

## MINUTES

### REGULAR MEETING OF COUNCIL

FEBRUARY 28, 2011

#### Call to Order

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

#### Prayer/Pledge of Allegiance

Cincinnati Christian School Tradetown "Mayor" Megan Kissel led in prayer. The elementary students from the Cincinnati Christian School Tradetown program led the Pledge.

#### Roll Call

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

Councilmember Rhodus, seconded by Councilmember Abbott moved to excuse Councilmembers Oler and Meyers. Clerk Johns called the roll of Council. Motion Carried 5-0.

#### Agenda Modifications

City Manager Pizzano requested an Executive Session for the purchase of real estate and the employment and compensation of personnel. Clerk Johns called the roll of Council for the executive session request. Executive Session approved 5-0. Councilmember Abbott deferred under Old Business, Item C1 until the next Council Meeting. City Manager Pizzano explained this item is being removed from the agenda due to the State statute that requires three-fourths of the majority of Council on each of the three readings. He further explained three quarters with our seven members is six people and there are only five members in attendance.

#### Executive Session Requests

#### Public Hearing(s)

No public hearings were scheduled.

#### Special Presentations and Citizen Comments

- Principal Donna Hempelmann and Students of "Tradetown" (Cincinnati Christian Schools)

Mayor D'Epifanio discussed the swearing in of Tradetown "Mayor" Megan Kissel, which he participated in at the school. Cincinnati Christian Schools Principal Donna Hempelmann briefly discussed Tradetown, which is a student enterprise program with the goal to build good businessmen and women and create entrepreneurs. She discussed the government portion of this program. Tradetown "Mayor" Megan Kissel introduced her following classmates in attendance: "Vice Mayor" Nolan Crow, "Police Officer" Bernadette Beachman, "Police Officer" Lauren Hornback, "Police Officer" Spencer Moore, "Police Officer" Owen Hallbach, and "Police Officer" Chase Menofer, "Treasurer" Abigail Ploetz, "Treasurer" Stephen Lunt, and "Police Chief" Samuel McLaughlin. Megan Kissel presented Mayor D'Epifanio with a key to Tradetown for all of his support.

#### Mayor/Council Reports

Councilmember Judd reminded residents that the brush and limb program will begin April 1st or they can call 867-4200 to request an Operation Dump Truck. He stated letters will be going out to residents notifying them of the sidewalk repairs. He recognized and thanked former Second Ward Councilmember Bernie Jones, who was in the audience, for his service.

Councilmember Rhodus announced the Fairfield Home Expo will be April 2nd at the Community Arts Center. He also announced the Fairfield Police Department's Citizens Police Academy will begin March 22nd. He stated for more information check the City's website or contact Officer Dennis Valentini at 896-8292.

Councilmember Senger announced the Parks Department will offer free hearing and health screenings for senior adults on Thursday, March 10 and Friday, March 11 from 9:00 AM to 5:00 PM in the Senior Lounge at the Community Arts Center sponsored by Hearing Solutions.

Councilmember Abbott stated we continue to monitor the state legislation around the estate tax and local government fund. He further stated any impacts to that could impact the City of Fairfield's revenue to the general fund by about 1.6 million dollars. He commented staff and elected officials attended a meeting at the Sharonville Convention Center and we will keep a close eye on that legislation.

Mayor D'Epifanio announced this Saturday at Fairfield High School, 30 to 32 choirs from all over the country will compete starting at 8 AM, with finals starting at 7:00 PM. He further announced a gospel concert for Cincinnati Christian School on April 2nd at TriCounty Assembly of God, in which all proceeds will go to the scholarship program for the schools.

#### Approval of Minutes

- Regular Meeting Minutes of January 24, 2011
- Regular Meeting Minutes of February 14, 2011

The Regular Meeting Minutes of January 24, 2011 and February 14, 2011 were approved as written.

### **OLD BUSINESS**

#### **PUBLIC WORKS COMMITTEE**

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

#### Resolution declaring necessity of repairing sidewalks (including aprons) and declaring an emergency.

Councilmember Judd, seconded by Councilmember Abbott moved to amend the Resolution to add the emergency provision. Motion Carried 5-0. Councilmember Judd presented the third reading of this Resolution. Councilmember Judd, seconded by Councilmember Abbott moved to adopt. Motion Carried 5-0. RESOLUTION NO. 3-11 ADOPTED AS AN EMERGENCY 5-0.

#### Ordinance to authorize the City Manager to enter into a one (1) year contract with Prus Construction with an option of extending the contract for years two (2) and three (3) for the 2011 Sidewalk/Apron Replacement.

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

#### **PARKS & RECREATION COMMITTEE**

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

#### Resolution to authorize the City Manager to enter into a maintenance agreement with MetroParks of Butler County for the maintenance of the Miami-Erie Canal Bike Path and the Great Miami River Bike Path.

Councilmember Terry Senger and Tradetown "Vice Mayor" Nolan Crow presented the third reading of the Resolution. Councilmember Senger, seconded by Councilmember Abbott moved to adopt. Motion Carried 5-0. RESOLUTION NO. 4-11 ADOPTED 5-0.

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

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

Ordinance to amend Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio, by adding a new Section 145.07 regarding the reinstatement process for the position of Fire Chief pursuant to Section 8.04(E) of the Charter of the City of Fairfield.

Item was deferred by Councilmember Abbott.

### **NEW BUSINESS**

**PUBLIC SAFETY COMMITTEE**

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

Simple Motion: Motion requesting that no hearing be held in the name of 1 Bees Buffet Inc DBA Bees Buffet, 725 Nilles Road, Fairfield, OH 45014 (Permit Classes D1).

Councilmember Judd, seconded by Councilmember Abbott moved to request that no hearing be held in the name of 1 Bees Buffet Inc DBA Bees Buffet, 725 Nilles Road, Fairfield, OH 45014 (Permit Classes D1). Motion Carried 5-0. SIMPLE MOTION NO. 3-11 APPROVED 5-0.

Simple Motion: Motion requesting that no hearing be held in the name of Panaderia Las Mexicana Inc DBA Panaderia Las Mexicana, 6503-05 Dixie Hwy, Fairfield, OH 45014 (Permit Classes C1).

Councilmember Judd, seconded by Councilmember Rhodus moved to request that no hearing be held in the name of Panaderia Las Mexicana Inc DBA Panaderia Las Mexicana, 6503-05 Dixie Hwy, Fairfield, OH 45014 (Permit Classes C1). Motion Carried 5-0. SIMPLE MOTION NO. 4-11 APPROVED 5-0.

**DEVELOPMENT SERVICES COMMITTEE**

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

Ordinance to authorize the City Manager to execute an Amendment to a Community Reinvestment Agreement for property tax incentives with Sieb & Meyer USA, Inc. and LRM, LLC and declaring an emergency.

Councilmember Rhodus, seconded by Councilmember Snyder moved to read the following Ordinance by title only. Motion Carried 5-0. Background: City Manager Pizzano recommended an amendment to an existing Community Reinvestment Agreement for property tax incentives with Sieb & Meyer USA, Inc. and LRM, LLC. He commented this particular property is the former Brilliant Promotions Facility on Port Union Road. He explained LRM is the purchaser of the property and Sieb & Meyer will be a tenant. He further explained Sieb & Meyer manufacture and repair industrial control systems. He explained they are seeking authorization to revert back to the original terms of the incentive that was granted to Brilliant Promotions before they went out of business. He commented for the balance of that term they will be bringing twelve full time jobs to the facility and a payroll estimated at about \$600,000. Jeff Endres, Sieb & Meyer USA, stated they are excited to be moving to Fairfield. He commented they have been in Blue Ash for about 27 years and the company has been in business for 37 years building controls for several types of machines. Council welcomed him to Fairfield. Legislative Action: Councilmember Rhodus presented the first reading of the Ordinance. Councilmember Rhodus, seconded by Councilmember Snyder moved to suspend the rules requiring three readings of the Ordinance. Motion Carried 5-0. Councilmember Rhodus, seconded by Councilmember Abbott moved to adopt. Motion Carried 5-0. ORDINANCE 14-11 ADOPTED AS AN EMERGENCY 5-0.

**PUBLIC UTILITIES COMMITTEE**

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

Councilmember Rhodus, seconded by Councilmember Senger moved to read the following Ordinance by title only. Motion Carried 5-0.

Ordinance to authorize the City Manager to enter into a one (1) year contract with Carmeuse Lime & Stone, Inc. for purchase of lime for use in the Water Division.

Background: City Manager Pizzano recommended a one year contract with Carmeuse Lime & Stone for the purchase of lime for the Water Division of the Public Utilities Department. He commented lime is a softening agent used in our water process. Legislative Action: Councilmember Rhodus presented the first reading of this Ordinance. Councilmember Rhodus, seconded by Councilmember Senger moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 5-0. Councilmember Rhodus, seconded by Councilmember Senger moved to adopt. Motion Carried 5-0. ORDINANCE NO. 15-11 ADOPTED 5-0.

**PARKS, RECREATION & ENVIRONMENT COMMITTEE**

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

Councilmember Senger, seconded by Councilmember Rhodus moved to read the following two (2) Ordinances by title only. Motion Carried 5-0.

Ordinance to authorize the City Manager to enter into an agreement with The Hill Company for the purchase of fertilizer and chemicals for use within the Golf Maintenance and Park Maintenance Divisions.

Background: City Manager Pizzano recommended an agreement with the Hill Company for the purchase of fertilizer and chemicals for the Golf Maintenance and Park Maintenance Divisions. Legislative Action: Councilmember Senger and Tradetown "Vice Mayor" Nolan Crow presented the first reading of the Ordinance. Councilmember Senger, seconded by Councilmember Abbott moved to suspend the rules requiring three readings of the Ordinance. Motion Carried 5-0. Councilmember Senger, seconded by Councilmember Abbott moved to adopt. Motion Carried 5-0. ORDINANCE NO. 16-11 ADOPTED 5-0.

Ordinance to designate the Village Green Campus Area Properties as subject to the jurisdiction of the Fairfield Parks and Recreation Board pursuant to sections 8.05(B)(7) and (8) of the Fairfield City Charter and declaring an emergency.

Background: City Manager Pizzano recommended the designation of the Village Green Campus Area Properties, which includes the Community Arts Center, the library, the amphitheater, and the rest of public part of the campus as being subject to the jurisdiction of the Fairfield Parks and Recreation Board subject to the provision of the City Charter. He briefly discussed problems that occur in the area including vandalism and public conduct. He explained this granting of jurisdiction will allow for the rules and regulations of the Park and Recreation Board to be able to applied and maintained by the Police. Legislative Action: Councilmember Senger and Tradetown "Vice Mayor" Nolan Crow presented the first reading of this Ordinance. Councilmember Senger, seconded by Councilmember Rhodus moved to suspend the rules requiring three (3) readings or the Ordinance. Motion Carried 5-0. Councilmember Senger, seconded by Councilmember Rhodus moved to adopt. Councilmember Senger thanked the Parks Board for all their work and the Law Director for drafting this. He stated he thinks this will be a positive improvement to the area by the Library and Community Arts Center. Motion Carried 5-0. ORDINANCE NO. 17-11 ADOPTED AS AN EMERGENCY 5-0.

#### **PUBLIC WORKS COMMITTEE**

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

Councilmember Judd, seconded by Councilmember Rhodus moved to read two Ordinances by title only. Motion Carried 5-0.

Ordinance to authorize the City Manager to enter into an agreement with the City of Hamilton to cooperatively fund the improvements to Bobmeyer Road between Airport Road West and State Route 4 as part of Hamilton's 2011 Asphalt Overlay Project and declaring an emergency.

Background: City Manager Pizzano recommended an agreement with the City of Hamilton to cooperatively fund the improvements to Bobmeyer Road between Airport Road West and State Route 4 as part of the Hamilton 2011 Asphalt Overlay Project. He explained this will enable both cities to coordinate the timing of the asphalt overlay of that roadway rather than doing them independently. Legislative Action: Councilmember Judd presented the first reading of this Ordinance. Councilmember Judd, seconded by Councilmember Abbott moved to suspend the rules requiring three (3) readings of the Ordinance. Motion Carried 5-0. Councilmember Judd, seconded by Councilmember Rhodus moved to adopt. Motion Carried 5-0. ORDINANCE NO. 18-11 ADOPTED 5-0.

Ordinance to authorize the City Manager to enter into a one (1) year contract with Prus Construction for the 2011 Concrete Repair and Replacement Work with an option of extending the contract for years two (2) and three (3).

Background: City Manager Pizzano recommended one year contract with Prus Construction for this year's concrete repair and replacement work with the option of extending the contract for an additional two years. He explained this is something done annually that involves the reconstruction of the curb and gutter done in conjunction with the asphalt overlay work. Legislative Action: Councilmember Judd presented the first reading of this Ordinance. Councilmember Judd, seconded by Councilmember Abbott moved to suspend the rules requiring three (3) readings of this Ordinance. Motion Carried 5-0. Councilmember Judd, seconded by Councilmember Senger moved to adopt. Motion Carried 5-0. ORDINANCE NO. 19-11 ADOPTED 5-0.

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

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

Councilmember Abbott, seconded by Councilmember Rhodus moved to read the following two (2) Ordinances by title only. Motion Carried 5-0.

Appropriation Ordinance (Contractual Items) - \$600,000 for 2011 Concrete Repair and Replacement work.

Background: City Manager Pizzano recommended the following contractual item: \$600,000 for 2011 Concrete Repair and Replacement Work. Legislative Action: Councilmember Abbott presented the first reading an Ordinance to amend Ordinance No. 117-110 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, 2011, and ending December 31, 2011". Councilmember Abbott, seconded by Councilmember Senger moved to suspend the rules requiring three (3) readings of the Ordinance. Motion Carried 5-0. Councilmember Abbott, seconded by Councilmember Senger moved to adopt. Motion Carried 5-0. ORDINANCE NO. 20-11 ADOPTED 5-0.

Appropriation Ordinance (Non-Contractual Items) - \$2,500 Seward Road Improvement Project easement acquisitions; and \$3,254 for Seward Road Improvement Project utility work.

Background: City Manager Pizzano recommended the following non-contractual items: \$2,500 Seward Road Improvement Project easement acquisitions and \$3,254 for Seward Road Improvement Project utility work. Legislative Action: Councilmember Abbott presented the first reading an Ordinance to amend Ordinance No. 117-110 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, 2011, and ending December 31, 2011". Councilmember Abbott, seconded by Councilmember Senger moved to suspend the rules requiring three (3) readings of the Ordinance. Motion Carried 5-0. Councilmember Abbott, seconded by Councilmember Snyder moved to adopt. Motion Carried 5-0. ORDINANCE NO. 21-11 ADOPTED 5-0.

### Meeting Schedule

Mayor D'Epifanio explained on the meeting schedule one of the items is a meeting called between Fairfield and Hamilton City Councils. He stated this will be nothing but a social time because we do not know some of their Council members and they don't know us. He explained there will be a social hour, dinner and they will introduce themselves, but it will not be anything pertaining to business between the two cities or anything of that nature. He explained it is for the Councilmembers and City Managers of both cities and the Mayors. Mayor D'Epifanio commented that the meeting is televised and will be played back on Time Warner Cable on Channel 18 or on the website.

Clerk Johns read the following meeting notices:

Saturday, March 5 Special Meeting (Executive Session) - Board/Commission Interviews; 8 a.m.

Monday, March 7 Special Meeting (Open Agenda) - Joint meeting of the City of Fairfield and City of Hamilton, 411 Wessel Drive, 6 p.m.

Monday, March 14 Council-Manager Briefing, 6 p.m.; Regular Meeting, 7 p.m.

Monday, March 28 Council-Manager Briefing, 5:30 p.m. (CIP Review); Regular Meeting, 7 p.m.

### Executive Session of Council (if needed)

City Council adjourned to executive session at 7:41 PM.

### Adjournment

The Regular Meeting adjourned at 8:29 PM.

ATTEST:

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Clerk of Council

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

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