



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 March 14th, 2017.

ORD #17-17

ORDINANCE APPROPRIATING FUNDS AND APPOINTING MATTHEW D. LEWIS AS FIRE FIGHTER/PARAMEDIC FOR THE VILLAGE OF EVENDALE AND DECLARING AN EMERGENCY. Unanimously approved

RES. # 17- 05

A RESOLUTION APPROVING THE UPDATE OF THE SOLID WASTE MANAGEMENT PLAN OF THE HAMILTON COUNTY SOLID WASTE MANAGEMENT DISTRICT. Unanimously approved

ORD. #17-18

AN ORDINANCE APPROVING A TRANSFER FROM THE CONTINGENCY FUND TO THE ADMINISTRATION DEPARTMENT AND DECLARING AN EMERGENCY. Unanimously approved

ORD. #17-19

AN ORDINANCE APPROVING A TRANSFER FROM THE CONTINGENCY FUND AND AN ADDITIONAL APPROPRIATION TO THE RECREATION DEPARTMENT AND THE CAPITAL FUND AND DECLARING AN EMERGENCY. Unanimously approved

ORD. #17-20

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LEASE PURCHASE AGREEMENT WITH MOTOROLA SOLUTIONS, INC. FOR COMMUNICATION EQUIPMENT FOR THE POLICE AND FIRE DEPARTMENTS AND DECLARING AN EMERGENCY. Unanimously approved

RES. # 17-06

A RESOLUTION OPPOSING THE STATE OF OHIO GOVERNOR'S PROPOSED 2017-2018 BUDGET, WHICH PROPOSES CENTRALIZED COLLECTION OF NET PROFIT TAX RETURNS AND OTHER PROVISIONS RELATED TO THE MUNICIPAL INCOME TAX. Unanimously approved

RES. # 17-07

A RESOLUTION OF INTENT TO APPROPRIATE .712 ACRES OF PROPERTY IN ORDER TO CONSTRUCT A PUBLIC ROADWAY. Unanimously approved

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

**ORDINANCE APPROPRIATING FUNDS AND APPOINTING
MATTHEW D. LEWIS AS FIRE FIGHTER/PARAMEDIC FOR
THE VILLAGE OF EVENDALE AND DECLARING AN
EMERGENCY.**

WHEREAS, The Mayor of the Village of Evendale, after complying with Ordinance 258.025 to 258.029, of the Codified Ordinances of the Village of Evendale, has recommended the appointment of Matthew D. Lewis fire fighter/paramedic for the Village of Evendale; and

WHEREAS, The Council of the Village of Evendale concurs in the appointments described above; now, therefore,

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

SECTION 1: Matthew D. Lewis, is hereby employed as Fire Fighter/Paramedic. The seniority date for Matthew D. Lewis shall be March 16, 2017. The starting salary for Matthew D. Lewis as a fire fighter/paramedic shall be, Step 1, \$20.83 per hour, \$57,407.48 based on 2,756 hours per year. Matthew D. Lewis Unit # 3, shall report for work beginning March 16, 2017, at 07:00 hours. The appointment is contingent upon the individual passing a pre-employment medical and psychological examination in accordance with Section 258.032 of the Codified Ordinances of the Village of Evendale. The first year of employment shall be a probationary period. After completion of the first year probationary period, if the performance rating is satisfactory, the fire fighter shall be made a regular fire fighter/paramedic. Thereafter, continued employment is conditioned upon employee's maintenance of required certifications for fire fighters and paramedics, compliance with minimum required physical standards contained in the Standard Operating Guidelines (SOG) Manual of the Evendale Fire Department and conformance to the Evendale Municipal Code.

SECTION 2: The following additional appropriation is hereby approved to fund additional expenses related to hiring new fire fighters/paramedics:

Fire Department:

210-219	Personnel Expenses	\$4,500.00
230-239	Contractual Services	\$1,500.00

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 requires that the Fire Department be kept at proper strength. It shall therefore take effect and be in force immediately from and upon passage.

Approved: March 14th, 2017

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: March 14th, 2017
Rules Suspended: March 14th, 2017
2nd and 3rd Reading: March 14th, 2017
Emergency Section Agreed to: March 14th, 2017
Notice of publication: Tri-County Press, March 22nd, 2017

**VILLAGE OF EVENDALE, OHIO
RESOLUTION # 17- 05**

**A RESOLUTION APPROVING THE UPDATE OF THE SOLID WASTE
MANAGEMENT PLAN OF THE HAMILTON COUNTY SOLID WASTE
MANAGEMENT DISTRICT**

WHEREAS, pursuant to the provisions of Chapter 373, Ohio Revised Code (the “Act”), the Hamilton County Solid Waste Management District Policy Committee (the “Policy Committee”) has adopted an update of the solid waste management plan (the “Plan Update”) for the Hamilton County Solid Waste Management District (“the District”); and

WHEREAS, pursuant to the Act, the Board of County Commissioners in the District, and the legislative authority of each municipal corporation or township under the jurisdiction of the District, must approve or disapprove the Plan Update by ordinance or resolution; and

WHEREAS, the council of Village of Evendale has reviewed the Plan Update and has determined that the Plan Update is in the best interests of Village of Evendale and Hamilton County;

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

SECTION 1: Approval of the Plan Update. The Council hereby approves the Plan Update, a true and correct copy of which is attached hereto as Exhibit A.

SECTION 2: Compliance with Open Meetings Law. It is hereby certified that all formal actions of the council of Village of Evendale relating to the adoption of this Resolution were taken in an open meeting of the council/board of Village of Evendale and that all deliberations of the council of Village of Evendale were in meetings open to the public, in compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

SECTION 3: Emergency. This Resolution is hereby declared to be an emergency necessary for the immediate preservation of the public health and welfare of the Village of Evendale; the reason for the emergency being the need to comply with statutory provisions and to proceed with solid waste management policies without delay in order to properly serve the Village of Evendale.

SECTION 4: Forwarding of Resolution. The Clerk is hereby directed to promptly deliver, or cause to be delivered, a copy of this Resolution to the Hamilton County Solid Waste Management District.

Approved: March 14th, 2017

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: March 14th, 2017

Rules Suspended: March 14th, 2017

2nd and 3rd Reading: March 14th, 2017

Emergency Section Agreed to: March 14th, 2017

Notice of publication: Tri-County Press, March 22nd, 2017

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #17-18**

**AN ORDINANCE APPROVING A TRANSFER FROM THE
CONTINGENCY FUND TO THE ADMINISTRATION
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 Village of Evendale contracts an audit of the Bureau of Motor Vehicles taxing district; and
- WHEREAS,** The audit resulted in an unusually large finding which refunded significant monies to the Village of Evendale; and
- WHEREAS,** Due to the significant findings the audit cost will exceed the budgeted amount; 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	\$17,000.00
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To the 701 Administration Department:

240-249 Operation and Maintenance	\$17,000.00
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SECTION 2: These appropriated funds are authorized to be expended for the Bureau of Motor Vehicle audit.

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 fund the Bureau of Motor Vehicle audit. This ordinance shall be effective upon passage.

Approved: March 14th, 2017

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: March 14th, 2017

Rules Suspended: March 14th, 2017

2nd and 3rd Reading: March 14th, 2017

Emergency Section Agreed to: March 14th, 2017

Notice of publication: Tri-County Press, March 22nd, 2017

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

**AN ORDINANCE APPROVING A TRANSFER FROM THE
CONTINGENCY FUND AND AN ADDITIONAL APPROPRIATION
TO THE RECREATION DEPARTMENT AND THE CAPITAL FUND
ALL FOR THE CONSTRUCTION AND DEDICATION OF THE
VETERANS MEMORIAL 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 Village of Evendale is building a Veterans Memorial; and
- WHEREAS,** The Village of Evendale is hosting a Veterans Memorial dedication event; and
- WHEREAS,** Funding is available in the contingency line item to supplement the funds that are necessary for the construction of the Memorial and the Memorial dedication event; 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	\$151,000.00
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To the 301 Recreation Department:

240-249 Operation and Maintenance	\$2,000.00
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And to the 400 Capital Fund account:

400.701.525300 Veterans Memorial	\$149,000.00
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SECTION 2: These appropriated funds are authorized to be expended for the construction and dedication of the Veterans Memorial.

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 be able to make timely payments for the construction and dedication of the Veterans Memorial. This ordinance shall be effective upon passage.

Approved: March 14th, 2017

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: March 14th, 2017

Rules Suspended: March 14th, 2017

2nd and 3rd Reading: March 14th, 2017

Emergency Section Agreed to: March 14th, 2017

Notice of publication: Tri-County Press, March 22nd, 2017

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #17-20**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
LEASE PURCHASE AGREEMENT WITH MOTOROLA
SOLUTIONS, INC. FOR COMMUNICATION EQUIPMENT FOR
THE POLICE AND FIRE DEPARTMENTS AND APPROVING A
TRANSFER OF FUNDS FROM THE CONTINGENCY FUND TO
APPROPRIATE FUNDS FOR THE POLICE DEPARTMENT
CAPITAL ACCOUNT AND DECLARING AN EMERGENCY**

- WHEREAS,** the Police and Fire Departments of the Village of Evendale are in need of new communication equipment; and
- WHEREAS,** those Departments have determined that Motorola Solutions, Inc. offers the necessary equipment which may be purchased off the State of Ohio list pursuant to a lease purchase agreement under which the Village will make two payments, one this year and one next year and will own the equipment after the second payment; and
- WHEREAS,** the Council of the Village of Evendale approves the arrangement recognizing that the equipment is necessary to ensure that the Village Safety Services can continue to provide an appropriate level of service to the Village and its citizens; now, therefore
- WHEREAS,** most of the funds for this lease purchase are included in the monies already appropriated to the Village's capital funds for 2017, Section 3 herein appropriates the remaining funds necessary to cover the 2017 payment and no further appropriation is required until the 2018 capital appropriation.

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 execute an equipment lease-purchase agreement with Motorola Solutions, Inc. substantially in the form attached hereto and incorporated by reference herein to purchase the communication equipment specified on Quote QU0000394090 which is attached.

SECTION 2: Pursuant to the agreement, the Village will pay \$111,293.26 on or about May 1, 2017, and make a second payment of \$111,293.25 no later than April 1, 2018, after which the Village will own the equipment.

SECTION 3: The following sum is transferred from the General Fund Contingency Fund account:

101.799.579900	\$13,000
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To the 101 Police Department:

250-259 Capital	\$13,000
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SECTION 4: 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 department or office of the Village of Evendale, in this case, the Fire and Police Departments. The communication equipment being obtained as a result of the lease purchase agreement approved by this ordinance is critical to updating the Fire and Police Departments' communication abilities and will enable the Village's first responders to better safely serve the Village and its residents and businesses. Therefore, this ordinance shall become effective immediately.

Approved: March 14th, 2017

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: March 14th, 2017

Rules Suspended: March 14th, 2017

2nd and 3rd Reading: March 14th, 2017

Emergency Section Agreed to: March 14th, 2017

Notice of publication: Tri-County Press, March 22nd, 2017

**VILLAGE OF EVENDALE, OHIO
RESOLUTION # 17-06**

**A RESOLUTION OPPOSING THE STATE OF OHIO
GOVERNOR’S PROPOSED 2017-2018 BUDGET, WHICH
PROPOSES CENTRALIZED COLLECTION OF NET
PROFIT TAX RETURNS AND OTHER PROVISIONS
RELATED TO THE MUNICIPAL INCOME TAX**

- WHEREAS,** it has recently been proposed by Ohio Governor Kasich and his administration that the State of Ohio take over the administration and collection of municipal net profit income tax and net profit tax returns; and,
- WHEREAS,** municipal income tax is the largest source of revenue for the Village of Evendale and for most municipalities in the State of Ohio; and
- WHEREAS,** the recent proposal allowing the State tax commissioner to enforce and administer the laws for municipal net profit tax returns, prescribe all forms necessary, and adopt such rules as the State tax commissioner finds necessary will take away local control from the Village of Evendale and other municipalities; and
- WHEREAS,** the proposed language prohibits the Village of Evendale and any Ohio municipal corporation from carrying out any of the powers or duties conferred on the State tax commissioner, including levying a tax on the income of a net profit taxpayer contrary to the provisions and limitations specified for taxable years beginning on or after January 1, 2018; and
- WHEREAS,** any disruption or interference with the current collection process, and the 1% charge which the State will keep for providing such a “service” before distributing local tax revenue back to municipalities, will be harmful to the Village of Evendale and other municipalities; and
- WHEREAS,** the quarterly distribution of amounts “certified” by the State as payable back to the Village of Evendale and other Ohio municipalities may negatively affect budgeting decisions; and
- WHEREAS,** the prospect of state control of municipal income tax collections presents numerous administrative difficulties, including but not limited to: how the state will administer local tax ordinances; how access to tax records will be handled; the timing and frequency of distribution of collected revenues to municipalities; the reporting of tax collections to municipalities; and the impact of any budget and staffing cuts on the Ohio Department of Taxation’s ability to undertake and properly perform such significant new responsibility; and
- WHEREAS,** this proposed language also includes a provision that would eliminate the portion of the sales factor, known as “throwback”, reducing the reportable tax revenue to municipalities with warehouses, distribution centers, and any businesses providing online sales; and
- WHEREAS,** taking over a basic local government service such as the administration of local municipal tax ordinances, runs counter to the Ohio Constitutional provisions recognizing the home rule powers of municipalities; now, therefore,

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

SECTION 1: This Council hereby declares its strong opposition to any effort by the State of Ohio to take over the collection and administration of municipal net profit income taxes and urges the legislature of the State of Ohio and particularly those legislators who represent Evendale now or in the future to oppose any amendments to pending bills or introduction of new legislation that proposes to transfer collection and/or control of municipal income taxes to the State of Ohio Department of Taxation.

SECTION 2: The Ohio General Assembly should request the immediate removal of all language pertaining to municipal income tax collection and administration, and should promote upcoming changes to the Ohio Business Gateway as a solution for businesses to file municipal income net profit tax returns in a more simple and efficient manner, with the Ohio Business Gateway continuing to act only as a portal to remit payments and filing information directly to municipalities, and not to the Ohio Department of Taxation for administration, processing and collection.

SECTION 3: The Clerk of Council is hereby authorized and directed to send a copy of this Resolution to the Ohio Tax Commissioner, Joe Testa, Governor John Kasich and the Hamilton County Delegation to the Ohio Legislature.

Approved: March 14th, 2017

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: March 14th, 2017

Rules Suspended: March 14th, 2017

2nd and 3rd Reading: March 14th, 2017

Notice of publication: Tri-County Press, March 22nd, 2017

**VILLAGE OF EVENDALE, OHIO
RESOLUTION # 17-07**

**A RESOLUTION OF INTENT TO APPROPRIATE .712
ACRES OF PROPERTY IN ORDER TO CONSTRUCT A
PUBLIC ROADWAY**

- WHEREAS,** the Village of Evendale is actively engaged in the development of Arrow Hub, an economic development project, which would substantially enhance the economy of the Village of Evendale, create new job and business opportunities, and provide an economic boost for the entire region; and,
- WHEREAS,** in order to construct a critical new public roadway servicing the area to be developed, a portion of the property on which St. Rita School for the Deaf is located is necessary; and
- WHEREAS,** St. Rita School for the Deaf currently occupies a total of in excess of .712 acres of property, all of which is owned in the name of the Archbishop of Cincinnati, Trustee; and
- WHEREAS,** the property necessary for the roadway to be constructed does not contain any structures and is located along the western edge of the St. Rita property; and
- WHEREAS,** the Council of the Village of Evendale finds that the acquisition of the property described is necessary to achieve an important public purpose and that is the construction of a new roadway; and
- WHEREAS,** Council hereby declares its intent to appropriate the property described herein for public use; now, therefore,

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

SECTION 1: It is necessary for the public welfare to appropriate the fee simple absolute interest in the land described in Section 2 hereof for the public purpose of constructing a new roadway. Council finds specifically that the acquisition of said property is in the public interest and is a proper public purpose.

SECTION 2: The property to be appropriated includes the following real property described as: See attachment "A"

SECTION 3: That, at any time subsequent to the effective date of this Resolution, the Mayor is hereby authorized, with the approval of the Village Law Director, to take those steps necessary to support said acquisition, including entering into special contracts for necessary services, including having an appraisal of the property to be acquired completed, as may be required.

SECTION 4: This resolution shall be spread upon the Minutes of Council and a copy communicated to the owner of said property to be acquired.

Approved: March 14th, 2017

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: March 14th, 2017

Rules Suspended: March 14th, 2017

2nd and 3rd Reading: March 14th, 2017

Notice of publication: Tri-County Press, March 22nd, 2017