



VILLAGE OF EVENDALE ADOPTED ORDINANCES AND RESOLUTIONS

The following ordinances and resolutions were adopted by the Council of the Village of Evendale at its Regular Council Meeting on February 11, 2020.

ORD. #19-72

ORDINANCE ADOPTING CHAPTER 478 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF EVENDALE REGULATING GOLF CARTS. Unanimously approved

ORD #20-09

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$5,000,000 PUBLIC INFRASTRUCTURE IMPROVEMENT BONDS, BY THE VILLAGE OF EVENDALE, OHIO, AUTHORIZING AN OFFICIAL STATEMENT, AND DECLARING AN EMERGENCY. Unanimously approved

ORD. #20-10

ORDINANCE MAKING APPOINTMENT TO VILLAGE OF EVENDALE RECREATION COMMISSION AND DECLARING AN EMERGENCY. Unanimously approved

ORD. #20-11

AN ORDINANCE AUTHORIZING THE PAYMENT OF AMOUNTS DUE UPON CERTAIN CONTRACTS REQUIRING CERTIFICATION OF AVAILABILITY OF FUNDS AND DECLARING AN EMERGENCY. Unanimously approved

ORD. #20-12

ORDINANCE AMENDING SECTION 290.10 PAYOUT CITATION SCHEDULE OF THE EVENDALE MUNICIPAL CODE AND DECLARING AN EMERGENCY. Unanimously approved

ORD. #20-13

ORDINANCE ADOPTING AMENDED ARTICLE I, III AND V RULES AND REGULATIONS FOR THE HAMILTON COUNTY STORM WATER DISTRICT. Unanimously approved

ORD. #20-14

ORDINANCE AUTHORIZING MAYOR TO EXECUTE A CONTRACT PURSUANT TO EVENDALE'S TUITION REIMBURSEMENT PROGRAM FOR FULL TIME VILLAGE EMPLOYEES SET OUT IN SECTION 258.075 OF THE EVENDALE CODE OF ORDINANCES AND DECLARING AN EMERGENCY. Unanimously approved

ORD. #20-15

AN ORDINANCE APPOINTING MAYOR RICHARD FINAN AND CHIEF FISCAL AND ACCOUNTING OFFICER, CYNTHIA CARACCI TO THE HAMILTON COUNTY TAX INCENTIVE REVIEW COUNCIL AND DECLARING AN EMERGENCY. Unanimously approved

ORD. #20-16

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH LOCAL 647 OF THE UNITED AUTO WORKERS AND DECLARING AN EMERGENCY. Unanimously approved

ORD. # 20-17

ORDINANCE AUTHORIZING THE MAYOR TO ENTER A DOCUMENT TO BE KNOWN AS THE FIRST AMENDMENT TO THE PURCHASE AGREEMENT BETWEEN THE EVENDALE COMMUNITY CHURCH, INC. AND THE VILLAGE OF EVENDALE AND DECLARING AN EMERGENCY. Unanimously approved

ORD. #20-18

ORDINANCE AMENDING CHAPTER SECTIONS 258.120 - SICK LEAVE OF THE CODIFIED ORDINANCES OF THE VILLAGE OF EVENDALE AND DECLARING AN EMERGENCY. Unanimously approved

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #19-72**

**ORDINANCE ADOPTING CHAPTER 478 OF THE CODIFIED
ORDINANCES OF THE VILLAGE OF EVENDALE REGULATING
GOLF CARTS AND DECLARING AN EMERGENCY.**

WHEREAS, the Police Chief has reported that there is an increased use of golf carts on Evendale public streets and has recommended that such use be regulated; and

WHEREAS, some similar local communities such as Green Hills and Terrace Park have adopted ordinances relating to golf carts on their public streets; and

WHEREAS, the Council of the Village of the Evendale has determined that it is in the interest of public safety to regulate such golf cart use and ensure that golf carts are safe and their use is limited to those streets on which they may be operated safely.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF EVENDALE, STATE OF OHIO, six members concurring, that:

SECTION 1: Chapter 478 of the Codified Ordinances of the Village of Evendale is hereby adopted to read as follows:

CHAPTER 478 GOLF CARTS

478.01 Definitions (as used in this chapter)

- (a) "Golf cart" is a motor vehicle as that term is defined under Ohio R.C. 4501.01(B).
- (b) "Motor vehicle" has the same meaning as set forth in Ohio R.C. 4501.01(B).
- (c) "Operator" has the same meaning as set forth in Ohio R.C. 4501.01 (X).
- (d) "Vehicle" has the same meaning as set forth in Ohio R.C. 4501.01 (A).

478.02 Inspection of Golf Carts

- (a) No person shall operate a golf cart on the streets within the Village unless it has been inspected and approved by the Chief of Police, or his designee or by another agent designated and approved by the State of Ohio, for compliance with the applicable safety/equipment requirements of the State of Ohio relative to motor vehicles. For the purposes of this chapter, "golf cart" means a motor vehicle that has not less than three wheels in contact with the ground, that has an unladen weight of less than 1,800 pounds, that is designed to be and is operated at not more than 25 miles per hour and that is designed to carry not more than four persons including the driver.
- (b) If the Chief of Police, or his designee, or another agent designated and approved by the State of Ohio, determines that the golf cart complies with the State of Ohio's statutory requirements that are applicable to motor vehicles, the Chief of Police shall issue the owner or operator a certificate of compliance entitling the owner or operator to operate the golf cart on certain streets within the Village. The owner or operator shall also show the Chief of Police or designee proof of liability insurance for the golf cart before a certificate of compliance is issued. The owner or operator of any golf cart shall be required to pay a fee in the amount of twenty-five dollars (\$25.00), or as listed in the most recent Fee Schedule for the Village to the Village through the Police Department before the golf cart may be operated on certain streets of the Village. Any certificate issued pursuant to this Section by the Chief of Police expires after 365 days and the Chief of Police will designate the issuing date and expiration date on each certificate. The Chief of Police shall keep a copy of each certificate issued

pursuant to this section inside the golf cart to which it pertains. The Chief of Police shall issue a sticker or other similar device to the owner of each golf cart once it is inspected. The sticker shall signify compliance with this section and the expiration of the current inspection period. The owner of each golf cart shall display the sticker in a conspicuous place on the rear of the golf cart.

(c) The owner of a golf cart shall also comply with all requirements of Ohio law regarding proper title, registration and license plates prior to operating a golf cart on certain streets within the Village. Compliance with this section shall be in addition to, rather than in lieu of, any applicable provisions of State law relative to the operation of motor vehicles.

478.03 Usage and Restrictions

(a) No golf carts shall be permitted to travel on any Village street where the speed limit is greater than 25 mph. Golf carts will be permitted to cross intersections with higher speeds, so long as they remain on a street that has a speed limit of 25 mph or less.

(b) No golf carts may be operated on Reading Road or on any Evendale streets west of Reading Road.

(c) The operator of a golf cart must be at least 16 years of age and have a valid driver's license.

(d) Any child who falls under the child restraint criteria set by Ohio R.C. 4511.81 is prohibited from being a passenger in a golf cart operated on any Village street, right-of-way or public area in the Village. That specifically includes children who are up to four years old and less than 40 pounds who are required to be in a child safety seat or any child who is eight years old or less and under four feet, nine inches in height who are required to be in a booster seat.

(e) Golf carts must be operated in accord with all State of Ohio traffic laws in addition to all applicable sections of the Evendale Municipal Ordinances.

(f) Village owned low speed and under speed vehicles being used to perform village maintenance or related work are exempt from this Chapter.

(g) Emergency Support Utility Vehicles equipped with lights and sirens are exempt from this Chapter.

478.99 Penalty.

(a) Whoever violates this Chapter is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; and each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

SECTION 2: This ordinance hereby declared to be an emergency measure necessary to preserve the health, safety and general welfare of the Village of Evendale and its citizens or to provide for the daily operation of a department or office of the Village of Evendale. The reason for said emergency is to ensure the safe use of streets in the Village of Evendale. Therefore, this Ordinance shall become effective immediately.

Approved February 11, 2020

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: November 12, 2019

Rules Suspended: February 11, 2020

2nd and 3rd Reading: February 11, 2020

Emergency Section Agreed to: February 11, 2020

Notice of publication: Tri-County Press, February 19, 2020

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CERTIFICATE OF MEMBERSHIP

**The undersigned, Chief Fiscal and Accounting Officer of the
VILLAGE OF EVENDALE, OHIO**

hereby certifies that the following were the officers and members of Council during the period proceedings were taken authorizing the issuance of not to exceed \$5,000,000 Public Infrastructure Improvement Special Obligation Income Tax Revenue Bonds, Series 2020:

Mayor	<u>Richard Finan</u>
Treasurer	<u>Maureen Flavin</u>
Chief Fiscal and Accounting Officer	<u>Cynthia Caracci</u>
Director of Administrative Services	<u>David Elmer</u>
Member of Council (Vice Mayor)	<u>Jeff Albrinck</u>
Member of Council	<u>Tom Sextro</u>
Member of Council	<u>Bill Puthoff</u>
Member of Council	<u>Chris Schaefer</u>
Member of Council	<u>Carolyn Smiley-Robertson</u>
Member of Council	<u>Beth McDaniel</u>
Solicitor	<u>Timothy Burke</u>
Clerk	<u>Barbara Rohs</u>

Chief Fiscal and Accounting Officer

TRANSCRIPT CERTIFICATE

The undersigned, Clerk of Council of the Village of Evendale, County of Hamilton, Ohio, hereby certifies that the following is a true and complete transcript of all proceedings relating to the authorization and issuance of the above-identified bonds.

Clerk of Council

CERTIFICATE AS TO MAXIMUM MATURITY OF BONDS

Based upon information provided by and in reason to the request of the Village Council of the Village of Evendale, Ohio, the Chief Fiscal and Accounting Officer of the Village of Evendale, Ohio, being the fiscal officer of the Village of Evendale, Ohio, within the meaning of Section 133.01 of the Uniform Public Securities Law of the Ohio Revised Code, hereby certifies that the estimated life of the improvements to be acquired with the proceeds of the sale of not to exceed \$5,000,000 of bonds, for the purpose of constructing public infrastructure improvements in the Village, including road, water and sewer improvements; and paying costs of issuance related to the Bonds, is at least five (5) years and that the maximum maturity of said bonds, calculated in accordance with Section 133.20 of the Uniform Public Securities Law of the Ohio Revised Code, is twenty-six (26) years.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2020.

Chief Fiscal and Accounting Officer

**VILLAGE OF EVENDALE
ORDINANCE #20-09**

**AN ORDINANCE PROVIDING FOR THE ISSUANCE OF
NOT TO EXCEED \$5,000,000 PUBLIC INFRASTRUCTURE
IMPROVEMENT BONDS, BY THE VILLAGE OF
EVENDALE, OHIO, AUTHORIZING AN OFFICIAL
STATEMENT, AND DECLARING AN EMERGENCY.**

WHEREAS, the fiscal officer of the Village has estimated the life of the improvements hereinafter described as at least five (5) years, and certified the maximum maturity of the bonds is twenty-six (26) years; and

NOW, THEREFORE, BE IT ORDAINED by Council "Council") of the Village of Evendale, (the "Village") Hamilton County, Ohio:

SECTION 1. That it is hereby declared necessary to issue bonds of the Village, in the principal sum of not to exceed \$5,000,000, for the purpose constructing public infrastructure improvements in the Village, including road, water and sewer improvements and paying certain costs related to the issuance of the bonds, together with other permissible costs under the Uniform Public Securities Law, including the cost of printing the bonds, expense of delivery of the bonds, service charges of the paying agent and registrar, legal services and obtaining an approving legal opinion.

SECTION 2. That bonds of the Village shall be issued in the principal sum of not to exceed \$5,000,000, for the purposes aforesaid. Said bonds shall be of the denomination of \$5,000 or any integral multiple thereof, shall be numbered from 1 upward; shall be dated as of such date as is set forth in the certificate of award setting forth the final terms of the bonds (the "Certificate of Award"); and shall bear interest from the most recent date to which interest has been paid or duly provided for, or, if no interest has been paid or duly provided for, from their dated date. Said bonds shall bear interest payable semiannually on each June 1 and December 1, or such other dates as are set forth in the Certificate of Award, as determined by the Chief Fiscal and Accounting Officer (after negotiation with the original purchaser of the bonds) and set forth in the Certificate of Award or in a bond purchase agreement, as applicable, which aggregate rate shall not be in excess of four and one half percent (4.50%) per annum. Said bonds shall mature or be subject to mandatory sinking fund redemption, at the times and in the respective principal amounts as determined by the Chief Fiscal and Accounting Officer and set forth in the Certificate of Award or in a bond purchase agreement, as applicable, within the limitations set forth in Chapter 133 of the Ohio Revised Code, without further action of this council. All bonds shall finally mature not later than December 1, 2045.

The bonds of such maturities as are designated by the Mayor and the Chief Fiscal and Accounting Officer shall be callable for redemption at the option of the Village at such prices and times as are determined by the Chief Fiscal and Accounting Officer and set forth in the Certificate of Award or in a bond purchase agreement, as applicable.

If less than all bonds which are payable by their terms on the same date are to be called, the particular bonds or portions of bonds payable on such same date and to be redeemed from such series shall be selected by lot by the Paying Agent and Registrar referred to in Section 3 below, in such manner as the Paying Agent and Registrar in its discretion may determine; provided, however, that the portion of any bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof, and that, in selecting bonds for redemption, the Paying Agent and Registrar shall treat each bond as representing that number of bonds which is obtained by dividing the principal amount of such bond by \$5,000.

At least thirty (30) days before the redemption date of any bonds the Paying Agent and Registrar shall cause a notice of such redemption either in whole or in part, signed by the Paying Agent and Registrar, to be mailed, postage prepaid, to all registered owners of bonds to be redeemed in whole or in part at their addresses as they appear on the registration books kept by the Paying Agent and Registrar, but failure to mail any such notice shall not affect the validity of the proceedings for such redemption. Each such notice shall set forth the date fixed for redemption, the redemption price to be paid and, if less than all of the bonds being payable by their terms on a

single date then outstanding shall be called for redemption, the distinctive numbers or letters, if any, of such bonds to be redeemed and, in the case of bonds to be redeemed in part only, the portion of the principal amount thereof to be redeemed. In case any bond is to be redeemed in part only, the notice of redemption which relates to such bond shall state also that on or after the redemption date upon surrender of such bonds, a new bond in principal amount equal to the unredeemed portion of such bonds will be issued.

On the date so designated for redemption, notice having been sent in the manner and under the conditions hereinabove provided and moneys for payment of the redemption price being held in separate accounts by the Paying Agent and Registrar for the holders of the bonds or portions thereof to be redeemed, the bonds or portions of bonds so called for redemption shall become and be due and payable at the redemption price provided for redemption of such bonds or portions of bonds on such date, interest on the bonds or portions of bonds so called for redemption shall cease to accrue, and the holders or registered owners of such bonds or portions of bonds shall have no rights in respect thereof except to receive payment of the redemption price thereof and to receive bonds for any unredeemed portions of bonds.

In case part but not all of an outstanding bond shall be selected for redemption, the registered owner thereof or his attorney or legal representative shall present and surrender such bond to the Paying Agent and Registrar for payment of the principal amount hereof so called for redemption, and the Village shall execute and the Paying Agent and Registrar shall authenticate and deliver to or upon the order of such registered owner or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the bond so surrendered a bond of the same series and maturity and bearing interest at the same rate.

SECTION 3. That said bonds shall be designated “Public Infrastructure Improvement Bonds” and shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of Article XVIII Section 3 of the Ohio Constitution, Chapter 133 of the Ohio Revised Code, the municipal charter and this ordinance. The bonds shall be executed by the Mayor and the Chief Fiscal and Accounting Officer, provided that the execution by either but not both of said officials may be by facsimile. The bonds may also bear the seal of the Village, or a facsimile thereof, and shall bear the manual authenticating signature of an authorized representative of such bank or trust company as is designated, without further action by this Council, by the Chief Fiscal and Accounting Officer as paying agent, registrar and transfer agent (the “Paying Agent and Registrar”) for the bonds. Such designation shall be evidenced by the execution and delivery of a bond registrar agreement by the Chief Fiscal and Accounting Officer, which execution and delivery is hereby authorized. If the Chief Fiscal and Accounting Officer does not designate a bank or trust company to act as Paying Agent and Registrar for the bonds, the Chief Fiscal and Accounting Officer shall be the Paying Agent and Registrar and no authentication signature shall be required.

The principal amount of each bond shall be payable at the principal office of the Paying Agent and Registrar and interest thereon shall be made on each interest payment date to the person whose name appears on the record date (May 15 and November 15 for June 1 and December 1 interest, respectively, or as otherwise set forth in the Certificate of Award) on the bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at his address as it appears on such registration records.

The bonds shall be transferable by the registered holder thereof in person or by his attorney duly authorized in writing at the principal office of the Paying Agent and Registrar upon presentation and surrender thereof to the Paying Agent and Registrar. The Village and the Paying Agent and Registrar shall not be required to transfer any bond during the 15-day period preceding any interest payment date, and no such transfer shall be effective until entered upon the registration records maintained by the Paying Agent and Registrar. Upon such transfer, a new bond or bonds of authorized denominations of the same maturity and for the same aggregate principal amount will be issued to the transferee in exchange therefor.

The Village and the Paying Agent and Registrar may deem and treat the registered holder of the bonds as the absolute owner thereof for all purposes, and neither the Village nor the Paying Agent and Registrar shall be affected by any notice to the contrary.

SECTION 4. That the bonds shall be sold at such price (but not less than 97% of par) as is agreed upon by the Mayor and the Chief Fiscal and Accounting Officer and the purchaser. The proceeds from the sale of said bonds, except the premium and accrued interest thereon, shall be used for the purposes aforesaid and for no other purpose; and the premium and accrued interest received from such sale shall be transferred to the bond retirement fund to be applied to the payment of the cost of issuance of, principal of and interest on the bonds in the manner provided by law.

The Mayor and Chief Fiscal and Accounting Officer, or either of them, are hereby authorized and directed in the name of and on behalf of the Village, to execute and deliver to the purchaser either a contract of purchase or bond purchase agreement between the Village and the purchaser, which shall contain the final principal amount, rate or rates of interest and maturity schedules, redemption provisions, and such other terms and conditions concerning the bonds as may be agreed upon between the Village and the purchaser. The Chief Fiscal and Accounting Officer is hereby authorized to execute a Certificate of Award, setting forth any terms relating to the issuance of the bonds which are not specified in this Bond Legislation.

All appropriate officers of the Village are further authorized to make, execute, acknowledge and deliver such financing statements, closing certificates, and other instruments or agreements as are, in the opinion of bond counsel, necessary to carry out the purposes of this ordinance.

SECTION 5. The bonds will be special obligations of the Village, and to the extent provided in, and except as otherwise permitted under, the bonds will be equally and ratably payable solely from the Village's municipal income tax authorized by Article XVIII, Section 3 of the Ohio Constitution, Chapter 718 Ohio Revised Code and Village Ordinance Nos. 15-49, 18-18 ("Income Tax") and are secured by a pledge of the Income Tax.

During the years while the bonds are outstanding, the Village hereby covenants to levy and collect annually the Income Tax in a sufficient amount to pay principal of and interest on the bonds, and to meet debt service or bond service charges on other obligations of the Village to be paid from the Income Tax. The Village will appropriate and pay from the Income Tax, into the bond account or fund, amounts sufficient to pay principal of and interest on the bonds on each interest payment date.

The Mayor and/or Chief Fiscal and Accounting Officer are hereby authorized, upon the advice and recommendation of Bradley Payne Advisors, LLC, the Village's Municipal Advisor, to enter into additional covenants regarding the Bonds and the pledge of Income Taxes, including a coverage ratio limit on the issuance of additional bonds secured by a pledge of the Income Taxes. Such additional covenants shall be set forth in the Certificate of Award, which is incorporated herein and made a part hereof.

The bonds will not constitute general obligation debt of the Village and will not constitute a debt or pledge of the full faith and credit of the Village. The holders of the bonds have no right to have taxes, other than the Income Tax, levied by the Village to pay principal of and interest on the bonds when due. Nothing in this authorizing ordinance will be construed as requiring the Village to use or apply to the payment of principal of or interest on the bonds any funds or revenues from any source other than the Income Tax; however, nothing in this authorizing ordinance will be deemed to prohibit the Village from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions, or obligations of this authorizing ordinance or the bonds.

SECTION 6. That this council, for and on behalf of the Village, hereby covenants that it will restrict the use of the proceeds, if any, of the bonds hereby authorized in such manner and to such extent, if any, and take such other actions as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed thereunder. The Chief Fiscal and Accounting Officer or any other officer having responsibility with respect to the issuance of the bonds is authorized and directed to give an appropriate certificate on behalf of the Village, on the date of delivery of the bonds for inclusion

in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

SECTION 7. The funds derived from the sale of the bonds authorized by this ordinance become and they are hereby set aside and appropriated for the payment as described in this ordinance.

SECTION 8. That sums which are expended from the above appropriations and which are proper charges against and are repaid by any other department, any firm, person or corporation, shall be considered reappropriated for such original purpose; provided that the total appropriation as increased by any such repayment shall not be exceeded.

SECTION 9. That the Chief Fiscal and Accounting Officer of the Village of Evendale be and she is hereby authorized to draw her warrants of the Village Treasury or Depository for payments from any of the foregoing appropriations upon receiving proper approval in accordance with the Charter, the Administrative Code, or other ordinances of the Village of Evendale.

SECTION 10. The Director of Administrative Services and Chief Fiscal and Accounting Officer, or either of them, is hereby authorized to prepare and cause to be circulated a preliminary official statement with respect to the bonds in form and content satisfactory to them, and to prepare, execute and deliver to the original purchaser of the bonds a reasonable number of copies of an official statement which shall be deemed to be final for purposes of SEC Rule 15c2-12. The execution of the final official statement by either or both of such officers shall be conclusive evidence of its authorization and approval.

SECTION 11. This Council hereby authorizes and directs the Director of Administrative Services and Chief Fiscal and Accounting Officer to take any and all actions which may be necessary to issue the bonds in book-entry-only form or in such form as will render the bonds eligible for the services of the Depository Trust Company, New York, New York without further action by this Council, including execution of all documents necessary therefor.

SECTION 12. That the Director of Administrative Services and Chief Fiscal and Accounting Officer are hereby authorized to apply, if they deem it appropriate, for a rating on the bonds from either Standard & Poor's Corporation or Moody's Investors Service, or both, and to pay the fee for said rating to the extent authorized by law and approved by bond counsel.

The Director of Administrative Services and Chief Fiscal and Accounting Officer are hereby further authorized to apply for and, in their discretion, to purchase a policy of municipal bond insurance from any nationally recognized municipal bond insurer, if such insurance will result in net interest cost savings to the Village.

SECTION 13. This council hereby covenants and agrees that, to the extent that a continuing disclosure certificate (the "Continuing Disclosure Certificate") in connection with the issuance of the bonds is required by law, it will execute, comply with and carry out all of the provisions of such Continuing Disclosure Certificate. Failure to comply with any such provisions of the Continuing Disclosure Certificate shall not constitute a default on the bonds; however, any holder of the bonds may take such action as may be necessary and appropriate, including seeking specific performance, to cause this council to comply with its obligations under this section and the Continuing Disclosure Certificate.

SECTION 14. All appropriate officers of the Village are further authorized to make, execute, acknowledge and deliver such financing statements, closing certificates and other instruments or agreements as are, in the opinion of bond counsel, necessary to carry out the purposes of this ordinance.

SECTION 15. That the firm of Dinsmore & Shohl LLP ("Dinsmore"), is hereby engaged as the Village's "bond counsel" pursuant to the engagement letter of Dinsmore on file with the Village.

SECTION 16. This council hereby finds and determines that all formal actions relative to the adoption of this ordinance were taken in an open meeting of this council, and that all deliberations of this council and of its committees, if any, which resulted in formal action, were

taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

SECTION 17. That the Chief Fiscal and Accounting Officer is hereby directed to forward a certified copy of this ordinance to the County Auditor of Hamilton County, Ohio.

SECTION 18. That this ordinance is hereby declared to be an emergency measure for the reason that the public peace, health, safety and welfare of the inhabitants of the Village of Evendale require the immediate issuance of said bonds to provide funds for the orderly financing of the project, including obtaining a favorable rate of interest, and this ordinance shall take effect immediately upon its adoption.

Approved: February 11, 2020

Mayor

Attest:

Village Clerk

Approved as to form:

Village Law Director

1st Reading: January 14, 2020

Rules Suspended: February 11, 2020

2nd and 3rd Reading: February 11, 2020

Emergency Section Agreed To: February 11, 2020

Notice of Publication: Tri County Press, February 19, 2020

CERTIFICATE

The undersigned, Clerk of Council, Evendale, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No.20-19 adopted February 11, 2020

Clerk of Council

CERTIFICATE

The undersigned, Chief Fiscal and Accounting Officer, Evendale, Ohio, hereby certifies that Ordinance No 20-19 was filed with the County Auditor of Hamilton County, Ohio, on February 11, 2020.

Chief Fiscal and Accounting Officer

RECEIPT

The undersigned, County Auditor of Hamilton County, Ohio, acknowledges receipt of Ordinance No. 20-19 of the Village of Evendale, Ohio, on _____, 2020.

Hamilton County Auditor

EXTRACT FROM MINUTES OF MEETING

The Council of the Village of Evendale, Ohio, met in regular session, at 7:00 p.m., on the 11th day of February, 2020 at 10500 Reading Rd, with the following members present: Tom Sextro, Jeff Albrinck, Bill Puthoff, Chris Schaefer, Carolyn Smiley-Robertson, Beth McDaniel and Mayor Richard Finan.

There was presented and read to Council Ordinance No. 20-09, entitled:

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$5,000,000 PUBLIC INFRASTRUCTURE IMPROVEMENT BONDS, BY THE VILLAGE OF EVENDALE, OHIO, AUTHORIZING AN OFFICIAL STATEMENT, AND DECLARING AN EMERGENCY.

Ms. Smiley Robertson then moved that Ordinance No. 20-09 be adopted. Mr. Sextro seconded the motion and, the roll being called upon the question, the vote resulted as follows: Unanimously Approved.

The Ordinance was declared adopted on February 11, 2020.

CERTIFICATE

The undersigned, Clerk of Council of the Village of Evendale, hereby certifies that the foregoing is a true and correct extract from the minutes of a meeting of the Council of said Village, held on the 11 day of February, 2020, to the extent pertinent to consideration and adoption of the above-entitled obligation.

Clerk of Council

**VILLAGE OF EVENDALE
ORDINANCE #20-10**

**ORDINANCE MAKING APPOINTMENT TO
VILLAGE OF EVENDALE RECREATION COMMISSION
AND DECLARING AN EMERGENCY**

WHEREAS, there is a vacancy on the Recreation Commission within the Village of Evendale; and,

WHEREAS, the Mayor has recommended Sarah Reeder to serve on this commission.

BE IT THEREFORE ORDAINED BY THE COUNCIL OF THE VILLAGE OF EVENDALE, STATE OF OHIO six members concurring that:

SECTION 1: The following individual is appointed to fill the vacancy on the commission for the term set out opposite their name:

	<u>Term Ends</u>
RECREATION COMMISSION	
Sarah Reeder	12/31/2021

SECTION 2: This ordinance is declared to be an emergency by a concurrence of six members of Council, being necessary to preserve the public peace, order, safety, health or welfare of the Village of Evendale or to provide for the daily operation of a department or office of the Village of Evendale. It is necessary that this measure be put into immediate effect because the daily operation of the Recreation Commission requires full membership to properly operate. This ordinance shall be effective upon passage.

Approved: February 11, 2020

Mayor

Attest:

Village Clerk

Approved as to form:

Village Law Director

1st Reading: February 11, 2020
Rules Suspended: February 11, 2020
2nd and 3rd Reading: February 11, 2020
Emergency Section Agreed To: February 11, 2020
Notice of Publication: Tri County Press, February 19, 2020

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #20-11**

AN ORDINANCE AUTHORIZING THE PAYMENT OF AMOUNTS DUE UPON CERTAIN CONTRACTS REQUIRING CERTIFICATION OF AVAILABILITY OF FUNDS AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code 5705.41(D)(1) provides that where contracts have not been previously certified for sufficient funds being available, Village Council may authorize the drawing of warrants to pay such contracts upon receipt of a certificate from the fiscal officer stating that there was at the time of the making of such contract or order and at the time of the execution of such certificate, a sufficient sum appropriated for the purpose of such contract and in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances, and

WHEREAS, Certain contracts enumerated below are now due and payable for which such a certificate has been provided by the Chief Fiscal and Accounting Officer;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF EVENDALE, STATE OF OHIO, six members concurring, that:

SECTION I The Council of the Village of Evendale hereby approves and authorizes the payment of the following contracts for which the Chief Fiscal and Accounting Officer has provided a certificate that a sufficient sum has been appropriated for the purpose of each contract and is in the treasury or in the process of collection to the credit of the appropriate fund free from any previous encumbrances:

- 1) Christopher Payne - \$5,000.00 –Workshop
- 2) KMK Law - \$5,752.25 – Professional services

SECTION II This Ordinance is declared to be an emergency by a concurrence of six members of Council, being necessary to preserve the public peace, order, safety, health and welfare of the Village or to provide for the daily operation of a department or office of the Village. The reason for said emergency is the need to approve this ordinance in the time required by the Ohio Revised Code and to ensure prompt payment to vendors. Therefore, this Ordinance shall be effective upon adoption.

Approved February 11, 2020

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: February 11, 2020

Rules Suspended: February 11, 2020

2nd and 3rd Reading: February 11, 2020

Emergency Section Agreed to: February 11, 2020

Notice of publication: Tri-County Press, February 19, 2020

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #20-12**

**ORDINANCE AMENDING SECTION 290.10
PAYOUT CITATION SCHEDULE OF THE
EVENDALE MUNICIPAL CODE AND DECLARING AN EMERGENCY**

WHEREAS, The payout citation schedule currently in existence has not been updated for more than ten years;

WHEREAS, updates have been recommended by the Police Chief and the Mayor's court clerk;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF EVENDALE, STATE OF OHIO, SIX MEMBERS CONCURRING THAT:

SECTION 1: Section 290.10 Payout Citation Schedule of the codified ordinances of the Village of Evendale is hereby amended to read as follows:

290.10 PAYOUT CITATION SCHEDULE

(a) Those citations listed below, except for those noted as APP under Payout, may, in lieu of an appearance in Mayor's Court, be paid out by signing the waiver of court appearance on the citation and delivering the citation and the payment specified on the schedule below to the police department in the Evendale Municipal Building between the hours of 8:30 a.m. and 9:30 p.m. but prior to 4:00 p.m. on the scheduled court date. Payouts and the signed waiver may be mailed to the Police Department, but must be received prior to the court date.

(b) The payments specified on the following schedule include all mandated court costs, including the state-required costs, the Mayor's Court computer fund, and the Mayor's Court costs. The state-required costs shall be as established by state law. The Mayor's Court computer cost shall be ten dollars (\$10.00) per citation and the Evendale Mayor's Court costs shall be twenty dollars (\$20.00) per citation.

(c) The schedule of payout fines to be utilized by the Mayor's Court Clerk and the Police Department to accept payment in lieu of court appearances shall be as provided on the five-page Evendale Traffic Code Exhibit 1 attached hereto and incorporated by reference herein.

In addition to the violations contained on the Evendale Traffic Code Exhibit 1 the following payouts may also be made:

Section 503.4 Fire Lane Violations payouts shall be \$50.

All fire code, building code and zoning code violation payouts shall be \$205

All other minor misdemeanor traffic violations not listed above or on Exhibit 1 or specified in this code section shall be \$100.

All minor misdemeanor criminal violations not listed above or on Exhibit 1 or otherwise specified in this code section shall be \$205.

(d) The following violations and all listed in the Evendale Traffic Code Exhibit 1 as Payout APP and any others not listed in Subsection (c) above can not be paid out but require a court appearance:

- 1) Leaving the scene of an auto accident;
- 2) Driving without a valid operator's license;
- 3) Driving without being licensed to drive;
- 4) Willfully alluding or fleeing an officer;
- 5) Drag racing;
- 6) Passing a stopped school bus;
- 7) Second offense child restraint violation; and
- 8) Second or more speeding offense within a year or speeding in a construction zone.

SECTION 2. This ordinance is hereby declared to be an emergency measure necessary to preserve the health safety and general welfare of the village of Evendale and its citizens or to provide for the daily operation of a department or office of the Village. The reason for said emergency is to adjust the fine schedule to reasonably discourage violation of the ordinances involved thereby protecting the citizens of Evendale and the motoring public. Therefore, this ordinance shall become effective immediately.

Approved February 11, 2020

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: February 11, 2020

Rules Suspended: February 11, 2020

2nd and 3rd Reading: February 11, 2020

Emergency Section Agreed to: February 11, 2020

Notice of publication: Tri-County Press, February 19, 2020

EVENDALE TRAFFIC CODE

ENFORCEMENT / IMPOUNDING		Degree	Payout
404.01	Compliance with police orders; fleeing; emergencies; school guards.	M1	APP
404.02	Resisting an enforcing official.	M4	APP
404.05	Freeway use prohibited by pedestrians, bicycles and animals.	MM	\$100
404.10	Failure to obey arrest notice.	MM	\$100
OBSTRUCTION AND SPECIAL USES OF PUBLIC WAYS			
412.01A	Placing injurious material or obstruction in street.	MM	\$100
412.01B	Placing injurious material or obstruction in street.	M1	APP
412.02	Zones of quiet.	MM	\$100
412.03	Play streets.	MM	\$100
412.04	Games and toy vehicles on roadway.	MM	\$100
412.05	Parades and assemblages.	MM	\$100
412.06	Regulating load limits and use of residential portion of Glendale-Milford Rd. by large commercial vehicles.	MM	\$100
TRAFFIC CONTROL DEVICES			
414.01	Obedience to traffic control devices.	MM	\$100
414.02	Through streets; stop and yield right-of-way signs.	MM	\$100
414.03	Traffic control signal terms and lights.	MM	\$100
414.04	Signal to control lane direction of travel.	MM	\$100
414.05	Pedestrian control signals.	MM	\$100
414.07	Unauthorized signs and signals, hiding from view, advertising.	MM	\$100
414.08	Alteration, injury, removal of traffic control devices.	MM	\$100
PEDESTRIANS			
416.01	Duties of pedestrians and drivers at crosswalks.	MM	\$50
416.02	Right-of-way of blind person.	MM	\$50
416.03	Right-of-way yielded by pedestrian; crossing roadways.	MM	\$50
416.04	Moving in crosswalk.	MM	\$50
416.05	Walking on sidewalks and streets.	MM	\$50
416.06	Soliciting rides or business; riding on outside of vehicle.	MM	\$50
416.07	Passing through bridge signals or railroad barriers.	MM	\$50
416.08	Right-of-way of public safety vehicles.	MM	\$50
416.09	Right-of-way on sidewalks.	MM	\$50
416.10	Intoxication.	MM	\$50
416.12B/C	Operation of electric personal assistive mobility devices.	MM	\$50
416.12D	Operation of electric personal assistive mobility devices.	MM	\$50
416.13	Operation of personal delivery device on sidewalks and crosswalks.	MM	\$50
OPERATION GENERALLY			
432.01	Driving upon right side of roadway; exceptions.	MM	\$100
432.02	Passing to right when proceeding in opposite directions.	MM	\$100
432.03	Overtaking, passing to left; driver's duties.	MM	\$100
432.04	Overtaking, passing to right of vehicle.	MM	\$100
432.05	Overtaking, passing to left of centerline.	MM	\$100
432.06	Driving upon left side of roadway.	MM	\$100
432.07	Hazardous or no passing zones.	MM	\$100
432.08	Driving within lanes or continuous lines of traffic.	MM	\$100
432.09	Following too closely.	MM	\$100
432.10	Turning at intersections.	MM	\$100
432.11	"U" turns restricted.	MM	\$100
432.12	Starting and backing vehicles.	MM	\$100

EVENDALE TRAFFIC CODE

432.13	Signals before changing course, turning or stopping.	MM	\$100
432.14	Hand and arm signals.	MM	\$100
432.15	Right-of-way at intersections.	MM	\$100
432.16	Right-of-way when turning left.	MM	\$100
432.17	Operation of vehicle at stop and yield signs.	MM	\$100
432.18	Emergency or public safety vehicles at stop signals or signs.	MM	\$100
432.19	Right-of-way of public safety or coroner's vehicle.	MM	\$100
432.195	Driving while approaching stationary public safety vehicle and certain other vehicles with flashing lights.	MM	\$100
432.20	Right-of-way at private driveway, alley or building.	MM	\$100
432.21	Right-of-way of funeral procession.	MM	\$100
432.22	Driving and parking upon sidewalks, street lawns or curbs.	MM	\$100
432.23	Driver's view and control to be unobstructed by load or persons.	MM	\$100
432.24	Driving upon street posted as closed for repair.	MM	\$100
432.25	Following and parking near emergency or safety vehicles.	MM	\$100
432.26	Driving over fire hose.	MM	\$100
432.27	Driving through safety zone.	MM	\$100
432.28	One-way streets and rotary traffic islands.	MM	\$100
432.29	Driving upon divided roadways.	MM	\$100
432.30	Stopping for school bus; actuating visual signals; discharging children.	UNC	APP
432.31	Driving across grade crossings.	M4	APP
432.32	Stopping at grade crossings.	MM	\$100
432.33	Slow-moving vehicles or equipment at grade crossings.	MM	\$100
432.34	Obstructing intersections, crosswalks or grade crossings.	MM	\$100
432.35	"Peeling"; cracking exhaust noises.	MM	\$100
432.36	Shortcutting across private property.	MM	\$100
432.37	Entering and exiting controlled-access highway.	MM	\$100
432.38	Driving through processions.	MM	\$100
432.39	Failure to control; weaving course.	MM	\$100
432.40	Use of alleys.	MM	\$100
432.41	Boarding or leaving vehicle in motion.	MM	\$100
432.42	Texting while driving prohibited.	MM	\$100
432.43	Use of electronic wireless communication devices by minors or probationary drivers while driving prohibited.	HCMC	APP
OVI ; RECKLESS OPERATION ; SPEED			
434.01	Driving or physical control while under the influence.	M1	APP
434.011	Implied consent.	M1	APP
434.012	Immobilizing or disabling device violation.	M1	APP
434.02	Reckless operation on streets, public or private property.	MM	\$219
434.025	Reasonable control.	MM	\$100
434.03	Maximum speed limits; assured clear distance ahead.		
	0-15 mph over the limit	MM	\$100
	16-25 mph over the limit	MM	\$120
	26-30 mph over the limit	MM	\$140
	31 mph over the limit	MM	\$219
	ACDA	MM	\$100
434.04	Slow speed; posted minimum speeds.	MM	\$100
434.05	Speed limitations over bridges.	MM	\$100
434.06	Speed exceptions for emergency or safety vehicles.	MM	\$100

EVENDALE TRAFFIC CODE

434.07 Street racing prohibited.	M1	APP
434.08 Vehicular homicide.	HCMC	APP
434.09 Operation restricted for mini-trucks and low-speed, under-speed, or utility vehicles.	MM	\$100

LICENSING ; ACCIDENTS

436.01A License required.	UNC	APP
436.01B License required.	M1	APP
436.01D1 License required.	MM	\$100
436.02 Possession of more than one license prohibited.	M3	APP
436.03 Driving with temporary instruction permit without licensed driver.	M3	APP
436.04 Certain acts prohibited.	M3	APP
436.05 Owner or operator allowing another to drive.	UNC	APP
436.06 Display of license.	M3	APP
436.061 Presenting false name or information to law enforcement officer.	M1	APP
436.07 Driving under suspension or revocation.	M1	APP
436.071 Driving under suspension or in violation of license restriction.	M1	APP
436.072C1 Operating motor vehicle or motorcycle without valid license.	UNC	APP
436.072C2 Operating motor vehicle or motorcycle without valid license.	MM	\$100
436.073 Driving under OVI suspension.	M1	APP
436.074 Driving under financial responsibility law suspension or cancellation; driving under a nonpayment of judgment suspension.	UNC	APP
436.075 Failure to reinstate license.	UNC	APP
436.08 Operation or sale without certificate of title.	M3	APP
436.09 Display of license plates; registration; obstructions.	MM	\$70
436.10 Use of illegal plates.	M4	APP
436.11 Failure to stop after accident.	M1	APP
436.12 Stopping after accident on other than public roads or highways.	M1	APP
436.13 Vehicle accident resulting in damage to realty.	M1	APP
436.14 Vehicle obstructing after collision.	MM	\$100
436.15 Gathering at scene of accident.	MM	\$100
436.16 Failure to report an accident.	MM	\$100
436.17 Giving false information.	UNC	APP

SAFETY AND EQUIPMENT

438.01 Driving unsafe vehicles; application.	MM	\$70
438.02 Lighted lights; measurement of distances and heights.	MM	\$70
438.03 Headlights on motor vehicles and motorcycles.	MM	\$70
438.04 Tail light; illumination of rear license plate.	MM	\$70
438.05 Rear red reflectors.	MM	\$70
438.06 Safety lighting on commercial vehicles.	MM	\$70
438.08 Red light or red flag on extended loads.	MM	\$70
438.09 Lights on parked or stopped vehicles.	MM	\$70
438.10 Lights on slow-moving vehicles; emblem required; lights and reflectors on multi-wheel agricultural tractors or farm machinery.	MM	\$70
438.11 Spotlight and auxiliary lights.	MM	\$70
438.12 Cowl, fender and back-up lights.	MM	\$70
438.13 Two lights displayed.	MM	\$70
438.14 Use of headlight beams.	MM	\$70
438.15 Lights of less intensity on slow-moving vehicles.	MM	\$70
438.16 Number of lights permitted; red and flashing lights.	MM	\$70
438.17 Focus and aim of headlights.	MM	\$70

EVENDALE TRAFFIC CODE

438.18	Motor vehicle and motorcycle brakes.	MM	\$70
438.19	Horn, siren and theft alarm signal.	MM	\$70
438.20	Muffler; muffler cutout; excessive smoke, gas or noise.	MM	\$70
438.21	Rear-view mirror; clear view to front, both sides and rear.	MM	\$70
438.22	Sign or poster upon windshield; windshield wiper.	MM	\$70
438.23	Limited load extension on left side of passenger vehicle.	MM	\$70
438.24	Motor vehicle stop lights.	MM	\$70
438.25	Bumpers.	MM	\$70
438.27	Television sets in view of driver prohibited.	MM	\$70
438.28	Vehicles transporting preschool children.	MM	\$70
438.29	Use of child restraints.	MM	\$144
438.30	Additional safety lights and reflectors.	MM	\$70
438.31A	Occupant restraining device required.	MM	\$70
438.31B	Occupant restraining device required.	MM	\$60
438.31C	Occupant restraining device required.	MM	\$60
438.31D	Occupant restraining device required.	MM	\$100
438.32	Use of tinted glass or other vision obstructing materials restricted.	MM	\$70
438.33	Air bags.	M1	APP

COMMERCIAL AND HEAVY VEHICLES

440.01	Load limits.	MM	\$100
440.02	Maximum width, height and length.	MM	\$100
440.03	Wheel protectors.	MM	\$70
440.04	Vehicles transporting explosives.	MM	\$100
440.05	Towing requirements; exceptions to size and weight restrictions.	MM	\$100
440.06	Loads dropping or leaking; tracking mud; removal required.	MM	\$100
440.07	Vehicles with spikes, lugs and chains.	MM	\$100
440.08	Occupying travel trailer or manufactured home while in motion.	MM	\$100
440.09	Route and load information.	MM	\$100
440.10	Shifting load; loose loads.	MM	\$100

DRIVERS AND COMMERCIAL CARS OR TRACTORS

442.02	Permitting or driving while fatigued or ill prohibited.	MM	\$100
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PARKING GENERALLY

452.01	Prohibition against parking on streets or highways.	MM	\$50
452.02	Police may remove illegally parked vehicle.	MM	\$50
452.03	Prohibited standing or parking places.	MM	\$50
452.04A/C	Manner of parallel and angle parking; handicapped persons.	MM	\$50
452.04F1	Manner of parallel and angle parking; handicapped persons.	MM	\$280
452.05	Willfully leaving vehicles on private or public property.	MM	\$50
452.055	Parking prohibitions on private property; private tow-away zones.	MM	\$100
452.06	Unattended vehicles; duty to lock ignition, remove key, set brake, etc.	MM	\$50
452.07	Opening doors on side available to traffic.	MM	\$50
452.08	Selling, cleaning or repairing vehicle upon roadway.	MM	\$50
452.09	Truck loading zones.	MM	\$50
452.10	Bus stops and taxicab stands.	MM	\$50
452.11	Parking in alleys and narrow streets; exceptions.	MM	\$50
452.115	Parking in posted fire lanes.	MM	\$50
452.12	Night parking of commercial and heavy vehicles in residential districts.	MM	\$100
452.13	Parking on undedicated streets.	MM	\$50
452.14	Parking on parade route.	MM	\$50

EVENDALE TRAFFIC CODE

452.15 Registered owner prima facie liable for unlawful parking.	MM	\$50
BICYCLES AND MOTORCYCLES		
474.02 Riding upon seats; carrying packages; motorcycle handle bars; helmets and glasses.	MM	\$100
474.03 Attaching bicycles, motorcycles to other vehicles.	MM	\$100
474.04 Riding on right side of roadway; riding abreast.	MM	\$100
474.05 Lights, signal devices, brakes on bicycles.	MM	\$100
474.06 Bicycle operation generally.	MM	\$100
474.07 Reckless operation; control, course and speed.	MM	\$100
474.08 Parking of bicycle.	MM	\$50
474.09 Operation of motorized bicycles.	MM	\$100
474.12 Electric bicycles.	MM	\$100
SNOWMOBILES, OFF HIGHWAY MOTORCYCLES AND ALL-PURPOSE VEHICLES		
476.02 Equipment.	MM	\$119
476.03 Code application; prohibited operation.	M3	APP
476.05 Licensing requirements of operator.	M3	APP
476.06 Accident reports.	M3	APP
672.12 Possession , sale and use of Fireworks	M1	APP

**VILLAGE OF EVENDALE
ORDINANCE #20-13**

**ORDINANCE ADOPTING AMENDED ARTICLE I, III AND V RULES AND
REGULATIONS FOR THE HAMILTON COUNTY STORM WATER DISTRICT**

- WHEREAS,** pursuant to the Storm Water Phase II Permit Program (the Phase II Program”) of the National Pollutant Discharge Elimination System (“NPDES”) of the Federal Water Pollution Control Act, as amended (33 U.S.C.1251 et. seq., 40 C.F.R. Parts 122.30 through 122.37; the Ohio Water Pollution Control Act (Ohio Revised Code Chapter 6111); and Ohio Administrative Code Chapter 3745-39, referred to as Phase II Storm Water Rules for Small Municipal Separate Storm Sewer Systems (“MS4”); dischargers of storm water from Small MS4s must obtain a NPDES permit from the Ohio Environmental Protection Agency; and
- WHEREAS,** the Phase II Program, as administered by USEPA and the Ohio EPA, requires designated communities, including the County of Hamilton (the “County”) and various local independent jurisdictions which own and/or operate an MS4, to develop a Storm Water Management Program under the Phase II Permit to address the quality of storm water runoff within their jurisdictions; and
- WHEREAS,** the Board of County Commissioners of Hamilton County (the “Board”) has created the Hamilton County Storm Water District (“HCSWD”) under Chapter 6117 of the Ohio Revised Code to address the requirements of the Phase II Program in the unincorporated regions of Hamilton County (“County”), and within those incorporated municipal corporations within the County which have assented to the formation of the HCSWD and consented to its operation within their corporate limits (“Member Municipalities” or “Members”, or “Co-Permittees”); and
- WHEREAS,** the attached amended Rules and Regulations which have been adopted by the Hamilton County Board of County Commissioners on September 12, 2019 in order to carry out the responsibilities of MS4’s under the Phase II Permit Program, are intended to apply to non-storm water discharges, storm water discharges generated by construction and/or earth disturbing activities, and post-construction storm water discharges from development and previously developed sites within the unincorporated regions of the County and within municipal corporations which are co-permittees under the MS4 permit; and
- WHEREAS,** the Council of the Village of Evendale, State of Ohio (“Council”), as a Co-Permittee municipal corporation under the Phase II Permit, has previously adopted through an Ordinance and is implementing the HCSWD Rules and Regulations to protect the health, safety and welfare of its citizens by preventing non-storm water discharges from construction, development and re-development sites; and
- WHEREAS,** the above adopted Ordinance states that these Rules and Regulations of the HCSWD may be duly amended or modified by the Board of County Commissioners of Hamilton County, Ohio from time to time, and that Council will adopt said amendments or modifications to these Rules and Regulations of the HCSWD unless Council enacts alternative rules and regulations that are mutually agreed to be as equally stringent or more stringent than the Rules and Regulations of the HCSWD; now, therefore

BE IT ORDAINED by the Council of the Village of Evendale, State of Ohio, six members concurring, that:

- SECTION 1:** The Council hereby adopts, establishes and implements within Evendale, the amended Rules and Regulations of the Hamilton County Storm Water District, Article I – Definitions, Article III – Earthworks Regulations, and Article V – Post-Construction Storm Water Quality Regulations (“Post-Construction Regulations”) as the same are set forth in Exhibit A which are attached hereto and incorporated into this Ordinance as if fully rewritten herein.
- SECTION 2:** That Council and the appropriate administrative officials of Evendale will cooperate with the HCSWD in the enforcement of these amended Rules and Regulations, and shall exercise such legal authority as it may possess which may be reasonably required to assist the HCSWD in carrying out the intent of the Rules and Regulations within the municipal corporate boundaries in order to achieve and maintain compliance with the requirements of state and federal law regarding the Phase II Program.
- SECTION 3:** That the Mayor is hereby authorized and directed to:
- a. Act as the ***Enforcing Official*** for Article III – Earthwork Regulations, to do all things reasonably necessary and proper to cooperate with the HCSWD in implementing and carrying out the Phase II Program and enforcing Article III Earthwork Regulations within the Evendale corporate boundaries for any common plan of development that disturbs at least one acre or more, hereby names the Village Council as the body designated to hear appeals under Section 320 of the Earthwork Regulations, and hereby agrees to report such enforcement actions to the HCSWD in a format and frequency approved by the HCSWD; and
 - b. The Mayor is hereby authorized and directed to act as the ***Enforcing Official*** for Article V Post-Construction Regulations, to do all things reasonably necessary and proper to cooperate with the HCSWD in implementing and carrying out the Phase II Program and enforcing Article V Post-Construction Regulations within the Evendale corporate boundaries for any common plan of development that disturbs at least one acre or more, require the control of 20% of the water quality volume for previously developed projects, hereby names the Village Council as the body designated to hear appeals under Section 520 of the Post-Construction Regulations, and hereby agrees to report such enforcement actions to the HCSWD in a format and frequency approved by the HCSWD.
- SECTION 4:** That it is the intent of the Council that the remedies provided in this Ordinance and in the Rules and Regulations are intended to be in addition to and not exclusive of any other remedies as may be available under applicable federal, state or local law.
- SECTION 5:** That the provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.
- SECTION 6:** That this Ordinance shall go into effect and become law from and after the earliest period allowed by law.
- SECTION 7:** That the Clerk of the Village is hereby directed to certify a copy of this Ordinance to the Board of County Commissioners of Hamilton County.

Approved February 11, 2020

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: February 11, 2020

Rules Suspended: February 11, 2020

2nd and 3rd Reading: February 11, 2020

Notice of publication: Tri-County Press, February 19, 2020

VILLAGE OF EVENDALE, OHIO
ORDINANCE #20-14

**ORDINANCE AUTHORIZING MAYOR TO EXECUTE A CONTRACT
PURSUANT TO EVENDALE’S TUITION REIMBURSEMENT PROGRAM FOR
FULL TIME VILLAGE EMPLOYEES SET OUT IN SECTION 258.075 OF THE
EVENDALE CODE OF ORDINANCES AND DECLARING AN EMERGENCY.**

WHEREAS, Village of Evendale Police Sergeant, Christine McCormick, has applied for tuition reimbursement under Section 258.075 of the Evendale Code of Ordinances; and

WHEREAS, The Police Chief has recommended Sergeant McCormick be eligible for tuition reimbursement, and the Mayor has accepted this recommendation and has in turn recommended that Council adopt an ordinance approving Tuition Reimbursement Contract with Sgt. McCormick;

BE IT THEREFORE ORDAINED BY THE COUNCIL OF THE VILLAGE OF EVENDALE, STATE OF OHIO, six members concurring, that:

SECTION I: The Mayor is authorized to execute a tuition reimbursement contract pursuant to the Evendale Code of Ordinances Section 258.075 with Police Sergeant Christine McCormick substantially in the form of the contract attached hereto and incorporated by reference herein.

SECTION II: This ordinance is hereby declared to be an emergency measure necessary to preserve the health, safety, and general welfare of the Village of Evendale or to provide for the daily operation of a department or office of the Village. The reason for said emergency is to provide assurance to the Village employee as soon as possible that she may receive tuition reimbursement, and register for her Programs at the earliest possible date. Therefore, this ordinance shall become effective immediately.

Approved February 11, 2020

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: February 11, 2020

Rules Suspended: February 11, 2020

2nd and 3rd Reading: February 11, 2020

Emergency Section Agreed to: February 11, 2020

Notice of publication: Tri-County Press, February 19, 2020

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #20-15**

**AN ORDINANCE APPOINTING MAYOR RICHARD FINAN AND
CHIEF FISCAL AND ACCOUNTING OFFICER, CYNTHIA
CARACCI TO THE HAMILTON COUNTY TAX INCENTIVE
REVIEW COUNCIL AND DECLARING AN EMERGENCY**

WHEREAS, pursuant to Section 5709.61, et. al. of the Ohio Revised Code, the Village of Evendale is included in an area of Hamilton County designated as an enterprise zone; and

WHEREAS, all enterprise zone agreements are reviewed annually by the Hamilton County Tax Incentive Review Council and the Village of Evendale is entitled to appoint two members to the Tax Incentive Review Council; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF EVENDALE, STATE OF OHIO, six members concurring, that:

SECTION 1: Mayor Richard Finan and Chief Fiscal and Accounting Officer Cynthia Caracci are hereby appointed as Evendale's members to the Hamilton County Tax Incentive Review Council for terms to expire December 31, 2020, unless earlier replaced by action of this Council.

SECTION 2: **BE IT FURTHER ORDAINED** that the Council of the Village of Evendale hereby finds and determines that all formal actions relative to the passage of this Ordinance or taken in an open meeting of this Council, that all deliberations of Council which resulted in formal action regarding this matter were taken in meetings open to the public in full compliance with the applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3: This Ordinance is hereby declared to be an emergency measure necessary to preserve the health, safety and general welfare of the Village of Evendale or to provide for the daily operation of a department or office of the Village. The reason for the emergency is to ensure that Evendale has members on the County Tax Incentive Review Council in a timely fashion so that they are able to take part in the review of matters particularly involving the Village of Evendale. Therefore this Ordinance shall become effective immediately.

Approved February 11, 2020

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: February 11, 2020

Rules Suspended: February 11, 2020

2nd and 3rd Reading: February 11, 2020

Emergency Section Agreed to: February 11, 2020

Notice of publication: Tri-County Press, February 19, 2020

VILLAGE OF EVENDALE, OHIO
ORDINANCE #20-16

**ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH
LOCAL 647 OF THE UNITED AUTO WORKERS AND DECLARING AN
EMERGENCY**

WHEREAS, Large events at the Gorman Heritage Farm (Farm) frequently require off-site parking; and

WHEREAS, Local 647 of the United Auto Workers (UAW), located immediately adjacent to the Farm, has a large parking area which they are willing to continue to make available for Gorman Heritage Farm events in exchange for certain services to be provided by the Village, specifically, snow plowing and grass cutting; and

WHEREAS, Having parking available for visitors to large events at Gorman Heritage Farm on the UAW property has a distinct benefit to the Gorman Heritage Farm and as a result to the Village of Evendale.

NOW THEREFORE, Be it ordained by the Council of the Village of Evendale, State of Ohio, six members concurring that:

SECTION I The Mayor is hereby authorized to execute a contract with Local 647 of the United Auto Workers substantially in the form of the Agreement attached hereto and incorporated by reference herein.

SECTION II This Ordinance is hereby declared to be an emergency measure necessary to preserve the health, safety and general welfare of the Village of Evendale and its citizens or to provide for the daily operation of a department or office of the Village. The reason for said emergency is to make it clear that the Village will provide snow plowing services to the UAW as may be necessary in this winter season, and in exchange receive the benefits of the Contract. Therefore this ordinance shall take effect immediately.

Approved February 11, 2020

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: February 11, 2020

Rules Suspended: February 11, 2020

2nd and 3rd Reading: February 11, 2020

Emergency Section Agreed to: February 11, 2020

Notice of publication: Tri-County Press, February 19, 2020

AGREEMENT

The Village of Evendale, an Ohio Municipal Corporation ("Village") with its offices located at 10500 Reading Road, Evendale, Ohio 45241, and Local 647 of the United Auto Workers ("UAW"), whose offices are located at 10020 Reading Road, Evendale, Ohio 45241, hereby agree as follows:

WHEREAS, the UAW parking lot is located immediately adjacent to the Village of Evendale's Gorman Heritage Farm ("Farm");

WHEREAS, periodically throughout the year uses of the Farm have parking needs which exceed the parking available on the Gorman Heritage Farm property and the ability for visitors to the Farm to park on the UAW property has a value to the Village and the Farm;

WHEREAS, from time to time the UAW parking lot and drive require snow plowing and the grass on the UAW property requires mowing, both of which have a significant cost to the UAW;

WHEREAS, in order to address the needs of both parties, it is agreed as follows:

- 1) The UAW will make its parking lot available for visitors to events at the Farm provided that no conflicting events are taking place at the UAW lot.
- 2) The Village shall ensure that staff at the Farm coordinate with the staff of the UAW in order to avoid conflict.
- 3) It is understood that with regard to parking on its property the UAW has no responsibility for providing security for the Farm visitors' cars parked on UAW property or for damages to such cars or injuries to their occupants on UAW property between Farm and UAW property.
- 4) The Village will provide snow plowing services on the driveways and parking area of the UAW parking area on an as-needed basis, recognizing that such services will be provided after the Village has first cleared the public streets of the Village.
- 5) It is understood that the Village shall not be responsible for any damage done to the UAW parking area or its driveway by the Village's snow plowing equipment.
- 6) The Village shall from time to time during the lawn-growing season provide grass-cutting services on the UAW property.

7) Either party may cancel this Agreement at any time upon thirty (30) days' notice to the other party.

IN WITNESS WHEREOF, the parties have caused their respective names to be signed hereto on this _____ day of _____, 2020.

WITNESS:

LOCAL 647 - UNITED AUTO WORKERS

THE VILLAGE OF EVENDALE

By _____
Tim Mason, President

By _____
Richard Finan, Mayor

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**VILLAGE OF EVENDALE, OHIO
ORDINANCE # 20-17**

**ORDINANCE AUTHORIZING THE MAYOR TO ENTER A DOCUMENT TO BE
KNOWN AS THE FIRST AMENDMENT TO THE PURCHASE AGREEMENT
BETWEEN THE EVENDALE COMMUNITY CHURCH, INC.
AND THE VILLAGE OF EVENDALE AND DECLARING AN EMERGENCY**

- WHEREAS,** When the Village of Evendale purchased the Evendale Community Church, Inc. it was agreed that the purchase price for the property, \$240,000, would be paid in installments, one-third upon closing, the second upon the first anniversary of closing and the final before the second anniversary of closing; and
- WHEREAS,** It is agreed that the first two installments have been paid and the third installment is coming due; and
- WHEREAS,** The Purchase Agreement permitted the Church to enter into a lease allowing the Church to continue to make some use of the property for one dollar (\$1.00) per year until the third anniversary of closing; and
- WHEREAS,** The Church has indicated their willingness to forego the final \$80,000 payment from the Village in exchange for the ability to continue to lease the property for those uses described in the original Purchase Agreement for an additional three years; and
- WHEREAS,** The Church's use of the property for the past two years pursuant to its leasehold rights, is limited and has not significantly interfered in the ability of the Village and its Cultural Arts Center to utilize the property for Village purposes.

NOW THEREFORE, Be it ordained by the Council of the Village of Evendale, State of Ohio, six members concurring that:

SECTION I The Mayor is hereby authorized to enter into a first Amendment to the Purchase Agreement between the Evendale Community Church, Inc. and the Village of Evendale that would provide that in exchange for the Church's giving up its right to an \$80,000 payment, allow the Church to utilize the property for the limited uses specified in the Purchase Agreement for an additional three years beyond what was provided for in the Purchase Agreement at a lease rate of one dollar (\$1) per year. The First Amendment provided for this event shall be prepared by the Village Law Director.

SECTION II This Ordinance shall be declared to be an emergency measure necessary to preserve the health, safety and general welfare of the Village of Evendale and its citizens or to provide for the daily operation of a department or office of the Village. The reason for said emergency is the need to timely amend the current Purchase Agreement in order to save the Village \$80,000 and to provide a clear understanding as to the leasehold rights of the Church which do not interfere with the operation of the Cultural Arts Center as soon as possible. Therefore this Ordinance shall take effect immediately.

Approved February 11, 2020

Mayor

Attest:

Village Clerk

Approved as to Form:

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Village Law Director

1st Reading: February 11, 2020
Rules Suspended: February 11, 2020
2nd and 3rd Reading: February 11, 2020
Emergency Section Agreed to: February 11, 2020
Notice of publication: Tri-County Press, February 19, 2020

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #20-18**

**ORDINANCE AMENDING SECTION 258.120 -- SICK LEAVE OF THE
CODIFIED ORDINANCES OF THE VILLAGE OF EVENDALE AND
DECLARING AN EMERGENCY**

WHEREAS, Village of Evendale Staff has recommended modifications be made to the current sick leave reporting requirements; and

WHEREAS, The proposed amendments benefit both employees and the Village by clarifying reporting requirements and providing additional options for employees to comply with those requirements and insuring supervisors have critical staffing information in a timely fashion; and

NOW THEREFORE, Be it ordained by the Council of Evendale, State of Ohio with six members concurring that:

SECTION I Section 258.120 Sick Leave of the Codified Ordinances of the Village of Evendale is hereby amended to read as follows:

**OTHER LEAVES OF ABSENCE
258.120 SICK LEAVE.**

- (a) *Full-time, probationary, or regular employees* earn a paid leave of absence for actual illness and/or for doctor appointments or treatments associated with such illness, injury, or disability of themselves or for a *family* member. Each sick leave shall be considered a separate incident. Such leave, henceforth to be referred to as sick leave, shall be considered an *incident* as defined and shall be administered as follows:
- 1) 37-1/2 hour personnel shall be credited with the equivalent of 9.38 hours of sick leave on the first day of each month for a total of 112-1/2 hours of sick leave per calendar year;
 - 2) Police Officers and 40 hour personnel shall be credited with 10 hours of sick leave on the first day of each month for a total of 120 hours of sick leave per calendar year;
 - 3) Firemen shall be credited with 13.25 hours of sick leave on the first day of each month for a total of 159 hours of sick leave per calendar year.
- (b) Unused sick leave may accumulate without limit; however, no sick leave is payable upon termination except for death or official retirement. In such case, an employee may receive 25% of his/her accumulated sick leave up to a maximum of 25% of 1,875 hours for 37-1/2 hour employees; 25% of 2,000 hours for police officers and

40-hour personnel; and 25% of 2,650 hours for firemen upon official retirement. For information, see "Retirement Benefits."

- (c) Employees previously employed by a public agency within ten years of their starting date with the Village shall be credited with the unused balance of their accumulated sick leave provided the employee receive no compensation from the previous public agency for such unused accumulated sick leave.
- (d) To receive compensation while absent on sick leave, the employee shall notify the supervisor or other designated person within their department as soon as possible prior to the normal time of reporting for duty. In the event of an employee's absence of more than two work days for Firemen and three work days for 37-1/2 hour, 40 hour, and Police personnel, a signed statement from a licensed physician, nurse practitioner, or physician's assistant and whether the employee is able to perform their normally-assigned duties shall be required to be submitted to the supervisor or their designee. Sick absence related to a family member requires a statement from the aforementioned stating the family member was under physician's care that involved family assistance. Additionally, such a statement from a licensed physician, nurse practitioner, or physician's assistant shall be required to be submitted to the supervisor or their designee for any employee who is absent for sickness or for other reasons on more than four *incidents* within the previous 12 months.
- (e) Employees away longer than three consecutive sick days for Firemen and five consecutive sick days for 37-1/2 hour, 40 hour, and Police personnel (258.120 (d)) for absence that is FMLA (Appendix H) qualifying must execute the 12 week FMLA (Appendix H) leave entitlement concurrently with sick time used.
- (f) Failure to turn in the necessary sick leave reports or written report as required from a doctor or hospital will result in the person losing one day's pay for each sick day off, due to unexcused absence from duty. All reports are to be turned in as early as possible on the first day reporting back to work.
- (g) Falsification of a sick leave report or abuse of a sick leave will result in disciplinary action.
- (h) In the event a person is off duty on sick leave or injury leave, that person shall not be eligible for overtime or overtime/comp-time pay during such period.
- (i) No employee shall earn sick leave in excess of the limits established herein, regardless of the number of *shifts*, tours, or hours scheduled within any work period.

(Ord. 97-40. Passed 4-2-98; Ord. 04-70. Passed 12-9-04; Ord. 12-51. Passed 11-13-12.

SECTION II:

This Ordinance shall be declared to be an emergency measure necessary to preserve the health, safety and general welfare of the Village of Evendale and its citizens and/or to provide for the daily operation of the department or office of the Village of Evendale. This Ordinance will improve sick leave reporting and should be in place as soon as possible to the benefit of both the employees and the Village. Therefore, this Ordinance shall become effective immediately.

Approved February 11, 2020

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: February 11, 2020

Rules Suspended: February 11, 2020

2nd and 3rd Reading: February 11, 2020

Emergency Section Agreed to: February 11, 2020

Notice of publication: Tri-County Press, February 19, 2020

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