



## 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 April 9, 2019.

**ORD. #19-15**

AN ORDINANCE AMENDING THE VILLAGE OF EVENDALE PLANNING AND ZONING CODE, SECTION 1256.19 AMENDING THE TEXT TO THE INNOVATION DISTRICT PUD REGULATIONS, AND DECLARING AN EMERGENCY.

**ORD. #19-16**

AN ORDINANCE APPROVING A TRANSFER FROM THE CONTINGENCY FUND TO THE POLICE DEPARTMENT CAPITAL IMPROVEMENTS ACCOUNT AND DECLARING AN EMERGENCY.

**ORD. #19-17**

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

**ORD. #19-18**

ORDINANCE ADOPTING A NEW SUBSECTION TO ORDINANCE 258.241 "DRUG AND ALCOHOL TESTING" IN ORDER TO CLEARLY STATE THE EVENDALE POLICY PROHIBITING THE USE OF MEDICAL MARIJUANA BY VILLAGE EMPLOYEES AND DECLARING AN EMERGENCY.

**ORD. #19-19**

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CONSTELLATION NEW ENERGY SERVICES TO ESTABLISH AND 3-YEAR FIXED GAS SUPPLY RATE AND DECLARING AN EMERGENCY.

**VILLAGE OF EVENDALE, OHIO  
ORDINANCE # 19-15**

**AN ORDINANCE AMENDING THE VILLAGE OF EVENDALE  
PLANNING AND ZONING CODE, SECTION 1256.19 AMENDING  
THE TEXT TO THE INNOVATION DISTRICT PUD  
REGULATIONS, AND DECLARING AN EMERGENCY.**

**WHEREAS,** On September 11, 2018, The Village of Evendale passed Ordinance 18-48 creating the Innovation District PUD

**WHEREAS,** On September 11, 2018, The Village of passed Ord 18-49 implementing the Innovation District PUD on 13 acres of Village-owned property on Glendale-Milford Rd. immediately West of I-75 and South of St. Rita's School for the Deaf

**WHEREAS,** Since implementation of the subject PUD, the Village Community Improvement Corporation (CIC), Planning Commission and staff have further analyzed the uses permitted by the Innovation District PUD and have determined that several uses should be removed or more further restricted, for the time being, so as to encourage the development and retention of intended primary uses such as advanced manufacturing, research and development centers, professional offices and similar permitted uses.

**WHEREAS,** The Planning Commission held a public hearing on March 19, 2019 to consider amending the Evendale Zoning Code so as to remove "restaurants" as a permitted use in the Innovation District and the further restrict all "conditional uses" from being located within a 300 foot radius of the Southeast corner of the intersection of Glendale-Milford Rd. and AeroHub Blvd.;

**WHEREAS,** Said amendments were recommended by the Planning Commission and the CIC for adoption;

**WHEREAS,** The Council of the Village of Evendale has conducted a public hearing on the proposed amendments to the Zoning Code and finds that such change will enable the Village to better accommodate desired business types within the Innovation PUD and satisfy demand for this type of business within the Village;

**NOW THEREFORE,**

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

**SECTION I** Part Twelve, Title Two, Section 1256.19 of the Zoning Code of the Village of Evendale, is hereby amended as shown on attached Exhibit A. Specifically, "restaurants" is removed as a permitted use; and, conditional uses are further restricted to an area outside a 300 ft. radius of the Southeast corner of the intersection of Glendale-Milford Rd and AeroHub Blvd. The remainder of the Zoning Code shall remain as written.

**SECTION III**

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 to enable the Village to immediately communicate the availability of Village-owned land for priority uses in the Innovation District PUD. Therefore, this ordinance shall become effective immediately.

Approved    April 9, 2019

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Mayor

Attest:

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Village Clerk

Approved as to Form:

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Village Law Director

1st Reading: April 9<sup>th</sup>, 2019  
Rules Suspended: April 9<sup>th</sup>, 2019  
2nd and 3rd Reading: April 9<sup>th</sup>, 2019  
Emergency Section Agreed to: April 9<sup>th</sup>, 2019  
Notice of publication: Tri-County Press, April 17, 2019

**VILLAGE OF EVENDALE, OHIO**  
**ORDINANCE #19-16**

**AN ORDINANCE APPROVING A TRANSFER FROM THE  
CONTINGENCY FUND TO THE POLICE DEPARTMENT CAPITAL  
IMPROVEMENTS ACCOUNT 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 Police Department is in need of new tasers; and

**WHEREAS,** The Police Department must have this equipment which is essential to their job and safety; 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	\$20,000.00
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To the 101 Police Department:

101.102.525211 Capital Improvements	\$20,000.00
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**SECTION 2:** These appropriated funds are authorized to be expended for the purchase of the tasers.

**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 provide the Police department the means to obtain safety equipment. This ordinance shall be effective upon passage.

Approved April 9, 2019

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Village Clerk

Approved as to Form:

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Village Law Director

1st Reading: April 9<sup>th</sup>, 2019

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Notice of publication: Tri-County Press, April 17, 2019

**VILLAGE OF EVENDALE, OHIO  
ORDINANCE #19-17**

**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) Adleta Construction - \$19,865.38 – Reading Road Collapse

**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 April 9, 2019

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Mayor

Attest:

\_\_\_\_\_  
Village Clerk

Approved as to Form:

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Village Law Director

1st Reading: April 9<sup>th</sup>, 2019  
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**VILLAGE OF EVENDALE, OHIO  
ORDINANCE #19-18**

**ORDINANCE ADOPTING A NEW SUBSECTION TO ORDINANCE 258.241  
“DRUG AND ALCOHOL TESTING” IN ORDER TO CLEARLY STATE THE  
EVENDALE POLICY PROHIBITING THE USE OF MEDICAL  
MARIJUANA BY VILLAGE EMPLOYEES AND DECLARING AN  
EMERGENCY**

**WHEREAS,** While the State of Ohio has adopted a medical marijuana program, the possession and use of marijuana remains illegal under Federal law; and

**WHEREAS,** Employees under the influence of marijuana, as with other drugs, may be a danger to themselves and others and unable to safely or appropriately fulfill the duties of their employment; and

**WHEREAS,** Therefore, the Village of Evendale finds it appropriate to make clear that its Drug Free Workplace Policy includes prohibiting the use of medical marijuana by Village Employees;

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

**Section 1:** Subsection 258.141 (k) Medical Marijuana is hereby adopted to read as follows:

(k) Medical Marijuana,

“Marijuana continues to be illegal under Federal law. That includes medical marijuana. As a result, in compliance with the Village of Evendale’s Drug Free Workplace, the use of medical marijuana by Village Employees is prohibited.”

**Section 2:** This ordinance is hereby declared to be an emergency measure necessary to preserve the health, safety, and general welfare of the Village of Evendale and its citizens and to provide for the daily operation of a department or office of the Village of Evendale. The reason for said emergency is that the sale of medical marijuana at certain retail establishments in the State of Ohio has begun and it is necessary to clearly state immediately the Village’s policy on the use of medical marijuana by Village employees. Therefore, this ordinance shall become effective immediately.

Approved April 9, 2019

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Mayor

Attest:

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Village Clerk

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Village Law Director

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

**ORDINANCE AUTHORIZING THE MAYOR TO ENTER  
INTO AN AGREEMENT WITH CONSTELLATION NEW  
ENERGY SERVICES TO ESTABLISH AND 3-YEAR FIXED  
GAS SUPPLY RATE 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 Village natural gas aggregation program; and
- WHEREAS,** The Village of Evendale is currently under contract with Constellation New Energy Gas Division LLC (“Constellation”) to provide gas supply to residents thru November 1, 2020; and
- WHEREAS,** On occasion, Energy Alliances, Evendale’s aggregation consultant, is able to negotiate with Constellation fixed-rates for gas supply. Despite occasions when Duke Energy’s gas rate (the local default gas supplier) is lower than Constellation’s rate, Constellation has historically produced annual savings each year for Evendale residents. Residents are automatically enrolled in the gas aggregation program but can voluntarily opt-out at any time with no penalty; and
- WHEREAS,** Energy Alliance recently negotiated a 3-year (June 2019 to May 2022), .396 cents per ccf fixed-rate for gas supply with Constellation as detailed in Exhibit “A”. Constellation is currently providing a rate of .425 cents per ccf as of the April 2019 gas meter read. The proposed fixed rate extends beyond the November 2020 contract expiration; and,
- WHEREAS,** Based on Energy Alliances recommendation and estimation that the proposed 3-year fixed rate will provide Evendale residents with an overall savings over Duke’s default rate, The Council of the Village of Evendale hereby desires to confirm the 3-year fixed rate offer for at least the period of time the Village remains in contract with Constellation.
- WHEREAS,** Failure to endorse the proposed fixed-rate will not result in contract termination with Constellation; rather, Constellation will continue to provide gas supply on a month-to-month variable rate basis until such time a future fixed-rate is endorsed, if ever, or until contract expiration; 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 the 3-year fixed rate price agreement with Constellation substantially in the form of the Agreement attached hereto and incorporated by reference herein; for at least the period time Evendale remains in contract with Constellation. 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 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 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 occurring over the next 30 days could deprive the residents and businesses of cost savings if this ordinance is not made effective immediately. Therefore, this ordinance shall become effective immediately.

Approved April 9, 2019

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Mayor

Attest:

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Village Clerk

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Village Law Director

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