

MINUTES

REGULAR MEETING OF COUNCIL

SEPTEMBER 27, 2010

Call to Order

Mayor D'Epifanio called the Regular Meeting to order at 7:00 PM.

Prayer/Pledge of Allegiance

Councilmember Snyder led in prayer and pledge.

Roll Call

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

Public Hearing(s)

Joint Public Hearing to discuss various proposed changes to the Codified ordinances - Planning and Zoning Code.

Mayor D'Epifanio opened the Joint Public Hearing of City Council and the Planning Commission at 7:04 PM. Clerk Johns called the roll of Planning Commission. Members present: Jerry Dailey, Jeff Holtegel, Scott Lepsky, Mitch Rhodus, Don Hassler, and Mark Morris. Planning Commission member Jeff Holtegel, seconded by Don Hassler moved to excuse Deborah Rhees. Motion Carried 6-0. Clerk Johns read the Public Hearing Notice as printed in the Journal News on Wednesday, September 15, 2010. Development Services Director Tim Bachman explained two modifications have been added for a total of 15 and more may be added through the Planning Commission process. Mr. Bachman stated it was 2005 since significant additions/changes were made to Chapter 11. Mr. Bachman explained the reason these changes are made including as the Board of Zoning Appeals and Planning Commission has cases that come before them they make interpretations with existing code as well as our staff, so it is important that we look to see what can be codified. He explained the second issue is technological advancements including wind and solar energy that are new in the code. Mr. Bachman further explained the third reason is due to issues with case law and the Ohio Revised Code that need to be added to stay current. Mr. Bachman briefly discussed wind energy noting that due to changing technology, wind turbines would be permitted in the city with a conditional use. He explained the extreme climate constraints that deal with consistent wind, solar roof top panels would be regulated and ground mounted panels would not be permitted in a residential area. In a commercial area, ground mounted panels will be permitted, but must conform with setbacks and nothing will be permitted in the front yard. Mr. Bachman discussed the digital gas price panels that are currently only permitted along Route 4, which would be changed to allow them in various other commercial districts. He explained when the Thoroughfare Plan was adopted as part of the Comprehensive Plan earlier this year; clean-up was needed regarding the characteristics of the various thoroughfares that billboards are permitted. He explained as far as sign code sign characteristic issue to make it the same for permanent signs. Mr. Bachman discussed Chapter 1199, which is the existing flood zone ordinance; significant changes and additional code are suggested as a requirement from FEMA and ODNR. He commented this is in regards to the new mapping project that has been approved by FEMA that takes effect December 17. Mr. Bachman explained the City must have zoning in place that meets all their criterion and sent to ODNR by mid November for review. He briefly discussed the changes including many more requirements with regards to permits and inspections. He explained there is much greater use and development standards for flood hazards. He discussed an example of the different steps for a flood zone permit. He explained other areas that are new to the code are things we have been doing dealing with map maintenance. He commented in the past we have always had regulations for residential and non residential construction, which hasn't changed dramatically with regard to the architecture or engineering of a particular residence or commercial structure; however,

now wastewater and water systems, subdivisions, accessory structures, and recreational vehicles are discussed. He commented in the past this has been done through the Board of Zoning Appeals for the appeals and variances. Mr. Bachman discussed land use modifications including Neighborhood Business District (C-1) in which residential uses are currently permitted as of right, but they are recommending segregating the uses. He discussed mixed use developments will still be allowed through planned unit development zoning and resident managers would be allowed. He commented the legal issue is nonconforming use -1198. He explained right now the time frame for non-conforming use is currently two years before it loses its grandfathering and is considered non-conforming and the suggestion is to change to one year. Mr. Bachman discussed wellhead protection is important due to the underground aquifer. He stated an Ordinance was created in 1998. Mr. Bachman explained the first change is the use of "source water" instead of "wellhead". He further discussed the time of travel maps have been changed. He briefly discussed the changes to the one year time of travel to add the following prohibitions: construction demo landfills, fuel dispensing facilities, container ports, application of wastewater biosolids and class V injection wells. He explained the ten year time of travel will remove the exemptions for storage above and below for grade 1 & 2 heating fuel and diesel fuel. Mr. Bachman stated a section has been added that regulates fill operations as potential pollution source. He explained the second addition is dry well signage to alert the public of storm water that actually gets into the system then into the aquifer. Mr. Bachman explained proposed changes to property maintenance including requiring interior corridors be identified in multi-family buildings for first responders and requiring insect screens year round versus just the summer months. Mr. Bachman discussed the zoning variance changes - chapter 1137, which comes from the Law Department with regard to case law. He explained the suggested change is that the variance process that goes to the Board of Zoning Appeals is that of area and size variance, which will remain, but they are looking at definition for variances for use variance. Mr. Bachman discussed design modification for new construction for building facades in the commercial district that front a regional thoroughfare that there would be some design requirements. He discussed height of accessory structures in an agricultural district will be maximum 15 feet of grade and properties will be exempted that are greater than two acres. Mr. Bachman discussed the schedule and process for this item. Councilmember Rhodus announced the Planning Commission will meet on October 13th at 6:00 PM. The Joint Public Hearing was closed at 7:27 PM.

Special Presentations and Citizen Comments

- Proclamation presentation to Pastor Rob Rosenbalm and Fairfield West Baptist Church

Mayor D'Epifanio presented a proclamation to Pastor Rob Rosenbalm of Fairfield West Baptist Church for the church's involvement with the Powerpacks Program, which provided thousands of nutritious meals on the weekends for students in need. Pastor Rosenbalm thanked and recognized the efforts of all the people at the church, the Fairfield City Schools, Butler County Success, and the Fairfield Fire Department.

- Metroparks Update

MetroParks Executive Director Jon Granville pointed out the various parks throughout the County, noting Gilmore Ponds Interpretive Preserve is in Fairfield. He explained due to the economic downturn, maintenance has been deferred in many areas and three park areas have been closed for daily use. He discussed the MetroParks levy will be a 1/2 mil for six years, which is \$15 per 100,000. He commented those dollars would largely be spent in maintaining the parks system as it is, providing recreational opportunities and educational programs and improving current parks where they are able with matching funds and grants. Mr. Granville discussed the natural green space actually serves as a recharge area for underground water supplies and discussed the area's aquifer. Mr. Granville discussed how the levy funds will be used noting, 60% would go into operating the existing park system and some dollars have been set aside in this proposal to share with other city/township or similar park systems. Mr. Granville directed everyone to the metro parks website at www.metroparksofbutlercounty.org and the campaign website for www.peopleforourparks.org for more information. He discussed the maintenance of the Great Miami Recreational trail and furthering the development and maintenance of the between the Miamis trail and reopening Gilmore Ponds. Mr. Granville explained upon passage of the levy vehicle permit fees would be waived for county residents. Mayor D'Epifanio commented on the closure of Gilmore Ponds and would like to see it open again. Fairfield City Parks & Recreation Director Jim Bell commented the Miami Erie Canal path is a joint project that was funded together that starts at Port Union Road and runs to where Gilmore Ponds begins. Mr. Bell explained as funding becomes available it will continue on the Miami Erie Canal to Route 4.

Fairfield Chamber of Commerce President Kert Radel invited everyone to attend the Fairfield Chamber of Commerce Business Showcase to be held on October 6th at Receptions beginning with a luncheon from 11:30 to 1:30 PM. He noted the Showcase runs from 1:30 to 6:00 PM and the Taste of Fairfield is from 4-6 PM. The showcase and Taste of Fairfield are free. Mr. Radel reported the theme is business carnival. He also welcomed Planet Fitness that recently held their Grand Opening on Patterson Drive.

Lindy Solarno, 5373 Crystal Drive, stated she is here in protest to the letter she received dated September 20, 2010 regarding the current FEMA Hazard Mitigation Grant, which the city has pursued since 2008 and is on the brink of being awarded. Ms. Solarno

briefly discussed the history of this situation. She implored City Council to not just consider this a budgetary line item that can be temporarily set aside until the bottom line improves. She stated once this opportunity is gone it is gone for good and our chances for receiving a future opportunity are seriously damaged. She asked that any adjustments be considered to the amount actually awarded by FEMA to the City and therefore the City match required. She commented she believes the City's cost could be lowered by nearly \$200,000. She discussed the Finance Department's comments about the inability to match funds. Ms. Solarno commented she feels at the very least that the parties that have worked so hard on this grant as well as the residents who have waited so anxiously for its results should expect to see greater effort to at least attempt to find the means to meet this obligation.

Pat Winter, 5514 Nottingham Place, commented she and her husband moved to Fairfield and built their home in 1976 and were flooded the first time in August 1979 and then proceeded to get flooded four more times. She commented they live in fear of the floodwaters. Ms. Winter discussed how the flood affects her home and the various problems they have had after the flood. She commented she has a house worth nothing and her only hope is that the City buys her house. She emphasized the emotional impact of hard rain and the floods. Photos she submitted of her home are on file in the Clerk of Council's office.

Roger Tucker, 5399 Crystal Drive, handed out and discussed the appraisal listing his house is not a salable house. He asked Council to re-consider this whole thing to give everyone peace of mind.

Ron Solarno, 5373 Crystal Drive, asked Council to re-consider. Mr. Solarno commented he understands that the City is trying to be fiscally responsible, but he thinks it is irresponsible for the City to put this burden on 17 households. He commented the City is responsible and put some of them in this situation. He stated he is on an island with no neighbors on any side and cannot sell his house because it is not worth anything. He asked that all options be considered.

Andy Glock, 5359 Crystal Drive, commented he has lived there six years and he is stuck. Mr. Glock commented the City planned this money and set it aside in past Capital budgets and it has been frittered away. He discussed various items from the past Capital projects. He commented he does think there is money in the city and thinks the public employees are paid too much including their benefits. He further commented this could have been handled in a better way.

Mayor D'Epifanio explained that FEMA selected the homes to buy, but the City did not approve or have any say on the houses bought. Mayor D'Epifanio thanked everyone for their comments and stated they will take it under advisement.

Mayor/Council Reports

Councilmember Snyder discussed the Fairfield City School's community read program in which they have asked everyone to read the book The Winner's Manual for the Game of Life by Jim Tressel. He recognized Fairfield Intermediate School Band Teacher Katie Pennell and Custodian Karen Grumley who were highlighted as models for the principles and lessons Jim Tressel is trying to provide in his book. Councilmember Snyder further recognized Wash Me Superwash on Dixie Highway for their donation of over \$500 for the Shared Harvest Food Bank.

Mayor D'Epifanio mentioned that this Friday is the Fairfield High School Homecoming, which starts at 5:30 PM.

Councilmember Abbott stated the utility payment window will be closed for the next six to eight weeks.

Councilmember Oler read the route for the homecoming parade. He commented traffic delays can be expected on River Road, Pleasant Avenue, Nilles Road and Dixie Highway at various times. Councilmember Oler commented lineup begins at 4:30 with the parade beginning at 5:30 PM and ending at 6:30 PM.

Mayor D'Epifanio commented he believes that senior citizens are admitted free to the games.

Approval of Minutes

- Regular Meeting of September 13, 2010

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

OLD BUSINESS

DEVELOPMENT SERVICES COMMITTEE

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

Ordinance to amend various sections of the Zoning Code of Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio.

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

Ordinance to authorize the City Manager to execute the FY 2011 Community Development Block Grant (CDBG) application and agreement and declaring an emergency.

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

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 JC and Company, LLC, 22 Donald Drive 1st Floor, Fairfield, Ohio 45014 (Permit Classes: D5 and D6).

Councilmember Oler, seconded by Councilmember Abbott moved to Approve that no hearing be held on the liquor permit application in the name of JC and Company, LLC, 22 Donald Drive 1st Floor, Fairfield, Ohio 45014 (Permit Classes: D5 and D6). Motion Carried 6-0. SIMPLE MOTION 19-10 APPROVED 6-0.

FINANCE & BUDGET COMMITTEE

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

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

An ordinance to authorize the City Manager to enter into an agreement with Cincinnati Bell Technology Solutions for service and/or support on all Cisco network equipment.

Background: City Manager Pizzano recommended an agreement with Cincinnati Bell Technology Solutions for service and support on the Cisco network. Legislative Action: Councilmember Abbott presented the first reading of this 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 Senger moved to Adopt. Motion Carried 6-0. ORDINANCE NO. 90-10 ADOPTED 6-0.

Appropriation Ordinance (Non-contractual Items) - \$30,000 various electrical site work, landscaping and site amenities for Public Safety Tribute project; \$7,025 furniture, fixtures and equipment for Community Arts Center; \$21,000 root treatment chemicals for main public sewer lines; \$6,000 library terrace railing repairs; \$2,600 Waterworks Park renovations; \$7,250 Village Green/Town Center concrete and entry way improvements; \$10,100 software service, support and upgrade rights; \$10,215 network hardware for the Community Arts Center and Municipal Building.

Background: City Manager Pizzano recommended the following non-contractual items: \$30,000 various electrical site work, landscaping and site amenities for Public Safety Tribute project; \$7,025 furniture, fixtures and equipment for Community Arts Center; \$21,000 root treatment chemicals for main public sewer lines; \$6,000 library terrace railing repairs; \$2,600 Waterworks Park renovations; \$7,250 Village Green/Town Center concrete and entry way improvements; \$10,100 software service, support and upgrade rights; and \$10,215 network hardware for the Community Arts Center and Municipal Building. Legislative Action: Councilmember Abbott presented the first reading of this ordinance. Councilmember Abbott, seconded by Councilmember Rhodus moved to Suspend the rules requiring three readings of this ordinance. Motion Carried 6-0. Councilmember Abbott, seconded by Councilmember Oler moved to Adopt. Motion Carried 6-0. ORDINANCE NO. 91-10 ADOPTED 6-0.

Appropriation Ordinance (Contractual Items): \$37,020 for service and/or support on all Cisco network equipment.

Background: City Manager Pizzano recommended the following contractual item: \$37,020 for service and/or support on all Cisco network equipment. Legislative Action: Councilmember Abbott presented the first reading of this ordinance. Councilmember Abbott, seconded by Councilmember Senger moved to Suspend the rules requiring three readings of this ordinance. Motion Carried

6-0. Councilmember Abbott, seconded by Councilmember Senger moved to Adopt. Motion Carried 6-0. ORDINANCE NO. 92-10
ADOPTED 6-0.

Meeting Schedule

Clerk Johns read the following meeting notices:

Tuesday, October 12 Regular Meeting, 7 p.m.; Annual Goal Setting Session, 8 p.m.
Monday, October 25 Council-Manager Briefing, 6 p.m.; Regular Meeting, 7 p.m.
Monday, November 8 Council-Manager Briefing, 6 p.m.; Regular Meeting, 7 p.m.

Executive Session of Council (if needed)

Adjournment

The Regular Meeting adjourned at 9:00 PM.

ATTEST:

Clerk of Council

Mayor's Approval

Date Approved _____