

## MINUTES

### REGULAR MEETING OF COUNCIL

NOVEMBER 9, 2009

#### Call to Order

Mayor D'Epifanio called the Regular Meeting of Council to order at 7:00 p.m. at the Fairfield Municipal Building, 5350 Pleasant Avenue.

#### Prayer/Pledge of Allegiance

Councilmember Senger led in prayer, followed by the Pledge of Allegiance.

#### Roll Call

Clerk Johns called the roll of Council. Present members were none.

Councilmember Oler, seconded by Councilmember Judd moved to excuse Councilmember Rhodus. Motion Carried 6-0.

#### Agenda Modifications

No modifications were made to the agenda.

#### Executive Session Requests

Councilmember Judd, seconded by Councilmember Abbott moved to approve an executive session for pending and imminent litigation. Motion Carried 6-0.

Clerk Johns called the roll of Council. Present members were Councilmember Abbott, Councilmember Meyers, Councilmember Judd, Councilmember Snyder, Councilmember Senger, and Councilmember Oler.

#### Public Hearing(s)

The Joint Public Hearing of Fairfield City Council and the Planning Commission was opened at 7:05 PM. Clerk Johns called the roll of the Planning Commission. Present members were Jerry Dailey, Deborah Rhees, Scott Lepsky, Don Hassler, and Terry Senger. Commissioner Senger, seconded by Commissioner Dailey, moved to excuse commissioners Dan Murray and Jeff Holtegel. Clerk Johns called the roll of Planning Commission. Clerk Johns called the roll of Planning Commission. Motion carried 5-0. Clerk Johns read the public hearing notice published in the Journal News on Wednesday, October 28, 2009. Planning Manager Erin Donovan gave a brief overview of the comprehensive plan. She explained the first Comprehensive plan was adopted in 1966 and updated in 1979 and 1985. Ms. Donovan briefly explained in the subsequent years the land use and the thoroughfare portions of the plan and we have created those as stand alone documents. She commented that it has been twenty five years since a major update was completed for the Comprehensive Plan. Ms. Donovan stated the conditions and trends have changed dramatically as a result of development and a major overhaul was required to make the plan relevant to today's environment. Ms. Donovan discussed the timeline for the updates to the Comprehensive Plan. She commented the plan will be reviewed at the Planning Commission meeting on Wednesday, November 11, 2009. Ms. Donovan explained that a Comprehensive Plan is an officially adopted planning document that establishes policy aimed at guiding growth and development of the city over the next 20 years. She further explained it is a tool used by Council, by Planning Commission and by City Staff in making decisions that affect the future of the City and it is general in nature. She further explained the principal functions are that it is a statement of goals, objectives and a vision for the City. She stated it serves as a guide to the public and private decision making. She further stated it is used to guide the location,

development and maintenance of the many facilities and services provided by the city and it is an educational tool. Ms. Donovan explained the reasons a Comprehensive Plan is necessary because it affects the lives of citizens, it adds form to the city and it can stimulate or slow the development of private property. She further commented the long range plan outlines the general policies which will allow for the development of the city in a coordinated and unified manner. Ms. Donovan stated the Comprehensive Plan is necessary to plan for the future needs of the community and it is stated in the Charter as one of the duties of the planning Commission. Ms. Donovan explained the components of the Comprehensive Plan including the chapters and format. She discussed implementation including rezonings, development plan review and for capital improvement projects. Councilmember Senger thanked staff for their hard work with this plan. Councilmember Meyers thanked Parks Board as well as the entire Economic Development group for the sustainability piece which is a new chapter. The Public Hearing closed at 7:18 PM.

#### Special Presentations and Citizen Comments

City Manager Pizzano recognized Chris Schuster from the Parks and Recreation Department with a third quarter star award for his efforts in increasing energy efficiency at the Community Arts Center, which resulted in energy cost savings for the City.

City Manager Pizzano recognized Kendra Garrett from the Public Works Department with a third quarter star award. Mr. Pizzano noted that Kendra was nominated by forty employees at the Public Works Department for her thirty years of service. He discussed Kendra's high level of record keeping during the windstorm in September 2008, which resulted in a reimbursement for the City from FEMA.

#### Mayor/Council Reports

Mayor D'Epifanio read a letter from a Fairfield resident regarding his positive experience at the Fairfield Greens Golf Course during a recent golf outing.

Councilmember Meyers discussed Golf Course revenues, which are up about 5% from the period of September through year-to-date, while the expenses are down 3%. Councilmember Meyers thanked the employees.

Councilmember Abbott stated our bond rating was reaffirmed which continues our ability to borrow money at a very attractive interest rate, retire some debt and continue to save the City money.

Councilmember Oler announced the Police Department went active on the new Butler County regional radio system on Thursday, November 5 and the Fire Department went live today. He further commented the system is working well so far with no problems. He explained the system was provided through the temporary sales tax and will be maintained through a portion of that tax. Councilmember Oler thanked the Butler County Commissioners and the Sheriff for the significant advancement in public safety and communication capability.

Councilmember Snyder recognized the Fairfield Community Foundation's tenth anniversary and briefly discussed the history of the foundation.

#### Approval of Minutes

The Regular Meeting minutes of October 26, 2009 were approved as written.

### **OLD BUSINESS**

#### **DEVELOPMENT SERVICES COMMITTEE**

Ordinance to authorize the City Manager to execute a Patterson Drive Redevelopment Easement Agreement with Neyer Properties Acquisitions Ltd. And Fair Plaza Center LLC.

Councilmember Senger deferred third reading of this ordinance.

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 concept plan for the Creekside Manor Planned Unit Development.

Councilmember Meyers stated his reasons for recusing himself from the discussions and the vote for this issue. He recused himself from the meeting at 7:34 p.m. Councilmember Senger presented the second reading of this ordinance. Councilmember Meyers returned to the meeting at 7:36 p.m. Councilmember Meyers again left the meeting prior to citizen discussion beginning again. Larry Tischler, 1809 Gloucester Drive, commended Council and the City of Fairfield methodology used and the fairness of the process. He commented Planning Commission did a good job pulling emotion out of the issue and a thorough job in the presentation of the facts. He asked that the City Council pay heed to the due diligence that was done of those members of the Planning Commission who they empowered to make these types of recommendations. Gail Budkie, 5656 Kingsbury Road, thanked Development Services Director Tim Bachman and Planning Manager Erin Donovan. Ms. Budkie presented petitions to Council with 263 signatures. Shawn Keith, 5592 Kingsbury Road, commented the primary fears are decrease in property value and an increase in traffic. He encouraged the possibility of ensuring that we have thought through all the potential ways that we could minimize the risk of decreasing the property values and increasing the traffic. Mr. Keith stated his concern with traffic cutting through Kingsbury. He further questioned whether the demand for the homes could be ascertained. Public Hearing adjourned and Councilmember Meyers returned to the meeting at 7:45 PM.

Ordinance to adopt the 20 Year Comprehensive Plan of the City of Fairfield, Ohio dated October, 2009 and include it as a part of the official comprehensive plan of the City of Fairfield, Ohio pursuant to §8.01(C)(2) of the Fairfield City Charter.

Councilmember Senger deferred the second reading of this Ordinance pending Planning Commission's recommendation.

### **NEW BUSINESS**

#### **PUBLIC SAFETY COMMITTEE**

Liquor Permit: Motion requesting that no hearing be held on the liquor permit application in the name of Lehigh Gas Ohio LLC DBA BP AM PM, 5575 Dixie Highway, Fairfield, OH 45014 (Permit Class: C1, C2 and D6).

Councilmember Oler , seconded by Councilmember Meyers moved to request that no hearing be held on the liquor permit application in the name of Lehigh Gas Ohio LLC DBA BP AM PM, 5575 Dixie Highway, Fairfield, OH 45014 (Permit Class: C1, C2 and D6). Motion Carried 6-0.

#### **PUBLIC WORKS COMMITTEE**

Ordinance authorizing the City Manager to enter into an agreement with the Ohio Department of Public Safety's Traffic Safety Office for three traffic safety studies on North and South Route 4 and at Nilles/Winton Intersection.

Background: City Manager Pizzano recommended an agreement with the Ohio Department of Public Safety for three traffic safety studies at the Winton-Nilles Intersection and South Route 4. He explained it is a grant that is 100% reimbursable to the city and will allow us to study three areas before we commit to improvements. He further explained the first area is North Route 4 at Holden/South Gilmore to Symmes, the Winton-Nilles intersection and South Route 4 from Lighthouse to Woodridge. Legislative Action: Councilmember Judd, seconded by Councilmember Snyder moved to read the ordinance by title only.

Motion Carried 6-0. Councilmember Judd presented the first reading of the ordinance. Ordinance approved for first reading only.

### **PUBLIC UTILITIES COMMITTEE**

Ordinance to authorize the City Manager to enter into a contract with DeBra-Kuempel for the Muskopf Pump Station Improvement Project.

Background: City Manager Pizzano recommended a contract with De Bra-Kuempel for the Muskopf Road Pump Station Improvement Project. He explained an emergency backup generator will be installed. He further explained this particular location is responsible for about 40% of our entire service area and includes Mercy Hospital. Legislative Action: Councilmember Meyers, seconded by Councilmember Abbott moved to read the ordinance by title only. Motion Carried 6-0. Councilmember Meyers presented the first reading of this ordinance. Councilmember Meyers, seconded by Councilmember Abbott moved to suspend the rules requiring three readings of the ordinance. Motion Carried 6-0. Councilmember Meyers, seconded by Councilmember Snyder moved to Adopt. Motion Carried 6-0. Ordinance 133-09 ADOPTED 6-0.

### **FINANCE & BUDGET COMMITTEE**

Councilmember Abbott, seconded by Councilmember Meyers moved to read the following two (2) ordinances by title only. Motion Carried 6-0.

Appropriation Ordinance (Contractual Items) - \$150,000 for the Muskopf Pump Station Improvement Project.

Background: City Manager Pizzano explained the following contractual appropriation: \$150,000 for the Muskopf Pump Station Improvement Project. Legislative Action: Councilmember Abbott presented the first reading of the ordinance. Councilmember Abbott, seconded by Councilmember Senger moved to suspend the rules requiring three readings of the ordinance. Motion Carried 6-0. Councilmember Abbott, seconded by Councilmember Meyers moved to Adopt. Motion Carried 6-0. Ordinance 134-09 adopted 6-0.

Appropriation Ordinance (Non-Contractual Items) - \$6,500 replacement of doors and windows at the Water Treatment Plant facility; \$5,500 flow monitoring equipment for use in the Wastewater Division; \$12,700 replacement of handheld meter reading equipment for use by the Water Division; and \$16,523 for purchase and installation of 4-lamp high output fluorescent fixtures and installation of motion sensors in the truck barn.

Background: City Manager Pizzano recommended the following non-contractual appropriations: \$6,500 replacement of doors and windows at the Water Treatment Plant facility; \$5,500 flow monitoring equipment for use in the Wastewater Division; \$12,700 replacement of handheld meter reading equipment for use by the Water Division; and \$16,523 for purchase and installation of 4-lamp high output fluorescent fixtures and installation of motion sensors in the truck barn. Legislative Action: Councilmember Abbott presented the first reading of the ordinance. Councilmember Abbott, seconded by Councilmember Meyers moved to suspend the rules requiring three readings of the ordinance. Motion Carried 6-0. Councilmember Abbott, seconded by Councilmember Senger moved to Adopt. Motion Carried 6-0. Ordinance 135-09 adopted 6-0.

### Meeting Schedule

Clerk Johns read the following meeting notices:

Monday, November 23 Council-Manager Briefing, 5 p.m.; Regular Meeting, 7 p.m.

Monday, December 7 Council-Manager Briefing, 5 p.m.; Regular Meeting, 7 p.m.

Executive Session of Council (if needed)

Council recessed to Executive Session to discuss pending and imminent litigation at 7:54 p.m.

Adjournment

The Regular Meeting adjourned at 8:30 p.m.

ATTEST:

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Clerk of Council

\_\_\_\_\_  
Mayor's Approval

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