, with emergency, for its execution that same night in order to proceed with the needed remediation and restoration activities.

Please let me know if you require any additional information in order to add this to the agenda.

Thank you.

Cc: Hope Jones, Law Director
Dawn Bishop, Interim Clerk of Council
Nancy Pizzino, Interim Parks & Recreation Director

Attachments

930 Overholt Rd., Kent, Ohio 44240 • (330) 678-8108 fax (330) 678-8030 •
www.KentOhio.org

CITY OF KENT, OHIO

PROPERTY RIGHT OF ACCESS AGREEMENT

This CONDITIONAL PROPERTY RIGHT OF ACCESS AGREEMENT (the "Agreement") is made and entered into and shall be effective as of this _____ day of _____, 2019, by and between the CITY OF KENT, Ohio, (the "City"), ABB Installation Products Inc. (ABB IP, formerly known as Thomas & Betts Corporation), and ABB IP's authorized representatives (its "Agents").

WHEREAS, the City owns certain parcels of real property in the State of Ohio, County of Portage, known as the North Ditch, Kramer Field Ball Field Complex, East Bank of the Cuyahoga River, and surrounding park land known as permanent parcel numbers 17-025-20-00-014-000, 17-012-10-00-007-000, 17-011-10-00-049-000, 17-012-10-00-006-000, and 17-011-10-00-048-000 (collectively the "Property") and as depicted on the attached map as "EXHIBIT A;" and

WHEREAS, ABB IP is conducting voluntary remediation of 800 Mogadore Road in Kent, OH (the "Site") and related off-property impacts associated with historical activities at the Site under the Resource Conservation and Recovery Act (RCRA) Voluntary Action Program Memorandum of Agreement (VAP MOA), and therefore will be performing remediation and restoration activities (the "Activities") at the Property and other off-property locations such as the Cuyahoga River.

THEREFORE, it is agreed as follows:

1. **Grant of Access.** The City hereby conditionally grants to ABB IP, its agents, employees, contractors, and subcontractors (collectively the "Agents") a limited right of access to enter upon the Property for the sole purpose of performing the Activities as described in the forthcoming Interim Remedial Action Plans (IRAPs) for the remediation of the petroleum seep on the Property at Off-Property Area of Interest -1 ("OPAI-1") and/or Cuyahoga River, including any changes that might be required by the Ohio EPA subsequent to its review and required public notice and comment period.

2. **Duration and Termination of Access.** Conditional access shall be allowed upon the execution of this Agreement. The Agreement shall be in effect through June 30, 2020 and will renew automatically for one year periods until the remediation is deemed effective or either party terminates the agreement with 90 day written notice. If ABB IP or its Agents continues Activities after the remediation is deemed effective or termination by the City, the City maintains the right to issue a stop work order.

In the event ABB IP breaches any covenant or obligation under this Agreement and cure of such breach is not initiated and diligently pursued to the reasonable satisfaction of the City within five (5) days after receipt of notice thereof, the City may terminate this Agreement and revoke the access granted herein upon delivery of notice to Contractors, and take all other action authorized by law or pursuant to this Agreement, to remedy said breach.

3. **Covenants of Contractors.** The cost of the Activities shall be borne by ABB IP or its Agents. The work undertaken at the Property shall be (i) conducted in an expeditious, safe and diligent manner; (ii) All work shall be performed in compliance with all applicable federal, state and local laws, ordinances, rules and regulations; and (iii) ABB IP is responsible for ensuring ABB IP's Agents have knowledge of all of the terms and conditions of this Agreement, the IRAP and Corps Permit.

4. **Information Sharing.** At no cost to the City, ABB IP shall provide the City with all data collected by the ABB IP and its Agents, including but not limited to laboratory analyses, monitoring reports, photographs and field notes associated with the Activities undertaken in and/or on the Property.

The City maintains the right to provide its own representative to observe the Activities undertaken in and/or on the Property and to obtain its own samples for analyses.

5. **Scope of Work.** Activities are limited to those specified in the IRAPs, both as modified and approved by the Ohio EPA, or as otherwise provided in writing and approved by the City. All shall be conducted in a manner that does not risk further release and migration of petroleum from the Site or Property. ABB IP will notify City of any changes required in the IRAP due to Ohio EPA requests or field conditions. ABB IP shall not use the Property for any other unrelated purpose or business.

6. **Local Permits, Approvals, and Conditions.** ABB IP shall secure written approval from the City Manager or his designee, prior to the placement/staging of all clean fill materials, equipment and supplies; the removal of trees, shrubs and other vegetation; the expansion of existing or development of new access roads or paths to allow for ingress/egress; or any other activity that will alter the existing condition of any portion of the Property.

ABB IP shall obtain all permits and approvals necessary to comply with local laws prior to initiating authorized activities, including but not limited to Storm Water Pollution Prevention Plans (SWPPP) for the disturbance, removal or placement of clean fill on the Property; the expansion of existing or development of new access roads or paths to allow for ingress/egress; or any other activity(s) that results in ground disturbance.

ABB IP and its Agents shall notify the City of actual start date prior to commencement of Activities, any alterations to the schedule of planned Activities, and/or any changes to the scope of the Activities.

If necessary for access, ABB IP shall videotape the roadway entering into Kramer Field Ball Field Complex, including parking area to be utilized for staging of clean fill, Redmond Bridge, the North Ditch area, and any area to be utilized for the Activities and the video shall be verified by the City as acceptable documentation of the present condition prior to the Contractors initiating the Activities.

ABB IP and its Agents shall comply with all recommendations delineated in the *McCormick Taylor Fred Fuller Park Redmond Bridge Report*, as revised September 16, 2016, when transporting materials and equipment across Redmond Bridge.

ABB IP shall provide all control measures necessary to limit public access to the Project Area, including all material and equipment, staging locations, and provide appropriate traffic control measures, including but not limited to signage and flagger personnel, when transporting materials and equipment across Redmond Bridge.

7. **Restoration.** Restoration of the affected park lands, including but not limited to any and all temporary access roads or paths, shall be in accordance with the terms and conditions of this Agreement, the IRAPs and any permits that might be required.

ABB IP shall provide the City with an inventory of all trees, shrubs and vegetation planned for removal prior to initiating Activities. Trees shall be replaced, as specified in the City's Urban Forest Management Plan (the "UFMP"), modified if needed in accordance with the August 30th 2018 Fuller Park Replacement Plan letter from HZW, which was previously approved by the City.

ABB IP shall provide written certification detailing the composition of all fill materials to be utilized for the Activities.

ABB IP shall provide the City with the name and mobile telephone number for the representative(s) responsible for on-site management of the Activities at the Property.

8. **Materials Removed from Project Area.** Any samples, waste materials, contaminants, pollutants collected and removed from the Property shall be handled, stored, treated, transported and disposed of by the ABB IP and/or its Agents as necessary and in accordance with all federal, state and local environmental regulations and requirements.

At no time shall waste materials, contaminants, or pollutants collected and removed be stored on the Property beyond the time necessary to sample, characterize and arrange proper disposal of such materials.

9. **Tools and Equipment.** All tools, equipment or other items placed upon the Property by ABB IP and its Agents shall remain under the ownership of the ABB IP and its Agents and shall be removed from the Property no later than June 30, 2020, with the exception of equipment that is an integral part of the long-term remedy.

10. **Insurance.** Prior to commencing the Activities and at all times during the performance of said Activities, ABB IP and its Agents shall maintain Workers' Compensation and Employer's Liability Insurance in the amount required by State of Ohio law; Commercial General Liability ("CGL") Insurance with combined single limits of One Million Dollars (\$1,000,000.00) per occurrence and Two Million Dollars (\$2,000,000.00) in the aggregate; Comprehensive Automobile Liability Insurance (owned, not owned and hired) with a combined single limit of Five Hundred Thousand Dollars (\$500,000.00). To the extent of ABB IP's

indemnity obligations, the City shall be added as an additional insured to the CGL policy and such policy shall be considered primary insurance without recourse to or contribution from any similar insurance carried by the City.

The insurance certificate shall contain a provision that coverage afforded under the policy evidenced by such certificate will not be canceled or changed without providing at least thirty (30) days prior written notice to the City. ABB IP or its Agents shall deliver certificates of insurance to City evidencing the existence of such policy prior to the commencement of the Activities.

11. **Bond.** ABB IP or its Agents shall provide the City with a performance bond in the amount of \$25,000.00 to guarantee the satisfactory completion of the Activities on the Property as specified by this Agreement.

12. **Indemnity.** ABB IP shall indemnify, hold harmless and defend the City from and against any and all third party claims, demands, liabilities, causes of action, losses, costs, damages and expenses of any kind, including reasonable attorney fees, that may be asserted against or incurred by the City in any way relating to, arising out of, caused by or in connection with (i) the negligent acts or omissions of ABB IP or any its Agents performance of the Activities undertaken on the Property, (ii) violations or liens that may be filed against the Property as a result of the performance of the work, (iii) claims from ABB IP employees or claims of its Agents for personal injury, wrongful death, costs, expenses or property damage resulting from the performance of the work; (iv) any increased contamination at the Property caused by ABB IP or its Agent's activities, and (v) injunctive relief or other claims sought by any governmental authorities or third parties as a result of the work or contamination at the Property. ABB IP shall not be required to indemnify the City for claims, liabilities, damages, losses or expenses caused by wrongful acts or omissions by the City. The provisions of this paragraph shall survive the termination of this Agreement.

13. **No Admission.** The granting of conditional property right of access herein by the City is not intended, and shall not be construed, as an admission of liability on the part of the City or the City's successors and assigns for any contamination on the Property.

By execution of this Agreement, the City is not providing any consent or agreement to the contamination or conditions at the Property and the City does not waive any rights or remedies in connection with any contamination at the Property.

14. **Miscellaneous.**

(a) **Entire Agreement.** This Agreement shall constitute the entire agreement between the parties regarding the granting of conditional property right of access to ABB IP for the purposes herein. No modification, amendment, or waiver of the terms and conditions of this Agreement shall be binding upon the City or ABB IP unless approved in writing by an authorized representative of the City and ABB IP.

- (b) **Governing Law. Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio. Venue for any action or proceeding arising from or relating to this Agreement shall be in the appropriate Ohio court having jurisdiction.
- (c) **Severability.** Any provision of this Agreement that is prohibited or unenforceable shall be ineffective to the extent of such prohibition or unenforceability without invalidating the remaining provisions hereof.
- (d) **No Third Party Beneficiaries.** This Agreement is solely for the benefit of the parties hereto and their respective successors and assigns and shall not be deemed to confer upon third parties any remedy, claim, liability, or reimbursement, claim of action or other right.
- (e) **Representations.** Each of the parties hereto represents and warrants to the other party executing this Agreement it has the authority to do so knowing that each of the other parties to this Agreement are acting in reliance upon such representation. The provisions of this Section shall survive the termination of this Agreement.
- (f) **Notices.** Any notice, demand, request payment or other communication which any party hereto may require or may desire to give hereunder shall be in writing and shall be deemed to have been properly given (a) if hand received, (b) if received via United States mail service or other reliable express courier service, or (c) if sent via e-mail to the addresses set forth below:

City of Kent:

Name

Address

E-mail

ABB Installation Products Inc.:

Name

Address

E-mail

EXECUTED ON this _____ day of _____, 2019.

City of Kent
By:

Dave Ruller, City Manager

ABB Installation Product Inc.
By:

Keith Knauerhase, Assistant Secretary

Approved As To Legal Form:

Hope Jones, Law Director



Wood Environment & Infrastructure Solutions, Inc
4460 Lake Forest Drive, Suite 200
Cincinnati, Ohio 45242
T: 513-489-6611
www.woodplc.com

June 5, 2019

Ms. Melody B. Christopher
Environmental Project Manager
ABB Inc.
131 Phoenix Crossing
Bloomfield, Connecticut 06002

RE: Proposed Scope of Work
Off-Site Light Non-Aqueous Phase Liquid Seep
800 Mogadore Road
Kent, Portage County, Ohio

Dear Ms. Christopher:

Wood Environment & Infrastructure Solutions, Inc. (Wood) on behalf of ABB Installation Products, Inc. (ABB) has developed this scope of work (SOW) to address the light non-aqueous phase liquid (LNAPL) seep situated between the 800 Mogadore Road site (the site) and the Cuyahoga River. The seep is located on property owned by the City of Kent (the City). This scope has been prepared to meet the following objectives:

- Install a barrier wall to prevent the future migration of LNAPL into the seep area.
- Remove surficial impacted soil in the seep area.
- Backfill the excavated area with an adsorptive backfill material to address LNAPL and petroleum residuals that may remain subsequent to removal of the surficial soils.

Performing this work will require access through Fuller Park and along the existing CSX Transportation (CSXT) tracks. An initial evaluation of the tracks indicates that the tracks will not be fouled during the process but that track protection may be necessary to move equipment on the access road parallel to the tracks. It appears that all equipment can be staged on land owned by the City and the Wheeling & Lake Erie Railroad (WLE) to implement the proposed remediation activities. A figure and photos of the proposed work areas are included as an attachment to provide a better understanding of the SOW. The proposed course of the barrier wall along with the approximate area of the excavation is shown on the figure.

PROPOSED APPROACH

Conventional and high resolution studies of the area upgradient of the seep have defined the extent of the subsurface LNAPL that appears to be producing the seep. The LNAPL is located relatively close to the ground surface (within 10 feet). The proposed approach outlined in this scope of work includes installation of an impermeable barrier through the LNAPL zone that will terminate in the shallow sand above the clay layer that has been encountered on the site. The barrier will prevent the flow of LNAPL toward the Cuyahoga River and allow for the flow of groundwater under the barrier. Allowing groundwater to flow under the barrier will prevent the hydrostatic buildup of water upgradient of the barrier that could force LNAPL around the barrier. The barrier will provide a low maintenance long term approach to mitigating the flow of LNAPL towards the north ditch and the Cuyahoga River. Soil impacted by the LNAPL seep will be removed (to a maximum depth of two feet below ground surface [bgs]) and properly disposed. The excavated area will be backfilled with an adsorptive material to sequester any residual LNAPL/petroleum located in the seep area.

SCOPE OF WORK

The SOW for this project will involve the following components necessary to execute the project:

- Premobilization activities
- Barrier installation
- Excavation of surficial seep
- Placement of adsorptive backfill

These components are detailed below.

Premobilization Activities

Premobilization activities will involve securing site access, updating the site's health and safety plan, surveying, limited subsurface investigation, waste characterization, and the preparation of a Work Plan and design drawings.

Site access will be arranged with the City, CSXT and WLE. Access to CSXT and WLE property will be limited to mobilization to the seep area and, in the case of WLE, an agreement to be able to stage equipment and materials on their property. Access to the CSXT property will only involve mobilization and demobilization of equipment and materials along the existing tracks including the transportation of impacted soil from the seep and import of clean backfill materials. However, access agreements for all parties will need to include provisions for roadway improvements and subsequent restoration activities should such activities be necessary. The work is planned for late summer/early fall during the expected drier time of the year.

The existing health and safety plan (HASP) will be updated as appropriate and will address the physical hazards of working near railroad tracks and around heavy equipment including machinery necessary to install sheet piling. The HASP will also address management of construction related traffic through Fuller Park which is the only viable access to the off-site seep.

A topographic survey of the seep and immediate area around the proposed barrier will be performed. It is essential to have appropriate horizontal and vertical control to assure that the barrier is installed to the appropriate depth. A map showing the topography of the seep and proposed barrier area will be generated and incorporated into the Work Plan and design drawings.

The existing borings in the proposed area of the barrier were not advanced to the underlying clay. Prior to design, a series of borings will be installed along the proposed course of the barrier to assure that a sufficient gap between the clay and the bottom of the barrier remains allowing the water to flow through the more permeable sand avoiding hydrostatic pressure buildup behind the barrier. Wood anticipates that placing such borings will be a very limited effort and only involve one day in the field with a direct-push rig.

Soil samples will be collected from the seep area for waste characterization purposes. These samples will be used to prepare a waste acceptance profile and obtain material acceptance from the disposal facility. If possible (based on the disposal facility acceptance of the material) excavated material will be direct loaded and hauled off site for disposal.

Subsequent to the completion of the borings a Work Plan and design drawings will be prepared to document the proposed course and depth of the barrier, the proposed area of excavation, and the proposed area of adsorptive backfill placement. The design will include specifications for the material that will be used in the construction of the barrier and specification for the adsorptive backfill material.

Barrier Wall Installation

At this time it is anticipated that the barrier will be constructed of steel sheet piling although some composite sheet pile systems are being further evaluated. The barrier wall is estimated to be approximately 155 feet long with two 30 foot wing walls for a total of 215 feet (see attachment). Estimates of the linear course of the barrier wall are based on past investigations of the area. LNAPL was not encountered in borings/monitoring wells previously installed at either end of the proposed barrier wall. The sheet pile will be advanced to a terminal depth of between 10 to 13 feet below ground surface (bgs) based on the current information. Additional information gathered during the premobilization investigation will be used to finalize the barrier wall design.

Based on the proposed depth of the barrier wall and site access considerations it does not appear that a pile driving rig will be necessary or practical. Sheet pile will be pushed into the ground using an excavator, vibratory plate compactor or a similar device. Subsequent to the completion the sheet pile will be cut flush with or slightly below ground surface.

Excavation of Surficial Seep

The surficial seep will be excavated to a terminal depth of approximately two feet bgs. If possible, material will be direct loaded onto roll-offs or trucks to haul directly to the disposal facility. If such an arrangement is not practical material will be staged at a designated location at 800 Mogadore Road and loaded into the appropriate transport containers.

Placement of Adsorptive Backfill

The shallow excavation will be backfilled with the following layers from the bottom of the excavation to the surface:

- A 2-3-inch AquaGate[®]+Organoclay layer to adsorb residual LNAPL and minimize lateral movement of contaminant.
- A 6-inch thick layer of AquaBlok[®] to provide the low-permeability layer over the seep zone.
- A 3-inch layer of gravel or aggregate, to provide stability and protection in the event of storm events
- A layer of native soil or cover to match the existing grade, to be planted with native grasses or other appropriate protective vegetation.

Based on current data the excavation and backfill area is approximately 700 square feet. This footprint would require approximately 7.5 tons of AquaGate+Organoclay and 15 tons of AquaBlok. Final quantities would be based on site specific data gathered from the survey and pre-mobilization investigation.

CLOSING

The remedy presented in the above scope will meet the stated objectives. The barrier wall will prevent future migration of LNAPL from the site, the removal of the surficial impacts will address LNAPL and impacted soil observed at the seep and prevent it from flowing out of the north ditch area to the Cuyahoga River, and the adsorptive backfill (AquaBlok[®] and AquaGate[®]) will address LNAPL and petroleum residuals that may remain subsequent to the removal surficial soils.

Please contact us should you have any questions with regard to the proposed scope of work for the off-site seep.

Proposed Scope of Work
Off-Site LNAPL Seep
800 Mogadore Road, Kent, Portage County, Ohio

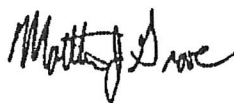
June 5, 2019

Sincerely yours,

Wood Environment & Infrastructure Solutions, Inc.



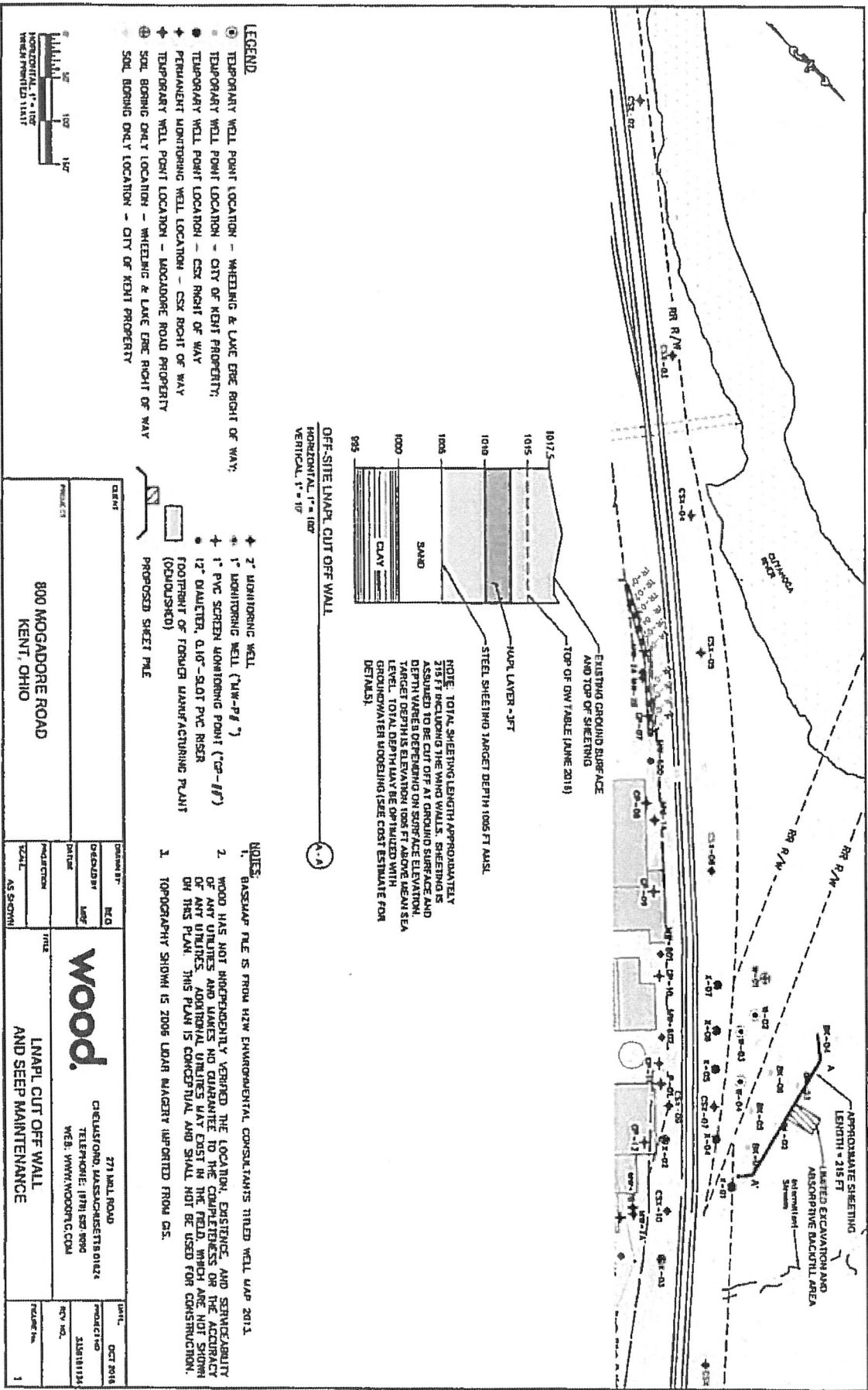
Ben H. Iden, CP
Senior Project Manager



Matthew J. Grove, Ph.D.
Associate Geochemist

wood.

ATTACHMENT



DESIGN BY	DATE	PROJECT NO.
DESIGNED BY	DATE	800 MORGAN ROAD
DRAWN BY	DATE	KENT, OHIO
CHECKED BY	DATE	
PROJECTION	SCALE	
AS SHOWN		

wood.

271 BELL ROAD
 CLEVELAND, OHIO 44115-1192
 TELEPHONE: (216) 522-8900
 WEB: WWW.WOODS.COM

LMAP CUT OFF WALL AND SEEP MAINTENANCE

DATE: DEC 2016
 PROJECT NO: 151811114
 REV NO: 1

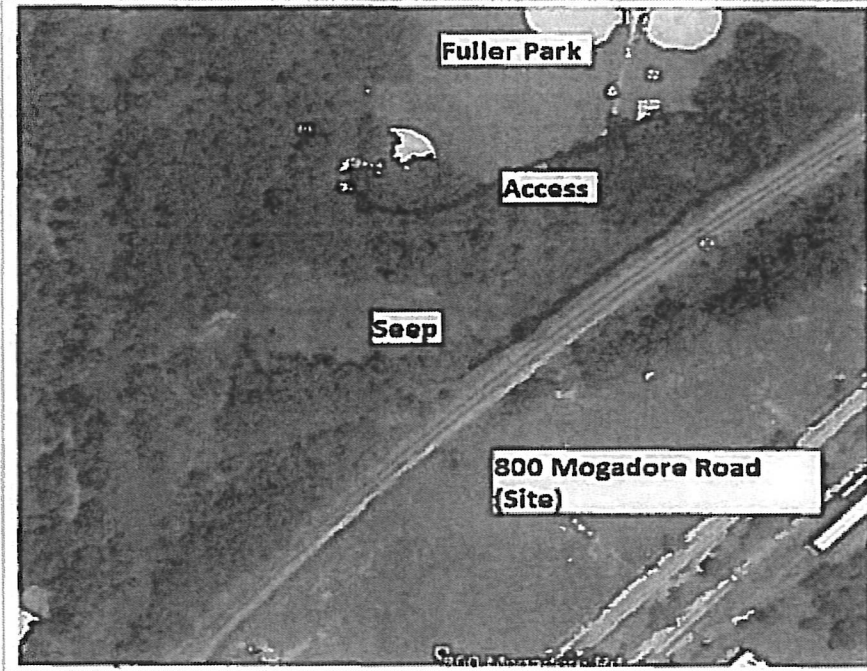


Photo 1

Aerial of proposed access



Photo 2

Cut from park to railroad

wood.

4460 Lake Forest Drive, Suite 200
Cincinnati, Ohio 45242

PROJECT # 3359181134
ASSESSOR B Iden
DATE 2019
PAGE

1

PHOTOGRAPHIC LOG
Off Site Seep
800 Mogadore Road
Kent, OH

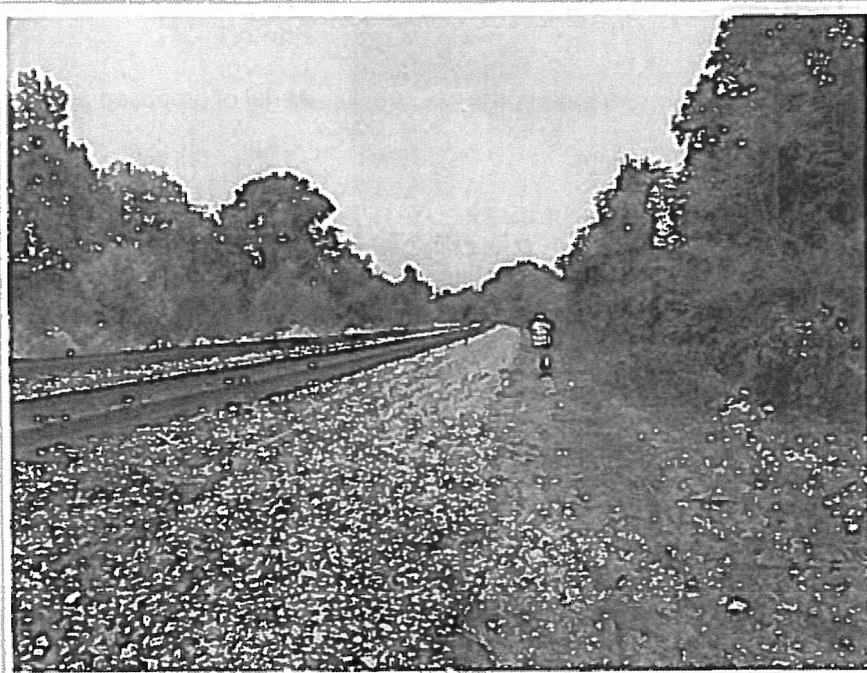


Photo 3

Access along tracks



Photo 4

Area in front of seep

wood.

4460 Lake Forest Drive, Suite 200
Cincinnati, Ohio 45242

PROJECT # 3359181134
ASSESSOR B Iden
DATE 2019
PAGE 2

PHOTOGRAPHIC LOG
Off Site Seep
800 Mogadore Road
Kent, OH



Photo 5

Seep.



Photo 6

Seep

wood.

4460 Lake Forest Drive, Suite 200
Cincinnati, Ohio 45242

PROJECT # 3359181134
ASSESSOR B Iden
DATE 2019
PAGE

3

PHOTOGRAPHIC LOG
Off Site Seep
800 Mogadore Road
Kent, OH

ORDINANCE NO. 2019-107

AN ORDINANCE AMENDING 505.22 "BACKYARD CHICKENS" OF THE CODIFIED ORDINANCES OF THE CITY OF KENT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent wishes to amend Section 505.22 of the Codified Ordinances to allow for a variance and appeal request process from one or more of the backyard chicken requirements; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (7) of all members elected thereto concurring:

SECTION 1. That Council does hereby amend Section 505.22 "Backyard Chickens" of the Codified Ordinances of the City of Kent to allow for a variance and appeal request process from one or more of the backyard chicken requirements per Exhibit "A", attached hereto and made a part thereof.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: September 18, 2019
Date

Jerry T. Fiala
Jerry T. Fiala

Mayor and President of Council

EFFECTIVE: September 18, 2019
Date

ATTEST: Amy Wilkens
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *ORDINANCE/RESOLUTION* No. _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20____.

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

505.22 BACKYARD CHICKENS.

(c) Appeals and Variances. The Community Development Director exercises enforcement of this Section. Appeals and/or requests for variances may be presented in writing to the Community Development Director, who must determine if the request merits consideration, wherein the City Manager may hold a hearing to receive the testimony of the owner and the Community Development Director on whether or not to grant such appeal or variance request. The City Manager must notify Council of all variances granted. A denial of such appeal may be reviewed by Council at the request of the applicant. Council may grant such requests, giving consideration to the testimony, by a majority vote of the members present.

(e)(d) Penalties for Violations. Violations of this Section shall be subject to the Civil Penalties as provided by Section 501.0(1)3 of the Codified Ordinances.

ORDINANCE NO. 2019-108

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO SELL A USED POLICE PATROL BULLET PROOF VEST TO A RETIRED KENT POLICE OFFICER FOR \$310.00, WAIVES COMPETITIVE BIDDING AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Police Department generally take retiree's vests and hope to fit new officers with them; however the vest typically cannot be used and will sit on a shelf and are of no further use to the City; and

WHEREAS, John Romanoski, a retired City of Kent Police Officer, has requested to buy his used bullet proof vest to use for his new position with Uniontown Police Department since the vest still has two (2) more years of life before expiration; and

WHEREAS, the vest was purchased in 2016 for \$775.00 and with the depreciation of three (3) years, the vest is estimated at \$310.00.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto:

SECTION 1. That Council does hereby find the vest is not needed for City use and authorizes the City Manager, or his designee, to sell the used Police bullet proof vest to John Romanoski, a retired City of Kent Police Officer, for the amount of \$310.00 and waives competitive bidding.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: September 18, 2019
Date

J. F. Fiala
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: September 18, 2019
Date

ATTEST: Amy Wilkens
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *ORDINANCE No.* _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20____.

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

RESOLUTION NO. 2019-109

**RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY
THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX
LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR
(CITY COUNCIL)**

Revised Code, Secs. 5705.34 & 5705.35

The Council of the City of Kent, Portage County, Ohio, met in Regular session on the 18 day of September, 2019 at the office of Kent City Council with the following members present:

Jack Amrhein

Mike DeLeone

Garret Ferrara

John Kuhar

Gwen Rosenberg

Heidi Shaffer

Roger Sidoti

Robin Turner

Tracy Wallach

Mr. Roger Sidoti moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1st, 2020; and

WHEREAS, The Budget Commission of Portage County, Ohio has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within, the ten mill tax limitation; therefore, be it

RESOLVED, By the Council of the City of Kent, Portage County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

OFFICIAL CERTIFICATE OF ESTIMATED RESOURCES
 Rev. Code Sec. 5705.34 & 5705.35
 Office of the Budget Commission, Portage County, Ravenna, Ohio

To the Taxing Authority of: **KENT CITY**

SCHEDULE A

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED
 BY BUDGET COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES

FUND	AMOUNT APPROVED BY BUDGET COMMISSION INSIDE IOM. LIMITATION	AMOUNT APPROVED BY BUDGET COMMISSION OUTSIDE IOM. LIMITATION	COUNTY ESTIMATE RATE TO INSIDE IOM. LIMIT	AUDITOR'S OF TAX BE LEVIED OUTSIDE IOM. LIMIT
	Column I	Column II	III	IV
General	\$1,446,468	\$323,533	3.6 & 0.9	1.16
Police Pension	\$124,556		0.30	
Fire Pension	\$124,556		0.30	
West Side Fire Station		\$254,926		0.73
Recreation		\$1,173,361		3.45
TOTAL	\$1,695,580	\$1,751,819	4.2 & 1.5	5.34

\$3,447,399

COUNTY AUDITOR'S ESTIMATE

415,186,660

COUNTY AUDITOR'S ESTIMATE	OF RATE IN MILLS	
Kent City	Field LSD	Kent CSD
LEVIES INSIDE OF 10 MILL	LIMITATION	
County	2.00	2.00
City	1.50	4.20
School	6.50	3.80
JVS		
TOTAL:	10.00	10.00
LEVIES OUTSIDE OF 10 MILL	LIMITATION	
County	11.62	11.62
City	5.34	5.34
School	59.96	106.68
JVS	4.00	0.00
Library	0.00	1.80
Portage Park District	0.50	0.50
TOTAL:	81.42	125.94
TOTAL LEVIES:	91.42	135.94

Tax estimates as they will appear on the 2018 Official Certificate of Estimated Resources.

General Fund	1,770,000
Police Pension	124,556
Fire Pension	124,556
Westside Fire Station	254,926
Recreation	<u>1,173,361</u>
Tax Revenue Estimate	<u>3,447,399</u>

SCHEDULE B

LEVIES OUTSIDE 10 mill limitation

Levy Purpose	Date of Vote & Duration of Levy	Maximum Rate Authorized to be Levied	County Auditor's Estimate of Yield of Levy
General	11/04/14 5 years	1.16	\$323,533
West Side Fire Station	11/03/15 5 years	0.73	\$254,926
Recreation	11/03/15 Cont	1.00	\$349,213
Recreation	11/03/15 Cont	0.43	\$150,162
Recreation	11/03/09 Cont	0.50	\$175,564
Recreation	11/07/06 Cont	1.52	\$498,422

and be it further RESOLVED, That the Clerk of this Council be, and is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

Mr. Mike DeLeon seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

- Mr. Jack Amrhein , Yes
- Mr. Mike DeLeone , Yes
- Mr. Garret Ferrara , Yes
- Mr. John Kuhar , Yes
- Ms. Gwen Rosenberg , Yes
- Ms. Heidi Shaffer , Yes
- Mr. Roger Sidoti , Yes
- Mr. Robin Turner , Yes
- Ms. Tracy Wallach , Yes

Adopted the 18 day of September, 2019

Amy Wilkens
Clerk of Council

Jack
President of Council

CERTIFICATE OF COPY
ORIGINAL ON FILE

The State of Ohio, Portage County.

I, Amy Wilkens, Clerk of the Council of the City of
Kent in said County, and in whose custody the Files and Records of said
Council are required by the laws of the State of Ohio to be kept, do hereby certify that the foregoing
is taken and copied from the original resolution
now on file, that the foregoing has been compared by me with said original document, and that
the same is a true and correct copy thereof.

WITNESS my signature, this 18 day of September 2019

Amy Wilkens
Clerk of Council
Kent City
Portage County, Ohio

RESOLUTION ACCEPTING THE
AMOUNTS AND RATES AS DETERMINED
BY THE BUDGET COMMISSION AND
AUTHORIZING THE NECESSARY TAX
LEVIES AND CERTIFYING THEM TO THE
COUNTY AUDITOR.

(City Council)

Filed _____

County Auditor

ORDINANCE NO. 2019 -110

AN ORDINANCE AUTHORIZING THE CITY OF KENT TO SUBMIT A FUNDING APPLICATION TOTALING \$1.5 MILLION AND TO EXECUTE THE SUBSEQUENT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION'S (ODOT) MUNICIPAL BRIDGE PROGRAM, AND TO ACCEPT THE GRANT, IF AWARDED, WITH CORRESPONDING APPROPRIATION OF FUNDS FOR THE SUNRISE DRIVE BRIDGE OVER FISH CREEK, AND DECLARING AN EMERGENCY.

WHEREAS, the funding application submitted to the Ohio Department of Transportation's (ODOT) Municipal Bridge program will be for the Sunrise Bridge over Fish Creek and is requesting \$1.5 million; and

WHEREAS, the existing bridge was constructed in 1968 and received a general appraisal of 5A as part of the 2019 Bridge Inspection and makes the bridge eligible for funding; and

WHEREAS, the replacement of the bridge is proposed to be incorporated with a larger overall project that will replace the pavement, water lines and upgrade sidewalks on Sunrise Drive from West Main Street to Gale Drive.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That Kent City Council approves submission of the City's pre-application request for ODOT's Municipal Bridge program grant funding totaling \$1.5 million and authorized that the Administration provide all information, funds, and documentation required in said applications for submission.

SECTION 2. That the Kent City Council hereby approves the City's acceptance of the grant, if awarded to the City, with corresponding appropriations for its use.

SECTION 3. That the Kent City Council hereby understands and agrees that participation in the ODOT's Municipal Bridge grant program will require compliance with program guidelines and assurances.

SECTION 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 5. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: September 18, 2019
Date

J. Fiala
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: September 18, 2019
Date

ATTEST: Amy Wilkens
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *ORDINANCE No.* _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20_____.

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

ORDINANCE NO. 2019 - 111

AN ORDINANCE AUTHORIZING THE CITY OF KENT TO SUBMIT A FUNDING APPLICATION TOTALING \$700,000 AND TO EXECUTE THE SUBSEQUENT AGREEMENT WITH THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) RESURFACING PROGRAM, AND TO ACCEPT THE GRANT, IF AWARDED, WITH CORRESPONDING APPROPRIATION OF FUNDS TO RESURFACE MOGADORE ROAD FROM CHERRY STREET TO SUMMIT STREET, AND DECLARING AN EMERGENCY.

WHEREAS, the funding application submitted to the Akron Metropolitan Area Transportation Study (AMATS) Resurfacing Program will be used to resurface Mogadore Road from Cherry Street to Summit Street. It will also be used to resurface a small portion of Summit Street from Tannery Park to the ABC Railroad crossing; and

WHEREAS, the City is requesting \$700,000.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That Kent City Council approves submission of the City's pre-application request for Akron Metropolitan Area Transportation Study (AMATS) Resurfacing Program grant funding totaling \$700,000 and authorized that the Administration provide all information, funds, and documentation required in said applications for submission.

SECTION 2. That the Kent City Council hereby approves the City's acceptance of the grant, if awarded to the City, with corresponding appropriations for its use.

SECTION 3. That the Kent City Council hereby understands and agrees that participation in the Akron Metropolitan Area Transportation Study (AMATS) Resurfacing Program grant program will require compliance with program guidelines and assurances.

SECTION 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 5. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: September 18, 2019
Date

EFFECTIVE: September 19, 2019
Date

ATTEST: Amy Wilkens
Amy Wilkens
Clerk of Council

J. F. Fiala
Jerry T. Fiala
Mayor and President of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *ORDINANCE No.* _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20_____.

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

ORDINANCE NO. 2019-112

AN ORDINANCE AMENDING ORDINANCE NO. 2018-142, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 19, 2018; SO AS TO ADJUST APPROPRIATIONS, TRANSFERS AND ADVANCES FROM THE VARIOUS FUNDS OF THE CITY OF KENT TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2019; AND DECLARING AN EMERGENCY.

WHEREAS, it is necessary to amend current appropriations, transfers and advances for the expenses and other expenditures for the City of Kent, Ohio, for the fiscal year ending December 31, 2019.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That the current appropriation Ordinance No. 2018-142 passed December 19, 2018; as amended by Ordinance No. 2019-16, passed 2/20/2019; as amended by Ordinance No. 2019-43, passed 4/17/2019; as amended by Ordinance 2019-57 passed 5/15/2019; as amended by Ordinance 2019-64 passed 6/19/2019; and as amended by Ordinance 2019-93 passed 8/21/2019, be amended as set forth in Exhibit "A", attached hereto and incorporated herein, so as to increase appropriations in Fund 001, General; Fund 106, Parks and Recreation; Fund 128, Fire & EMS; Fund 201, Water; and Fund 202, Sewer; and Declaring An Emergency.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formation action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reason manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediate after passage.

PASSED: September 18, 2019
Date

J. Fiala
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: September 18, 2019
Date

ATTEST: Amy Wilkens
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *ORDINANCE No.* _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20____.

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

2019 AMENDED APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/ Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
General Fund (001)						
City Council	\$161,266	\$32,603				\$193,869
Mayor	\$9,530	\$5,300				\$14,830
Community Support		\$85,700				\$85,700
City Manager	\$314,000	\$62,923				\$376,923
New City Hall Facility		\$0	\$188,000			\$188,000
Information Technology	\$80,395	\$250,087				\$330,482
Urban Renewal		\$67,300				\$67,300
Human Resources	\$61,964	\$19,488				\$81,452
Civil Service	\$31,105	\$41,523				\$72,628
Law	\$320,560	\$118,895				\$439,455
Budget & Finance	\$185,199	\$143,585				\$328,784
Community Development	\$597,546	\$208,070				\$805,616
Economic Development	\$119,722	\$49,811				\$169,533
Health	\$448,125	\$207,038				\$655,163
Public Parking		\$126,000				\$126,000
Main Street Program		\$70,000				\$70,000
Service Administration	\$70,060	\$477,118				\$547,178
Shade Tree		\$80,420	\$10,000			\$90,420
Adjunct Facilities		\$1,100				\$1,100
Building	\$305,506	\$68,272				\$373,778
Land banking		\$10,000				\$10,000
Engineering	\$231,502	\$106,842				\$338,344
Miscellaneous & Sundry		\$380,750				\$380,750
Contingency					\$100,000	\$100,000
Fund Total	\$2,936,480	\$2,612,825	\$198,000	\$0	\$100,000	\$5,847,305
West Side Fire (101)						
Fire	\$268,910	\$26,427				\$295,337
Fund Total	\$268,910	\$26,427	\$0	\$0	\$0	\$295,337
Street Construction Maintenance & Repair (102)						
Service	\$1,137,201	\$1,369,261				\$2,506,462
Contingency					\$25,000	\$25,000
Fund Total	\$1,137,201	\$1,369,261	\$0	\$0	\$25,000	\$2,531,462
State Highway (103)						
Service		\$70,000				\$70,000
Fund Total	\$0	\$70,000	\$0	\$0	\$0	\$70,000
Recreation (106)						
Parks & Recreation	\$1,372,462	\$666,383	\$322,000			\$2,360,845
Fund Total	\$1,372,462	\$666,383	\$322,000	\$0	\$0	\$2,360,845
Food Service (107)						
Health	\$101,005	\$7,500				\$108,505
Fund Total	\$101,005	\$7,500	\$0	\$0	\$0	\$108,505

2019 AMENDED APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>Income Tax (116)</u>						
Budget/Finance/IncTaxAdmin	\$269,714	\$526,683				\$796,397
Managed Reserve				\$25,540		\$25,540
Fund Total	\$269,714	\$526,683	\$0	\$25,540	\$0	\$821,937
<u>Revolving Housing (120)</u>						
Health	\$156,431	\$10,500				\$166,931
Fund Total	\$156,431	\$10,500	\$0	\$0	\$0	\$166,931
<u>State & Local Forfeits (121)</u>						
Police		\$2,000				\$2,000
Fund Total	\$0	\$2,000	\$0	\$0	\$0	\$2,000
<u>Drug Law Enforcement (122)</u>						
Police		\$12,000				\$12,000
Fund Total	\$0	\$12,000	\$0	\$0	\$0	\$12,000
<u>Enforcement & Education (123)</u>						
Police		\$6,000				\$6,000
Fund Total	\$0	\$6,000	\$0	\$0	\$0	\$6,000
<u>Income Tax Safety (124)</u>						
Police	\$7,010,447	\$677,700				\$7,688,147
Fund Total	\$7,010,447	\$677,700	\$0	\$0	\$0	\$7,688,147
<u>Law Enforcement Trust (125)</u>						
Police						\$0
Fund Total	\$0	\$0	\$0	\$0	\$0	\$0
<u>Community Development Block Grant (126)</u>						
Community Development	\$8,453	\$274,600	\$116,000			\$399,053
Fund Total	\$8,453	\$274,600	\$116,000	\$0	\$0	\$399,053
<u>Neighborhood Stabilization (127)</u>						
Community Development	\$0	\$139,100				\$139,100
Fund Total	\$0	\$139,100	\$0	\$0	\$0	\$139,100
<u>Fire & E.M.S. (128)</u>						
Fire	\$4,745,381	\$470,724	\$1,120,215			\$6,336,320
Fund Total	\$4,745,381	\$470,724	\$1,120,215	\$0	\$0	\$6,336,320
<u>Wireless 911 (129)</u>						
Safety		\$0				\$0
Fund Total	\$0	\$0	\$0	\$0	\$0	\$0
<u>Swimming Pool Inspections (130)</u>						
Health	\$8,261	\$500				\$8,761
Fund Total	\$8,261	\$500	\$0	\$0	\$0	\$8,761

2019 AMENDED APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/ Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>Police Pension (132)</u>						
Police	\$120,000					\$120,000
Fund Total	\$120,000	\$0	\$0	\$0	\$0	\$120,000
<u>Fire Pension (133)</u>						
Fire	\$120,000					\$120,000
Fund Total	\$120,000	\$0	\$0	\$0	\$0	\$120,000
<u>UDAG / EDA-RLF (134)</u>						
City Manager/C.D.		\$110,000				\$110,000
Fund Total	\$0	\$110,000	\$0	\$0	\$0	\$110,000
<u>Water (201)</u>						
Service	\$1,739,036	\$834,705	\$217,578			\$2,791,319
Service (Capital Facilities)			\$2,061,559			\$2,061,559
Admin. Support	\$602,794	\$71,655	\$14,000			\$688,449
Budget & Finance (Debt)				\$54,608		\$54,608
Contingency					\$50,000	\$50,000
Fund Total	\$2,341,830	\$906,360	\$2,293,137	\$54,608	\$50,000	\$5,645,935
<u>Sewer (202)</u>						
Service	\$2,027,611	\$868,684	\$468,381			\$3,364,676
Service (Capital Facilities)			\$2,274,508			\$2,274,508
Admin. Support	\$602,794	\$84,156	\$14,000			\$700,950
Budget & Finance (Debt)				\$625,720		\$625,720
Contingency					\$50,000	\$50,000
Fund Total	\$2,630,405	\$952,840	\$2,756,889	\$625,720	\$50,000	\$7,015,854
<u>Utility Billing (204)</u>						
Budget & Finance		\$102,586				\$102,586
Fund Total	\$0	\$102,586	\$0	\$0	\$0	\$102,586
<u>Solid Waste (205)</u>						
Service	\$87,660	\$147,953	\$5,000			\$240,613
Fund Total	\$87,660	\$147,953	\$5,000	\$0	\$0	\$240,613
<u>Storm Water Utility (208)</u>						
Service	\$240,982		\$27,750			\$268,732
Service (Capital Facilities)			\$1,798,157			\$1,798,157
Admin. Support	\$319,162	\$69,371	\$9,000			\$397,533
Budget & Finance (Debt)				\$9,968		\$9,968
Fund Total	\$560,144	\$69,371	\$1,834,907	\$9,968	\$0	\$2,474,390
<u>Guaranteed Deposits (230)</u>						
Budget & Finance		\$1,000				\$1,000
Fund Total	\$0	\$1,000	\$0	\$0	\$0	\$1,000

2019 AMENDED APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/ Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
Capital Projects (301)						
Safety			\$381,900			\$381,900
Service			\$810,000			\$810,000
Service (Capital Facilities)			\$4,314,431			\$4,314,431
Community Development			\$22,000			\$22,000
Admin. Support			\$9,000			\$9,000
Budget & Finance			\$100,000	\$554,828		\$654,828
Contingency					\$25,000	\$25,000
Fund Total	\$0	\$0	\$5,637,331	\$554,828	\$25,000	\$6,217,159
Municipal Public Improvement Tax Increment Equivalent (302)						
Service (Capital Facilities)		\$6,000				\$6,000
Budget & Finance (Debt)				\$1,447,936		\$1,447,936
Fund Total	\$0	\$6,000	\$0	\$1,447,936	\$0	\$1,453,936
Police Facility (303)						
Safety (Capital Facilities)		\$260,000	\$425,000			\$685,000
Budget & Finance (Debt)				\$3,961,479		\$3,961,479
Fund Total	\$0	\$260,000	\$425,000	\$3,961,479	\$0	\$4,646,479
Debt Service (402)						
Budget & Finance (Debt)				\$70,084		\$70,084
Fund Total	\$0	\$0	\$0	\$70,084	\$0	\$70,084
Internal Service (807)						
Health Insurance		\$3,385,000				\$3,385,000
Fund Total	\$0	\$3,385,000	\$0	\$0	\$0	\$3,385,000
Total Appropriations	\$23,874,784	\$12,813,313	\$14,708,479	\$6,750,163	\$250,000	\$58,396,739
Original Appropriations	\$23,633,784	\$11,862,557	\$8,633,900	\$6,750,163	\$250,000	\$51,130,404
Amendment #1	\$231,000	\$260,500	\$4,562,718			\$5,054,218
Amendment #2		\$238,000	\$302,000			\$540,000
Amendment #3		\$302,800	\$629,000			\$931,800
Amendment #4		\$97,000	\$128,146			\$225,146
Amendment #5	\$10,000	\$33,371	\$408,715			\$452,086
Amendment #6		\$19,085	\$44,000			\$63,085
Amendment #7						\$0
Amendment #8						\$0
	\$23,874,784	\$12,813,313	\$14,708,479	\$6,750,163	\$250,000	\$58,396,739

2019 AMENDED APPROPRIATIONS - SCHEDULE OF OPERATING TRANSFERS AND TEMPORARY ADVANCES

	<u>Paying Fund</u>		<u>Current</u>		<u>Receiving Fund</u>
	<u>Original</u>	<u>Request</u>	<u>Change</u>		
<u>Operating Transfers</u>					
Fund 116 - Income Tax	\$3,600,000	\$3,600,000	\$0	Fund 001 - General	
Fund 116 - Income Tax	\$1,000,000	\$1,000,000	\$0	Fund 102 - St Const Maint & Repair	
Fund 116 - Income Tax	\$3,523,933	\$3,523,933	\$0	Fund 124 - Income Tax Safety	
Fund 116 - Income Tax	\$3,523,933	\$3,523,933	\$0	Fund 128 - Fire & E.M.S.	
Fund 116 - Income Tax	\$3,031,933	\$3,237,674	\$205,741	Fund 301 - Capital Projects	
Fund 116 - Income Tax	\$1,761,966	\$1,689,459	(\$72,507)	Fund 303 - Police Facility	
Fund 116 - Income Tax	\$70,000	\$70,000	\$0	Fund 402 - Debt Service	
Total Fund 116 Income Tax	\$16,511,765	\$16,644,999	\$133,234.00		
Fund 201 - Water	\$45,930	\$45,930	\$0	Fund 204 - Utility Billing	
Fund 202 - Sewer	\$45,930	\$45,930	\$0	Fund 204 - Utility Billing	
Fund 001 - General	\$3,200,000.00	\$3,200,000.00	\$0	Fund 124 - Income Tax Safety	
Fund 001 - General	\$120,000.00	\$120,000.00	\$0	Fund 106 - Parks and Rec	
Fund 001 - General	\$2,000,000.00	\$2,000,000.00	\$0	Fund 128 - Fire & EMS	
Subtotal - Total Operating Transfers	\$5,411,860	\$5,411,860	\$0.00		
<u>Temporary Advances</u>					
Fund 106 - Recreation	\$50,000	\$50,000	\$0	Fund 001 - General	
Fund 201 - Water	\$32,100	\$32,100	\$0	Fund 116 - Income Tax	
Fund 202 - Sewer	\$38,980	\$38,980	\$0	Fund 116 - Income Tax	
Fund 205 - Solid Waste	\$56,000	\$56,000	\$0	Fund 001 - General	
Fund 205 - Solid Waste	\$53,000	\$53,000	\$0	Fund 116 - Income Tax	
Fund 208 - Storm Water	\$110,000	\$110,000	\$0	Fund 116 - Income Tax	
Subtotal - Total Advances	\$340,080	\$340,080	\$0		
Grand Total - All Transfers & Advances	\$22,263,705	\$22,396,939	\$133,234		

* Designates Repayment of Advance

ORDINANCE NO. 2019-113

AN ORDINANCE APPROVING AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE OPERATING AGREEMENT, AND ALL OTHER DOCUMENTS NECESSARY FOR THE ACQUISITION OF CERTAIN PARCELS COMMONLY KNOWN AS 252-266 NORTH WATER STREET, KENT, OHIO, BY KENT DOWNTOWN COMMUNITY URBAN REDEVELOPMENT CORPORATION (DKC), AND DECLARING AN EMERGENCY.

WHEREAS, DKC is an Ohio nonprofit Corporation authorized and existing under Chapter 1702 of the Ohio Revised Code; and

WHEREAS, DKC is a community urban redevelopment corporation within the meaning of Chapter 1728 of the Ohio Revised Code; and

WHEREAS, the City is an Ohio municipality validly existing under Title 7 of the Ohio Revised Code; and

WHEREAS, the City is an impacted city within the meaning of Chapter 1728 of the Ohio Revised Code and has adopted a community development plan for blighted areas within the meaning of Chapter 1728 of the Ohio Revised Code; and

WHEREAS, DKC desires to assist the City with the planned redevelopment of property within the City including, but not limited to, property located in blighted areas; and

WHEREAS, the City has agreed to provide funds in the total amount of Three Hundred Sixty-Five Thousand (\$365,000.00) (hereinafter referred to as "City Funds") which is the purchase price for DKC to acquire real property commonly known as 252-266 North Water Street, Kent, Ohio 44240 (hereinafter referred to as the "Property"), Parcel Nos.: 17-025-30-00-027-000, 17-025-30-00-028-000 and 17-025-30-00-029-000, for the redevelopment of the Property.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto:

SECTION 1. That Council does hereby authorize the City Manager, or his designee to execute the Operating Agreement, and all other documents necessary for the acquisition of certain parcels, per Exhibit "A", attached hereto and made a part thereof.

SECTION 2. That Council does authorize the City Funds necessary to be provided to DKC to acquire the Property.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: September 18, 2019
Date

J. T. Fiala
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: September 18, 2019
Date

ATTEST: Amy Wilkens
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *ORDINANCE No.* _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20_____.

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

