



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 June 21, 2022

ORDINANCE #22-45

AN ORDINANCE AMENDING SUBSECTION 1266.09(h)(1)(B)(ii), ACCESSORY USES AND STRUCTURES, FENCES AND WALLS, AND DECLARING AN EMERGENCY

ORDINANCE # 22-46

ORDINANCE AMENDING SECTION 258.057 OVERTIME OF THE CODE OF ORDINANCES OF THE VILLAGE OF EVENDALE AND DECLARING AN EMERGENCY

ORDINANCE #22-47

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH OHIO PLAN RISK MANAGEMENT, INC. TO PROVIDE PROPERTY AND LIABILITY INSURANCE WITH THE ASSISTANCE OF HYLANT ADMINISTRATIVE SERVICES FOR THE VILLAGE OF EVENDALE AND DECLARING AN EMERGENCY

ORDINANCE #22-48

ORDINANCE AUTHORIZING THE MAYOR TO FINALIZE AND ENTER INTO A GAS AGGREGATION AGREEMENT FOR GAS SUPPLY SERVICES FOR A FIXED TERM AND FIXED RATE THAT IS COMPETITIVE WITH DUKE ENERGY GAS SUPPLY RATES AND DECLARING AN EMERGENCY

ORDINANCE #22-49

ORDINANCE APROVING THE HIRING OF TIMOTHY M. BURKE AS SPECIAL COUNSEL TO THE VILLAGE AND DECLARING AN EMERGENCY

ORDINANCE #22-50

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

ORDINANCE #22-51

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

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #22-45**

**AN ORDINANCE AMENDING SUBSECTION 1266.09(h)(1)(B)(ii),
ACCESSORY USES AND STRUCTURES, FENCES AND WALLS,
AND DECLARING AN EMERGENCY**

WHEREAS, the Ohio Administrative Code, a growing number of communities, and the Ohio Building Code now provide that a power safety cover complying with ASTM F1346-91(2018), Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs, may substitute for a fence or barrier around a swimming pool; and

WHEREAS, ASTM International (“ASTM”) formally known as the American Society for Testing and Materials, has established a standard for testing and approving such automatic pool covers; and

WHEREAS, some home owners may find that such pool covers are more attractive and, in fact, safer than a fence or a wall around a pool; and

WHEREAS, the Evendale Planning Commission, at its meeting on June 15, 2021, recommended adoption of this Ordinance by a 3-1 vote; now therefore,
BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF EVENDALE, STATE OF OHIO, and **six** members concurring that:

SECTION 1: Text to be added to the Evendale Code of Ordinances shall be indicated in ***bold italics***. Text to be eliminated from the Evendale Code of Ordinances shall be indicated by ~~strikethrough~~.

SECTION 2: Subsection 1266.09(h)(1)(B)(ii) is hereby amended to read as follows:

“Swimming pools shall be enclosed by a permanent fence or wall with a controlled access point that shall be locked when the pool is not in use.
Alternatively, a residential swimming pool may have an automatic powered safety cover, permanently installed on the pool, which meets the ASTM F1346-91(2018) standard, and all amendments thereto, governing such covers and installations. Said safety cover must be closed at all times when the pool is not in use. A plan detailing the installation of such a cover shall be presented for approval before such a cover may be allowed in lieu of a fence or wall.”

Approved: June 21, 2022

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: May 10, 2022

2nd Reading: June 14, 2022

3rd Reading: June 21, 2022

Emergency Section Agreed to: June 21, 2022

Notice of publication: Tri-County Press, July 20, 2022

**VILLAGE OF EVENDALE, OHIO
ORDINANCE # 22-46**

**ORDINANCE AMENDING SECTION 258.057 OVERTIME OF
THE CODE OF ORDINANCES OF THE VILLAGE OF EVENDALE
AND DECLARING AN EMERGENCY**

- WHEREAS,** Evendale's Fourth of July Program has become more and more popular drawing an increasing number of participants and attendees; and
- WHEREAS,** the Mayor and the Chiefs of the Fire and Police Departments have recommended that we increase the number of first responders present to address the public safety needs that day; and
- WHEREAS,** Section 258.057 dealing with overtime, does not fairly address overtime service by Police and Fire employees who may be called in to work overtime to address the needs of the Fourth of July events; and
- WHEREAS,** this Ordinance is intended to correct that inequity; now, therefore,

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

SECTION 1: Section 258.057 Overtime is hereby amended to read as follows by adding in the underscored sentence in subsection (b) (5):

258.057 Overtime.

The Village shall keep work in excess of established schedules to a minimum and permit such work only when it is necessary to meet urgent operating requirements of the Village; however, all employees are required to work overtime when so directed.

- (a) The following management positions are exempt from overtime compensation:
- Cultural Arts Director
 - Director of Administrative Services
 - Tax Administrator
 - Fire Chief
 - Information Technology Director
 - Police Chief
 - Recreation Director
 - Recreation Program Supervisor
 - Recreation Administrative Secretary
 - Service Director/Engineer

Exempt personnel shall be entitled to casual time off for time applied on the job in excess of their regular work week. Casual time off may not exceed more than two consecutive workdays at a time and will be administered on the honor system.

- (b) All non-exempt personnel shall receive overtime compensation, either in pay or compensatory time, in accordance with the following applicable methods:

- (1) Firefighters shall be compensated 1½ times their normal hourly rate for all hours worked in excess of 144 hours in a 19-day work period;
- (2) Police Officers shall be compensated 1½ times their normal hourly rate for all hours worked in excess of 40 hours in a 7-day work period;
- (3) In the event non-exempt employees are called in or called back to work hours which do not abut their assigned shift, they shall be guaranteed a minimum of 4 hours work for each call-in or call-back;
- (4) Non-exempt employees shall be compensated 1½ times their normal hourly rate for all hours worked in excess of their normal work week Monday thru Saturday;

(5) Non-exempt full-time employees, except for sworn police and fire personnel, shall be compensated at two times their normal rate of pay for all hours worked on Sundays and recognized Village holidays; sworn Police and Fire personnel assigned to work overtime shall be compensated at two-times their normal rate of pay for all hours worked in support of the Village's annual July 4th celebrations.

(6) Non-exempt part-time and seasonal employees shall be compensated 1½ times their normal rate of pay for all hours worked on Sundays and recognized Village holidays;

(7) For all non-exempt employees, overtime shall be computed on the basis of actual hours worked, holiday hours, or vacation hours during the work period as defined herein.

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 and its citizens, or to provide for the daily operation of a Department or office of the Village. The reason for said emergency is so that this Ordinance may be in effect for the upcoming July 4th Celebration. Therefore, this Ordinance shall become effective immediately.

Approved: June 21, 2022

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: June 14, 2022

2nd Reading and 3rd Reading: June 21, 2022

Emergency Section Agreed to: June 21, 2022

Notice of publication: Tri-County Press, July 20, 2022

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #22-47**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER
INTO AN AGREEMENT WITH OHIO PLAN RISK
MANAGEMENT, INC. TO PROVIDE PROPERTY AND
LIABILITY INSURANCE WITH THE ASSISTANCE OF
HYLANT ADMINISTRATIVE SERVICES FOR THE VILLAGE
OF EVENDALE AND DECLARING AN EMERGENCY**

WHEREAS, With the assistance of the Hylant Administrative Services, the Village of Evendale has obtained a proposal to continue to obtain property and liability insurance through the Ohio Plan Risk Management Program, a joint self-insurance pool; and

WHEREAS, Pursuant to the provisions of the Ohio Revised Code Section 9.833 and 2744.081, it is not necessary for the Village of Evendale to seek competitive bids for such insurance when the insurance is being provided through a joint self-insurance pool addressing the needs of political subdivisions; and

WHEREAS, The Village's current coverage is due to expire on June 30, 2022. Current coverage will continue under previous plan until a new plan is approved.

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 hereby authorized to enter into such contracts as may be necessary to ensure that the Village remains covered by property and liability insurance as provided by Ohio Plan Risk Management, Inc. and to utilize the services of Hylant Administrative Services to secure, evaluate and monitor such insurance. Such insurance to be provided as described on the Ohio Plan Risk Management Plan attached hereto and incorporated by reference herein.

SECTION 1I This Ordinance is hereby 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 and its citizens and/or to provide for the daily operation of a department or office of the Village of Evendale. The reason for said emergency is that the Village needs to have continual insurance coverage and the current coverage is due to expire at the end of June.

THEREFORE, this Ordinance shall become effective immediately

Approved: June 21, 2022

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: June 14, 2022

2nd Reading and 3rd Reading: June 21, 2022

Emergency Section Agreed to: June 21, 2022

Notice of publication: Tri-County Press, July 20, 2022

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #22-48**

**ORDINANCE AUTHORIZING THE MAYOR TO FINALIZE
AND ENTER INTO A GAS AGGREGATION AGREEMENT
FOR GAS SUPPLY SERVICES FOR A FIXED TERM AND
FIXED RATE THAT IS COMPETITIVE WITH DUKE
ENERGY GAS SUPPLY RATES 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,** From June 1, 2019 to May 31, 2022, The Village of Evendale was under contract with Constellation New Energy Gas Division LLC (“Constellation”) to provide gas supply to residents; and
- WHEREAS,** On occasion, Energy Alliances, Evendale’s aggregation consultant, is able to negotiate fixed-rates for gas supply. Despite occasions when Duke Energy’s gas rate (the local default gas supplier) is lower than Evendale’s aggregation rate, the Village’s aggregation program 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,** As of May 31, 2022, Energy Alliance has not been able to negotiate a new contract with a gas supplier due largely to volatility in the gas market beyond local or regional control. Therefore, as of June 1, 2022, Evendale residents in the gas aggregation program will default back to Duke Energy for gas supply until such time a new contract is negotiated and finalized.
- WHEREAS,** As of June 1, 2022, Duke Energy’s posted gas supply rate on their website was \$1.166 per CCF. Constellation’s fixed rate between June 1, 2019 and May 31, 2022 was \$.396 per CCF
- WHEREAS,** Energy Alliances predicts, but cannot guarantee, that competitive gas supply options may be available in the near future; however, the timeframe to negotiate and finalize a new contract, should one become available, will likely be less than 30 days, 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 negotiate and enter into a fixed-rate price agreement with a to-be-determined gas supplier as recommended by Energy Alliances. The agreement shall be substantially in the same form as past agreements, with a term no shorter than 12 months and no longer than 36 months at a rate competitive with or below Duke Energy. The final version of the agreement shall be subject to the approval of the Law Director of the Village of Evendale.

SECTION 2: In the event that Energy Alliances is not able to recommend a gas supplier that meets the parameters identified in Section 1 by December 31, 2022, any proposed new contract thereafter must be reviewed and approved by Council Ordinance.

SECTION 3: This Ordinance is declared to be an emergency measure by a concurrence of --- members of Council. It being necessary to preserve the public peace, order, safety, health or welfare of the Village of Evendale, or to provide for the daily operation of 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: June 21, 2022

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: June 14, 2022
2nd Reading and 3rd Reading: June 21, 2022
Emergency Section Agreed to: June 21, 2022
Notice of publication: Tri-County Press, July 20, 2022

**VILLAGE OF EVENDALE
ORDINANCE #22-49**

**ORDINANCE APROVING THE HIRING OF TIMOTHY M. BURKE AS
SPECIAL COUNSEL TO THE VILLAGE AND DECLARING AN EMERGENCY**

WHEREAS, Kathleen F. Ryan has a conflict with regard to AeroHub and the rezoning of adjacent property; and

WHEREAS, Timothy Burke, given his experience as the Law Director is knowledgeable About AeroHub and its adjacent properties and the Village’s consideration of the rezoning of the Landmark and Archdiocese St. Rita property, and is therefore well positioned to be of assistance to the Village in this matter; now therefore,

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

SECTION 1: Timothy Burke is hereby approved to serve as special counsel to the Village of Evendale at the same \$200 an hour rate being charged to the Village by Kathleen Ryan, the new Law Director. His representation of the Village shall be limited to assigned matters including the AeroHub project and the use and zoning of properties adjacent thereto.

SECTION 2: This Ordinance is 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 said emergency is the need to immediately have available, legal advice and assistance with regard to certain real estate and zoning matters on which Kathy Ryan has a conflict. Therefore, this ordinance shall take effect immediately.

Approved: June 21, 2022

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: June 14, 2022

2nd Reading and 3rd Reading: June 21, 2022

Emergency Section Agreed to: June 21, 2022

Notice of publication: Tri-County Press, July 20, 2022

VILLAGE OF EVENDALE, OHIO
ORDINANCE #22-50

**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 STHEREFORE, 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) Parr Public Safety Equipment –Cruiser Conversion - \$3,204.40

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: June 21, 2022

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: June 14, 2022

2nd Reading and 3rd Reading: June 21, 2022

Emergency Section Agreed to: June 21, 2022

Notice of publication: Tri-County Press, July 20, 2022

**VILLAGE OF EVENDALE
ORDINANCE #22-51**

**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 a part-time employee; and,

WHEREAS, the Mayor has submitted the following seasonal employee who may be employed for a particular season or seasons.

WHEREAS, in reaching this recommendation the Mayor and the Administration has complied with the requirements of Chapter 258 of the Codified Ordinances of the Village of Evendale; now

BE IT THEREFORE ORDAINED BY THE COUNCIL OF THE VILLAGE OF EVENDALE, STATE OF OHIO, 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	<u>Season</u>	<u>Hourly Pay Rate</u>
Matt Stiltz, Tennis Pro	Sp/Su 2022	\$38.00
Robert Mayher, Tennis Assistant Pro	Sp/Su 2022	\$30.00

CONCESSION STAND	<u>Season</u>	<u>Hourly Pay Rate</u>
Anna McKnight	Sp/Su 2022	\$11.30

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: June 21, 2022

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: June 14, 2022
2nd Reading and 3rd Reading: June 21, 2022
Emergency Section Agreed to: June 21, 2022
Notice of publication: Tri-County Press, July 20, 2022