

**FAIRFIELD CITY COUNCIL
REGULAR MEETING AGENDA
FAIRFIELD MUNICIPAL BUILDING
5350 PLEASANT AVENUE
FAIRFIELD, OHIO 45014**

MONDAY, SEPTEMBER 23, 2013

7:00 PM

MAYOR.....RONALD A. D'EPIFANIO
COUNCILMEMBER 1ST WARD.....ADAM B. JONES
COUNCILMEMBER 2ND WARD.....JEFFREY L. HOLTEGEL
COUNCILMEMBER 3RD WARD.....DEBBIE PENNINGTON
COUNCILMEMBER 4TH WARD.....TERRY SENGER

COUNCILMEMBER AT-LARGE...TIM ABBOTT
COUNCILMEMBER AT-LARGE...TIMOTHY M. MEYERS
COUNCILMEMBER AT-LARGE...MICHAEL OLER
CITY MANAGER.....ARTHUR E. PIZZANO
CLERK OF COUNCIL.....ALISHA WILSON
LAW DIRECTOR.....JOHN H. CLEMMONS

Guidelines for Citizen Comments: Thank you for your interest and participation in city government. Fairfield City Council's Guidelines for Citizen Comments describe the rules for addressing City Council. The guidelines are posted in the Council Chambers.

ADA Notice: The City of Fairfield is pleased to provide accommodations to disabled individuals or groups and encourage full participation in city government. Should special accommodations be required, please contact the Clerk of Council at 867-5383 at least 48 hours in advance of the meeting.

1. Call to Order

2. Prayer/Pledge of Allegiance

3. Roll Call

4. Agenda Modifications

5. Executive Session Requests

6. Public Hearing(s)

7. Special Presentations and Citizen Comments

- a) Proclamation – Bess-Arlene Camacho

8. Mayor/Council Reports

9. Approval of Minutes

- a) Regular Meeting Minutes of September 9, 2013

10. OLD BUSINESS

- (A) **DEVELOPMENT SERVICES COMMITTEE**
Jeff Holtegel, Chairman; Tim Abbott, Vice Chairman, Tim Meyers, Member

- (1)  Ordinance amending Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio, Section 1141.02, the City of Fairfield, Ohio, Zoning Map by approving the revised concept and final development plan for the Meijer-Gilmore Road Planned Unit Development.

- Ordinance – Second Reading – Hold for Planning Commission recommendation

11. NEW BUSINESS

(A) **PUBLIC WORKS COMMITTEE**

Tim Meyers, Chairman; Michael Oler, Vice Chairman, Tim Abbott, Member

- (1) Ordinance accepting public improvements and releasing the maintenance bond for the Bluffs of Harbin Subdivision (Park Place).

- Motion – Read by Title Only (Optional)
- Ordinance – First Reading

- (2) Resolution requesting the State of Ohio Director of Transportation to lower the speed limit on Pleasant Avenue (US 127) beginning at John Gray Road and ending at Hunter Road.

- Motion – Read by Title Only (Optional)
- Resolution – First Reading
- Motion – Suspend Second and Third Readings
- Motion – Adoption

(B) **PARKS, RECREATION AND ENVIRONMENT COMMITTEE**

Terry Senger, Chairman; Adam Jones, Vice Chairman, Debbie Pennington, Member

- (1) Ordinance to authorize the City Manager to enter into an agreement with Fairfield Optimist Club, Inc. for the operation of an amateur soccer program.

- Motion – Read by Title Only (Optional)
- Ordinance – First Reading

(C) **FINANCE & BUDGET COMMITTEE**

Tim Abbott, Chairman; Terry Senger, Vice Chairman, Mike Oler, Member

- (1) Ordinance to reconcile accounts.

- Motion – Read by Title Only (Optional)
- Ordinance – First Reading
- Motion – Suspend Second and Third Readings
- Motion – Adoption

- (2) Appropriation Ordinance (Non-Contractual Items) - \$15,000 for grading of canal between Seward Road and Bypass 4; \$26,670 for Pleasant Run Creek Corridor Study.

- Motion – Read by Title Only (Optional)
- Ordinance – First Reading
- Motion – Suspend Second and Third Readings
- Motion – Adoption

12. Meeting Schedule

Tuesday, October 15	Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.
Monday, October 28	Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.
Monday, November 11	Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.

13. Executive Session of Council (if needed)

14. Adjournment

MINUTES
REGULAR MEETING OF COUNCIL
SEPTEMBER 9, 2013

Call to Order

Vice Mayor Terry Senger called the Regular Meeting of Council to order at 7:00 PM at the Fairfield Municipal Building, 5350 Pleasant Avenue.

Prayer/Pledge of Allegiance

Councilmember Jones led in prayer and Pledge of Allegiance.

Roll Call

Clerk Wilson called the roll of Council. Present members were Councilmember Adam Jones, Councilmember Jeff Holtegel, Councilmember Debbie Pennington, Councilmember Terry Senger, Councilmember Tim Abbott, Councilmember Mike Oler, and Councilmember Tim Meyers.

Councilmember Holtegel, seconded by Councilmember Pennington, moved to excuse Mayor D'Epifanio. Motion carried 7-0.

Agenda Modifications

Executive Session Requests

Councilmember Oler, seconded by Councilmember Abbott, moved to approve an Executive Session to discuss imminent litigation. Motion carried 7-0.

Public Hearing(s)

Joint Public Hearing - Planning Commission and City Council, Meijer-Gilmore Road Planned Unit Development

Vice Mayor Senger opened the Joint Public Hearing at 7:03 PM. Clerk Wilson read the hearing notice and called roll of Planning Commission and Council. Commissioner Hasselbeck, Commissioner Hassler, Commissioner Holtegel, Commissioner Lepsky, Commissioner Myron, Commissioner Morris and Commissioner Woeste. Councilmember Jones, Councilmember Holtegel, Councilmember Pennington, Councilmember Senger, Councilmember Abbott, Councilmember Oler and Councilmember Meyers. Development Services Director Tim Bachman opened the public hearing with computer renderings of the proposed Planned Unit Development. He explained that after the public hearing, the Planning Commission would discuss it at their meeting on Wednesday and if they made a recommendation, the second reading would be at the next Council meeting on September 23 and third reading on October 15. He then introduced Bill Martin, who explained more about the proposed development and the Panera facility with a drive-thru on the back side of the building. Randall Herbst, owner of the shopping center where Panera Bread is currently located, also spoke and stated that he would like the opportunity to discuss drive-thrus at his facility before Panera moves locations. The public hearing was closed at 7:26 PM.

Special Presentations and Citizen Comments

1. Todd Dockum, CFO, Council on Aging of SW Ohio and Butler County Citizens for Elderly Services, addressed Council and discussed the services provided by the Council on Aging of SW Ohio and Butler County Citizens for Elderly Services. He also made available copies of the 2012 Annual Report.

- Auditor Roger Reynolds presented a check in the amount of \$20,000 to Finance Director Mary Hopton, which is a return of surplus fees collected by the County to manage and distribute tax money. This refund is due to a reduction in administrative expenses of the Auditor's Office.

Mayor/Council Reports

Councilmember Jones reported that on August 31, lighting struck the Lake Manor Drive sewage pump station, disabling it. A team was assembled to repair the pump station. Councilmember Jones thanked Director Dave Crouch and staff members Andy Eddy, R.C. Wysong, Matt Stroud, Steve Marks, Jason Hunold and Randy Hassler for their hard work over the holiday weekend.

Councilmember Holtegel thanked Police Officer Mike Sulfridge for waking him at 12:30 AM one night to tell him that his garage door was still open. He thanked Officer Sulfridge and the police department for looking out for Fairfield residents.

Councilmember Pennington thanked Fairfield's Chaco Credit Union for their recent donation to the Fairfield Food Pantry.

Councilmember Abbott reported that income taxes continue to show an increase.

Councilmember Oler reported that former County Coroner Dr. Burkhart passed away on September 7. He sent condolences to the family.

Councilmember Senger reported that the annual Cruise In on the Green is Saturday, September 14 from 4 PM to 10 PM. He also presented the Fairfield Works Presentation, recognizing Police Officer Joe Drake, Animal Control Officer Chuck Geurin, Carol Priest, who works at the Aquatic Center, Teresa Heis, who works at Public Utilities, and Rick Scalf, who works at Public Works.

Approval of Minutes

Regular Meeting Minutes of August 12, 2013

- The Regular Meeting Minutes of August 12, 2013 were approved as written

OLD BUSINESS

DEVELOPMENT SERVICES COMMITTEE

Jeff Holtegel, Chairman; Tim Abbott, Vice Chairman, Tim Meyers, Member

Ordinance amending Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio, Section 1141.02, the City of Fairfield, Ohio, Zoning Map by approving the revised concept and final development plan for the Meijer-Gilmore Road Planned Unit Development.

Councilmember Holtegel explained that the second reading of this ordinance will be held until the Planning Commission's recommendation is received.

NEW BUSINESS

PUBLIC WORKS COMMITTEE

Tim Meyers, Chairman; Michael Oler, Vice Chairman, Tim Abbott, Member

Councilmember Tim Meyers, seconded by Councilmember Tim Abbott moved to read the following four (4) ordinances by title only. Motion Carried 7-0.

Ordinance to authorize the City Manager to enter into a three (3) year contract with Thelen & Associates for Geotechnical and Testing Services and declaring an emergency.

Background: City Manager Pizzano recommended a three (3) year contract with Thelen & Associates for Geotechnical and Testing Services. Legislative Action: Councilmember Meyers presented the first reading of this ordinance.

Councilmember Tim Meyers, seconded by Councilmember Debbie Pennington moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 7-0. Councilmember Tim Meyers, seconded by Councilmember Tim Abbott moved to adopt . Motion Carried 7-0. ORDINANCE NO. 76-13. APPROVED 7-0.

Ordinance to declare thirteen (13) city vehicles as surplus and authorize the City Manager to sell the vehicles on GovDeals.com.

Background: City Manager Pizzano recommended an ordinance to declare vehicles as surplus and authorize the sale on GovDeals.com. Legislative Action: Councilmember Meyers presented the first reading of this ordinance.

Councilmember Tim Meyers, seconded by Councilmember Mike Oler moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 7-0. Councilmember Tim Meyers, seconded by Councilmember Mike Oler moved to adopt . Motion Carried 7-0. ORDINANCE NO. 77-13. APPROVED 7-0.

Ordinance to authorize the City Manager to execute a Ohio Public Works Commission Issue 1 Grant Application and Agreement for Ross Road from Danbury Road to the South Corporation Line and declaring an emergency.

Background: City Manager Pizzano recommended a Ohio Public Works Commission Issue 1 Grant application for Ross Road from Danbury Road to the South Corporation Line. Legislative Action: Councilmember Meyers presented the first reading of this ordinance.

Councilmember Tim Meyers, seconded by Councilmember Tim Abbott moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 7-0. Councilmember Tim Meyers, seconded by Councilmember Debbie Pennington moved to adopt . Motion Carried 7-0. ORDINANCE NO. 78-13. APPROVED 7-0.

Ordinance to authorize the City Manager to execute a Ohio Public Works Commission Issue 1 Grant Application and Agreement for Winton Road-Ross Road-Seward Road and declaring an emergency.

Background: City Manager Pizzano recommended a Ohio Public Works Commission Issue 1 Grant application for Winton Road, Ross Road, Seward Road. Legislative Action: Councilmember Meyers presented the first reading of this ordinance.

Councilmember Tim Meyers, seconded by Councilmember Adam Jones moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 7-0. Councilmember Tim Meyers, seconded by Councilmember Adam Jones moved to adopt . Motion Carried 7-0. Councilmember Abbott thanked the staff for always pursuing grant opportunities. ORDINANCE NO. 79-13. APPROVED 7-0.

FINANCE & BUDGET COMMITTEE

Tim Abbott, Chairman; Terry Senger, Vice Chairman, Mike Oler, Member

Councilmember Tim Abbott, seconded by Councilmember Debbie Pennington moved to read the following resolution and ordinance by title only. Motion Carried 7-0.

Resolution accepting the amounts and rates as determined by the Butler County Budget Commission.

Background: City Manager Pizzano recommended a resolution accepting amounts and rates as determined by Butler County. Legislative Action: Councilmember Abbott presented the first reading of this resolution.

Councilmember Tim Abbott, seconded by Councilmember Tim Meyers moved to suspend the rules requiring three (3) readings of this resolution. Motion Carried 7-0. Councilmember Tim Abbott, seconded by Councilmember Tim Meyers moved to adopt . Motion Carried 7-0. RESOLUTION NO. 12-13. APPROVED 7-0.

Appropriation Ordinance (Non-Contractual Items) - \$668.00 to Butler County Prosecutor's Office; \$2,798 for purchase of tandem axle trailer for Water Division; \$10,865 for asphalt repairs at the Community Arts Center.

Background: City Manager Pizzano recommended three non-contractual appropriations. Legislative Action: Councilmember Abbott presented the first reading of this ordinance.

Councilmember Tim Abbott, seconded by Councilmember Jeff Holtegel moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 7-0. Councilmember Tim Abbott, seconded by Councilmember Mike Oler moved to adopt . Motion Carried 7-0. ORDINANCE NO. 80-13. APPROVED 7-0.

Meeting Schedule

Clerk Wilson read the following meeting schedule:

- Monday, September 23 Regular Meeting, 7:00 p.m.
- Tuesday, October 15 Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.
- Monday, October 28 Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.

Executive Session of Council (if needed)

Council adjourned to Executive Session at 7:55 PM.

Adjournment

The Regular Meeting of Council adjourned at 8:15 PM.

ATTEST:

Clerk of Council

Date Approved _____

Mayor's Approval

Item No. 11(2)(1)

City of Fairfield, Ohio
City Council Meeting Communication

Date 8-12-13

Item:

An ordinance approving revised concept and final development plans for a bank and retail shopping center on approximately two acres of land located at the southwest corner of South Gilmore Road and Kolb Drive.

Financial Impact:

None.

Synopsis:

The property is currently a part of the Meijer-Gilmore Road Planned Unit Development that was approved in 1995. The proposal is to build a stand-alone bank and a retail strip center that is anchored by a Panera restaurant, which will feature a drive-thru. Rendered elevations are located in City Council's workroom for review.

Background:

The property, which is located between the Meijer store and South Gilmore Road, was designated as permanent open space per a condition of approval. It was to provide a buffer in front of the large Meijer store and its parking lot. The current request is to change this provision of the Planned Unit Development.

Recommendation:

It is recommended that City Council have first reading on this item at the August 12 meeting, set the public hearing for September 9, 2013 and await the written recommendation from the Planning Commission.

Legislative Actions: Rules Suspension and Adoption Requested?
Emergency Provision Needed?

No.
No.

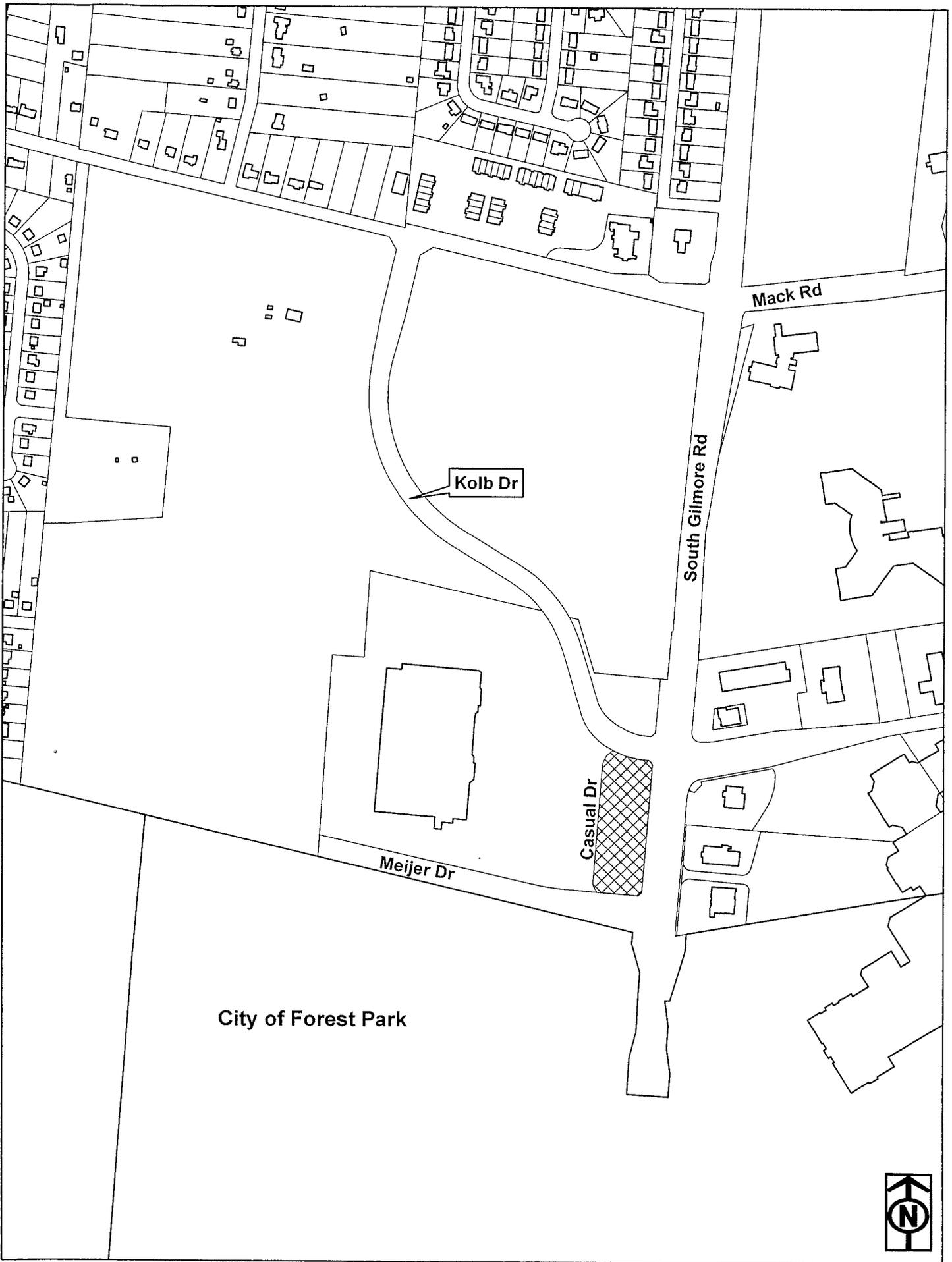
Prepared by: Eric Dawson (Planning Manager)

Approved for Content by: Kimberly Buchanan

Financial Review (where applicable) May Ayne

Legal Review (where applicable) J. H. Clemmons

Accepted for Council Agenda: Mike Walker



Kolb Dr

Mack Rd

South Gilmore Rd

Casual Dr

Meijer Dr

City of Forest Park



ORDINANCE NO. _____

ORDINANCE AMENDING ORDINANCE NO. 166-84, THE CODIFIED ORDINANCES OF FAIRFIELD, OHIO, SECTION 1141.02, THE CITY OF FAIRFIELD, OHIO, ZONING MAP BY APPROVING THE REVISED CONCEPT AND FINAL DEVELOPMENT PLAN FOR THE MEIJER-GILMORE ROAD PLANNED UNIT DEVELOPMENT.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. The official Zoning Map of the City of Fairfield, Ohio, which is incorporated into Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio, Section 1141.02, is hereby amended by changing the zoning classification of the 2.0 acres located at the southwest corner of South Gilmore Road and Kolb Drive from its present Planned Unit Development classification by approving the revised concept and final development plan for the Meijer-Gilmore Road Planned Unit Development, a copy of which plan, including the written terms and conditions which constitute a material part thereof, is on file in the office of the Clerk of Council and which are incorporated herein by reference. No other terms, conditions or area of the existing Meijer Planned Unit Development shall be affected by this amendment.

Section 2. The Director of Development Services is hereby directed to change the official Zoning Map of the City of Fairfield, Ohio in accordance with this ordinance.

Section 3. This ordinance shall take effect at the earliest period allowed by law.

Passed _____ Mayor's Approval _____

Posted _____

First Reading _____ Rules Suspended _____

Second Reading _____

Third Reading _____

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary

publication as provided by Charter.

Clerk of Council

Active Clients\City of Fairfield\Ordinances\ 2013\Meijer-Gilmore Road PUD - Ord



Gray Rd

Park Pl

ORDINANCE NO. _____

ORDINANCE ACCEPTING PUBLIC IMPROVEMENTS AND RELEASING
THE MAINTENANCE BOND FOR THE BLUFFS OF HARBIN
SUBDIVISION (PARK PLACE).

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. The Council of the City of Fairfield, Ohio does by this ordinance accept the public improvements for the Bluffs of Harbin Subdivision (Park Place).

Section 2. The maintenance bond for the Bluffs of Harbin Subdivision (Park Place) is hereby released and the City Manager is hereby authorized to take the necessary steps to cancel the same.

Section 3. This ordinance shall take effect at the earliest period allowed by law.

Passed _____

Mayor's Approval _____

Posted _____

First Reading _____

Rules Suspended _____

Second Reading _____

Third Reading _____

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

Study Area



RESOLUTION NO. _____

RESOLUTION REQUESTING THE STATE OF OHIO DIRECTOR OF TRANSPORTATION TO LOWER THE SPEED LIMIT ON PLEASANT AVENUE (US 127) BEGINNING AT JOHN GRAY ROAD AND ENDING AT HUNTER ROAD.

WHEREAS, numerous residents and interested citizens have voiced their concern as to the posted speed limit on Pleasant Avenue (US 127) beginning at John Gray Road and ending at Hunter Road within the City of Fairfield, Ohio, a total length of 0.62 miles or 3275 feet;

WHEREAS, the Council feels that for the general public welfare and safety of the traveling public, the speed limit on the above mentioned road should be lowered.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fairfield, Ohio, that:

Section 1. The State of Ohio Director of Transportation is hereby requested to lower the speed limit on the above mentioned road.

Section 2. The City of Fairfield, Ohio hereby agrees, in the event the speed limit is changed on the above mentioned road, to erect and maintain appropriate signs and markings.

Section 3. This Resolution shall take effect at the earliest period allowed by law.

Passed	_____	_____
		Mayor's Approval
Posted	_____	
First Reading	_____	Rules Suspended _____
Second Reading	_____	
Third Reading	_____	

ATTEST:

Clerk of Council

This is to certify that this Resolution has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2013\Pleasant Avenue Speed Study - Res

CITY OF FAIRFIELD, OHIO
CITY COUNCIL MEETING COMMUNICATIONS

ITEM:

DATE: 9/23/13

It is necessary that the City Council approve the new agreement between the City and the Fairfield Optimist Club for the operation of an amateur soccer program and rescind the June 24, 1996 agreement between the City and the Fairfield Optimist Club, the Fairfield Optimist Soccer Association and the Fairfield Optimist Soccer Club.

FINANCIAL IMPACT:

There is no financial impact.

SYNOPSIS:

It is necessary for City Council to authorize the City Manager to enter into a new agreement with the Fairfield Optimist Club for the operation of an amateur soccer program within the City of Fairfield and to rescind the existing agreement, dated June 24, 1996,

BACKGROUND:

The City has operational agreements with all the youth sports organizations which use city parks and recreation facilities (Fairfield Youth Baseball Association, Fairfield Youth Athletic Association/Football, Fairfield Youth Soccer, and The Nuxhall Miracle League Fields). All the agreements are automatically renewed on January 1st of each calendar year; or may be terminated by either party with written notice by November 1st of each calendar year. The Fairfield Optimist Club is desirous to fund the installation and maintenance of an automatic irrigation system on soccer fields located in Grange Park; but was uncomfortable with the one-year automatic renewal process. The City staff, Law Director and representatives of the Fairfield Optimist Club met and crafted a new agreement which provides assurances between the City and the Fairfield Optimist Club to protect the Club's investment. The Fairfield Optimist Club negotiated on behalf of the Club, the Fairfield Optimist Soccer Club (FOSC), the Fairfield Soccer Association (FSA/SAY) and the Mid-American Soccer Classic Committee (MASC). All organizations are in agreement. A copy of the existing agreement and the new agreement are attached to this council correspondence.

The Parks and Recreation Board reviewed the preliminary agreement and passed legislation at their September Board meeting recommending the agreement.

RECOMMENDATION:

It is recommended that City Council authorize and direct the preparation of legislation authorizing the City Manager to enter into an agreement with the Fairfield Optimist Club, Inc., for the operation of an amateur soccer program and rescind the existing agreement, dated June 24, 1996.

LEGISLATIVE ACTION:

Suspension of Rules and Adoption Requested? YES [] NO [X] If yes, explain above.

Emergency Provision Needed? YES [] NO [X] If yes, explain above.

Prepared by: Bell
Approved for Content by: Bell
Financial Review (where applicable): Jan May Hays
Legal Review (where applicable): Jan Halesman
Accepted for Council Agenda: Mike Wilson

FILE

AGREEMENT

This Agreement made and entered into this 24th day of June, 1996, by and between the CITY OF FAIRFIELD, OHIO (hereinafter referred to as "City") and the FAIRFIELD OPTIMIST CLUB, INC., the FAIRFIELD OPTIMIST SOCCER ASSOCIATION, INC., and the FAIRFIELD OPTIMIST SOCCER CLUB, (hereinafter referred to as "Association").

W I T N E S S E T H

WHEREAS, the parties desire to set forth the intent and understanding of the parties with regard to use of the soccer fields and related facilities at the Forest Lake Athletic Fields owned by the City of Fairfield, Ohio, and

WHEREAS, the City of Fairfield, Ohio shall include the Fairfield Parks and Recreation Board which shall approve this Agreement prior to its execution.

NOW, THEREFORE, in consideration of the mutual promises contained herein and other good and valuable considerations, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. The Association will operate an amateur soccer program for the youth of the City of Fairfield at the Forest Lake Athletic Fields on Forest Lake Lane in the City of Fairfield and the use of the fields under this agreement shall be limited to such amateur soccer programs. Practice and game times will be limited by the following time constraints:
 - A. While school is in session, no game shall start after 9:00 PM, weekdays or weekends, for all age divisions. All games will end by 10:00 PM.
 - B. After school has been dismissed for the summer, no game shall begin after 10:00 PM, weekdays or weekends, for all age divisions. All games will end by 11:00 PM.
 - C. If field lights are installed by the association during the term of this agreement, field lights will be turned off ten minutes after the completion of the final game on that specific field.

2. The Association will bear all costs necessary for the construction of the soccer fields and provide routine maintenance and housekeeping of the soccer fields, related facilities, and immediate surroundings. No field maintenance will be conducted following the completion of evening games, with the exception of during tournament play where it would be necessary to prepare a field that would be used prior to 8:00 AM the following day.
3. The Association may erect new structures/facilities or expand existing structures/facilities at the Forest Lake Athletic Fields only with the prior approval of the Fairfield Parks and Recreation Board and the City Manager.
4. The Association will have exclusive scheduling control of the soccer fields at Forest Lake Lane during the term of this agreement subject to the following additional terms and conditions:
 - A. The Association will advise the Parks and Recreation Director and the City Manager of extraordinary events such as tournaments so that he/she may advise on crowd control, safety precautions or cleanup as may be required.
 - B. The Fairfield Parks and Recreation Board shall have the right to use the soccer fields described in this Agreement, during the off-season, so long as the use does not conflict with the purposes of this Agreement and any such use by the Parks and Recreation Board shall be subject to the prior approval of the Association. The off-season shall be defined as December 1 - March 1. The Parks and Recreation Board will be responsible for the necessary repair/maintenance of the turf grass as a result of any use of the soccer fields scheduled by it during the off-season.
 - C. Admission fees for admission to the soccer fields will not be charged except for special events which shall not include any game or contest between teams which are included in the Association.
5. The Association will pay for all utility services to the soccer fields including water, electric, sewer, and gas, if any during the term of this agreement. The Association is allowed to charge a per hour fee, to outside groups using the soccer

fields, to cover its costs associated with the operation and maintenance of the facility. The per hour fee will be agreed upon annually by the Association and the Fairfield Parks and Recreation Board.

6. The term of this Agreement shall initially be for five (5) years beginning with the 1996 soccer season and ending December 31, 2000. After which the Agreement shall automatically renew on January 1 of each succeeding year for that ensuing calendar year unless either party shall terminate this Agreement by written notice to the other delivered on or before November 1 of any calendar year. In the event that the City terminates this Agreement, the City will allow the Association to remove any structures or facilities installed by the Association to the extent that such facilities can be removed without damage to the remaining structures or grounds. In the event that the Association terminates this Agreement, the Association will be permitted to remove such structures or facilities as the City may allow.
7. The Association hereby agrees to defend, indemnify and hold the City and its officials harmless against any and all loss, cost, expense, claims or actions arising out of or connected with the use of the facilities described in this Agreement by the Association, its agents, employees members, or third parties. The Association shall provide public liability insurance in the amount of \$1,000,000.00 at all times during this Agreement, with the City being named as an additional insured on said insurance policy. The Association shall provide the City with proof of said insurance policy by March 1 of each calendar year.
8. The Association shall operate without discrimination as to sex, race, creed, or national origin and will comply with the Americans With Disabilities Act.
9. The Fairfield Optimist Soccer Association, Inc., and the Fairfield Optimist Soccer Club, shall provide the City, within three (3) months of the ending of their fiscal year, a financial report detailing all sources of revenue and all expenditures of the said organizations. Such reports shall be certified in writing by the Chief Executive Officer or the Chief Financial Officer of the said organizations.

10. This Agreement may be amended, altered, or changed, only by the written consent of both parties.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first stated above.

Signed in the presence of:

Linda Zimmerman
Linda Zimmerman

CITY OF FAIRFIELD, OHIO

By Cheryl Aschert
City Manager

William A. Tolman
Ronald R. Jacoby

FAIRFIELD OPTIMIST CLUB,
INC.

By James M. Black
President

Fannie Blawie
Rodney Withrow

FAIRFIELD OPTIMIST
SOCCER ASSOCIATION, INC.

By Mark A. Hutto
President

Living Lashley
Marty D.

FAIRFIELD OPTIMIST
SOCCER CLUB

By M. D. West
President

APPROVED AS TO FORM:

John H. Clemmons
John H. Clemmons
Fairfield City Law Director

ORDINANCE NO. 80-96

ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FAIRFIELD OPTIMIST CLUB, INC. FOR THE USE OF THE FOREST LAKE ATHLETIC FIELDS.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. The City Manager is hereby authorized to enter into a contract with Fairfield Optimist Club, Inc. for the use of the Forest Lake athletic fields in accordance with the agreement on file in the office of the City Manager.

Section 2. This ordinance shall take effect at the earliest period allowed by law.

Passed 6-24-96

Robert J. Hooper
Mayor's Approval

Posted 6-25-96

First Reading 6-10-96

Rules Suspended 6-24-96

Second Reading 6-24-96

Third Reading _____

ATTEST:
Dena Morsch
Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

Dena Morsch
Clerk of Council

DRAFT
(August 16, 2013 Revisions)

AGREEMENT

This Agreement made and entered into this _____ day of _____, 2013, by and between the CITY OF FAIRFIELD, OHIO (hereinafter referred to as "City") and the FAIRFIELD OPTIMIST CLUB, INC. (hereinafter referred to as "Club").

W I T N E S S E T H

WHEREAS, the parties desire to set forth the intent and understanding of the parties with regard to the use of the soccer fields at Grange Park on Joe Nuxhall Way, and the property formerly known as Forest Lake Athletic Fields, collectively the "Properties", both in the City of Fairfield, Ohio. The Properties generally include Butler County parcel ID's A0700002000038, A0700002000044, A0700002000053, and A0700002000014 and excluding property in parcel A0700002000038 currently established as parking lots, playground, building, bike path or shelters (if any).

WHEREAS, the City of Fairfield, Ohio shall include the Fairfield Parks and Recreation Board which shall approve this Agreement prior to its execution.

NOW, THEREFORE, in consideration of the mutual promises contained herein and other good and valuable considerations, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. The Club on behalf of itself and for the benefit of Fairfield Optimist Soccer Club ("FOSC"), Fairfield Soccer Association ("FSA"), and/or the Mid-American Soccer Classic Committee ("MASC"), (collectively identified as "Fairfield Soccer") all organizations headquartered in the City of Fairfield, will utilize the Properties to operate an amateur soccer program generally for the youth of the City of Fairfield, and the use of the Properties by the Club and Fairfield Soccer under this agreement shall be limited to such amateur soccer programs and/or tournaments. Practice and game times will be limited by the following time constraints:

A. While School is in session, no game shall start after 9:00 PM, weekdays or weekends, for all age divisions. All games will end by 10:00 PM.

B. After school has been dismissed for the summer, no game shall begin after 10:00 PM, weekdays or weekends, for all age divisions. All games will end by 11:00 PM.

C. Field lights will be turned off ten minutes after the completion of the final game on that specific field.

2. The Club will provide routine maintenance and housekeeping of the Properties, including any related facilities or structures it installs or constructs. No field maintenance will be conducted following the completion of evening games, with the exception of during tournament play where it would be necessary to prepare a field that would be used prior to 8:00 AM the following day.

3. The Club may erect new structures or expand existing structures on the Properties only with the prior approval of the Fairfield Parks and Recreation Board and the City Manager.

4. Fairfield Soccer will have exclusive scheduling control of the soccer complex at the Properties for league games and the MASC tournament during the term of the Agreement, subject to the terms and conditions of this agreement and the following additional terms and conditions:

A. The Club and/or Fairfield Soccer will advise the Parks and Recreation Director and the City Manager of extraordinary events such as tournaments so that he/she may advise on crowd control, safety precautions or cleanup as may be required.

B. The Fairfield Parks and Recreation Board shall have the right to the use of the Properties described in this Agreement, during the off-season, which generally includes the period from December 1 to March 31 of the following year so long as such use does not conflict with the purposes of this Agreement and any such use by the Parks and Recreation Board shall be subject to the prior approval of the Club. The Parks and Recreation Board will be responsible for the necessary repair/maintenance of the turf grass as a result of any use of the Properties scheduled by it during the off-season.

C. Admission fees for admission to the Properties will not be charged except for special events which shall not include any league games or contests between teams which are included in FOSC or FSA league schedules. Admission fees for third party events, such as clinics or incidental use by non-related soccer programs, will not be permitted except with the prior joint approval of the Club and Fairfield Soccer.

D. The Club agrees to meet annually with the City, no later than January 31 of each calendar year. At such meeting, the Club and City will review prior year activities associated with the Properties, and discuss and approve a moving five year plan for capital improvements to the Properties. In addition, the Club will provide an accounting of completed capital improvements to the Properties, and satisfy any and all communication requirements associated with the Club's use of the Properties.

E. In the event of any disagreement among or between Fairfield Soccer organizations with regard to the use or control of the Properties, the Club shall have final authority to resolve any such disagreement.

5. The Club will pay for all utility services to the soccer complex including water, electric, sewer, and gas, if any during the term of this agreement, except for services to any facilities such as permanent restrooms which may be constructed by the City for public use. The Club is allowed to charge a per hour fee, to outside groups using the Properties, to cover its costs associated with the operation and maintenance of the facility. The per hour fee will be agreed upon annually by the Club, Fairfield Soccer, and the Fairfield Parks and Recreation Board.

6. The City, the Club, and/or Fairfield Soccer may enter into additional agreements to provide for the funding, construction, operation, and maintenance of facilities such as shelters, restrooms, etc., which may be made available for both public use and soccer purposes.

7. This Agreement shall be effective January 1, 2014, and shall remain in effect for a period of twenty years unless both parties jointly terminate this Agreement by written agreement executed six months in advance of termination. After a period of ten years, the City shall have the unilateral right to terminate this agreement or modify the definition of Properties included in this agreement upon sixty days' notice to the Club in order to utilize all or a portion of the Properties for public use. In the event that the City terminates or so modifies this Agreement, the City will allow the Club to remove any structures or facilities installed by the Club to the extent that such facilities can be removed without damage to the remaining structures or grounds. In the alternative, the City will reimburse the Club and/or Fairfield Soccer for the depreciated value (based upon a straight line depreciation rate of 5% per year) of the facilities which are not or cannot be removed in proportion to their respective contribution to those facilities.

8. The Club hereby agrees to defend, indemnify and hold the City and its officials harmless against any and all loss, cost, expense, claims or actions arising out of or connected with the use of the

Properties in this Agreement by the Club, Fairfield Soccer, employees, agents, members, or third parties. The Club shall provide public liability insurance in the amount of \$1,000,000.00 at all times during this Agreement, with the City being named as an additional insured on said insurance policy. The Club shall provide the City with proof of said insurance policy by February 1 of each calendar year.

9. The Club shall operate without discrimination as to sex, race, creed, or national origin and will comply with the Americans With Disabilities Act.

10. Except as excluded in Article 7 above, this Agreement may be amended, altered, or changed, only by the written consent of both parties.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first stated above.

Signed in the presence of:

CITY OF FAIRFIELD, OHIO

By _____
Arthur E. Pizzano
City Manager

FAIRFIELD OPTIMIST CLUB, INC.

By _____
Rick Howells
President

APPROVED AS TO FORM:

John H. Clemmons
Fairfield City Law Director

APPROVED AS TO CONTENT:

James A. Bell
Fairfield Parks and Recreation Director

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE FAIRFIELD OPTIMIST CLUB, INC. FOR THE OPERATION OF AN AMATEUR SOCCER PROGRAM.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. The City Manager is hereby authorized to enter into an agreement with the Fairfield Optimist Club, Inc. for the operation of an amateur soccer program in accordance with the agreement on file in the office of the City Manager.

Section 2. This Ordinance shall take effect at the earliest period allowed by law.

Passed _____
Mayor's Approval

Posted _____

First Reading _____ Rules Suspended _____

Second Reading _____

Third Reading _____

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

**CITY OF FAIRFIELD, OHIO
CITY COUNCIL COMMUNICATION**

September 23, 2013

ITEM

It is necessary for the City Council to pass appropriations to reconcile accounts.

FINANCIAL IMPACT

Supplemental appropriations required in the amount of \$1,408,546 from the General, Street Construction & Maintenance, Fire Levy, Probation Services, Water Revenue, Sewer Revenue, Recreational Facilities, Employee Benefits and Municipal Garage Services funds.

SYNOPSIS

The 2013 budget was prepared in the fall of 2012 without any adjustment for salary & wages. During the first quarter of 2013, all union contracts were renegotiated to include a wage base increase as well as changes to the health care costs. Therefore, the salary & wages and respective pension accounts will be underfunded for 2013. Below is a listing of adjustments necessary to reconcile the 2013 budget for actual expenditures. It should be noted that the accounts for Police and Fire Pension are much higher than the 3% increase in the Public Employees Retirement accounts. This is due to Police and Fire Pension changing the remittance period from quarterly to monthly; therefore, in 2013 the City will pay the fourth quarter of 2012 as well as January through November, resulting in a shortage of funds.

There are also two other accounts in need of adjustment. Increased concessions sales has driven the need for additional funds in the amount of \$15,000 in the concessions account in the Recreational Facilities fund. Also, the City received additional funds from our health carrier for the City's wellness program. In order to spend those funds, an increase in the amount of \$5,000 in other professional services is needed.

BACKGROUND

The following adjustment in the annual appropriation budget should be made to fund the remainder of 2013:

From:	Unappropriated	General Fund	1,000,428
To:	10012021-211000	Salary and Wages	11,187
	10012021-212100	Public Employees Retirement	1,492
	10014521-211000	Salary and Wages	4,180
	10014521-212100	Public Employees Retirement	586
	10015021-211000	Salary and Wages	12,455
	10015021-212100	Public Employees Retirement	1,744
	10015521-211000	Salary and Wages	14,343
	10015521-212100	Public Employees Retirement	2,008
	10021021-211000	Salary and Wages	12,400
	10021021-212100	Public Employees Retirement	1,747
	10021121-211000	Salary and Wages	9,460
	10021121-212100	Public Employees Retirement	1,315

ITEM NO. _____

	10031021-211000	Salary and Wages	684,124
	10031021-212100	Public Employees Retirement	5,960
	10031021-212200	Police and Fire Pension	169,000
	10031521-211000	Salary and Wages	29,494
	10031521-212100	Public Employees Retirement	4,130
	10031621-211000	Salary and Wages	1,431
	10031621-212100	Public Employees Retirement	201
	10041021-211000	Salary and Wages	3,466
	10041021-212100	Public Employees Retirement	465
	10041121-211000	Salary and Wages	5,400
	10041121-212100	Public Employees Retirement	749
	10041221-211000	Salary and Wages	1,485
	10041221-212100	Public Employees Retirement	207
	10051021-211000	Salary and Wages	16,131
	10051021-212100	Public Employees Retirement	2,259
	10053021-211000	Salary and Wages	2,639
	10053021-212100	Public Employees Retirement	370
From:	Unappropriated	Street, Construction & Maintenance Fund	16,390
To:	20142021-211000	Salary and Wages	13,528
	20142021-212100	Public Employees Retirement	2,862
From:	Unappropriated	Fire Levy Fund	271,491
To:	20332021-211000	Salary and Wages	96,491
	20332021-212200	Police and Fire Pension	175,000
From:	Unappropriated	Probation Services Fund	6,797
To:	21631521-211000	Salary and Wages	5,962
	21631521-212100	Public Employees Retirement	835
From:	Unappropriated	Water Revenue Fund	46,303
To:	60121221-211000	Salary and Wages	1,020
	60121221-212100	Public Employees Retirement	143
	60161021-211000	Salary and Wages	1,415
	60161021-212100	Public Employees Retirement	199
	60161121-211000	Salary and Wages	4,903
	60161121-212100	Public Employees Retirement	687

ITEM NO. _____

	60161221-211000	Salary and Wages	18,345
	60161221-212100	Public Employees Retirement	2,569
	60161321-211000	Salary and Wages	14,931
	60161321-212100	Public Employees Retirement	2,091
From:	Unappropriated	Sewer Revenue Fund	32,659
To:	62021221-211000	Salary and Wages	834
	62021221-212100	Public Employees Retirement	117
	62061021-211000	Salary and Wages	1,415
	62061021-212100	Public Employees Retirement	199
	62062121-211000	Salary and Wages	8,478
	62062121-212100	Public Employees Retirement	1,187
	62062321-211000	Salary and Wages	17,920
	62062321-212100	Public Employees Retirement	2,509
From:	Unappropriated	Recreational Facilities Fund	20,963
To:	64051524-242800	Concessions	15,000
	64052021-211000	Salary and Wages	5,406
	64052021-212100	Public Employees Retirement	557
From:	Unappropriated	Employee Benefits Fund	5,000
To:	70216023-233900	Other Professional Services	5,000
From:	Unappropriated	Municipal Garage Services Fund	8,515
To:	70543021-211000	Salary and Wages	7,485
	70543021-212100	Public Employees Retirement	1,030

STAFF RECOMMENDATION

It is recommended that City Council authorize and direct the preparation of legislation amending the annual operating budget.

LEGISLATIVE ACTIONS:	Suspension of Rules & Adoption Requested?	Yes
	Emergency Provision Needed?	No

Prepared by: Mary Hagan
 Approved for Content by: Mary Hagan
 Financial Review (where applicable) by: Mary Hagan
 Legal Review (where applicable) by: John Clemonburg
 Accepted by Council Agenda: Lisa Wilson

ORDINANCE NO. _____

ORDINANCE TO AMEND ORDINANCE NO. 113-12 ENTITLED "AN ORDINANCE TO MAKE ESTIMATED APPROPRIATIONS FOR THE EXPENSES AND OTHER EXPENDITURES OF THE CITY OF FAIRFIELD, OHIO, DURING A PERIOD BEGINNING JANUARY 1, 2013, AND ENDING DECEMBER 31, 2013."

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. Ordinance No. 113-12, the 2013 Appropriation Ordinance, is hereby amended in the following respects:

From:	Unappropriated General Fund	\$1,000,428
To:	10012021-211000 Salary and Wages	\$11,187
	10012021-212100 Public Employees Retirement	\$1,492
	10014521-211000 Salary and Wages	\$4,180
	10014521-212100 Public Employees Retirement	\$586
	10015021-211000 Salary and Wages	\$12,455
	10015021-212100 Public Employees Retirement	\$1,744
	10015521-211000 Salary and Wages	\$14,343
	10015521-212100 Public Employees Retirement	\$2,008
	10021021-211000 Salary and Wages	\$12,400
	10021021-212100 Public Employees Retirement	\$1,747
	10021121-211000 Salary and Wages	\$9,460
	10021121-212100 Public Employees Retirement	\$1,315
	10031021-211000 Salary and Wages	\$684,124
	10031021-212100 Public Employees Retirement	\$5,960
	10031021-212200 Police and Fire Pension	\$169,000
	10031521-211000 Salary and Wages	\$29,494
	10031521-212100 Public Employees Retirement	\$4,130
	10031621-211000 Salary and Wages	\$1,431
	10031621-212100 Public Employees Retirement	\$201
	10041021-211000 Salary and Wages	\$3,466
	10041021-212100 Public Employees Retirement	\$465
	10041121-211000 Salary and Wages	\$5,400
	10041121-212100 Public Employees Retirement	\$749
	10041221-211000 Salary and Wages	\$1,485
	10041221-212100 Public Employees Retirement	\$207
	10051021-211000 Salary and Wages	\$16,131

	10051021-212100 Public Employees Retirement	\$2,259
	10053021-211000 Salary and Wages	\$2,639
	10053021-212100 Public Employees Retirement	\$370
	Unappropriated Street, Construction &	
From:	Maintenance Fund	\$16,390
To:	20142021-211000 Salary and Wages	\$13,528
	20142021-212100 Public Employees Retirement	\$2,862
	Unappropriated Fire Levy Fund	\$271,491
To:	20332021-211000 Salary and Wages	\$96,491
	20332021-212200 Police and Fire Pension	\$175,000
	Unappropriated Probation Services Fund	\$6,797
To:	21631521-211000 Salary and Wages	\$5,962
	21631521-212100 Public Employees Retirement	\$835
	Unappropriated Water Revenue Fund	\$46,303
To:	60121221-211000 Salary and Wages	\$1,020
	60121221-212100 Public Employees Retirement	\$143
	60161021-211000 Salary and Wages	\$1,415
	60161021-212100 Public Employees Retirement	\$199
	60161121-211000 Salary and Wages	\$4,903
	60161121-212100 Public Employees Retirement	\$687
	60161221-211000 Salary and Wages	\$18,345
	60161221-212100 Public Employees Retirement	\$2,569
	60161321-211000 Salary and Wages	\$14,931
	60161321-212100 Public Employees Retirement	\$2,091
	Unappropriated Sewer Revenue Fund	\$32,659
To:	62021221-211000 Salary and Wages	\$834
	62021221-212100 Public Employees Retirement	\$117
	62061021-211000 Salary and Wages	\$1,415
	62061021-212100 Public Employees Retirement	\$199
	62062121-211000 Salary and Wages	\$8,478
	62062121-212100 Public Employees Retirement	\$1,187
	62062321-211000 Salary and Wages	\$17,920
	62062321-212100 Public Employees Retirement	\$2,509

From:	Unappropriated Recreational Facilities Fund	\$20,963
To:	64051524-242800 Concessions	\$15,000
	64052021-211000 Salary and Wages	\$5,406
	64052021-212100 Public Employees Retirement	\$557
From:	Unappropriated Employee Benefits Fund	\$5,000
To:	70216023-233900 Other Professional Services	\$5,000
From:	Unappropriated Municipal Garage Services Fund	\$8,515
To:	70543021-211000 Salary and Wages	\$7,485
	70543021-212100 Public Employees Retirement	\$1,030

Section 2. This Ordinance shall take effect at the earliest period allowed by law.

Passed	_____	_____
		Mayor's Approval
Posted	_____	
First Reading	_____	Rules Suspended _____
Second Reading	_____	
Third Reading	_____	

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

CITY OF FAIRFIELD, OHIO
CITY COUNCIL COMMUNICATION

ITEM:

September 23, 2013

Request for appropriation for non-contractual agenda items.

FINANCIAL IMPACT:

\$41,670.00 from noted funding source.

SYNOPSIS:

The following appropriations have been requested:

\$15,000 for grading of canal between Seward Road and Bypass 4
\$26,670 for Pleasant Run Creek Corridor Study

BACKGROUND:

Please refer to specific Council Communications dated September 23, 2013 for a description of these items.

RECOMMENDATIONS:

It is recommended that City Council suspend the rules requiring a second and third reading of this Ordinance and adopt the appropriations listed above.

LEGISLATIVE ACTIONS:

Suspension of Rules & Adoption Requested?

yes If yes, explain
no above

Emergency Provision Needed?

yes If yes, explain
no abovePrepared by: Alicia WilsonApproved for Content by: Alicia Wilson

Financial Review (where applicable) by: _____

Legal Review (where applicable) by: Jeffrey A. ClemmonsAccepted by Council Agenda: Alicia Wilson

CITY OF FAIRFIELD, OHIO
CITY COUNCIL MEETING COMMUNICATION

ITEM NO. 11221A

DATE: 09/23/2013

ITEM:

Contracted Drainage Improvements – Grading of the canal between Seward Road and Bypass 4.

FINANCIAL IMPACT:

\$15,000.00 from the Capital Improvement Fund (\$12,264.00 plus a contingency of \$2,736.00) for labor, material, and equipment. The City of Hamilton will share in the cost for this project and reimburse the City 50% of the total project cost.

SYNOPSIS:

This project is for miscellaneous drainage improvement project included in the Capital Improvements Program for 2013-2017 as PWA-13-003. This project is a joint project with the City of Hamilton in order to improve drainage conditions along Bypass 4 in Hamilton and the bike path in Fairfield. This drainage area also affects the watershed to the west under certain conditions.

BACKGROUND:

The Public Works staff identifies projects throughout the year that are better candidates for outside contract repair than in-house projects. These projects are typically headwall replacements or specialized pipe repairs. This project is very similar to a project successfully performed by Glenn Ruff, Inc. recently for the Parks Department. Public Works selected Glenn Ruff to perform this work based on that history and the contractor's proximity to the work site. It is imperative that this work be performed when the weather is dry.

STAFF RECOMMENDATION:

It is recommended that funding be appropriated from the Capital Improvement Fund in the amount of \$15,000.00 for the grading of the canal between Seward Road and Bypass 4.

LEGISLATIVE ACTION: Suspension of Rules and Adoption Requested? yes no If yes, explain above.

Emergency Provision Needed? yes no If yes, explain above.

Prepared by: [Signature]
Approved for Content by: [Signature]
Financial Review (where applicable): [Signature]
Legal Review (where applicable): [Signature]
Accepted for Council Agenda: [Signature]

Proposal

11 (CY)A

GLENN J. RUFF, INC.

Excavating, Grading, Etc.

8324 Seward Rd. Hamilton, Ohio 45011

860-1999

Proposal Submitted To: CITY OF FAIRFIELD		Phone	Date 9/4/2013
Street		Job Name DITCH CLEANING	
City ATTENTION: BEN	State	Zip 0	Job Location SEWARD ROAD

We hereby submit specifications and estimates for:

CLEAN AND FINE GRADE DRAINAGE DITCH (3300 L.F. APPROX) SPOIL MATERIAL TO BE LEFT ON SITE.

LUMP SUM: \$12,264.00

NOTE: STAKING BY OTHERS

We Propose hereby to furnish material and labor -- complete in accordance with the above specifications, for the sum of:

TWELVE THOUSAND TWO HUNDRED SIXTY FOUR dollars (\$ 12,264.00).

Payment to be made as follows:

COMPLETION OF JOB

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alterations or deviations from the above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, wind damage and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized Signature *Michael J. Ben*

Note: This proposal may be withdrawn by us if not accepted within 60 days.

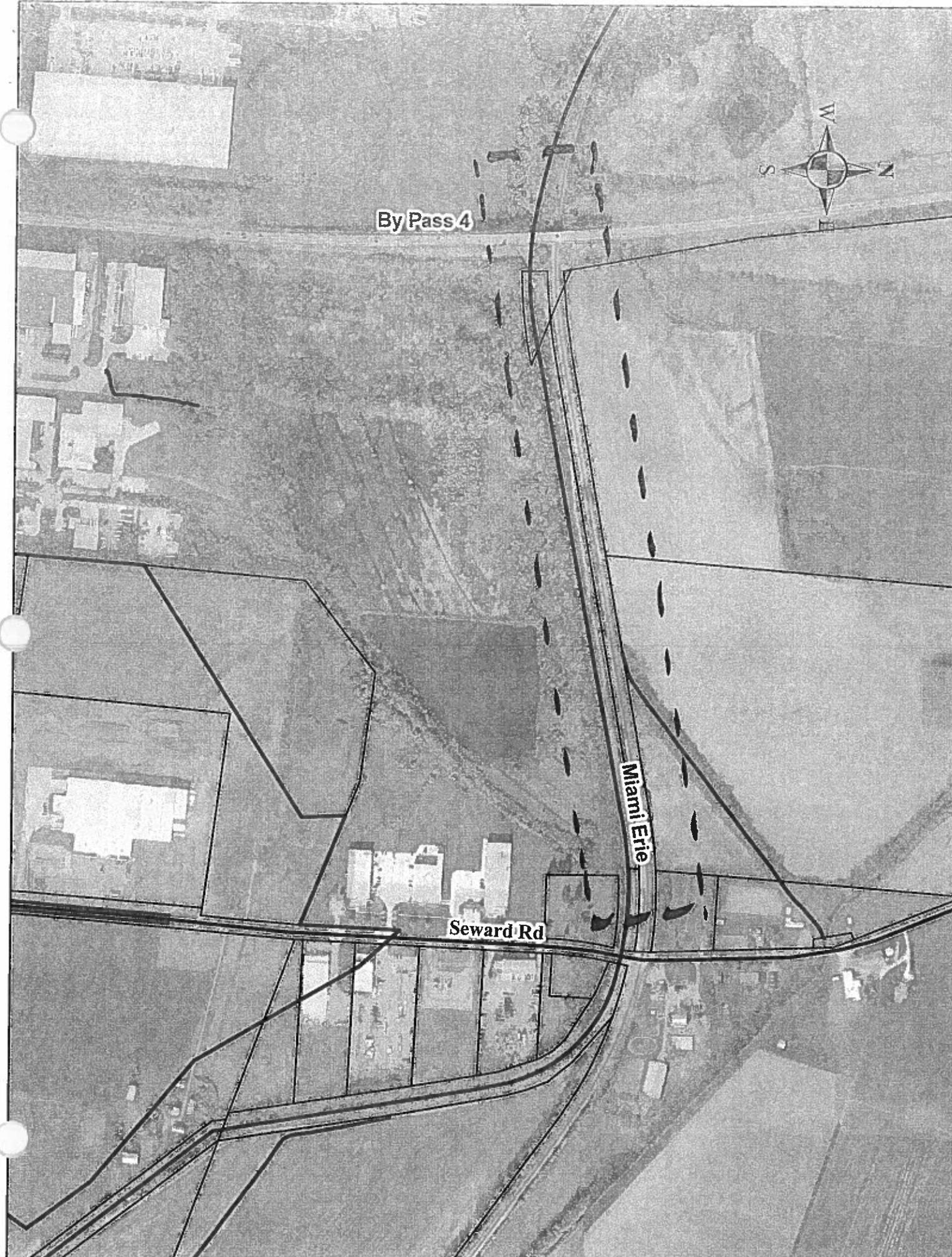
Acceptance of Proposal

--- The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: _____

Signature _____

Signature _____



By Pass 4



Miami Erie

Seward Rd

CITY OF FAIRFIELD, OHIO
CITY COUNCIL MEETING COMMUNICATION

DATE: September 23, 2013

ITEM:

Pleasant Run Creek Corridor Study.

FINANCIAL IMPACT:

\$26,670.00 (\$19,000.00 from the Street Improvement Fund PWA-13-013 and \$7,670.00 from the Capital Improvement Fund PWA-13-005.

SYNOPSIS:

It is necessary for the City to hire a qualified engineering firm to perform a watershed assessment of the Pleasant Run Creek. This assessment is needed in order to quantify and prioritize potential projects which may be eligible for OEPA, Clean Ohio, or other funding.

BACKGROUND:

The City of Fairfield Public Works crews have historically removed impediments along select branches of the Pleasant Run Creek in order to facilitate flood control. While the City has not taken specific responsibility for erosion on private property, it is in the best interests of the City to explore public projects when appropriate and when matching funds may be obtained. The proposal from Apex is for assessment only and should not be construed as a commitment beyond this initial analysis.

RECOMMENDATION:

It is recommended that City Council authorize an appropriation in the amount of \$26,670.00 for assessment of the Pleasant Run Watershed, Phase 1. It is also recommended that City Council direct the preparation of legislation authorizing the City Manager to enter into a contract with Apex Companies, LLC.

LEGISLATIVE ACTION: Suspension of Rules and Adoption Requested? yes no If yes, explain above.

Emergency Provision Needed? yes no If yes, explain above.

Prepared by: *Be [Signature]*

Approved for Content by: *Charles Butts*

Financial Review (where applicable): *Mary Hays*

Legal Review (where applicable): *Jeff H. Clemmons*

Accepted for Council Agenda: *Alina Wilson*



Mr. David Butsch
Director of Public Works
City of Fairfield
8870 N. Gilmore Road
Fairfield, OH 45014

August 30, 2013

Re: Proposal for Pleasant Run Watershed Assessment: Phase 1

Dear Mr. Butsch,

Apex Companies, LLC. (Apex) is pleased to respond to your request to conduct a watershed assessment of the Pleasant Run main stem within the City of Fairfield. This assessment will employ rapid geomorphic and habitat assessment protocols to evaluate channel conditions, identify potential erosion or flooding hazards, and provide scientifically-defensible stormwater management recommendations.

The City of Fairfield (and the Pleasant Run Watershed) was largely developed in the 1960's and 70's, before many of the current stormwater best management practices were required. As a result, open channels throughout the Watershed have reacted to changes in hydrology by altering their channel shape and dimension, through erosive and depositional processes.

Scope of Work for Phase 1

The intent of a watershed assessment is to identify existing problems, constraints and opportunities, and to provide management recommendations, project prioritization, and concept-level costs. The analysis will be phased and performed by conducting an analysis of relevant background data, rapid geomorphic assessment, and preparing a report that summarizes the analysis of data gathered.

The proposed scope of work for Phase 1 consists of Three (3) main tasks:

- 1. Background Data Assessment
- 2. Field Inventory
- 3. Data Analysis and Final Report

Task 1: Background Data Assessment

Apex will begin by conducting a planning-level analysis of existing City of Fairfield flood studies, stormwater plans, municipal mapping, surveys, GIS data (zoning, land use, infrastructure, etc), soils maps, topography and aerial photos. Background data provides context for the Field Inventory and guides the selection of specific reaches to be included for further analysis. The cost for Task 1 is **\$3,000**.

Task 2: Field Inventory

The Field Inventory is a rapid geomorphic and habitat assessment of the Pleasant Run main stem. The assessment will be conducted by Apex scientists, using GPS/GIS compatible technology, to enable the integration of data with an existing municipal GIS database. Apex will collect field data on approximately 4 miles of the Pleasant Run main stem, beginning at the confluence of the Great Miami River, and sampling points every 500 feet (10-11 sample sites per day). Representative cross-sections and pebble counts will be conducted by reach.

Field data gathered during the inventory will provide an assessment of general channel conditions and dominant fluvial process. Field data will include, at a minimum, the following key parameters:

- Bed and bank materials
- Erosion and mass wasting
- Depositional features (bars, berms, debris jams, etc)
- Dominant discharge indicators (scour lines, debris lines, lower limit of woody vegetation, etc)
- Representative channel cross-sections
- Outfall and channel crossing infrastructure

The cost for Task 2 is **\$10,350**.

Task 3: Data Analysis and Report

Apex will compile and analyze the field data collected, provide a summary by reach, and identify specific problem areas. Summary tables or graphs of the field data will be prepared, along with a photo log of the Field Inventory. Recommendations will be provided, including general watershed-scale and site-specific improvements, and prioritized by need. Supporting field data will be ArcView Compatible and submitted electronically to the City.

Apex will provide a report that summarizes the information collected and presents the data in tables, figures, and narrative, which will allow the City to understand the various problems in the watershed, their relative magnitude, associated impacts, and concept-level cost of repair. The report will be submitted electronically along with three (3) hardcopies. The cost for Task 3 is **\$13,320**.

Assumptions

Apex is prepared to proceed with this Scope of Work immediately, following written Authorization to Proceed. Access to open channel throughout the Watershed shall be provided by the City. The City will provide supporting information to Apex, as outlined above in *Task 1: Background Data Assessment*.

Fee

APEX will perform this scope of work for a fixed fee of **\$26,670**. Invoices will be issued monthly and are payable within 30 days of receipt.

For planning purposes, Phase 2 of this watershed assessment would include an additional 6 miles of open channel assessment, field data analysis, impairment modeling (if necessary) and a report. The estimated fee for Phase 2 is **\$38,590**.

Apex appreciates the opportunity to provide watershed assessment services to The City of Fairfield. If you have any questions or require additional information, please contact us at 513-771-3617.

Sincerely,

Apex Companies, LLC



Craig A. Straub, PhD
Senior Project Manager



Brian J. Kwiatkowski, CE
Senior Ecologist

ORDINANCE NO. _____

ORDINANCE TO AMEND ORDINANCE NO. 113-12 ENTITLED "AN ORDINANCE TO MAKE ESTIMATED APPROPRIATIONS FOR THE EXPENSES AND OTHER EXPENDITURES OF THE CITY OF FAIRFIELD, OHIO, DURING A PERIOD BEGINNING JANUARY 1, 2013, AND ENDING DECEMBER 31, 2013."

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. Ordinance No. 113-12, the 2013 Appropriation Ordinance, is hereby amended in the following respects:

From:	Unappropriated Street Improvement Fund	\$19,000
To:	40116023-233300 Engineering Services <i>(Pleasant Run Creek Corridor Study)</i>	\$19,000
From:	Unappropriated Capital Improvement Fund	\$22,670
To:	40216023-233300 Engineering Services <i>(Pleasant Run Creek Corridor Study)</i>	\$7,670
To:	40216023-233900 Other Professional Services <i>(Grading of Canal Between Seward Road & Bypass 4)</i>	\$15,000

Section 2. This Ordinance shall take effect at the earliest period allowed by law.

Passed	_____	_____
		Mayor's Approval
Posted	_____	
First Reading	_____	Rules Suspended _____
Second Reading	_____	
Third Reading	_____	

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2013\Non Contractual 9-23 - Ord