

## MINUTES

### REGULAR MEETING OF COUNCIL

AUGUST 9, 2010

#### Call to Order

Vice Mayor Terrence Senger called the Regular Meeting to order at 7:00 PM.

#### Prayer/Pledge of Allegiance

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

#### Roll Call

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

#### Agenda Modifications

No modifications were made to the Agenda.

#### Executive Session Requests

No requests were made for Executive Session.

#### Public Hearing(s)

No Public Hearings were scheduled.

#### Special Presentations and Citizen Comments

Ray McDaniels, 249 Palm Springs Drive suggested Tim Bachman be voted in for the West Chester JEDD Committee.

Ray McDaniels, 249 Palm Springs Drive, informed everyone of the 4th Annual Clarence A. Phalen Memorial Golf Scramble on September 12th for scholarships to the graduating Fairfield high school seniors through the Fairfield Community Foundation.

#### Mayor/Council Reports

Councilmember Snyder commented on the event "Play me I'm yours", in which pianos are located at 35 locations in the metropolitan area to let people play. He commented a piano is outside of Jungle Jim's and the event runs through September.

Councilmember Rhodus encouraged residents to watch the Economic and Development Services presentation from earlier this evening when it is aired on TV Fairfield.

Councilmember Meyers invited everyone to attend Touch a Truck in Village Green this Friday, August 13th and Sunbonnet Days on August 13 and 14th. Councilmember Meyers commented on the percentages for recycling which fell 141 metric tons; he commented Oxford dropped as well. Councilmember Meyers encouraged all residents to recycle and reminded everyone that red bins as well as the larger bins are available for purchase through Rumpke. Councilmember Meyers further commented on the 18,000 letters that were sent to residents from the electric endorsement program, over 17% of the recipients have decided to participate in the program. He commented this equates to \$750,000 per year savings for residents. He suggested placing a water feature or fountain in the green area for the jug handle intersection that will be created with the Bypass 4 widening project. Councilmember Oler offered his support of looking into beautifying this area with a fountain and tree line. Public Works Director Dave Butsch discussed the possibility of looking into a grant for landscaping once the project is completed. Mr. Butsch explained it is in limited access and how much control the state will have on a feature we can put in is unknown. Councilmember Judd offered positive comments for this idea. Councilmember Snyder suggested having a natural water feature.

Vice Mayor Senger commented the utility bill will get a new look at the end of August which will include a graph showing customer usage for the last twelve months as well as the current month. Vice Mayor Senger further commented Mayor D'Epifanio is attending a funeral for a friend this evening and could not be here tonight.

Councilmember Snyder commented on the Sacred Heart Festival this weekend.

Councilmember Meyers thanked Fairfield Echo/Journal News reporter Mike Pitman for the great job as he moves on to cover Butler County.

#### Approval of Minutes

- Regular Meeting of July 13, 2010

The minutes of the Regular Meeting of July 13, 2010 were approved as written.

### **OLD BUSINESS**

#### **PUBLIC WORKS COMMITTEE**

**Marty Judd, Chairman; Mike Oler, Vice Chairman; Tim Abbott, Member**

Ordinance to authorize the City Manager to enter into a contract with Queen City Mechanicals, Inc. to replace the existing sanitary sewer lateral at the City's Municipal Building.

Councilmember Judd presented the first reading of this Ordinance. Councilmember Judd, seconded by Councilmember Rhodus moved to Suspend the rules requiring three (3) readings of this Ordinance. Motion Carried 6-0. Councilmember Judd, seconded by Councilmember Rhodus moved to Adopt. Motion Carried 6-0. ORDINANCE NO. 71-10 adopted 6-0.

#### **COMMUNITY AND PUBLIC RELATIONS COMMITTEE**

**Mike Snyder, Chairman; Tim Abbott, Vice Chairman; Terry Senger, Member**

Ordinance providing for the submission to the Electors of the City of Fairfield, Ohio of a proposed amendment to the Charter of said City at a Special Election to be held and conducted on Tuesday, November 2, 2010 to amend subsection 8.04(B)(10) of the Charter.

Councilmember Snyder presented the second reading of this ordinance. Law Director Clemmons stated in order to be put on the ballot for November, the Ordinances have to be received in the office of the Board of Elections sixty days prior and since there are no other meetings in August, the rules will need to be suspended. Councilmember Snyder, seconded by Councilmember Meyers moved to Suspend the rules requiring three (3) readings of this Ordinance. Motion Carried 6-0. Law Director Clemmons explained Council is approving these to be considered by the voters. Councilmember Meyers explained Charter Review consisted of a resident chosen by each Councilmember. Law Director Clemmons explained that Charter Review members are reappointed every two years. Mr. Clemmons explained this Ordinance relates to which positions are in the classified service. He further explained that the Mayor's secretarial usage has come through the Clerk's office, so this position will be removed and the positions of the secretary to the Director of Public Utilities and Public Works will be added. He further explained those individuals often times are members of the bargaining team and they need confidentiality within their secretarial staff in order to be able to accomplish their mission. Councilmember Snyder, seconded by Councilmember Judd moved to Adopt. Motion Carried 6-0. ORDINANCE NO. 72-10 ADOPTED 6-0.

Ordinance providing for the submission to the Electors of the City of Fairfield, Ohio of a proposed amendment to the Charter of said City at a Special Election to be held and conducted on Tuesday, November 2, 2010 to clarify the limitation on election to consecutive terms as the Mayor or member of Council.

Law Director Clemmons explained the limit on terms in the Charter has always spoken to how many times you can be elected and when it changed from two year terms to four year terms there were a few discrepancies created. He further explained people have the idea that it is basically an eight year limitation and it is, but there are also ways to create confusion by switching from one office to another during one or both of your terms, which one could argue that avoids the eight year limitation that everyone believes and the Charter Review Commission believe was supposed to be in place. Mr. Clemmons explained it is to address the very unusual situations that can occur. He explained Charter Review Commission felt that appointments should not upset that rule of two

consecutive elections. He commented there is no one among the sitting members of Council that could be affected by that result. Keith Davis, 1853 Vernon Place, questioned if anybody holds this office, can they only hold two terms total for life or just two consecutive terms. Mr. Clemmons explained it is only more than two consecutive terms that are prohibited, so if someone sits out their period of time they are free to run again. He further explained an appointment for Mayor has to be a member of City Council, unless everyone on City Council refuses it, then an elector of the City can be appointed. He further explained if a person is appointed to fill a vacant term, that person would be entitled to two more full terms. Councilmember Snyder commented even though the wording states it is a "Special Election", it is the regularly scheduled election. Mr. Clemmons explained it is only special in the fact that it is not a regular municipal election; it is a regular election with minimal cost to the city. Councilmember Snyder, seconded by Councilmember Meyers moved to Suspend the rules requiring three (3) readings of this Ordinance. Motion Carried 6-0. Councilmember Snyder, seconded by Councilmember Meyers moved to Adopt. Motion Carried 6-0. ORDINANCE NO. 73-10 ADOPTED 6-0.

### **NEW BUSINESS**

#### **PUBLIC SAFETY COMMITTEE**

**Mike Oler, Chairman; Marty Judd, Vice Chairman; Mitch Rhodus, Member**

Simple Motion: Motion requesting that no hearing be held on the liquor permit application in the name of Patricia S Kellums, DBA Jaz & Jax Bar & Grill, 4623 Dixie Highway, Fairfield, Ohio 45014 (Permit Class: D1, D2, D3, D3A and D6).

Councilmember Oler , seconded by Councilmember Meyers moved to that no hearing be held on the liquor permit application in the name of Patricia S Kellums, DBA Jaz & Jax Bar & Grill, 4623 Dixie Highway, Fairfield, Ohio 45014 (Permit Class: D1, D2, D3, D3A and D6). Motion Carried 6-0. SIMPLE MOTION NO. 12-10 approved 6-0.

#### **PUBLIC WORKS COMMITTEE**

**Marty Judd, Chairman; Mike Oler, Vice Chairman; Tim Abbott, Member**

Councilmember Judd, seconded by Councilmember Oler moved to Read the following four (4) ordinances by title only. Motion Carried 6-0.

Ordinance to authorize the City Manager to modify the existing contract with Burgess and Niple to complete the engineering for the Exit 39 South Gilmore/ Winton Corridor Project and declaring an emergency.

Background: City Manager Pizzano recommended a modification to the ongoing contract with Burgess and Niple for the engineering at the South Gilmore/Winton Road Project. He reminded Council that it was one of eight projects in the entire state designated as an Ohio Department of Transportation Fastrack status project. He further explained there is an October 25th deadline to complete the final plans for this project and it is important to complete the engineering as soon as possible to meet that deadline. Legislative Action: Councilmember Judd presented the first reading of this ordinance. Councilmember Judd, seconded by Councilmember Oler moved to Suspend the rules requiring three (3) readings of this ordinance. Motion Carried 6-0. Councilmember Judd, seconded by Councilmember Oler moved to Adopt. Motion Carried 6-0. ORDINANCE NO. 74-10 ADOPTED 6-0.

Ordinance to authorize the City Manager to enter into a three (3) year contract with Thelen & Associates, Inc. for geotechnical testing services.

Background: City Manager Pizzano recommended a three year contract with Thelen & Associates for geotechnical testing services. Legislative Action: Councilmember Judd presented the second reading of this ordinance. Councilmember Judd, seconded by Councilmember Meyers moved to Suspend the rules requiring three (3) readings of this ordinance. Motion Carried 6-0. Councilmember Judd, seconded by Councilmember Meyers moved to Adopt. Motion Carried 6-0. ORDINANCE NO. 75-10 ADOPTED 6-0.

Ordinance to authorize the City Manager to execute and file the application for financial assistance, and enter into an agreement with Ohio Public Works Commission (OPWC) for a grant to fund a portion of the I-275 Winton/S. Gilmore Road Project and declaring an emergency.

Background: City Manager Pizzano recommended an application for financial assistance with the Ohio Public Works Commission to fund a portion of the I-275 Winton/Gilmore Project for supplemental funding in the amount of about \$750,000 over and above the other funding that Council has previously authorized for that project. Legislative Action: Councilmember Judd presented the second reading of this ordinance. Councilmember Judd, seconded by Councilmember Meyers moved to Suspend the rules requiring three (3)

readings of this ordinance. Motion Carried 6-0. Councilmember Judd, seconded by Councilmember Rhodus moved to Adopt. Motion Carried 6-0. ORDINANCE NO. 76-10 ADOPTED 6-0.

Ordinance to authorize the City Manager to enter into a contract with Cargill, Inc. for the purchase of road salt.

Background: City Manager Pizzano recommended a contract with Cargill for the purchase of road salt purchased in a cooperative venture with the Butler County Engineer's Office. Legislative Action: Councilmember Judd presented the second reading of this ordinance. Councilmember Judd, seconded by Councilmember Oler moved to Suspend the rules requiring three (3) readings of this ordinance. Motion Carried 6-0. Councilmember Judd, seconded by Councilmember Meyers moved to Adopt. Motion Carried 6-0. ORDINANCE NO. 77-10 ADOPTED 6-0.

#### **DEVELOPMENT SERVICES COMMITTEE**

**Mitch Rhodus, Chairman; Mike Snyder, Vice Chairman; Tim Abbott, Member**

Councilmember Rhodus, seconded by Councilmember Judd moved to Read the following three (3) ordinances by title only. Motion Carried 6-0.

Simple Motion appointing the Development Services Director as the Fairfield board member to the West Chester Township JEDD-1 Board of Directors.

Councilmember Rhodus, seconded by Councilmember Oler moved to appoint the Development Services Director as the Fairfield board member to the West Chester Township JEDD-1 Board of Directors. Motion Carried 6-0. SIMPLE MOTION NO. 13-10 APPROVED 6-0.

Ordinance to authorize the City Manager to enter into a contract with Barry Brown Paving, LLC. for the Patterson Drive Streetscape Improvements Project and declaring an emergency.

Background: City Manager Pizzano recommended a contract with Barry Brown Paving for the Patterson Drive Streetscape Improvements Project. He commented Barry Brown was the lowest and best bidder. Legislative Action: Councilmember Rhodus presented the first reading of this ordinance. Councilmember Rhodus, seconded by Councilmember Meyers moved to Suspend the rules requiring three (3) readings of this ordinance. Motion Carried 6-0. Councilmember Rhodus, seconded by Councilmember Meyers moved to Adopt. Motion Carried 6-0. ORDINANCE NO. 78-10 ADOPTED 6-0.

Ordinance to authorize the City Manager to enter into a Community Reinvestment Area Agreement with Keystone Foods LLC, DCT Port Union, LLC and the Fairfield City School District and declaring an emergency.

Background: City Manager Pizzano recommended a Community Reinvestment Area Agreement with Keystone Foods and the Fairfield City School District. He explained that annual income tax revenues are anticipated to be approximately \$70,000 and some of that will go back to the schools, we will be waiving some of the building fees in return as an inducement to this company we are looking at approximately ten million dollar payroll and 239 jobs. Phillip Hurek a representative from Ernst and Young, who assists Keystone Foods with their tax, thanked Development Services Director Tim Bachman and Economic Manager Greg Kathman for their help with Project Phoenix now known as Keystone Foods. He discussed Keystone will be approximately 239 jobs, 11.8 million dollars in capital investment, and they are considering a lease of a 200-250,000 square foot facility. He explained the lease is in final negotiations. He thanked all for the opportunity. Legislative Action: Councilmember Rhodus presented the first reading of this ordinance. Councilmember Rhodus, seconded by Councilmember Snyder moved to Suspend the rules requiring three (3) readings of this ordinance. Motion Carried 6-0. Councilmember Rhodus, seconded by Councilmember Meyers moved to Adopt. Motion Carried 6-0. ORDINANCE NO. 79-10 ADOPTED 6-0.

Ordinance to authorize the Building Superintendent to waive permit fees related to a building renovation project for the Keystone Foods, LLC Project on Port Union Road and declaring an emergency.

Background: City Manager Pizzano recommended an ordinance to waive the permit fees. Legislative Action: Councilmember Rhodus presented the first reading of this ordinance. Councilmember Rhodus, seconded by Councilmember Judd moved to Suspend the rules requiring three (3) readings of this ordinance. Motion Carried 6-0. Councilmember Rhodus, seconded by Councilmember Meyers moved to Adopt. Motion Carried 6-0. ORDINANCE NO. 80-10 ADOPTED 6-0.

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

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

Councilmember Senger, seconded by Councilmember Meyers moved to Read the following five (5) ordinances by title only. Motion Carried 6-0.

An Ordinance determining to adjust special assessments levied for the purpose of constructing certain improvements and declaring an emergency.

Background: City Manager Pizzano recommended an ordinance to adjust the special assessment levy for certain construction improvements. He explained the issue is Cincinnati Mills Mall where Council authorized special assessments as a part of a tax increment financing that was set up several years ago. He further explained due to the nature of the way the assessments have come in this past year there is a requirement that we adjust those assessments accordingly. Legislative Action: Councilmember Senger presented the first reading of this ordinance. Councilmember Senger, seconded by Councilmember Meyers moved to Suspend the rules requiring three (3) readings of the ordinance. Motion Carried 6-0. Councilmember Senger, seconded by Councilmember Meyers moved to Adopt. Motion Carried 6-0. ORDINANCE NO. 81-10 ADOPTED 6-0.

An Ordinance providing for the issuance of \$1,700,000 of Wastewater System Improvement Bond Anticipation Notes, Series 2002, Eighth (2010) renewal, by the City of Fairfield, Ohio, in anticipation of the issuance of bonds of the City, and declaring an emergency.

Background: City Manager Pizzano recommended the issuance of \$1,700,000 of Wastewater System Improvement Bond Anticipation Notes better known as BANs. He explained these are renewals being issued in anticipation of the issuance of actual bonds down the road. Legislative Action: Councilmember Senger presented the first reading of this ordinance. Councilmember Senger, seconded by Councilmember Meyers moved to Suspend the rules requiring three (3) readings of the ordinance. Motion Carried 6-0. Councilmember Senger, seconded by Councilmember Rhodus moved to Adopt. Motion Carried 6-0. ORDINANCE NO. 82-10 ADOPTED 6-0.

Appropriation Ordinance (Reconcile Various Accounts).

Background: City Manager Pizzano recommended an appropriation ordinance to reconcile a series of accounts as listed. Legislative Action: Councilmember Senger presented the first reading of this ordinance. Councilmember Senger, seconded by Councilmember Meyers moved to Suspend the rules requiring three (3) readings of the ordinance. Motion Carried 6-0. Councilmember Senger, seconded by Councilmember Oler moved to Adopt. Motion Carried 6-0. ORDINANCE NO. 83-10 ADOPTED 6-0.

Appropriation Ordinance (Non-contractual Items) - \$ 24,600 for work related to painting the lime Storage Silos at the Water Treatment Plant; and \$30,000 for utility billing office reconfiguration project; \$6,000 safety equipment to monitor gas levels in the distribution system; \$5,100 for purchase of flow monitoring equipment for use in the Wastewater Division; \$52,200 change order for installation of a waterline to the ByPass 4 Widening Project; and \$10,700 signage services for Patterson Drive Streetscape Improvement Project; and \$16,400 on-going repair/rehabilitation to old or damaged sewer lines in the City's collection system.

Background: City Manager Pizzano recommended the following non-contractual items: \$24,600 for painting of the lime storage silo at the Water Treatment Plant; \$30,000 for utility billing office reconfiguration, which will make certain improvements in the utility billing area to enhance customer service capabilities at the walk in window and to provide an extra measure of security for employees; \$6,000 safety equipment to monitor gas levels in the distribution system; \$5,100 for purchase of flow monitoring equipment at the Wastewater Division; \$52,200 for change order for installation of a waterline to the ByPass 4 Widening Project; \$10,700 signage services for Patterson Drive Streetscape Improvement Project; and \$16,400 for on-going repair/rehabilitation to old or damaged sewer lines in the City's collection system. Legislative Action: Councilmember Senger presented the first reading of this ordinance. Councilmember Senger, seconded by Councilmember Meyers moved to Suspend the rules requiring three (3) readings of the ordinance. Motion Carried 6-0. Councilmember Senger, seconded by Councilmember Meyers moved to Adopt. Motion Carried 6-0. ORDINANCE NO. 84-10 ADOPTED 6-0.

Appropriation Ordinance (Contractual Items): \$290,000 Exit 39 South Gilmore/Winton Road Corridor Project; \$189,300 for Patterson Drive Streetscape Improvements Project.

Background: City Manager Pizzano recommended the following contractual items: \$290,000 Exit 39 South Gilmore/Winton Road Corridor Project; \$189,300 for Patterson Drive Streetscape Improvements Project. Legislative Action: Councilmember Senger presented the first reading of this ordinance. Councilmember Senger, seconded by Councilmember Oler moved to Suspend the rules requiring three (3) readings of the ordinance. Motion Carried 6-0. Councilmember Senger, seconded by Councilmember Oler moved to Adopt. Motion Carried 6-0. ORDINANCE NO. 85-10 ADOPTED 6-0.

Meeting Schedule

Clerk Johns read the following meeting notices:

Monday, September 13 Council-Manager Briefing, 6 p.m.; Regular Meeting, 7 p.m.

Monday, September 27 Council-Manager Briefing, 6 p.m.; Regular Meeting, 7 p.m.

Tuesday, October 12 Council-Manager Briefing, 6 p.m.; Regular Meeting, 7 p.m.

Executive Session of Council (if needed)

Adjournment

Meeting adjourned at 7:51 PM.

ATTEST:

\_\_\_\_\_  
Clerk of Council

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

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