

## MINUTES

### REGULAR MEETING OF COUNCIL

MARCH 12, 2012

#### [Call to Order](#)

Cincinnati Christian Schools "Tradetown Mayor" Victoria Clark called the Regular Meeting to order at 7:00 PM at the Fairfield Municipal Building, 5350 Pleasant Avenue.

#### [Prayer/Pledge of Allegiance](#)

"Tradetown Mayor" Clark led in prayer followed by the Pledge of Allegiance.

#### [Roll Call](#)

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

#### [Agenda Modifications](#)

Councilmember Oler, seconded by Councilmember Abbott moved to amend the Ordinance on the Agenda relative to second hand dealers. Law Director John Clemmons explained this Ordinance is to control secondhand articles that are either stolen or other contraband type materials. He explained this is an upgrade to the secondhand dealers Ordinance and the changes he has made for this evening have to do with tightening some of the exceptions. The first being including exempting non-profits and federally licensed fire arm dealers, which says those types of individuals or businesses are exempt but only for transactions that are governed by the particular license or statute that they operate under. Mr. Clemmons stated in subsection 733.06 subparagraph C the word sell should be added. Motion Carried 7-0.

#### [Executive Session Requests](#)

Councilmember Pennington, seconded by Councilmember Holtegel moved to approve a request for an Executive Session to discuss the appointment of public officials and purchase of real estate. Clerk Jolivette called the roll of Council. Motion Carried 7-0.

#### [Public Hearing\(s\)](#)

No Public Hearings were scheduled.

#### [Special Presentations and Citizen Comments](#)

- [Cincinnati Christian Schools "Trade Town"](#)

Mayor D'Epifanio introduced the Cincinnati Christian Schools' Tradetown "Mayor" Victoria Clark, and "Vice Mayor" Matthew Schmitz. Cincinnati Christian Schools Principal Donna Hempelmann explained Tradetown is a student enterprise program in which every grade is a "business". They have four malls a year where they sell different items, elections are held and the kids vote for the Mayor and Vice Mayor. The student enterprise is in conjunction with the University of Cincinnati and the service learning is in conjunction with Childrens Inc. in Kentucky. She invited everyone to attend the mall on March 23rd at 2:00 PM. She discussed the different types of businesses the students have.

Superintendent Dieffenbacher discussed Cincinnati Christian Schools' digital conversion that will be rolled out next school year to add content to the curriculum and allow students to take ownership of their education.

#### [Mayor/Council Reports](#)

Councilmember Meyers commented work is underway for the I-275 Winton/Gilmore Expansion project and starting tomorrow the Westbound ramp that goes to Forest Park will be shut down for up to three months. During that time the Fairfield ramp can be taken.

Councilmember Oler questioned the audio problems for the Council meetings on the TV. Assistant City Manager Mark Wendling commented our feed to Time Warner is analog; however, Time Warner is broadcasting in digital which is causing the audio and visual problems. He stated it can be watched digitally on channel 99.5. He stated staff is looking at what it will cost to convert the analog signal to a digital signal.

Councilmember Abbott thanked the Finance Director and Staff for their efforts with the items on the Agenda tonight for refinancing that will save the City about \$650,000 over ten years. He stated the Capital Improvement Budget binders will be available for Council next week. He stated the Capital Improvement Program budget has been pushed back to about nine million dollars, which is the lowest it has been since 2006.

Tradetown "Vice Mayor" Schmitz announced Fairfield, Ohio has been awarded as a Tree City USA for the 17th year by the Arbor Day Foundation.

Councilmember Jones commended City Manager Pizzano and Public Works Director Dave Butsch for their cooperative gesture to send volunteers from the City to Moscow, Ohio to assist in the tornado clean-up efforts. He announced that Moscow residents are in need of temporary housing and assistance can be offered on the Facebook page moscowtornadohelp.com.

Mayor D'Epifanio commented on the Crystal Classic held this past weekend in which 30 show choirs performed. He announced the basketball team won the district and are two games away from being in the final four.

#### [Approval of Minutes](#)

- Regular Meeting Minutes of February 27, 2012
- Special Meeting Minutes of March 3, 2012

The Regular Meeting Minutes of February 27, 2012 and the Special Meeting Minutes of March 3, 2012 were approved as written.

### [OLD BUSINESS](#)

#### **PUBLIC WORKS COMMITTEE**

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

#### [Ordinance to authorize the City Manager to enter into a contract with America's Decorative Concrete for the 2012 Concrete Repair and Replacement Work.](#)

Councilmember Meyers presented the third reading of the Ordinance. Councilmember Meyers, seconded by Councilmember Abbott moved to adopt. Motion Carried 7-0. ORDINANCE NO. 16-12 ADOPTED 7-0.

#### [Ordinance to authorize the City Manager to enter into a contract with Brad Evans Excavating for the 2012 Sidewalk/Apron Replacement Program.](#)

Councilmember Meyers presented the third reading of the Ordinance. Councilmember Meyers, seconded by Councilmember Oler moved to adopt. Motion Carried 7-0. ORDINANCE NO. 17-12 ADOPTED 7-0.

#### **PUBLIC SAFETY COMMITTEE**

**Mike Oler, Chairman; Debbie Pennington, Vice Chairman, Terry Senger, Member**

#### [Ordinance to amend Chapter 733, entitled "Secondhand Dealers" of Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio.](#)

Councilmember Oler presented the third reading of this Ordinance. Councilmember Oler, seconded by Councilmember Meyers moved to adopt. Motion Carried 7-0. ORDINANCE NO. 18-12 ADOPTED 7-0.

**PUBLIC UTILITIES COMMITTEE**

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

[Ordinance to authorize the City Manager to enter into a one year contract with JCI Jones Inc. for purchase of chlorine for use at the Water Treatment Plant.](#)

Councilmember Jones presented the second reading of this Ordinance. Ordinance approved for second reading only.

[Ordinance to authorize the City Manager to enter into a three year contract with Brentag Mid-South for purchase of hydrofluorosilic acid for use at the Water Treatment Plant..](#)

Councilmember Jones presented the second reading of this Ordinance. Ordinance approved for second reading only.

**NEW BUSINESS**

**PUBLIC SAFETY COMMITTEE**

**Mike Oler, Chairman; Debbie Pennington, Vice Chairman, Terry Senger, Member**

Councilmember Oler, seconded by Councilmember Abbott moved to read the following two (2) Ordinances by title only. Motion Carried 7-0.

[An Ordinance to declare fifty \(50\) sets of personal protective equipment in the Fire Department as surplus and authorize the City Manager or designee to distribute the personal protective equipment to area vocational schools.](#)

Background: City Manager Pizzano recommended 50 sets of Fire Department personnel protective equipment be declared as surplus and to distribute it to area vocational schools. He explained the National Fire Protection Association, a regulatory agency that determines the standards as to when this equipment can or cannot be used for fire suppression, had indicated that this equipment has extended its useful life to be safe in a fire zone. He stated the equipment is between 10 to 15 years old. He further explained it can be used for training purposes. Legislative Action: Councilmember Oler presented the first reading of this Ordinance. Ordinance approved for first reading only.

[An Ordinance to authorize the City Manager to enter into a contract with Rozzi's Famous Fireworks, Inc. for the annual Red, White and Kaboom event.](#)

Background: City Manager Pizzano recommended a contract with Rozzi's Fireworks for the annual Red, White & Kaboom event. Legislative Action: Councilmember Oler presented the first reading of this Ordinance. Councilmember Oler, seconded by Councilmember Meyers moved to suspend the rules requiring three (3) readings of the Ordinance. Motion Carried 7-0. Councilmember Oler, seconded by Councilmember Abbott moved to adopt. Mr. Rozzi thanked the City for its years of service with the company. Mayor D'Epifanio commented that Rozzi's will be doing a show for the Joe Nuxhall Field of Dreams ribbon cutting. Mr. Pizzano thanked Mr. Rozzi for being here. Motion Carried 7-0. ORDINANCE NO. 19-12 ADOPTED 7-0.

**PUBLIC WORKS COMMITTEE**

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

Councilmember Meyers, seconded by Councilmember Abbott moved to read the following three (3) pieces of legislation by title only. Motion Carried 7-0.

[An Ordinance to authorize the City Manager to enter into a three \(3\) year contract with Contract Sweepers & Equipment for the purpose of street sweeping services.](#)

Background: City Manager Pizzano recommended a three year contract with Contract Sweepers & Equipment for street sweeping services. He stated 128 miles of roadway and 16 public parking lots will be covered under this contract. Legislative Action: Councilmember Meyers presented the first reading of this Ordinance. Councilmember Meyers, seconded by Councilmember Oler moved to suspend the rules requiring three (3) readings of this Ordinance. Motion Carried 7-0. Councilmember Meyers, seconded by Councilmember Oler moved to adopt. Motion Carried 7-0. ORDINANCE NO. 20-12 ADOPTED 7-0.

[An Ordinance to authorize the City Manager to enter into a three \(3\) year contract with Capital Electric Line Builders, Wagner Smith Division, for Traffic Signal Maintenance Services.](#)

**Background:** City Manager Pizzano recommended a contract with Capital Electric Line Builders, Wagner Smith Division, for traffic signal maintenance services. **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. 21-12 ADOPTED 7-0.

[A Resolution to authorize and ratify the Public Works Department's provision of assistance of manpower and equipment to assist in the storm/tornado cleanup of Moscow, Ohio and declaring an emergency.](#)

**Background:** City Manager Pizzano recommended the provision of assistance of manpower and equipment to assist in the storm/tornado cleanup of Moscow, Ohio. Mr. Pizzano explained this legislation is required to be formally approved by Council since City personnel and equipment will be used outside of the City. He further explained should we be called the City intends to provide four personnel, three dump trucks and a backhoe for about four days. He commented there is precedent including the tornado in Montgomery in 1999 and in Kentucky for flood damage. **Legislative Action:** Councilmember Meyers presented the first reading of this Resolution. Councilmember Meyers, seconded by Councilmember Holtegel moved to suspend the rules requiring three (3) readings of this Resolution. Motion Carried 7-0. Councilmember Meyers, seconded by Councilmember Holtegel moved to adopt. Motion Carried 7-0. RESOLUTION NO. 4-12 ADOPTED 7-0.

**FINANCE & BUDGET COMMITTEE**

**Tim Abbott, Chairman; Terrence Senger, Vice Chairman, Michael Oler, Member**

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

[An Ordinance to amend Section 181.01, entitled "Purpose", of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio, relative to the apportionment of the existing Municipal Income Tax.](#)

**Background:** City Manager Pizzano explained this item and the next have to do with reapportionment of the City income tax. He further explained this item is to amend a section of the Codified Ordinances relative to the apportionment as it relates to the income tax. He listed the items that have begun to stress Fairfield's budget and every other municipal budget in the State of Ohio including the lingering recession, the loss of personal property tax, reduction in the local government fund and a loss of the estate tax. He stated all of those contributed to a loss of about a million dollars in one year. Mr. Pizzano stated this is a sustainable solution not a one time plug. He stated a million and a half dollars is expected to be raised without raising taxes. He further stated this is not a tax increase; this is something the City has done on about five occasions over its history as time and needs have changed where money has been shifted from one fund to another into the existing income tax. Mr. Pizzano explained an appropriation of one-tenth of a percent out of the existing 1.5% existing income tax. The 1.1% for the General Fund will increase to 1.2% and the street and capital funds will be reduced. He stated there is no tax increase, but this will require a vote of the people. **Legislative Action:** Councilmember Abbott presented the first reading of this Ordinance. Ordinance approved for first reading only.

[A Resolution to direct the Butler County, Ohio Board of Elections to conduct an election with regard to the reapportionment of the existing Municipal Income Tax.](#)

**Background:** City Manager Pizzano recommended this Ordinance to conduct an election for the reapportionment of existing municipal income tax as he explained in conjunction with the previous item, 11 C (1) on the Agenda. **Legislative Action:** Councilmember Abbott presented the first reading of this Resolution. Mayor D'Epifanio stated there will not be a tax increase and there will not be any new tax. Resolution approved for first reading only.

[An Ordinance providing for the issuance of not to exceed \\$3,300,000 of bonds by the City of Fairfield, Ohio, for the purpose of refunding various purpose bonds in the City, authorizing an official statement, and declaring an emergency.](#)

**Background:** City Manager Pizzano explained this item is to save the City money by combining and refinancing for about \$65,000 annual savings for a savings over ten years of about \$600,000. City Manager Pizzano stated this item is for Various Purpose Bonds reissuance, originally purchased in 2002, and will be part of a total 8.3 million dollars that will be reissued. **Legislative Action:** Councilmember Abbott presented the first reading of this Ordinance. Councilmember Abbott, seconded by Councilmember Oler

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. 22-12 ADOPTED 7-0.

[An Ordinance providing for the issuance of not to exceed \\$5,015,000 of bonds by the City of Fairfield, Ohio, for the purpose of refunding Community Center Bonds in the City, authorizing an official statement, authorizing an escrow deposit agreement, and declaring an emergency.](#)

Background: City Manager Pizzano stated this item is for the issuance of a little over \$5 million worth of bonds that were originally let out in 2003 when the Community Arts Center was originally built. 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. 23-12 ADOPTED 7-0.

[An Ordinance providing for the issuance of not to exceed \\$8,315,000 of bonds by the City of Fairfield, Ohio, for refunding outstanding Various Purpose Bonds and Community Center Bonds; authorizing an official statement; authorizing an escrow deposit agreement, and declaring an emergency.](#)

Background: City Manager Pizzano explained this is the total of the two previous agenda items that will be reissued for \$8,315,000. 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. Councilmember Abbott stated this is another great example of what the City is doing to minimize expense and increase revenue and a savings of \$650,000 over 10 years is significant. He thanked Finance Director Mary Hopton and her staff. Motion Carried 7-0. ORDINANCE NO. 24-12 ADOPTED 7-0.

[Appropriation Ordinance \(Non-Contractual Items\) - \\$20,000 for asbestos abatement work associated with the Pleasant Run FEMA Flood Control Grant; \\$24,562 for bridge painting inspection associated with the By-Pass 4 widening project.](#)

Background: City Manager Pizzano recommended an appropriation for \$20,000 for asbestos abatement work in conjunction with the flood mitigation grant. He stated four homes have been purchased. Public Works Director Dave Butsch clarified that there are a total of 17 homes, but only 11 have gone through part of the process. Mr. Pizzano further explained only one of the four homes has asbestos. He stated this abatement work was budgeted for and is reimbursable by the FEMA grant. Mr. Pizzano also recommended an appropriation for the bridge painting inspection associated with the By-Pass 4 widening project. 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 Oler moved to adopt. Motion Carried 7-0. ORDINANCE NO. 25-12 ADOPTED 7-0.

#### Meeting Schedule

Clerk Jolivette read the following meeting schedule:

Monday, March 26 Council-Manager Briefing, 5:30 p.m.; Regular Meeting, 7:00 p.m.  
Monday, April 9 Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.  
Monday, April 23 Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.

#### Executive Session of Council (if needed)

Council recessed to Executive Session at 7:46 PM.

#### Adjournment

The Regular Meeting adjourned at 8:47 PM.

ATTEST:

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Clerk of Council

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Mayor's Approval

Date Approved \_\_\_\_\_