



**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 10, 2017.

Ord. #17-72

AN ORDINANCE APPOINTING ANTHONY G. SMITH AS A POLICE OFFICER OF THE VILLAGE OF EVENDALE AND DECLARING AN EMERGENCY. Unanimously approved

ORD. 17-62a- Third Reading

AN ORDINANCE ADOPTING CHAPTER 882 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF EVENDALE, REGULATING INDOOR ICE ARENAS. Unanimously approved

ORD. #17-71

AN ORDINANCE APPROVING AN ADDITIONAL APPROPRIATION IN THE LAW ENFORCEMENT TRUST FUND FOR EQUIPMENT COSTS AND DECLARING AN EMERGENCY. Unanimously approved

ORD. # 17-73

ORDINANCE AUTHORIZING THE MAYOR TO HIRE PART-TIME EMPLOYEES FOR THE RECREATION CENTER AND DECLARING AN EMERGENCY. Unanimously approved

ORD. #17-74

AN ORDINANCE AUTHORIZING THE MAYOR TO TAKE THOSE STEPS NECESSARY FOR THE VILLAGE OF EVENDALE TO JOIN A COALITION OF MUNICIPALITIES RETAINING SPECIAL COUNSEL FOR PURPOSES OF INITIATING LITIGATION TO CHALLENGE THE CONSTITUTIONALITY OF AMENDMENTS TO CHAPTER 718 OF THE OHIO REVISED CODE RELATING TO MUNICIPAL INCOME TAX AND DECLARING AN EMERGENCY. Unanimously approved

ORD. #17-75

ORDINANCE APPROVING AN APPROPRIATION FOR ADDITIONAL COSTS RELATED TO THE READING ROAD RESURFACING PROJECT AND DECLARING AN EMERGENCY. Unanimously approved

ORD. #17-76

AN ORDINANCE APPROVING AN ADDITIONAL APPROPRIATION IN THE COURT COMPUTER FUND FOR EQUIPMENT COSTS AND DECLARING AN EMERGENCY. Unanimously approved

ORD. #17-77

ORDINANCE APPROVING AN APPROPRIATION FOR ADDITIONAL FUNDING FOR THE EVENDALE COMMUNITY IMPROVEMENT CORPORATION AND DECLARING AN EMERGENCY. Unanimously approved

RES. #17-12

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. # 17-13

RESOLUTION OPPOSING HOUSE BILL 267 WHICH WOULD ELIMINATE QUALIFIED DEFENSES CURRENTLY AVAILABLE TO POLITICAL SUBDIVISIONS IN THE CASE OF MOTOR VEHICLE ACCIDENTS INVOLVING FIRST RESPONDERS. Unanimously approved

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #17-72**

**AN ORDINANCE APPOINTING ANTHONY G. SMITH AS A
POLICE OFFICER OF THE VILLAGE OF EVENDALE AND
DECLARING AN EMERGENCY**

- WHEREAS,** the Village of Evendale Police Department has an immediate and anticipated need for an additional police officer; and
- WHEREAS,** the Village has sought and reviewed applications and candidates to fill those positions; and
- WHEREAS,** the Mayor of the Village of Evendale, after complying with Ordinance 258.025, 2258.029 of the Codified Ordinances of the Village of Evendale, has recommended the appointments of Anthony G. Smith as a Village Police Officer; and
- WHEREAS,** Council concurs in the recommendation of this appointment; now, therefore

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

- SECTION 1:** Anthony G. Smith is hereby employed as a Police Officer of the Village of Evendale to begin employment on October 23rd, 2017 at Step Two starting salary, then in effect for the Village of Evendale Police Officers.
- SECTION 3:** Anthony G. Smith shall serve a year in a probationary period following successful completion of his field training. After completion of that year of probationary period, if performance is satisfactory, said officer shall be made a regular Village police officer. Thereafter, employment is conditioned upon the employee's maintenance of the required certification for a police officer, compliance with the minimum required physical standards and conformance to the Evendale Municipal Code and good behavior.
- 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. It is necessary that this measure be put into immediate effect because the public welfare requires the Police Department be kept at proper strength and the addition of these new officers is critical to accomplishing that. Therefore, this ordinance shall take effect and be in force immediately upon adoption.

Adopted October 10, 2017

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: October 10, 2017
Rules Suspended: October 10, 2017
2nd and 3rd Reading: October 10, 2017
Emergency Section Agreed to: October 10, 2017
Notice of Publication: Tri- County Press, October 18, 2017

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #17-62a**

**AN ORDINANCE ADOPTING CHAPTER 882 OF THE CODIFIED
ORDINANCES OF THE VILLAGE OF EVENDALE, REGULATING
INDOOR ICE ARENAS**

- WHEREAS,** the Village of Evendale is in the unique situation of having three privately operated indoor ice arenas in this relatively small village; and
- WHEREAS,** in order to maintain ice in those arenas, equipment is used which can have a significant impact on indoor air quality and if not addressed may cause dangerous situations; and
- WHEREAS,** if air quality issues are not addressed, the health and safety of those in the facility, frequently including children, can be jeopardized; and
- WHEREAS,** in order to ensure that adequate steps are taken to maintain air quality at a safe level, the Fire Department of the Village of Evendale has recommended that the following Chapter, based upon similar regulations adopted by the State of Minnesota and in use in other communities in the United States, be adopted; now, therefore,

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

SECTION 1: Chapter 882 of the Evendale Municipal Code, Indoor Ice Arena Regulations, is hereby adopted to read as follows:

Chapter 882
Village of Evendale
Adopted Permanent Rules Relating to Indoor Ice Arenas

Indoor Ice Arenas

882.01 PURPOSE
882.02 APPLICATION
882.03 ACCEPTABLE AIR QUALITY
882.04 DEFINITIONS
882.05 CERTIFICATE OF APPROVAL
882.06 TRAINING
882.07 MEASUREMENT OF AIR QUALITY CONDITIONS
882.08 AIR QUALITY MEASURING DEVICES
882.09 FAILURE TO MAINTAIN AIR QUALITY

882.10 RECORD KEEPING

882.11 OTHER FUEL-BURNING EQUIPMENT

882.12 PENALTIES FOR VIOLATIONS

882.13 ENFORCEMENT

882.01 PURPOSE.

The purpose of this Chapter is to protect public health by ensuring acceptable air quality in the operation and maintenance of Indoor Ice Arenas.

882.02 APPLICATION.

Applies to Owners ~~and Operators~~ of Indoor Ice Arenas.

882.03 ACCEPTABLE AIR QUALITY.

The Owner ~~or Operator~~ of an Indoor Ice Arena must maintain acceptable air quality conditions at all times in areas of the Arena Building that are open to the public. Such conditions are defined as: one-hour average (Short Term Weighted Average – STWA) air concentration of not more than ~~3020~~ parts of carbon monoxide (CO) per one million parts by volume (~~3020~~ ppm), and one-hour average air concentrations of not more than 0.3 parts of nitrogen dioxide (NO₂) per one million parts of air by volume (0.3 ppm).

882.04 DEFINITIONS.

For the purposes of this Chapter, the following terms shall have the meanings given them.

- (a) **Air Quality Measuring Device** – “Air Quality Measuring Device” means direct-read pump and colorimetric tube or electronic real-time gas detection equipment for sampling and measuring nitrogen dioxide and carbon monoxide air concentrations.
- (b) **Arena** – “Arena” means an Indoor Ice Arena.
- (c) **Arena Building** – “Arena Building” means a structure with a roof and walls that houses an Indoor Ice Arena.
- (d) **Certificate** – “Certificate” means a certificate of approval issued by the Village of Evendale Fire Department.
- (e) **Authority Having Jurisdiction** – “Authority Having Jurisdiction (AHJ)” means the Fire Chief of the Village of Evendale or the Fire Chief’s designee.
- (f) **Edging** – “Edging” means operation of an Ice Edger.
- (g) **Ice Edger** – “Ice Edger” means power equipment used to modify the perimeter of an ice sheet.
- (h) **Ice Maintenance Machine** – “Ice Maintenance Machine” means an Ice Resurfacer or Ice Edger.

(i) **Ice Resurfacers** – “Ice Resurfacers” means power equipment used to modify the entire surface of the ice.

(j) **Indoor Ice Arena** – “Indoor Ice Arena” means a single room of a permanent or temporary structure where an ice sheet is maintained having the following characteristics:

1. the room has a roof;
2. the room is bounded by walls, doorways, or windows, whether open or closed; and
3. the walls, doorways, or windows cover more than 50 percent of the combined surface area of the vertical planes that make up the room’s perimeter (sides).

~~(k)~~ **Operator** – “Operator” means the person designated by the Owner as responsible to operate and maintain the Indoor Ice Arena.

~~(l)~~ **(k) Owner** – “Owner” means the person having legal title to the Indoor Ice Arena or the Owner’s legally authorized representative.

~~(m)~~ **Person** – “Person” means any natural individual, corporation, partnership, or other business association and includes the Village of Evendale.

~~(n)~~ **Responsible Person** – “Responsible Person” means the individual authorized by the Owner ~~or Operator~~ to ensure acceptable air quality conditions in the Arena.

~~(o)~~ **Resurfacing** – “Resurfacing” means operation of an Ice Resurfacers.

882.05 CERTIFICATE OF APPROVAL.

(a) **Applicability.** Every Owner ~~or Operator~~ of an Indoor Ice Arena must obtain a Certificate and an Arena may not be operated unless such Certificate has been obtained from the AHJ.

(b) **Certificate application.** Applications for a Certificate must be submitted on forms prescribed by the AHJ. No fee will be required for an Application for a Certificate or for receiving a Certificate. An application must be submitted:

1. annually, by Owners ~~or Operators~~ of all existing Arenas; and
2. at least 30 days before Owners ~~or Operators~~ open new Arenas to the public.

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(c) **Certificate issuance.** The AHJ must issue a Certificate, if the AHJ determines that the Owner-~~or Operator~~ has complied with all parts of this Chapter and demonstrated the ability to maintain acceptable air quality controls in the Arena Building.

(d) **Certificate expiration and renewal.** A Certificate issued under this part expires one year from the date of issue.

1. Owners-~~or Operators~~ must apply for renewal on forms prescribed by the AHJ at least 30 days before a Certificate expires.
2. If a Certificate expires while a renewal application is pending approval, the Arena may continue to operate under the expired Certificate until the AHJ issues a new Certificate or denies the renewal application.

(e) **Posting of Certificate.** The Certificate must be prominently displayed in a location that is clearly visible to the public in each Indoor Ice Arena.

882.06 TRAINING.

(a) **Requirements.** The Owner-~~or Operator~~ must ensure that a trained Responsible Person is available in the Arena Building at all times that the Arena is open to the public. Training must:

1. be appropriate for the trainee's level of responsibility in operating the Arena;
2. be performed annually;
3. include the following topics:
 - a. acceptable air quality conditions;
 - b. methods of maintaining acceptable Air Quality in the Arena;
 - c. proper operation and storage of the Arena Air Quality Measuring Device;
 - d. proper collection of air samples with the Arena Air Quality Measure Devices;
 - e. appropriate actions for correcting unacceptable air quality; and
 - f. record-keeping requirements; and
4. be documented.

(b) **Documentation.** The trained Responsible Person(s) must acknowledge, with their written signature, that they have received training meeting the requirements of this Chapter. Owners-~~or Operators~~ must maintain the written acknowledgement according to this Chapter.

882.07 MEASUREMENT OF AIR QUALITY CONDITIONS.

(a) **Measuring air quality.** Owners ~~or Operators~~ of Indoor Ice Arenas must measure carbon monoxide and nitrogen dioxide air concentrations in each Arena ~~at all times when internal combustion engine-powered ice maintenance equipment is used.~~

(b) **Persons who can take measurements.** Measurements must be made by an individual who has received annual training on monitoring equipment in use.

(c) **Frequency of measurements.** Owners ~~or Operators~~ must measure air concentrations ~~continuously at least twice per week after using an internal combustion engine-powered ice resurfacer. Measurements must be taken:~~

- ~~1. at board height, inside the boards, and at the centerline of the ice;~~
- ~~2. 20 minutes after completing resurfacing unless the AHJ has granted the owner approval to measure under an alternative schedule;~~
- ~~3. At time of maximum use of the resurfacing machine; and~~
- ~~4. At least once on Saturday or Sunday of each week that the arena is open to the public.~~

(d) ~~Owners must measure air concentrations at least once per week after using an internal combustion engine-powered ice edger. Measurements must be taken following a time of maximum ice edger use at board height, inside the boards, and at the centerline of the ice:~~

- ~~1. 20 minutes after completing edging if the arena building is open to the public when edging occurs; or~~
- ~~2. before the public reoccupies the arena, if the arena is not open to the public when edging occurs.~~

~~(e) Owners may measure under an alternative schedule if the AHJ has approved one.~~

~~(f) **Measurement records.** Owners ~~or Operators~~ shall keep a record of measurement findings and make them available to the AHJ upon request ~~within one business day.~~~~

~~(eg) **Additional measurements.** In the event that the equipment utilized in the Indoor Ice Arena is changed or modified, Owners ~~or Operators~~ Owners must make any additional measurements as determined by the AHJ.~~

882.08 AIR QUALITY MEASURING DEVICES.

(a) **Device requirements.** The Owner ~~or Operator~~ must demonstrate that the Air Quality Measuring Device and methods used to measure air quality conditions are accurate and reliable. The Air Quality Measuring Devices must be:

1. capable of measuring carbon monoxide air concentrations in a range from 0 to 100 parts per million (ppm) in increments of 1 ppm; or
2. capable of measuring nitrogen dioxide air concentrations in a range from 0 to 5 parts per million (ppm) in increments of 0.1 ppm.

(b) **Maintenance.** The Owner ~~or Operator~~ must operate, store, maintain, and calibrate the Air Quality Measuring Devices according to the device manufacturer's specifications. The Owner ~~or Operator~~ must also keep maintenance and calibration records in accordance with this Chapter.

882.09 FAILURE TO MAINTAIN AIR QUALITY.

(a) **Corrective action necessary.** The Owner ~~or Operator~~ shall take immediate corrective action when measurements of more than ~~3020~~ ppm of carbon monoxide or more than 0.3 ppm of nitrogen dioxide are made in an area of the Arena Building that is open to the public. Corrective action must include:

1. increasing the ventilation rate immediately; and
2. suspending internal combustion-powered equipment use.

The Owner ~~or Operator~~ must continue corrective action until measurements show not more than ~~3020~~ ppm of carbon monoxide and not more than 0.3 ppm of nitrogen dioxide in all areas of the Arena Building that are open to the public.

(b) **Follow-up testing.** The Owner ~~or Operator~~ must conduct and document the following air quality tests to confirm the effectiveness of the corrective action:

1. at board height, inside the boards, and at the centerline of the ice;
2. at 20-minute intervals until measurements show not more than
~~3020~~ ppm of carbon monoxide and not more than 0.3 ppm of
nitrogen dioxide; ~~and~~
3. 20 minutes after the next five uses of ice maintenance equipment
recorded in the log; ~~and~~
4. at least once per day for the subsequent three days of arena
operation.

(c) **Report.** Whenever corrective action is required, the Owner ~~or Operator~~ must submit a report to the AHJ within five business days after the corrective action was taken that includes:

1. an explanation of why corrective action was necessary;
2. a description of the immediate corrective actions that were taken;
3. a record of all air quality tests required; and
4. an action plan to prevent a reoccurrence.

(d) **Arena evacuation necessary.**

1. The Owner ~~or Operator~~ must evacuate an area of the Arena Building whenever:
 - a. measured carbon monoxide air concentrations exceed 83 ppm or measured nitrogen dioxide air concentrations exceed 2.0 ppm for more than five minutes;
 - b. measured carbon monoxide air concentrations exceed 40 ppm or measured nitrogen dioxide air concentrations exceed 0.6 ppm for more than one hour after originally measuring unacceptable air quality conditions; or
 - c. measured carbon monoxide air concentrations exceed ~~30~~ 20 ppm or measured nitrogen dioxide air concentrations exceed 0.3 ppm for more than two hours after originally measuring unacceptable air quality conditions.
2. When evacuation becomes necessary, the Owner ~~or Operator~~ must contact the Village of Evendale Fire Department as soon as possible to request assistance in evacuating the facility and assessing the hazard. If the Owner is not available, the Owner must designate a Responsible Person to contact the Village of Evendale Fire Department as soon as possible to request assistance in evacuating the facility and assessing the hazard.
3. The evacuated areas may only be re-occupied by the public after an evacuation if:
 - a. acceptable air quality conditions are measured; and
 - b. corrective measures have been taken to prevent further incidence of unacceptable air quality conditions; and
 - c. acceptable air quality conditions and corrective measures are verified by the AHJ.

882.10 RECORD KEEPING.

The Owner ~~or Operator~~ shall keep a record-keeping log to maintain all documentation required.

- (a) Documents that must be maintained in the record-keeping log are:
 1. required training records;
 2. required air quality measurement records;
 3. required air quality measuring device records; and
 4. required corrective action reports.
- (b) The record-keeping log must be kept in the Arena Building and be available for public and AHJ review during all hours that the Arena Building is open to the public.
- (c) Required documents must be retained for at least three years.

882.11 OTHER FUEL-BURNING EQUIPMENT.

(a) **Notification required.** The Owner-~~or Operator~~ must notify the AHJ when using equipment other than Ice Maintenance Machines for operating or maintaining the Arena, if that equipment is capable of producing carbon monoxide or nitrogen dioxide and is not directly vented to the outdoors.

(b) **Notification process.** The Owner-~~or Operator~~ must notify the AHJ by:

1. providing a list to the AHJ of such equipment that the Owner ~~or Operator~~ proposes to use in its annual certificate application; and
2. submitting in writing to the AHJ before using other fuel-burning equipment in the Arena if the equipment was not included in the ~~Owner-
Operator's~~Owner's annual submission.

(c) **Air quality measurement.** The Owner-~~or Operator~~ must ensure acceptable air quality in the Arena Building when using other fuel-burning equipment by measuring the air quality conditions and reporting as the AHJ directs, depending upon the specific type of activity to be conducted in the Arena Building.

882.12 PENALTIES FOR VIOLATIONS.

(a) Operation of an Indoor Ice Arena in violation of this Chapter which does not involve violation of Section 882.09 or Section 882.13 shall constitute:

1. for the first offense, a minor misdemeanor for the Owner ~~and Operator~~;
2. for the second offense, within the effective period of a Certificate, a misdemeanor of the fourth degree for the Owner ~~and Operator~~; and
3. for the third offense, within the effective period of a Certificate, a misdemeanor of the first degree for the Owner ~~and Operator~~.

(b) Operation of an Indoor Ice Arena in violation of Section 882.09 or Section 882.13 shall constitute a misdemeanor of the first degree for the Owner ~~and Operator~~.

(c) Misdemeanors under this Chapter shall be limited to up to the maximum fines as established by law and shall not include any term of imprisonment.

882.13 ENFORCEMENT.

In addition to the penalties specified in Section 882.12, violations of the requirements shall constitute grounds for the AHJ to take one or more of the enforcement actions subject to the notice and appeal provisions set forth in applicable law, including but not limited to:

- (a) Certificate suspension of two days after the fourth offense.
- (b) Certificate suspension of four days after the fifth offense.
- (c) Permanent revocation of Certificate after the sixth offense.
 1. A Certificate can be re-applied for after all corrective measures have been met within this Chapter.
 2. All Certificates must be renewed annually.
- (d) A “stop work order” may be issued at any time when applicable violations have been found.

SECTION 2: This ordinance shall become effective on January 1, 2018.

Approved _____, 2017

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Solicitor

1st Reading: August 8th, 2017

Rules Suspended: _____

2nd Reading September 12th, 2017

3rd Reading: _____

Notice of publication: _____

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VILLAGE OF EVENDALE, OHIO
ORDINANCE #17-70

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN
INVESTMENT MANAGEMENT AGREEMENT WITH REDTREE
INVESTMENT GROUP**

WHEREAS, RedTree Investment group was one of four entities bidding for Village investment business; and

WHEREAS, RedTree has proposed an Investment Management Agreement to provide for the investment of certain Village funds; and

WHEREAS, the Agreement has been reviewed by the Village's Law Director as well as by the Village's Fiscal and Accounting Officer; now, therefore

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

SECTION 1: The Mayor is hereby authorized and directed to execute the Investment Management Agreement with RedTree Investment Group attached hereto and incorporated by reference herein. The Mayor in consultation with the Fiscal and Accounting Officer shall determine the amount of funds to be subject to the Investment Management Agreement.

SECTION 2: This ordinance shall take effect and be in force from the earliest date allowed by law.

Approved -

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Solicitor

1st Reading: October 10, 2017

Rules Suspended:

2nd and 3rd Reading:

Notice of publication:

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #17-71**

**AN ORDINANCE APPROVING AN ADDITIONAL APPROPRIATION IN
THE LAW ENFORCEMENT TRUST FUND FOR EQUIPMENT COSTS
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, The Village of Evendale Law Enforcement Trust Fund has funding available for equipment purchases; and

WHEREAS, The Police department would like to use these funds for purchase of a S.W.A.T. helmet and Mobil Field Force (riot) gear for two officers; and

NOW THEREFORE;

BE IT ORDAINED by the Council of the Village of Evendale, State of Ohio, six members concurring that:

SECTION I The following sums are appropriated from the unappropriated Law Enforcement Trust Fund (208) to the following account:

| | | |
|----------------|----------------------|------------|
| 208.101.525211 | Department equipment | \$3,188.00 |
|----------------|----------------------|------------|

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 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 to provide its police officers proper equipment. This ordinance shall be effective upon passage.

Adopted October 10, 2017

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: October 10, 2017

Rules Suspended: October 10, 2017

2nd and 3rd Reading: October 10, 2017

Emergency Section Agreed to: October 10, 2017

Notice of Publication: Tri- County Press, October 18, 2017

**VILLAGE OF EVENDALE, OHIO
ORDINANCE # 17-73**

**ORDINANCE AUTHORIZING THE MAYOR TO HIRE
PART-TIME EMPLOYEES FOR THE RECREATION
CENTER AND DECLARING AN EMERGENCY**

WHEREAS, the Council of the Village of Evendale has enacted Chapter 260 of the Codified Ordinances of the Village of Evendale, requiring authorization by Council for the Mayor to hire a part-time employees; and,

WHEREAS, the Mayor has recommended the hiring of Kelsy Petersman for Building Attendant for Recreation Department; and,

WHEREAS, the Mayor and the administration has fully complied with Section 260.06(a) 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 person may be employed, effective October 11, 2017 by the Mayor of the Village of Evendale Recreation Department at an hourly rate established below:

| | | | |
|-----------------|--------------------|------------|--------|
| Kelsy Petersman | Building Attendant | Hourly Pay | \$9.43 |
|-----------------|--------------------|------------|--------|

SECTION 2: This ordinance is hereby declared to be an emergency measure by a concurrence of six members of the Village Council. The reason for said emergency is 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 immediate effect in order to ensure that the Village Recreational Department has the staffing necessary to provide for and to perform its critical functions to the Village and its citizens. Therefore, this ordinance shall be effective upon passage.

Adopted October 10, 2017

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: October 10, 2017

Rules Suspended: October 10, 2017

2nd and 3rd Reading: October 10, 2017

Emergency Section Agreed to: October 10, 2017

Notice of Publication: Tri- County Press, October 18, 2017

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #17-74**

**AN ORDINANCE AUTHORIZING THE MAYOR TO TAKE THOSE
STEPS NECESSARY FOR THE VILLAGE OF EVENDALE TO JOIN
A COALITION OF MUNICIPALITIES RETAINING SPECIAL
COUNSEL FOR PURPOSES OF INITIATING LITIGATION TO
CHALLENGE THE CONSTITUTIONALITY OF AMENDMENTS TO
CHAPTER 718 OF THE OHIO REVISED CODE RELATING TO
MUNICIPAL INCOME TAX AND DECLARING AN EMERGENCY**

- WHEREAS,** the Village of Evendale recognizes, as a home rule power of local self-government, that municipal income tax administration and collection is vital to the health, safety and welfare of the municipality; and
- WHEREAS,** the Village of Evendale relies on the revenue from effective municipal income tax administration and collection to provide the services that maintain the health, safety and welfare of the municipality; and
- WHEREAS,** the Ohio General Assembly has attempted to assert control over the administration and collection of municipal incomes taxes by claiming that a municipality has no authority to impose an income tax unless it adopts a code in strict compliance with R.C. Chapter 718; and
- WHEREAS,** the established law of Ohio is clear that any such preemption of municipal income tax codes by the State of Ohio violates the Ohio Constitution and home rule provisions that allow a municipal corporation the right to administer and enforce its own municipal income tax; and
- WHEREAS,** more specifically, the State of Ohio has enacted HB 5 in 2014 comprehensively rewriting the entire municipal income tax law and HB 49 in 2017 authorizing centralized collection by the State of Ohio of municipalities' net profits taxes; and
- WHEREAS,** the Village of Evendale desires to assert its home rule authority to control the administration and collection of the municipal income tax, in order to provide for the health, safety and welfare of the municipality; 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 take those steps necessary for the Village of Evendale to join a coalition of municipalities being formed for the purpose of initiating litigation to challenge the constitutionality of amendments to Chapter 718 of the Ohio Revised Code contained in H.B. 5 and H.B. 49, and retain the law firm of Frost Brown Todd, LLC, as special counsel for the coalition of municipalities.

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 department or office of the Village of Evendale. The reason for said emergency arises from the need for immediate judicial proceedings given that the effective date of Am. Sub. HB 49 is January 1, 2018. Therefore, this ordinance shall become effective immediately.

Adopted October 10, 2017

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: October 10, 2017
Rules Suspended: October 10, 2017
2nd and 3rd Reading: October 10, 2017
Emergency Section Agreed to: October 10, 2017
Notice of Publication: Tri- County Press, October 18, 2017

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #17-75**

**ORDINANCE APPROVING AN APPROPRIATION FOR ADDITIONAL
COSTS RELATED TO THE READING ROAD RESURFACING
PROJECT 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 Reading Road resurfacing project bid by the Ohio Department of Transportation for which the low bid was in excess of the budgeted amount; and

WHEREAS, The funds are required immediately pursuant to the request by the Ohio Department of Transportation in relation to the cooperative project by and between the Village and the State of Ohio dated August 22, 2017; 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 Capital Fund (400) account:

400.201.525502 Street Improvement \$70,250

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 pay for the resurfacing of Reading Road pursuant to the contract between the Village and the State of Ohio. This ordinance shall be effective upon passage.

Adopted October 10, 2017

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: October 10, 2017

Rules Suspended: October 10, 2017

2nd and 3rd Reading: October 10, 2017

Emergency Section Agreed to: October 10, 2017

Notice of Publication: Tri- County Press, October 18, 2017

VILLAGE OF EVENDALE, OHIO
ORDINANCE #17-76

**AN ORDINANCE APPROVING AN ADDITIONAL APPROPRIATION IN
THE COURT COMPUTER FUND FOR EQUIPMENT COSTS 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, The Village of Evendale Court Computer Fund has funds available for equipment acquisition: and

WHEREAS, The Police department would like to use these funds to acquire and maintain a Savin MPC 3004 copier; and

NOW THEREFORE;BE IT ORDAINED by the Council of the Village of Evendale, State of Ohio, six members concurring that:

SECTION I The following sums are appropriated from the unappropriated Court Computer Fund (204) to the following account:

| | |
|---------------------------------------|------------|
| 204.703.524310 Equip Maint & Supplies | \$8,600.00 |
|---------------------------------------|------------|

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 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 to provide its police officers necessary equipment. This ordinance shall be effective upon passage.

Adopted October 10, 2017

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: October 10, 2017

Rules Suspended: October 10, 2017

2nd and 3rd Reading: October 10, 2017

Emergency Section Agreed to: October 10, 2017

Notice of Publication: Tri- County Press, October 18, 2017

VILLAGE OF EVENDALE, OHIO
ORDINANCE #17-77

**ORDINANCE APPROVING AN APPROPRIATION FOR ADDITIONAL
FUNDING FOR THE EVENDALE COMMUNITY IMPROVEMENT
CORPORATION AND DECLARING AN EMERGENCY.**

WHEREAS, Ordinance #23-74 established the Evendale Community Improvement Corporation (CIC), pursuant to Ohio Revised Code Chapter 1724, as the not-for-profit agency charged with the industrial, economic, civic, commercial, distribution and research development of the Village of Evendale, Ohio.

WHEREAS, On September 19, 2017, the CIC Board passed a motion, by unanimous vote, recommending to the Village of Evendale Council that the CIC enter into a contract (see Attached Exhibit "A") with Pedco/Emersion Design to develop a Master Plan for the AeroHub Development and that Council provide funding to the CIC in the amount of \$75,000.00

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

SECTION 1 The following sums are authorized to be expended from Community Environment (499) payable to the Evendale Community Improvement Corporation for expenses related to a contract between the CIC and Pedco/Emersion Design (see Exhibit "A") for completion of an AeroHub Master Plan:

| | | |
|----------------|--------------|----------|
| 101.499.527100 | Evendale CIC | \$75,000 |
|----------------|--------------|----------|

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. The reason for the emergency is the need to have in place a master plan for the AeroHub Development as soon as possible in order to promote the economic well-being of the Village and its citizens. Therefore, this ordinance shall take effect immediately.

Adopted October 10, 2017

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: October 10, 2017

Rules Suspended: October 10, 2017

2nd and 3rd Reading: October 10, 2017

Emergency Section Agreed to: October 10, 2017

Notice of Publication: Tri- County Press, October 18, 2017

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

Village Council

Rev. Code, Secs. 5705.34

The Council of the Village of Evendale, Hamilton County,

Ohio, met in Regular session on the 10th day of October

20 17, at the office of 10500 Reading Rd, 45241

with the following members present: Mayor Finen

Jeff Albriek Carolyn Smiley-Robertson

John Ranz Elizabeth McDaniel

William Rutherford Christian Schaefer

_____ moved the adoption of the following Resolution:

WHERE AS, This Council in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1st, 20 18; and

WHERE AS, The Budget Commission of Hamilton County, Ohio, has certified its action Thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council and what part thereof is without, and what part within the ten-mill limitation; therefore be it

RESOLVED, By the Council of the Village of Evendale _____ Hamilton County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said Village the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

SCHEDULE A
SUMMARY OF THE AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY THE BUDGET COMMISSION
AND COUNTY AUDITOR'S ESTIMATED TAX RATES

| | Amount Approved by Budget Com- mission Inside 10M Limitation | Amount to be Derived from Levies Outside 10M Limitation | Tangible P.P. & P.U.P.P. State Reimbursements | Gross Levy Proceeds | County Auditor's Estimate of the Tax Rate to be Levied | |
|--------------|---|--|--|---------------------------|---|--------|
| | | | | | Outside | Inside |
| GENERAL FUND | 0 | 0 | 0 | 0 | 0.00 | 0.00 |
| BOND | 0 | 0 | 0 | 0 | 0.00 | 0.00 |
| PENSION | 0 | 0 | 0 | 0 | 0.00 | 0.00 |
| FIRE PENSION | 0 | 0 | 0 | 0 | 0.00 | 0.00 |
| X6 | 0 | 0 | 0 | 0 | 0.00 | 0.00 |
| X5 | 0 | 0 | 0 | 0 | 0.00 | 0.00 |
| X4 | 0 | 0 | 0 | 0 | 0.00 | 0.00 |
| X3 | 0 | 0 | 0 | 0 | 0.00 | 0.00 |
| X2 | 0 | 0 | 0 | 0 | 0.00 | 0.00 |
| X1 | 0 | 0 | 0 | 0 | 0.00 | 0.00 |
| NEW | 0 | 0 | 0 | 0 | 0.00 | 0.00 |
| TOTAL | 0 | 0 | 0 | 0 | 0.00 | 0.00 |

SCHEDULE B
LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

| CURRENT EXPENSE LEVIES | Authorized on: | PERIOD OF TIME | Mills | Fiscal Year |
|------------------------|----------------|----------------|-------|-------------|
| | | | | |
| PENSION | Authorized on: | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| TOTAL | | 0 | 0.00 | 0 |
| FIRE PENSION | Authorized on: | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| TOTAL | | 0 | 0.00 | 0 |
| X6 | Authorized on: | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| TOTAL | | 0 | 0.00 | 0 |
| X5 | Authorized on: | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| | | 0 | 0.00 | 0 |
| TOTAL | | 0 | 0.00 | 0 |

September 12, 2017

VILLAGE OF EVENDALE

**VILLAGE OF EVENDALE, OHIO
RES. # 17-13**

**RESOLUTION OPPOSING HOUSE BILL 267 WHICH
WOULD ELIMINATE QUALIFIED DEFENSES
CURRENTLY AVAILABLE TO POLITICAL
SUBDIVISIONS IN THE CASE OF MOTOR VEHICLE
ACCIDENTS INVOLVING FIRST RESPONDERS**

WHEREAS, House Bill 267 would repeal existing law providing qualified defenses to a political subdivision's liability for negligent operation of a motor vehicle by a member of municipality's police, fire fighting or emergency medical services, while responding to an emergency; and

WHEREAS, The loss of immunity which would be occasioned by the adoption of the bill would deprive the Village of Evendale, and other political subdivisions of protections afforded for the conduct of police, fire and medical personnel responding to emergencies and would, in the end, harm the public; and

WHEREAS, The deprivation of that protection would disadvantage Evendale's first responders who serve and protect our citizens, discouraging the promptest possible response during emergency situations when promptness matters the most; now, therefore

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

SECTION 1 The Village of Evendale states its clear opposition to House Bill 267 now pending in the 132nd General Assembly of the Ohio Legislature.

SECTION 2 The Clerk shall provide a copy of this Resolution to those legislators representing the Village of Evendale in Columbus and to the Ohio Municipal League.

Adopted October 10, 2017

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Law Director

Notice of Publication: Tri- County Press, October 18, 2017