



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 October 9, 2018

ORD. #18-66

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

ORD. #18-67

ORDINANCE APPROVING AN APPROPRIATION FOR ADDITIONAL COSTS RELATED TO THE PHI LAMBDA PI SERVICE ORGANIZATION AND DECLARING AN EMERGENCY. Unanimously approved

ORD. #18-68

AN ORDINANCE AUTHORIZING THE MAYOR TO GRANT AN ACCESS EASEMENT ACROSS LOT 23 OF THE EVENDALE HEIGHTS SUBDIVISION AND DECLARING AN EMERGENCY. Unanimously approved

ORD. #18-69

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CONSTELLATION NEW ENERGY SERVICES TO PROVIDE NATURAL GAS AGGREGATION PREPARATORY SERVICES AND DECLARING AN EMERGENCY. Unanimously approved

RES. #18-07

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR. Unanimously approved

RES. 18-08

A RESOLUTION ADOPTING THE 2018 HAMILTON COUNTY MULTI-HAZARD MITIGATION PLAN. Unanimously approved

RES. #18-09

A RESOLUTION CONSENTING TO THE EXECUTION OF AN AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF HAMILTON COUNTY, OHIO AND THE MODAL SHOP INC. PROVIDING FOR THE ADOPTION OF A PROJECT WHICH WILL EXPAND A BUSINESS IN THE VILLAGE OF EVENDALE AND CREATE AND/OR PRESERVE EMPLOYMENT OPPORTUNITIES WITHIN AN ENTERPRISE ZONE OF HAMILTON COUNTY AND DECLARING AN EMERGENCY. Unanimously approved

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #18-66**

**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) Jeffrey Allen - \$5,000.00 – Landscape
- 2) Forrest Lytle Supplies - \$5,100.00 – Grounds Maintenance

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 October 9, 2018

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: October 9, 2018
Rules Suspended: October 9, 2018
2nd and 3rd Reading: October 9, 2018
Emergency Section Agreed to: October 9, 2018
Notice of publication: Tri-County Press, October 17, 2018

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #18-67**

**ORDINANCE APPROVING AN APPROPRIATION FOR ADDITIONAL
COSTS RELATED TO THE PHI LAMBDA PI SERVICE
ORGANIZATION 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 Phi Lambda Pi Service Organization in excess of the budgeted amount due to the growth of the Organization in the current year; and
- WHEREAS,** Funds are available in the organization's special revenue fund and are required immediately due to events taking place in the next month; 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 206 Phi Lambda Pi Fund:

240-249 Operation and Maintenance \$6,000

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 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 support the growing teen service group. This ordinance shall be effective upon passage.

Approved October 9, 2018

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: October 9, 2018
Rules Suspended: October 9, 2018
2nd and 3rd Reading: October 9, 2018
Emergency Section Agreed to: October 9, 2018
Notice of publication: Tri-County Press, October 16, 2018

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #18-68**

**AN ORDINANCE AUTHORIZING THE MAYOR TO GRANT AN
ACCESS EASEMENT ACROSS LOT 23 OF THE EVENDALE
HEIGHTS SUBDIVISION AND DECLARING AN EMERGENCY**

WHEREAS, At its September, 2018 meeting, the Council of the Village of Evendale adopted Ordinance #18-58 authorizing the transfer of 3047 Inwood Drive, Hamilton County Auditor's Parcel No. 611-0020-0061-00 also known as Lot 22 of Evendale Heights Subdivision as it will exist when the replat of the subdivision is completed and filed as depicted on the plat which was attached to the Ordinance # 18-58; and

WHEREAS, The transfer of property was to fulfill the public purpose of providing the construction of new housing in the Village of Evendale; and

WHEREAS, With the replat of property, the Village of Evendale will continue to own in its name, Lot 23 of the Evendale Heights Subdivision, which is immediately to the west of Lot 22, and is to remain as green space; and

WHEREAS, Currently on Lot 23 is an existing driveway that historically provided access to Lot 22; and

WHEREAS, In order support the construction of a new home on Lot 22, the Mayor is authorized to execute an easement agreement allowing for the continued use of the driveway across Lot 23 into Lot 22; and

WHEREAS, The driveway is depicted on the attached plat which is the resubdivision of Lots 22 and 23 which was approved by Council as a part of Ordinance # 18-58 and was attached to that ordinance (It is also attached hereto); Now
Therefore,

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

SECTION 1: The Mayor is authorized to execute an access easement agreement to be conveyed to the owner of Lot 22 allowing for the continued use of the driveway through Lot 23 to Lot 22 until such time that such driveway is no longer used for that purpose, provided that it shall be the obligation of the owner of Lot 22 to maintain the driveway through lot 22 in good order at said owners sole expense.

SECTION 2: This ordinance is hereby declared to be an emergency measure necessary to preserve the safety, health and general 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 to assist in the construction of new housing within the Village of Evendale at the earliest possible date. Therefore, this ordinance shall become effective immediately.

Approved October 9, 2018

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: October 9, 2018

Rules Suspended: October 9, 2018

2nd and 3rd Reading: October 9, 2018

Emergency Section Agreed to: October 9, 2018

Notice of publication: Tri-County Press, October 17, 2018

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #18-69**

**ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT
WITH CONSTELLATION NEW ENERGY SERVICES TO PROVIDE NATURAL GAS
AGGREGATION PREPARATORY SERVICES AND DECLARING AN EMERGENCY**

WHEREAS, Governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of natural gas deregulation through lower natural gas rates which they would not otherwise be able to have individually; and

WHEREAS, On May 4, 2010, the electorate of the Village of Evendale overwhelmingly approved the establishment of a natural gas aggregation program for the Village; and

WHEREAS, Constellation New Energy has been Evendale's natural gas supplier for the past 3 years per recommendation of Energy Alliances, Evendale's aggregation consultant. Despite occasions when Duke Energy's gas rate was lower than Constellation's rate, Constellation New Energy has historically produced annual gas savings as Evendale's gas aggregate supplier.

WHEREAS, Evendale's current contract with Constellation New Energy expires October 31, 2018. Evendale residents participating in the voluntary Opt-Out gas aggregation program were most recently receiving a fixed-flex down rate of \$0.476 per Ccf compared to Duke's \$0.5021 per Ccf. These rates are expected to drop to \$0.444 per Ccf for Evendale starting December 2018 thru May 2019 with Duke offering \$0.4117 per Ccf for 1 month (Sept. 28, 2018 to October 28, 2018). According to Energy Alliance's most recent performance report (13 months from March 2017 to March 2018), an average of 872 Evendale households participated in the gas aggregation program saving an average of \$5.92

WHEREAS, The Council of the Village of Evendale hereby desires to re-enter into an agreement with Constellation New Energy for the provision of preparatory services for natural gas aggregation for the Village of Evendale as permitted by law; 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 enter into an agreement with Constellation New Energy substantially in the form of the Agreement attached hereto and incorporated by reference herein. The final version of the Agreement shall be subject to the approval of the Law Director 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 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 effect immediately in order to secure the possibility of reduced energy prices for the citizens and businesses of the Village of Evendale at the earliest possible date. Fluctuations in energy prices over the next 30 days could deprive Evendale from negotiating gas rates resulting in immediate and/or longer term cost savings for residents and businesses if this ordinance is not made effective immediately. Therefore, this ordinance shall become effective immediately.

Approved October 9, 2018

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: October 9, 2018
Rules Suspended: October 9, 2018
2nd and 3rd Reading: October 9, 2018
Emergency Section Agreed to: October 9, 2018
Notice of publication: Tri-County Press, October 17, 2018

**VILLAGE OF EVENDALE, OHIO
RESOLUTION 18-08**

**A RESOLUTION ADOPTING THE 2018 HAMILTON COUNTY
MULTI-HAZARD MITIGATION PLAN**

WHEREAS, the Village of Evendale, Ohio, like virtually every other community, is vulnerable to an array of natural, technological and human-caused hazards that have the potential to cause loss of life and damage to public and private property; and

WHEREAS, the Hamilton County Emergency Management & Homeland Security Agency and the Hazard Mitigation Steering Committee, comprised from representatives from the County, Municipalities, and stake holder organizations in Hamilton County, have prepared a recommended Multi-Hazard Mitigation Plan that reviews the options to protect people and property and reduce damage from these hazards; and

WHEREAS, the Village of Evendale has participated in the planning process for development to this plan, providing information specific to local and count-wide hazard priorities, encouraging public participation, identifying desired hazard mitigation strategies, and reviewing the draft plan; and

WHEREAS, the Hamilton County Emergency Management & Homeland Security Agency, with the Hazard Mitigation Steering Committee, has developed the Hamilton County Multi-Hazard Mitigation Plan (the “Plan”) as an official document of the County pursuant to the Disaster Mitigation Act of 2000 (PL-106-390) and associated regulations (44 CFR 210.6); and

WHEREAS, the Plan has been widely circulated for review by the County’s residents, Municipal officials, and regional, state and Federal partner agencies and has been revised to reflect their concerns; and

WHEREAS, the Ohio Emergency Management Agency and the Federal Emergency Management Agency have reviewed the Plan for legislative compliance and approved the Plan pending the completion of local adoption procedure; now, therefore,

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

SECTION 1: The Hamilton County Multi-Hazard Mitigation Plan is here by adopted as an official Plan of the the Village of Evendale does hereby. Attached hereto are copies of a portion of the Plan specifically dealing with the Village of Evendale. The full Plan may be accessed at [https://www.dropbox.com/sh/yc5y1wc7g77ftuq/AAADl3w15b0KZd_pgUrIO0oQa/MitigationPlan - Complete/2018 Hamilton County Multi-Hazard Mitigation Plan.pdf?dl=0](https://www.dropbox.com/sh/yc5y1wc7g77ftuq/AAADl3w15b0KZd_pgUrIO0oQa/MitigationPlan-Complete/2018HamiltonCountyMulti-HazardMitigationPlan.pdf?dl=0).

SECTION 2: The Evendale Fire Department is charged with supervising the implementation of the Plan’s recommendations as they pertain to the Village of Evendale and within the funding litigations as provided by the Village of Evendale Council or other sources.

Approved October 9, 2018

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: October 9, 2018

Rules Suspended: October 9, 2018

2nd and 3rd Reading: October 9, 2018

Emergency Section Agreed to: October 9, 2018

Notice of publication: Tri-County Press, October 17, 2018

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

A RESOLUTION CONSENTING TO THE EXECUTION OF AN AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF HAMILTON COUNTY, OHIO AND THE MODAL SHOP INC. PROVIDING FOR THE ADOPTION OF A PROJECT WHICH WILL EXPAND A BUSINESS IN THE VILLAGE OF EVENDALE AND CREATE AND/OR PRESERVE EMPLOYMENT OPPORTUNITIES WITHIN AN ENTERPRISE ZONE OF HAMILTON COUNTY AND DECLARING AN EMERGENCY

- WHEREAS,** At its regular meeting on August 14, 2018, the Council of the Village of Evendale adopted Resolution #18-02, containing similar provisions as herein, however that Resolution was adopted prematurely and Hamilton County has requested that a new ordinance be adopted; and
- WHEREAS,** The Council of the Village of Evendale has, on April 10, 1997, by Ordinance No. 97-33, consented to the establishment of an Enterprise Zone, known as the Reading/Lockland/Evendale/Arlington Heights Enterprise Zone, by the Board of County Commissioners of Hamilton County, Ohio, as authorized by Section 5709 of the Ohio Revised Code, which has been amended from time to time; and
- WHEREAS,** On April 16, 1997, the Board of County Commissioners of Hamilton County, Ohio did duly establish such a zone; and
- WHEREAS,** On July 2, 1997, the Director of Development of the State of Ohio certified the area designated by this Council and the Board of County Commissioners of Hamilton County, Ohio as an Urban Jobs and Enterprise Zone pursuant to Section 5709.63(A) of the Ohio Revised Code; and
- WHEREAS,** THE MODAL SHOP INC. (MODAL) now proposes a project which will create investment and employment opportunities in the Village of Evendale; and
- WHEREAS,** MODAL has proposed a project which will involve constructing a new 40,000 sq. ft. facility with a total new investment of approximately four million and fifty thousand dollars (\$4,050,000.00) with eighty (80) full-time and ten (10) part-time permanent jobs over three years; and
- WHEREAS,** The Council of the Village of Evendale, upon receiving endorsement by the Evendale Community Improvement Corporation, has reviewed the proposed project and is of the opinion that MODAL is qualified to create and/or preserve employment opportunities in the enterprise zone;

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

SECTION I Resolution 18-02 is hereby repealed, rescinded and replaced with this Ordinance.

SECTION II The Council hereby gives its consent for the Board of County Commissioners of Hamilton County, Ohio, to enter into an enterprise zone agreement with MODAL, the Enterprise Zone Application of which is attached to this Resolution as **Exhibit A**.

SECTION III

This resolution is hereby declared to be an emergency by 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 so the Board of County Commissioners may promptly proceed to enter into the Agreement with MODAL'S and the benefits of such agreement be obtained as promptly as possible. This resolution shall be effective upon passage.

Approved October 9, 2018

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: October 9, 2018

Rules Suspended: October 9, 2018

2nd and 3rd Reading: October 9, 2018

Emergency Section Agreed to: October 9, 2018

Notice of publication: Tri-County Press, October 16, 2018