

ORDINANCE NO. 2020-86

AN ORDINANCE AMENDING ORDINANCE NO. 2019-139, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 18, 2019; 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, 2020; 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, 2020.

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 appropriations Ordinance No. 2019-139 passed December 18, 2019; as amended by Ordinance No. 2020-14, passed 2/19/2020, as amended by Ordinance No. 2020-23, passed 3/18/2020, as amended by Ordinance No. 2020-29, passed 4/15/2020, as amended by Ordinance No. 2020-42, passed 5/20/2020, as amended by Ordinance No. 2020-55, passed 6/17/2020, as amended by Ordinance No. 2020-69, passed 7/15/2020, be amended as set forth in Exhibit "A", attached hereto and incorporated herein, so as to increase appropriations in Fund 001, General Fund; along with a net zero change in Fund 202, Sewer Fund; 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: August 19, 2020
Date

Fiala
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: August 19, 2020
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



CITY OF KENT, OHIO
DEPARTMENT OF BUDGET AND FINANCE
Rhonda C. Hall, CPA, Director

To: Dave Ruller, City Manager

From: Rhonda C. Hall, CPA, Director of Budget and Finance *Rhonda Hall*

Date: July 29, 2020

Re: FY2020 Appropriation Amendments, Transfers, and Advances

The following appropriation amendments for the August Council Committee Agenda are hereby requested:

Fund 001 – General Fund

Increase \$ 5,000 General, Urban Renewal/ Other (O&M) – Increase appropriations for O&M related to underground storage tank remediation, per B. Susel 7/15/20 memo.

Increase 3,000 General, City Manager/ Other (O&M) – Increase appropriations for O&M related to a part-time position as Program Coordinator to support the Kent Heart & Soul Project, per D. Ruller 7/29/20 memo.

Fund 202 – Sewer Fund

Decrease \$ (10,000) Sewer/ Capital – Decrease appropriations related to the Waterfall/Dam Upkeep, per B. Schesventer 7/21/20 memo.

Increase 10,000 Sewer/ Capital – Increase appropriations related to a new Grease Gun and other misc equipment, per B. Schesventer 7/21/20 memo.

930 OVERHOLT RD., KENT, OH 44240

(330) 678-8102 – Director and General Accounting

(330) 678-8103 Income Tax (330) 678-8104 Utility Billing FAX (330) 676-7584



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: July 15, 2020
TO: Rhonda Hall, Budget & Finance Director
FROM: Bridget Susel, Community Development Director *B.S.*
RE: Appropriations Request: BUSTR Case Completion, 301 W. Main Street

The City recently received a notification letter from the Department of Commerce, Division of State Fire Marshal, Bureau of Underground Storage Tank Regulations (BUSTR), regarding an incomplete filing associated with an underground storage tank remediation project that was undertaken at 301 West Main Street (former World Imports site) in 2003.

Subsequent information was sent by the City in 2007 and 2009, but was deemed insufficient by BUSTR. In response to this most recent notice, the City secured three (3) price estimates from qualified environmental consulting firms to ensure the necessary sampling and reporting is completed and submitted to BUSTR in order to close the open case file.

I am respectfully requesting the appropriation of an additional \$5,000.00 to the "Community Development Urban Renewal" account to pay the estimated cost associated with the necessary work.

Please let me know if you need any additional information in order to process this request.

Thank you.

2020-86 Exhibit A



Department of Commerce

Division of State Fire Marshal
Mika DeWine, Governor
Sheryl Maxfield, Director

June 16, 2020

DAVE RULLER, CITY MANAGER
CITY OF KENT
301 SOUTH DEPEYSTER STREET
KENT, OHIO 44240

SITE: WORLD IMPORTS
301 W MAIN ST
KENT OH
PORTAGE COUNTY
RELEASE #67002010-N00001

RE: SITE STATUS

Dear City Manager Ruller:

The State Fire Marshal, Bureau of Underground Storage Tank Regulations ("BUSTR") has established an enforcement program for resolving non-compliance with underground storage tank ("UST") environmental regulations as quickly and efficiently as possible. Some time ago, the file for the former World Imports facility, located at what was then 301 West Main Street, was referred to my attention in BUSTR's Enforcement Section for potential action. In reviewing the file recently, I discovered that BUSTR has not been in contact with the City of Kent ("City") for several years about this matter; as a result, I believe that it would be more appropriate to send this letter reminding you of the site's status and your legal obligations with respect to it, instead of issuing a Notice of Violation.

Site Background

On September 10, 1996, the City removed two waste oil USTs from the former World Imports property, by then owned by the City. The closure assessment performed at the time indicated that contamination was present; that indication was confirmed by additional environmental investigations performed by the City over the next several years. The most recent report submitted by the City was a Tier I Evaluation conducted pursuant to the 1999 version of BUSTR's corrective action rule. It requested that BUSTR issue a finding of No Further Action but upon review BUSTR found that there was no monitoring well placed in the tank cavity and that, in any case, the samples submitted to the laboratory for analysis were above the proper holding temperature and therefore cannot be relied upon to accurately reflect the soil and groundwater conditions. Due to these deficiencies, BUSTR was unable to consider a finding of No Further Action.

Because the corrective action was not complete, in 2009 BUSTR moved the release file to the next version of the corrective action rule, the 2005 rule and required the City to conduct a Tier 1 Source Investigation ("T1SI") pursuant to that version and to submit the appropriate report, either a Tier 1 Evaluation or a Tier 1

Bureau of Underground Storage Tank
Regulations
8895 East Main Street
Reynoldsburg, OH 43068 U.S.A.

614 | 752 7938
Fax 614 | 752 7942
TTY/TDD 800 | 750 0750
www.com.ohio.gov

Notification (depending on the environmental sampling results). To date, however, none has been received and the City is in violation of the of the following provision of the Ohio Administrative Code:

- 1301:7-9-13(H)(3) Failure to submit a Tier 1 Evaluation or a Tier 1 Notification report.

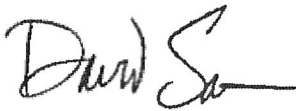
I would note that the corrective action rule has undergone additional revisions since 2009. The current version of that rule is dated 2017, and the City may elect to perform a TISI under that version if it wishes.

Under ordinary circumstances, a release which has gone unaddressed for such a length of time would be a strong candidate for formal enforcement action. As I noted earlier, though, BUSTR has not been in touch with the City for quite some time and I believe it would be more appropriate to allow the City the opportunity to review this letter and to take steps to initiate the necessary corrective actions.

Finally, BUSTR understands that the current situation surrounding the coronavirus may impact the availability of contractors to address your corrective action obligations. BUSTR does expect, however, that the City will keep us apprised of its compliance efforts.

Thank you in advance for your cooperation. I strongly urge that the City or its consultant contact our site coordinator for Portage County, Mr. Ryan Siath, to discuss the relative merits of a TISI. Mr. Siath can be reached directly at (614) 387-7416. If you have any questions about this letter or the enforcement process in general, please feel free to contact me at david.sauer@com.state.oh.us or by telephone at (614) 752-7096.

Sincerely,



David N. Sauer
Enforcement Coordinator

cc: Hope L. Jones, Law Director, City of Kent
Corrective Action File
Enforcement File

Bureau of Underground Storage Tank Regulations
8695 East Main Street
Reynoldsburg, OH 43068 U S A.

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City of Kent
Department of Public Service
Division of Water Reclamation

Memo

To: Rhonda Hall, Budget Director

From: William Schesventer, WRF Manager

Date: July 21, 2020

RE: Funds transfer Request

I am requesting the transfer of \$10,000.00 from fund line 7680, *Contract*, to line 7630 *Equipment Items >\$2,500.00* Plant miscellaneous to allow for purchase of items over the \$2,500.00 limit.

Thank you for your consideration.

cc: Melanie Baker, Service Director
File




ESTABLISHED 1805

City of Kent, Ohio

Office of the City Manager

To: Rhonda Hall, Director of Budget & Finance

From: Dave Ruller, City Manager 

Date: July 29, 2020

RE: 2020 Appropriation Revision Request- Part-time Coordinator funding for Community Heart & Soul Project

The City of Kent has used a staffing agency to pay a part-time Program Coordinator to support the Kent Heart & Soul Project for the past 6 months. The project is a community engagement project that is critical for gaining citizen input, establishing future priorities, and defining community goals.

The project has been underway for 18 months and as a volunteer led effort the part time position has proven critical to assisting the volunteers stay organized, on track, and coordinated with the City.

The pandemic and recent national escalations in racial tensions has reaffirmed the importance of engaging the community in conversations about what is important in the community and what programs the City needs to be working on to advance community goals.

The output of the Heart & Soul Project will also be used in the City's Comprehensive Plan update which is currently underway so timing is critical and the part time staff has proven to be an effective way to leverage volunteer efforts.

In light of this, the City Manager's Office is requesting **\$3,000.00** to be appropriated to the following line: 001-09-570-704-7340.

A breakdown of the costs related to the cost of the project

2020-450 Purchase Order previously encumbered:	\$3,000.00
Requested amount:	3,000.00
TOTAL:	<u>\$6,000.00</u>

Please let me know if you have any questions or if you need any additional information.

Thank you.

CC: Brian Huff

301 S Depeyster Street • Kent, Ohio 44240 • 330.676.7500 • Fax 330.678.8033
www.kentohio.org • www.kent360.com