



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 May 8th, 2018.

ORD. #18-25

ORDINANCE AUTHORIZING MAYOR TO HIRE SEASONAL EMPLOYEES AND SETTING PAY RATES AND DECLARING AN EMERGENCY. Unanimously approved

ORD. #18-26

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

ORD. #18-28

ORDINANCE AUTHORIZING MAYOR TO EXECUTE A DEED CONVEYING PROPERTY TO SMART REAL ESTATE INVESTORS, LLC AND DECLARING AN EMERGENCY. Unanimously approved

ORD. #18-29

AN ORDINANCE TO APPROPRIATE TO PUBLIC USE PROPERTY REQUIRED FOR THE CONSTRUCTION OF A PORTION OF AEROHUB ROAD, A PUBLIC ROADWAY, BETWEEN OAK ROAD ON THE NORTH AND THE CURRENT TERMINUS OF ST. RITA'S LANE ON THE SOUTH AND DECLARING AN EMERGENCY.

Approved

ORD. #18-30

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. #18-31

ORDINANCE APPROVING THE REZONING OF 1.6583± ACRES OF PROPERTY CURRENTLY OWNED BY FORMICA AND BEING TRANSFERRED TO EVENDALE COMMONS FROM THE CURRENT GENERAL INDUSTRIAL ZONING TO THE EVENDALE COMMONS BUSINESS PARK HEAVY COMMERCIAL PBD OVERLAY DISTRICT, AREA D AND DECLARING AN EMERGENCY.

Unanimously approved

**VILLAGE OF EVENDALE
ORDINANCE #18-25**

**ORDINANCE AUTHORIZING MAYOR TO HIRE
SEASONAL EMPLOYEES AND SETTING PAY RATES
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 seasonal employees; and,

WHEREAS, the Mayor has submitted a list of seasonal employees who may be employed for a particular season or seasons.

WHEREAS, the Mayor has fully complied with Section 260.06(a) of the Codified Ordinances of Evendale and recommended that Council authorize the hiring of the individuals specified below for seasonal positions for which employment is authorized by this ordinance.

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

SECTION 1: The following persons may be employed during a particular season or seasons by the Mayor of the Village of Evendale as Seasonal Employees at the hourly rate or lump sum rate established for each person by this Ordinance:

RECREATION DEPARTMENT

TENNIS PROGRAM:

	<u>Season</u>	<u>Hourly Pay Rate</u>
Mary E. Day, Tennis Pro	Sp/Su/F	26.00
Adam Behrman, Assistant Instructor A	Sp/Su/F	14.00
Chris Holden, Tennis Assistant	Sp/Su/F	10.25
Clare Bowling	Sp/Su/F	9.25

FUN IN THE SUN CAMP:

	<u>Season</u>	<u>Hourly Pay Rate</u>
Ben Berke	Summer	8.69
Suzanne Bonem	Summer	9.68
Caroline Burns	Summer	8.48
Lauren Endres	Summer	8.91
Kelly Frank	Summer	9.13
Halle Gordon	Summer	8.69
Lauren Hettinger	Summer	8.48
Margaret Janszen	Summer	8.91
Kyle Linderman	Summer	8.91
Dustin Medina	Summer	8.48
Melody Moonitz	Summer	11.00
Justin McDaniel	Summer	8.69
Scarlett Pommering	Summer	8.48
Bailey Ramsey	Summer	9.13
Julia Ramsey	Summer	8.48
Kevin Russell	Summer	9.40
Dana Schriever	Summer	8.91
Katie Stautberg	Summer	8.91

CUSTODIAN

Kara Tyler	Summer	12.30
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POOL CONCESSION STAND:

	<u>Season</u>	<u>Hourly Pay Rate</u>
Isabella Asbrock, Assistant Manager	Sp/Su	8.91
Michelle Hirnikel, Assistant Manager	Sp/Su	9.13
Hannah Rust, Assistant Manager	Sp/ Su	8.69
Sam Sieder, Assistant Manager	Sp/Su	9.13

SWIM TEAM:

	<u>Season</u>	<u>Lump Sum Salary</u>
Jen Schell, Assistant Coach	Sp/Su	\$ 3,474.91*
Will Schwieterman, Assistant Coach	Sp/Su	2,895.00*
Kaily Hauck, Assistant Coach	Sp/Su	3071.31*
Ben Thiss, Assistant Coach	Sp/Su	3148.09*
Debbie Walker, Head Coach	Sp/Su	4,701.10*
Renee Finan, Asst. Coach 6 & Under	Sp/Su	10/hour
Ashley Thiss	Sp/Su	2891.85*

*In addition, as part of each Assistant Coach’s lump sum salary, the coach must teach at least ten (10) one-half hour private swim lessons. A coach will receive, in additional compensation, \$12.00 per private swim lesson taught when the 10 private swim lessons have been fulfilled.

SERVICE DEPARTMENT

GROUNDS MAINTENANCE

	<u>Season</u>	<u>Hourly Pay Rate</u>
Andrew Hauck	Summer	11.23
Luke Mitsch	Summer	10.91
Noah Biegger	Summer	10.91
Clayton Bennet	Summer	10.91
Saylor Knebel	Summer	10.91
Collin Riccobelli	Summer	10.91
Michael White	Summer	11.23
Tristan Pommering	Summer	11.23

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 public welfare requires that the Mayor have authority to employ or reemploy the persons set out above before the summer begins. This ordinance shall be effective upon passage.

Approved May 8th, 2018

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: May 8th, 2018
Rules Suspended: May 8th, 2018
2nd and 3rd Reading: May 8th, 2018
Emergency Section Agreed to: May 8th, 2018
Notice of publication: Tri-County Press, May 16th, 2018

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #18-26**

**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) City of Sharonville – Mill Creek Flood Warning \$5,625.00

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 May 8th, 2018

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: May 8th, 2018
Rules Suspended: May 8th, 2018
2nd and 3rd Reading: May 8th, 2018
Emergency Section Agreed to: May 8th, 2018
Notice of publication: Tri-County Press, May 16th, 2018

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #18-28**

**ORDINANCE AUTHORIZING MAYOR TO EXECUTE A DEED
CONVEYING PROPERTY TO SMART REAL ESTATE INVESTORS,
LLC AND DECLARING AN EMERGENCY**

WHEREAS, Smart Building Supply, LLC is an Evendale corporate citizen located at 10400 Evendale Drive in the Village of Evendale; and

WHEREAS, adjacent to that site is a small parcel of property owned by the Village of Evendale, identified on the Hamilton County Auditor's Records as 611-0040-0067, which Council finds is not needed for any public purpose; and

WHEREAS, Smart Building Supply is in need of additional property to expand its business operations and increase its economic vitality and value as a contributor to the economy of the Village of Evendale; and

WHEREAS, Smart Building Supply has applied for and received a conditional use permit for outdoor storage on the site from the Evendale Planning Commission and the Evendale Zoning Board of Appeals; and

WHEREAS, the Evendale Planning Commission approved a conditional use permit which was conditioned upon the following:

- 1) The Board of Zoning Appeals grant a variance to permit outdoor storage and fence in what is technically the front yard....
- 2) The fencing around the outdoor storage on the site be black aluminum no higher than six feet.
- 3) Landscaping be installed along the fencing.
- 4) Storage materials cannot be stacked higher than twenty feet.
- 5) The storage area must be ten feet back from the fence.
- 6) Smart Building must consolidate the two parcels, the one whose conveyance is approved by this ordinance and the one currently occupied by Smart Building; and

WHEREAS, the Board of Zoning Appeals subsequently granted a variance permitting outdoor storage conditioned upon the fencing being no higher than ten feet and material not being stored more than sixteen feet above grade within the fenced area.

Those conditions are enforceable as are all other provisions of the Evendale Zoning Code. The fence height and the stack height is different in the decisions of the Planning Commission and the Board of Zoning Appeals, and in order to be in compliance with both, the fence height must not exceed six feet and the stack heights must not exceed 16 feet above grade.

WHEREAS, the Council of the Village of Evendale hereby determines that the property being conveyed, which is only adjacent to Evendale Drive and the Smart Building site, in addition to not being usable for any public purpose, cannot stand on its own and be used by any entity other than the occupant of the site currently occupied by Smart Building Supply and further, that providing for the expansion of the ability of Smart Building Supply to expand its business, will enhance the economy of the Village of Evendale. As a result, Evendale Council concludes that except for requiring Smart Buildings to cover all fees associated with the transfer of this property, including the Village of Evendale's legal fees incurred in having the deed prepared, it is not necessary to assess any other costs to Smart Real Estate Investors, LLC; now, therefore,

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

SECTION 1: The Mayor is hereby authorized to execute a deed substantially in the form of the deed attached hereto and incorporated by reference herein conveying the identified property to Smart Real Estate Investors, LLC, finding that doing so will promote the economy of the Village of Evendale.

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 the need to promote the economy of the Village of Evendale by allowing the expansion of one of its businesses as soon as possible. Therefore, this ordinance shall become effective immediately.

Approved May 8th, 2018

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: May 8th, 2018

Rules Suspended: May 8th, 2018

2nd and 3rd Reading: May 8th, 2018

Emergency Section Agreed to: May 8th, 2018

Notice of publication: Tri-County Press, May 16th, 2018

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #18-29**

**AN ORDINANCE TO APPROPRIATE TO PUBLIC USE PROPERTY
REQUIRED FOR THE CONSTRUCTION OF A PORTION OF
AEROHUB ROAD, A PUBLIC ROADWAY, BETWEEN OAK ROAD
ON THE NORTH AND THE CURRENT TERMINUS OF ST. RITA'S
LANE ON THE SOUTH AND DECLARING AN EMERGENCY**

WHEREAS, on March 14, 2017, the Village of Evendale adopted Resolution No. 17-07 entitled: A Resolution of Intent to Appropriate .712 Acres of Property in Order to Construct a Public Roadway; and

WHEREAS, notice of the passage of said Resolution has been served according to law and return has been made of the service of such notice; and

WHEREAS, the property to be appropriated has been appraised by a qualified independent appraiser; an offer has been made to the owner, the Archbishop of Cincinnati, Trustee; Evendale and the owner have been unable thus far to reach an agreement; and the owner has been advised of its rights, all according to law; now,

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

SECTION 1: Fee simple title to the property described in Section 2, which is located in the Village of Evendale, is hereby appropriated to public use as it is required for part of the construction of a new public roadway, to be known as Aerohub Road, planned to extend on the north from Oak Road, crossing Glendale Milford Road and terminating in the south at the current terminus of St. Rita's Lane. Aerohub Road shall be open to the public without charge. St. Rita's Lane will be vacated and eliminated upon completion of the southern portion of Aerohub Road.

SECTION 2: The property to be appropriated is the following described 0.712 acre tract:

Description: 0.712 Acres Tract

Location: Village of Evendale
Hamilton County, Ohio

Situated in the State of Ohio, Between the Miamis, Section 35, Town 4, Entire Range 13, Sycamore Township, Village of Evendale, Hamilton County and being a 0.712 Acre Tract of land in part of the lands of Archbishop of Cincinnati as recorded in Deed Book 1119, Page 340 and being part of Lot #5 of Levi White Estate Subdivision as recorded in Plat Book 3, Page 277 of the Hamilton County, Ohio Recorder's Office and being more particularly described as follows:

Beginning at the southeast corner of Lot #6 of said Levi White Estate Subdivision and being the lands of Village of Evendale, Ohio as recorded in Official Record 12830, Page 401 of the Hamilton County, Ohio, Recorder's Office and being on the northerly right of way of Glendale-Milford Road (State Route #126) and being the True Point of Beginning;

thence, leaving the northerly right of way of Glendale-Milford Road (State Route #126) and with the easterly boundary of said Lot #6, North 05°09' 58" East, 405.11 feet;

thence, leaving the easterly boundary of said Lot #6 and on a new division line through said Lot #5 for the following three courses:

- 1) South 20° 14’ 40” East, 156.69 feet;
- 2) with a curve to the right, having a central angle of 25° 24’ 25”, a radius of 420.00 feet, an arc length of 186.24 feet, and a chord bearing South 07° 32’ 28” East, 184.72 feet;
- 3) South 05° 09’ 45” West, 87.65 feet to the northerly right of way of said Glendale-Milford Road (State Route #126);

thence, leaving said new division line and with the northerly right of way of said Glendale-Milford Road (State Route #126), North 82° 34’ 12” West, 107.96 feet to the True Point of Beginning.

The above description was prepared from an Exhibit prepared by Bayer Becker, David Douglas Smith, Professional Surveyor #7121 in the State of Ohio, March 10, 2017.

SECTION 3: The following sum is transferred from the Contingency account to the Transfer Out account and then transferred from the General Fund Transfer Out Account:

101.799.579900	Contingency	\$90,000.00
101.799.599999	Transfer Out	\$90,000.00
<u>To Capital Fund 400:</u>		
400.000.499999	Transfer in	\$90,000.00
<u>And appropriated to:</u>		
400.701.525130	Real Estate Acquisition	\$90,000.00

SECTION 4: The Village Law Director is hereby authorized and directed to commence proceedings in a proper court by filing a complaint for appropriation of the foregoing parcel at such time as the Village of Evendale has met the requirements of Section 163.04 of the Ohio Revised Code of Ohio.

SECTION 5: If at any time prior to the filing or subsequent to the filing of a complaint, or complaints for appropriation, the Mayor is hereby authorized, with the approval of the Law Director, to acquire by purchase, the real property interest described in Section 2, and in connection with such acquisition, or for the preparation of court proceedings, to enter into special contracts for necessary services, expert or otherwise, as may be required.

SECTION 6: This ordinance is hereby declared to be an emergency measure necessary to preserve the public peace, order, safety, health or 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 complete the acquisition of the property so the road construction can be completed in the time required to comply with the terms of a \$500,000 grant from the State of Ohio. Therefore, this ordinance shall be effective immediately.

Approved May 8th, 2018

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: May 8th, 2018
Rules Suspended: May 8th, 2018
2nd and 3rd Reading: May 8th, 2018
Emergency Section Agreed to: May 8th, 2018
Notice of publication: Tri-County Press, May 16th, 2018

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #18-30**

**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, 2018, 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 May 8th, 2018

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: May 8th, 2018
Rules Suspended: May 8th, 2018
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**VILLAGE OF EVENDALE, OHIO
ORDINANCE #18-31**

**ORDINANCE APPROVING THE REZONING OF 1.6583± ACRES OF
PROPERTY CURRENTLY OWNED BY FORMICA AND BEING
TRANSFERRED TO EVENDALE COMMONS FROM THE CURRENT
GENERAL INDUSTRIAL ZONING TO THE EVENDALE COMMONS
BUSINESS PARK HEAVY COMMERCIAL PBD OVERLAY
DISTRICT, AREA D**

WHEREAS, Evendale Commons has the opportunity to expand a proposed development at the south end of Evendale Commons Drive; and

WHEREAS, a public hearing has been held by the Planning Commission which recommended approval of the rezoning; and

WHEREAS, the Council of the Village of the Evendale has also conducted a public hearing; and

WHEREAS, the rezoning will allow for a portion of currently vacant property to be put to economical use benefitting both the property owners and the Village; now, therefore,

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

SECTION 1: The Zoning of the 1.6583+/- acre tract of property described on the legal description attached hereto is amended from General Industrial to the Evendale Commons Business Park Heavy Commercial PBD Overlay District, Area D. The official Zoning Map of the Village of Evendale shall be amended to reflect this ordinance.

SECTION 2: This ordinance shall take effect and be in force from the earliest date allowed by law.

Approved May 8th, 2018

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: May 8th, 2018
Rules Suspended: May 8th, 2018
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