

MINUTES
REGULAR MEETING OF COUNCIL
JUNE 14, 2010

Call to Order

Mayor Ronald A. D'Epifanio called the Regular City Council Meeting to order at 7:00 PM 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 Councilmember Abbott, Councilmember Rhodus, Councilmember Meyers, Councilmember Judd, Councilmember Snyder, Councilmember Oler, and Councilmember Senger.

Agenda Modifications

No modifications were made to the agenda.

Executive Session Requests

Councilmember Judd, seconded by Councilmember Oler, moved for an executive session to discuss pending and imminent litigation and employment of personnel. Clerk Johns called the roll of Council. Motion Carried 7-0.

Public Hearing(s)

No public hearings were scheduled.

Special Presentations and Citizen Comments

Fairfield City Schools - School Board President Jerome Kearns and Superintendent Cathy Milligan

Superintendent Cathy Milligan thanked the City for the support of the school district. She mentioned the various City departments that work with the schools. Ms. Milligan recognized School Resource officers John Kinkaid and Kevin Harrington and D.A.R.E. Officer Greg Lamb. Officer Lamb thanked everyone for their support. Mayor D'Epifanio thanked the officers for the wonderful job they do with the kids. Ms. Milligan commented on the staff development and training the officers offer to the school. She further commented that she believes that Fairfield is a better school district because of the support of this Council and the City of Fairfield. Fairfield Board of Education President Jerome Kearns expressed his appreciation and thanks for this important role on behalf of the Board of Education. He commented they are role models for students. He thanked all three of the officers for the work they do each day to benefit our community. Mayor D'Epifanio stated we are very fortunate that he and every member of this Council are dedicated to the youth.

Mayor D'Epifanio welcomed State Representative Courtney Combs, Joe Statzer representing Roger Reynold's Office of the Butler County Auditor, and Kert Radel, President of the Fairfield Chamber of Commerce who were in the audience.

Mayor/Council Reports

Councilmember Snyder commented on graduating senior Danielle Prazynski's receipt of the Yellow Ribbon scholarship from the Fairfield Community Foundation. He further commented she is the first home schooled student to ever receive the award. Councilmember Snyder commented on the loss of Gerald "Pete" Froelke on May 31st, who served as the prosecutor for the Fairfield Municipal Court for the past forty years. He expressed condolences to the family on behalf of the Council. A moment of silence was observed for Mr. Froelke.

Councilmember Judd reported the contractor hired to do the sidewalk and curb replacement, Prus, has completed much of the work

already for this year's curb replacements and the sidewalk work will begin soon with total completion in August. He thanked residents for their patience.

Councilmember Senger stated it is good to see everyone from the schools here tonight, our school employees and the officers that work in the buildings.

Councilmember Abbott stated we continue to track very favorably, we are not out of the woods yet, but we are tracking about 3-5% under our projections which is very good compared to other jurisdictions.

Councilmember Oler congratulated the officers on the job they perform at the Schools. He commented it has been a very successful program since the eighties. He further commented it plays a valuable part in the schools, and it not just about law enforcement and security, but it is also amazing how the kids will turn to police officers with problems they have and these officers can direct them to the right resources. He stated we are blessed in Fairfield that we can continue with that program because a lot of cities have cut that program. Councilmember Meyers stated Groovin' on the Green is every Thursday in Village Green and this week will be Leroy Ellington and the E-Funk Band. He announced Teen night at the Aquatic Center will be this Friday from 8 to 11 PM. He further announced the Village Green Fine Art Fair will be June 19 from 11-5 and is co-sponsored by Art on Symmes.

Keith Davis, 1853 Vernon Place, suggested that Charter Review consider for review the issue of citizen petitions. He explained there is a requirement that this thing has to be signed and certified or notarized, but there is nothing in there about what happens if someone commits fraud in doing such a thing to start a legislative process. Mr. Davis commented there were questions raised some time back by people who said they didn't sign or questioning whether or not there were real people signing the petition. He stated he thinks when bringing something before the Mayor and Council before you start seeking legislative action this should be verified that it is legit and if someone does this with the intent to commit fraud then there should be severe penalties to deal with people to do that.

Nicole Fischer, 859 Southwind Drive, commented that the pond at Harbin Park is nasty and she wants it to be fixed to make it a good animal habitat. Parks & Recreation Director Jim Bell stated he will look into that problem. Council directed Mr. Bell to follow-up with Ms. Fischer.

Mayor D'Epifanio stated he has a letter, this is not an ordinance and not anything we will vote on, this is just something we believe in. He commented the only reason that he is doing it here in this body is if they did it and it hit the news someone would say why would you put this through without being public with it. He read the letter signed by him and all of Council. Mayor D'Epifanio commented on his family coming to the United States legally and their pride in their heritage. He commented he has an adopted son, daughter-in-law and granddaughter who are Hispanic. He further commented on two friends who worked hard and spent the money and they are legal and he went to their swearing in ceremonies. Mayor D'Epifanio discussed with the illegals in the country, just by doing some research, it says we have 15,000 MS-13 gang members throughout our country that distribute 130 billion dollars in drugs annually. Mayor D'Epifanio discussed his research findings including amounts spent on illegal aliens. He stated he is not anti, he has a son, but something has to be done because the United States taxpayers cannot afford to keep spending the billions and billions that we are spending. He emphasized that was strictly him talking for Ron D'Epifanio not as a representative of the Mayor of the City.

Maria Herring, 1980 West Kemper in Springfield Township, asked if any websites were checked that would reflect the amount of money that comes from undocumented illegal immigrants that are actually taxed. She stated the Federal Government provides an identification number in order for taxes on income to be declared for undocumented residents of the United States. She commented whenever you talk about undocumented illegals, if you are going to enforce something like this you are going to put it by looks only. She stated you are not going to look at maybe Russians or Africans who may also be here undocumented, so how are you going to enforce it. Ms. Herring commented on her contributions to the Fairfield community. She read Leviticus 19:34 from the Bible and on the commandments Love your God and Love your neighbor as you would yourself. Ms. Herring further commented this puts neighbor against neighbor and will not be something positive for the community. She stated there should be understanding and immigration reform.

Keith Davis, 1853 Vernon Place, discussed his daughter's various experiences with entering other countries for school and work purposes and documentation she needed. He stated what sovereign nation doesn't demand control of its borders to protect its people. He stated it is not anything to do about race, or hate or religion, it is about law, being in a country legitimately. He further commented there is nothing wrong with wanting to know who is coming into your country and why they are here.

Maria Herring, 1980 West Kemper, commented people die to come into this country because of the freedom and everything we get. She commented to legalize it would take years to get any kind of documentation.

Leo Pierson, 1522 Polin Ave, Cincinnati, 45223, discussed he is an immigration researcher; he is Hispanic and an "anchor baby". He further discussed that he is a very strong contributor to the community and very highly educated. He stated as a researcher who

studied under some of the most erudite professionals in the field of immigration research in the country, he would counter nearly every "fact" that put forth and asked for those sources and would point the Council to other resources. He commented on the incorrect analogy regarding illegality as a criminal offense, it is a civil offense. He discussed that there are over 40 million Hispanic people in the United States with one quarter undocumented and they touch 80% of those 40 million. He commented 75% of the undocumented folks are Hispanic and that touches one population, that is racial, that is ethnic and targeted. Mr. Pierson explained he has worked with City Councils before and he would be happy to work with Council to help educate and point them to more academic data.

Jorge Martinez, 20 High Street, Hamilton, stated he is here as a member of a Hispanic business owner association. He discussed when you target a population, as a consequence not only illegal or undocumented aliens, the ones here legally are going to be stopped and questioned and that is going to make people think twice if they want to live here and have their business here. He invited Council to look already at the various consequences of Arizona law in terms of real estate market and legal people leaving the state. Mr. Martinez explained he works with the local court here and is witnessing how the local police and judge enforce the law and they are taking care of that and doing their job. He further stated every person who is arrested their immigration status is questioned, they are transferred to the Butler County jail and they are being deported. He asked that they please take a look before making any decisions.

Courtney Combs, 1846 New London Road, Hamilton, Ohio, 45013, discussed his recent trip to the Arizona border and the conversations he had with a rancher on the border. Mr. Combs discussed a video the rancher had of a group of 10-12 coming across the border on his land. Mr. Combs stated he has no problem with people coming to this country legally. Mr. Combs stated if the Federal government would do their job we wouldn't be talking about this tonight. He discussed the need to close the border first before you can change the immigration laws. He commented they are walking into this country, 1,000 a day estimated across Cochise County, Arizona. He discussed how the drug dealers control the border. Mr. Combs commented the Arizona law is the Federal law, they didn't make this up, they copied what was Federal law. He stated in his opinion we do need to make some changes, but we need to know who is coming into this country, why they are coming into this country are they destroying our youth. Mr. Combs discussed drugs from Cochise County, Arizona have been tracked to Butler County, Ohio. He stated that is what we are after, close the border.

Mayor D'Epifanio briefly commented on the trip Sheriff Jones and Mr. Combs took on their own money, not at taxpayer's expense.

Bruce Carter, 5458 Yosemite Drive, thanked Council for bringing this into a public forum. He stated he agrees that immigration reform is necessary, but piece meal immigration is wrong. He commented the Federal government promised they will have a comprehensive immigration reform by March. He commented some of the research you may not have done is the economic impact on the legislation proposed by Mr. Combs. He discussed the negative economic impact similar legislation adopted by Prince William County, Virginia. He further commented the original drafters of that legislation have been recognized by national organizations as being a recognized hate group. He stated Ohio does not have a southern border with Mexico. He stated he thinks that the issue has not been fully researched, but he does think the issue needs to be addressed. He further commented it is a federal issue not a state issue. He commented we do not need to incorrectly say that people who are undocumented or illegal have no rights, the constitution protects everyone who comes into this country illegal or not. Mr. Carter commented on the trip to Arizona and if what was quoted in the paper is correct, you are only hearing one side of the issue. He stated comprehensive Federal Immigration reform is necessary.

Regina Fischer, 859 Southwind Drive, stated she agrees one hundred percent and being from the schools she sees first hand the damage that has been done in the school district. She commented on teachers losing their jobs or not able to be hired because they need more ESL teachers. Ms. Fischer explained that her daughter was not able to get into the school of her teacher because of ESL kids.

Courtney Combs, 1846 New London Road, stated as he goes around the state he always uses Fairfield as a City that is run right. He applauded everyone for being what he thinks is the best run city in the State of Ohio. He stated we are looking at serious deficits in Ohio. He commented the last week of session, CPA's came in and discussed the possibility that it could be 12 billion dollars in the red. He commented all of you are doing the right things and holding the line and it will not be easy next year. Mr. Combs commented he hopes we will not have any more stimulus money and the need to balance the budget. He commented you are still going to have to continue to tighten your belts.

Approval of Minutes

- Regular Meeting of May 24, 2010

The minutes of the Regular Meeting of May 24, 2010 were approved as written.

OLD BUSINESS

PUBLIC UTILITIES COMMITTEE

Terry Senger, Chairman; Tim Meyers, Vice Chairman; Marty Judd, Member

Ordinance to authorize the City Manager to enter into a five (5) year contract with Polydyne, Inc. for the purchase of polymers for use in the Wastewater Division.

Councilmember Senger presented the third reading of the ordinance. Councilmember Senger, seconded by Councilmember Abbott moved to Adopt. Motion Carried 7-0. ORDINANCE 56-10 ADOPTED 7-0.

Ordinance to authorize the City Manager to enter into a contract with M Tech for the purchase of CCTV camera equipment for use by the Wastewater Division of the Public Utilities Department.

Councilmember Senger presented the third reading of this Ordinance. Councilmember Senger, seconded by Councilmember Abbott moved to Adopt. Motion Carried 7-0. ORDINANCE NO. 57-10 ADOPTED 7-0.

Ordinance to authorize the City Manager to enter into a contract with Hazen and Sawyer, Environmental Engineers & Scientists of Cincinnati, Ohio for engineering services associated with development of a biological computer model for the Wastewater Division.

Councilmember Senger presented the second reading of this Ordinance. Councilmember Senger, seconded by Councilmember Judd moved to Suspend the rules requiring three readings of this Ordinance. Motion Carried 7-0. Councilmember Senger, seconded by Councilmember Meyers moved to revise the Ordinance to add the emergency clause. Mr. Senger commented that the emergency is needed for the urgent benefit and protection of its inhabitants for the reason that the biological computer be developed as soon as possible for use in determining future Wastewater Treatment Plant operations. Motion Carried 7-0. Councilmember Senger, seconded by Councilmember Oler moved to Adopt. Motion Carried 7-0. ORDINANCE NO. 58-10 ADOPTED 7-0.

DEVELOPMENT SERVICES COMMITTEE

Mitch Rhodus, Chairman; Mike Snyder, Vice Chairman; Tim Meyers, Member

Ordinance to authorize the City Manager to enter into an Occupancy Agreement with Bible Baptist Church to encroach on part lot 164 owned by the City of Fairfield, Ohio.

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

NEW BUSINESS

COMMUNITY AND PUBLIC RELATIONS COMMITTEE

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

Simple Motion: Motion requesting that the Fairfield City Council Regular Meeting of Monday, July 12, 2010 be moved to Tuesday, July 13, 2010.

Councilmember Snyder, seconded by Councilmember Judd moved to request that the Fairfield City Council Regular Meeting of Monday, July 12, 2010 be moved to Tuesday, July 13, 2010. Councilmember Snyder stated there is a Drum and Bugle Corp. competition that has been held annually for many years and it happens to fall on July 12th. Councilmember Snyder further commented as representatives of the City, they felt it was good for them to support this event that brings a lot of folks to town. He encouraged everyone to attend. Motion Carried 7-0. SIMPLE MOTION 8-10 APPROVED 7-0.

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 Fairfield Food Mart LLC DBA Fairfield Food Mart, 5085 Pleasant Avenue, Fairfield, Ohio 45014 (Permit Class: C2).

Councilmember Oler, seconded by Councilmember Meyers moved to that no hearing be held on the liquor permit application in the name of Fairfield Food Mart LLC DBA Fairfield Food Mart, 5085 Pleasant Avenue, Fairfield, Ohio 45014 (Permit Class: C2). Motion Carried 7-0. SIMPLE MOTION 9-10 APPROVED 7-0.

Simple Motion: Motion requesting that no hearing be held on the liquor permit application in the name of Patricia S Kellums, DBA Ginas, 466 Patterson Blvd, Fairfield, Ohio 45014 (Permit Class: D1, D2, D3, D3A and D6).

Councilmember Oler , seconded by Councilmember Abbott moved to that no hearing be held on the liquor permit application in the name of Patricia S Kellums, DBA Ginas, 466 Patterson Blvd, Fairfield, Ohio 45014 (Permit Class: D1, D2, D3, D3A and D6). Motion Carried 7-0. SIMPLE MOTION 10-10 APPROVED 7-0.

Law Director John Clemmons commented that we just today received notice of another transfer of liquor permit and the police and zoning have not had a chance to check it out and Council will not meet again before it is due on July 12th. He stated it has to do with the Marathon Station on Dixie Hwy. and Nilles Road, he does not expect it to be controversial. He suggested the Clerk answer no hearing is requested if all checks out with the appropriate authorities and Council can ratify that at the next meeting.

PUBLIC UTILITIES COMMITTEE

Terry Senger, Chairman; Tim Meyers, Vice Chairman; Marty Judd, Member

Councilmember Senger, seconded by Councilmember Abbott moved to Read the following ordinance by title only. Motion Carried 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 inversion re-lining of sanitary sewer lines. Legislative Action: Councilmember Senger presented the first reading of this ordinance. Councilmember Senger, seconded by Councilmember Rhodus moved to Suspend the rules requiring three readings of this ordinance. Motion Carried 7-0. Councilmember Senger, seconded by Councilmember Abbott moved to Adopt. Motion Carried 7-0. ORDINANCE NO. 59-10 ADOPTED 7-0.

PUBLIC WORKS COMMITTEE

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

Councilmember Judd, seconded by Councilmember Abbott moved to Read two (2) ordinances by title only. Motion Carried 7-0.

Ordinance to authorize the City Manager to enter into a one (1) year contract with Mt. Pleasant Blacktopping for the 2010 Asphalt Paving and Resurfacing Work and declaring an emergency.

Background: City Manager Pizzano recommended a contract with Mt. Pleasant Blacktopping for the 2010 Asphalt Paving and Resurfacing work. Legislative Action: Councilmember Judd presented the first reading of the ordinance. Councilmember Judd, seconded by Councilmember Abbott moved to Suspend the rules requiring three readings of the ordinance. Motion Carried 7-0. Councilmember Judd, seconded by Councilmember Oler moved to Adopt. Motion Carried 7-0. ORDINANCE NO. 60-10 ADOPTED 7-0.

Ordinance to authorize the City Manager to enter into a contract with Taylor Chevrolet for the purchase of three (3) Chevrolet Impala, Police Package, Unmarked Sedans.

Background: City Manager Pizzano recommended a contract with Taylor Chevrolet to purchase three Chevrolet Impala, police package, unmarked sedans. He explained these are replacement vehicles for vehicles already in the fleet. Legislative Action: Councilmember Judd presented the first reading of this ordinance. Councilmember Judd, seconded by Councilmember Abbott moved to Suspend the rules requiring three readings of the ordinance. Motion Carried 7-0. Councilmember Judd, seconded by Councilmember Oler moved to Adopt. Motion Carried 7-0. ORDINANCE NO. 61-10 ADOPTED 7-0.

FINANCE & BUDGET COMMITTEE

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

Councilmember Abbott, seconded by Councilmember Meyers moved to Read the following two (2) ordinances by title only. Motion Carried 7-0.

Appropriation Ordinance (Non-contractual Items) - \$19,633 for 15' rear boom and 48" flail mower for tractor; and \$22,080 for one Police Special sedan.

Background: City Manager Pizzano recommended the following non-contractual items: \$19,633 for a rear boom and flail mower for a tractor and \$22,080 for one police special sedan. Legislative Action: Councilmember Judd presented the first reading of this ordinance. Councilmember Abbott, seconded by Councilmember Meyers moved to Suspend the rules requiring three readings of the ordinance. Motion Carried 7-0. Councilmember Abbott, seconded by Councilmember Meyers moved to Adopt. Motion Carried 7-0. ORDINANCE NO. 62-10 ADOPTED 7-0.

Appropriation Ordinance (Contractual Items): \$126,000 for inversion re-lining of sanitary sewer lines; \$1,150,000 for 2010 Asphalt Paving and Resurfacing Work; \$58,116 for three (3) Chevrolet Impala, Police Package, unmarked sedans.

Background: City Manager Pizzano recommended the following contractual items: \$126,000 for inversion re-lining of sanitary sewer lines; \$1,150,000 for 2010 Asphalt Paving and Resurfacing work; \$58,116 for three (3) Chevrolet Impala, police package, unmarked sedans. Councilmember Abbott, seconded by Councilmember Meyers moved to Suspend the rules requiring three readings of the ordinance. Motion Carried 7-0. Councilmember Abbott, seconded by Councilmember Senger moved to Adopt. Motion Carried 7-0. ORDINANCE NO. 63-10 ADOPTED 7-0.

Meeting Schedule

Clerk Johns read the following meeting notices:

Tuesday, July 13 Council-Manager Briefing, 6 p.m.; Regular Meeting, 7 p.m.
Monday, August 9 Council-Manager Briefing, 6 p.m.; Regular Meeting, 7 p.m.
Monday, September 13 Council-Manager Briefing, 6 p.m.; Regular Meeting, 7 p.m.

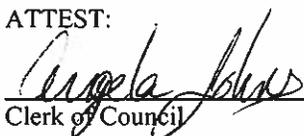
Executive Session of Council (if needed)

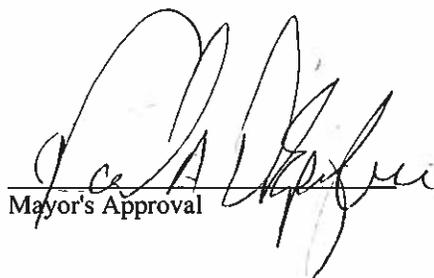
Council adjourned to Executive Session at 8:19 PM to discuss pending and imminent litigation and employment of personnel.

Adjournment

The Regular Meeting adjourned at 9:05 PM.

ATTEST:


Clerk of Council


Mayor's Approval

Date Approved 7-13-10