

**MINUTES
REGULAR MEETING OF COUNCIL
JULY 9, 2012**

Call to Order

Mayor Ronald A. D'Epifanio 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 Oler led in prayer followed by the Pledge of Allegiance.

Roll Call

Clerk Wilson called the roll of Council. Councilmember Holtegel, Councilmember Pennington, Councilmember Senger, Councilmember Abbott, Councilmember Oler, Councilmember Meyers, and Councilmember Jones.

Agenda Modifications

There were no modifications to the Agenda.

Executive Session Requests

Councilmember Pennington, seconded by Councilmember Meyers, moved to approve an Executive Session for employment and compensation of personnel. Clerk Wilson took a roll call vote of Council. Motion carried 7-0.

Public Hearing(s)

2013 Tax Budget

The 2013 Tax Budget Public hearing opened at 7:02 PM. Finance Director Mary Hopton explained the budget and that the income tax revenues are projected to be up approximately 1.75%. That increase is offset by the loss in local government funding and that estate tax elimination in the beginning of 2013. Overall the tax budget shows a similar year projected for 2013 as what was projected for 2012. The 2013 Tax Budget Public Hearing closed at 7:05 PM.

Special Presentations and Citizen Comments

There were no special presentations or citizen comments.

Mayor/Council Reports

Councilmember Jones reported on the storm that passed through the area and the damage that was done to the Public Utilities facility. He noted that with the purchase of some generators and equipment upgrades that Council previously approved, Public Utilities was able to make it through what could have been a very bad situation and customers did not experience any service disruption. He stated that Duke Energy also stepped up to help sustain the water system during the storm.

Councilmember Holtegel reported that with the expansion of Koch Foods and a few other companies coming to the area in the near future, Fairfield will see a job increase over 500.

Councilmember Pennington thanked Dr. Stanley Goodman again, and noted that he had a front-page article in the Echo this week. She also mentioned the Fairfield Historical Society will have Lester Horwitz, author of The Longest Raid, as a free special event on July 24 at the Community Arts Center, as well as

Sunbonnet Days at Gilbert Park, August 4-5, 1:00-5:00 PM, also free and sponsored by the Historic Society, the Four Seasons Club, Friends of Elijah and Fairfield Parks.

Councilmember Senger reported that this is unfortunately the third council meeting in a row that he has had to thank the Fire and Police departments in their efforts in the return of an army veteran killed in Afghanistan two weeks ago. Staff Sgt. Massarelli from Hamilton was flown back to Hamilton airport last Friday morning. He noted that everyone seemed to enjoy the fireworks, and thanked the Parks department and everyone involved. He also mentioned the Veterans We Thank You event at Butler County Regional Airport on June 30 and thanked everyone for their hard work in making it a nice event. Mayor D'Epifanio noted that Councilmember Senger is a retired Marine Corp colonel.

Councilmember Abbott reported that he and Councilmember Jones have had the opportunity to work with Tim Bachman and Greg Kathman on an economic development project with Fischer Park, the old GM Plant. He noted that it is one of the leading site selection and site brokers in the country, out of South Carolina, paid for through grant funding, to do a building assessment and try to get the building back in use. He also noted that the City received a clean financial audit from the independent auditors and will be turning the annual financial report over to the Government Finance Officers Association. He stated that the City has received their prestigious award for many years since the mid-1980s.

Councilmember Oler reported that he has been in Indianapolis for about 17 days, but things seem to be okay. He thanked everyone for their prayers.

Councilmember Meyers reported that the Bypass Project is nearing completion, and the overpass at 275 and Gilmore is progressing.

Mayor D'Epifanio reported that Mr. Ogawa, President and CEO of Pacific Industries, and Mr. Takagi, President and CEO of Takumi Stamping, come to town once a year and like to meet with City officials. That meeting was Thursday evening and went well. There are approximately 800 jobs between the two companies. He also reported on the Veterans We Thank You event that was held on June 30. Mayor D'Epifanio commented that he was very proud of the City of Fairfield and their involvement in the event, and thanked numerous Fairfield representatives that were at the event to help. He noted that another event will be planned for next year, honoring veterans from WWII through the present.

Approval of Minutes

- Regular Meeting Minutes of June 11, 2012
 - The Regular Meeting Minutes of June 11, 2012 were approved as written.

OLD BUSINESS

NEW BUSINESS

COMMUNITY & PUBLIC RELATIONS COMMITTEE

Debbie Pennington, Chairman; Jeff Holtegel, Vice Chairman, Adam Jones, Member

Simple Motion: Motion to appoint the following residents to serve on the Traffic Advisory Committee effective immediately.

Councilmember Pennington, seconded by Councilmember Holtegel moved to appoint Steve Lambert to serve on the Traffic Advisory Committee effective immediately. Motion Carried 7-0. SIMPLE MOTION 18-12. APPROVED 7-0.

PUBLIC WORKS COMMITTEE

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

Councilmember Meyers, seconded by Councilmember Abbott moved to approve to read the following six (6) ordinances by title only. Motion Carried 7-0.

Ordinance to authorize the City Manager to enter into a contract with Capital Electric Line Builders for Traffic Signal Vehicle Detection Installation.

Background: City Manager Pizzano recommended entering into a contract with Capital Electric Line Builders for Traffic Signal Vehicle Detection Installation. This is a CIP item that was authorized by Council earlier this year. The location is the intersection at Winton and Nilles. Currently, 38 of the existing 61 intersections are covered with Vehicle Detection and this will be number 39. Legislative Action: Councilmember Meyers presented the first reading of this ordinance.

Councilmember Meyers, seconded by Councilmember Pennington moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 7-0. Councilmember Holtegel, seconded by Councilmember Abbott moved to adopt . Motion Carried 6-1. Councilmember Mike Oler commented that he has noticed several intersections with timing issues. He noted that some of the busy intersections only allow a few cars to pass through before changing to red again, while some of the less busy intersections change immediately for one car. Councilmember Oler stated he has no faith in Capital Electric Line Builders and will vote no on this ordinance. Councilmember Abbott commented that he has not experienced the same issues as Councilmember Oler, except for one intersection at Holden/Rt. 4/Gilmore. He commented that it might be good to review and make some adjustments, but he has not experienced a lot of issues. ORDINANCE NO. 66-12. ADOPTED 6-1. Councilmember Mike Oler dissented.

Ordinance to authorize the City Manager to enter into a contract with Miller Pipeline Corporation for the 2012 lining of storm sewers.

Background: City Manager Pizzano recommended entering into a contract with Miller Pipeline Corporation for the lining of storm sewers. This is another Capital Improvement item, as a collaboration between Public Works and Public Utilities. This work should extend the life of the storm sewers by about 50 years. The locations are Celadon Avenue, Magie Avenue and Oberlin Drive. Legislative Action: Councilmember Meyers presented the first reading of this ordinance.

Councilmember Meyers, seconded by Councilmember Abbott moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 7-0. Councilmember Meyers, seconded by Councilmember Pennington moved to adopt . Motion Carried 7-0. ORDINANCE NO. 67-12. ADOPTED 7-0.

Ordinance to authorize the City Manager to enter into a contract with Ohio Heavy Equipment Leasing, LLC dba Loveland Excavating for the Mackview Street drainage improvement project.

Background: City Manager Pizzano recommended entering into a contract with the Ohio Heavy Equipment Leasing company dba Loveland Excavating for the Mackview Street drainage improvement project. This is another Capital Improvement program, which was anticipated in the budget. This project will replace a number of drywells with catch basins and pipes for drainage. Legislative Action: Councilmember Meyers presented the first reading of this ordinance.

Councilmember Meyers, seconded by Councilmember Abbott moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 7-0. Councilmember Meyers, seconded by Councilmember Pennington moved to adopt . Motion Carried 7-0. ORDINANCE NO. 68-12. ADOPTED 7-0.

Ordinance to authorize the City Manager to enter into a contract with Barrett Paving Materials, Inc. for the River Road Improvements Project.

Background: City Manager Pizzano recommended entering into a contract with Barrett Paving Materials for the River Road Improvement Project. This project runs from Southgate Blvd to River Valley Court. The program is funded 65% by the state. The last improvement was 1996; this improvement will widen the shoulders and the roadway, in addition to paving. Legislative Action: Councilmember Meyers presented the first reading of this ordinance.

Councilmember Meyers, seconded by Councilmember Abbott moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 7-0. Councilmember Meyers, seconded by Councilmember Abbott moved to adopt . Motion Carried 7-0. ORDINANCE NO. 69-12. ADOPTED 7-0.

Ordinance to authorize the City Manager to enter into a contract with Hirlinger Chevrolet for the purchase of a utility vehicle for use by the Fire Department and declaring an emergency.

Background: City Manager Pizzano recommended a contract with Hirlinger Chevrolet for a utility vehicle for the Fire Department. This was included in the utility askings of the Capital Improvement budget. This is a replacement of an existing vehicle, and the existing vehicle will be removed from the fleet. Legislative Action: Councilmember Meyers presented the first reading of this ordinance.

Councilmember Meyers, seconded by Councilmember Holtegel moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 7-0. Councilmember Meyers, seconded by Councilmember Abbott moved to adopt . Motion Carried 7-0. ORDINANCE NO. 70-12. ADOPTED 7-0.

Ordinance to declare twelve (12) city vehicles as surplus and authorize the City Manager to sell the vehicles on GovDeals.com.

Background: City Manager Pizzano recommended a declaration of twelve (12) city vehicles as surplus and selling those vehicles on GovDeals.com. Legislative Action: Councilmember Meyers presented the first reading of this ordinance.

Councilmember Meyers, seconded by Councilmember Pennington moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 7-0. Councilmember Meyers, seconded by Councilmember Abbott moved to adopt . Motion Carried 7-0. Councilmember Oler asked if surplus police cars are painted one solid color before being sold. Police Chief Mike Dickey stated that the cars are not re-painted, but all seals and decals are removed prior to sale. Mayor D'Epifanio asked if Council and city employees are permitted to bid on the vehicles. Law Director John Clemmons stated that as long as it was anonymous, through the website as the public does, he doesn't see a reason it would not be permitted. ORDINANCE NO. 71-12. ADOPTED 7-0.

PUBLIC UTILITIES COMMITTEE

Adam Jones, Chairman; Tim Meyers, Vice Chairman, Jeff Holtegel, Member

Councilmember Jones, seconded by Councilmember Senger moved to approve to read the following two (2) ordinances by title only. Motion Carried 7-0.

Ordinance to authorize the City Manager to enter into a contract with PCS Technologies for SCADA System Integration Services at the Wastewater Treatment Plant.

Background: City Manager Pizzano recommended a contract with PCS Technologies for SCADA System Integration Services at the Wastewater Treatment Plant. This is a Capital Improvement item that was anticipated. This is a professional services agreement to integrate the SCADA system into the system that is being installed by Adgo, Inc. Legislative Action: Councilmember Jones presented the first reading of this ordinance.

Councilmember Jones, seconded by Councilmember Abbott moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 7-0. Councilmember Jones, seconded by Councilmember Meyers moved to adopt . Motion Carried 7-0. ORDINANCE NO. 72-12. ADOPTED 7-0.

Ordinance to authorize the City Manager to enter into a contract with Miller Pipeline Corp. for inversion re-lining of sanitary sewer lines.

Background: City Manager Pizzano recommended a contract with Miller Pipeline Corp. for re-lining of sanitary sewer lines. This is another Capital Improvement item. Legislative Action: Councilmember Jones presented the first reading of this ordinance.

Councilmember Jones, seconded by Councilmember Meyers moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 7-0. Councilmember Jones, seconded by Councilmember Holtegel moved to adopt . Motion Carried 7-0. ORDINANCE NO. 73-12. ADOPTED 7-0.

DEVELOPMENT SERVICES COMMITTEE

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

Councilmember Holtegel, seconded by Councilmember Abbott moved to read the following three (3) ordinances by title only. Motion Carried 7-0.

Ordinance to approve a modified development plan for a Kroger Gas Fueling Facility and to authorize the City Manager to sign a development agreement with the Kroger Limited Partnership I.

Background: City Manager Pizzano recommended a modified development plan for a Kroger Gas Fueling Facility and execution of a development agreement with the Kroger Limited Partnership I. This was brought to Council as an appeal to a determination by the Planning Commission. He stated that modifications were made based on the concerns of the Planning Commission. Legislative Action: Councilmember Holtegel presented the first reading of this ordinance.

Ordinance to authorize the City Manager to enter into an easement agreement with the Farhat S. Khan Trust.

Background: City Manager Pizzano recommended an easement agreement with the Farhat S. Khan Trust to facilitate safe traffic movement. He stated that the easement is anticipated to solve problems of access onto the sight from Pleasant Avenue. Payment from Kroger in the agreement is \$23,500 for a perpetual access easement. Legislative Action: Councilmember Holtegel presented the first reading of this ordinance.

Jonathan Wocher, a planner from McBride Dale Clarion, 5725 Dragon Way, Suite 220, Cincinnati, Ohio 45227, spoke in favor of the ordinances regarding the Kroger Fueling Center. He asked that Council approve the appeal filed by Kroger and approve the modified development plan and development agreement, as well as the easement agreement with the Khan Trust. He stated that the appeal was filed in December 2011, following presentations to the Design Review Committee and the Planning Commission in late summer and fall of 2011. Mr. Wocher stated that approval of the ordinances will allow Kroger to build a fueling center at the southeast corner of Pleasant Avenue and Nilles Road. He asked for the opportunity to present the details of the project prior to the vote, if Council feels it is necessary. He acknowledged the patience and willingness of the City Manager, Law Director and Development Staff to meet with Kroger. Mr. Wocher stated that the most significant changes are Kroger's agreement to change the size of the store from 178 square feet to 1,000 square foot building, as well as the City's willingness to agree to an easement to allow access from Pleasant Avenue. Mr. Wocher introduced Tony Spaeth, manager of Kroger at Village Green, to address some of the concerns that have been raised regarding the current store.

Mr. Spaeth addressed several concerns that have been brought to his attention during the development discussions. He stated that Kroger has increased lot sweeping to seven (7) nights per week, to try to help

with the litter issues that were brought up, as well as an associate that comes in at 7:00 AM everyday to pick up any stray pieces of litter in the parking lot and bushes. He also stated that the sidewalks in front of the store are pressure-washed at least once per month or more, if necessary, which is typically just a once or twice per year event. Mr. Spaeth explained that the shopping carts have been an issue for Kroger, because they were unable to put the gate-keeper system on the new carts, as it did not work correctly, however, they will retrieve any carts that stray from the parking lot if someone notifies them to do so. He noted that there have been improvements in the landscaping, since the irrigation system issues have been resolved.

Joe Schwartz, 5305 Bibury Road, commented that redevelopment of the property at Nilles and Pleasant is sorely needed. He stated that a Kroger fueling center may not be the ultimate solution, however, with the changes made to the plans, it is probably an acceptable solution. He feels redevelopment is a necessity and will add to the downtown area of the City of Fairfield, and Kroger has been a fine corporate citizen of the city for more than 50 years, so Council should let the redevelopment happen with Kroger.

Leslie Bessel, 10 Brians Lane, stated that she lives and works in Fairfield. She said she works with a diverse group of people, a lot of whom live in Fairfield, and everyone she has spoken to is in favor of the Kroger fueling center. She stated that she has not signed the petition, but she knows thousands of people have, and she would expect to hear legitimate reasons other than trash and stray carts as to why this plan would be rejected. She stated that she is confident that the people she has spoken to will be disenchanted with City Council if they do not move this forward.

Ordinance to authorize the City Manager to enter into a Community Reinvestment Area Agreement, a Community Reinvestment Area Compensation Agreement and a Sanitary Sewer Administrative Fee Rebate Agreement, which will provide economic development incentives related to an expansion project for Koch Foods of Cincinnati LLC and declaring an emergency.

Background: City Manager Pizzano recommended a Community Reinvestment Area Agreement, a Community Reinvestment Area Compensation Agreement and a Sanitary Sewer Administrative Fee Rebate Agreement, as incentives tied to an expansion of Koch Foods of Cincinnati, LLC. He stated that currently Koch Foods is one of the top 10 employers for the City of Fairfield, as well as the largest water user in the city. Mr. Pizzano explained that the expansion is 390 jobs over the next three (3) year, in addition to the 730 jobs already there, which will put them into the top five (5) businesses in the city. He noted that the expansion will double the size of the plant and the monetary investment is \$45 million. Legislative Action: Councilmember Holtegel presented the first reading of this ordinance.

Howard Tallen, Plant Manager of Koch Foods, addressed Council regarding the three agreements proposed for expansion incentives for the company. He stated that the company is one of the largest poultry companies in the country, as well as the largest privately held company. He noted that Koch Foods is very committed to the City of Fairfield and the community, and they have outgrown the current facility. Mr. Tallen explained that Koch Foods is using six (6) other companies across the country to produce product that would normally be here in Cincinnati, in the Fairfield community, and that the products will come back with the expansion. He stated that the Fairfield plant is in the middle of all of the Koch Foods plants across the country, so it is very important to the company logistically.

Chip Englert, Controller of Koch Foods, thanked the Economic Development staff for all of the hard work. He stated that Koch Foods deals with several companies, such as Kroger, Walmart, Ruby Tuesday's, Steak N' Shake, Denny's, Dairy Queen, Burger King, and Sonic; Koch Foods supplies companies throughout the whole country. He noted that there is a lot of competition from other Koch Plants to attract the business, but they are working to keep it in Fairfield, and the expansion will help add jobs to the city.

Councilmember Holtegel commented that government does not create jobs, companies like Koch Foods create jobs, government helps to facilitate. He stated that he is proud of the staff and the company representatives and that they continued to work together to find a solution, given the difficulties they faced trying to make it work. He noted that this is almost 80% of the total job creation in the city over the next three (3) years.

Councilmember Holtegel, seconded by Councilmember Abbott moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 7-0. Councilmember Holtegel, seconded by Councilmember Abbott moved to adopt . Motion Carried 7-0. Councilmember Jones commended Koch Foods for what they are doing. He stated that there have been over 1,300 layoffs in the Butler County area. He noted that there were 376 jobs lost at Liz Claiborne when they shut down in September and the Hamilton paper mills closing were also lost jobs. Councilmember Jones thanked Koch Foods for the work they are doing and for keeping it in Fairfield. Councilmember Abbott thanked Koch Foods for being at the Council meeting and for considering Fairfield in their expansion. ORDINANCE NO. 74-12. ADOPTED 7-0.

FINANCE & BUDGET COMMITTEE

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

Councilmember Abbott, seconded by Councilmember Pennington moved to read the following resolution and three (3) ordinances by title only. Motion Carried 7-0.

Resolution to approve the tax budget of the City of Fairfield, Ohio, for the fiscal year beginning January 1, 2013 and submit the same to the Butler County Auditor and declaring an emergency.

Background: City Manager Pizzano recommended approval of the 2013 Tax Budget and submission to the Butler County Auditor. Legislative Action: Councilmember Abbott presented the first reading of this resolution.

Councilmember Abbott, seconded by Councilmember Meyers moved to suspend the rules requiring three (3) readings of this Ordinance. Motion Carried 7-0. Councilmember Abbott, seconded by Councilmember Meyers moved to adopt . Motion Carried 7-0. RESOLUTION 7-12. ADOPTED 7-0.

Ordinance to authorize the City Manager to enter into a contract with MobileTEK for the purchase of mobile data terminals for Police cruisers.

Background: City Manager Pizzano recommended a contract with MobileTEK for purchase of mobile data terminals for Police cruisers. He stated that it is anticipated to replace one half of the MDTs this year and the remaining ones in next year's budget. He explained that these are the in-car computers that connect officers with information quickly. Legislative Action: Councilmember Abbott presented the first reading of this ordinance.

Councilmember Abbott, seconded by Councilmember Meyers moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 7-0. Councilmember Abbott, seconded by Councilmember Meyers moved to adopt . Motion Carried 7-0. ORDINANCE NO. 75-12. ADOPTED 7-0.

Appropriation Ordinance (Contractual Items) - \$55,000 for Traffic Signal Vehicle Detection Installation; \$50,000 for 2012 Storm Sewer Lining; \$48,000 for replacement of drywells on Mackview Street; \$1,615,000 for River Road Improvements; \$139,500 for SCADA System Integration Services; \$135,000 for inversion re-lining of sanitary sewer lines; \$45,000 for purchase of mobile data terminals for Police cruisers; \$46,000 for purchase of a utility vehicle for use by the Fire Department.

Background: City Manager Pizzano recommended the following contractual items: \$55,000 for Traffic Signal Vehicle Detection Installation; \$50,000 for 2012 Storm Sewer Lining; \$48,000 for replacement of drywells on Mackview Street; \$1,615,000 for River Road Improvements; \$139,500 for SCADA System Integration Services; \$135,000 for inversion re-lining of sanitary sewer lines; \$45,000 for purchase of mobile data terminals for Police cruisers; \$46,000 for purchase of a utility vehicle for use by the Fire Department. Legislative Action: Councilmember Abbott presented the first reading of this ordinance.

Councilmember Abbott, seconded by Councilmember Meyers moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 7-0. Councilmember Abbott, seconded by Councilmember Meyers moved to adopt . Motion Carried 7-0. ORDINANCE NO. 76-12. ADOPTED 7-0.

Appropriation Ordinance (Non-Contractual Items) - \$9,800 for manhole rehabilitation materials, \$5,000 for Police Department Explorer's Post expenses, \$15,396 for Public Works Facilities Maintenance Repairs, \$7,000 for parking lot renovations at Fairfield Greens/South Trace and Gilbert Farms Park, \$9,200 for upgrades and maintenance at the Community Arts Center.

Background: City Manager Pizzano recommended \$9,800 for manhole rehabilitation materials, \$5,000 for Police Department Explorer's Post expenses, \$15,396 for Public Works Facilities Maintenance Repairs, \$7,000 for parking lot renovations at Fairfield Greens/South Trace and Gilbert Farms Park, \$9,200 for upgrades and maintenance at the Community Arts Center. Legislative Action: Councilmember Abbott presented the first reading of this ordinance.

Councilmember Abbott, seconded by Councilmember Meyers moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 7-0. Councilmember Abbott, seconded by Councilmember Meyers moved to adopt . Motion Carried 7-0. ORDINANCE NO. 77-12. ADOPTED 7-0.

Mayor D'Epifanio commented that the British Car Show is Sunday, July 15, at Harbin Park.

Meeting Schedule

Clerk Wilson read the following meeting schedule:

Summer Schedule:

Monday, August 13 Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.

Monday, September 10 Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.

Monday, September 24 Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.

Executive Session of Council (if needed)

Council recessed into Executive Session at 8:09 PM.

Adjournment

The Regular Meeting of Council adjourned at 9:10 PM.

ATTEST:

Clerk of Council

Mayor's Approval

Date Approved _____