



VILLAGE OF EVENDALE
ADOPTED ORDINANCES AND RESOLUTIONS

The following ordinances and resolutions were adopted by the Council of the Village of Evendale on July 18, 2023 and August 8, 2023.

ORD. #23-41

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO SELL CERTAIN VILLAGE OWNED REAL ESTATE AND DECLARING AN EMERGENCY. (Approved Unanimously)

ORD #23-46

AN ORDINANCE AUTHORIZING THE PAYMENT OF AMOUNTS DUE UPON CERTAIN CONTRACTS REQUIRING CERTIFICATION OF AVAILABILITY OF FUNDS AND DECLARING AN EMERGENCY. (Approved Unanimously)

ORD #23 -42

AN ORDINANCE UPDATING CHAPTERS 258 AND CHAPTER 300 OF THE VILLAGE CODE OF ORDINANCES RELATED TO NONDISCRIMINATION, SEXUAL HARASSMENT AND GRIEVANCE PROCEDURES AND DECLARING AN EMERGENCY. (Approved Unanimously)

ORD#23-43

AN ORDINANCE AUTHORIZING THE MAYOR TO RENEGOTIATE THE NATURAL GAS AGGREGATION AGREEMENT WITH GAS SUPPLIER AEP ENERGY, AS RECOMMENDED BY ENERGY ALLIANCES, INC., PROVIDED THAT THE ACCEPTED AGGREGATION RATE IS BELOW THE CURRENT CONTRACTED RATE AT THE TIME OF EXECUTION, FOR A PERIOD NOT TO EXCEED 36 MONTHS AND DECLARING AN EMERGENCY. (Approved Unanimously)

ORD #23-44

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT WITH CONGER CONSTRUCTION GROUP AS THE CONSTRUCTION MANAGER AT RISK FOR THE EVENDALE SERVICE DEPARTMENT BUILDING AND DECLARING AN EMERGENCY. (Approved Unanimously)

ORD #23-45

ORDINANCE AUTHORIZING THE MAYOR TO HIRE GRACE MARKLEY-REITER AS A PART-TIME PROGRAM MANAGER FOR THE CULTURAL ARTS CENTER AND DECLARING AN EMERGENCY. (Approved Unanimously)

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #23-41**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
AN AGREEMENT TO SELL CERTAIN VILLAGE OWNED REAL
ESTATE AND DECLARING AN EMERGENCY**

WHEREAS, On March 21, 2023, Evendale Council passed Ordinance 23-20 authorizing the Mayor to enter into an agreement with The General Tool Company to sell six (6) +/- acres of Village-owned land in AeroHub for the purpose of constructing a 55,000 +/- sq. ft. manufacturing/office facility; and,

WHEREAS, Since March 2023, to assure GTC's building plans met AeroHub Master Plan aesthetic requirements, the Village Community Improvement Corporation (CIC) hired Emersion Design to create an enhanced exterior façade treatment for the GTC building. GTC is agreeable to installing the enhanced treatment; however, the treatment costs \$100K +/- more than GTC's originally proposed treatment. The enhanced treatment is endorsed by the Village CIC; and,

WHEREAS, GTC reports that their overall building costs have increased by \$1.25 +/- million to a total \$10 +/- million since receiving an original opinion of probable cost earlier this year of \$8.75 million; and,

WHEREAS, To help offset increased project costs, GTC has requested, and Mayor Finan and the CIC are agreeable to, an increase in the aesthetic credit, provided in Section 4 of the Land Purchase Agreement, from \$20,000 to \$70,000; and,

WHEREAS, GTC would like to obtain property ownership and commence site work by July 31st of this year; now,

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

SECTION 2: The Mayor of the Village of Evendale is hereby authorized to amend the Land Purchase Agreement approved by Council via Ordinance 23-20, to increase the aesthetic credit amount, from \$20,000 to \$70,000, as defined in Section 4 of the Agreement with all other terms and conditions of the Agreement remaining unchanged.

SECTION 3: This ordinance is hereby declared to be an emergency measure necessary to preserve the public peace, order, safety, health or welfare of the Village or to provide for the daily operation of a department or office of the Village. The reason for said emergency is the desire to bring new development and jobs associated with GTC into the Village of Evendale as soon as possible; specifically to facilitate an executed purchase agreement, contract closing and project ground breaking by July 31, 2023. Therefore, this ordinance shall be effective immediately.

Approved July 18, 2023

Mayor

Attest:

Village Clerk

Approved as to Form:

Law Director

1st Reading: July 18, 2023

Rules Suspended: July 18, 2023

2nd and 3rd Reading: July 18, 2023

Emergency Section Agreed to: July 18, 2023

Notice of publication: Cincinnati Court Index. August 2023

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #23-46**

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

WHEREAS, Ohio Revised Code 5705.41(D)(1) provides that where contracts have not been previously certified for sufficient funds being available, Village Council may authorize the drawing of warrants to pay such contracts upon receipt of a certificate from the fiscal officer stating that there was at the time of the making of such contract or order and at the time of the execution of such certificate, a sufficient sum appropriated for the purpose of such contract and in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances, and

WHEREAS, Certain contracts enumerated below are now due and payable for which such a certificate has been provided by the Chief Fiscal and Accounting Officer;

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

SECTION I The Council of the Village of Evendale hereby approves and authorizes the payment of the following contracts for which the Chief Fiscal and Accounting Officer has provided a certificate that a sufficient sum has been appropriated for the purpose of each contract and is in the treasury or in the process of collection to the credit of the appropriate fund free from any previous encumbrances:

- 1) Oberer Construction – Recreation wall repairs - \$5,785.00

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 and welfare of the Village or to provide for the daily operation of a department or office of the Village. The reason for said emergency is the need to approve this ordinance in the time required by the Ohio Revised Code and to ensure prompt payment to vendors. Therefore, this Ordinance shall be effective upon adoption.

Approved _____

Mayor, Village of Evendale

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: August 8, 2023

Rules Suspended: August 8, 2023

2nd and 3rd Reading: August 8, 2023

Emergency Section Agreed to: August 8, 2023

Notice of Publication: Cincinnati Court Index, August 8, 2023

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #23 -42**

**AN ORDINANCE UPDATING CHAPTERS 258 AND CHAPTER
300 OF THE VILLAGE CODE OF ORDINANCES RELATED TO
NONDISCRIMINATION, SEXUAL HARASSMENT AND
GRIEVANCE PROCEDURES AND DECLARING AN
EMERGENCY**

- WHEREAS,** the Village of Evendale Fire Department recently applied for and was awarded a Federal Grant; and,
- WHEREAS,** included amongst grant terms/conditions was a requirement of the Village to provide specific notice of nondiscrimination policies as well as guidelines for filing grievances related to federal civil rights laws; and,
- WHEREAS,** Village of Evendale currently provides nondiscrimination policies and grievance procedures and is committed to providing services without discrimination in accordance with civil rights laws; however, several codes do not accurately identify current federal government agencies responsible for regulating civil rights nor have codes been updated over time to match current federal government preferred language; and,
- WHEREAS,** Evendale officials wish to reassert their commitment to upholding nondiscriminatory practices as they apply to all Village staff and officials in the performance of their duties by adopting updated civil rights related policies and procedures.

NOW THEREFORE, BE IT RESOLVED by the Village Council of the Village of Evendale, Hamilton County, Ohio, six members concurring, that:

SECTION I Administration Code Sections 258.003, 258.143 and 300.01 - The Village of Evendale Nondiscrimination, Sexual Harassment and Grievance Procedures are hereby updated, revised and reaffirmed, a copy of which is attached and hereby approved and adopted.

SECTION II These revised policies shall be made known to all Village of Evendale employees and failure to comply with these policies may be grounds for discipline in accordance with Sections 258.160-.165 of the Evendale Administration Code.

SECTION III: This Ordinance is hereby declared to be an emergency measure by concurrence of six members of Council, it being necessary to preserve the public peace, order, safety, health and general welfare of the Village of Evendale or to provide for the daily operation of a Department or office of the Village. The reason for said emergency is to provide clear guidance to Village employees as soon as possible with regard to revisions, updates to civil rights related policies and procedures. Therefore, this Ordinance shall become effective immediately.

Approved August 8, 2023

Mayor, Village of Evendale

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: August 8, 2023

Rules Suspended: August 8, 2023

2nd and 3rd Reading: August 8, 2023

Emergency Section Agreed to: August 8, 2023

Notice of Publication: Cincinnati Court Index, August, 2023

258.003 NONDISCRIMINATION.

(a) The Village shall not discriminate against any employee on the basis of age, race, color, sex, sexual orientation, gender expression, marital status, military status, creed, religion, national origin (ancestry), handicap, or disability. The Village, however, reserves the right to establish bona fide occupational qualifications, which all employees and prospective employees must satisfy as a term or condition of employment.

(b) The Village of Evendale is an equal opportunity employer. It is the desire of the Village to maintain an affirmative action plan which assures equal employment opportunity. Violations of the plan by any employee of the Village are considered failure of good behavior and are subject to disciplinary action.

ADD: (c) See chapter 300 for Notice of Discrimination and Grievance Procedures

(Ord. 97-40. Passed 4-2-98; Ord. 18-15. Passed 2-13-18.)

258.143 SEXUAL HARASSMENT.

(a) Sexual harassment of an employee will not be tolerated. The following behaviors are grounds for disciplinary action:

(1) Abusing the dignity of an employee through insulting or degrading sexual remarks or conduct;

(2) Threats, demands, or suggestions that an employee's work status is contingent upon the employee's toleration of or acquiescence to sexual advances;

(3) Retaliation against an employee for complaining about the behaviors described above.

(b) If an employee encounters such abuse from a supervisor or other employees, the employee should contact the department head or the Mayor.

ADD: (c) See chapter 300 for Notice of Discrimination and Grievance Procedures

(Ord. 97-40. Passed 4-2-98; Ord. 18-15. Passed 2-13-18.)

CHAPTER 300

Notice of Discrimination– Grievance Procedures

300.01 GRIEVANCE PROCEDURES

Remove existing Section (a) in its entirety and replace with:

(a) The Village of Evendale complies with all Federal Civil Rights laws and is committed to providing its programs and services without discrimination in accordance with:

- *Title VI of the Civil Rights Act of 1964*, which prohibits discrimination based on race, color, or national origin (including language).

- *Section 504 of the Rehabilitation Act of 1973*, which prohibits discrimination based on disability.
- *Title IX of the Education Amendments Act of 1972*, which prohibits discrimination based on sex in education programs or activities.
- *Age Discrimination Act of 1975*, which prohibits discrimination based on age.
- *U.S. Department of Homeland Security regulation 6 C.F.R. Part 19*, which prohibits discrimination based on religion in social service programs.

(b) Complaints should be addressed to: Village Mayor or Director of Administrative Services, Evendale Municipal Building, 10500 Reading Road, Evendale, Ohio 45241-2574, who has been designated to coordinate compliance efforts.

(1) A complaint should be filed in writing, containing the name and address of the person filing it, and briefly describe the alleged violation of the regulations.

(2) A complaint should be filed within ten days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.) Filing shall not take place until the Village is in actual physical custody of the written complaint.

(3) An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by Village of Evendale Mayor or Director of Administrative Services. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint. Under 29 C.F.R. 29 C.F.R. Part 1630, the Village of Evendale need not process complaints from applicants for employment

(4) A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by Village of Evendale Mayor or Director of Administrative Services, and a copy forwarded to the complainant no later than 40 days after its filing.

(5) The Director of Administrative Services or Mayor shall maintain the files and records of the Village of Evendale relating to the complaints filed.

(6) The complainant can request a reconsideration, in writing, of the case in instances where they are dissatisfied with the resolution. The request for reconsideration should be filed within ten days to the Mayor of the Village of Evendale. Filing shall not take place until the Village is in actual physical custody of said written request for reconsideration.

(7) The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint to the U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties (CRCL) or the Ohio Civil Rights Commission. Utilization of this grievance procedure is not a prerequisite to pursue other remedies.

(8) These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the Village of Evendale complies with the Civil Right Laws.

(Ord. 64-84. Passed 10-18-84; Ord. 05-34. Passed 8-11-05.)

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #23-43**

AN ORDINANCE AUTHORIZING THE MAYOR TO RENEGOTIATE THE NATURAL GAS AGGREGATION AGREEMENT WITH GAS SUPPLIER AEP ENERGY, AS RECOMMENDED BY ENERGY ALLIANCES, INC., PROVIDED THAT THE ACCEPTED AGGREGATION RATE IS BELOW THE CURRENT CONTRACTED RATE AT THE TIME OF EXECUTION, FOR A PERIOD NOT TO EXCEED 36 MONTHS AND DECLARING AN EMERGENCY

WHEREAS, The citizens of the Village of Evendale have authorized, by vote, the aggregation of natural gas services in order to allow for residents and businesses in the Village to form a buying group with the intention of obtaining reduced natural gas rates; and,

WHEREAS, In August 2022, at the recommendation of Energy Alliances (EA) Inc., the Village's aggregation consultant, Evendale entered into a 24-month contract with AEP Energy to supply natural gas to voluntary participants of Evendale's Gas Aggregation Opt-Out Program, at a rate of \$0.839 per ccf.; and,

WHEREAS, EA Inc. recently notified the Village that, due to the gas supply market's continued volatile pricing changes, gas prices are projected to fall below the current contract rate before the end of the contract; and,

WHEREAS, EA Inc. projects Duke's gas supply pricing will likely range from \$0.70 to \$0.80 per ccf starting in November 2023 thru March 2024. This projected range is lower than Evendale's current rate of \$0.839 per ccf which is fixed thru October 2024; and,

WHEREAS, to take advantage of potential falling prices, EA Inc. recommends that the Village have the flexibility to renegotiate the existing contract with AEP Energy for the purpose of lowering the gas supply rate and/or extending the contract expiration date, if possible, at or below projected Duke Energy gas rates. Should a lower rate option be made available, the term for a renegotiated contract shall not to exceed 36 months; now,

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

SECTION 1. The Village of Evendale authorizes Mayor Richard Finan to renegotiate the Village's current natural gas supply agreement with AEP Energy for a term not to exceed 36 months, if, at any time during the current contract agreement, the natural gas price per ccf falls below Evendale's current contract fixed rate of \$0.839 per ccf.

SECTION 2. The Village of Evendale hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting; and that all deliberations of the Village of Evendale, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22, ORC.

SECTION 3. This Ordinance shall be in full force and effect from and immediately after its adoption.

SECTION 4: This ordinance is hereby declared to be an emergency measure by 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 and/or to provide for the daily operations of a department or office of the Village of Evendale. The reason for said emergency is to secure for the Village the benefits of stabilized natural gas rates, the offer of which may be lost, due to the unpredictability of the natural gas market and the small windows of opportunity (typically less than 30 days) to negotiate desirable contract terms/conditions, without this measure being adopted as an emergency.

Approved August 8, 2023

Mayor, Village of Evendale

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: August 8, 2023

Rules Suspended: August 8, 2023

2nd and 3rd Reading: August 8, 2023

Emergency Section Agreed to: August 8, 2023

Notice of Publication: Cincinnati Court Index, August 8, 2023

**VILLAGE OF EVENDALE, OHIO
ORDINANCE #23-44**

**ORDINANCE AUTHORIZING MAYOR TO
ENTER INTO CONTRACT WITH CONGER CONSTRUCTION GROUP
AS THE CONSTRUCTION MANAGER AT RISK FOR THE
EVENDALE SERVICE DEPARTMENT BUILDING
AND DECLARING AN EMERGENCY**

WHEREAS, the State of Ohio has adopted the Construction Manager at Risk delivery method for construction of new buildings as detailed in Ohio Revised Code Section 9.33; and

WHEREAS, the Village advertised a Request for Qualifications in June of 2023 with receipt of Statement of Qualifications from firms to be received by June 30, 2023; and

WHEREAS, the Evaluation Committee appointed at the July 11, 2023 council meeting by a vote of council reviewed the eight Statement of Qualifications to shortlist three firms to submit a Request for Proposals for the project; and

WHEREAS, the Evaluation Committee interviewed the three firms and evaluated the submitted Request for Proposals on July 25, 2023 and subsequently recommended entering into a contract with Conger Construction Group; now

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

SECTION 1: The Mayor is authorized to enter into a contract with Conger Construction Group under generally the terms and conditions as stated in the Standard Form of Agreement between Owner and Contractor where the basis of payment is the Cost of Work plus a Fee with a Guaranteed Maximum Price herein attached.

SECTION 2: This ordinance is declared to be an emergency by a concurrence of six members of Council, being necessary to preserve the public peace, order, safety, health or welfare of the Village of Evendale or to provide for the daily operation of a department or office of the Village of Evendale. It is necessary that this measure be put into immediate effect because the public welfare requires the contract be approved as soon as possible so the project may commence as soon as possible. This ordinance shall be effective upon passage.

Approved August 8, 2023

Mayor, Village of Evendale

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: August 8, 2023

Rules Suspended: August 8, 2023

2nd and 3rd Reading: August 8, 2023

Emergency Section Agreed to: August 8, 2023

Notice of Publication: Cincinnati Court Index, August 8, 2023

**VILLAGE OF EVENDALE, OHIO
ORDINANCE # 23-45**

**ORDINANCE AUTHORIZING THE MAYOR TO HIRE
GRACE MARKLEY-REITER AS A PART-TIME
PROGRAM MANAGER FOR THE CULTURAL ARTS
CENTER AND DECLARING AN EMERGENCY**

WHEREAS, the Council of the Village of Evendale has enacted Chapter 258 of the Codified Ordinances of the Village of Evendale, requiring authorization by Council for the Mayor to hire a part-time employee; and,

WHEREAS, the Mayor has recommended the hiring of Grace Markley-Reiter as part-time, non-exempt Program Manager for the Cultural Art Center; and,

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

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

SECTION 1: The following person may be employed by the Mayor of the Village of Evendale as the part-time Program Manager for the Cultural Art Center at an hourly rate established below, and such employment shall take effect as of the effective date of this ordinance:

Grace Markley-Reiter: Hourly Pay: \$22.00

SECTION 2: This ordinance is hereby declared to be an emergency measure by a concurrence of five 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 Cultural Arts Center has the staffing necessary to provide for and to perform its critical functions to, in this case involving child care, the Village and its citizens. Therefore, this ordinance shall be effective upon passage.

Approved August 8, 2023

Mayor, Village of Evendale

Attest:

Village Clerk

Approved as to Form:

Village Law Director

1st Reading: August 8, 2023

Rules Suspended: August 8, 2023

2nd and 3rd Reading: August 8, 2023

Emergency Section Agreed to: August 8, 2023

Notice of Publication: Cincinnati Court Index, August 8, 2023