

**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 10th, 2015.

ORD. #15-14

AN ORDINANCE APPROVING AN ADDITIONAL APPROPRIATION IN THE COURT COMPUTER FUND TO PAY FINAL RESIDUAL COPIER LEASE PAYMENT AND DECLARING AN EMERGENCY.

ORD. #15-15

ORDINANCE APPROVING A TRANSFER IN THE GENERAL FUND TO APPROPRIATE FUNDS FOR AN ADDITIONAL SALARY IN THE ADMINISTRATIVE DEPARTMENT AND DECLARING AN EMERGENCY.

ORD. #15-16

ORDINANCE APPROVING A TRANSFER IN THE GENERAL FUND TO APPROPRIATE FUNDS AND MAKE A DISBURSEMENT TO THE EVENDALE COMMUNITY IMPROVEMENT CORPORATION FOR THE PURPOSE OF RENEWING THE CONTRACT WITH SAINT FRANCIS GROUP AND SUPPORTING ADDITIONAL COSTS ASSOCIATED WITH STUDYING OR MARKETING THE VILLAGE LAND AND DECLARING AN EMERGENCY.

ORD. #15-17

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE COOPER CREEK PIER WALL IMPROVEMENTS PROJECT AND DECLARING AN EMERGENCY

ORD. #15-18

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A DEED TO GLENN AND TERRY ALLEN, 2935 STANWIN PLACE, SUBJECT TO CONDITIONS SPECIFIED HEREIN, AND DECLARING AN EMERGENCY.

ORD. #15-19

AN ORDINANCE APPROVING AN ADDITIONAL APPROPRIATION IN THE MUNICIPAL MOTOR VEHICLE FUND TO COVER IBI GROUP CONTRACT COSTS FOR INITIAL THROUGH THE VALLEY CONCEPT DESIGN AND DECLARING AN EMERGENCY.

ORD. 15-20

ORDINANCE APPROVING WATER MANAGEMENT AND SEDIMENTATION CONTROL PLANS FOR GENERAL ELECTRIC 100 BUILDING AND 501 BUILDING AND AUTHORIZING BUILDING COMMISSIONER TO ISSUE PERMIT AND DECLARING AN EMERGENCY

RES. 15-02

A RESOLUTION CONSENTING TO THE EXECUTION OF AN AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF HAMILTON COUNTY, OHIO AND ENABLE INJECTIONS, INC. ("ENABLE") 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.

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #15-14**

**AN ORDINANCE APPROVING AN ADDITIONAL APPROPRIATION IN
THE COURT COMPUTER FUND TO PAY FINAL RESIDUAL COPIER
LEASE PAYMENT AND DECLARING AN EMERGENCY.**

WHEREAS, Pursuant to legislation properly adopted by the Council of the Village of Evendale, funds in excess of the regular lease payment are required to cover the residual due at lease completion for the police department copier;

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

SECTION I The following sums are appropriated from the unappropriated Court Computer fund to the following objects:

240-249	Operation and Maintenance	\$1,650
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SECTION II This ordinance is declared to be an emergency by a concurrence of five 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 funds to pay off the residual on the copier lease, as soon as possible. This ordinance shall be effective upon passage.

Adopted March 10, 2015

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Solicitor

1st Reading: March 10, 2015

Rules Suspended: March 10, 2015

2nd and 3rd Reading: March 10, 2015

Emergency Section Agreed to: March 10, 2015

Notice of Publication: Tri-County Press, March 18, 2015

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

**ORDINANCE APPROVING A TRANSFER IN THE GENERAL FUND TO
APPROPRIATE FUNDS FOR AN ADDITIONAL SALARY IN THE
ADMINISTRATIVE 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 appropriations; and
- WHEREAS,** The Mayor was authorized by Council to hire an IT Manager; and
- WHEREAS,** The position was not included in the 2015 budget adopted in December of 2014; and
- WHEREAS,** The administrative department requires funding be available for payroll; now, therefore,

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

SECTION 1 The following sum is transferred from the General Fund Contingency Fund account:

101.799.579900	\$86,000
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To the 701 administrative department:

210-219 Personnel Expense	\$86,000
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SECTION 2 This Ordinance is hereby declared to be an emergency measure by a concurrence of five 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 department budgets not exceed the appropriation amounts approved by Council. Further, this ordinance is required to be an emergency so that the funds to pay for administrative salaries and benefits are certified as available as part of the operations budget for fiscal year 2015 and the funds must be immediately available when needed for payroll. This ordinance shall therefore be effective upon passage.

Adopted March 10, 2015

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Solicitor

1st Reading: March 10, 2015

Rules Suspended: March 10, 2015

2nd and 3rd Reading: March 10, 2015

Emergency Section Agreed to: March 10, 2015

Notice of Publication: Tri-County Press, March 18, 2015

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #15-16**

ORDINANCE APPROVING A TRANSFER IN THE GENERAL FUND TO APPROPRIATE FUNDS AND MAKE A DISBURSEMENT TO THE EVENDALE COMMUNITY IMPROVEMENT CORPORATION FOR THE PURPOSE OF RENEWING THE CONTRACT WITH SAINT FRANCIS GROUP AND SUPPORTING ADDITIONAL COSTS ASSOCIATED WITH STUDYING OR MARKETING THE VILLAGE LAND 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 Evendale Community Improvement Corporation (CIC) is empowered under Ohio Revised Code 1724.01 to assist in, among other things, the advancement, encouragement and promotion of the industrial, economic, commercial, and civic development of a community; and

WHEREAS, The Community Improvement Corporation has renewed a real estate services contract with St. Francis Group for which the Village will reimburse them; and

WHEREAS, The Community Improvement Corporation will have additional expenditures for marketing the Village and as they have little remaining funds will need advance cash flow; now, therefore,

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

SECTION 1 The following sum is transferred from the General Fund Contingency Fund account:

101.799.579900	\$75,000
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To the 499 Other Community Environment account:

101.499.527100 Evendale CIC	\$75,000
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SECTION 2 This Ordinance is hereby declared to be an emergency measure by a

concurrence of five 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 department budgets not exceed the appropriation amounts approved by Council. Further, this ordinance is required to be an emergency so that the funds can immediately be available for the St. Francis contract reimbursement and other marketing expenses of the Community Improvement Corporation. This ordinance shall therefore be effective upon passage.

Adopted March 10, 2015

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Solicitor

1st Reading: March 10, 2015

Rules Suspended: March 10, 2015

2nd and 3rd Reading: March 10, 2015

Emergency Section Agreed to: March 10, 2015

Notice of Publication: Tri-County Press, March 18, 2015

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #15-17**

**ORDINANCE AUTHORIZING MAYOR TO ENTER INTO
CONTRACT WITH THE LOWEST AND BEST BIDDER FOR
THE COOPER CREEK PIER WALL IMPROVEMENTS
PROJECT AND DECLARING AN EMERGENCY**

WHEREAS, The Village of Evendale has received bids for the Cooper Creek Pier Wall Improvements Project after advertising in a newspaper of general circulation in the Village of Evendale; and

WHEREAS, The bid package provided the opportunity to all bidders to offer both a base and an alternative bid;

WHEREAS, One bidder offered a substitute bid which other bidders did not have the opportunity to offer;

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

SECTION 1: The alternate bid of Advanced Contractors & Estimators, Inc. for the Cooper Creek Pier Wall Improvements Project in the amount of \$113,776.00 is recommended by the Village Engineer and is found to be the lowest and best bid and therefore is hereby accepted. The substitute bid is specifically rejected as other bidders did not have the opportunity to compete with that bid. The Mayor is authorized to enter into a contract with Advanced Contractors & Estimators, Inc. for this project.

SECTION 2: This ordinance is declared to be an emergency measure by a concurrence of five members of Council, it being found to be 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 the contract for the Project be executed as soon as possible in order to perform the work as weather permits in order for the to stabilize the slope of Cooper Creek and impede further erosion of the adjoining properties. This ordinance shall be effective upon passage.

Adopted March 10, 2015

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Solicitor

1st Reading: March 10, 2015
Rules Suspended: March 10, 2015
2nd and 3rd Reading: March 10, 2015
Emergency Section Agreed to: March 10, 2015
Notice of Publication: Tri-County Press, March 18, 2015

**VILLAGE OF EVENDALE
ORDINANCE #15-18**

**ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A DEED TO GLENN AND
TERRY ALLEN, 2935 STANWIN PLACE, SUBJECT TO CONDITIONS SPECIFIED
HEREIN, AND DECLARING AN EMERGENCY**

- WHEREAS,** Glenn and Terry Allen are the owners of property at 2935 Stanwin Place, Parcel No. 611-0080-0167-00; and
- WHEREAS,** The Allen property is adjacent to 21.665 acres of land, Parcel No. 611-0080-0206-90, owned by the Village of Evendale; and
- WHEREAS,** The Village of Evendale property and the Allen property are adjacent to property owned by Christina and Jeanine M. Lang at 2899 Stanwin Place, Parcel No. 611-0080-0192-00; and
- WHEREAS,** The Allens are desirous of selling their property; and
- WHEREAS,** When the Allens prepared to sell their property, they discovered, evidently for the first time, that the prior owner of the property had encroached on both the Village of Evendale property and the Lang property with fences and certain other structures; and
- WHEREAS,** In an effort to resolve this matter, the Allens are willing to purchase the Village of Evendale property on which they have encroached and remove the encroachments on the Lang property; and
- WHEREAS,** The Village of Evendale is willing to cooperate in such a sale provided that certain conditions specified herein are met; and
- WHEREAS,** The Council of the Village of Evendale finds that the property to be transferred is not needed for any public purpose;

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

SECTION 1: The Mayor of the Village of Evendale is hereby authorized to execute a deed to Glenn M. Allen of the land depicted on Exhibit A, attached hereto and incorporated by reference herein, designated as "A." The specific legal description of that property shall be determined by a survey and shall include that portion of the Village of Evendale property which includes the fence and the Village of Evendale property within the fence believed to have been installed by Mr. Allen's predecessor in title, provided that the following conditions are met:

- 1) There are currently three sheds located on the property to be transferred. One of the existing sheds must be removed prior to the transfer of the property;
- 2) The property marked "B" on Exhibit A designates the encroachment on the area in which an encroachment now exists on the Lang property. The encroachment includes certain structures, including a deck and hot tub. All encroachments on the Lang property shall be removed prior to the transfer of the Village of Evendale property to Mr. Allen;

- 3) The deed transferring the Village of Evendale property to the Allens shall be done as an ORC 711 Transfer and shall specifically prohibit that there be any further development on that property inconsistent with the Zoning Code of the Village of Evendale. The deed shall contain the following language:

“This conveyance is a transfer between adjoining lot owners made in compliance with Section 711.001, Subsection (B)(1), Ohio Revised Code, and does not create an additional building site or further violate any zoning regulation or other public regulation in the parcels hereby conveyed or the balance of the parcel retained by the Grantor herein. The parcel hereby conveyed may not hereafter be conveyed separately from Grantee’s adjoining parcel, nor any structure erected thereon without the prior approval of the authority having approving jurisdiction of plats.”;

- 4) In light of the fact that the property being conveyed is regarded as Village Greenbelt property, the deed shall also contain a covenant prohibiting any the construction of any new structures on the conveyed property including any new home or addition to the existing home.;
- 5) At closing, the Allens shall pay the Village of Evendale the cost of the survey and preparation of the legal description, \$2,500 for the property, and shall bear the cost of any and all reporting fees.

SECTION 2: This ordinance is declared to be an emergency by a concurrence of five 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. The reason for said emergency is to resolve, as rapidly as possible, property encroachments currently preventing the sale of property within the Village of Evendale. Therefore, this ordinance shall become effective immediately.

Adopted March 10, 2015

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Solicitor

1st Reading: March 10, 2015
Rules Suspended: March 10, 2015
2nd and 3rd Reading: March 10, 2015
Emergency Section Agreed to: March 10, 2015
Notice of Publication: Tri-County Press, March 18, 2015

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

**AN ORDINANCE APPROVING AN ADDITIONAL APPROPRIATION IN
THE MUNICIPAL MOTOR VEHICLE FUND TO COVER IBI GROUP
CONTRACT COSTS FOR INITIAL THROUGH THE VALLEY
CONCEPT DESIGN 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 has entered into contract with landscaping design firm IBI Group to derive conceptual design related to the Through the Valley Highway project: and

WHEREAS, Funding is required to move forward with conceptual design work related to the Through the Valley; and

NOW THEREFORE;

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

SECTION I The following sums are appropriated from the unappropriated Municipal Motor Vehicle fund to the following objects:

250	Street Improvements	\$80,000
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SECTION II This ordinance is declared to be an emergency by a concurrence of five 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 funds for the contract with IBI group, as soon as possible. This ordinance shall be effective upon passage.

Adopted March 10, 2015

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Solicitor

1st Reading: March 10, 2015

Rules Suspended: March 10, 2015

2nd and 3rd Reading: March 10, 2015

Emergency Section Agreed to: March 10, 2015

Notice of Publication: Tri-County Press, March 18, 2015

**VILLAGE OF EVENDALE, OHIO
ORDINANCE 15-20**

**ORDINANCE APPROVING WATER MANAGEMENT
AND SEDIMENTATION CONTROL PLANS FOR
GENERAL ELECTRIC 100 BUILDING AND 501 BUILDING
AND AUTHORIZING BUILDING
COMMISSIONER TO ISSUE PERMIT
AND DECLARING AN EMERGENCY**

WHEREAS, IBI Group on behalf of General Electric has submitted a certain set of grading plans on property it owns, specifically surrounding the 100 Building at the North end of the campus and 501 Building in the center of the campus for reconstruction of a parking areas, in accordance with Evendale Ordinance 1466 et. seq.; and

WHEREAS, the Engineer of the Village has given his approval of said plans for the property to be developed by the property owner; and,

WHEREAS, the plans approved by the Village Engineer appear to be in good order and in compliance with the purposes and intent of Evendale Ordinance 1466 et. seq.

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

SECTION 1: The copy of the plans submitted by IBI Group on behalf of General Electric, the property owner, in accordance with Evendale Code Section 1466 and approved by the Village Engineer are hereby attached as Appendix A and made part hereof.

SECTION 2: The Council of the Village of Evendale finds that notwithstanding the requirement in Section 1466.04 of the Codified Ordinances of the Village of Evendale, that such plans be held for 30 days before action by Council public policy justification exists to proceed immediately in order to obtain the benefits of the improvements, the reduction of impervious surfaces and the enhancement of greenspace, landscaping and aesthetic appeal of GE site as soon as possible and Council further finds said plans as approved by the Engineer to be well taken and to comply with the intent and purposes of Ordinance 1466 et. seq., and are hereby approved by this Council.

SECTION 3: The approval of Council of these plans shall be conditioned upon and shall not take effect until the filing of the plans with the Building Commissioner and filing of the performance bond set by Council in the amount of \$25,000.00 for Building 501 and \$40,000.00 for Building 100. In addition, the issuance of the Water Management and Sedimentation Control Permit is conditioned up Site Plan Review and Approval by the Village Planning Commission and Building Department of the proposed plans.

SECTION 4: Copies of the plans as approved by Council shall also be filed with the Clerk, the Engineer, the Building Commissioner, the Planning Commission and the County Soil and Water Conservation District.

SECTION 5: Upon the filing of said approved plans with the Building Commissioner and upon the posting of the bond specified above, the Building Commissioner shall issue the appropriate permit to commence the work, etc. as provided by the approved plans.

SECTION 6: This ordinance shall not constitute approval for any building or structure.

SECTION 7: This ordinance is declared to be an emergency by a concurrence of five 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 safety and welfare require work commence immediately to promote the renovation of the GE site and therefore the economic health of the Village of Evendale and reduce the impervious surface area and enhance landscaping of the site at the earliest possible date. This ordinance shall be effective upon passage.

Adopted March 10, 2015

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Solicitor

1st Reading: March 10, 2015

Rules Suspended: March 10, 2015

2nd and 3rd Reading: March 10, 2015

Emergency Section Agreed to: March 10, 2015

Notice of Publication: Tri-County Press, March 18, 2015

**VILLAGE OF EVENDALE, OHIO
RESOLUTION 15-02**

**A RESOLUTION CONSENTING TO THE EXECUTION
OF AN AGREEMENT BETWEEN THE BOARD OF
COUNTY COMMISSIONERS OF HAMILTON
COUNTY, OHIO AND ENABLE INJECTIONS, INC.
("ENABLE") 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**

WHEREAS, the Council of the Village of Evendale has, on April 10, 1997, by Ordinance No. 97-33, consented to the establishment of an Enterprise Zone, known as the Reading/Lockland/Evendale/Arlington Heights Enterprise Zone, by the Board of County Commissioners of Hamilton County, Ohio, as authorized by Section 5709 of the Ohio Revised Code, which has been amended from time to time; and

WHEREAS, on April 16, 1997, the Board of County Commissioners of Hamilton County, Ohio did duly establish such a zone; and

WHEREAS, on July 2, 1997 the Director of Development of the State of Ohio certified the area designated by this Council and the Board of County Commissioners of Hamilton County, Ohio as an Urban Jobs and Enterprise Zone pursuant to Section 5709.63 (A) of the Ohio Revised Code; and

WHEREAS, ENABLE INJECTIONS, INC. ("ENABLE") now proposes a project which will create investment and employment opportunities in the Village of Evendale; and

WHEREAS, ENABLE has proposed a project which will involve an investment of approximately Three Million Five Hundred and Thirty-two Thousand Dollars (\$3,532,000.00); and

WHEREAS, the Council of the Village of Evendale has reviewed the proposed project and is of the opinion that ENABLE is qualified to create and/or preserve employment opportunities in the enterprise zone; and

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

SECTION 1: The Council hereby gives its consent for the Board of County Commissioners of Hamilton County, Ohio, to enter into an enterprise zone agreement with ENABLE, a draft of which is attached to this Resolution as Exhibit A.

SECTION 2: This resolution is declared to be an emergency by concurrence of five 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 so the Board of County Commissioners may promptly proceed to enter into the Agreement with ENABLE and the benefits of such agreement be obtained as promptly as possible. This resolution shall be effective upon passage.

Adopted March 10, 2015

Mayor

Attest:

Village Clerk

Approved as to Form:

Village Solicitor

1st Reading: March 10, 2015

Rules Suspended: March 10, 2015

2nd and 3rd Reading: March 10, 2015

Emergency Section Agreed to: March 10, 2015

Notice of Publication: Tri-County Press, March 18, 2015