



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 14, 2019

ORD. 19-26

ORDINANCE APPROVING WATER MANAGEMENT AND SEDIMENTATION CONTROL PLANS FOR NEYRA PROPERTIES, INC. AND AUTHORIZING BUILDING COMMISSIONER TO ISSUE PERMIT AND DECLARING AN EMERGENCY.

ORD. # 19-31B

AN ORDINANCE DENYING AN APPEAL FROM THE ZONING BOARD OF APPEALS REQUESTING A VARIANCE FROM THE MINIMUM REQUIRED LOT SIZE IN THE HC HEAVY COMMERCIAL DISTRICT, FOR THE SUBDIVISION OF PROPERTY LOCATED AT 10765 READING ROAD.

ORD. #19-29

ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE A DEVELOPMENT SERVICES AGREEMENT WITH NEYER PROPERTIES, INC. TO SERVE AS THE DEVELOPER FOR THE AEROHUB PROJECT AND DECLARING AN EMERGENCY.

ORD. # 19-05

ORDINANCE APPROVING THE PRELIMINARY CONCEPT PLAN FOR THE "AEROHUB SOUTH" INNOVATION PUD AND DECLARING AN EMERGENCY.

ORD. #19-20

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

ORD. #19-21

ORDINANCE AUTHORIZING THE FIRE CHIEF TO DONATE TWO LARGE EVACUATION FANS TO THE HAMILTON COUNTY URBAN SEARCH AND RESCUE TEAM AND DECLARING AN EMERGENCY.

ORD. #19-22

ORDINANCE APPROVING AN APPROPRIATION FOR COSTS RELATED TO THE REPAIR AND REMODEL OF THE BELL TOWER ARTS PAVILION IN THE CAPITAL FUND AND DECLARING AN EMERGENCY.

ORD. #19-23

ORDINANCE APPROVING AN APPROPRIATION FOR ADDITIONAL COSTS RELATED TO THE AEROHUB ROAD CONSTRUCTION PROJECT FROM THE CAPITAL FUND AND DECLARING AN EMERGENCY.

ORD. #19-24

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

ORD. #19-25

AN ORDINANCE APPROVING A TRANSFER FROM THE CONTINGENCY FUND TO THE UTILITIES FUND AND DECLARING AN EMERGENCY.

ORD. #19-27

ORDINANCE APPROVING WATER MANAGEMENT AND SEDIMENTATION CONTROL PLANS FOR MODAL SHOP, INC. AND AUTHORIZING BUILDING COMMISSIONER TO ISSUE PERMIT AND DECLARING AN EMERGENCY.

ORD. #19-28

AN ORDINANCE APPROVING A TRANSFER FROM THE CONTINGENCY FUND TO THE FIRE DEPARTMENT AND DECLARING AN EMERGENCY.

**VILLAGE OF EVENDALE
ORDINANCE 19-26**

**ORDINANCE APPROVING WATER MANAGEMENT
AND SEDIMENTATION CONTROL PLANS FOR
NEYRA PROPERTIES, INC.
AND AUTHORIZING BUILDING
COMMISSIONER TO ISSUE PERMIT
AND DECLARING AN EMERGENCY**

WHEREAS, RVP Engineering on behalf of Neyra Properties, Inc. has submitted an application and supporting documents, including a certain set of grading plans on property it owns on Medallion Drive, behind Watkins Manufacturing and CDC Distributors, being further described as tax parcel Book 611, Page 40, Parcel #43 and in accordance with Evendale Ordinance 1466 et. seq.; and

WHEREAS, the Engineer of the Village has given his approval of said plans for the property to be developed by Neyra Construction, Inc. on behalf of Neyra Properties, Inc.; and,

WHEREAS, the plans approved by the Village Engineer appear to be in good order and in compliance with the purposes and intent of Evendale Ordinance 1466 et. seq.

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

SECTION 1: The copy of the plans submitted by Neyra Properties, Inc., the property owner, in accordance with Evendale Code Section 1466 and approved by the Village Engineer are hereby attached as Appendix A and made part hereof.

SECTION 2: The Council of the Village of Evendale finds that notwithstanding the requirement in Section 1466.04 of the Codified Ordinances of the Village of Evendale, that such plans be held for 30 days before action by Council public policy justification exists to proceed immediately in order to obtain the benefits of the improvements, the reduction of impervious surfaces and the enhancement of greenspace, landscaping and aesthetic appeal of the site as soon as possible and Council further finds said plans as approved by the Engineer to be well taken and to comply with the intent and purposes of Ordinance 1466 et. seq., and are hereby approved by this Council.

SECTION 3: The approval of the permit is conditioned upon the owner complying with the requirements as set forth in Appendix B which includes the Application dated May 10, 2019, the Neyra Paving estimate of costs dated May 9, 2019 upon which the bond is based, and a 4 page "Supplement to Neyra Properties' 2019 Water Management and Sediment Control Application" which contains conditions which have been negotiated between the applicant and Evendale's Engineer and Law Director deemed vital to the recommended approval of the permit.

SECTION 4: The approval of Council of these plans shall be conditioned upon and shall not take effect until the filing of the plans with the Building Commissioner and filing of the performance bond set by Council in the amount of \$420,000.00. In addition, the issuance of the Water Management and Sedimentation Control Permit is conditioned upon Approval by the Building Department of the proposed plans.

SECTION 5: Copies of the plans as approved by Council shall also be filed with the Clerk, the Engineer, the Building Commissioner, the Planning Commission and the County Soil and Water Conservation District.

SECTION 6: Upon the filing of said approved plans with the Building Commissioner and upon the posting of the bond specified above, the Building Commissioner shall issue the appropriate permit to commence the work, etc. as provided by the approved plans.

SECTION 7: This ordinance shall not constitute approval for any building or structure.

SECTION 8: 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 safety and welfare require work commence immediately to protect surrounding landowners and to assist in the economic development of Evendale. This ordinance shall be effective upon passage.

Approved: May 14, 2019

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Solicitor

1st Reading: May 14, 2019

Rules Suspended: May 14, 2019

2nd and 3rd Reading: May 14, 2019

Emergency Section Agreed to: May 14, 2019

Notice of publication: Tri-County Press, May 22, 2019

**VILLAGE OF EVENDALE, OHIO
ORDINANCE # 19-31B**

**AN ORDINANCE DENYING AN APPEAL FROM THE
ZONING BOARD OF APPEALS REQUESTING A
VARIANCE FROM THE MINIMUM REQUIRED LOT
SIZE IN THE HC HEAVY COMMERCIAL DISTRICT,
FOR THE SUBDIVISION OF PROPERTY LOCATED AT
10765 READING ROAD**

- WHEREAS,** Martini on Ice, LLC (“Applicant”) owns property at 10765 Reading Road, Hamilton County Parcel Identification No. 611-30-189 (“Subject Property”), which is 15.315-acre parcel that is the site of Sports Plus and its parking lot; and
- WHEREAS,** the Subject Property is located in the HC Heavy Commercial District, which has a minimum lot size of 2 acres per Evendale Zoning Code (“EZC”) Schedule 1248.07; and
- WHEREAS,** the Board of Zoning Appeals (“BZA”) reviewed a variance application from Applicant which requested a variance from the 2-acre minimum lot size requirement, proposing a lot that is 1.103 acres and which would accommodate a Dunkin Donuts with drive-through at the Subject Property; and
- WHEREAS,** A parcel similar in size was carved out of the Subject Property parcel many years ago to accommodate the Wendy’s parcel at the northeast corner of the Subject Property, at a time when the EZC had a minimum lot size of 1 acre in the HC District, and Applicant proposes a similar configuration at this site; and
- WHEREAS,** The Village of Evendale Zoning Board of Appeals considered that application at its meeting on March 21, 2019, and a motion to approve the variance failed by a 2-3 vote; and
- WHEREAS,** Council finds that the requested variance, at 135% of the EZC requirement, is excessive; and
- WHEREAS,** Council finds that concerns expressed by the BZA members regarding parking, traffic, and circulation issues related to the larger Subject Property site are well founded; and
- WHEREAS,** Council finds that the Applicant can resolve its issue of creating an additional commercial development at this site by either allowing a parcel that meets the 2-acre minimum or by creating a secondary principal structure on the Subject Property, provided that the development otherwise meets the provisions of the EZC; and
- WHEREAS,** The Council of the Village of Evendale conducted a public hearing on the appeal at its meeting on May 14, 2019;

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

SECTION I The Council of the Village of Evendale hereby finds that the requested variance is excessive in nature at 135% of the requirements, and does not meet the variance standards of EZC Sec. 1284.05(c). Therefore, Council hereby denies the variance.

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

Approved: May 14, 2019

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Solicitor

1st Reading: May 14, 2019
Rules Suspended: May 14, 2019
2nd and 3rd Reading: May 14, 2019
Notice of publication: Tri-County Press, May 22, 2019

VILLAGE OF EVENDALE, OHIO
ORDINANCE #19- 29

ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE A DEVELOPMENT SERVICES AGREEMENT WITH NEYER PROPERTIES, INC. TO SERVE AS THE DEVELOPER FOR THE AEROHUB PROJECT AND DECLARING AN EMERGENCY

- WHEREAS,** The Village, in coordination with the Evendale Community Improvement Corporation, solicited requests for qualifications for skilled development experts to serve as the developer of the AeroHub project; and
- WHEREAS,** 3 applicants responded to the requests for qualifications, all three were asked to submit proposals, two responded and both were interviewed, and Neyer Properties, Inc. has been recommended as the best qualified to serve in the capacity of the exclusive developer of the AeroHub project; and
- WHEREAS,** It is now appropriate to negotiate an agreement with Neyer Properties, Inc. which agreement will be presented to the Council of the Village of Evendale for approval; now, therefore

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

- SECTION I:** Neyer Properties, Inc. is hereby tentatively named as the exclusive developer for the AeroHub project provided that an appropriate contract can be negotiated between the Village of Evendale and Neyer Properties, Inc. and approved. The Mayor of the Village of Evendale is hereby authorized to attempt to negotiate such an agreement and if successful to present that to Council for its approval by ordinance.
- 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/or to provide for the daily operation of an office or department of the Village. The reason for said emergency is to put in place as quickly as possible a skilled and experienced developer to move forward with the development of AeroHub on property already acquired by the Village of Evendale and to plan for further development on adjacent property which the Village may acquire, all of which is necessary to secure and benefit the economic well being of the Village. Therefore this ordinance shall become effective immediately.

Approved: May 14, 2019

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Solicitor

1st Reading: May 14, 2019
Rules Suspended: May 14, 2019
2nd and 3rd Reading: May 14, 2019
Emergency Section Agreed to: May 14, 2019
Notice of publication: Tri-County Press, May 22, 2019

**VILLAGE OF EVENDALE, OHIO
ORDINANCE # 19-05**

**ORDINANCE APPROVING THE PRELIMINARY
CONCEPT PLAN FOR THE “AEROHUB SOUTH”
INNOVATION PUD AND
DECLARING AN EMERGENCY**

WHEREAS, The Village of Evendale is the owner of the property as depicted on the plat provided as part of Attachment 1 and currently known as “AeroHub South”; and

WHEREAS, The Council of the Village of Evendale approved amendments to Chapter 1256 of the Village of Evendale Zoning Code to include the Innovation District PUD via Ordinance #18-48 on September 11, 2018; and

WHEREAS, The Council of the Village of Evendale approved a rezoning of an area known as AeroHub South (approx.13 acres) via Ordinance 18-49 on September 11, 2018; and

WHEREAS, The Council of the Village of Evendale approved the “AeroHub Innovation District Master Plan” via Resolution #18-06 on September 11th, 2018; and

WHEREAS, The Council of the Village of Evendale finds that the attached AeroHub South Innovation PUD Preliminary Concept Plan applies to the same area which is the subject of the rezoning for AeroHub South via Ordinance 18-49; and

WHEREAS, The Council of the Village of Evendale finds that the attached AeroHub South Innovation PUD Preliminary Plan complies with the preliminary concept plan provisions of Evendale Zoning Code Chapter 1256 and is not contrary to the spirit and intent of the AeroHub Innovation District Master Plan; and

WHEREAS, There is currently underway processes to vacate the public right-of-way in AeroHub South known as St. Rita Lane, and to plat a new subdivision comprised of the AeroHub South property which will include a newly established street right-of-way and other parcels, one of which is currently under contract for sale for development; and

WHEREAS, The Village of Evendale intends to have the property within the newly-platted “AeroHub South” area be subject to certain covenants, conditions and restrictions, and to ultimately be controlled by a Master Association; and

WHEREAS, The Village of Evendale Planning Commission held a public hearing and recommended approval of the AeroHub Innovation PUD Preliminary Concept Plan on January 15, 2019, and concurrently approved the Preliminary and Final Development Plans for Modal Shop, pursuant to Evendale Zoning Code Sec. 1256.13, conditioned upon Council’s approval of this AeroHub South Innovation PUD Preliminary Plan approval; and

WHEREAS, The Village of Evendale is the intended “Developer” as defined in the draft Declaration; and now, therefore,

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

SECTION 1: The Preliminary Concept Plan for the “AeroHub South” Innovation PUD, attached hereto and incorporated herein as Attachment 1, is hereby approved.

SECTION 2: 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 in order to allow the sale and development of the first parcel of AeroHub South PUD, consistent with the AeroHub Master Plan and the PUD provisions. Therefore, this ordinance shall become effective immediately.

Approved May 14, 2019

Mayor, Village of Evendale

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: January 15, 2019
Rules Suspended: January 15, 2019
2nd and 3rd Reading: May 14, 2019
Emergency Section Agreed to: May 14, 2019
Notice of Publication: Tri-County Press, May 22, 2019

Attachment 1

AEROHUB SOUTH PLANNED UNIT DEVELOPMENT PRELIMINARY CONCEPT PLAN DOCUMENTS

Exhibits

1. Summary of Proposed Uses and Narrative
2. AeroHub Master Plan
3. Aerohub South Subdivision Plat
4. Notifications – Mailing List
5. AeroHub South CAGIS Topography Map
6. AeroHub Boulevard Roadway Planes, Phase I
7. FIRM (Flood Insurance Rate Map) for Subject Property
8. AeroHub South ALTA Survey
9. Modal Shop Plans and Supporting Documents
10. AeroHub Rendering

**VILLAGE OF EVENDALE
ORDINANCE #19-20**

**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 258 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 258 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, five 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>
Emily Mayer, Assistant Instructor	Sp/Su/F	9.25
Chris Holden, Tennis Assistant	Sp/Su/F	10.46
Matthew Dupps	Sp/Su/F	9.75

FUN IN THE SUN CAMP:

	<u>Season</u>	<u>Hourly Pay Rate</u>
Ben Berke	Summer	8.93
Suzanne Bonem	Summer	9.94
Caroline Burns	Summer	8.72
Lauren Hettinger	Summer	8.72
Margaret Janszen	Summer	9.16
Kyle Lindeman	Summer	9.16
Dustin Medina	Summer	8.72
Melody Moonitz	Summer	11.29
Justin McDaniel	Summer	8.93
Scarlett Pommering	Summer	8.72
Bailey Ramsey	Summer	9.38
Julia Ramsey	Summer	8.72
Kevin Russell	Summer	9.66
Dana Schriever	Summer	9.16
Olivia Berke	Summer	8.55
Gabrielle Davis	Summer	8.55
Nolan Gardner	Summer	8.55
Shane Lynch	Summer	8.55

POOL CONCESSION STAND:

	<u>Season</u>	<u>Hourly Pay Rate</u>
Zach Lichtenberg, Assistant Manager	Sp/Su	8.55
Michelle Hirnikel, Assistant Manager	Sp/Su	9.38
Victoria Reedy, Assistant Manager	Sp/Su	8.55
Emma Mitsch, Assistant Manager	Sp/Su	8.55

SWIM TEAM:

	<u>Season</u>	<u>Lump Sum Salary</u>
Debbie Walker, Head Coach	Sp/Su	4795.12*
Jen Schell, Assistant Coach	Sp/Su	3544.41*
Kaily Hauck, Assistant Coach	Sp/Su	2401.77*
Benjamin Thiss	Sp/Su	3211.05*
Ashley Thiss	Sp/Su	3041.49*
William Schwieterman	Sp/Su	2624.80*
Renee Finan, Asst. Coach 6 & Under	Sp/Su	\$10.20/hour

*In addition, as part of the Head Coach and 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>
Luke Mitsch	Summer	12.75
Henry Burke	Summer	12.50
Steven Knebel	Summer	12.50
Michael White	Summer	12.75
Tristen Pommering	Summer	12.75
Richard Herzog	Summer	20.00

SECTION 2: This ordinance is declared to be an emergency by a concurrence of five 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 14, 2019

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Solicitor

1st Reading: May 14, 2019
Rules Suspended: May 14, 2019
2nd and 3rd Reading: May 14, 2019
Emergency Section Agreed to: May 14, 2019
Notice of publication: Tri-County Press, May 22, 2019

VILLAGE OF EVENDALE, OHIO
ORDINANCE #19-21

**ORDINANCE AUTHORIZING THE FIRE CHIEF TO DONATE TWO LARGE
EVACUATION FANS TO THE HAMILTON COUNTY URBAN SEARCH AND
RESCUE TEAM AND DECLARING AN EMERGENCY**

- WHEREAS,** The Village of Evendale Fire Department is in possession of two large fans used to ventilate buildings when it is necessary to clear the air at emergency sites; and
- WHEREAS,** Those two particular fans are no longer used by the Evendale Fire Department as they have been replaced by newer equipment but are still usable; and
- WHEREAS,** The Hamilton County Urban Search and Rescue Team has expressed a desire to have those fans for use at sites they respond to; and
- WHEREAS,** The Hamilton County Urban Search and Rescue Team is a task force comprised of first responders from political subdivisions in the Hamilton County area including the Village of Evendale; and
- WHEREAS,** The Hamilton County Urban Search and Rescue Team typically responds to large scale matters and assists in the search for and recovery of victims, both here in the Hamilton County area and at disaster sites in other parts of the tri-state area, and is an important local asset; and
- WHEREAS,** Providing the fans to the Hamilton County Urban Search and Rescue Team will keep the fans in public use, provide an important public service, and be of continued benefit to the Village of Evendale as the Village cooperates with and benefits from the work of the Hamilton County Urban Search and Rescue Team; now, therefore

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

SECTION I: The Fire Chief of the Village of Evendale is hereby authorized to transfer ownership to the Hamilton County Urban Search and Rescue Team of the following two fans:

I. Super Vac P164SE 18" Smoke Ejector electric fan and

II. Unifire 18" Gas Powered Fan, Serial Number DS-3P4.

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/or to provide for the daily operation of an office or department of the Village. The reason for said emergency is to put the two identified fans back into use for an important public purpose as soon as possible so that the fans may be available in the event that an emergency requires the assistance of the Hamilton County Urban Search and Rescue Team and the team requires the ability to ventilate a site during the course of their operations. Therefore, this ordinance shall become effective immediately.

Approved: May 14, 2019

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Solicitor

1st Reading: May 14, 2019
Rules Suspended: May 14, 2019
2nd and 3rd Reading: May 14, 2019
Emergency Section Agreed to: May 14, 2019
Notice of publication: Tri-County Press, May 22, 2019

VILLAGE OF EVENDALE, OHIO
ORDINANCE #19-22

**ORDINANCE APPROVING AN APPROPRIATION FOR COSTS
RELATED TO THE REPAIR AND REMODEL OF THE BELL TOWER
ARTS PAVILION IN THE CAPITAL FUND AND DECLARING AN
EMERGENCY.**

WHEREAS, Pursuant to legislation properly adopted by the Council of the Village of Evendale certain expenditures will take place that need to be appropriately reflected as appropriations; and

WHEREAS, Funds are requested for expenditures related to repairs and remodel costs on the newly acquired Bell Tower Arts Pavilion; and

WHEREAS, Funds are available in the Capital fund; now, therefore,

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

SECTION 1 The following sum is authorized to be expended from the 400 Capital Fund:

400.701.525350 Bell Tower Arts Pavilion \$68,000.00

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 operations of a department or office of the Village of Evendale. It is necessary that this measure be put into effect immediately because the public welfare and daily operations of the Village require that line items within departmental budgets not exceed the appropriation amounts approved by Council and it is in the public interest for the Village to ready the Arts Pavilion for more complete use by the Village and its citizens by making necessary repairs and improvements as soon as possible. This ordinance shall be effective upon passage.

Approved: May 14, 2019

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Solicitor

1st Reading: May 14, 2019

Rules Suspended: May 14, 2019

2nd and 3rd Reading: May 14, 2019

Emergency Section Agreed to: May 14, 2019

Notice of publication: Tri-County Press, May 22, 2019

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #19-23**

**ORDINANCE APPROVING AN APPROPRIATION FOR ADDITIONAL
COSTS RELATED TO THE AEROHUB ROAD CONSTRUCTION
PROJECT FROM THE CAPITAL FUND AND DECLARING AN
EMERGENCY.**

WHEREAS, Pursuant to legislation properly adopted by the Council of the Village of Evendale certain expenditures will take place that need to be appropriately reflected as appropriations; and

WHEREAS, Funds are requested for expenditures related to the Aerohub road construction project in excess of the currently budgeted amount due to additional costs related to moving the gas line; and

WHEREAS, Funds are available in the Capital fund and are required immediately due to the urgency related to moving the gas line in order to meet the construction completion deadline set forth by the grant agency Jobs Ohio; now, therefore,

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

SECTION 1 The following sum is authorized to be expended from the 400 Capital Fund:

400.701.525600 Aerohub Jobs Ohio grant project \$116,700.00

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 operations of a department or office of the Village of Evendale. It is necessary that this measure be put into effect immediately because the public welfare and daily operations of the Village require that line items within departmental budgets not exceed the appropriation amounts approved by Council and it is in the public interest for the Village to make available immediately funds to continue construction on the Aerohub road which is under a deadline for completion in order to receive the full grant support of the project. This ordinance shall be effective upon passage.

Approved: May 14, 2019

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Solicitor

1st Reading: May 14, 2019
Rules Suspended: May 14, 2019
2nd and 3rd Reading: May 14, 2019
Emergency Section Agreed to: May 14, 2019
Notice of publication: Tri-County Press, May 22, 2019

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #19-24**

**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) Rush Truck Center - \$3,000.00 – Vehicle repair
- 2) Axon Enterprises Inc. - \$20,531.00 – New Tasers
- 3) City of Sharonville - \$5,127.50 – Flood Warning System

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 14, 2019

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Solicitor

1st Reading: May 14, 2019
Rules Suspended: May 14, 2019
2nd and 3rd Reading: May 14, 2019
Emergency Section Agreed to: May 14, 2019
Notice of publication: Tri-County Press, May 22, 2019

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #19-25**

**AN ORDINANCE APPROVING A TRANSFER FROM THE
CONTINGENCY FUND TO THE UTILITIES FUND AND
DECLARING AN EMERGENCY**

- WHEREAS,** Pursuant to legislation properly adopted by the Council of the Village of Evendale, certain expenditures will take place that need to be appropriately reflected as an appropriation; and,
- WHEREAS,** An expense was paid from an account in the Utilities fund that related to Aerohub Phase 1 road construction; and
- WHEREAS,** The Utilities Fund must be reimbursed to restore the initial budgeted amount to the account in order to meet the financial obligations for the year; and
- WHEREAS,** Funding is available in the contingency line item to supplement the funds necessary; now

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

SECTION 1: The following sum is transferred from the General Fund Contingency Fund account:

101.799.579900	\$116,690.47
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To the 500 Utilities Department:

230-239 Contract Services	\$116,690.47
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SECTION 2: These appropriated funds are authorized to reimburse the Utilities Fund for the Aerohub road construction expenditure.

SECTION 3: 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 because the public welfare and daily operations of the Village require that line items within Fund budgets not exceed the appropriation amounts approved by Council and it is in the public interest to ensure adequate funding in the Utilities Fund. This ordinance shall be effective upon passage.

Approved: May 14, 2019

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Solicitor

1st Reading: May 14, 2019
Rules Suspended: May 14, 2019
2nd and 3rd Reading: May 14, 2019
Emergency Section Agreed to: May 14, 2019
Notice of publication: Tri-County Press, May 22, 2019

**VILLAGE OF EVENDALE
ORDINANCE 19-27**

**ORDINANCE APPROVING WATER MANAGEMENT
AND SEDIMENTATION CONTROL PLANS
FOR THE MODAL SHOP, INC.
AND AUTHORIZING BUILDING
COMMISSIONER TO ISSUE PERMIT
AND DECLARING AN EMERGENCY**

WHEREAS, Bayer Becker, on behalf of The Modal Shop, Inc. has submitted a certain set of grading plans on property it owns, specifically located on Lot 3 of the AeroHub Subdivision, Hamilton County Auditor's Book 611, Page 50, Parcel 158 for an development of a new building and, in accordance with Evendale Ordinance 1466 et. seq.; and

WHEREAS, the Engineer of the Village has given his approval of said plans for the property to be developed by the property owner; and,

WHEREAS, the plans approved by the Village Engineer appear to be in good order and in compliance with the purposes and intent of Evendale Ordinance 1466 et. seq.

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

SECTION 1: The copy of the plans submitted by Bayer Becker on behalf of The Modal Shop, Inc., the property owner, in accordance with Evendale Code Section 1466 and approved by the Village Engineer are hereby attached as Appendix A and made part hereof.

SECTION 2: The Council of the Village of Evendale finds that notwithstanding the requirement in Section 1466.04 of the Codified Ordinances of the Village of Evendale, that such plans be held for 30 days before action by Council public policy justification exists to proceed immediately in order to obtain the benefits of the improvements, the reduction of impervious surfaces and the enhancement of greenspace, landscaping and aesthetic appeal of the site as soon as possible and Council further finds said plans as approved by the Engineer to be well taken and to comply with the intent and purposes of Ordinance 1466 et. seq., and are hereby approved by this Council.

SECTION 3: The approval of Council of these plans shall be conditioned upon and shall not take effect until the filing of the plans with the Building Commissioner and filing of the performance bond set by Council in the amount of \$74,500. In addition, the issuance of the Water Management and Sedimentation Control Permit is conditioned upon Approval by the Building Department of the proposed plans.

SECTION 4: Copies of the plans as approved by Council shall also be filed with the Clerk, the Engineer, the Building Commissioner, the Planning Commission and the County Soil and Water Conservation District.

SECTION 5: Upon the filing of said approved plans with the Building Commissioner and upon the posting of the bond specified above, the Building Commissioner shall issue the appropriate permit to commence the work, etc. as provided by the approved plans.

SECTION 6: This ordinance shall not constitute approval for any building or structure.

SECTION 7: 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 safety and welfare require the work commence immediately to promote the renovation of the site and therefore the economic health of the Village of Evendale and reduce the impervious surface area and enhance landscaping of the site at the earliest possible date. This ordinance shall be effective upon passage.

Approved: May 14, 2019

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Solicitor

1st Reading: May 14, 2019

Rules Suspended: May 14, 2019

2nd and 3rd Reading: May 14, 2019

Emergency Section Agreed to: May 14, 2019

Notice of publication: Tri-County Press, May 22, 2019

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #19-28**

**AN ORDINANCE APPROVING A TRANSFER FROM THE
CONTINGENCY FUND TO THE FIRE DEPARTMENT AND
DECLARING AN EMERGENCY**

- WHEREAS,** Pursuant to legislation properly adopted by the Council of the Village of Evendale, certain expenditures will take place that need to be appropriately reflected as an appropriation; and,
- WHEREAS,** The Fire department must track and secure the drugs that are deemed “dangerous” by the DEA and the Ohio Board of Pharmacy; and
- WHEREAS,** The Fire department will purchase locking devices that track individual entry access to the drugs leaving an audit trail in the case of missing drugs; and
- WHEREAS,** The expense of \$8,500.00 for the these necessary devices was not originally included in the budget; and
- WHEREAS,** Funding is available in the contingency line item to supplement the funds necessary; now

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

SECTION 1: The following sum is transferred from the General Fund Contingency Fund account:

101.799.579900	\$8,500.00
To the 102 Fire Department:	
101.102.524200 Operating Expense	\$8,500.00

SECTION 2: These appropriated funds are authorized to purchase three controlled drug safes with tracking capability to be used at EMS scenes, one in house drug safe and the necessary tracking software related to each.

SECTION 3: 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 because the public welfare and daily operations of the Village require that line items within Fund budgets not exceed the appropriation amounts approved by Council and it is in the public interest to ensure adequate security of dangerous drugs. This ordinance shall be effective upon passage.

Approved: May 14, 2019

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Solicitor

1st Reading: May 14, 2019
Rules Suspended: May 14, 2019
2nd and 3rd Reading: May 14, 2019
Emergency Section Agreed to: May 14, 2019

