

MINUTES
Village of Evendale
Regular Council Meeting
October 13th, 2015

Miss Elizabeth Nartker, Evendale resident, addressed council and will be representing Evendale in the Miss Teen Ohio Pageant 2016.

A public hearing regarding the appeal of a decision of the Village of Evendale Board of Zoning has been filed with Village Council for property located at 10825 Reading Rd, Evendale, OH. The applicant, Robert S. Brown, Tr., is appealing the Board of Zoning's decision denying a variance from the minimum lot size and side yard setback requirements of Schedule 1248.07 of the Village of Evendale Zoning Code in the "HC" Heavy Commercial District. Mr. Harwood recused himself from the discussion and vote. Mr. Burke also recused himself because he in the past represented Mr. Brown for the adjacent property in Sharonville. Legal counsel, Mr. Sutter and Mr. Brown addressed council and explained their position for requesting the lot split for potential access his other property and for possible development. AutoZone currently sits on over three acres. The ground lease for AutoZone is more profitable as a one acre lot than a three acre lot. The streets in Sharonville are not access points at this time. Mr. Brown explained the CAGIS map to council. Council discussed pros and cons of splitting the lot. No other public input. If the decision of the BZA is upheld, Mr. Brown will pursue selling the three acre property. A motion to close the public hearing was made by Mr. Puthoff, seconded by Ms. Smiley-Robertson and unanimously approved. Hearing was closed at 7:30.

The Village of Evendale Regular Council Meeting was called to order by Mayor Don Apking at 7:30 pm.

Roll call- The following council members were present: Mayor Don Apking, Mr. Bill Puthoff, Mr. Harwood, Mr. Albrinck, Ms. Smiley-Robertson, Mr. Ranz and Mr. Schaefer. Also present: Recreation Department Manager, Dave Nichols, Village Engineer, James Jeffers; Village Solicitor, Tim Burke, CFO Cynthia Caracci, and Barb Rohs, Village Clerk.

Mayor Apking presented the consent calendar. The motion to accept the consent calendar was made by Mr. Puthoff, seconded by Mr. Albrinck and unanimously approved.

Committee Reports:

Finance, Administration, Service, Engineering and GHF Committee:

The September earnings tax receipts totaled \$1,076,565.03. That is \$187.95 more than September, 2014. Year to date earnings tax receipts through September, 2015 are \$10,874,666.37. That is \$826,431.02 more than 2014 receipts through September. The net surplus, excluding the Evendale Commons TIF, through September, 2015 is \$958,909.30. Excluding the Evendale Commons TIF, the unencumbered balance is \$18,857,631.22. The cash balance including all funds is \$22,095,822.66.

In November, the council committee will be November 10th as a budget discussion and council meeting will be November 17th, 2015.

Police, Fire, Recreation Council Committee:

Nothing to report.

Presentation of Ordinances and Resolutions:

The Mayor presented ORD. #15-55B ORDINANCE UPHOLDING THE DECISION OF THE BOARD OF ZONING APPEALS DENYING A VARIANCE FROM THE TWO-ACRE MINIMUM LOT SIZE REQUIREMENT FOR THE PROPERTY AT 10825 READING ROAD (PID 611-30-15) OWNED BY ROBERT S. BROWN, TRUSTEE. Mr. Harwood recused himself. A motion to read ORD #15-55B by title only was made by Mr. Albrinck seconded by Mr. Puthoff and unanimously approved on roll call. A motion to suspend the second and third readings of ORD #15-55B was made by Mr. Puthoff, seconded by Mr. Ranz and unanimously approved on roll call. A motion to adopt ORD #15-55B was made by Mr. Puthoff, seconded by Mr. Albrinck and unanimously approved on roll call. Mayor Apking declared #15-55B approved.

A motion to table ORD. #15-55A ORDINANCE REVERSING THE DECISION OF THE BOARD OF ZONING APPEALS AND APPROVING A VARIANCE FROM THE TWO-ACRE MINIMUM LOT SIZE REQUIREMENT FOR THE PROPERTY AT 10825 READING ROAD (PID 611-30-15) OWNED BY ROBERT S. BROWN, TRUSTEE, AND DECLARING AN EMERGENCY was made by Mr. Puthoff, seconded by Mr. Schaefer and unanimously approved on roll call.

The Mayor presented ORD. #15-49AN ORDINANCE TO SET FORTH CHAPTER 891 MUNICIPAL EARNED INCOME TAX EFFECTIVE JANUARY 1, 2016. A motion to read ORD #15-49 by title only was made by Mr. Schaefer seconded by Mr. Albrinck and unanimously approved on roll call. This is the second reading.

The Mayor presented ORD. #15-51 AN ORDINANCE AUTHORIZING THE PAYMENT OF AMOUNTS DUE UPON CERTAIN CONTRACTS REQUIRING CERTIFICATION OF AVAILABILITY OF FUNDS AND DECLARING AN EMERGENCY.

A motion to read ORD #15-51 by title only was made by Mr. Albrinck seconded by Mr. Schaefer and unanimously approved on roll call. A motion to suspend the second and third readings of ORD #15-51 was made by Ms. Smiley-Robertson, seconded by Mr. Puthoff and unanimously approved on roll call. A motion to agree to the emergency section is made by Mr. Schaefer, seconded by Mr. Albrinck, and unanimously approved on roll call. A motion to adopt ORD #15-51 was made by Mr. Schaefer, seconded by Mr. Albrinck and unanimously approved on roll call. Mayor Apking declared #15-51 adopted as an emergency.

The Mayor presented ORD. #15-52 AN ORDINANCE APPROVING AN ADDITIONAL APPROPRIATION IN THE LAW ENFORCEMENT TRUST FUND AND THE DRUG LAW FUND TO ACQUIRE FORENSIC SOFTWARE AND DECLARING AN EMERGENCY. A motion to read ORD #15-52 by title only was made by Mr. Puthoff seconded by Mr. Albrinck and unanimously approved on roll call. A motion to suspend the second and third readings of ORD #15-52 was made by Mr. Schaefer, seconded by Mr. Ranz and unanimously approved on roll call. A motion to agree to the emergency section is made by Mr. Schaefer, seconded by Ms. Smiley-Robertson, and unanimously approved on roll call. A motion to adopt ORD #15-52 was made by Mr. Schaefer, seconded by Mr. Albrinck and unanimously approved on roll call. Mayor Apking declared #15-52 adopted as an emergency.

The Mayor presented ORD. #15-53 ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE HAMILTON COUNTY BOARD OF COMMISSIONERS FOR THE MAINTENANCE AND REPAIR OF FIRE HYDRANTS WITHIN THE VILLAGE OF EVENDALE AND DECLARING AN EMERGENCY. Mr. Schaefer recused himself. A motion to read ORD #15-53 by title only was made by Mr. Puthoff, seconded by Mr. Albrinck and unanimously approved on roll call. A motion to suspend the second and third readings of ORD #15-53 was made by Mr. Harwood, seconded by Mr. Albrinck and unanimously approved on roll call. A motion to agree to the emergency section is made by Ms. Smiley-Robertson, seconded by Mr. Puthoff, and unanimously approved on roll call. A motion to adopt ORD #15-53 was made by Mr. Puthoff, seconded by Mr. Albrinck and unanimously approved on roll call. Mayor Apking declared #15-53 adopted as an emergency.

The Mayor presented ORD. #15-54 ORDINANCE AUTHORIZING THE RECREATION DIRECTOR TO TRANSFER AND DONATE TO THE HAMILTON COUNTY AGRICULTURAL SOCIETY THREE NO-LONGER-USED INFLATABLES AND TWO BLOWERS AND DECLARING AN EMERGENCY. A motion to read ORD #15-54 by title only was made by Mr. Puthoff, seconded by Mr. Albrinck and unanimously approved on roll call. A motion to suspend the second and third readings of ORD #15-54 was made by Mr. Schaefer, seconded by Ms. Smiley-Robertson and unanimously approved on roll call. A motion to agree to the emergency section is made by Mr. Schaefer, seconded by Mr. Albrinck, and unanimously approved on roll call. A motion to adopt ORD #15-54 was made by Mr. Puthoff, seconded by Mr. Harwood and unanimously approved on roll call. Mayor Apking declared #15-54 adopted as an emergency.

The Mayor presented RES. #14-06 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. A motion to read RES. #14-06 by title only was made by Mr. Schaefer, seconded by Mr. Puthoff and unanimously approved on roll call. A motion to suspend the second and third readings of RES. #14-06 was made by Mr. Schaefer, seconded by Mr. Albrinck and unanimously approved on roll call. A motion to adopt RES. #14-06 was made by Mr. Albrinck, seconded by Ms. Smiley-Robertson and unanimously approved on roll call. Mayor Apking declared RES. #14-06 adopted.

The Mayor presented ORD. #15-58 ORDINANCE AGREEING TO COOPERATE WITH THE OHIO DEPARTMENT OF TRANSPORTATION AND ITS DIRECTOR IN THE REPAIR AND RESURFACING OF READING ROAD (US-42) FROM INWOOD DRIVE TO THE NORTHERN CORPORATE LIMITS OF THE VILLAGE OF EVENDALE AND DECLARING AN EMERGENCY. A motion to read ORD #15-58 by title only was made by Mr. Schaefer, seconded by Mr. Albrinck and unanimously approved on roll call. A motion to suspend the second and third readings of ORD #15-58 was made by Mr. Puthoff, seconded by Mr. Albrinck and unanimously approved on roll call. A motion to agree to the emergency section is made by Mr. Schaefer, seconded by Ms. Smiley-Robertson, and unanimously approved on roll call. A motion to adopt ORD #15-58 was made by Mr. Harwood, seconded by Mr. Albrinck and unanimously approved on roll call. Mayor Apking declared #15-58 adopted as an emergency.

The Mayor presented RES. #15-07 A RESOLUTION DECLARING THE INTENT OF THE VILLAGE OF EVENDALE THROUGH ITS VILLAGE COUNCIL TO APPROPRIATE TO PUBLIC USE ALL RIGHT, TITLE AND INTEREST IN REAL PROPERTY NECESSARY FOR THE CREATION OF A TURN LANE AT THE SOUTHWEST CORNER OF GLENDALE-MILFORD ROAD AND PLAINFIELD ROAD TO IMPROVE TRAFFIC FLOW AND PROMOTE THE SAFETY OF THE PUBLIC AND DECLARING AN EMERGENCY. Discussion: The property owner is aware that resolution is on the agenda. Council would like to proceed in order for the project to proceed. A motion to read RES. #15-07 by title only was made by Mr. Schaefer, seconded by Mr. Puthoff and unanimously approved on roll call. A motion to suspend the second and third readings of RES. #15-07 was made by Mr. Schaefer, seconded by Mr. Puthoff and unanimously approved on roll call. A motion to agree to the emergency section is made by Mr. Schaefer, seconded by Mr. Puthoff, and unanimously approved on roll call. A motion to adopt RES. #15-07 was made by Mr. Schaefer, seconded by Ms. Smiley-Robertson and unanimously approved on roll call. Mayor Apking declared RES. #15-07 adopted as an emergency.

The Mayor presented RES. #15-08 A RESOLUTION CONSENTING TO THE EXECUTION OF AN AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF HAMILTON COUNTY, OHIO AND GOLD MEDAL PRODUCTS CO. (“GOLD MEDAL”) PROVIDING FOR THE ADOPTION OF A PROJECT WHICH WILL EXPAND A BUSINESS IN THE VILLAGE OF EVENDALE AND CREATE AND/OR PRESERVE EMPLOYMENT OPPORTUNITIES WITHIN AN ENTERPRISE ZONE OF HAMILTON COUNTY AND DECLARING AN EMERGENCY. A motion to read RES. #15-08 by title only was made by Mr. Harwood, seconded by Mr. Schaefer and unanimously approved on roll call. A motion to suspend the second and third readings of RES. #15-08 was made by Mr. Puthoff, seconded by Mr. Ranz and unanimously approved on roll call. A motion to agree to the emergency section is made by Mr. Harwood, seconded by Mr. Schaefer, and unanimously approved on roll call. A motion to adopt RES. #15-08 was made by Mr. Puthoff, seconded by Mr. Schaefer and unanimously approved on roll call. Mayor Apking declared RES. #15-08 adopted as an emergency.

Motion to adjourn into was made by Mr. Puthoff seconded by Mr. Albrinck and unanimously approved.

Meeting was adjourned at 8:10 pm.

Mayor

Attest:

Village Clerk