



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 March 6th and 13th, 2018.

ORD. 18-16

ORDINANCE SUPPORTING THE MILL CREEK RESTORATION PROJECT NEAR FORMICA AND AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION FOR CLEAN OHIO FUNDS GREEN SPACE CONSERVATION PROGRAM THROUGH THE NATURAL RESOURCES ASSISTANCE COUNCIL AND DECLARING AN EMERGENCY. Unanimously approved

ORD. # 18-06

ORDINANCE AMENDING A PORTION OF THE ZONING MAP OF THE VILLAGE OF EVENDALE, OHIO FROM GC GENERAL COMMERCIAL TO O/R OFFICE RESEARCH AND DECLARING AN EMERGENCY. Unanimously approved

ORDINANCE # 18-07

AN ORDINANCE AMENDING CHAPTERS 1252 AND 1260 OF THE EVENDALE ZONING CODE AS RELATED TO OFFICE/RESEARCH DISTRICT REGULATIONS, AND DECLARING AN EMERGENCY. Unanimously approved

ORD. # 18-09-

ORDINANCE AUTHORIZING THE MAYOR TO HIRE AND SET PAY RATES FOR PART-TIME EMPLOYEES FOR THE RECREATION DEPARTMENT AND DECLARING AN EMERGENCY. Approved

ORD. #18-17

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

ORD. #18-18

AN ORDINANCE AMENDING CHAPTER 891, MUNICIPAL INCOME TAX, REGARDING MUNICIPAL INCOME TAX FOR TAX YEARS STARTING ON OR AFTER JANUARY 1, 2018, AND DECLARING AN EMERGENCY. Unanimously approved

ORD. #18-19

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

ORD. #18-20

ORDINANCE AUTHORIZING MAYOR TO HIRE CYNTHIA WALTERS AS A CUSTODIAN FOR THE SERVICE DEPARTMENT AND DECLARING AN EMERGENCY. Unanimously approved

ORD. #18-21

AN ORDINANCE ACCEPTING A CONSERVATION EASEMENT FOR THE MILL CREEK WATERSHED COUNCIL OF COMMUNITIES OVER PROPERTY IDENTIFIED AS HAMILTON COUNTY AUDITOR'S PARCEL NO. 611-0020-0402-00 AND DECLARING AN EMERGENCY. Unanimously approved

ORD. #18-22

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE MILLCREEK RESTORATION PROJECT THROUGH EVENDALE COMMONS AND APPROVING APPROPRIATIONS RELATED TO SAID PROJECT AND DECLARING AN EMERGENCY. Unanimously approved

**VILLAGE OF EVENDALE, OHIO
ORDINANCE 18-16**

**ORDINANCE SUPPORTING THE MILL CREEK RESTORATION
PROJECT NEAR FORMICA AND AUTHORIZING THE MAYOR
TO SUBMIT AN APPLICATION FOR CLEAN OHIO FUNDS
GREEN SPACE CONSERVATION PROGRAM THROUGH THE
NATURAL RESOURCES ASSISTANCE COUNCIL AND
DECLARING AN EMERGENCY.**

WHEREAS, the Village of Evendale has undertaken extensive work to preserve green space and natural areas within the Village and desires to continue those efforts along the Mill Creek riparian corridor;

WHEREAS, The Millcreek Council of Communities, in cooperation with Formica, have identified approximately 16 acres of Formica-owned land suitable for flood mitigation, riparian stabilization and green space preservation.

WHEREAS, The Millcreek Council of Communities and Formica have agreed to a general concept plan to mitigate flooding, stabilize the riparian corridor and preserve greenspace (See exhibit “A”)

WHEREAS, The proposed project, coincidentally, will help to improve the quality and value of nearby vacant land suitable for redevelopment

WHEREAS, The Millcreek Watershed Council of Communities has identified a funding source, specifically the Clean Ohio Fund, as a potential means of paying for the proposed project.

WHEREAS, The Village of Evendale, in partnership with the Millcreek Council of Communities, has been awarded Clean Ohio funds in the past and are currently working together on a similar project along the Millcreek in the Evendale Commons shopping area.

NOW THEREFORE, BE IT RESOLVED by the Village Council of the Village of Evendale, Hamilton County, Ohio, five members concurring, that:

SECTION I The Mayor is hereby authorized to submit an application for Clean Ohio Funds through the District 2 Natural Resource Assistance Council for funds for the restoration and enhancement of the Mill Creek riparian corridor as generally depicted in Exhibit “A”

SECTION II In the event the Village is selected to receive this grant, Evendale is currently not obligated to provide matching funds because the value of Formica’s discounted land sale price to the Millcreek Council of Communities is sufficient to cover the match.

SECTION III The Village of Evendale supports this effort, as it is consistent with the Village’s long range flood mitigation and economic development goals and objectives, by contributing an amount not to exceed \$10,000 to the Millcreek Watershed Council of Communities for administration of the grant and project.

SECTION IV: This ordinance is hereby declared to be an emergency measure necessary to preserve the public peace, order, health, safety and general welfare of the Village or to provide for the usual daily operation of a department or office of the Village. The reason for said emergency is the desire to put in place as soon as possible the flood mitigation measures that will be funded by the grant as well as improved protections for the natural features of the area. Therefore, this ordinance shall become effective immediately.

Approved March 6, 2018

Mayor, Village of Evendale

Attest:

Village Clerk

Approved as to Form:

Law Director

1st Reading: March 6, 2018
Rules Suspended: March 6, 2018
2nd and 3rd Reading: March 6, 2018
Emergency Section Agreed to: March 6, 2018
Notice of publication: Tri-County Press, March 21, 2018

**VILLAGE OF EVENDALE, OHIO
ORDINANCE 18-06**

**ORDINANCE AMENDING A PORTION OF THE ZONING MAP
OF THE VILLAGE OF EVENDALE, OHIO FROM GC
GENERAL COMMERCIAL TO O/R OFFICE RESEARCH AND
DECLARING AN EMERGENCY.**

- WHEREAS,** The Council of the Village of Evendale retained McBride Dale Clarion (MDC) to assist in the evaluation of the zoning for the east section of south Reading Road extending approximately from Cooper Road, north to 10200 Reading Road (hereinafter “Study Area”); and
- WHEREAS,** The Study Area is zoned “GC” General Commercial, but the majority of the existing uses are not commercial, but rather, office or institution uses; and
- WHEREAS,** The Village’s Comprehensive Master Plan adopted in 2009 envisions the study area to be primarily education/institutional uses with office uses at the south end; and
- WHEREAS,** MDC conducted public input sessions and gathered information from Village Council and other bodies regarding the desired development pattern for the Study Area; and
- WHEREAS,** There was consensus from the interviewed parties that the Comprehensive Master Plan vision is still relevant and the Village Council and other stakeholders collectively would like to see continued growth of educational, institutional, office, and non-profit uses in the Study Area; and
- WHEREAS,** The current zoning of the Study Area is not consistent with the Village’s Comprehensive Master Plan or ongoing vision for this part of the Village; and
- WHEREAS,** Of the affected and surrounding property owners which received notice of the proposed change, the property owners of parcels 9866 (a.k.a. 9868) Reading Road, 9840 Reading Road, and 2860 Cooper Road attended numerous hearings, were represented by counsel, and exhibited a strong desire to maintain the GC General Commercial zoning on those parcels given the current retail land uses for those parcels; and
- WHEREAS,** The MDC South ready Road Zoning Study offered two recommended alternatives for the Study Area: (1) to rezone the entire ten-parcel Study Area from GC to OR, or (2) to rezone only parcels 1 through 7 of the Study Area to OR, and leave the southernmost retail parcels zoned GC General Commercial; and
- WHEREAS,** The Village Planning Commission considered the public input provided, the Comprehensive Master Plan, and the recommendations as found in MDC’s South Reading Road Study, and on November 15, 2017 voted to recommend approval of a rezoning of the parcels in the South Reading Road Study area excluding 9866 (a.k.a. 9868), 9840 Reading Road and 2860 Cooper Road, a.k.a. a rezoning of only parcels one (1) through seven (7) of the South Reading Road Study Area; and
- WHEREAS,** The Council of the Village of Evendale has conducted a public hearing on the proposed rezoning of parcels one (1) through seven (7) of the South Reading Road Study Area from GC General Commercial to OR Office research, and finds such rezoning to be in the best interest of the Village and consistent with the Village’s Comprehensive Master Plan of 2009; now, therefore,

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

SECTION 1: Parcels one (1) through seven (7) of the South Reading Road Study Area, as indicated in the MDC South Reading Road Study Area document attached hereto as Exhibit 1, and as listed below, are hereby rezoned from GC General Commercial to OR Office Research:

1. 10200 Reading Road
2. 10000 Reading Road
3. 9972 Reading Road
4. 9944 Reading Road
5. 9940 Reading Road
6. 9910 Reading Road
7. 9888 Reading Road

SECTION 2: This ordinance is declared to be an emergency measure by a concurrence of six members of Council, it 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. The reason for said emergency is allow the parcels in question to be brought into conformance with desired Village planning and zoning policies and conformance with the Master Plan as soon as possible. Therefore, this ordinance shall become effective immediately.

Approved _____, 2018

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Solicitor

1st Reading: January 22, 2018
Rules Suspended: March 13, 2018
2nd and 3rd Reading: February 13, 2018
Emergency Section Agreed to: March 13, 2018
Notice of publication: Tri-County Press, March 21, 2018

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EXHIBIT A

**ATTACH MDC SOUTH READING ROAD ZONING STUDY
DOCUMENT DATED JUNE 3, 2016**

**VILLAGE OF EVENDALE, OHIO
ORDINANCE # 18-07**

**AN ORDINANCE AMENDING CHAPTERS 1252 AND 1260 OF THE
EVENDALE ZONING CODE AS RELATED TO
OFFICE/RESEARCH DISTRICT REGULATIONS, AND
DECLARING AN EMERGENCY.**

- WHEREAS,** the Village is in the process of rezoning a portion of the eastern side of South Reading Road from General Commercial "GC" District to Office/Research "OR" District; and
- WHEREAS,** prior to the OR District rezoning, the OR District was limited to a few larger lots within the Village, and other previously-zoned OR District parcels that have since been rezoned as Planned Unit Developments ("PUDs"); and
- WHEREAS,** along with the stretch of four (4) parcels along the western side of South Reading Road, the seven (7) parcels rezoned on the eastern side of South Reading Road from GC to OR, and any future parcels rezoned to OR, should be regulated in a manner that is consistent with the Comprehensive Plan and preferred development patterns of the Village; and
- WHEREAS,** upon the final adoption of the OR District rezoning, the majority of readily developable OR-zoned lots within the Village will be of a smaller scale than what was previously envisioned for OR District parcels within the Village, including lower building heights and smaller setbacks, and the Village does not wish to create additional lot or structure nonconformities that may discourage or inhibit otherwise desired development or redevelopment; and
- WHEREAS,** the uses desired for the Village OR District have evolved to focus on more office, research, organizational and education-based uses, and move to some extent away from uses traditionally permitted in the commercial districts; and
- WHEREAS,** there has historically been a requirement that all non-residential district areas abutting the residential along the eastern side of Reading Road have an established greenbelt buffer between the residential and other uses, and references to this greenbelt requirement in the Zoning Code are limited to commercial districts which were previously the only districts to abut residential in this area; and
- WHEREAS,** the Village wishes to maintain this greenbelt requirement along the residential side of Reading Road, and to do so will it need to add a reference to the OR District to all its greenbelt provisions within the Zoning Code; and
- WHEREAS,** the Planning Commission and Council find that these changes collectively are consistent with the Comprehensive Plan and the overall planning vision for the Village; and
- WHEREAS,** the Planning Commission conducted, with notice, a public hearing on this issue, proposing to amend various regulations within the Zoning Code related to the Office/Research District; and
- WHEREAS,** on February 20, 2018, the Planning Commission unanimously voted to recommend approval of the proposed amendments as proposed herein; and
- WHEREAS,** the Council of the Village of Evendale has conducted a public hearing on this ordinance; and

WHEREAS, the Council of the Village of Evendale finds it appropriate to amend the Zoning Code of the Village of Evendale to amend the yard and building setback requirements within the O/R District, to add and delete uses as proposed, and to incorporate the greenbelt requirements into portions of the O/R district which will abut Village residential properties; now, therefore,

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

SECTION 1: Part Twelve, Title Two, Section 1252.05, Schedule 1252.05 of the Zoning Code of the Village of Evendale, is hereby amended to read as follows, with the remainder of Section and Schedule 1252.05 to remain as written:

SCHEDULE 1252.05

| USE | OR |
|---|------------------------|
| COMMERCIAL USES | |
| OFFICES, PROFESSIONAL | P |
| BUSINESS SERVICES ^(a) | C |
| DATA PROCESSING AND COMPUTER CENTERS | C |
| INDOOR EDUCATIONAL/TRAINING FACILITIES | C |
| HOSPITALS | P |
| LABORATORIES AND OTHER RESEARCH AND DEVELOPMENT FACILITIES | P |
| MEDICAL SERVICES AND CLINICS | P |
| PERSONAL SERVICES | C |
| RESTAURANT - FAST CASUAL | C |
| RESTAURANTS – FAST FOOD | P-A |
| RESTAURANT - TRADITIONAL, SIT-DOWN | C |
| OUTDOOR DINING AREAS | C |
| INSTITUTIONAL/PUBLIC/SEMI-PUBLIC | |
| <u>EDUCATIONAL INSTITUTION</u> | <u>C</u> |
| CHILD DAY CARE CENTERS IN CONJUNCTION WITH ANOTHER USE | C |
| MISCELLANEOUS USES | |
| ANY ACCESSORY USE WHICH IS CLEARLY INCIDENTAL TO CONDUCTING A PERMITTED USE | SEE CHAPTER 1266 |
| NOTES | |
| (a) THE USE MAY OCCUPY NO MORE THAN 4,000 S.F. OF A STRUCTURE. | |

SECTION 2: Part Twelve, Title Two, Section 1252.07, Schedule 1252.07 of the Zoning Code of the Village of Evendale, is hereby amended to read as follows, with the remainder of Section and Schedule 1252.07 to remain as written:

SCHEDULE 1252.07

| AREA AND HEIGHT REQUIREMENTS FOR THE OFFICE/RESEARCH DISTRICT | |
|---|---|
| DIMENSION | STANDARD |
| 1. Maximum and Minimum Height | 60 ft. maximum and a 2-story minimum. 30 ft. |
| 2. Minimum Lot Area and Dimensions | |
| a. Total Lot Area: | 2-acres <u>1 acre</u> |
| b. Lot Width at Setback Line: | 150 ft. <u>100 ft.</u> |
| 3. Minimum Yards | |
| a. Front: | 50 ft. |
| b. Side: | 50 ft. <u>10 ft.</u> ^(a) |
| c. Rear: | 50 ft. <u>10 ft.</u> ^(a) |

Schedule 1252.05 footnote: ^(a) If the side or rear yard of a parcel within the OR District abuts the Residential District, then that side or rear yard which abuts the Residential District must include a greenbelt area that is a minimum of 60 feet in depth and that complied with the greenbelt requirements of § 1260.04(b)(2).

SECTION 3: Part Twelve, Title Two, Section 1260.04(b)(2) of the Zoning Code of the Village of Evendale, is hereby amended to read as follows, with the remainder of Section 1260.04 to remain as written:

2. Greenbelt/District Boundary Buffer. The Greenbelt/District Boundary Buffer shall comply with the following requirements:

A. Purpose. The greenbelt/boundary buffer is for the purpose of reducing the potential conflicts between residential uses and nonresidential uses.

B. Requirements of the Greenbelt and District Boundary Buffer.

- i. Rear Yard Buffer Yard. Where a parcel in the **OR**, GC or HC district abuts the R Residential District on its rear lot line, that parcel is required to have a minimum 60-foot deep rear setback.
- ii. Side Yard Buffer Yard. Where a parcel in the **OR**, GC or HC district abuts the R Residential District on its side lot line, that parcel is required to have a minimum 60-foot deep side setback.
- iii. Structures, pavement, signage, and all other site improvements are prohibited within the required greenbelt/boundary buffer yard, and such yard shall be landscaped with at least the minimum number of standard plant units as set forth in Section 1260.07.

SECTION 4: This ordinance is declared to be an emergency measure by a concurrence of _____ members of Council, it being necessary to preserve the public peace, order, safety, health or welfare of the Village of Evendale. The reason for said emergency is allow for the Office-Research District as recently amended on the zoning map to be implemented in a manner that is consistent with the Comprehensive Plan and planning goals and objectives of the Village, while minimizing nonconformities created by the map amendment. Therefore, this ordinance shall become effective immediately.

Approved _____, 2018

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Solicitor

1st Reading: _____

Rules Suspended: _____

2nd and 3rd Reading: _____

Emergency Section Agreed to: _____

Notice of publication: _____

**VILLAGE OF EVENDALE, OHIO
ORDINANCE # 18-09**

**ORDINANCE AUTHORIZING THE MAYOR TO HIRE AND SET PAY RATES FOR
PART-TIME EMPLOYEES FOR THE RECREATION DEPARTMENT
AND DECLARING AN EMERGENCY**

WHEREAS, the Council of the Village of Evendale has enacted Chapter 260 of the Codified Ordinances of the Village of Evendale, requiring authorization by Council for the Mayor to hire a part-time employee; and,

WHEREAS, the Mayor has recommended the hiring of Ben Seebohm, Steve Meisner, Alicia Hirnikel and Katie Puthoff for permanent part-time employees for the Recreation Department; and,

WHEREAS, the Mayor and the administration has fully complied with Section 260.06(a) of the Codified Ordinances of the Village of Evendale; now

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

SECTION 1: The following persons may be employed, effective February 13, 2018 by the Mayor of the Village of Evendale at an hourly rate established below:

| | | |
|-----------------|--|---------|
| Ben Seebohm | Building and Grounds Supervisor I | \$12.14 |
| Steve Meiser | Maintenance Technician | \$18.00 |
| Alicia Hirnikel | Recreation Specialist I / Concession Manager | \$12.91 |
| Katie Puthoff | Recreation Specialist I | \$12.91 |

SECTION 2: This ordinance is hereby declared to be an emergency measure by a concurrence of five members of the Village Council. The reason for said emergency is to preserve the public peace, order, safety, health or welfare of the Village of Evendale, or to provide for the daily operations of a department or office of the Village of Evendale. It is necessary that this measure be put into immediate effect in order to ensure that the Village Recreational Department has the staffing necessary to provide for and to perform its critical functions to the Village and its citizens. Therefore, this ordinance shall be effective upon passage.

Approved March 13, 2018

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Solicitor

1st Reading: February 13, 2018
Rules Suspended: March 13, 2018
2nd and 3rd Reading: March 13, 2018
Emergency Section Agreed to: March 13, 2018
Notice of publication: Tri-County Press, March 21, 2018

**VILLAGE OF EVENDALE
ORDINANCE #18-17**

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

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

WHEREAS, the Mayor has recommended Tom Sextro to serve on this commission.

BE IT THEREFORE ORDAINED BY THE COUNCIL OF THE VILLAGE OF EVENDALE, STATE OF OHIO --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:

Term Ends

RECREATION COMMISSION

Tom Sextro

12/31/2019

SECTION 2: This ordinance is declared to be an emergency by a concurrence of -- 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 boards and commissions listed above requires full membership to properly operate. This ordinance shall be effective upon passage.

Approved March 13, 2018

Mayor, Village of Evendale

Attest:

Village Clerk

Approved as to Form:

Law Director

1st Reading: March 13, 2018

Rules Suspended: March 13, 2018

2nd and 3rd Reading: March 13, 2018

Emergency Section Agreed to: March 13, 2018

Notice of publication: Tri-County Press, March 21, 2018

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

**AN ORDINANCE AMENDING CHAPTER 891, MUNICIPAL INCOME TAX,
REGARDING MUNICIPAL INCOME TAX FOR TAX YEARS STARTING ON OR
AFTER JANUARY 1, 2018, AND DECLARING AN EMERGENCY.**

WHEREAS, House Bill (H.B.) 49 of the 132nd General Assembly includes Section 803.100 purporting to require that municipalities, on or before January 31, 2018, adopt certain municipal income tax provisions that are also adopted within H.B. 49 to authorize state officials to collect and administer municipal net profits taxes; and

WHEREAS, Section 803.100 of H.B. 49 references and relies upon Section 718.04(A) of the Ohio Revised Code, which purports to make municipal income taxing authority conditional upon a municipality's adoption of code sections as dictated by the State; and

WHEREAS, the Home Rule Amendment of the Ohio Constitution, Article XVIII, Section 3, provides that "Municipalities shall have authority to exercise all powers of local self-government," and the municipal taxing power is one of such powers of local self-government delegated by the people of the State to the people of municipalities; and

WHEREAS, although the municipal income tax provisions of H.B. 49, and Section 718.04(A) of the Ohio Revised Code, violate the Home Rule Amendment, the Village nevertheless is compelled to adopt H.B. 49's municipal income tax provisions to avoid any doubt or taxpayer challenge as to its ability to impose a municipal income tax under the terms of Section 803.100 of H.B. 49 and Section 718.04(A) of the Ohio Revised Code; and

WHEREAS, the Village is a party to the ongoing litigation seeking a declaration that the H.B. 49 municipal income tax provisions, Section 718.04(A) of the Ohio Revised Code, and other provisions of Ohio law that usurp the powers of local self-government are unconstitutional, and to enjoin all actions by state officials to implement the H.B. 49 municipal income tax provisions; and

WHEREAS, the Village of Evendale, by adopting the provisions of H.B. 49, incorporating them by reference herein under Section 891.80, does not concede the legality of H.B. 49's municipal income tax provisions, Section 718.04(A) of the Ohio Revised Code, or any other law that is subject to the suit in which the Village is participating, and reserves its right to continue prosecution of that lawsuit; and

WHEREAS, the Council of the Village of Evendale desires to update sections 891.01 through 891.30 of this Ordinance to be consistent with the most recent changes outside of H.B. 49;

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

Section I. Chapter 891 of the Codified Ordinances be amended as set forth in the document entitled "Chapter 891, Municipal Income Tax" attached hereto as Exhibit A and incorporated herein by reference for tax years starting on or after January 1, 2018.

Section II. That Village Council hereby expressly finds and determines that it does not concede the legality of H.B. 49's municipal income tax provisions; Section 803.100 of H.B. 49; Section 718.04(A) of the Ohio Revised Code; or any other law that is the subject of the action pending in Case Number 2017 CV 10258 in the Franklin County Court of Common Pleas, now on appeal in the Franklin County Court of Appeals Case No. 18AP144 and any further appeals thereto, and that the Village reserves its rights to continue its participation in and prosecution of said litigation, and any other litigation challenging the State's authority to dictate municipal tax collection and administration, and that adoption of this Ordinance shall not prejudice the claims of the Village.

- Section III.** That if any provision of the H.B 49 municipal income tax provisions is found unconstitutional, or is stayed or enjoined, that the provisions adopted in Exhibit A, section 891.80, which incorporates by reference the provisions of H.B. 49 shall likewise be stayed.
- Section IV.** That the Village Law Director is hereby authorized to correct any scrivener's or clerical errors that may be discovered in Exhibit A following passage of this Ordinance.
- Section V.** That this Ordinance is declared to be emergency legislation, necessary for the immediate preservation of the public peace, health, and safety, which shall be effective upon passage, such emergency arising from (1) the need to update existing portions of Chapter 891; and (2) as to section 891.80, which incorporates by reference H.B. 49, the coercive provisions of law found in H.B. 49 and Section 718.04(A) of the Ohio Revised Code and the need for the Village to preserve its taxing authority in the event that the H.B. 49 municipal income tax provisions and Section 718.04(A) of the Ohio Revised Code are not declared to be unconstitutional.

Approved March 13, 2018

Mayor, Village of Evendale

Attest:

Village Clerk

Approved as to Form:

Law Director

1st Reading: March 13, 2018

Rules Suspended: March 13, 2018

2nd and 3rd Reading: March 13, 2018

Emergency Section Agreed to: March 13, 2018

Notice of publication: Tri-County Press, March 21, 2018

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INSERT EXHIBIT A – Ch 891 with amendments

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #18-19**

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) Ohio Bureau of Workers Compensation – \$7,121.00
- 2) Millcreek Watershed Council - \$17,158.75 – restoration project
- 3) Millcreek Valley Conservancy - \$10,000.00 – operations subsidy
- 4) Keating Muething & Klekamp - \$3,332.50 – Aerohub legal services
- 5) Dalene Pride - \$9,841.50 – MV/IRP registrations Audit

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 March 13, 2018

Mayor, Village of Evendale

Attest:

Village Clerk

Approved as to Form:

Law Director

1st Reading: March 13, 2018
Rules Suspended: March 13, 2018
2nd and 3rd Reading: March 13, 2018
Emergency Section Agreed to: March 13, 2018
Notice of publication: Tri-County Press, March 21, 2018

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

**ORDINANCE AUTHORIZING MAYOR TO HIRE CYNTHIA
WALTERS AS A CUSTODIAN FOR THE SERVICE DEPARTMENT
AND DECLARING AN EMERGENCY**

WHEREAS, the Council of the Village of Evendale has determined the necessity to hire a new employee as a custodian for the Service Department because Robert Glen Hasley is retiring on April 30, 2018; and

WHEREAS, the Mayor has submitted the name of Cynthia Walters to fill that position and has fully complied with Section 258 of the Codified Ordinances of the Village of Evendale and has recommenced that Village Council authorize the hiring of Ms. Walters, whose employment is authorized by this ordinance; now, therefore,

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

SECTION 1: Cynthia Walters is hereby employed by the Village of Evendale as a Custodian in the Service Department. Her starting pay rate shall be \$20.40 per hour (Step 2) and her start date is hereby established as April 2, 2018. Said employment is conditioned upon successful completion of Chapter 258 of pre-employment requirements.

SECTION 2: This ordinance is declared to be an emergency measure by a concurrence of six members of Council, it 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 so that Ms. Walters can begin work as soon as possible and fulfill the immediate needs of the Service Department for additional help, thereby providing much needed service to the Village of Evendale and its citizens. Therefore, this ordinance shall become effective immediately.

Approved March 13, 2018

Mayor, Village of Evendale

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: March 13, 2018

Rules Suspended: March 13, 2018

2nd and 3rd Reading: March 13, 2018

Emergency Section Agreed to: March 13, 2018

Notice of publication: Tri-County Press, March 21, 2018

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #18-21**

**AN ORDINANCE ACCEPTING A CONSERVATION EASEMENT
FOR THE MILL CREEK WATERSHED COUNCIL OF
COMMUNITIES OVER PROPERTY IDENTIFIED AS HAMILTON
COUNTY AUDITOR'S PARCEL NO. 611-0020-0402-00 AND
DECLARING AN EMERGENCY**

- WHEREAS,** the Village of Evendale has entered into an Ohio Public Works Commission Project Grant Agreement; and
- WHEREAS,** pursuant to that Agreement, Evendale will provide matching funds to do Mill Creek restoration at Evendale Commons, which will take place at the confluence of the main stem of the Mill Creek and an unnamed tributary at Cunningham Drive in the Evendale Commons Development; and
- WHEREAS,** pursuant to that Agreement, the Mill Creek Watershed Council of Communities will convey to Evendale a Conservation Easement over that property intended to preserve the Mill Creek and protect and enhance its repairing the corridor and watershed, increase habitat protection, provide recreational, economic and aesthetic preservation benefit, preserve head water streams and restore and preserve aquatic biological communities; and
- WHEREAS,** the Planning Commission of the Village of Evendale, pursuant to Article VI, Section 3 of the Charter of the Village of Evendale, has considered and recommended acceptance of said Conservation Easement; and
- WHEREAS,** Council finds that the acceptance of the Conservation Easement and compliance with the Ohio Public Works Commission Project Grant Agreement is in the public interest of the Village of Evendale; now, therefore

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

SECTION 1: A Conservation Easement, substantially in the form of the Conservation Easement attached hereto and incorporated by reference herein, is hereby accepted and approved and the Mayor of the Village of Evendale is hereby authorized to execute said Conservation Easement, evidencing its acceptance by the Village of Evendale.

SECTION 2: This ordinance is declared to be an emergency measure by a concurrence of _____ members of Council, it 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 department or office of the Village of Evendale and shall therefore become effective immediately. The reason for said emergency is the necessity of meeting the terms of the Project Grant Agreement and providing for the necessary work to be performed in the Conservation Easement area at the earliest possible date. Therefore, this ordinance shall become effective immediately.

Approved _____, 2018

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Solicitor

1st Reading: _____

Rules Suspended: _____

2nd and 3rd Reading: _____

Emergency Section Agreed to: _____

Notice of publication: _____

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Watershed Council of Communities.TMB.doc-rrb

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #18-22**

**ORDINANCE AUTHORIZING MAYOR TO ENTER INTO
CONTRACT WITH THE LOWEST AND BEST BIDDER FOR
THE MILLCREEK RESTORATION PROJECT THROUGH
EVENDALE COMMONS AND APPROVING
APPROPRIATIONS RELATED TO SAID PROJECT AND
DECLARING AN EMERGENCY**

WHEREAS, The Village of Evendale has received bids for the Millcreek Restoration Project through Evendale Commons after advertising in a newspaper of general circulation in the Village of Evendale for the proscribed two weeks; and

WHEREAS, Village staff has recommended Environmental Remediation Contractor, LLC of Groveport, Ohio as submitting the lowest and best bid. Millcreek Watershed's engineer has also reviewed the bid and has concurred in the recommendation; and

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

SECTION 1: The bid of Environmental Remediation Contractor for the Millcreek Restoration Project through Evendale Commons Project in the amount of \$132,372.10 is hereby accepted. The Mayor is authorized to enter into a contract with Environmental Remediation Contractor LLC for this project.

SECTION 2: The following sums are hereby appropriated in support of the Millcreek Restoration Project:

From Evendale Commons Fund:
410.000.412000 Ohio Public Works Commission grant \$225,259.00

From Evendale Commons Fund:
410.701.525601 Millcreek Restoration \$133,000.00

SECTION 4: This ordinance is declared to be an emergency measure by a concurrence of six members of Council, it being found to be 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 public welfare requires the contract for the Project be executed as soon as possible in order to perform the work as weather permits to aid in preventing flood issues and restore the natural environment.. This ordinance shall be effective upon passage.

Approved March 13, 2018

Mayor, Village of Evendale

Attest:

Village Clerk

Approved as to Form:

Law Director

1st Reading: March 13, 2018

Rules Suspended: March 13, 2018

2nd and 3rd Reading: March 13, 2018

Emergency Section Agreed to: March 13, 2018

Notice of publication: Tri-County Press, March 21, 2018