

## MINUTES

### REGULAR MEETING OF COUNCIL

JULY 13, 2009

#### Call to Order

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

#### Roll Call

Clerk Morsch called the roll of Council. Present members were Councilmember Snyder, Councilmember Oler, Councilmember Senger, Councilmember Rhodus, Councilmember Meyers and Councilmember Judd. Councilmember Meyers, seconded by Councilmember Oler, moved to excuse Councilmember Abbott. Motion Carried 6-0.

#### Prayer & Pledge

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

#### Agenda Addition

Councilmember Oler, seconded by Councilmember Meyers, moved to add a resolution withdrawing the City of Fairfield's previous objections to the renewal and transfer of the Cardis Entertainment, LLC Liquor Permit. Law Director John Clemmons discussed reasons for the withdrawal of the objection due to new ownership. Motion Carried 6-0.

#### Executive Session

Councilmember Senger, seconded by Councilmember Judd, moved for an executive session to discuss employment and compensation of personnel. A roll call vote was taken by the clerk. The executive session was approved by a 6-0 vote.

#### Special Presentations

Mayor D'Epifanio presented a proclamation to Staff Sergeant Seth Barrett for eight years of Service in the United States Army.

Mayor D'Epifanio presented a proclamation to Dr. Sam Arnold for his service in the United States Army and his continued support of United States Veterans. Dr. Arnold briefly explained his newest project the Vet Express which will bring much needed care to veterans.

Police Chief Mike Dickey introduced Officer Aaron Meyer and welcomed him to the City of Fairfield. Vice Mayor Mike Oler conducted the swearing in ceremony for Police Officer Aaron Meyer.

Laurie Petrie, Communications Director for The Council on Aging of Southwest Ohio presented their 2008 annual report to Mayor and City Council and discussed the need for the Butler County Elderly Services Program. Christa Rierdan, Care Manager for Lifespan, briefly discussed the services of the organization. Ms. Petrie, briefly discussed cuts that may be coming to the Passport Program depending on the state budget. She also discussed the need to consider senior and disabled individuals in emergency planning.

#### Public Hearing

Finance Director Mary Hopton discussed the tax budget for 2010. She stated with the state of the economy the estimated revenues have been projected to decline next year.

#### Citizen Comments

Ray McDaniel, 249 Palm Springs Drive, discussed battery operated cars coming out in 2010 and 2011.

Peg Collins, 5299 Dee Alva Drive, congratulated Council on the new Council Chambers. She discussed her frustrations with FEMA regarding Pleasant Run Creek.

Jeff Feiler, 4828 McGreevy Drive, discussed problems he has noticed and experienced with the waterline replacement in the Hicks Manor area. He mentioned the damage to yards, lack of seeding, cracked apron, and lack of notice to residents. Councilmember Oler commented that the City will continue to monitor the situation through the company and asked Public Works Director Dave Butsch and Public Utilities Director Dave Crouch to look into Mr. Feiler's concerns. Councilmember Rhodus asked that residents remain patient and noted that some of the work being done is temporary and further work will be done before the project is complete.

#### Mayor/Council Reports

Mayor D'Epifanio introduced Jeff Galloway, who has been hired as the new Emergency Management Agency Director and is scheduled to begin on August 3, 2009.

Councilmember Meyers commented on the Summer Music Games that took place on Monday, July 6<sup>th</sup>. He thanked Bruce Brown and others for their efforts in organizing this great event.

Councilmember Oler reported on the Respect for Law Camp that took place recently for youths 12-14 years old and thanked individuals involved with this worthwhile event.

Councilmember Rhodus commented on City staff's quick response to the last minute changes in parking for the Summer Music Games. He further commented on how well everyone worked together to coordinate these changes.

Councilmember Snyder recognized John Brunner for recently receiving the Sterling Citizenship award at the Fairfield Rotary's changing of the guard event on June 26<sup>th</sup>. He further congratulated Jennifer Muench-McElfresh, who represents the state on the staff of the Butler County prosecuting office.

Councilmember Judd stated the resurfacing program is progressing nicely. He commented work in Rolling Hills with a targeted completion at the end of the week.

Mayor D'Epifanio congratulated Assistant City Manager Dennis Stuckey on the Council Chambers remodeling project. Mr. Stuckey commented on the involvement by Public Works Director Dave Butsch in overseeing the construction as well. Mr. Stuckey stated there will be more improvements as we go into future meetings. He noted by the next meeting in August, appropriate equipment from Tim Warner Cable will be in place to broadcast live. He noted tonight's meeting is being recorded and will be played back on the Time Warner channel.

#### Approval of Minutes

The minutes from the Regular Meeting of June 8, 2009 were approved as written.

### **OLD BUSINESS**

#### **DEVELOPMENT SERVICES COMMITTEE**

Cricket Communications Antenna: Legislative Action: Councilmember Senger presented the third reading of an ordinance to authorize the City Manager to sign an option and lease agreement with Cricket Communications for an antenna on the Winton Road Water Tower. Councilmember Senger, seconded by Councilmember Meyers, moved for adoption. **ORDINANCE NO. 95-09 ADOPTED 6-0.**

Equipment Installation at T-Mobile Tower: Legislative Action: Councilmember Senger presented the second reading of an ordinance to authorize the City Manager to sign a co-location lease consent addendum for AT & T Mobility to install equipment at the T-mobile tower located in Harbin Park and declaring an emergency. Ordinance approved for second reading only.

**NEW BUSINESS**

**PUBLIC SAFETY COMMITTEE**

Reading's (2) by Title Only: Councilmember Oler, seconded by Councilmember Senger, moved to read the following two pieces of legislation by title only. Motion Carried 6-0.

Liquor Permit: Legislative Action: Councilmember Oler, seconded by Councilmember Meyers, moved that no hearing be held on the liquor permit application in the name of Kroger Limited Partnership I LP, DBA Kroger #930, 560 Wessel Drive (Liquor Agency Contract). Motion Carried 6-0.

Liquor Permit: Legislative Action: Councilmember Oler, seconded by Councilmember Meyers, moved that no hearing be held on the liquor permit application in the name of Convenience Management Services, Inc., DBA BP 3712, 5575 Dixie Highway (Permit Class: C1, C2, D6). Motion Carried 6-0.

Inter-Local Agreement for JAG Awards: Background: City Manager Pizzano recommended an agreement with Butler County for the distribution of Justice Assistance Grant funds. Legislative Action: Councilmember Oler presented the first reading of an ordinance to authorize the City Manager to enter into an inter-local agreement with Butler County and other agencies for the distribution of Justice Assistance Grant (JAG) funds and declaring an emergency. Councilmember Oler, seconded by Councilmember Snyder, moved to suspend the rules requiring three readings of the ordinance. Rules Suspended 6-0. Councilmember Oler, seconded by Councilmember Meyers, moved for adoption. ORDINANCE NO. 96-09 ADOPTED AS AN EMERGENCY 6-0.

Liquor Permit: Background: City Manager Pizzano recommended a release of objections for the renewal and transfer of Cardis Entertainment, LLC liquor permit. Legislative Action: Councilmember Oler presented the first reading of a resolution withdrawing the City of Fairfield's previous objections to the renewal and transfer of the Cardis Entertainment, LLC liquor permit. Councilmember Oler, seconded by Councilmember, Meyers, moved to suspend the rules requiring three readings of the resolution. Rules Suspended 6-0. Councilmember Rhodus, seconded by Councilmember Meyers, moved for adoption. RESOLUTION NO. 9-09 ADOPTED 6-0.

**PUBLIC UTILITIES COMMITTEE**

Councilmember Rhodus welcomed members of Boy Scout Troop 640.

Resor Road Pressure Reducing Station Replacement: Background: City Manager Pizzano recommended a contract with Trend Construction for the replacement of the Resor Road Pressure Reducing Station. Legislative Action: Councilmember Rhodus, seconded by Councilmember Meyers, moved to read the following ordinance by title only. Motion Carried 6-0. Councilmember Rhodus presented the first reading of an ordinance to authorize the City Manager to enter into a contract with Trend Construction for the replacement of the Resor Road Pressure Reducing Station. Councilmember Rhodus, seconded by Councilmember Oler, moved to suspend the rules requiring three readings of the ordinance. Rules Suspended 6-0. Councilmember Rhodus, seconded by Councilmember Meyers, moved for adoption. ORDINANCE NO. 97-09 ADOPTED 6-0.

**DEVELOPMENT SERVICES COMMITTEE**

Reading's (2) by Title Only: Councilmember Senger, seconded by Councilmember Meyers, moved to read the following two ordinances by title only. Motion Carried 6-0.

Fair Plaza Center Demolition and Retention Pond Plan: Background: City Manager Pizzano recommended a contract with CJ & L Construction, Inc. for the construction of the Fair Plaza Center Demolition and Retention Pond Plan. Legislative Action: Councilmember Senger presented the first reading of an ordinance to authorize the City Manager to enter into a contract with CJ&L Construction for the construction of the Fair Plaza Center Demolition and Retention Pond Plan. Councilmember Senger, seconded by Councilmember Judd, moved to suspend the rules requiring three readings of the ordinance. Rules Suspended 6-0. Councilmember Senger, seconded by Councilmember Meyers, moved for adoption. Councilmember Senger thanked Greg Kathman and the Development Services staff for all of their hard work. Councilmember Meyers expressed his appreciation to the staff for all their hard work in attempting to relocate businesses in

conjunction with this project. Ray McDaniel, 249 Palm Springs Drive, asked if Patterson Blvd. into Sandy Lane the way it used to be years ago. Mayor D'Epifanio commented that would be down the road because we would have to purchase part of Reigert Square and that would be cost prohibitive. ORDINANCE NO. 98-09 ADOPTED 6-0.

North Route 4 Landscaping Project Plan: Background: City Manager Pizzano recommended authorization for the execution of the Preliminary Participatory Legislation for the North Route 4 Landscaping Project Plan. He explained this is the landscaping north of Symmes Road in the right-of-way. He further explained it is to be funded by 80% by the State under a Transportation Enhancement Grant through OKI. Legislative Action: Councilmember Senger presented the first reading of an ordinance to execute the Preliminary Participatory Legislation for the North Route 4 Landscaping Project Plan. Ordinance approved for first reading only.

#### **PUBLIC WORKS COMMITTEE**

Reading's (3) by Title Only: Councilmember Judd, seconded by Councilmember Meyers, moved to read the following three pieces of legislation by title only. Motion Carried 6-0.

Declaration of vehicles/equipment as surplus: Background: City Manager Pizzano recommended the declaration of eleven city vehicles as surplus and authorizing staff to try a websale managed by Flexco Fleet Services. Legislative Action: Councilmember Judd presented the first reading of a resolution declaring eleven (11) city vehicles as surplus and authorizing the City Manager to sell them through Flexco Fleet Services and declaring an emergency. Councilmember Judd, seconded by Councilmember Snyder, moved to suspend the rules requiring three readings of the resolution. Rules Suspended 6-0. Councilmember Judd, seconded by Councilmember Snyder, moved for adoption. RESOLUTION NO. 10-09 ADOPTED AS AN EMERGENCY 6-0.

Bypass 4 Improvement Project: Background: City Manager Pizzano recommended authorization of a grant application with Ohio Public Works Commission (OPWC) for financial assistance for the Bypass 4 Improvement Project. Legislative Action: Councilmember Judd presented the first reading of an ordinance to authorize the City Manager to execute a grant application and agreement with Ohio Public Works Commission (OPWC) for financial assistance for the Bypass 4 Improvements Project and declaring an emergency. Councilmember Judd, seconded by Councilmember Snyder, moved to suspend the rules requiring three readings of the ordinance. Rules Suspended 6-0. Councilmember Judd, seconded by Councilmember Oler, moved for adoption. ORDINANCE NO. 99-09 ADOPTED AS AN EMERGENCY 6-0.

2009 Roadway Pavement Markings: Background: City Manager Pizzano recommended a one (1) year contract with Kneisel Contracting Corporation for the Roadway Pavement Markings. Legislative Action: Councilmember Judd presented the first reading of an ordinance to authorize the City Manager to enter into a one (1) year contract with Kneisel Contracting Corporation for the 2009 Application Roadway Pavement Markings Program. Councilmember Judd, seconded by Councilmember Snyder, moved to suspend the rules requiring three readings of the ordinance. Rules Suspended 6-0. Councilmember Judd, seconded by Councilmember Snyder, moved for adoption. ORDINANCE NO. 100-09 ADOPTED 6-0.

#### **FINANCE & BUDGET COMMITTEE**

Reading's (5) by Title Only: Councilmember Senger, seconded by Councilmember Meyers, moved to read the following five pieces of legislation by title only. Motion Carried 6-0.

Revised Organizational Chart: Background: City Manager Pizzano recommended the adoption of an updated organizational chart of the City of Fairfield, Ohio. Legislative Action: Councilmember Senger presented the first reading of an ordinance adopting an updated organizational chart of the City of Fairfield, Ohio. Ordinance approved for first reading only.

Adoption of the Tax Budget: Background: City Manager Pizzano recommended the adoption of the tax budget for the fiscal year beginning January 1, 2010. Legislative Action: Councilmember Senger presented the first reading of a resolution adopting the tax budget of the City of Fairfield, Ohio for the fiscal year beginning January 1, 2010 and submitting the same to the butler County Auditor and declaring an emergency. Councilmember Senger, seconded by Councilmember Meyers, moved to suspend the rules requiring three readings of the Resolution. Rules Suspended 6-0. Councilmember Senger, seconded by Councilmember Meyers, moved for adoption. RESOLUTION NO. 11-09 ADOPTED 6-0.

2009 Budget Amendment (Contractual Item): Legislative Action - Councilmember Senger presented the first reading of an ordinance to amend Ordinance No. 161-08 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, 2009, and ending December 31, 2009." City Manager Pizzano explained the following contractual appropriations: \$108,500 for replacement of Resor Road Pressure Reducing Station; \$665,125 for construction of Fair Plaza Center Demolition and Retention Pond Plan; \$90,000 for 2009 Roadway Pavement Markings. Councilmember Senger, seconded by Councilmember Oler, moved to suspend the rules requiring three readings of the ordinance. Rules Suspended 6-0. Councilmember Senger, seconded by Councilmember Oler, moved for adoption. ORDINANCE NO. 101-09 ADOPTED 6-0.

2009 Budget Amendments (Non-Contractual Items): Legislative Action - Councilmember Senger presented the first reading of an ordinance to amend Ordinance No. 161-08 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, 2009, and ending December 31, 2009." City Manager Pizzano explained the following non-contractual appropriations: \$13,000 painting of biosolids storage building at the Wastewater Treatment Plant; \$15,000 for re-roofing the Filter Building at the Wastewater Treatment Plant; \$17,100 construction of the Memorial Park Walkway; \$8,800 energy efficiency upgrades at the Fairfield Community Arts Center; \$57,910 for subgrade repair for Seward Road Widening; \$67,080 for Central Traffic System Addition with ODOT; \$24,500 for computer network switch replacement; \$8,000 external storage for email server; and \$20,200 for 911 mapping software/Police Department. Councilmember Senger, seconded by Councilmember Meyers, moved to suspend the rules requiring three readings of the ordinance. Rules Suspended 6-0. Councilmember Senger, seconded by Councilmember Meyers, moved for adoption. Councilmember Meyers clarified that LED technology will be used by the City in the traffic lights. ORDINANCE NO. 102-09 ADOPTED 6-0.

2009 Budget Amendments (Contractual Items): Legislative Action - Councilmember Senger presented the first reading of an ordinance to amend Ordinance No. 161-08 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, 2009, and ending December 31, 2009." City Manager Pizzano explained the following contractual appropriation: \$250,000 to reconcile accounts for the Income Tax fund. Councilmember Senger, seconded by Councilmember Meyers, moved to suspend the rules requiring three readings of the ordinance. Rules Suspended 6-0. Councilmember Senger, seconded by Councilmember Meyers, moved for adoption. ORDINANCE NO. 103-09 ADOPTED 6-0.

#### Meeting Notices

Monday, August 10      Regular Meeting, 7:00 p.m.  
Saturday, August 29      Special Meeting, 8:30 a.m., Public Works Facility, 8870 N. Gilmore Road

#### Executive Session

Council recessed to executive session at 8:20 p.m. to discuss employment and compensation of personnel.

#### Regular Meeting Reconvenes

The Regular Meeting reconvened at 8:52 p.m. No announcements were made as a result of the executive session of Council.

#### Adjournment

The Regular Meeting adjourned at 8:52 p.m.

ATTEST:

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Clerk of Council

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

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