

**FAIRFIELD CITY COUNCIL
REGULAR MEETING AGENDA
FAIRFIELD MUNICIPAL BUILDING
5350 PLEASANT AVENUE
FAIRFIELD, OHIO 45014**

MONDAY, APRIL 14, 2014

7:00 PM

MAYOR.....STEVE MILLER
COUNCILMEMBER 1ST WARD.....ADAM B. JONES
COUNCILMEMBER 2ND WARD.....MARTY JUDD
COUNCILMEMBER 3RD WARD.....DEBBIE PENNINGTON
COUNCILMEMBER 4TH WARD.....TERRY SENGER

COUNCILMEMBER AT-LARGE...CHAD OBERSON
COUNCILMEMBER AT-LARGE...MIKE SNYDER
COUNCILMEMBER AT-LARGE...BILL WOESTE
CITY MANAGER.....ARTHUR E. PIZZANO
CLERK OF COUNCIL.....ALISHA WILSON
LAW DIRECTOR.....JOHN H. CLEMMONS

Guidelines for Citizen Comments: Thank you for your interest and participation in city government. Fairfield City Council's Guidelines for Citizen Comments describe the rules for addressing City Council. The guidelines are posted in the Council Chambers.

ADA Notice: The City of Fairfield is pleased to provide accommodations to disabled individuals or groups and encourage full participation in city government. Should special accommodations be required, please contact the Clerk of Council at 867-5383 at least 48 hours in advance of the meeting.

1. **Call to Order**
2. **Prayer/Pledge of Allegiance**
3. **Roll Call**
4. **Agenda Modifications**
5. **Executive Session Requests**
6. **Public Hearing(s)**
7. **Special Presentations and Citizen Comments**
 - a) Arbor Day Proclamation
8. **Mayor/Council Reports**
9. **Approval of Minutes**
 - a) Regular Meeting Minutes of March 24, 2014
10. **OLD BUSINESS**

(A) **DEVELOPMENT SERVICES COMMITTEE**
Bill Woeste, Chairman; Adam Jones, Vice Chairman, Mike Snyder, Member

- (1)  Ordinance to amend various sections of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio, relative to the Storm Water Quality Management Plan, Drainage, Sedimentation Control, Stormwater Management Requirements and Sewer requirements.

- Ordinance – Third reading
- Motion – Adoption

(B) **PUBLIC SAFETY COMMITTEE**
Adam Jones, Chairman; Marty Judd, Vice Chairman, Terry Senger, Member

- (1)  Ordinance to amend Chapter 725, Peddlers and Solicitors, of the Codified Ordinances of Fairfield, Ohio.

- Ordinance – Second Reading

11. NEW BUSINESS

(A) **PUBLIC SAFETY COMMITTEE**

Adam Jones, Chairman; Marty Judd, Vice Chairman, Terry Senger, Member

- (1) **Simple Motion:** Motion to approve a liquor permit application in the name of Carniceria La Preferida, LLC, Unit 1 1st Floor, 5951 Boymel Drive, Fairfield, OH 45014 (Permit Classes: C1 and C2).
- (2) **Simple Motion:** Motion to approve a liquor permit application in the name of Seeta Petroleum, Inc. dba Fairfield Dixie Sunoco, Unit A, 7500 Dixie Highway, Fairfield, OH 45014 (Permit Classes: C1 and C2).
- (3) Resolution objecting to the renewal of the liquor permit for DLMC LLC dba Memories Sports Bar & Grill and declaring an emergency.
 - Motion – Read by Title Only (Optional)
 - Ordinance – First Reading
 - Motion – Suspend Second and Third Readings
 - Motion – Adoption

(B) **PUBLIC WORKS COMMITTEE**

Chad Oberson, Chairman; Mike Snyder, Vice Chairman, Bill Woeste, Member

- (1) Ordinance to authorize the City Manager to execute and file the application for financial assistance and enter into an agreement with Ohio Kentucky Indiana Regional Council of Governments (OKI) for a grant to fund a portion of the City-wide traffic signal improvements project and declaring an emergency.
 - Motion – Read by Title Only (Optional)
 - Ordinance – First Reading
 - Motion – Suspend Second and Third Readings
 - Motion – Adoption

(C) **PUBLIC UTILITIES COMMITTEE**

Marty Judd, Chairman; Chad Oberson, Vice Chairman, Adam Jones, Member

- (1) Ordinance to authorize the City Manager to enter into a three (3) year contract with EPCO Carbon Dioxide Products, Inc. for the purchase of liquid carbon dioxide for use at the Water Treatment Plant.
 - Motion – Read by Title Only (Optional)
 - Ordinance – First Reading
 - Motion – Suspend Second and Third Readings
 - Motion – Adoption

(D) **FINANCE & BUDGET COMMITTEE**

Terry Senger, Chairman; Debbie Pennington, Vice Chairman, Chad Oberson, Member

- (1) Ordinance to authorize the City Manager to execute a collective bargaining agreement with the American Federation of State, County, and Municipal Employees (AFSCME), Council 8, AFL-CIO for wages, hours and terms and conditions of employment for the AFSCME Bargaining Unit and declaring an emergency.
 - Motion – Read by Title Only (Optional)
 - Ordinance – First Reading
 - Motion – Suspend Second and Third Readings
 - Motion – Adoption

- (2) Ordinance to authorize the City Manager to execute a collective bargaining agreement with the International Union of Operating Engineers, Local #20, AFL-CIO (IUOE) for wages, hours and terms and conditions of employment for the IUOE Local #20 Bargaining Unit and declaring an emergency.
 - Motion – Read by Title Only (Optional)
 - Ordinance – First Reading
 - Motion – Suspend Second and Third Readings
 - Motion – Adoption

- (3) Ordinance to authorize the City Manager to execute a contract with Fraternal Order of Police, Lodge No. 166 for wages, hours and terms and conditions of employment for the Police Supervisors Bargaining Unit and declaring an emergency.
 - Motion – Read by Title Only (Optional)
 - Ordinance – First Reading
 - Motion – Suspend Second and Third Readings
 - Motion – Adoption

- (4) Ordinance to amend sections 163.06, 163.19 and 163.20 of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio relative to employee provisions and declaring an emergency.
 - Motion – Read by Title Only (Optional)
 - Ordinance – First Reading
 - Motion – Suspend Second and Third Readings
 - Motion – Adoption

- (5) Ordinance establishing salaries for certain exempt and salaried employees of the City of Fairfield, Ohio, to repeal Ordinance No. 33-13 and all amendments thereto and declaring an emergency.
 - Motion – Read by Title Only (Optional)
 - Ordinance – First Reading
 - Motion – Suspend Second and Third Readings
 - Motion – Adoption

- (6) Ordinance to establish salaries and hourly rates for certain salaried and hourly employees of the City of Fairfield, Ohio and to authorize and limit the numbers and types of certain employees, to repeal Ordinance No. 23-14 and all amendments thereto and declaring an emergency.
 - Motion – Read by Title Only (Optional)
 - Ordinance – First Reading
 - Motion – Suspend Second and Third Readings
 - Motion – Adoption

- (7) Ordinance to establish salaries and hourly rates for certain Municipal Court employees of the City of Fairfield, Ohio and to authorize and limit the numbers and types of certain Municipal Court employees to repeal Ordinance No. 32-13 and all amendments thereto and declaring an emergency.
 - Motion – Read by Title Only (Optional)
 - Ordinance – First Reading
 - Motion – Suspend Second and Third Readings
 - Motion – Adoption

(8) Resolution to approve and adopt the City of Fairfield, Ohio 2014-2018 Capital Improvement Program.

- Motion – Read by Title Only (Optional)
- Ordinance – First Reading
- Motion – Suspend Second and Third Readings
- Motion – Adoption

(9) Non-Contractual Appropriations - \$12,000 for software packages for City's internet access, virus protection, SPAM filtering and message archiving; \$5,700 repair/replacement of the Fairfield Greens South Trace irrigation system; \$9,450 for the purchase of a replacement main pool pump at Fairfield Aquatic Center; \$20,000 for chemicals to remove roots from public sewer lines; \$6,000 for purchase of replacement generator for CCTV Truck; \$9,000 for purchase of replacement garage doors and ventilation system for Sludge Thickener Building; \$12,500 for purchase of Dezurik valves for Digesters No. 3 and No. 4.

- Motion – Read by Title Only (Optional)
- Ordinance – First Reading
- Motion – Suspend Second and Third Readings
- Motion – Adoption

12. Meeting Schedule

Monday, April 28	Regular Meeting, 7:00 p.m.
Monday, May 12	Regular Meeting, 7:00 p.m.
Tuesday, May 27	Regular Meeting, 7:00 p.m.

13. Executive Session of Council (if needed)

14. Adjournment

MINUTES
REGULAR MEETING OF COUNCIL
MARCH 24, 2014

Call to Order

Mayor Steve Miller called the Regular Meeting of Council to order at 7:00 PM at the Fairfield Municipal Building, 5350 Pleasant Avenue. He introduced students from Cincinnati Christian Elementary's Tradetown program that were attending the meeting - Tradetown Mayor Magnolia, Vice Mayor Tim and Police Officer Ryanne.

Prayer/Pledge of Allegiance

Tradetown Mayor Magnolia led the prayer and Pack 967 Cub Scouts out of Sacred Heart led the Pledge of Allegiance.

Roll Call

Clerk Wilson called the roll of Council. Present members were Councilmember Adam Jones, Councilmember Marty Judd, Councilmember Debbie Pennington, Councilmember Terry Senger, Councilmember Chad Oberson, Councilmember Mike Snyder, and Councilmember Bill Woeste.

Agenda Modifications

Councilmember Snyder proposed an agenda modification to add Charter Review Commission appointments to the Simple Motion on the agenda. Councilmember Senger, seconded by Councilmember Oberson, moved for the proposed agenda modification. Motion carried 7-0.

Executive Session Requests

Councilmember Judd, seconded by Councilmember Woeste, moved for executive session to discuss employment of personnel and pending/imminent litigation. Motion carried 7-0.

Public Hearing(s)

Special Presentations and Citizen Comments

Cincinnati Christian School principle Donna Hempleman explained Tradetown to Council and presented a thank-you gift to the police department for all the hard work they do to help keep the school safe and build relationships with the students.

Mayor/Council Reports

Councilmember Jones introduced Tradetown Vice Mayor Tim Fuller, who read the Public Safety report for this week. Sergeant Amy Mays received the Top Cop Award from Mothers Against Drunk Driving. Sgt. Mays has been the coordinator with the Butler County OVI Task Force for the past three years and is responsible for OVI check-points within the city.

Councilmember Judd reported that in a recent study of 64 public entities in the Dayton area, the City of Fairfield's combined water and sewer rate is the fourth lowest. He also thanked everyone for their condolences on the passing of his mother.

Councilmember Senger reported that Moody's Investor Services of New York affirmed the City's outstanding AA1 bond rating, which is reserved for less than 10% of government agencies in the nation.

He thanked the Finance Director and City staff for all of their hard work to maintain a strong financial position.

Councilmember Oberson reported that curb-side brush pick-up will start on April 7. There is also the Operation Dump Truck option, to have a truck brought to your home to fill with brush. For more information, contact Public Works at 867-4200.

Councilmember Snyder reported that a trio will perform at the Community Arts Center on Friday, March 28 at 7 PM. The trio performs songs made popular by harmony groups, such as the Andrews Sisters. Additional information is available online. Also, Hamilton-Fairfield Symphony Orchestra will hold the 5k run on Saturday, April 12 along the bike path that starts in Waterworks Park. Registration opens at 7:30 AM.

Mayor Miller recognized the individuals that were submitted in the Fairfield Works Program over the past few months, snow plow drivers in general; Police Sgt. Amy Mays; Jason Roesch, Doug Smith and Matt Young of the Public Works Department; Chris Schuster and Heidi Schiller of the Parks and Recreation Department.

Approval of Minutes

Regular Meeting Minutes of March 10, 2014

- The Regular Meeting Minutes of March 10, 2014 were approved as written

OLD BUSINESS

DEVELOPMENT SERVICES COMMITTEE

Bill Woeste, Chairman; Adam Jones, Vice Chairman, Mike Snyder, Member

Ordinance to amend various sections of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio, relative to the City of Fairfield Design, Construction and Material Specifications Handbook and Water Requirements.

Councilmember Woeste presented the third reading of this ordinance.

Councilmember Bill Woeste, seconded by Councilmember Mike Snyder moved to adopt . Motion Carried 7-0. ORDINANCE NO. 21-14. APPROVED 7-0.

Ordinance to amend various sections of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio, relative to the Storm Water Quality Management Plan, Drainage, Sedimentation Control, Stormwater Management Requirements and Sewer requirements.

Councilmember Bill Woeste, seconded by Councilmember Terry Senger moved to amend the ordinance. Motion Carried 7-0.

Councilmember Woeste presented the second reading of this ordinance.

PUBLIC WORKS COMMITTEE

Chad Oberson, Chairman; Mike Snyder, Vice Chairman, Bill Woeste, Member

Ordinance to authorize the City Manager to enter into an agreement with Ohio Department of Transportation for Bridge Inspection Program Services.

Councilmember Oberson presented the third reading of this ordinance.

Councilmember Chad Oberson, seconded by Councilmember Debbie Pennington moved to adopt . Motion Carried 7-0. ORDINANCE NO. 22-14. APPROVED 7-0.

NEW BUSINESS

COMMUNITY & PUBLIC RELATIONS COMMITTEE

Mike Snyder, Chairman; Bill Woeste, Vice Chairman, Debbie Pennington, Member

Simple Motion: Boards & Commissions Appointments appoint the following residents to serve on Fairfield's boards and commissions effective April 1, 2014:

Board of Zoning Appeals – Greg Porter, term expires 3/31/2019
Design Review Committee – Jeffrey Larkin, term expires 3/31/2016
Ward Boundary Review – Keith Foster

Environmental Commission:

David Colteryahn, term expiring March 31, 2017
Greg LoBuono, term expiring March 31, 2017
Gwen Ritchie, term expiring March 31, 2016
Adam Sackenheim, term expiring March 31, 2015
Charles Ullrich, term expiring March 31, 2017

Cultural Arts Advisory Commission:

Sherry Knapp-Brown, term expiring March 31, 2017
Abigail Slaven, term expiring March 31, 2016
Joan Hume, term expiring March 31, 2016

Charter Review Appointments, eff. April 1, 2014 and ending March 31, 2016:

First Ward - Daniel Miller
Second Ward - Sandy Keller
Third Ward - Theresa Durbin
Fourth Ward - Kevin Noll
At-Large - Kenneth Fields
At-Large - John Hensley
At-Large - Thomas Montgomery

Councilmember Snyder, seconded by Councilmember Judd, moved to approve the Boards & Commissions appointments. Motion carried 7-0. SIMPLE MOTION NO. 8-14. APPROVED 7-0.

PUBLIC SAFETY COMMITTEE

Adam Jones, Chairman; Marty Judd, Vice Chairman, Terry Senger, Member

Ordinance to amend Chapter 725, Peddlers and Solicitors, of the Codified Ordinances of Fairfield, Ohio.

Councilmember Adam Jones, seconded by Councilmember Debbie Pennington moved to read the following ordinance by title only. Motion Carried 7-0.

Background: City Manager Pizzano suggested an ordinance to amend the Peddlers and Solicitors license portion of the Codified Ordinances. The major change is moving the process from the City Manager's Office to the Police Department and requiring the license to be displayed in some way. Legislative Action: Tradetown Vice Mayor Tim presented the first reading of this ordinance.

FINANCE & BUDGET COMMITTEE

Terry Senger, Chairman; Debbie Pennington, Vice Chairman, Chad Oberson, Member

Councilmember Terry Senger, seconded by Councilmember Debbie Pennington moved to read the following two (2) ordinances by title only. Motion Carried 7-0.

Ordinance to establish salaries and hourly rates for certain salaried and hourly employees of the City of Fairfield, Ohio and to authorize and limit the numbers and types of certain employees, to repeal Ordinance No. 88-13 and all amendments thereto and declaring an emergency.

Background: City Manager Pizzano recommended an ordinance to establish the salaries and hourly rates for the Fire Department, pursuant to the new bargaining agreement that was approved. Legislative Action: Councilmember Senger presented the first reading of this ordinance.

Councilmember Terry Senger, seconded by Councilmember Adam Jones moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 7-0. Councilmember Terry Senger, seconded by Councilmember Chad Oberson moved to adopt . Motion Carried 7-0. ORDINANCE NO. 23-14. APPROVED 7-0.

Non-Contractual Appropriations - \$15,000 for purchase of hydrants for Water Division; \$13,950 for Review Appraisal Services for Route 4, South Gilmore & Holden Intersection Improvements; \$6,500 for Cellular Telephone Analysis Equipment, Software and Training; \$11,955 for operation of Explorer's Post with Fairfield Police Department.

Background: City Manager Pizzano recommended non-contractual appropriations for the purchase of hydrants for the Water Division, review appraisal services for Rt. 4, S. Gilmore and Holden Intersection Improvements, Cellular Telephone Analysis Equipment, Software and Training and the operation of the Explorer's Post with Fairfield Police Department. Legislative Action: Councilmember Senger presented the first reading of this ordinance.

Councilmember Terry Senger, seconded by Councilmember Mike Snyder moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 7-0. Councilmember Terry Senger, seconded by Councilmember Adam Jones moved to adopt . Motion Carried 7-0. ORDINANCE NO. 24-14. APPROVED 7-0.

Meeting Schedule

Clerk Wilson read the following meeting schedule:

- Monday, April 14 Regular Meeting, 7:00 p.m.
- Monday, April 28 Regular Meeting, 7:00 p.m.
- Monday, May 12 Regular Meeting, 7:00 p.m.

Executive Session of Council (if needed)

Council adjourned to Executive Session at 7:30 PM.

Adjournment

The Regular Meeting of Council adjourned at 8:10 PM.

ATTEST:

Clerk of Council
Approved _____

Mayor

**City of Fairfield, Ohio
City Council Meeting Communication**

Date 02-10-14

Item:

An ordinance modifying various chapters of the Fairfield Codified Ordinances associated with the update of the Design Construction and Material Specifications Handbook and City of Fairfield Storm Water Quality Management Plan.

Financial Impact:

There may be possible financial impacts with the various modifications.

Synopsis:

The edited Design Construction and Material Specifications Handbook, City of Fairfield Storm Water Quality Management Plan as well as Chapter 906 Drainage Maintenance & Abatement; Chapter 921 Water; Chapter 925 Sewers; Chapter 1105.01 Definitions and Chapter 1117 Storm Drainage & Sedimentation Control are attached for review.

Significant modifications include:

1. Update of the City of Fairfield Storm Water Quality Management Plan (revised 8/2013) as required by the Ohio Environmental Protection Agency. The goal of the plan is to reduce the adverse effects of storm water discharged from 2014-2018. There are six minimum control issues developed in the plan:
 - a. Public Education and Outreach
 - b. Public Participation/Involvement
 - c. Illicit Discharge Detection and Elimination
 - d. Construction Site Storm Water Runoff Control
 - e. Post Construction Storm Water Management in New Development and Redevelopment
 - f. Pollution Prevention/Good Housekeeping for Municipal Operations
2. Modifications of driveway apron depth in commercial and industrial areas.
3. Upgrade in water line material from Class 53 to Class 55 and requirements for polyethylene wrap on all water main installations.
4. Set a standard for water line materials and meter/vault placement for private commercial and industrial infrastructure development.
5. Change metering requirements from placement of meters inside the structure to outside the structure in meter pits.
6. Create a standard for private sewer lateral relining.
7. Allow various pipe materials, constructed to manufacturer's specifications for wastewater mains, and modify standards and testing procedures for manholes to further eliminate inflow and infiltration into the wastewater system.

The attached modified ordinances provide the authority to impose the standards, specifications and materials as depicted in the Design Construction and Material Specifications Handbook and authorize the City of Fairfield Storm Water Quality Management Plan.

Background:

The last modification to the Design Construction and Material Specifications Handbook occurred in 2007. The City of Fairfield Storm Water Quality Management Plan was last updated in 2005.

At the January 27, 2014 Council Manager Briefing several staff members discussed the changes that are proposed in the Design Construction and Material Specifications Handbook and the City of Fairfield Storm Water Quality Management Plan.

In order to solicit stakeholder comments, letters went out to over 75 stakeholders giving them 45 days to comment on the proposed changes to the Design Construction and Material Specifications Handbook. Public input may continue during the Council and Planning Commission review process.

Recommendation:

It is recommended that City Council have first reading on this ordinance at the February 10th meeting and set the public hearing for Monday, February 24, 2014 and await the written recommendation from the Planning Commission.

Legislative Actions: Rules Suspension and Adoption Requested? No.
Emergency Provision Needed? No.

Prepared by: Timothy Bachmann
Approved for Content by: Timothy Bachmann
Financial Review (where applicable) Mary Ann
Legal Review (where applicable) Stacy Clemmons
Accepted for Council Agenda: Mark Simon

ORDINANCE NO. _____

ORDINANCE TO AMEND VARIOUS SECTIONS OF ORDINANCE NO. 166-84, THE CODIFIED ORDINANCES OF FAIRFIELD, OHIO, RELATIVE TO THE STORM WATER QUALITY MANAGEMENT PLAN, DRAINAGE, SEDIMENTATION CONTROL, STORM WATER MANAGEMENT REQUIREMENTS AND SEWER REQUIREMENTS.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. Various section of Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio, relative to the Storm Water Quality Management Plan, Drainage, Sedimentation Control, Storm Water Management Requirements and Sewer requirements are hereby amended to read as shown in the attached Exhibit "A" which is incorporated herein by reference.

Section 2. This Ordinance shall take effect at the earliest period allowed by law.

Passed _____
Mayor's Approval _____

Posted _____

First Reading 2/10/14 Rules Suspended _____

Second Reading _____

Third Reading _____

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

DEPARTMENTAL CORRESPONDENCE

City
of
Fairfield



TO Mayor Miller and City Councilmembers
FROM Scott Lepsky, Chairman, Planning Commission

SUBJECT PLANNING COMMISSION RECOMMENDATION

DATE 03/17/14

Please be advised at the Planning Commission meeting held on Wednesday, March 12, 2014, the Planning Commission voted 5 – 0 in favor of recommending approval of the updated Storm Water Quality Management Plan and associated ordinances (Chapters 925, 1117, 1182 and 1196).

Scott Lepsky / TB

Scott Lepsky, Chairman
Fairfield Planning Commission

plf

Attachment

c: Arthur E. Pizzano, City Manager
Alisha Wilson, Clerk of Council
Timothy Bachman, Development Services Director
David Butsch, Public Works Director
Rick Helsinger, Supt., Bldg. Inspection & Zoning
John Clemmons, Law Director
Planning Commission Members (7)

925.01 DEFINITIONS.

As used in this chapter:

(1) "BEST MANAGEMENT PRACTICES (BMPS)" ARE IDENTIFIED IN THE LATEST EDITION OF THE OHIO EPA GENERAL (NPDES) PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY (SEE PART IIIG2E OF THE OHIO EPA'S NPDES PERMIT). THEY CONSIST OF STRUCTURAL AND NON-STRUCTURAL STORMWATER QUALITY MANAGEMENT CONTROL MEASURES.

(1.1) "Biochemical oxygen demand (BOD)" means the quantity of oxygen expressed in milligrams per liter, utilized in five days at twenty degrees Celsius, in the biochemical oxidation of organic matter under standard laboratory procedure, as prescribed in "Standard Methods for the Examination of Water and Wastewater", Thirteenth Edition.

(2) "Building drain" means that part of the lowest horizontal piping of a drainage system, which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, terminating five feet outside the building wall.

(3) "Sewer lateral, sewer service or house connection" means the extension from the building drain to the sewer main or other place of disposal.

(4) "Chemical oxygen demand (COD)" means the quantity of oxygen expressed in milligrams per liter equivalent to that portion of the organic matter in a sample of wastewater that is susceptible to oxidation by a strong chemical [~~oxidant~~] **OXIDANT**, as prescribed in "Standard Methods for the Examination of Water and Wastewater."

(5) "City" means the City of Fairfield or its authorized agents or representatives.

(6) "City Manager" means the City Manager or his authorized agent or representative.

(7) "Compatible pollutant" means pollutants which the treatment plant was designed to treat which are BOD, suspended solids, phosphorous, ammonia and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the publicly owned treatment works were designed to treat such pollutants and in fact does remove such pollutants to a substantial degree.

(8) "Connection charge" means that amount paid by the owner of each new service connected to the treatment works to pay for the City's share of facilities required to serve the premises. The charge shall be in proportion to the probable demand placed on the system.

(9) "Director" means the Director of Public Utilities or his authorized agent or representative.

(10) "Easement" means an acquired legal right for the specific use of land owned by others.

(11) "Engineer" means the City Engineer or his authorized agent or representative.

(12) "Garbage" means the solid waste from the preparation, cooking and serving of

foods and from the handling, storage and sale of produce.

(13) "Incompatible pollutant" means any pollutant which is not compatible.

(14) "Industrial cost recovery charge" means that amount assessed each industrial user to repay that portion of all federal grant amounts allocable to the treatment of wastes from the industrial users of the wastewater facilities in proportion to capacity of such facilities committed to their use.

(15) "Industrial user" means any nongovernmental user of the treatment works identified in the "Standard Industrial Classification Manual" 1972, Office of Management and Budget, published by the federal government, as amended and supplemented under the following divisions:

- A. Division A: Agriculture, forestry and fishing.
- B. Division B: Mining.
- C. Division D: Manufacturing.
- D. Division E: Transportation, communications, electric, gas and sanitary services.
- E. Division I: Services.

A user in Divisions A to I may be excluded from this definition if it is determined by the City that such user shall introduce primarily segregated domestic waste or wastes from sanitary conveniences.

(16) "Industrial wastes" means the wastewater from industrial processes, trade or business as distinguished from domestic or sanitary wastes.

(17) "Maintenance cost" means those costs, including labor, materials, supplies, equipment, accessories and appurtenances required to maintain the capacity and performance during the service life of the wastewater treatment plant for which such works were designed and constructed.

(18) "Major contributing industry" means an industrial user of the publicly owned treatment works to which any of the following apply:

- A. Has a flow of 50,000 gallons or more per average work day;
- B. Has a flow greater than five percent (5%) of the flow carried by the wastewater collection system receiving the waste;
- C. Has in its waste, a toxic pollutant in amounts as defined in standards issued under Section 307(a) of PL 92-500; or
- D. Is found by the permit issuance authority, in connection with the issuance of an NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

(19) "May" is permissive.

(20) "Nonindustrial user" means any user of the wastewater facilities not classified as

an industrial user.

(21) "NPDES permit" means National Pollutant Discharge Elimination System permit as issued by the State Environmental Protection Agency under authorization issued by the U.S. EPA, Region V.

(22) "Operating cost" means those costs, including labor, materials, supplies, equipment, accessories and appurtenances required to operate the wastewater treatment plant at the level of performance required by the NPDES permit and the administrative, billing and wastewater collection costs.

(23) "pH" means the logarithm of the reciprocal of hydrogen ion concentration. The hydrogen ion concentration is the weight of hydrogen ions, expressed in grams per liter of solution.

(24) "Phosphorus" means the total phosphorus content of a sample as expressed in milligrams per liter, including all of the orthophosphates and condensed phosphates, both soluble and insoluble, and organic and inorganic species, and referred to in "Standard Methods for the Examination of Water and Wastewater" as total phosphorus.

(25) "Pretreatment" means the treatment of wastewaters before their introduction into the wastewater collection system of treatment works.

(26) "Private sewer" means a sewer constructed, controlled and maintained by someone other than a government agency or public utility.

(27) "Properly shredded garbage" means garbage that has been shredded to such a degree that all particles shall be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

(28) "Public sewer" means a common sewer in which all owners of abutting properties have equal rights and which is controlled by a governmental agency or public utility.

(29) "Recovered amounts" means that revenue generated as a result of the Industrial Cost Recovery System.

(30) "Recovery period" means thirty years from the completion of the wastewater treatment plant.

(31) "Replacement cost" means those costs, for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

(32) "Retained amounts" means that part of the recovered amounts retained by the City.

(33) "Sanitary sewer" means a sewer that carries liquid and/or water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

(34) "Segregated domestic wastes" means wastes which are characterized by a per capita discharge of 100 gallons/day at a loading of 200 mg/1 BOD and 250 mg/1 SS, commonly termed normal domestic sewage.

- (35) "Sewer" means a pipe or conduit that carries wastewater or drainage water.
- (36) "Shall" is mandatory.
- (37) "Significant user" means any industrial user that contributes greater than ten percent (10%) of the design flow or design pollutant loading of the treatment works.
- (38) "Slug" means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five times the average twenty-four hours concentration of flows during normal operation or which may adversely affect the collection system and/or performance of the wastewater treatment works.
- (39) "Storm drain or storm sewer" means a drain or sewer for conveying groundwater, subsurface water or unpolluted water from any source.
- (40) "Suspended solids (SS)" means total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to therein as [~~nonfilterable~~] **NON-FILTERABLE** residue.
- (41) "Superintendent" means the Superintendent of Public Utilities assigned to the Wastewater Division or his authorized agent or representative.
- (42) "Unpolluted water" means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (43) "User charge" means that amount paid by each owner of structures connected to the treatment works proportionate to the service provided. This charge shall cover all operation, maintenance and replacement costs for the treatment facilities, operation and maintenance costs for the collection system and administrative expenses incurred during operation of the wastewater office.
- (44) "Wastewater or sewage" means the spent water of a community, and may be a combination of the liquid and water -carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any ground water, surface water and storm water that may be present.
- (45) "Wastewater collection system" means the entire system of collection sewers, trunk sewers and interceptor sewers and all appurtenances, provided to collect and transport wastewater to the wastewater treatment plant.
- (46) "Wastewater treatment plant" means an arrangement of devices and structures for treating wastewater, industrial wastes and sludge.
- (47) "Watercourse" means a natural or artificial channel for the passage of water either continuously or intermittently.
(Ord. 167-95. Passed 11-13-95.)
- (48) "Debt service charge" means the portion of the sewer use charge, excluding high strength surcharges, which serves to retire debt incurred through capital improvements of

the sanitary sewer collection and treatment facilities.

(49) "Sewer service charge" means the portion of the sewer use charge which serves to pay expenditures incurred in the operation and maintenance of the City's sewer collection and treatment facilities.

(Ord. 12-97. Passed 1-27-97.)

925.02 RESPONSIBILITIES AND ENFORCEMENT.

(a) Division of Wastewater Established. There is hereby established a Division of Wastewater, under the direction of the Public Utilities Director, which shall be responsible for the operation and maintenance of the wastewater treatment plant and wastewater collection system according to the requirements of the NPDES permit and other Federal and State laws.

(b) Financial Management. The City Manager shall establish a division for the billing, recording and collecting of moneys associated with the provision of services by the Wastewater Division.

(c) Bylaws and Regulations. The City Manager may make such bylaws and regulations as are necessary for the safe, economical and efficient management and protection of the wastewater system and wastewater pumping, treatment and disposal works, and for the construction and use of wastewater services and their connection to the wastewater system. Such bylaws and regulations shall have the same validity as ordinances, when not repugnant thereto.

(d) Responsibility of Public Utilities Director for Sewers. The Public Utilities Director shall be responsible for approving the design and final acceptance of all sanitary sewers constructed in the City.

(Ord. 167-95. Passed 11-13-95.)

925.03 GENERAL SEWER CONSTRUCTION REQUIREMENTS.

(a) Responsibility for Construction. The Public Utilities Director shall supervise all the construction pertaining to the wastewater treatment facilities and all tests run on the collection system. He shall be responsible for offering and making recommendations for acceptance by the City Manager and/or Council.

(Ord. 34-97. Passed 3-31-97.)

(b) Sewer Construction. All sewer construction shall adhere to specifications and drawings in accordance with the Design, Construction and Materials Specification Handbook.

(Ord. 128-07. Passed 10-9-07.)

(c) Payment for Inspection of City-Initiated Work. Inspection for all sewer work initiated by the City shall be paid for from the Sewer Fund.

(Ord. 34-97. Passed 3-31-97.)

(d) Minimum Test Requirements. Maximum allowable infiltration shall be 100 gallons per mile per inch of diameter per twenty-four hour day. The Public Utilities Director or his/her authorized representative shall be present for all testing. The City shall not accept the responsibility of maintaining any new sewer unless the entire sewer has passed the infiltration test. The Public Utilities Director may require an exfiltration test or air test and closed circuit television inspection of all new sewers before acceptance.

(e) As-Built Drawings. Within thirty days after completion of the construction work on any part of the wastewater system, the contractor shall provide a complete set of certified, reproducible as-built drawings to the Public Utilities Director for all sewers constructed, including those constructed in subdivisions.
(Ord. 128-07. Passed 10-9-07.)

(f) Rules for Submittal of Subdivision Plans and Sewer Main Extensions.

(1) Improvements plans of all proposed subdivisions which include sanitary sewers shall be submitted to the Public Utilities Director for approval prior to being submitted to the Planning Commission for final approval. The subdivider shall confer with the Public Utilities Director on allowances for extra capacity in the subdivision sewer that are required for expansion of the sewer system beyond the limits of the subdivision before plans are submitted to the Public Utilities Director. No final plats shall be approved by the Planning Commission until the Public Utilities Director has approved the detail plans and specifications for the sewer. All plans and specifications submitted for approval shall be fully detailed so as to assure conforming and reliable construction, and shall be stamped by a registered professional engineer. The drawings are to conform to City standards. If revisions in either plans, specifications or design are found necessary, the submittal shall be returned to the subdivider for revisions and resubmittal.

(g) Inspections.

(1) All sewer and appurtenant structures shall be inspected during construction [and] installation **AND REPAIR** by the Public Works Director or inspectors assigned by him and responsible to him.

(2) The Public Works Director shall appoint or designate an inspector for periodical or continuous inspection as the type of work may require or as he deems necessary.

(h) Inspection Fees.

(1) Classification. Inspection fees shall be classified as follows:

- A. Review of preliminary plans.
- B. Continuous and intermittent construction inspection.
- C. Supervisory and final construction inspection.

(2) Review of preliminary plans. The fee for review of preliminary plans accompanying the tentative plat shall be included in the fee charged by the Planning Commission for submission of the final plat.

(3) Continuous and intermittent inspection.

A. General. When the extent of work in any project so justifies, the Public Works Director may provide for a full-time inspector for that project from his own forces. Where a project does not require full-time inspection, the Public Works Director may provide for intermittent inspection and may use the inspector for more than one such project.

B. Continuous. The Public Works Director shall send a monthly bill to the contractor for the time spent for inspection. The charge shall be at the hourly rate paid the inspectors by the City plus thirty percent (30%), with a minimum billing of one-half hour. If inspection is required at a time when the inspector is designated to receive overtime pay, the charge shall be at the overtime rate paid the inspector, plus thirty percent (30%) with a minimum billing of one-half hour.

C. Intermittent. Intermittent inspection may be provided when where the Public Works Director may consider this arrangement satisfactory. Charges for intermittent inspection shall be the same as those for continuous inspection based on actual hours of service, including time allowance for travel.

(4) Supervisory and final inspection.

A. Supervisory.

1. The Public Utilities Director may direct that soil tests and laboratory tests of material be made, and the subdivider shall be required to pay directly for any and all costs and charges incurred in having the tests made.

B. Final. Final inspection by the Public Utilities Director shall be made after the subdivider has submitted final as-built plans.

(i) Revisions. During construction, no departure from approved plans and specifications shall be made unless a request for a change is submitted to the Public Utilities Director in writing and approval in writing is obtained.

(Ord. 34-97. Passed 3-31-97.)

(j) As-Built Drawings. Editor's Note: This section intentionally left blank.

(k) Easements. The developer shall give the City any easements for future sewers recommended by the Public Utilities Director. Any such easements shall be recorded on the plan, and filed for approval with the Planning Commission. In the event it becomes necessary to construct sewers outside the limits of any platted easement, easements to include the sewer shall be given to the City by separate instrument. All sewers shall be constructed in public easements or rights of way.

(Ord. 128-07. Passed 10-9-07.)

(l) Sewer Charges. Charges for connection and use of sanitary sewers in subdivisions shall be made at the rate provided for by the City-wide system. All final plats of subdivisions showing sanitary sewers shall have the following note placed thereon in a conspicuous location.

"All sanitary sewers shown on this plat shall be subject to the same service charges and same rates as required for the City-wide system."

(m) Allowances for Larger Pipe Requirements. If the Director requires that the subdivision sewer or sewers must be larger than the size required to handle the sewage flow from the subdivision, due to expansion of the sewer system beyond the subdivision, in the future, the City shall pay the subdivider the difference in cost for the larger piping materials. Additional installation cost for the larger piping is the responsibility of the subdivider.

(n) Responsibility for Maintenance of Subdivision System. The City shall accept ownership and assume responsibility for the operation and maintenance of the constructed subdivision system upon completion, provided that acceptance of the system has been recommended by the Director after proper inspection and tests. The subdivider shall pay for the entire cost of the sewer unless otherwise provided for in this chapter, including the final inspection of the sewer system prior to acceptance by the City.

(o) Performance Bond. The contractor shall furnish to the City a performance bond of one hundred percent (100%) of the cost of the improvements to insure compliance with approved plans and specifications, and the proper functioning of the sewer and appurtenances. Sewer mains in subdivisions shall be included in the subdivision bonding process.

(p) Maintenance Bond.

(1) The contractor shall furnish to the City a maintenance bond of ten percent (10%) of the cost of the improvements for one year after the performance bond is released to insure proper functioning of the sewer and appurtenances.

(2) If maintenance is required as a result of improper construction and the contractor does not perform the maintenance within ten days or sooner in the event of an emergency of written notification, the City may perform the maintenance and subtract the cost of the maintenance from the bond.

(Ord. 34-97. Passed 3-31-97.)

925.04 USE OF PUBLIC SEWERS.

(a) Use Required.

(1) Except as otherwise provided, no person shall construct within the City any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

(2) The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the City, abutting on any street, alley or right of way in which there is now located a public sanitary sewer of the City, is hereby required at the owner(s)' expense to install toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety days after date of official notice to do so, provided that the public sewer is within 100 feet of the property line.

(b) Private Wastewater Disposal. No person shall construct and use any private wastewater system unless approval therefor has been received from the Director, County Board of Health and any other required agencies.

(c) Requirements for Private Wastewater Collection System. All privately constructed wastewater collection systems shall comply with City specifications governing the construction of sanitary sewers and two copies of certified, reproducible, as-built drawings shall be supplied to the Public Utilities Director before connection to the public system is made.

(Ord. 167-95. Passed 11-13-95.)

925.05 CONNECTION TO PUBLIC SEWERS.

(a) Procedure to Connect. No house sewer shall be constructed to connect with a public sewer nor shall any connection be made to a public sewer within the City, except in accordance with the following procedure. The owner, agent or lessee of the property for which the connection is desired shall make written application for the connection to the Public Utilities Director, which application shall state the location and nature of the property, the number of the lot, the length of the house sewer desired from the building foundation to the property or curb line and the fixtures to be connected thereto. After the application is made and a permit fee paid, a permit will be issued. The owner, agent or lessee shall have the house sewer installed and the connection to the public sewer established in the manner hereinafter provided. Connections are unlawful until the permit has been issued. In order to permit ventilation of the public sewer and sewer service, no trap shall be placed in the sewer service. After the sewer is laid and before it is covered or used, it shall be inspected by the Public Works Director and approved by the Public Utilities Director.

(b) Authorization to Install House Sewers; Connections and Toilet Facilities. The Public Utilities Director is authorized to install or have installed sewers, laterals and connections where satisfactory installation has not been made by the owner or agent. For the purpose of carrying out the provisions of this subsection, the Public Utilities Director is authorized and directed to secure the necessary equipment and hire the necessary labor. He shall maintain a record of the cost of the equipment and labor and shall ascertain as accurately as possible the actual cost of the installation of the house sewer and connection which cost, the addition to the cost of inspection and recording, shall be the cost charged to the owner, agent or lessee of the property for which the construction is done.

(c) License Required for Construction.

- (1) Sewer tapper's license. A sewer service **LATERAL AND/OR** connection may only be made, built or repaired by a person, firm or corporation having a sewer tapper's license issued by the Public Utilities Director. Application for such licenses must be made to the Public Utilities Director and a license fee of thirty dollars (\$30.00) shall accompany the application. The license shall be valid for one year, and must be renewed and an additional license fee paid each year. The license applicant shall be required to prove to the satisfaction of the Public Utilities Director that he/she possesses the qualifications necessary for a competent sewer builder. The applicant may be required to pass a test as to competency under the bylaws and regulations adopted by the Public Utilities Director.
- (2) Bond. Before being granted a license to make sewer connections, the applicant shall file with the City a bond in the amount of five thousand dollars (\$5,000) which shall be a blanket bond covering all installations of the sewer builder for one year after the actual installation. The bond shall be conditioned so as to insure proper workmanship and materials in the installation of any sewer for any property owner and to save the City harmless from claims arising as a result of damage to any person or property by reason of such sewer installations. The bond shall be approved by the Law Director as to form and surety. The license

shall be signed by the Public Utilities Director and shall expire one year after its issuance. A license may be revoked by the City Manager or Public Utilities Director if the licensee violates any of the laws, ordinances, bylaws and regulations governing connection to City sewers.

(Ord. 19-02. Passed 1-28-02.)

(d) Permit Fees; Inspection Fees. Before commencement of construction of any building sewer whether it is located on private or public property, the owners, agent or lessee shall obtain a written permit signed by the Public Utilities Director. There shall be three classes of sewer permits to establishment producing industrial wastes: residential, commercial service and multiple-family residences and service. In any case, the owner, agent or lessee shall make application on a special form furnished by the City. The permit application shall be accompanied and supplemented by any plans, specifications or other information considered necessary and pertinent in the judgment of the Public Utilities Director. A sewer permit fee of two hundred dollars (\$200.00) per tap shall be paid to the Utility Collection Office at the time the application is filed. The Public Utilities Director shall have the authority to require increased permit and inspection fees in unusual cases, or in cases where repeated inspections are required.

(e) Building Permit Required and Sewer Expansion Fee.

- (1) No sewer service shall be constructed to connect with a public sewer nor shall any connection be made to a public sewer within the City until the building permit from the Building Inspection Division has been obtained by the person, firm or corporation employed to perform the work. An application for a permit shall be signed by the owner, agent or lessee of the property for which the connection is to be made and by the person, firm or corporation employed to perform the work, and shall describe the property and state the number of fixtures to be connected.
- (2) No building permit shall be issued until a sewer expansion fee is paid. The sewer expansion fee is to be charged according to the following schedule:

Sewer Expansion Fee

<u>Water Meter Size</u>	<u>Equivalent Residential Unit (ERU)</u>	<u>Treatment Plant</u>	<u>Collection System</u>	<u>Total Sewer Exp. Fee</u>
5/8"	1.0	\$450	\$1,240	\$1,690
1"	1.4	630	1,736	2,366
1-1/2"	1.8	810	2,232	3,042
2"	2.9	1,305	3,596	4,901
3"	11.0	4,950	13,640	18,590
4"	14.0	6,300	17,360	23,660
5"	21.0	9,450	26,040	35,490

6" 29.0 13,050 35,960 49,010

(Ord. 22-94. Passed 3-1-94.)

(f) Responsibilities to be Borne by Property Owner.

- (1) All costs and expense incident to the installation and connection of the sewer service shall be borne by the owner. The property owner shall indemnify the City from any claims arising as a result of any loss or damage that may directly or indirectly be occasioned by installation of the sewer service.
- (2) The owner is responsible for the cleaning of the sewer service from his house or building to the public sewer main. The owner is responsible for the maintenance of the sewer service from his house or building to the limit of the public right of way.

(g) Responsibilities to be Borne by City.

- (1) The Public Utilities Director has the option of installing the sewer service from the sewer main connection to the limit of the public right of way and billing the property owner for such installation or requiring the owner to install the sewer service from the sewer main connection to the limit of the public right of way, at the owner's expense.
- (2) The City is responsible for maintenance on the sewer service from the limit of the public right of way to the sewer main.

(h) Separate Sewers Required; Exception. A separate and independent sewer service shall be provided for every building, except where one building stands on the opposite side of the sewer service from another building on an interior lot and no private sewer is available or can be built to the far building through an adjoining alley, court, yard or driveway. In such case, the sewer service from the structure nearest to the sewer main may be extended to accommodate the far building and the whole considered as one sewer service except for billing purposes.

(i) Approval of Existing Sewer Services. As public sewers become available and connections are made to them, existing sewer services shall generally not be approved for future use. The Public Utilities Director shall, however, have the authority to approve the use of an existing sewer service for new sewer service if, in his opinion, the existing sewer service is of acceptable construction quality and good condition. An additional permit and inspection fee shall be charged for persons seeking approval of the use of all or part of an existing sewer service, regardless of the subsequent approval or rejection of them. The fee schedule shall be the same as for a new sewer service. The property owner shall, in addition, pay for or perform any testing or exposure of the existing line for inspection deemed necessary by the Public Utilities Director.

(j) Minimum Specifications for Sewer Service Connection.

- (1) Sewer service connection shall be made by a material approved by the Director. Joints shall be tight and waterproof to the satisfaction of the Public Utilities Director.

(Ord. 167-95. Passed 11-13-95.)

- (2) The size and slope of the sewer service shall be subject to the approval of the Public Utilities Director, but in no event shall the diameter be less than eight inches for a public sewer main, and not less than six inches for private lateral for a gravity sewer system. Low pressure force main systems shall be sized according to hydraulic design criteria. The uniform slope of a gravity wastewater pipe shall be not less than one-quarter inch per linear foot.
- (3) No sewer service shall be laid parallel to or within five feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The sewer service shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. Cleanouts shall be built at all changes of direction of forty-five degrees or more and at every seventy-five feet or fraction thereof along all straight lines.

(Ord. 128-07. Passed 10-9-07.)

- (4) In all buildings in which any building drain is too low to permit gravity flow to the sewer main, sanitary sewage carried by such drain shall be lifted by artificial means as approved by the Public Utilities Director and discharged to the sewer service.
- (5) Connection of cellar floor drains to the sewer service shall be permitted only when they connect to a trap with a permanent waterseal between them and the sewer service connection. All vents shall be constructed so as to prevent foreign objects from being introduced into the sanitary sewers. Tees shall not be permitted in any part of the sewer service connection.
- (6) The connection of the sewer lateral into the sewer main shall be made at the Y branch provided for the lot on which the building is located. The greatest of care shall be exercised to produce a water-tight job and to assure that alignment of the sewer main is not disturbed. This work may be done only by a properly licensed contractor or by the City at the Public Utility Director's option, and the cost of it shall be borne by the property owner.

(k) Notification Required. The applicant for the building sewer permit shall notify the Public Works Director at least twenty-four hours prior to when the sewer lateral is ready for inspection and connection to the sewer main. The connection shall be made under the supervision of the Public Works Director or his designated representative.

(l) Hazard Protection. All excavations for sewer service installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Public Works Director.

(Ord. 167-95. Passed 11-13-95.)

925.06 RESTRICTIONS ON SANITARY SEWER DISCHARGES.

(a) Prohibited Discharges.

- (1) No person shall discharge or cause to be discharged any storm water, surface water, ground, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer of the City; or permit or allow to be discharged or conveyed to a public sewer any wastewater containing pollutants of such character or quantity that will:
 - A. Not be susceptible to treatment or interfere with the process or efficiency of the treatment system.
 - B. Constitute a hazard to human or animal life or to the stream or water course receiving the treatment plant effluent.
 - C. Violate pretreatment standards.
 - D. Cause the treatment plant to violate its NPDES permit or applicable receiving water standards.
- (2) No person shall discharge or cause to be discharged without prior written approval of the Director of Public Utilities any hazardous waste into the sanitary sewer of the City. A hazardous waste shall be defined by OAC 3745-51-21 to 3745-51-24 inclusive or is a waste listed in OAC 3745-51-31, 3745-51-32, 3745-51-33(E), 3745-51-33(F).

(Ord. 129-85. Passed 11-11-85.)

(b) Materials Discharged to Public Sewer Limited.

- (1) The following described substances, materials, waters or waste shall be limited in discharges to the Municipal system to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment; have an adverse effect on the receiving stream; significantly affect the wastewater sludge in such a manner that might jeopardize or reduce sludge disposal methods; cause violations of the NPDES regulations; otherwise endanger lives, limb, public property; or constitute a nuisance. The Public Utilities Director may set limitations more severe than the limitations established in this section if in his opinion, more severe limitations are necessary to meet the objectives of this chapter. In forming his opinion as to the acceptability, the Public Utilities Director will give consideration to such factors as: the quantity of subject waste in relation to flows and velocities in the sewers; materials of construction of the sewers, the wastewater treatment process employed; capacity of the wastewater treatment plant; degree of treatability of the waste in the wastewater treatment plant; and other pertinent factors. The limitations or restrictions on material or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Public Utilities Director are as follows:
 - A. Wastewater having a temperature higher than 150 degrees Fahrenheit (65°C) at point of entrance to main sewer. In no case, is heat to be contributed in such quantities that the temperature at the POTW exceeds 104 degrees Fahrenheit (40°C).

- B. Wastewater containing more than twenty-five milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.
- C. Wastewater from industrial plants containing floatable oils, fat, grease, or which may contain more than 100 mg/l in any single grab sample of fat, oil or grease (fluorocarbon-113 extraction method).
- D. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- E. Any waters or wastes containing iron, chromium, copper, zinc, nickel, cadmium, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Superintendent for such materials.
- F. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Public Utilities Director.
- G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Public Utilities Director in compliance with applicable State or federal regulations.
- H. Quantities of flow, concentrations or both which constitute a "slug".
- I. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or which are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.
- J. Any water or wastes which, by interaction with other water or wastes in the public sewer system release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structural and treatment processes. The Public Utilities Director shall require all discharges to conform to all NPDES permit requirements and any other specified in State or federal regulations.
- K. Any toxic substances in amounts exceeding standards promulgated by the Administrator of the U.S. EPA pursuant to Section 307(a) of the Act, and chemical elements or compounds, phenols or other taste or odor producing substances, or any other substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the treatment system or that will pass through the system.
- L. Any solid or viscous wastes which will or may cause obstructions to the flow in a sewer or otherwise interfere with the proper operation of the wastewater treatment system. Prohibited materials include, but are not

limited to, grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil or similar substances.

- M. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by the interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater facilities or to the operation of the system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (L.E.L.) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, [~~toluene~~] **TOLUENE**, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
 - N. Any waste which will cause corrosion or deterioration of the treatment system. All wastes discharged to the public sewer system must have a pH value in the range of 5.5 to 9.0 standard units. Prohibited materials include, but are not limited to, acids, sulfides, concentrated chloride and fluoride compounds and substances which will react with water to form acidic products.
 - O. Any waters or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant.
- (2) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in this section, and which in the judgment of the Public Utilities Director may interfere with, pass through, or otherwise be incompatible with the wastewater facilities, processes, equipment or receiving waters, or which otherwise may create a hazard to life or constitute a public nuisance, the Public Utilities Director may:
- A. Prohibit discharge of the wastes to the public sewer.
 - B. Require pretreatment to an acceptable condition for discharge to the public sewers.
 - C. Require control over the quantities and rates of discharge.
 - D. Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

Should the Public Utilities Director require the pretreatment or equalization of any waste flows, the design and installation of the plants and equipment therefor shall be subject to the review and approval of the Public Utilities Director. When considering the above alternatives, the

Public Utilities Director shall give consideration to the economic impact of each alternative on the discharger.

- (3) The Public Utilities Director may require a user of the public sewer system to provide information needed to determine compliance with this chapter. These requirements may include, but are not limited to:
- A. Wastewaters discharge peak rate and volume over a specified time period.
 - B. Chemical analyses of wastewaters.
 - C. Information on raw materials, processes and products affecting wastewater volume and quality.
 - D. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
 - E. A plot plan of sewers on the user's property showing sewer and pretreatment facility location.
 - F. Details of wastewater pretreatment facilities.
 - G. Details of system to prevent and control the losses of materials through spills to the sewer system.

(c) Industrial Pretreatment Required. All major contributing industrial users of the treatment facilities shall pretreat any pollutant which may interfere with, pass through or otherwise be incompatible with the treatment works. All owner(s) of any source to which pretreatment standards are applicable shall be in compliance with such standards within the shortest reasonable time, but not later than two years from the date of promulgation of such standards for the applicable industrial category. Notwithstanding this permitted schedule, any waste discharge that prevents proper treatment of waste at the Municipal wastewater treatment facility shall be prohibited immediately. All owner(s) of any source to which pretreatment standards are applicable shall submit to the Public Utilities Director semiannual notices regarding specific actions taken to comply with such standards. Such notices shall be submitted on the first day of the months of April and October.

If any major contributing industrial user proposes to pretreat its wastes, the design and installation of the plants and equipment therefor shall be subject to the review and approval of the Public Utilities Director.

(d) Measurement Test and Analyses. All measurements, tests and analyses of the characteristics of water and waste shall be determined in accordance with "Standard Methods for Examination of Water and Wastewater", or other approved standards. Samples shall be taken at a control manhole, if available. In the event no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer system to the point at which the sewer service is connected.

(e) Wastewaters Having High Biochemical Oxygen Demand. The admission into the public sewers or any waters or wastes having a five day biochemical oxygen demand in excess of normal wastewater shall be subject to the review and approval of the Public Utilities Director. When necessary, in the opinion of the Public Utilities Director, means for such pretreatment as

may be needed to control the quantities and rates of discharges or reduce objectionable characteristics or constituents shall be constructed according to plans approved by the Public Utilities Director.

(f) Maintenance of Pre-Treatment Facilities. When pretreatment facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(g) Control Manhole. When required by the Public Utilities Director, the owner of any property served by a sewer service carrying wastes shall install a suitable control manhole in the sewer service to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safety located, and shall be constructed in accordance with plans approved by the Public Utilities Director. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. (Ord. 167-95. Passed 11-13-95.)

(h) Grease, Sand, and Oil Interceptor. All users who discharge sanitary wastes of a nature which include grease, oils, or heavy non-putrescible materials to the City's sanitary sewer system shall be required to install interceptor(s) to remove such materials from the waste stream. The interceptor shall remain the property and responsibility of the property owner and shall be maintained in a manner which causes it to perform satisfactorily. (Ord. 12-97. Passed 1-27-97.)

925.07 SPECIAL STORM SEWER RULES.

(a) Permit; Fee. No connection shall be made to a public storm sewer within the City until the written permission of the Public Works Director or his designee has been obtained by the person, firm or corporation proposing to or employed to perform the work. An application for a permit shall be signed by the owner or agent of the property for which the connection is desired and by the person, firm or corporation employed to perform the work; shall describe the property and state the purpose for which the connection is desired; and shall be accompanied by a fee in accordance with the following schedule:

(1)	Existing residential structure sump pump drain pipe	\$10.00
(2)	Existing residential structure roof downspout	\$10.00
(3)	Existing residential structure yard drain pipe (6-inch diameter or less)	\$10.00
(4)	Existing residential structure storm sewer pipe (up to 12-inch diameter)	\$25.00
(5)	All other connections	\$125.00

No permit shall be issued until the appropriate application is made and the applicable fee is paid.

(b) Discharges Into Storm Sewers Regulated. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Public Works Director. Industrial cooling water or unpolluted process waters may be discharged upon approval of the Public Works Director to a storm sewer

or natural outlet after obtaining the appropriate permits from the State, Environmental Protection Agency or any other required agencies.

(c) Prohibition of Illegal Discharges. No person, firm, or corporation shall discharge or cause to be discharged into a public storm sewer or watercourse any substance other than storm water, except as follows:

(1) Water line flushing or other potable water discharges, irrigation or lawn watering, diverted stream flows, rising ground water, uncontaminated ground water infiltration, uncontaminated pumped ground water, foundation or footing drains, water from crawl space pumps, air conditioning condensation, springs, individual residential vehicle washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, water from [~~fire-fighting~~] **FIREFIGHTING** activities, and any other water source not containing pollutants **THAT ARE OTHERWISE IDENTIFIED BY THE OHIO EPA AS A PROHIBITED NON-STORMWATER DISCHARGE SOURCE.**

(2) Discharges specified in writing by the Public Works Director or his designee as being necessary to protect public health and safety.

(3) Any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharge is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations.

(d) Prohibition of Certain Connections. The construction, use, maintenance or continued existence of any drain or conveyance, whether on the surface or subsurface, which allows a prohibited substance to enter a public storm sewer or watercourse is prohibited. This prohibition expressly includes, without limitation, connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. When a prohibited connection is discovered, the Public Works Director will provide written notice to the property owner ordering its disconnection from the storm sewer system or watercourse. No person, firm or corporation shall fail to eliminate such connection(s) to the storm sewer or watercourse within thirty days after being ordered to do so as provided herein.

(e) Inspection of Storm Sewers. After a connection to a public storm sewer is built, and before it is covered, it shall be inspected and approved by the Public Works Director or his designee.

(f) Prohibition of Curb Line Discharges. No roof downspout, sump drain, or other surface or groundwater drainage line may be constructed to discharge directly into the curb line of any public street. This prohibition expressly includes, without limitation, any curb line discharge established in the past, regardless of whether its construction was permissible under law or practices applicable or prevailing at the time. When such a curb line discharge is discovered, the Public Works Director will provide written notice to the property owner ordering its disconnection from the curb line. No person, firm, or corporation shall fail to eliminate such curb line discharge(s) within 30 days after being ordered to do so as provided herein.

(g) Erosion and Sediment Control. To minimize the entry of sediment and other pollutants

into the City's storm sewer system that is caused by construction site runoff, erosion and sediment control measures must be provided on all new development and redevelopment projects. These measures are to be shown in a sedimentation plan that has been prepared in accordance with the applicable requirements of the subdivision rules and regulations.

CONSTRUCTION ACTIVITIES DISTURBING ONE OR MORE ACRES OF TOTAL LAND, OR THAT WILL DISTURB LESS THAN ONE ACRE OF LAND BUT ARE A PART OF A LARGER COMMON PLAN OF DEVELOPMENT, REDEVELOPMENT OR SALE THAT WILL ULTIMATELY DISTURB ONE OR MORE ACRES OF LAND, SHALL SEEK COVERAGE UNDER THE OHIO EPA GENERAL CONSTRUCTION PERMIT FOR STORM WATER DISCHARGES (OHIO EPA PERMIT NO. OHC000004, OR LATEST EDITION). AS SUCH, ANY PERSON SEEKING APPROVAL OF A PLAN FOR EROSION AND SEDIMENT CONTROL MEASURES, SHALL SUBMIT TO THE CITY PUBLIC WORKS DIRECTOR PRIOR TO START OF CONSTRUCTION, A COPY OF THE "NOTICE OF INTENT" (NOI) THAT SEEKS COVERAGE UNDER THE STATE OF OHIO CONSTRUCTION PERMIT THAT HAS BEEN OR WILL BE FILED WITH THAT STATE AGENCY. AFTER THE SWP3 IS APPROVED AND DURING CONSTRUCTION, IT SHALL BE KEPT ON THE CONSTRUCTION SITE, ALONG WITH A COPY OF THE NOI AND LETTER GRANTING PERMIT COVERAGE UNDER THE OHIO EPA GENERAL CONSTRUCTION PERMIT.

(H) STORMWATER MANAGEMENT CONTROLS.

(1) TO MINIMIZE THE IMPACT OF LAND DEVELOPMENT AND REDEVELOPMENT ACTIVITIES ON STORM RUNOFF AND DRAINAGE, STORMWATER MANAGEMENT CONTROLS SHALL BE REQUIRED ON NEW DEVELOPMENT AND REDEVELOPMENT SITES, PURSUANT TO REQUIREMENTS CONTAINED IN CHAPTERS 1117 AND 1182, AND PER THE DESIGN REQUIREMENTS CONTAINED IN THE CITY DESIGN, CONSTRUCTION AND MATERIALS SPECIFICATION HANDBOOK.

(2) CONSTRUCTION ACTIVITIES DISTURBING ONE OR MORE ACRES OF TOTAL LAND, OR THAT WILL DISTURB LESS THAN ONE ACRE OF LAND BUT ARE A PART OF A LARGER COMMON PLAN OF DEVELOPMENT, REDEVELOPMENT OR SALE THAT WILL ULTIMATELY DISTURB ONE OR MORE ACRES OF LAND, SHALL SEEK COVERAGE UNDER THE OHIO EPA GENERAL CONSTRUCTION PERMIT FOR STORM WATER DISCHARGES (OHIO EPA PERMIT NO. OHC000004, OR LATEST EDITION). AS PART OF THAT COMPLIANCE, POST-CONSTRUCTION BEST MANAGEMENT PRACTICES SHALL BE MADE PART OF THE STORMWATER MANAGEMENT CONTROLS ON LAND DEVELOPMENT SITES, PURSUANT TO THE REQUIREMENTS OF THE OHIO EPA PERMIT AND PER THE REQUIREMENTS IN CHAPTERS 1117 AND 1182.

(I) ROUTINE AND REMEDIAL MAINTENANCE.

(1) OWNERS AND OCCUPANTS OF PROPERTIES WITH STORMWATER MANAGEMENT FACILITIES ARE RESPONSIBLE FOR OPERATION AND MAINTENANCE AS SPECIFIED IN SECTION 925.07(M). THE PUBLIC WORKS DIRECTOR SHALL PROVIDE FOR INSPECTION AND ROUTINE

MAINTENANCE OF FACILITIES THAT HAVE BEEN ACCEPTED FOR MAINTENANCE BY THE CITY. CITY MAINTENANCE MAY INCLUDE STORM WATER CONVEYANCE-RELATED STRUCTURE CLEANING AND REPAIR.

(2[3]) Commercial, industrial, multi-family residential property. The property owner(s) shall fully maintain detention/retention basins located on private commercial, industrial, or multi-family residential property, whether such basins are located within a public easement or not. This maintenance responsibility shall include both routine maintenance such as mowing, cleaning, debris removal, and erosion repair and non routine maintenance such as the repair or replacement of damaged or missing structural components.

(3[4]) Single family residential property. The property owner(s) and/or homeowner's association shall be responsible for routine maintenance such as mowing, cleaning, debris removal, and erosion repair for detention/retention basins located on private single family residential property, whether such basins are located within a public easement or not. The City shall be responsible for non-routine maintenance such as the repair or replacement of damaged or missing structural components of such basins.

~~[(3) —Notification—When the maintenance of a detention/retention basin is found to be in violation of this subsection, the Public Works Director will provide written notice to the appropriate property owner(s) and/or homeowner's association ordering that the necessary maintenance be performed within a reasonable period of time. No person, firm or corporation shall fail to perform the required maintenance within the required period after being ordered to do so as provided herein.]~~

(Ord. 127-03. Passed 8-11-03.)

(J) Storm Water Quality Management Plan. As a requirement of the City's NPDES Phase II Storm Water Permit, Council hereby adopts the "Storm Water Quality Management Plan" dated [January 2005] FEBRUARY 2014, prepared by City staff as the City's official planning document for addressing storm water quality and pollution prevention. All subsequent amendments to the "Storm Water Quality Management Plan" shall also be adopted by legislative action of Council. A copy of this plan is on file in the office of the Clerk of Council.

(Ord. 20-05. Passed 2-14-05.)

(K) STORMWATER FACILITY MAINTENANCE CORRECTION PROCEDURES.

(1) ORDER TO CORRECT IMPROPER DRAINAGE. WHENEVER THE CITY SHALL FIND THAT (I) A TRACT OF LAND NOT MAINTAINED BY THE CITY IS INADEQUATELY DRAINED, OR (II) THERE IS EXCESSIVE EROSION OR SEDIMENTATION UPON SUCH LAND, OR (III) THERE IS AN OBSTRUCTION TO A CULVERT OR WATER COURSE UPON SUCH LAND THAT INTERFERES WITH WATER NATURALLY FLOWING THEREIN, OR (IV) THAT SUCH CULVERT, STORM SEWER OR WATERCOURSE UPON SUCH LAND IS OF INSUFFICIENT CAPACITY TO REASONABLY ACCOMMODATE THE FLOW OF WATER, AS REQUIRED BY THE CITY, THE PUBLIC WORKS DIRECTOR OR DESIGNEE SHALL ORDER THE OWNER OR PERSON HAVING

POSSESSION, CHARGE, OR MANAGEMENT OF SUCH LAND TO REMOVE THE OBSTRUCTION, PROVIDE ADEQUATE DRAINAGE, FILL OR DRAIN SUCH LAND, ENLARGE THE CULVERTS, DRAINS, OR WATERCOURSES, MITIGATE EXCESSIVE EROSION OR SEDIMENTATION, AND/OR ACCOMPLISH ANY OTHER ACT DETERMINED BY THE PUBLIC WORKS DIRECTOR NECESSARY TO FURTHER THE PURPOSES OF THIS CHAPTER. SUCH ORDER SHALL BE SERVED ON SUCH PERSONS OR ENTITY IN THE SAME MANNER AS PROVIDED BY THE OHIO RULES OF CIVIL PROCEDURE FOR SERVICE OF SUMMONS AND THE PUBLIC WORKS DIRECTOR OR HIS DESIGNEE MAY POST THE ORDER AT THE PROPERTY. THE ADDRESS UTILIZED FOR ANY SERVICE SHALL BE THE PROPERTY ADDRESS ITSELF AND THE TAX BILLING ADDRESS FOR SUCH PREMISES AS MAINTAINED ON THE RECORDS OF THE BUTLER COUNTY AUDITOR.

(2) THE OWNER MUST COMPLY WITH THE ORDER(S) WITHIN A REASONABLE TIME NOT TO EXCEED 30 DAYS, UNLESS AN EXTENSION IS GRANTED BY THE PUBLIC WORKS DIRECTOR FOR GOOD CAUSE SHOWN. FAILURE TO COMPLY WITH SUCH ORDER SHALL CONSTITUTE AN UNLAWFUL ACT. EACH ADDITIONAL DAY THEREAFTER DURING WHICH THE OWNER FAILS TO CARRY OUT THE ORDER OF THE CITY SHALL CONSTITUTE A SEPARATE OFFENSE.

A. IN ANY CASE WHERE A CONDITION DESCRIBED ABOVE EXISTS FOR MORE THAN THE TIME PERMITTED IN THE ORDER AFTER SERVICE OF THE ORDER, THE CITY MAY EFFECT THE NECESSARY REPAIRS PER SECTION 925.07(L) OR THE CITY MAY FILE CRIMINAL CHARGES, OR BOTH.

B. THE PUBLIC WORKS DIRECTOR OR DESIGNEE(S) MAY ENTER UPON ANY REAL PROPERTY IN THE CITY DURING REASONABLE TIMES AND NORMAL BUSINESS HOURS FOR THE PURPOSE OF INSPECTION, REPAIR OR MAINTENANCE REQUIRED BY THIS CHAPTER.

(3) FAILURE OF THE CITY TO OBSERVE OR RECOGNIZE HAZARDOUS OR UNSIGHTLY CONDITIONS OR TO RECOMMEND DENIAL OF A PERMIT/ZONING CHANGE SHALL NOT RELIEVE THE OWNER OR PERSON HAVING POSSESSION, CHARGE, OR MANAGEMENT OF SUCH LAND FROM THE RESPONSIBILITY FOR THE CONDITION OR DAMAGE RESULTING THEREFROM, AND SHALL NOT RESULT IN THE CITY, ITS OFFICERS OR AGENTS BEING RESPONSIBLE FOR ANY CONDITION OR DAMAGE RESULTING THEREFROM.

(4) NOTHING IN THIS CHAPTER SHALL BE CONSTRUED AS AUTHORIZING ANY PERSON TO MAINTAIN A PRIVATE OR PUBLIC NUISANCE ON HIS PROPERTY, AND COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER SHALL NOT BE A DEFENSE IN ANY ACTION TO ABATE SUCH NUISANCE.

(5) NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO PREVENT IMMEDIATE ACTION BY THE CITY IN EMERGENCY SITUATIONS. IN CASE OF AN EMERGENCY, THE CITY MAY DIRECT THAT ACTION BE TAKEN IMMEDIATELY TO CORRECT THE CONDITION OR ABATE THE ACTIVITY

TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE. THE CITY MAY PERFORM THE REQUIRED WORK AND ASSESS THE ABATEMENT COSTS AGAINST THE PROPERTY.

(L) CORRECTION COSTS.

(1) IF THE OWNER OR OCCUPANT HAVING THE CARE OR CONTROL OF THE LANDS MENTIONED IN SECTION 925.07(I) FAILS TO COMPLY WITH THE ORDER PROVIDED IN FOR SECTION 925.07(I), THE CITY SHALL CAUSE SUCH ABATEMENT PROCEDURES TO BE IMPLEMENTED. THE COST FOR SUCH ABATEMENT PROCEDURES SHALL BE IMMEDIATELY DUE AND PAYABLE TO THE CITY, PROVIDED, HOWEVER, THAT AN ADMINISTRATIVE FEE SHALL ALSO BE CHARGED IN THE AMOUNT OF ONE HUNDRED DOLLARS. THE COST OF THE ADMINISTRATIVE FEE TOGETHER WITH THE COST OF THE ABATEMENT PROCEDURE TOGETHER WITH ANY LEGAL FEES INCURRED BY THE CITY SHALL BE ASSESSED AGAINST THE OWNER AND, IF UNPAID, AGAINST THE LOT OR LAND TOGETHER WITH INTEREST THEREON AT THE THEN JUDGMENT RATE IN EFFECT IN THE STATE OF OHIO.

~~[Violation and Enforcement Costs. In addition to other penalties listed in this chapter, any person, firm or corporation who violates any provision of this chapter shall be liable to the City for any expense, loss or damage resulting from the cleaning, repair or replacement work caused by the violation. Any person, firm or corporation who violates any provision of this chapter shall also be liable for any fine or penalty incurred by the City caused by their violation. Any person, firm or corporation who must be monitored by the City for enforcement and/or compliance shall be liable for the associated costs.]~~

(M) STORMWATER MANAGEMENT FACILITY POST CONSTRUCTION OPERATION AND MAINTENANCE PLAN.

(A) OPERATION AND MAINTENANCE PLAN.

(1) THE DEVELOPER/PROPERTY OWNER SHALL PREPARE AN OPERATION AND MAINTENANCE PLAN FOR ANY STORMWATER MANAGEMENT FACILITY APPROVED BY THE CITY AFTER MAY 31, 2014 MEETING THE MINIMUM REQUIREMENTS OF THE LATEST VERSION OF THE OHIO EPA NPDES CONSTRUCTION STORMWATER PERMIT FOR REDEVELOPMENT AND NEW DEVELOPMENT PROJECTS WHEREIN CONSTRUCTION ACTIVITIES WILL RESULT IN THE DISTURBANCE OF ONE OR MORE ACRES.

(2) THE OPERATION AND MAINTENANCE PLAN SHALL BE SUBMITTED BY THE DEVELOPER/PROPERTY OWNER TO THE CITY OF FAIRFIELD FOR REVIEW AND APPROVAL PRIOR TO THE CITY ISSUING THE BUILDING PERMIT.

(3) THE OPERATION AND MAINTENANCE PLAN MUST BE A STAND-ALONE DOCUMENT CONTAINING THE FOLLOWING:

- A. DESIGNATE THE ENTITY ASSOCIATED WITH PROVIDING THE BEST MANAGEMENT PRACTICES (BMPS) INSPECTION AND MAINTENANCE.
- B. INDICATE ROUTINE AND NON-ROUTINE MAINTENANCE TASKS TO BE UNDERTAKEN.
- C. INDICATE A SCHEDULE FOR INSPECTION AND MAINTENANCE TASKS.
- D. PROVIDE PROOF OF ANY NECESSARY LEGALLY BINDING MAINTENANCE EASEMENTS AND AGREEMENTS THAT ARE NECESSARY TO PROPERLY INSPECT AND MAINTAIN THE BMP(S).
- E. PROVIDE A MAP SHOWING THE LOCATION OF THE BMP(S) THAT ARE INDICATED ON THE CITY OF FAIRFIELD APPROVED STORM WATER POLLUTION PREVENTION PLAN (SWPPP) AND NECESSARY ACCESS AND MAINTENANCE EASEMENTS.
- F. PROVIDE DETAILED BMP DRAWINGS AND INSPECTION AND MAINTENANCE PROCEDURES.
- G. ENSURE THAT THE COLLECTED POLLUTANTS RESULTING FROM BMP MAINTENANCE ACTIVITIES ARE DISPOSED OF IN ACCORDANCE WITH LOCAL, STATE AND FEDERAL GUIDELINES.

(B) DECLARATION OF COVENANTS AND RESTRICTIONS. A DECLARATION OF COVENANTS AND RESTRICTIONS SHALL BE MADE BETWEEN THE OWNER AND THE CITY OF FAIRFIELD ENSURING THAT THE BMP(S) SHALL BE PROPERLY INSPECTED AND MAINTAINED AND SHALL BE INCLUDED WITHIN THE OPERATION AND MAINTENANCE PLAN.

(C) INSPECTION.

- (1) PERSONNEL IDENTIFIED WITHIN THE OPERATION AND MAINTENANCE PLAN SHALL INSPECT THE BMP(S) TO ENSURE PROPER FUNCTIONALITY AND DETERMINE IF MAINTENANCE IS NECESSARY.**
- (2) AT A MINIMUM, INSPECTIONS ARE TO BE CONDUCTED ON AN ANNUAL BASIS, OR AS SPECIFIED IN THE OPERATION AND MAINTENANCE PLAN.**
- (3) WRITTEN INSPECTION REPORTS SUMMARIZING THE BMP(S) INSPECTION OBSERVATIONS AND MAINTENANCE REQUIREMENTS ARE TO BE SUBMITTED TO THE CITY OF FAIRFIELD UPON REQUEST BY THE CITY.**

(D) MAINTENANCE.

- (1) ALL BMPS ARE TO BE MAINTAINED ACCORDING TO THE MEASURES OUTLINED WITHIN THE OPERATION AND MAINTENANCE PLAN.**

- (2) ENSURE THAT THE COLLECTED POLLUTANTS RESULTING FROM BMP MAINTENANCE ACTIVITIES ARE DISPOSED OF IN ACCORDANCE WITH LOCAL, STATE AND FEDERAL GUIDELINES.
- (3) THE OWNER SHALL MAKE NECESSARY REPAIRS WITHIN FOURTEEN DAYS OF THEIR DISCOVERY AS IDENTIFIED WITHIN THE INSPECTION REPORTS OR THROUGH A REQUEST FROM THE CITY OF FAIRFIELD RESULTING FROM CITY CONDUCTED INSPECTIONS.
- (4) MAINTENANCE ACTIVITIES PERFORMED ARE TO BE DOCUMENTED ON A WRITTEN REPORT AND SUBMITTED TO THE CITY OF FAIRFIELD UPON REQUEST.
- (5) BMP(S) SHALL BE MAINTAINED IN ACCORDANCE WITH THE REQUIREMENTS AND PROCEDURES SPECIFIED IN SUBSECTIONS 925.07(I), (K) AND (L).

([k]N) Compliance with Other Regulations. Compliance with the provisions of this chapter or other sections of City Code does not relieve the site owner from obtaining all other necessary permits and/or approvals from federal, state and/or county agencies. If requirements vary, the most stringent requirement shall apply.

(Ord. 127-03. Passed 8-11-03.)

925.08 USER CHARGE ESTABLISHED.

(a) Charges Established; Classes; Computation.

(1) During the effective period of this chapter, there is levied and assessed a charge or rental known as a "user charge" upon each lot, parcel of land, building or premises having any sewer connection with the sanitary sewer system of the City or otherwise discharging wastewater, industrial wastes, water or other liquids either directly or indirectly into the City wastewater treatment system.

(2) The users of the system shall be divided into classes. Classes shall be groups of users for which the wastewater characteristics are approximately equal and services provided are essentially the same. Initially there shall be established three classes of users, as follows: Industrial, nonindustrial and commercial. Charges for these classes shall be as shown, except as otherwise provided herein. The Public Utilities Director may recommend additional classes as determined to be necessary.

(3) Charges for wastewater treatment service shall be paid by each user connected to the system and shall be computed in accordance with probable demand a user places on the system and the quantity of water discharged to the system, as measured: by the City water meter installed thereon and/or by a sewage meter installed on the discharge pipe therefrom and/or as estimated by the City, and in accordance with the charge schedule hereinafter set forth.

(4) When a considerable amount of water delivered to any premises is not returned to the City's wastewater collection system, the customer, with the permission and approval of the Public Utilities Director, may install a separate

water meter to determine the amount of such water not returned to the wastewater disposal system. The customer shall not be billed sewer use charges for such water not returned to the sewage disposal system. The cost of the water meter and its installation shall be the responsibility of the customer. The manner of installation of the water meter must be specifically approved in writing by the Public Utilities Director. Upon a determination by either the Public Utilities Director or the customer that the use of direct metering sanitary sewage flow is necessary or is a more equitable method of determining sewage disposal charges, the Public Utilities Director may approve the installation and use of wastewater meters.

(Ord. 191-99. Passed 10-12-99.)

(5) Irrigation credit. A special sewer rate structure for residential domestic service accounts will be used during the summer months (May, June, July, August and September) in determining sewer charges to account for water used for outside or other irrigation purposes and not returned to the City Sanitary Sewer System. The special rate will eliminate sewer charges for all domestic residential service water in excess of one hundred and fifty percent (150%) of the average monthly water amount used during the previous winter season (November, December, January and February) for that account. In the event that a complete winter season average cannot be established, an amount of 7,500 gallons per month will be used in establishing a base winter season monthly average. (Ord. 111-10. Passed 12-6-10.)

(6) In-City residential wastewater customers of the City of Fairfield who are provided water service by an entity other than the City of Fairfield shall also be allowed a credit against their monthly wastewater charges so that their total monthly water and wastewater charges are the same as those paid by in-City residential customers who use both City of Fairfield water and wastewater service, provided that such credit shall not exceed the actual amount of the customer's wastewater charges in any month. The Finance Director is authorized and directed to calculate and apply the credit as described herein.

(Ord. 179-00. Passed 11-13-00.)

(b) User Charge Rate Structure.

(1) The sewer rates for all users of sewer service provided by the City within the corporate limits of the City shall be as shown in the Attached Tables A through E, inclusive, which are incorporated herein by reference and which shall be effective upon the dates stated therein. The existing sewer rates shall remain in effect until February 1, 2012.

(Ord. 125-11. Passed 12-12-11.)

(2) The sewer rates for sewage treatment service provided by Butler County, Ohio to users of sanitary sewer service within the corporate limits of the City, shall be based upon the Butler County Regional Wastewater System rates for transmission and treatment of wastewater, as those rates may be amended from

time to time, plus an additional amount of twenty percent (20%) of the Butler County Regional Wastewater System rates. Such charges for sewer service shall be remitted to the City. The minimum quantities for sewer service based upon water meter size which are applicable to users of sewer service provided by the City shall also apply to users of Butler County sewage treatment service within the corporate limits of the City and such minimum quantities shall also be charged at the Butler County Regional Wastewater System rate, plus an additional twenty percent (20%).

(3) Capacity fees for new public sewer connections shall be paid to the City by the users of sewage treatment service provided by Butler County, Ohio within the corporate limits of the City. Such capacity fees shall be in accordance with the Butler County Regional "Schedule of Equivalent Residential Units", and in such amounts as are presently established and periodically amended by Butler County, Ohio subsequent to the passage of this section. Such fees shall be paid by the user prior to the issuance of a permit to connect to the public sewer.

(c) Rates Outside Corporate Limits. The rates for users of sewer services provided by the City outside the corporate limits of the City shall be the same as those for users of sewer service inside the corporate limits of the City, plus an additional charge of fifty percent (50%) of the total of each monthly sewer bill, unless provided otherwise by specific agreement of the City. Such additional charge shall be used for debt service and capital expenditures of the sewer system.

(d) Determination of Discharge.

(1) In the event a lot, parcel of land, building or premises discharges to a City sanitary sewer, either directly or indirectly, and is not a user of water supplied by the City, the amount of discharge to the sanitary sewer shall be determined by the Public Utilities Director in such manner as he may find practicable in light of the conditions and attendant circumstances.

(2) Charges for such service shall be at the rates provided in subsection (b) hereof with a minimum charge as set forth therein. If a lot, parcel of land, building or premises not served with water by the City has a water meter, the minimum sewer charge shall be based upon the size of the water meter.

(Ord. 112-83. Passed 8-8-83; Ord. 133-88. Passed 6-26-88; Ord. 72-94. Passed 5-23-94; Ord. 52-95. Passed 5-8-95.)

(e) Unreported Discharge. If premises are found to be discharging wastewater to the City sanitary sewer system without payment of a sewer service charge, the Public Utilities Director shall measure or estimate the quantity of such wastes, by such methods as he may find practicable for the purpose of establishing a proper charge and such premises shall be charged for the total term of the prior usage on the basis of the quantity so determined, and in accordance with previous charges.

(f) High Strength Surcharges. In addition to the minimum charge and the volume charge, any user discharging wastewater containing BOD in excess of 200 mg/l or COD in excess of 500 mg/l or suspended solids in excess of 250 mg/l or ammonia nitrogen in excess of 11.4 mg/l shall pay the following additional charges:

BOD* 0.136 per pound of excess over 200 mg/l

COD* 0.039 per pound of excess over 500 mg/l

SS 0.136 per pound of excess over 250 mg/l

NH4 0.606 per pound of excess over 11.4 mg/l

* Either BOD or COD shall be used, not both. Option to be selected by the Public Utilities Director.

(g) Sampling and Metering.

(1) For purposes of high strength surcharges, and ascertaining pretreatment compliance the Public Utilities Director shall have the option of sampling and testing a wastewater and billing the user for the sampling or requiring the user to perform a regular sampling and testing program, approved by the Public Utilities Director, at the user's expense. The user shall make all data available to the Public Utilities Director upon request and the Public Utilities Director shall be allowed to sample the wastewater, as necessary, to verify the user's data.

(2) In addition to the other charges, each user shall be charged fifty dollars (\$50.00) for each sampling and metering performed by the Public Utilities Director. A fee shall be charged for each sampling permit in which samples are collected and analyzed. Sampling period shall not exceed a twenty-four hour day.

(h) Sewer Service Charge for Private System. There shall be a sewer charge for all lots situated in the area to be served by a private sewer system and the service charge shall remain in force and effect so long as the system is being used for the purpose or purposes and under conditions for which it was constructed. The amount of the service charge shall be determined by the Public Utilities Director.

(Ord. 112-83. Passed 8-8-83.)

(i) Industrial Contracts. The Director may contract with industrial or sanitary users to receive acceptable wastes not part of the normal waste stream, or cover other situation(s) not covered by this chapter, provided such contracts are governed by user charges and other regulations set forth in this chapter.

(Ord. 12-97. Passed 1-27-97.)

(j) Revisions. On or before September 1, of each year the Director shall review the laws, ordinances, bylaws, regulations, charges and fees set forth. If changes, revisions or modifications are necessary, he shall submit the changes to the City Manager for necessary action. The charge system shall be in accordance with EPA regulations which now require:

(1) The charges shall result in the distribution of operation, maintenance and replacement costs of the treatment works within the jurisdiction of the City to each user class in proportion to such user's contribution of the total wastewater loading of the treatment works. Factors such as strength, value and delivery flow rate characteristics shall be included to ensure a proportional distribution of the costs.

(2) The charges shall be reviewed annually and revised periodically as required.

(3) The charges shall derive revenue sufficient to meet all costs of operation, maintenance and replacement of the system.

(4) Users shall be notified annually of revised sewer user rate structures by notification mailed with a regular sewer bill.
(Ord. 167-95. Passed 11-13-95.)

925.09 INDUSTRIAL COST RECOVERY SYSTEM. (REPEALED)

(EDITOR'S NOTE: Former Section 925.09 was deleted in its entirety by Ordinance 20-87. Passed 3-23-87.)

925.10 PAYMENT OF CHARGES AND FEES.

(a) All charges for connection and permits shall be payable upon application.

(b) Charges shall be billed monthly or quarterly, and payment shall be made in accordance with regulations established by the City Manager. At the option of the Finance Director, such charges shall be payable at the same time as water bills.

(c) Payments shall be made at the Utility Collection Office or office designated by the City Manager.

(d) If the bill for services remains unpaid, the water connection to the property shall be shut off at such premises as soon as practicable and in accordance with the bylaws and regulations established by the City Manager for water service.

(e) A penalty of ten percent (10%) shall be added to each charge if it is not paid promptly at the time established by the Finance Director.

(f) Bills ninety days or more in arrears shall be turned over to the Law Director or other authorized personnel for collection.

(g) Each charge or rental levied by or pursuant to these rules is hereby made a lien upon the corresponding lot, land or premises served by a connection to the wastewater system of the City; and if same is not paid within thirty days after the due date, it shall be certified to the County Auditor, who shall place the same on the tax duplicates of the County, with interest and penalties allowed by law, and it shall be collected as other taxes on the property are collected.
(Ord. 167-95. Passed 11-13-95.)

(h) Customers disputing a utility bill may appeal to the office manager of the utilities billing office within ten days of the billing date. The office manager will document the billing objection, review the account, and determine the nature of the dispute. If the dispute is a result of operations of the billing office, the office manager shall authorize resolution of the dispute. If the dispute is technically based, the dispute shall be remanded to the Public Utilities Director. If the Public Utilities Director determines that an adjustment is warranted, a determination shall be issued in writing. A customer may appeal a determination of the utilities billing office or Public Utilities Director to the Director of Finance. The Finance Director shall review the claim and make final determination. Once a determination has been made, the account shall no longer be considered in dispute.

(i) The Public Utilities Department will perform an audit annually with the findings to be published and made available for public inspection. Current user rates, and any pending rate increases, will be published annually as part of the normal monthly bill. The notice will itemize those portions required for debt service charge and for sewer service charge.

(Ord. 12-97. Passed 1-27-97.)

925.11 INSPECTIONS.

The Public Utilities Director and other authorized employees of the City bearing proper credentials and identification shall be permitted to enter into or upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this chapter.

(Ord. 167-95. Passed 11-13-95.)

925.99 PENALTY.

(A) No person shall construct, reconstruct, repair, enlarge, change, modify, maintain, use or discharge into any wastewater service or any part of the wastewater system or storm drainage system of the City in violation of the provisions of this chapter, or any amendment or supplement thereto adopted by Council or a bylaw or regulation adopted by the City Manager pursuant to this chapter. Any person, firm or corporation violating any of the provisions of this chapter, or any amendment or supplement thereto, or any bylaw or regulation adopted by the City Manager, shall be deemed guilty of a third degree misdemeanor. Each and every day during which such violation continues shall constitute a separate offense.

(B) THE IMPOSITION OF ANY FINE OR PENALTY PURSUANT TO THIS CHAPTER SHALL NOT PRECLUDE THE LAW DIRECTOR FROM INSTITUTING ANY APPROPRIATE LEGAL PROCEEDING IN A COURT OF PROPER JURISDICTION TO CORRECT OR ABATE A VIOLATION, REQUIRE COMPLIANCE WITH THIS CHAPTER OR OTHER APPLICABLE CHAPTERS, ORDINANCES, REGULATIONS OR RULES OF THE CITY OR STATE OF OHIO AS DETERMINED TO BE APPROPRIATE BY SUCH LAW DIRECTOR.

(Ord. 112-83. Passed 8-8-83.)

1117.01 DEFINITIONS.

Certain words and phrases as used in this chapter are defined as hereafter set forth.

(a) "Cut" means an excavation, the difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, cut means the materials removed in excavation.

(b) "Erosion" means the wearing away of the land surface by the action of wind, water or gravity.

(c) "Excavation" means any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed

and shall include the conditions resulting therefrom.

- (d) "Fill" means any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported, or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the condition resulting therefrom; the difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. Fill also means the material used to make a fill.
- (e) "Grading" means any stripping, cutting, filling, stockpiling or any combination thereof and shall include the land in its cut or filled condition.
- (f) "Mulching" means the application of suitable materials on the soil surface to conserve moisture, hold soil in place, and aid in establishing plant cover.
- (g) "Natural vegetation" means the ground cover in its original state before any grading, excavation or filling.
- (h) "Permanent vegetation" means producing long term vegetative cover; i.e., bluegrass, tall fescue, crown vetch, etc.
- (i) "Sediment" means the solid material both mineral and organic, that is in suspension, is being transported, or has been moved from its original site or origin by air, water, or gravity as a product of erosion.
- (j) "Sediment basin" means a barrier or dam built across a waterway or at other suitable locations to retain rock, sand, gravel or silt or other materials.
- (k) "Slope" means the face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical distance.
- (l) "Swale" means a low-lying stretch of land which gathers or carries surface water run-off.
- (m) "Temporary vegetation" means short term vegetative cover used to stabilize the soil surface until final grading and installation of permanent vegetation; i.e., oats, rye, or wheat.
- (n) "Topsoil" means surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Topsoil is usually found in the uppermost soil layer.
- (o) "Watercourse" means a permanent stream, intermittent stream, river, brook, channel, creek, or ditch for water whether natural or manmade.
(Ord. 141-83. Passed 9-26-83.)

1117.02 GENERAL REQUIREMENTS.

- (a) Each subdivision shall be provided with a properly designed and constructed storm drainage system which includes sediment control.

(b) The drainage system and sediment control provisions shall be adequate to serve the area being platted and to protect both adjacent and downstream properties and shall meet the approval of the City Engineer and Public Works Director.

(c) The means by which this is attained shall include but not be limited to the following:

- (1) Topographic map;
 - (2) Drainage and grading plan;
 - (3) Drainage report;
 - (4) Sediment control plan;
 - (5) Pre-construction meeting;
 - (6) Certified "as built" drawings; and
 - (7) Construction of drainage facilities prior to lot grading or occupancy.
- (Ord. 167-95. Passed 11-13-95.)

1117.03 FLOODING RESTRICTIONS.

(a) All subdivision proposals shall be consistent with the need to minimize flood damage.

(b) All subdivision proposals shall have public utilities and facilities such as sewers, gas, electrical and water systems located and constructed to minimize flood damage.

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contains at least five lots or one acre, whichever is less. Refer to the Floodway and Flood Boundary Map and the Federal Insurance Rate Map for the City. (Ord. 141-83. Passed 9-26-83.)

1117.04 DRAINAGE PLAN.

(a) The subdivision improvement drawings shall include a drainage plan that provides for complete, adequate, and satisfactory drainage for the entire area being platted for all projected land uses.

The drainage plan shall include the following:

- (1) Topographic map of the area prior to construction with two foot contours and a minimum scale of one inch equals fifty feet.
- (2) Grading plan superimposed on the topographic map which shows in two foot contours the grading of all streets, lots, swales and any other proposed improvements.
- (3) Location, size, grade and capacity of existing and proposed storm sewer pipes, inlets, culverts, watercourses, bridges, creeks, ditches and swales.
- (4) Locations and dimensions of existing and proposed streets, lot lines and utilities.

- (5) Engineering estimate of the quantity of storm water entering the subdivision.
- (6) Estimate of the quantity of flow at each pick-up point (inlet, channel or culvert).
- (7) Locate and describe any apparent pollution of watercourses and ditches.
- (8) Arrows depicting proposed flow along each lot line, curb line, storm sewer pipe and open watercourse.
- (9) Proposed elevations to nearest foot of each lot corner, change in lot line grade, pipe inlet or outlet, and other points critical to the drainage of the area. The minimum proposed elevation of each house first floor, to the nearest tenth of a foot based on one-half inch per foot of fall from the house to the curb line at midpoint. The City Engineer or Public Works Director may waive this requirement in writing.
- (10) The area encompassed within the drainage plan shall be compatible with any [areawide] **AREA WIDE** drainage plan or drainage plans for adjacent areas. There must exist or be provided an adequate outlet for storm water, such that buildings in the development will not be flooded by a fifty year storm.
- (11) A statement by the engineer or surveyor certifying that the plans submitted provide adequate and complete storm drainage service for all parts of the entire area being platted and comments on the effects that the proposed development will have on drainage of adjacent areas.
- (12) The plot plan for each building permit shall include the same grading, draining, and elevation information as the drainage plan.
- (13) Drainage plans shall also include a drainage report containing calculations, evaluations and explanations of the drainage.
(Ord. 167-95. Passed 11-13-95.)

1117.05 DESIGN OF STORM SEWERS.

- (a) The design and construction of all sanitary sewers and water facilities shall be done in compliance with the "Design, Construction and Material Specification Handbook."
- (b) All storm sewers, open ditches and driveway culverts shall have a minimum size adequate for a ten year storm frequency.
 - (1) All road culverts on primary and secondary thoroughfares and collector streets shall be adequate for a twenty-five year storm frequency and be designed in accordance with the latest State Department of Transportation requirements.
 - (2) In all cases where there are flood hazards, the developer's engineer shall insure that all drainage courses, ditches, sewers and other such facilities are adequate for a fifty year storm frequency and in addition will prevent flooding of residential, commercial and public buildings or that would endanger health, life or property.
- (c) The minimum grade for all ditches shall be one percent (1%) except for streams, large

channels with a paved bottom, and slopes paved to a height approved by the City Engineer.

(1) All proposed channels shall be properly lined to prevent erosion unless waived by the Public Works Director. All ditches having a velocity of five feet per second or less shall be sodded, except that ditches not along the roadway may be seeded if the velocity is under two feet per second. All ditches with a velocity of over five feet per second shall be lined.

(2) Where possible, natural streams, including growth along the banks, shall not be disturbed. Roughness coefficients and increased peak flows and velocities shall be evaluated to determine stability.

(3) When part of a storm drainage system is outside of the road right of way, the developer shall provide an easement for storm drainage and maintenance. All easements for water courses or ditches shall be wide enough to contain such ditches, including side slopes, plus ample clearance for maintenance operations. Easements shall be shown and shall be provided for all existing or proposed channels. Easements shall provide ingress and egress for maintenance equipment from a public right of way. (Ord. 167-95. Passed 11-13-95.)

1117.06 SEDIMENTATION PLAN.

(a) Intent.

(1) No change shall be made in the contour of the land; no grading, excavating, removal or destruction of the topsoil, trees, or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been processed with and approved by the City Engineer or Public Works Director or there has been a determination by the Planning Commission that such plans are not required.

(2) **FOR SITES REGULATED UNDER THE OHIO EPA GENERAL CONSTRUCTION PERMIT FOR STORM WATER DISCHARGES (OHIO EPA PERMIT NO. OHC000004, OR LATEST EDITION), THE PERSON SEEKING COVERAGE UNDER THAT OHIO EPA CONSTRUCTION PERMIT, SHALL PROVIDE A COPY OF THE "NOTICE OF INTENT" (NOI) TO DO SO AND A COPY OF THE OHIO EPA'S RELATED "LETTER OF COVERAGE AUTHORIZATION", PRIOR TO START OF CONSTRUCTION.**

(~~2~~3) No subdivision shall be approved unless:

A. There has been a plan approved by the City Engineer or Public Works Director that provides for minimizing erosion and sediment as consistent with the intent of this chapter, and performance bond or other

acceptable securities are deposited with the City in the form of escrow guarantee which will insure installation and completion of the required improvements; or

B. There has been a determination by the Planning Commission **AND THE OHIO EPA** that such plans are not required.

(b) Performance Principles and Standards.

(1) The following principles are effective in minimizing erosion and sedimentation and shall be **MET [included]** where applicable **FOR A DEVELOPING SITE AND INCLUDED** in the control plan.

A. **DEVELOPMENT OR REDEVELOPMENT SITES THAT ARE COVERED UNDER THE OHIO EPA GENERAL CONSTRUCTION PERMIT SHALL DEVELOP A STAND-ALONE STORM WATER POLLUTION PREVENTION PLAN (SWP3) PER THE REQUIREMENTS OF THE OHIO EPA PERMIT OHC000004 (OR LATEST EDITION). THIS SWP3 SHALL BE PROVIDED TO THE CITY ENGINEER FOR REVIEW WHEN THE PLAN FOR MINIMIZING EROSION AND SEDIMENTATION IS SUBMITTED FOR THE DEVELOPMENT PROPOSAL. AFTER THE SWP3 IS APPROVED AND DURING CONSTRUCTION, IT SHALL BE KEPT ON THE CONSTRUCTION SITE, ALONG WITH A COPY OF THE NOI AND LETTER GRANTING PERMIT COVERAGE UNDER THE OHIO EPA GENERAL CONSTRUCTION PERMIT.**

B.[A] Stripping of vegetation, regrading or other development shall be done in such a way that will minimize erosion. Whenever feasible, natural vegetation shall be retained, protected and supplemented.

C.[B] Development plans shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential.

D.[C] The smallest practical area of land shall be exposed at any one time, the topsoil shall be preserved and returned to the surface areas to be revegetated.

E.[D] Disturbed soils shall be stabilized as quickly as practicable with temporary vegetation and/or mulching to protect exposed critical areas during development.

F.[E] The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.

G.[F] Provisions shall be made to effectively accommodate the increased run-off caused by changed soil and surface conditions during and after development. Where necessary, surface water run-off shall be structurally retarded.

H.[G] Sediment in the run-off water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps or similar measures.

(2) The following standards shall be followed in all water management and sediment control plans:

A. All lots shall be graded to provide proper drainage away from buildings and to dispose of it without ponding. All land within a development shall be graded to drain and dispose of surface water without ponding, except where waived by the Planning Commission.

B. All drainage provisions shall be of such design to adequately handle the surface run-off and to carry it to the nearest suitable outlet such as a curbed street, storm drain, or natural watercourse. Where drainage swales are used to divert surface waters away from buildings, they shall be sodded, planted or paved as required and shall be of such slope, shape and size as to conform with the requirements of the City.

(Ord. 167-95. Passed 11-13-95.)

C. The installation of the specified water management and sediment control measures shall be accomplished in accordance with the most recent standards and specifications available from the Ohio Department of Natural Resources **DOCUMENT ENTITLED, "RAINWATER AND LAND DEVELOPMENT MANUAL"**. A copy of such standards and specifications will be kept on file in the offices of the Public Works Director and Development Services Director.

(Ord. 127-03. Passed 8-11-03.)

(3) The approved plan for water management and sedimentation control required of the landowner or his agent shall include, but not be restricted to, the following requirements:

A. A DESCRIPTION OF THE NATURE AND TYPE OF THE CONSTRUCTION ACTIVITY.

B. INDICATE THE TOTAL AREA OF THE SITE AND THE AREA OF THE SITE THAT IS EXPECTED TO BE DISTURBED (I.E., GRUBBING, CLEARING, EXCAVATION, FILLING OR GRADING, INCLUDING OFF-SITE BORROW AREAS).

C. AN ESTIMATE OF THE IMPERVIOUS AREA AND PERCENT IMPERVIOUSNESS CREATED BY THE CONSTRUCTION ACTIVITY.

D. A CALCULATION OF THE RUNOFF COEFFICIENTS FOR BOTH THE PRE-CONSTRUCTION AND POST-CONSTRUCTION SITE CONDITIONS.

E. EXISTING DATA DESCRIBING THE SOIL AND, IF

ORDINANCE NO. _____

ORDINANCE TO AMEND CHAPTER 725, PEDDLERS AND SOLICITORS,
OF ORDINANCE NO. 166-84, THE CODIFIED ORDINANCES OF
FAIRFIELD, OHIO.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. Chapter 725, Peddlers and Solicitors, of Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio, is hereby amended to read as shown in the attached Exhibit "A" which is incorporated herein by reference.

Section 2. This Ordinance shall take effect at the earliest period allowed by law.

Passed _____

Mayor's Approval

Posted _____

First Reading _____

Rules Suspended _____

Second Reading _____

Third Reading _____

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

CHAPTER 725
Peddlers, [and] Solicitors AND CANVASSERS

- 725.01 Definitions.
- 725.02 License required.
- 725.03 Application.
- 725.04 Investigation; refusal or issuance; **APPEALS.**
- 725.05 Fees.
- 725.06 Loud noises and speaking devices.
- 725.07 Use of streets.
- 725.08 Hours.
- 725.09 Exhibition of license **AND DISPLAY OF IDENTIFICATION BADGE.**
- 725.10 Enforcement.
- 725.11 Revocation.
- 725.12 **[Appeals.] NOTICE PROHIBITING PEDDLERS OR SOLICITORS; PEDDLING OR SOLICITING CONTRARY TO POSTED SIGN OR NOTICE**
- 725.13 License **AND/OR IDENTIFICATION BADGE** not transferable; license to be specific.
- 724.14 FALSE REPRESENTATIONS.**
- [725.14] 725.15 Severability.**
- 725.99 Penalty.

EXHIBIT "A"

725.01 DEFINITIONS.

(a) "Person" includes the singular and the plural and shall also include any person, firm or corporation, association, club, copartnership or society or any other organization.

(b) "Peddler" includes any person, whether a resident of the City or not, traveling by foot, wagon, motor vehicle, trailer or any other type of conveyance, from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, agricultural products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers or taking orders for the purchase of goods, wares or merchandise by description, sample, lists or catalogues, or subscriptions for books and magazines from a person not a dealer therein, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, motor vehicle, railroad car, trailer or other vehicle or conveyance or from any place other than a permanent building; provided, however, that this definition shall not include:

- (1) Any person working for or on behalf of any recognized educational, political, civic, religious, medical or charitable organization or cause;
- (2) Any person who sells or offers for sale any agricultural product of his own raising;
- (3) Any person engaged in the sale of dairy or bakery products by traveling over regularly established routes and transacting business on private property; and
- (4) Any person who offers to sell, sells or delivers goods, wares, merchandise or agricultural products or provisions exclusively to commercial business establishments.

(5) CANVASSERS

(c) "CANVASSER". ANY PERSON WHO SEEKS TO DISSEMINATE ANY LAWFUL MESSAGE BY MEANS OF TRAVELING FROM PLACE TO PLACE WITHOUT SOLICITING FUNDS OR DONATIONS. "CANVASSER" ALSO INCLUDES PERSONS DISSEMINATING INFORMATION ABOUT PRODUCTS OR SERVICES FOR SALE OR OTHER MATTERS SO LONG AS THOSE PERSONS DO NOT ATTEMPT TO MAKE PERSONAL CONTACT WITH RESIDENTS, BUSINESSES OR MEMBERS OF THE PUBLIC.

"Peddler" includes hawker, huckster and solicitor.

~~[[Ord. 100-80, Passed 7-14-80.]]~~

725.02 LICENSE REQUIRED.

No person shall engage in the business of peddler as defined in Section 725.01 within the City without first obtaining a license therefor **UNDER THIS CHAPTER.** (Ord. 100-80. Passed 7-14-80.)

725.03 APPLICATION.

Applicants for a license under this chapter shall file with the ~~[City-Manager]~~ **POLICE CHIEF**, a sworn application in writing in duplicate on a form to be furnished by the ~~[City Manager]~~ **POLICE CHIEF OR DESIGNEE** which shall give the following information:

- (a) Name and description of the applicant;
- (b) Address (legal and local);

- (c) A brief description of the nature of the business and the goods to be sold and in the case of products of farm or orchard, whether produced or grown by the applicant;
- (d) If employed, the name and address of the employer together with credentials establishing the exact relationship;
- (e) The length of the time for which the right to do business is desired.
- (f) **CONSENT TO CONDUCT A CRIMINAL BACKGROUND INVESTIGATION(S).** (Ord. 100-80. Passed 7-14-80.)

725.04 INVESTIGATION; REFUSAL OR ISSUANCE; APPEALS.

(a) Upon receipt of the application, ~~[the original shall be referred to]~~ the Chief of Police **OR DESIGNEE**, ~~[who]~~ shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good. **ALL INDIVIDUALS WHO ARE TO ENGAGE IN PEDDLING UNDER THE REQUESTED LICENSE MUST CONSENT TO A CRIMINAL BACKGROUND INVESTIGATION BY THE FAIRFIELD POLICE DEPARTMENT BEFORE BEING ISSUED A LICENSE OR IDENTIFICATION BADGE.**

(b) If, as a result of the investigation, the applicant's **OR ANY INDIVIDUAL PEDDLER'S** character or business responsibility is found to be unsatisfactory, the Chief of Police **OR DESIGNEE** shall endorse on the application his/HER disapproval and his/HER reasons for the same ~~[and return the application to the City Manager, who may]~~ **AND** notify the applicant that ~~[his]~~ **THE** application is disapproved and that no license shall be issued.

(c) If, as a result of the investigation, the character and business responsibility of the applicant **AND ALL INDIVIDUAL PEDDLERS** are found to be satisfactory, the Chief of Police **OR DESIGNEE** shall endorse on the application his/HER approval and ~~[return the application to the City Manager who may,]~~ upon payment of the prescribed license fee, deliver to the applicant ~~[his]~~ **THE** license **AND AN IDENTIFICATION BADGE(S) ON FORMS TO BE PROVIDED BY THE CHIEF OF POLICE.** The license shall contain the signature of the issuing officer **WITH A NOTATION THAT THIS SIGNATURE DOES NOT SERVE AS AN ENDORSEMENT OF THE LICENSEES' PRODUCT OR SERVICES** ~~[and shall show the name and address of the licensee, the class of license issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance as well as the license number and other indentifying description of any vehicle used in such peddling].~~ The ~~[City Manager]~~ **POLICE CHIEF OR DESIGNEE** may also require~~d~~ a recent photograph of the licensee to be included on the license **AND/OR IDENTIFICATION BADGE(S).** All licenses **AND/OR IDENTIFICATION BADGES** issued under this chapter shall expire on December 31, in the year when issued. The ~~[City Manager]~~ **POLICE CHIEF OR DESIGNEE** shall keep a ~~[permanent]~~ record of all licenses **AND/OR IDENTIFICATION BADGES** issued. (Ord. 100-80. Passed 7-14-80.)

(d) **ANY PERSON AGGRIEVED BY THE ACTION OF THE POLICE CHIEF OR DESIGNEE IN THE DENIAL OF AN APPLICATION FOR A LICENSE AS PROVIDED IN SECTION 725.04, OR IN THE DECISION WITH REFERENCE TO THE REVOCATION OF A LICENSE AS PROVIDED IN SECTION 725.11 SHALL HAVE THE RIGHT OF APPEAL TO THE CITY MANAGER. THE APPEAL SHALL BE TAKEN BY FILING WITH THE CITY MANAGER'S OFFICE, WITHIN FOURTEEN DAYS OF THE DENIAL OR REVOCATION OF A LICENSE, A WRITTEN STATEMENT SETTING FORTH FULLY THE GROUNDS FOR THE APPEAL. THE CITY MANAGER OR DESIGNEE SHALL SET A TIME AND PLACE**

FOR A HEARING OF THE APPEAL, WHICH SHALL BE HELD WITHIN 30 DAYS OF THE FILING OF THE APPEAL WITH THE CITY MANAGER AND NOTICE OF THE HEARING SHALL BE GIVEN TO THE APPELLANT. THE DECISION AND ORDER OF THE CITY MANAGER OR DESIGNEE ON THE APPEAL SHALL BE FINAL. (ORD. 100-80. PASSED 7-14-80.)

725.05 FEES.

For the license to be issued under the provisions of this chapter each applicant shall pay to the City a fee of fifty dollars (\$50.00) per year. A separate [~~license~~] **IDENTIFICATION BADGE** shall be required for each **ADDITIONAL** individual peddler, whether or not employed by one person, firm or corporation and a fee of [~~two~~] **FIVE** dollars [~~(\$2.00)~~] (**\$5.00**) shall be paid for each additional [~~license~~] **IDENTIFICATION BADGE** for peddlers employed by one person, firm or corporation **UNDER ONE LICENSE**. The annual fees provided for herein shall be assessed on a calendar year basis **COMMENCING JANUARY 1 OF EACH YEAR**. [~~and on and after July 1, of each year. The amount of the fee for the annual license shall, for the remainder of the year, be twenty five dollars (\$25.00).~~] (Ord. 100-80. Passed 7-14-80.)

725.06 LOUD NOISES AND SPEAKING DEVICES.

No peddler, nor any person on his behalf, shall shout, make any outcry, blow a horn, ring a bell or use any sound device, including any loud speaking radio or sound amplifying system upon any of the streets, parks or other public places of the City or upon any private premises in the City where sound of sufficient volume is emitted or produced therefrom to be **IN VIOLATION OF SUBSECTION 521.13(a) OF THESE CODIFIED ORDINANCES** [~~capable of being plainly heard upon the streets, parks or other public places,~~] for the purpose of attracting attention to any goods, wares or merchandise which the licensee proposes to sell. (Ord. 100-80. Passed 7-14-80.)

725.07 USE OF STREETS.

No peddler shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location, nor shall any be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced. (Ord. 100-80. Passed 7-14-80.)

725.08 HOURS.

All peddling done under license issued by virtue of this chapter shall be conducted between 9:00 a.m. and 7:00 p.m. on Mondays through Saturdays. No peddling shall be conducted on Sunday [~~unless the license specifically provides for Sunday sales~~]. (Ord. 100-80. Passed 7-14-80.)

725.09 EXHIBITION OF LICENSE AND DISPLAY OF IDENTIFICATION BADGE.

Peddlers are required to exhibit their licenses at the request of any resident, **BUSINESSPERSON OR POLICE OFFICER**. **PEDDLERS ARE REQUIRED TO DISPLAY THE**

IDENTIFICATION BADGE ON THEIR PERSON AT ALL TIMES WHILE ENGAGED IN PEDDLING WITHIN THE CITY.

(Ord. 100-80. Passed 7-14-80.)

725.10 ENFORCEMENT.

It shall be the duty of any police officer of the City to require any person seen peddling, who is not known by the officer to be duly licensed, to produce his/HER peddler's license AND/OR IDENTIFICATION BADGE and FOR THE POLICE OFFICER to enforce this chapter against any person found to be violating the same.

(Ord. 100-80. Passed 7-14-80.)

725.11 REVOCATION.

Licenses AND/OR IDENTIFICATION BADGES issued under this chapter may be revoked by the ~~[City Manager]~~ POLICE CHIEF OR DESIGNEE for any of the following causes:

- (a) Fraud, misrepresentation or false statement contained in the application for license.
- (b) Fraud, misrepresentation or false statement made in the course of carrying on his business as a peddler.
- (c) Any violation of this chapter.
- (d) Conviction of any crime or misdemeanor involving moral turpitude.
- (e) Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public. (Ord. 100-80. Passed 7-14-80.)
- (f) FALSELY REPRESENTING THAT THE CITY OF FAIRFIELD OR ANY EMPLOYEE OR OFFICIAL THEREOF IS AN ENDORSER OF THE PRODUCT OR SERVICES PROVIDED BY THE PEDDLER, SOLICITOR AND/OR CANVASSER.

725.12 ~~[APPEALS.]~~ NOTICE PROHIBITING PEDDLERS OR SOLICITORS; PEDDLING OR SOLICITING CONTRARY TO POSTED SIGN OR NOTICE.

~~[Any person aggrieved by the action of the Police Chief or the City Manager in the denial of an application for a license as provided in Section 725.04, or in the decision with reference to the revocation of a license as provided in Section 725.11 shall have the right of appeal to Council. The appeal shall be taken by filing with Council, within fourteen days, a written statement setting forth fully the grounds for the appeal. Council shall set a time and place for a hearing on the appeal, and notice of the hearing shall be given to the appellant. The decision and order of Council on the appeal shall be final. (Ord. 100-80. Passed 7-14-80.)]~~

(a) NO PERSON ENGAGING OR ATTEMPTING TO ENGAGE IN PEDDLING OR SOLICITING SHALL ENTER OR REMAIN ON THE PREMISES AFTER BEING REQUESTED TO LEAVE, KNOCK AT THE DOOR, OR RING THE DOORBELL OF ANY RESIDENCE, PLACE OF BUSINESS OR PREMISES IN THE CITY UPON WHICH IS CLEARLY DISPLAYED A SIGN OR OTHER VISIBLE NOTICE THAT READS "NO SOLICITORS" OR THAT OTHERWISE CLEARLY PURPORTS TO PROHIBIT PEDDLERS, VENDORS OR SOLICITORS, UNLESS SUCH PERSON HAS BEEN SPECIFICALLY INVITED UPON THE PREMISES BY AN OCCUPANT THEREOF.

725.13 LICENSE AND/OR IDENTIFICATION BADGE NOT TRANSFERABLE; LICENSE TO BE SPECIFIC.

(a) No license OR IDENTIFICATION BADGE shall be assigned or transferred. No license OR IDENTIFICATION BADGE shall authorize any person, firm or corporation other than the one named therein to do business.

(b) No licensee shall conduct any other business than is listed in his/HER license to be transacted. (Ord. 100-80. Passed 7-14-80.)

725.14 FALSE REPRESENTATION.

NO PEDDLER, SOLICITOR OR CANVASSER SHALL FOR THEMSELVES, THEIR FIRM, COMPANY OR ORGANIZATION OR THEIR PRODUCTS OR SERVICES FALSELY REPRESENT OR FALSELY INSINUATE ENDORSEMENT, EMPLOYMENT, PARTNERSHIP OR OTHER AFFILIATION WITH ANY OTHER PERSON, FIRM, PUBLIC ENTITY, CHARITY OR ORGANIZATION OF ANY KIND WHEN, IN FACT, SUCH ENDORSEMENT, EMPLOYMENT, PARTNERSHIP OR AFFILIATION DOES NOT EXIST.

[725.14] 725.15 SEVERABILITY.

This chapter and the various parts, section and subsections thereof, are hereby declared to be severable. If any part, section, subsection, paragraph, sentence, phrase or word of this chapter is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this chapter shall not be affected thereby. (Ord. 100-80. Passed 7-14-80.)

725.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a third degree misdemeanor. Each day's violation shall constitute a separate offense. (Ord. 38-88. Passed 2-22-88.)

CITY OF FAIRFIELD, OHIO
CITY COUNCIL COMMUNICATION

ITEM:

April 14, 2014

Liquor permit application in the name of Carniceria La Preferida, LLC, Unit 1 1st Floor, 5951 Boymel Drive, Fairfield, Ohio 45014 (Permit Classes: C1 and C2).

FINANCIAL IMPACT:

No financial impact.

SYNOPSIS:

The City of Fairfield is in receipt of an application from the Ohio Division of Liquor Control for a C1 and C2 permit for the above liquor permit applicant.

BACKGROUND:

Background checks from the Building and Zoning Division and Police Department are attached for Council and staff's review.

RECOMMENDATION:

It is recommended that City Council request, by simple motion, that **no hearing be held** on the liquor permit application in the name of Carniceria La Preferida, LLC, Unit 1 1st Floor, 5951 Boymel Drive, Fairfield, Ohio 45014 (Permit Classes: C1 and C2).

LEGISLATIVE ACTION REQUIRED: Simple Motion of Council

Prepared by: Alison

Approved for Content by: Alison

Financial Review (where applicable) by: Maya

Legal Review (where applicable) by: Alison

Accepted by Council Agenda: Alison

DEPARTMENTAL CORRESPONDENCE

City
of
Fairfield



TO Michael J. Dickey, Police Chief
Tim Bachman, Development Services Director

FROM Alisha Wilson, Clerk of Council *AW*

SUBJECT Request for Background Check – Liquor Permit

DATE 04/01/2014

Attached is a liquor permit application in the name of Carniceria La Preferida, LLC, Unit 1 1st Floor, 5951 Boymel Drive, Fairfield, OH 45014 (Permit Classes: C1 and C2)

Please complete the necessary background check and submit your findings to me no later than 3:00 PM on Monday, April 7, 2014.

This item will be added to Council's Regular Meeting agenda of Monday, April 14, 2014.

Thank you for your assistance.

c: Arthur E. Pizzano, City Manager
Peggy Flaig, Development Services
File

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

1272455	PERMIT NUMBER	STCK	TYPE	CARNICERIA LA PREFERIDA LLC
				UNIT 1 1ST FL
05 28 2013	ISSUE DATE			5951 BOYMEL DR
	FILING DATE			FAIRFIELD OHIO 45014
C1 C2	PERMIT CLASSES			
09 011 A	TAX DISTRICT	F11729	RECEIPT NO.	

FROM 03/27/2014

	PERMIT NUMBER		TYPE	
	ISSUE DATE			
	FILING DATE			
	PERMIT CLASSES			
	TAX DISTRICT		RECEIPT NO.	



MAILED 03/27/2014

RESPONSES MUST BE POSTMARKED NO LATER THAN 04/28/2014

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES **A STCK 1272455**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

**CLERK OF FAIRFIELD CITY COUNCIL
5350 PLEASANT AV
FAIRFIELD OHIO 45014**

1272455 PERMIT NBR
CARNICERIA LA PREFERIDA LLC
UNIT 1 1ST FL
5951 BOYMEL DR
FAIRFIELD OHIO 45014

9350 NICOLAS SAUCEDO

11/15/2011 ACTIVE

PRESIDENT MAN-MBR

PA2-KEY = END SESSION, CLEAR-KEY = END OPTION, ENTER-KEY = TO CONTINUE

**DEPARTMENTAL
CORRESPONDENCE**

City
of
Fairfield



TO Alisha Wilson, Clerk of Council
FROM Timothy Bachman, Development Services Director

SUBJECT Liquor Permit Application

DATE 04/07/14

The business at 5951 Boymel Drive, 1st Floor, in the name of Carniceria La Preferida, LLC, is in a C-3, General Business District and is a permitted use.


Timothy Bachman
Development Services Director

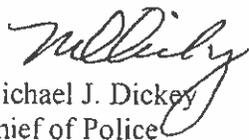
plf

NAME OF ESTABLISHMENT Carniceria La Preferida LLC
 ADDRESS Unit 1, 1st Floor
5951 Boymel Dr.
Fairfield, OH 45014

YES NO

1. Is there a conviction record of the applicant, any partner, member, officer director, manager or any shareholder owning 5% or more of the capital stock, for felonies or other crimes relating to his ability to operate a liquor establishment? YES NO
2. Is there a prior unfavorable enforcement record of applicant and/or operation in disregard for laws, regulations or local ordinances? YES NO
3. Is there misrepresentation of material fact by applicant in making application to the Department? YES NO
4. Is there an inability of law enforcement authorities and of authorized agents of the Department to gain ready entrance to the permit premise; or location of permit premise at such distance from the road or street as to be isolated from police or other observation? YES NO
5. Will the place substantially and adversely interfere with the public decency, sobriety, peace, or good order of the neighborhood in which it is located? YES NO
6. Will the place substantially and adversely interfere with the normal orderly conduct of a church, library, public playground, school or township park? YES NO
7. Will the granting or transferring of a permit substantially interfere with the morals, safety, or welfare of the public? YES NO
8. Will there be adverse effects of saturation of the area in relation to the number of existing permits, and will there be any adverse conditions in the area? YES NO

REMARKS:


 Michael J. Dickey
 Chief of Police

HEARING REQUESTED: Yes No

Date: April 2, 2014

CITY OF FAIRFIELD, OHIO
CITY COUNCIL COMMUNICATION

ITEM:

April 14, 2014

Liquor permit application in the name of Seeta Petroleum, Inc. dba Fairfield Dixie Sunoco, Unit A, 7500 Dixie Highway, Fairfield, Ohio 45014 (Permit Classes: C1 and C2).

FINANCIAL IMPACT:

No financial impact.

SYNOPSIS:

The City of Fairfield is in receipt of an application from the Ohio Division of Liquor Control for a C1 and C2 permit for the above liquor permit applicant.

BACKGROUND:

Background checks from the Building and Zoning Division and Police Department are attached for Council and staff's review.

RECOMMENDATION:

It is recommended that City Council request, by simple motion, that no hearing be held on the liquor permit application in the name of Seeta Petroleum, Inc. dba Fairfield Dixie Sunoco, Unit A, 7500 Dixie Highway, Fairfield, Ohio 45014 (Permit Classes: C1 and C2).

LEGISLATIVE ACTION REQUIRED: Simple Motion of Council

Prepared by: Heather Wilson
Approved for Content by: Heather Wilson
Financial Review (where applicable) by: Maya Hagan
Legal Review (where applicable) by: John A. Clemmons
Accepted by Council Agenda: Heather Wilson

DEPARTMENTAL
CORRESPONDENCE

Michael J. Dickey, Police Chief
Tim Bachman, Development Services Director

TO _____
FROM Alisha Wilson, Clerk of Council *AW*

City
of
Fairfield



11 (A&Z) 26

SUBJECT Request for Background Check – Liquor Permit

DATE 03/19/2014

Attached is a liquor permit application in the name of Seeta Petroleum, Inc. dba Fairfield Dixie Sunoco, Unit A, 7500 Dixie Highway, Fairfield, OH 45014 (Permit Classes: C1 and C2)

Please complete the necessary background check and submit your findings to me **no later than 3:00 PM on Monday, April 7, 2014.**

This item will be added to Council's Regular Meeting agenda of Monday, April 14, 2014.

Thank you for your assistance.

c: Arthur E. Pizzano, City Manager
Peggy Flaig, Development Services
File

NOTICE TO LEGISLATIVE
AUTHORITY

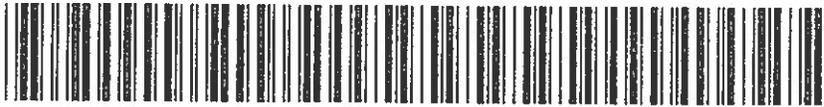
OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4605
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

7957579		TRFO	SEETA PETROLEUM INC
06 01 2013			DBA FAIRFIELD DIXIE SUNOCO
03 11 2014			UNIT A
C1 C2			7500 DIXIE HWY
09 011		A	FAIRFIELD OH 45014
F11654			

FROM 03/13/2014

8811250			TAVALALI ENTERPRISES INC
06 01 2013			DBA SUNOCO FAIRFIELD
03 11 2014			UNIT A
C1 C2			7500 DIXIE HWY
09 011			FAIRFIELD OH 45014
F11654			



MAILED 03/13/2014

RESPONSES MUST BE POSTMARKED NO LATER THAN. 04/14/2014

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES **A TRFO 7957579**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

**CLERK OF FAIRFIELD CITY COUNCIL
5350 PLEASANT AV
FAIRFIELD OHIO 45014**

TUBE C021
TIME 11.26.18
DATE 03/12/14

PERMIT NUMBER (CORPORATION) 7957579
SEETA PETROLEUM INC
DBA FAIRFIELD DIXIE SUNOCO
UNIT A
500 DIXIE HWY
FAIRFIELD OH 45014

F.T.I. NUMBER 46-4336498
STATUS (ACTIVE OR INACTIVE) ACTIVE
SHARES OUTSTANDING 1000.00
ACTIVE DATE 03/11/14
INACTIVE DATE
EXCEPTION CODE TEXT
STOCK TRANSFER CODE TEXT AND DATE
HARISHKUMAR PATEL

1000.00 03/14/14 ACTIVE PRESIDENT

NAME OF ESTABLISHMENT Seeta Petroleum Inc.
ADDRESS DBA Fairfield Dixie Sunoco
7500 Dixie Hwy, Unit A
Fairfield, OH 45014

YES NO

1. Is there a conviction record of the applicant, any partner, member, officer director, manager or any shareholder owning 5% or more of the capital stock, for felonies or other crimes relating to his ability to operate a liquor establishment? YES NO
2. Is there a prior unfavorable enforcement record of applicant and/or operation in disregard for laws, regulations or local ordinances? YES NO
3. Is there misrepresentation of material fact by applicant in making application to the Department? YES NO
4. Is there an inability of law enforcement authorities and of authorized agents of the Department to gain ready entrance to the permit premise; or location of permit premise at such distance from the road or street as to be isolated from police or other observation? YES NO
5. Will the place substantially and adversely interfere with the public decency, sobriety, peace, or good order of the neighborhood in which it is located? YES NO
6. Will the place substantially and adversely interfere with the normal orderly conduct of a church, library, public playground, school or township park? YES NO
7. Will the granting or transferring of a permit substantially interfere with the morals, safety, or welfare of the public? YES NO
8. Will there be adverse effects of saturation of the area in relation to the number of existing permits, and will there be any adverse conditions in the area? YES NO

REMARKS:


Michael J. Dickey
Chief of Police

HEARING REQUESTED: Yes No

Date: March 20, 2014

**DEPARTMENTAL
CORRESPONDENCE**

City
of
Fairfield



Alisha Wilson, Clerk of Council

TO _____

FROM Timothy Bachman, Development Services Director

Liquor Permit Application

SUBJECT _____

03/31/14

DATE _____

The business at 7500 Dixie Highway, Unit A, in the name of Seeta Petroleum, Inc., and doing business as Fairfield Dixie Sunoco, is in a M-2, General Industrial District and is a grandfathered use.

A handwritten signature in cursive script that reads 'Timothy Bachman'.

Timothy Bachman
Development Services Director

plf

CITY OF FAIRFIELD, OHIO
CITY COUNCIL MEETING COMMUNICATION

ITEM:

April 14, 2014

Objection to the Renewal of Liquor Permit – DLMC, LLC dba Memories Sports Bar & Grill

FINANCIAL IMPACT:

There is no financial impact.

SYNOPSIS:

Each year, legislative bodies may object to the annual renewal of liquor licenses issued to permit holders. It is requested that council pass a resolution objecting to the renewal of the permit for DLMC, LLC dba Memories Sports Bar and Grill, 6679 Dixie Highway, Unit C & Patio, Fairfield, OH 45014 because of the applicant's unfavorable enforcement record and/or operation in disregard for laws, regulations, or local ordinances, and the location of the establishment substantially and adversely interferes with the public decency, sobriety, peace, or good order of the neighborhood.

RECOMMENDATION: It is recommended that the Council pass a resolution objecting to the renewal of the liquor permit for DLMC, LLC dba Memories Sports Bar & Grill.

The emergency provision is recommended because the legislation must be postmarked by May 2, 2014.

LEGISLATION ACTION:	Suspension of Rules and Adoption Requested?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		YES	NO
	Emergency Provision Needed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		YES	NO

Prepared by: Michael J. Dickey, Chief of Police
 Approved for Content by: Michael J. Dickey, Chief of Police
 Financial Review (where applicable): Mary Hopton, Director of Finance
 Legal Review (where applicable): John H. Clemmons, Law Director
 Accepted for Council Agenda: Alisha Wilson, Clerk of Council



Department
of Commerce

Division of Liquor Control

John R. Kasich, Governor
Andre Porter, Director

NOTICE TO LEGISLATIVE AUTHORITIES
Re: Permit Renewal Objections

CLERK OF FAIRFIELD CITY COUNCIL
5350 PLEASANT AV
FAIRFIELD OHIO 45014

09-011

MARCH 10, 2014

Dear Clerk of Legislative Authority:

We are writing to notify you that all permits to sell alcoholic beverages in your political subdivision will expire on June 1, 2014. In order to maintain permit privileges, every permit holder must file a renewal application.

Ohio Revised Code Section 4303.271(B) provides the legislative authority with the right to object to the renewal of a permit and to request a hearing. The hearing may be held in the county seat of the county in which the permit premises is located if that request is made in writing. This will be your only opportunity to object to the renewal of a liquor permit premises which might be a problem in your community.

In order to register a valid objection with this Division and obtain a hearing, the legislative authority must pass a resolution which specifies the problems at the liquor permit premises and the legal grounds for objections as set forth in Ohio Revised Code Section 4303.292(A). It is suggested that a separate resolution be passed for each permit premises. The Chief Legal Officer of your political subdivision must also submit a statement with the resolution that, in the Chief Legal Officer's opinion, the objection is based upon substantial legal grounds within the meaning and intent of Ohio Revised Code Section 4303.292(A). The resolution and Chief Legal Officer's statement must be addressed to the Division of Liquor Control, Attn: Legal Section, 6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005 and postmarked no later than May 2, 2014.

For your convenience, you may access our brochure entitled "How to Object to the Issuance or Renewal of a Liquor Permit" from our website at www.com.ohio.gov/liqr which explains the process in more detail.

You may wish to contact the law enforcement agency for your jurisdiction to determine if it has any information which will aid in your decision whether or not to object and request a hearing. If you wish to obtain a list of permit holders in your jurisdiction, you may now access this list from our website at www.com.ohio.gov/liqr, and under "Liquor Control" click on "Look it up" and under that mega menu please select "Search Permit Holders" "Permit Applicant / Holder Information (types and status)". You will then enter the search criteria for your county / city / township to bring up the issued permits in your jurisdiction. If you do not have access to the internet, this list can be provided by this Division upon written request.

If you have any questions, please contact the Legal Section at (614)644-2489.

Very truly yours,

Bruce D. Stevenson, Superintendent

Licensing Renewal Section
6606 Tussing Road
PO Box 4005
Reynoldsburg, OH 43068-9005 U.S.A.

614 | 644 3162
Fax 614 | 644 6968
TTY/TDD 800 | 750 0750
www.com.ohio.gov/liqr

An Equal Opportunity Employer and Service Provider

RESOLUTION NO. _____

RESOLUTION OBJECTING TO THE RENEWAL OF THE LIQUOR PERMIT FOR DLMC LLC DBA MEMORIES SPORTS BAR & GRILL AND DECLARING AN EMERGENCY.

BE IT RESOLVED by the Council of the City of Fairfield, Ohio, that:

Section 1. The Council of the City of Fairfield, Ohio hereby formally objects to the renewal of the following liquor permit:

Permit #: 22153530005; D1, D2, D3, D3A, D6
Owner: DLMC, LLC DBA MEMORIES SPORTS BAR & GRILL
Premises: 6679 Dixie Highway, Unit C & Patio
Fairfield, OH 45014

This objection is based upon the applicant's unfavorable enforcement record and/or operation in disregard for laws, regulations and/or local ordinances and/or the location of the establishment is substantially and adversely interfering with the public decency, sobriety, peace or good order of the neighborhood.

Section 2. The Clerk of Council, Law Director and/or Police Chief are hereby directed to forward this objection together with all other required or appropriate documentation to the Ohio Department of Liquor Control in a timely manner.

Section 3. This Council requests that the hearing of this objection be held in Hamilton, Ohio, the county seat of Butler County, Ohio.

Section 4. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and for the urgent benefit and protection of the City and its inhabitants for the reason that this objection must be filed by May 2, 2014; wherefore, this Resolution shall take effect immediately upon its passage.

Passed	_____	_____
		Mayor's Approval
Posted	_____	
First Reading	_____	Rules Suspended _____
Second Reading	_____	Emergency _____
Third Reading	_____	

ATTEST:

Clerk of Council

This is to certify that this Resolution has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2014\DLMC LLC - Res

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO EXECUTE AND FILE THE APPLICATION FOR FINANCIAL ASSISTANCE AND ENTER INTO AN AGREEMENT WITH OHIO KENTUCKY INDIANA REGIONAL COUNCIL OF GOVERNMENTS (OKI) FOR A GRANT TO FUND A PORTION OF THE CITY-WIDE TRAFFIC SIGNAL IMPROVEMENTS PROJECT AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. The City Manager is hereby authorized to execute and file the application for financial assistance and enter into an agreement with OKI for a grant to fund a portion of the city-wide traffic signal improvements project in accordance with the proposal on file in the office of the City Manager.

Section 2. This Ordinance is hereby declared to be an emergency measure necessary for the urgent benefit and protection of the City and its inhabitants for the reason that the City is able to submit their application as soon as possible for immediate consideration by OKI; wherefore, this ordinance shall take effect immediately upon its passage.

Passed	_____	_____	_____
		Mayor's Approval	
Posted	_____		
First Reading	_____	Rules Suspended	_____
Second Reading	_____	Emergency	_____
Third Reading	_____		

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

CITY OF FAIRFIELD, OHIO
CITY COUNCIL MEETING COMMUNICATION

ITEM NO. 11621

Date: 4/14/14

ITEM:

Three year contract with EPCO Carbon Dioxide Products, Inc. for the purchase of liquid carbon dioxide for use at the Water Treatment Plant

FINANCIAL IMPACT:

Purchase of liquid carbon dioxide is included in the annual operating budget for the Water Treatment Plant. The total budget for the purchase of chemicals for the plant is \$415,000 with an estimated \$25,000 required for the purchase of carbon dioxide.

SYNOPSIS:

Liquid carbon dioxide is an integral part of the softening process to adjust the pH of the water following softening. Annually, the Water Plant uses between 200 and 400 tons of liquid carbon dioxide as part of the treatment process

BACKGROUND:

The contract for the purchase of liquid carbon dioxide was submitted for formal competitive bidding with (2) bids being received. The bids are summarized on the attached page.

RECOMMENDATION:

It is recommended City Council authorize the City Manager to enter into a three year contract with EPCO Carbon Dioxide Products, Inc. for the purchase of liquid carbon dioxide for use at the Water Treatment Plant. Rules suspension is being requested in order for the contract to take effect when the current contract expires in June.

LEGISLATIVE ACTION: Suspension of Rules and Adoption Requested?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	If yes, explain above.
	yes	no	
Emergency Provision Needed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	If yes, explain above.
	yes	no	

Prepared by [Signature]
Approved for Content by: [Signature]
Financial Review (where applicable): Mary Hryn
Legal Review (where applicable): [Signature]
Accepted for Council Agenda: [Signature]

**City of Fairfield, Ohio
Bid Opening - Results**

Project(s): Chemicals – Carbon Dioxide for Water Division

Project Estimate: N/A

Date: Monday, March 17, 2014 (City of Fairfield, Council Chambers)

Contractor (Name, Address, Phone)	Yr.1	Yr.2	Yr.3	Bid Security	Non-Collusion Affidavit	PP Taxes Affidavit
Praxair 7000 High Grove Blvd. Burr Ridge, IL 60527 630-320-4000	No Bid					
Continental Carbonic 3985 E. Harrison Ave. Decatur, IL 62526 937-316-6160	\$59.00	\$61.00	\$63.00	Yes - Check	Yes	Yes
EPCO Carbon Dioxide Products 1811 Auburn Ave., Suite K Monroe, LA 71201 318-361-0870	\$57.50	\$57.50	\$59.50	Yes - Check	Yes	Yes

** These bids will be reviewed by the Public Utilities Department and a recommendation will be made to Council. There is no guarantee that the contract will be awarded to the lowest bidder. Contracts are awarded to the bidder deemed to be the best and the lowest bid.

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A THREE (3) YEAR CONTRACT WITH EPCO CARBON DIOXIDE PRODUCTS, INC. FOR THE PURCHASE OF LIQUID CARBON DIOXIDE FOR USE AT THE WATER TREATMENT PLANT.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. The City Manager is hereby authorized to enter into a three (3) year contract with EPCO Carbon Dioxide Products, Inc. for the purchase of liquid carbon dioxide for use at the Water Treatment Plant in accordance with the bid on file in the office of the City Manager.

Section 2. This Ordinance shall take effect at the earliest period allowed by law.

Passed	_____	_____
		Mayor's Approval
Posted	_____	
First Reading	_____	Rules Suspended _____
Second Reading	_____	
Third Reading	_____	

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

CITY OF FAIRFIELD, OHIO
CITY COUNCIL MEETING COMMUNICATION**ITEM:**DATE: 4/14/14

A new collective bargaining agreement between the City of Fairfield and the American Federation of State, County, and Municipal Employees, Ohio Council 8, AFL-CIO (hereinafter "AFSCME") effective retroactively to April 1, 2014 through March 31, 2017.

FINANCIAL IMPACT:

The net financial impact anticipates a net increase in base annual wages of 2.66% over the three-year term of the agreement, adjusted to reflect modifications in employee contributions to the City's health care premium.

SYNOPSIS:

It is requested that Council authorize the execution of a replacement collective bargaining agreement between the City and the AFSCME. The following positions are represented by the union: Account Clerk I, Account Clerk II, Animal Control Officer, Clerk I, Clerk II, Custodial Maintenance Worker, Custodial Worker, Data Entry Operator I, Data Entry Operator II, Dispatcher, Greenskeeper, Inspectors, Maintenance Worker Laborer, Mechanic, Meter Reader, Operator Maintenance Worker, Park Ranger, Park Ranger Alternate, Turf Manager, Turf Mechanic/Maintenance Worker, Zoning Clerk. The most recent collective bargaining agreement expired on March 31, 2014.

BACKGROUND:

As stated in the synopsis, the collective bargaining agreement entered into on April 1, 2011, expired on March 31, 2014, necessitating the negotiation and implementation of a successor agreement effective April 1, 2014. The parties have successfully negotiated a successor agreement that calls for employees to assume a greater share of the cost of the City's health care premium in years two and three (the current cost-share of 15% will remain in place for 2014/2015, increasing to 16% in 2015/2016 and 17% in 2016/2017) of the agreement. The increase to base wages is 3% for each year of the contract, but after adjustment for the health care premium deduction, employees will receive effective raises of 3% in 2014/2015; 2.5% in 2015/2016; and 2.5% in 2016/2017. This agreement augments the City's efforts to require employees to assume a greater share of the cost of medical benefits. The City also received concessions from the AFSCME on length of pay period language and shift differentials.

RECOMMENDATION:

It is recommended that City Council authorize execution of the successor collective bargaining agreement between the City and the American Federation of State, County, and Municipal Employees, Ohio Council 8, AFL-CIO, representing the positions of Account Clerk I, Account Clerk II, Animal Control Officer, Clerk I, Clerk II, Custodial Maintenance Worker, Custodial Worker, Data Entry Operator I, Data Entry Operator II, Dispatcher, Greenskeeper, Inspectors, Maintenance Worker Laborer, Mechanic, Meter Reader, Operator Maintenance Worker, Park Ranger, Park Ranger Alternate, Turf Manager, Turf Mechanic/Maintenance Worker, Zoning Clerk.

Rules suspension and emergency adoption is requested in order for the new agreement to be effective as a replacement for the collective bargaining agreement that expired on March 31, 2014.

LEGISLATIVE ACTION: Suspension of Rules and Adoption Requested? If yes, explain above.
yes no

Emergency Provision Needed? If yes, explain above.
yes no

Prepared by: Mark T. Wendling Mark T. Wendling, Assistant City Manager

Approved for Content by: Mark T. Wendling Mark T. Wendling, Assistant City Manager

Financial Review (where applicable): Mary I. Hopton Mary I. Hopton, Finance Director

Legal Review (where applicable): John H. Clemmons John H. Clemmons, Law Director

Accepted for Council Agenda: Alisha A. Wilson Alisha A. Wilson, Clerk of Council

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO EXECUTE A COLLECTIVE BARGAINING AGREEMENT WITH THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), COUNCIL #8, AFL-CIO FOR WAGES, HOURS AND TERMS AND CONDITIONS OF EMPLOYMENT FOR THE AFSCME BARGAINING UNIT AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. The City Manager is hereby authorized to execute a collective bargaining agreement with the American Federation of State, County and Municipal Employees (AFSCME), Council #8, AFL-CIO, for wages, hours and terms and conditions of employment for the AFSCME bargaining unit in accordance with the agreement on file in the office of the City Manager.

Section 2. This Ordinance is hereby declared to be an emergency measure necessary for the urgent benefit and protection of the City and its inhabitants for the reason that current agreement expired on March 31, 2014; wherefore, this ordinance shall take effect immediately upon its passage.

Passed	_____	_____
		Mayor's Approval
Posted	_____	
First Reading	_____	Rules Suspended _____
Second Reading	_____	Emergency _____
Third Reading	_____	

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

CITY OF FAIRFIELD, OHIO
CITY COUNCIL MEETING COMMUNICATION

ITEM:

DATE: 4/14/14

A new collective bargaining agreement between the City of Fairfield and the International Union of Operating Engineers, Local #20, AFL-CIO (hereinafter "IUOE") effective March 1, 2014 through February 28, 2017.

FINANCIAL IMPACT:

The net financial impact anticipates a net increase in base annual wages of 2.66% over the three-year term of the agreement, adjusted to reflect modifications in employee contributions to the City's health care premium.

SYNOPSIS:

It is requested that Council authorize the execution of a replacement collective bargaining agreement between the City and the IUOE. The following positions are represented by the union: Laboratory Technician, Operator Maintenance Worker, Maintenance Electrician, Construction Inspector, GIS/GPS Mapping Technician/Traffic Analyst, Engineer, Engineering Aid and Draftsman. The most recent collective bargaining agreement expired on February 28, 2014.

BACKGROUND:

As stated in the synopsis, the collective bargaining agreement entered into on March 1, 2011, expired on February 28, 2014, necessitating the negotiation and implementation of a successor agreement effective March 1, 2014. The parties have successfully negotiated a successor agreement that calls for employees to assume a greater share of the cost of the City's health care premium in years two and three (the current cost-share of 15% will remain in place for 2014/2015, increasing to 16% in 2015/2016 and 17% in 2016/2017) of the agreement. The increase to base wages is 3% for each year of the contract, but after adjustment for the health care premium deduction, employees will receive effective raises of 3% in 2014/2015; 2.5% in 2015/2016; and 2.5% in 2016/2017. This agreement augments the City's efforts to require employees to assume a greater share of the cost of medical benefits. The City also received concessions from the IUOE on length of pay period language and shift differentials.

RECOMMENDATION:

It is recommended that City Council authorize execution of the successor collective bargaining agreement between the City and the International Union of Operating Engineers, Local #20, AFL-CIO, representing the positions of Laboratory Technician, Operator Maintenance Worker, Maintenance Electrician, Construction Inspector, GIS/GPS Mapping Technician/Traffic Analyst, Engineer, Engineering Aid and Draftsman. Rules suspension and emergency adoption is requested in order for the new agreement to be effective as a replacement for the collective bargaining agreement that expired on February 28, 2014.

LEGISLATIVE ACTION: Suspension of Rules and Adoption Requested? If yes, explain above.
yes no

Emergency Provision Needed?

yes

no

If yes, explain above.

Prepared by: Mark T. Wendling Mark T. Wendling, Assistant City Manager

Approved for Content by: Mark T. Wendling Mark T. Wendling, Assistant City Manager

Financial Review (where applicable): Mary I. Hopton Mary I. Hopton, Finance Director

Legal Review (where applicable): John H. Clemmons John H. Clemmons, Law Director

Accepted for Council Agenda: Alisha A. Wilson Alisha A. Wilson, Clerk of Council

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO EXECUTE A COLLECTIVE BARGAINING AGREEMENT WITH THE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL #20, AFL-CIO (IUOE) FOR WAGES, HOURS AND TERMS AND CONDITIONS OF EMPLOYMENT FOR THE IUOE LOCAL #20 BARGAINING UNIT AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. The City Manager is hereby authorized to execute a collective bargaining agreement with the International Union of Operating Engineers, Local #20, AFL-CIO (IUOE) for wages, hours and terms and conditions of employment for the IUOE Local #20 bargaining unit in accordance with the agreement on file in the office of the City Manager.

Section 2. This Ordinance is hereby declared to be an emergency measure necessary for the urgent benefit and protection of the City and its inhabitants for the reason that the current collective bargaining agreement expired on February 28, 2014; wherefore, this ordinance shall take effect immediately upon its passage.

Passed	_____	_____
		Mayor's Approval
Posted	_____	
First Reading	_____	Rules Suspended _____
Second Reading	_____	Emergency _____
Third Reading	_____	

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

CITY OF FAIRFIELD, OHIO
CITY COUNCIL MEETING COMMUNICATION

ITEM:

DATE: 04/14/14

A new collective bargaining agreement between the City of Fairfield and the supervisors unit of the Fraternal Order of Police, Lodge #166 (hereinafter "FOP Supervisors") effective retroactively to April 1, 2014 through March 31, 2017.

FINANCIAL IMPACT:

The net financial impact anticipates a net increase in base annual wages of 2.66% over the three-year term of the agreement, adjusted to reflect modifications in employee contributions to the City's health care premium.

SYNOPSIS:

It is requested that Council authorize the execution of a replacement collective bargaining agreement between the City and the FOP Supervisors. The following ranks are represented by the union: Police Sergeant and Police Lieutenant. The most recent collective bargaining agreement expired on March 31, 2014.

BACKGROUND:

As stated in the synopsis, the collective bargaining agreement entered into on April 1, 2011, expired on March 31, 2014 necessitating the negotiation and implementation of a successor agreement effective retroactively to April 1, 2014. The parties have successfully negotiated a successor agreement that calls for employees to assume a greater share of the cost of the City's health care premium in years two and three (the current cost-share of 15% will remain in place for 2014/2015, increasing to 16% in 2015/2016 and 17% in 2016/2017) of the agreement. The increase to base wages is 3% for each year of the contract, but after adjustment for the health care premium deduction, employees will receive effective raises of 3% in 2014/2015; 2.5% in 2015/2016; and 2.5% in 2016/2017. This agreement augments the City's efforts to require employees to assume a greater share of the cost of medical benefits. The City also received concessions from the FOP Supervisors on length of pay period language and recuperative leave policies.

RECOMMENDATION:

It is recommended that City Council authorize execution of the successor collective bargaining agreement between the City and the supervisors unit of the Fraternal Order of Police, Lodge #166, representing the ranks of Police Sergeant and Police Lieutenant. Rules suspension and emergency adoption is requested in order for the new agreement to be effective as a replacement for the collective bargaining agreement that expired on March 31, 2014.

LEGISLATIVE ACTION: Suspension of Rules and Adoption Requested? If yes, explain above.
yes no

Emergency Provision Needed? If yes, explain above.
yes no

Prepared by: Mark T. Wendling Mark T. Wendling, Asst. City Manager

Approved for Content by: Mark T. Wendling Mark T. Wendling, Asst. City Manager

Financial Review (where applicable): Mary I. Hopton Mary I. Hopton, Finance Director

Legal Review (where applicable): John H. Clemmons John H. Clemmons, Law Director

Accepted for Council Agenda: Alisha A. Wilson Alisha A. Wilson, Clerk of Council

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FRATERNAL ORDER OF POLICE LODGE NO. 166 FOR WAGES, HOURS AND TERMS AND CONDITIONS OF EMPLOYMENT FOR THE POLICE SUPERVISORS BARGAINING UNIT AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. The City Manager is hereby authorized to enter into a contract with Fraternal Order of Police Lodge No. 166 for wages, hours and terms and conditions of employment for the police supervisors bargaining unit in accordance with the agreement on file in the office of the City Manager.

Section 2. This Ordinance is hereby declared to be an emergency measure necessary for the urgent benefit and protection of the City and its inhabitants for the reason that the provisions of the contract are effective on April 1, 2014; wherefore, this ordinance shall take effect immediately upon its passage.

Passed	_____	_____
		Mayor's Approval
Posted	_____	
First Reading	_____	Rules Suspended _____
Second Reading	_____	Emergency _____
Third Reading	_____	

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

CITY OF FAIRFIELD, OHIO
CITY COUNCIL MEETING COMMUNICATION**ITEM:**DATE: 4/14/14

Amendment to Sections 163.06, 163.19 and 163.20 of the City of Fairfield Codified Ordinances governing management and supervisory/professional employee benefits.

FINANCIAL IMPACT:

An estimated 52% savings in the cost of salary and benefits related to the Clerk of Council position.

SYNOPSIS:

Management and supervisory/professional employees are provided with specifically outlined benefits. The Clerk of Council is identified as a management employee on the management roster, but status as either full time or part time is not addressed. The first proposed modification would, for purposes of receiving the outlined benefits, specifically define the Clerk of Council as a full time employee. Therefore, a part time Clerk of Council, while still defined as a management employee, would be ineligible to receive the outlined benefits.

This ordinance will also address changes to the supervisory/professional employee provisions as well as provide clarification to the section addressing retirement notice incentive.

BACKGROUND:

The Clerk of Council has historically been a full time position. Clerk of Council Alisha Wilson has proposed that the position be reclassified from full time to part time in recognition of a reduction in workload due to the computerization and automation of the office over time. The position's hourly wage equivalent will remain the same, but the schedule will be reduced from 40 hours per week to 24 hours per week. As indicated above, only a full time Clerk of Council will be eligible for the City's benefits package.

Over the past several years several position titles identified in the supervisory/professional provisions section have been modified or eliminated. These modifications and eliminations would also be remedied by this ordinance.

Finally, in order to provide for the greatest possible continuity in services, the City offers an incentive to employees who provide significant advance notice of their impending retirement. This notice enables departments to anticipate and plan for impending retirement vacancies. In order to receive the incentive the retiring employee cannot use more than 50% of their vacation, sick or personal leave if giving six months' notice; 25% of vacation, sick or personal leave if giving three months' notice. The recommendation is to change the "or" to "and" so that receipt of the benefit requires an aggregation of the three forms of leave. A strict interpretation of the current language would allow an employee to use 75% of one form of leave, but only 50% of another, and still qualify for the benefit. This change will simply clarify and set established practice.

RECOMMENDATION:

It is recommended that City Council adopt the attached ordinance amending Sections 163.06, 163.19 and 163.20 of the City of Fairfield Codified Ordinances as described above. Rules suspension and emergency adoption of this ordinance is requested so that the changes can be effective immediately.

LEGISLATIVE ACTION: Suspension of Rules and Adoption Requested? If yes, explain above.
yes no

Emergency Provision Needed? If yes, explain above.
yes no

Prepared by: Mark T. Wendling Mark T. Wendling, Asst. City Manager
Approved for Content by: Mark T. Wendling Mark T. Wendling, Asst. City Manager
Financial Review (where applicable): Mary I. Hopton Mary I. Hopton, Finance Director
Legal Review (where applicable): John H. Clemmons John H. Clemmons, Law Director
Accepted for Council Agenda: Alisha A. Wilson Alisha A. Wilson, Clerk of Council

ORDINANCE NO. _____

ORDINANCE TO AMEND SECTIONS 163.06, 163.19 and 163.20 OF ORDINANCE NO. 166-84, THE CODIFIED ORDINANCES OF FAIRFIELD, OHIO RELATIVE TO EMPLOYEE PROVISIONS AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. Sections 163.06, 163.19 and 163.20 of Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio, relative to Employee Provisions are hereby amended to read as follows:

See attached Exhibit "A" which is incorporated herein by reference.

Section 2. This Ordinance is hereby declared to be an emergency measure necessary for the urgent benefit and protection of the City and its inhabitants for the reason that the amended provisions be applicable as soon as possible to existing positions; wherefore, this ordinance shall take effect immediately upon its passage.

Passed	_____	_____
		Mayor's Approval
Posted	_____	
First Reading	_____	Rules Suspended _____
Second Reading	_____	Emergency _____
Third Reading	_____	

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

EXHIBIT "A"

163.06 RESIGNATION OR RETIREMENT.

[Note: No changes to this Section until paragraph (b).]

(b) A full-time employee who separates from City service and provides the City with a minimum of six (6) months binding written notice of resignation or retirement shall be paid a notice incentive of one thousand five hundred dollars (\$1,500) with their final pay provided that the employee does not use more than fifty percent (50%) of the total of the employee's most recent annual accruals of vacation leave, sick leave, ~~[or]~~ **AND** personal leave during the employee's final six (6) months of employment. Standard procedures for approval of leave time will be observed.

(c) A full-time employee who separates from City service, who does not qualify for the notice incentive under paragraph (b), and provides the City with three (3) months binding written notice of resignation or retirement shall be paid a notice incentive of seven hundred and fifty dollars (\$750.00) with their final pay provided that the employee does not use more than twenty-five percent (25%) of the total of the employee's most recent annual accruals of vacation leave, sick leave, ~~[or]~~ **AND** personal leave during said three (3) month period. Standard procedures for approval of leave time will be observed.

[Note: No further changes to this section.]

163.19 ADDITIONAL MANAGEMENT EMPLOYEE PROVISION.

At the discretion of the appointing authority, management employees may be provided certain additional benefits as follows:

(a) Management Employee Defined. For purposes of this section, management employees shall be defined to include the positions of Assistant City Manager, Finance Director, Police Chief, Fire Chief, Director of Parks and Recreation, Development Services Director, Director of Public Works, Director of Public Utilities and the **FULL TIME** Clerk of Council.

[Note: No further changes to this section.]

163.20 ADDITIONAL SUPERVISORY/PROFESSIONAL EMPLOYEE PROVISIONS

At the discretion of the appointing authority, supervisory/professional employees may be provided certain additional benefits as follows:

(a) Supervisory/Professional Employee Defined. For the purposes of this section, supervisory/professional employees shall be defined to include the classifications of Accounting Supervisor, **ARTS & PROGRAMS MANAGER**, Building and Zoning **MASTER** Plans Examiner, Chief Probation Officer, City Engineer, Clerk of Courts/Court Administrator, ~~[Community Arts Center Manager]~~, **COMMUNITY EVENTS COORDINATOR**, Construction Services Manager, ~~[Customer Service Manager]~~, Deputy Fire Chief, Development Manager, Economic Development Manager, Engineer, **FACILITIES/OPERATIONS MANAGER**, Financial Services Manager, Fleet/**FACILITIES** Manager, GIS Analyst, Golf Professional, Human Resources Manager, Income Tax Administrator, Information Technology Manager, Juvenile Diversion Counselor, **MAINTENANCE COORDINATOR**, Network Analyst, **OPERATIONS COORDINATOR** ~~[Parks/Events Manager]~~,

~~[Parks/Facilities Manager]~~, ~~[Parks/Grounds Superintendent]~~, Payroll Administrator, Planning Manager, RECREATION COORDINATOR, ~~[Recreation Manager]~~, Recreation Programmer, SENIOR NETWORK ANALYST, Superintendent of Building Inspection and Zoning, Superintendent of Public Utilities, Superintendent of Streets, ~~[Tax Compliance Officer/Accountant]~~, TAX SUPERVISOR, Theatre Technical Coordinator, Utility COLLECTIONS Supervisor, and Web Editor.

[Note: No further changes to this section.]

ORDINANCE ESTABLISHING SALARIES FOR CERTAIN EXEMPT AND SALARIED EMPLOYEES OF THE CITY OF FAIRFIELD, OHIO, TO REPEAL ORDINANCE NO. 33-13 AND ALL AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

- Section 1. Ordinance No. 33-13, and all other prior ordinances inconsistent herewith, are hereby repealed.
- Section 2. The attached position list, which is incorporated herein by reference, is hereby adopted. The existing salaries for the positions set forth in the attached salary structure shall be within the ranges as shown.
- Section 3. The City Manager is authorized to hire up to one additional person for each position authorized in this ordinance to allow for overlap training and transitioning. Generally, such instances would occur when a current employee has given notice of retirement or resignation and a replacement not currently employed by the City is able to be hired before the departure of the employee. Such training overlaps would be of short duration, generally, not to exceed 60 days.
- Section 4. The City Manager is hereby authorized to grant performance based pay increases, achievement awards and equity pay adjustments for employees within the job classifications listed on the three band salary structure attached, within the confines of the ranges shown. Such pay adjustments shall not exceed a total of \$135,000.00. All increases and adjustments shall be retroactive to April 1, 2014.
- Section 5. This Ordinance is hereby declared to be an emergency measure necessary for the urgent benefit and protection of the City and its inhabitants so that the changes to the exempt salary pay schedule position list can take effect in a timely manner; wherefore, this ordinance shall take effect immediately upon its passage.

Passed _____

Mayor's Approval

Posted _____

First Reading _____

Rules Suspended _____

Second Reading _____

Emergency _____

Third Reading _____

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

EXEMPT SALARY PAY SCHEDULE
POSITION LIST

BAND 1 Administrative Assistant
EMS Privacy Officer
Human Resources Assistant
Secretary to Director of Development Services
Secretary to Director of Public Utilities
Secretary to the Mayor

BAND 2 Accounting Supervisor
Arts/Programs Manager
Building and Zoning Master Plans Examiner
City Engineer
Clerk of Council (FULL-TIME)
Community Events Coordinator
Construction Services Manager
Deputy Fire Chief
Development Manager
Economic Development Manager
Engineer
Facilities/Operations Manager
Financial Services Manager
Fleet/Facilities Manager
G.I.S. Analyst
Golf Professional (2)
Human Resources Manager
Income Tax Administrator
Information Technology Manager
Juvenile Diversion Counselor
Maintenance Coordinator
Network Analyst
Operations Coordinator
Payroll Administrator
Planning Manager
Recreation Coordinator
Senior Network Analyst
Superintendent of Building Inspection and Zoning
Superintendent of Public Utilities (2)
Superintendent of Streets
Tax Supervisor
Theatre Technical Coordinator
Utility Collections Supervisor
Web Editor

BAND 3 Assistant City Manager
Director of Development Services
Director of Finance
Director of Parks and Recreation
Director of Public Utilities
Director of Public Works
Fire Chief
Police Chief

BASE WAGE RANGES

BAND 1: Clerical/Technical	[\$36,871- 68,429]	\$37,977 – 70,482
BAND 2: Supervisory/Professional	[\$47,700- 93,100]	\$49,131 – 95,893
BAND 3: Managerial	[\$68,144-131,887]	\$70,188 – 135,844

CITY OF FAIRFIELD, OHIO
CITY COUNCIL MEETING COMMUNICATION

ITEM NO. 11 (D) 6

ITEM:

DATE: 04/14/14

Wage and Salary Ordinance Changes

FINANCIAL IMPACT:

The financial impact of the proposed changes was anticipated in the City's 2014 Operating Budget.

SYNOPSIS:

Council action is requested to amend the ordinance establishing wages and salaries for various positions in accordance with collective bargaining agreements with the American Federation of State, County and Municipal Employees, Ohio Council 8, AFL-CIO (AFSCME); the International Union of Operating Engineers, Local #20, AFL-CIO (IUOE); the supervisory unit of the Fraternal Order of Police, Lodge #166 (FOP Supervisors); and part time employees.

BACKGROUND:

The City recently entered into successor collective bargaining agreements with the AFSCME, the IUOE, and the FOP Supervisors; all for terms of three years. The new wage rates and ranges are effective retroactively to March 1, 2014 for the IUOE and April 1, 2014 for the AFSCME and the FOP Supervisors. They incorporate the 3.0% annual wage increases negotiated in each contract (the recommend wage range adjustment for part time employees is also 3.0%). Covered employees are also required to assume a greater share of the cost of the City's health care premium in years two and three of the agreement (the current cost-share of 15% will remain in place for 2014/2015, increasing to 16% in 2015/2016 and 17% in 2016/2017). The increase to base wages is 3% for each year of the contract, but after adjustment for the health care premium deduction, employees will receive effective raises of 3% in 2014/2015; 2.5% in 2015/2016; and 2.5% in 2016/2017. The respective increases in the employee health insurance premium contribution will be effective August 1, 2015 and August 1, 2016. The existing shift differential for most employees in the AFSCME and IUOE contracts was folded into the base hourly rate prior to calculation of the 3% increase.

Similar to the reclassification of Maintenance Worker Laborers to Operator Maintenance Workers in the Water Division in 2013, it was agreed during negotiations with the IUOE to perform a like reclassification in the Wastewater Division. This reclassification enables us to cross train and utilize staff more effectively and efficiently. It does not increase the staffing levels in the Wastewater Division.

As a part of the updated Wage and Salary Schedule, it is recommended that the position of Custodial Worker be left vacant. In order to maximize efficiency and realize savings related to contracted services, it is recommended that the currently vacant position of Maintenance Electrician established in the contract with the IUOE be filled.

It is further recommended that three Firefighter/Paramedic positions be reclassified as Fire Lieutenant positions for the specific purpose of supervisory continuity at Station 33, thereby nullifying the need for station supervisor supplemental pay. This will not increase the number of approved positions in the Fire Department.

Finally, it is proposed that the Clerk of Council position be reclassified from a full time position to a part time position in recognition of reduction in overall workload due to the computerization and automation of the office. The position's hourly wage equivalent will remain the same, but the schedule will be reduced from 40 hours per week to 24 hours per week. Eligibility for full time benefits will also be forfeited. It is estimated that the reclassification will enable the City to realize a 52% savings in the costs of salary and benefits. The proposed change would be effective on August 1, 2014.

ORDINANCE NO. _____

ORDINANCE TO ESTABLISH SALARIES AND HOURLY RATES FOR CERTAIN SALARIED AND HOURLY EMPLOYEES OF THE CITY OF FAIRFIELD, OHIO AND TO AUTHORIZE AND LIMIT THE NUMBERS AND TYPES OF CERTAIN EMPLOYEES, TO REPEAL ORDINANCE NO. 23-14 AND ALL AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio that:

Sec.1 Ordinance No. 23-14 and all amendments thereto and all other ordinances inconsistent herewith are hereby repealed as the respective sections of this ordinance become effective as stated in Section 14 hereof. Changes from Ordinance No. 23-14 are shown in bold, with deletions in brackets.

Sec.2 The salaries and hourly rates and related information contained herein are applicable only to those positions authorized in this Ordinance.

Sec.3 The terms of the agreements of each bargaining unit of the City shall apply to all members of the bargaining unit, whether or not they are members of the union which represents that bargaining unit.

Sec.4 All rates established by this Ordinance shall either be the maximum authorized rate or the range for each respective position as shown.

Sec.5 In the department of General Government are the following classifications of jobs and rates of pay:

A. Civil Service Commission

One (1) Clerk of Commission (PT)	[18.33-20.30]	18.88-20.91 PER HOUR
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B. Special Appropriations

One (1) Clerk I	[17.04-20.04]	17.70-20.79 PER HOUR
Two (2) Clerks (PT)	[7.85-17.05]	7.95-17.56 PER HOUR

C. City Council

ONE (1) CLERK OF COUNCIL (PT)	\$25,000.00-\$31,200.00 PER ANNUM
EFFECTIVE AUGUST 1, 2014	

Sec.6 In the Department of Development Services there are the following classifications of jobs and rates of pay:

A. Development Services

One (1) Clerk of the Planning Commission	\$600-1024.00 per annum
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B. Division of Building and Zoning Inspection

One (1) Building Inspector*	[28.95-30.12]	29.96-31.17 PER HOUR
One (1) Heating Inspector*	[28.95-30.12]	29.96-31.17 PER HOUR
One (1) Electrical Inspector*	[28.95-30.12]	29.96-31.17 PER HOUR
One (1) Clerk II	[20.63-21.94]	21.39-22.74 PER HOUR
One (1) Clerk I	[17.04-20.04]	17.70-20.79 PER HOUR
Three (3) Zoning Inspector/Clerks	[20.63-21.94]	21.39-22.74 PER HOUR
One (1) Zoning Inspector/Clerk (PT)	[7.85-17.05]	7.95-17.56 PER HOUR
One (1) Plans Reviewer (PT)	[21.93-33.92]	22.59-34.94 PER HOUR
One (1) Electrical Inspector (PT/TEMP)	[21.93-33.92]	22.59-34.94 PER HOUR

* Additional certifications in Building, Heating and/or Electrical other than that required in classification, add \$1.00 per hour.

Sec.7 In the Department of Finance are the following classifications of jobs and rates of pay:

A. Finance Administration/Financial Services

Two (2) Account Clerk II *	[20.63-21.94]	21.39-22.74 PER HOUR
Four (4) Account Clerk I	[17.04-20.04]	17.70-20.79 PER HOUR
Three (3) Clerks (PT)	[7.85-17.05]	7.95-17.56 PER HOUR

B. Income Tax

One (1) Account Clerk II *	[20.63-21.94]	21.39-22.74 PER HOUR
Four (4) Account Clerk I	[17.04-20.04]	17.70-20.79 PER HOUR
One (1) Clerk (PT)	[7.85-17.05]	7.95-17.56 PER HOUR

*CREW LEADER POSITION ESTABLISHED TO RECEIVE AN ADDITIONAL \$0.40 PER HOUR.

Sec.8 In the Police Department are the following classifications of jobs and rates of pay:

Three (3) Lieutenants	[41.01-44.28]	42.24-45.61 PER HOUR
Ten (10) Sergeants	[36.60-39.52]	37.70-40.71 PER HOUR
Forty-seven (47) Police Officers*		22.28-35.12 per hour
Ten (10) Dispatchers**/****	[19.15-22.34]	19.87-23.15 PER HOUR
Eight (8) Dispatchers (PT)	[19.15-22.34]	19.87-23.15 PER HOUR
Four (4) Clerk II***	[20.63-21.94]	21.39-22.74 PER HOUR
Four (4) Clerk I	[17.04-20.04]	17.70-20.79 PER HOUR
One (1) Crime Prevention Coordinator (PT)	[19.48-22.50]	20.06-23.18 PER HOUR
One (1) Animal Control Officer	[17.46-20.49]	18.13-21.25 PER HOUR
One (1) Animal Control Officer (PT)	[17.46-20.49]	18.13-21.25 PER HOUR
One (1) Park Ranger***	[20.45-23.11]	21.21-23.95 PER HOUR
Three (3) Park Rangers (PT)	[20.45-23.11]	21.21-23.95 PER HOUR
Two (2) Police Services Aides (PT)	[17.84-22.74]	18.38-23.42 PER HOUR
One (1) Receptionist (PT)	[7.85-17.05]	7.95-17.56 PER HOUR

* A Police Officer assigned as Field Training Officer for a new Officer will be paid an additional \$1.50 per hour for hours worked in the company of the new Officer as long as the Field Training Officer remains responsible for the training of the new Officer.

** Dispatchers assigned training responsibilities will be paid an additional \$0.50 per hour for the duration of the assignment.

*** Crew leader position established to receive an additional [\$0.30] \$0.40 PER HOUR.

**** Appointed Dispatch Foreman will be paid [\$26.66] \$27.60 PER HOUR.

Sec.9 In the Fire Department are the following classifications of jobs and rates of pay:

Three (3) Captains ***		30.63-31.87 per hour
NINE (9) [Six (6)] Lieutenants **/****		27.51-29.22 per hour
FIFTEEN (15) [Eighteen (18)] Firefighter/Paramedics*/**		17.74-27.12 per hour
Three (3) Captains (PT)	[16.58-18.78]	17.08-19.34 PER HOUR
One (1) Lieutenant (PT)	[15.06-17.92]	15.51-18.46 PER HOUR
One (1) Training Coordinator (PT)	[17.79-23.04]	18.32-23.73 PER HOUR
One (1) Asst. Training Coordinator (PT)	[15.06-17.92]	15.51-18.46 PER HOUR
Seventy-five (75) PT Firefighters/EMT-A****	[14.64-16.58]	15.08-17.08 PER HOUR
Two (2) Safety Inspectors (PT)	[14.64-18.07]	15.08-18.61 PER HOUR
One (1) Clerk II	[20.63-21.94]	21.39-22.74 PER HOUR

- * Additional \$1.00 per hour paid when serving as Station Supervisor.
- ** Additional \$2.00 per hour paid when serving as Acting Captain.
- *** Includes eligibility for a \$.50 merit bonus.
- **** Additional \$.50 per hour when assigned to a Medic Unit.

Sec.10 In the Department of Public Works are the following classifications of jobs and rates of pay:

A. Construction Services

One (1) Clerk II	[20.63-21.94]	21.39-22.74 PER HOUR
One (1) Construction Inspector*	[28.86-30.02]	29.83-31.02 PER HOUR
Two (2) Sidewalk Inspectors (PT)	[7.85-17.05]	7.95-17.56 PER HOUR

* Construction Inspectors shall be compensated for one Water License and/or one Wastewater License achieved as follows:

Class I Water Distribution	\$0.25	Class I Wastewater Collection	\$0.25
Class II Water Distribution	\$0.50	Class II Wastewater Collection	\$0.50

B. Engineering Services

One (1) GIS-GPS Mapping Technician/ Traffic Analyst	[28.86-30.02]	29.83-31.02 PER HOUR
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C. Municipal Building Maintenance

One (1) Custodial Worker*	[18.23-20.24]	18.92-20.99 PER HOUR
One (1) Maintenance Worker/Laborer**	[19.26-26.66]	19.98-27.60 PER HOUR
ONE (1) MAINTENANCE ELECTRICIAN		24.04-28.82 PER HOUR

- * Crew Leader position established to receive an additional [**\$0.30**] **\$0.40 PER HOUR**.
- ** Crew Leader positions established to receive an additional [**\$0.30**] **\$0.40 PER HOUR**. Maintenance Worker Laborer required to maintain proficiency on three or more pieces of equipment shall be compensated an additional \$0.30 per hour while maintaining those proficiencies. A Maintenance Worker Laborer required to maintain an Ohio Department of Agriculture Public Operator Spraying License, a National Swimming Pool Foundation Certified Pool/Spa Operator License, or an NPRA/OPRA National Playground Safety Inspector Certification will be compensated an additional \$0.40 cents per hour.

D. Division of Streets and Transportation

Twenty Two (22) Maintenance Workers/Laborers**/****	[19.26-26.66]	19.98-27.60 PER HOUR
Four (4) Laborers (Temp/PT)	[7.85-17.05]	7.95-17.56 PER HOUR
One (1) Clerk II	[20.63-21.94]	21.39-22.74 PER HOUR

- ** Crew Leader position(s) established to receive an additional [**\$0.30**] **\$0.40 PER HOUR**. Maintenance Worker Laborer required to maintain proficiency on three or more pieces of equipment shall be compensated an additional \$0.30 per hour while maintaining those proficiencies. A Maintenance Worker Laborer required to maintain an Ohio Department of Agriculture Public Operator Spraying License, a National Swimming Pool Foundation Certified Pool/Spa Operator License, or an NPRA/OPRA National Playground Safety Inspector Certification will be compensated an additional \$0.40 cents per hour.

*** **TRAFFIC SIGNAL TECHNICIAN APPOINTED BY MANAGEMENT TO RECEIVE AN ADDITIONAL \$1.00 PER HOUR.**

E. Municipal Garage

Four (4) Mechanics *	[20.45-25.45]	21.21-26.36 PER HOUR
One (1) Clerk II	[20.63-21.94]	21.39-22.74 PER HOUR

*Mechanic Foreman position to receive an additional \$1.25 per hour.

Sec. 11 In the Department of Parks & Recreation there are the following job classifications and rates of pay:

A. Administration and Recreation

One (1) Clerk II	[20.63-21.94]	21.39-22.74 PER HOUR
One (1) Clerk I	[17.04-20.04]	17.70-20.79 PER HOUR
Five (5) Clerks (PT)	[7.85-17.05]	7.95-17.56 PER HOUR
Six (6) Recreation Programmers (PT)	[13.65-19.60]	14.06-20.19 PER HOUR
Four (4) Facility Attendants (PT)	[7.85-17.05]	7.95-17.56 PER HOUR
Five (5) Cashiers (PT)	[7.85-17.05]	7.95-17.56 PER HOUR
Forty (40) Recreation Leaders (PT)	[7.85-17.05]	7.95-17.56 PER HOUR

B. Parks and Recreation Maintenance

Six (6) Maintenance Worker Laborers**	[19.26-26.66]	19.98-27.60 PER HOUR
Sixteen (16) Laborers (Temp/PT)	[7.85-17.05]	7.95-17.56 PER HOUR

** Crew Leader position(s) established to receive an additional [\$0.30] \$0.40 PER HOUR. Maintenance Worker Laborer required to maintain proficiency on three or more pieces of equipment shall be compensated an additional \$0.30 per hour while maintaining those proficiencies. A Maintenance Worker Laborer required to maintain an Ohio Department of Agriculture Public Operator Spraying License, a National Swimming Pool Foundation Certified Pool/Spa Operator License, or an NPRA/OPRA National Playground Safety Inspector Certification will be compensated an additional \$0.40 cents per hour.

C. Marsh Fishing Lake

One (1) Fishing Lake Supervisor (PT)	[13.65-19.60]	14.06-20.19 PER HOUR
Eight (8) Cashiers (PT)	[7.85-17.05]	7.95-17.56 PER HOUR

D. Recreation Center-Swimming Pool

One (1) Pool Supervisor (Temp)	[13.65-19.60]	14.06-20.19 PER HOUR
Two (2) Senior Lifeguards (Temp)	[7.85-17.05]	7.95-17.56 PER HOUR
Forty-four (44) Lifeguards (Temp)	[7.85-17.05]	7.95-17.56 PER HOUR
Two (2) Cashiers (PT)	[7.85-17.05]	7.95-17.56 PER HOUR

E. Recreation Center-Golf Course

One (1) Turf Mechanic/Maintenance Worker	[20.45-25.44]	21.21-26.35 PER HOUR
Two (2) Greenskeepers *	[23.81-26.03]	24.67-26.96 PER HOUR
One (1) Maintenance Worker/Laborer**	[19.26-26.66]	19.98-27.60 PER HOUR
Seventeen (17) Laborers (Temp/PT)	[7.85-17.05]	7.95-17.56 PER HOUR
Four (4) Pro Shop Supervisors (PT)	[13.65-19.60]	14.06-20.19 PER HOUR
Fifty (50) Cashiers (PT)	[7.85-17.05]	7.95-17.56 PER HOUR

* Crew Leader established to receive additional [\$0.30] \$0.40 PER HOUR.

** Crew Leader position(s) established to receive an additional [\$0.30] \$0.40 PER HOUR. Maintenance Worker Laborer required to maintain proficiency on three or more pieces of equipment shall be compensated an additional \$0.30 per hour while maintaining those proficiencies. A Maintenance Worker Laborer required to maintain an Ohio Department of Agriculture Public Operator Spraying License, a National Swimming Pool Foundation Certified Pool/Spa Operator License, or an NPRA/OPRA National Playground Safety Inspector Certification will be compensated an additional \$0.40 cents per hour.

Sec.12 In the Department of Public Utilities are the following classifications of jobs and rates of pay:

A. Wastewater Division

One (1) Clerk II	[20.63-21.94]	21.39-22.74 PER HOUR
Two (2) Laboratory Technicians**** (55 % of wages charged to Sewer Fund;	[20.20-29.57]	20.91-30.56 PER HOUR 45% charged to Water Fund)
One (1) Construction Inspector*	[28.86-30.02]	29.83-31.02 PER HOUR
SEVENTEEN (17) [Fourteen (14)] Operator/Maintenance Workers*/****	[20.45-28.62]	21.17-29.58 PER HOUR
[Three (3) Maintenance Worker/Laborers**]		[19.25-23.49 per hour]
Two (2) Laborers (PT)	[7.85-17.05]	7.95-17.56 PER HOUR

* Construction Inspectors AND OPERATOR/MAINTENANCE WORKERS shall be compensated for one Water License and/or one Wastewater License achieved as follows:
 Class I Water Distribution \$0.25 Class I Wastewater Collection \$0.25
 Class II Water Distribution \$0.50 Class II Wastewater Collection \$0.50

[**] [Crew Leader position(s) established to receive an additional .30 per hour. Maintenance Worker Laborer required to maintain proficiency on three or more pieces of equipment shall be compensated an additional \$0.30 per hour while maintaining those proficiencies. Maintenance Worker Laborer required to maintain proficiency on two pieces of equipment only shall be compensated an additional \$0.15 per hour while maintaining those proficiencies. Wastewater Division employees in the Maintenance Worker Laborer Classification shall be compensated for the single highest level Wastewater License achieved as follows:]

[Class I Operations \$0.83]
 [Class II Operations \$2.64]
 [Class III Operations \$4.48]

*** Chief Operator, Instrumentation Foreman, Maintenance Foreman and Collection Foreman to receive \$1.25 over their regular rate of pay. Assistant Collection Foreman/Data Specialist, Assistant Instrumentation Foreman to receive \$0.75 per hour added to regular rate of pay. Crew leader position(s) established to receive an additional \$0.30 per hour.

**** Laboratory Technicians with Class III Water Plant Operator License or Voluntary Wastewater Lab Certifications to receive an additional \$0.50 per hour each. Lab Supervisor to receive \$1.25 in addition to regular rate of pay.

B. Water Division

One (1) Clerk II	[20.63-21.94]	21.39-22.74 PER HOUR
Three (3) Meter Readers**/**** (55% of wages charged to Water Fund;	[21.62-22.76]	22.41-23.59 PER HOUR 45% charged to Sewer Fund)
Fifteen (15) Operator/Maintenance Workers*/****	[20.45-27.97]	21.21-28.95 PER HOUR
Two (2) Laborers (PT/Temp)	[7.85-17.05]	7.95-17.56 PER HOUR

* Chief Operator and Foreman positions to receive \$1.25 over their regular rate of pay.

** Crew Leader position(s) established to receive an additional [\$0.30] \$0.40 PER HOUR.

[***] [Maintenance Worker Laborer required to maintain proficiency on three or more pieces of equipment shall be compensated an additional \$0.30 per hour while maintaining those proficiencies. A Maintenance Worker Laborer required to maintain an Ohio Department of Agriculture Public Operator Spraying License, a National Swimming Pool Foundation Certified Pool/Spa Operator License, or an NPRA/OPRA National Playground Safety Inspector Certification will be compensated an additional \$0.40 cents per hour.]

*** An employee in the Meter Reader [or Maintenance Worker Laborer] Classification in the Water Division shall be compensated for one Water Supply License and /or one Water Distribution License as follows:

Class I Water Supply \$0.50
 Class II Water Supply \$1.00
 Class III Water Supply \$1.50

Class I Water Distribution \$0.25
 Class II Water Distribution \$0.50

Sec. 13 There shall be established a labor pool of temporary or part-time employees who will be eligible to work at any time within the duration of this ordinance. These temporary/part-time employees may work in any city department and their wages will be charged to the department to which they are assigned. The following temporary or part-time positions are established:

Twenty-five (25) Employees (Temp/or P.T.) [7.85-17.05] 7.95-17.56 PER HOUR

Sec. 14 The salaries, rates and conditions established by Sections 5-13 of this Ordinance shall be effective from and after the dates specified in the Union Contracts for employees included in bargaining units and at the earliest date allowed by law, for all other employees. Until the rates are changed, the former rates shall apply. Notwithstanding any other provision of this ordinance, an employee under the age of sixteen (16) may be paid a wage rate less than the Ohio Minimum Wage Rate provided such rate is not less than that established under the Federal Fair Labor Standards Act or its successor law.

Sec. 15 The City Manager is authorized to hire up to one additional person for each position authorized in this ordinance to allow for overlap training and transitioning. Generally, such instances would occur when a current employee has given notice of retirement or resignation and a replacement not currently employed by the City is able to be hired before the departure of the employee. Such training overlaps would be of short duration, generally, not to exceed 60 days.

Sec. 16 This Ordinance is hereby declared to be an emergency measure necessary for the urgent benefit and protection of the City and its inhabitants so that the recommended changes can take effect in a timely manner; wherefore this Ordinance shall take effect immediately upon its passage.

Passed _____

Mayor's Approval _____

Posted _____

First Reading _____

Rules Suspended _____

Second Reading _____

Emergency _____

Third Reading _____

ATTEST:

 Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

 Clerk of Council

CITY OF FAIRFIELD, OHIO
CITY COUNCIL MEETING COMMUNICATION

ITEM NO. 11 (D)(C)

ITEM:

DATE: 4/14/14

This is a request for City Council to amend the Wage and Salary Ordinance for Municipal Court Employees.

FINANCIAL IMPACT:

Funding is provided under the auspices of City Council's previously approved 2014 Operating Budget.

SYNOPSIS:

The requested modifications are consistent with the City's periodic practice of maintaining parity for the non-classified pay structure with that of the City's bargaining units. In that regard, it is proposed that the Court wage ranges be increased by 3.00%.

BACKGROUND:

Periodic upgrades to the structure help to maintain the City's competitive position in the marketplace regarding employee retention, recruitment and succession.

RECOMMENDATION:

It is recommended that City Council approve this ordinance, suspending the rules and declaring an emergency to allow for the expeditious implementation of these new rates.

LEGISLATIVE ACTION: Suspension of Rules and Adoption Requested?

yes

no

If yes, explain above.

Emergency Provision Needed?

yes

no

If yes, explain above.

Prepared by: Mark T. Wendling Mark T. Wendling, Assistant City Manager

Approved for Content by: Arthur E. Pizzano Arthur E. Pizzano, City Manager

Financial Review (where applicable): Mary I. Hopton Mary I. Hopton, Finance Director

Legal Review (where applicable): John H. Clemmons John H. Clemmons, Law Director

Accepted for Council Agenda: Alisha A. Wilson Alisha A. Wilson, Clerk of Council

ORDINANCE TO ESTABLISH SALARIES AND HOURLY RATES FOR CERTAIN MUNICIPAL COURT EMPLOYEES OF THE CITY OF FAIRFIELD, OHIO AND TO AUTHORIZE AND LIMIT THE NUMBERS AND TYPES OF CERTAIN MUNICIPAL COURT EMPLOYEES TO REPEAL ORDINANCE NO. 32-13 AND ALL AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio that:

- Sec. 1 Ordinance No. 32-13, and all other prior Ordinances inconsistent herewith, are hereby repealed.
- Sec. 2 The salaries and hourly rates and related information contained herein are applicable only to those positions authorized in this Ordinance. Pay decisions relative to all these positions excluding those which salaries are mandated by the State of Ohio, are at the discretion of the Municipal Judge for the City of Fairfield.
- Sec. 3 All positions established in this Ordinance are considered "at will" and those employees in said positions serve at the pleasure of the Municipal Judge of the City of Fairfield.
- Sec. 4 All rates established by this Ordinance shall either be the maximum authorized rate or the range for each respective position as shown.
- Sec. 5 In the department of General Government are the following classifications of jobs and rates of pay:

A. Municipal Court

One (1) Municipal Judge*		**
One (1) Clerk of Courts/Court Administrator*	[28,620.20-55,859.78]	29,473.60-57,553.60 PER ANNUM
One (1) Chief Probation Officer	[47,700- 93,100]	49,130-95,888 PER ANNUM
One (1) Secretary to the Judge	[17.73-32.90]	18.26-33.89 PER HOUR
Two (2) Chief Deputy Clerks	[40,978-61,465]	42,208-63,309 PER ANNUM
Eleven (11) Deputy Clerks	[17.04-21.94]	17.55-22.60 PER HOUR
One (1) Imaging Clerk	[17.04-20.04]	17.55-20.64 PER HOUR
One (1) Bailiff*	[18.72-23.19]	19.28-23.89 PER HOUR
Three (3) Probation Officers	[18.72-23.19]	19.28-23.89 PER HOUR
One (1) Civil Magistrate (PT)*	[26,738-27,541]	27,540-28,372 PER ANNUM
Three (3) Acting Judges		**
Four (4) Visiting Judges***		**
Two (2) Community Service Officers (PT)	[16.06-19.09]	16.54-19.66 PER HOUR
Eight (8) Deputy Bailiffs (PT)	[18.30-22.50]	18.85-23.18 PER HOUR

(*3/5 of salary paid by City of Fairfield, and 2/5 of salary paid by Butler County)

(** Salary mandated by State of Ohio)

(***2/5 of salary paid by City of Fairfield, and 3/5 of salary paid by Butler County)

- Sec. 6 The salaries, rates and conditions established in Section 5 of this Ordinance shall be effective from and after April 1, 2014. Until the rates are changed, the former rates shall apply. Notwithstanding any other provision of this ordinance, an employee under the age of sixteen (16) may be paid a wage rate less than the Ohio Minimum Wage Rate provided such rate is not less than that established under the Federal Fair Labor Standards Act or its successor law.
- Sec. 7 The Municipal Judge is authorized to hire up to one additional person for each position authorized in this ordinance to allow for overlap training and transitioning. Generally, such instances would occur when a current employee has given notice of retirement or resignation and a replacement not currently employed by the City is able to be hired before the departure of the employee. Such training overlaps would be of short duration, generally, not to exceed 60 days.

Sec. 8 This Ordinance is hereby declared to be an emergency measure necessary for the urgent benefit and protection of the City and its inhabitants so that the recommended changes can take effect in a timely manner; wherefore this Ordinance shall take effect immediately upon its passage.

Passed _____

Mayor's Approval _____

Posted _____

First Reading _____

Rules Suspended _____

Second Reading _____

Emergency _____

Third Reading _____

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

CITY OF FAIRFIELD, OHIO
CITY COUNCIL COMMUNICATION

April 14, 2014

ITEM

It is necessary for City Council to pass a resolution to approve the 2014-2018 Capital Improvement Program (CIP) budget.

FINANCIAL IMPACT

Total City capital expenditures programmed in the proposed budget for calendar year 2014 total approximately \$10.5 million with anticipated outside/other funding of \$4.1 million.

SYNOPSIS

The total amount programmed for capital spending in the 2014-2018 Capital Improvement Program budget is approximately \$65.2 million. A Finance Committee meeting of Council was conducted on March 24th at a Council-Manager briefing to review each department's capital requests. The 2014 breakdown is as follows:

Aquatic/Golf Facilities	\$ 345,000
Development Services	\$ 175,000
Facility Maintenance	\$ 445,000
Finance	\$ 729,000
Fire	\$ 74,000
Fleet Maintenance	\$ 1,077,000
Parks	\$ 375,000
Police	\$ 91,000
Public Works	\$ 5,128,018
Public Utilities – Water	\$ 1,460,000
Public Utilities – Wastewater	\$ 587,000
Total	<u>\$10,486,018</u>

BACKGROUND

The Capital Improvement Program is prepared and submitted annually to the Fairfield City Council in accordance with Article VI, Section 6.02 (A)(6) of the Fairfield City Charter. The 2014-2018 Capital Improvement provides Council with a comprehensive plan of capital improvements that are to be undertaken by the City over the next five years.

STAFF RECOMMENDATION

It is recommended that City Council authorize and direct the preparation of legislation adopting the 2014-2018 Capital Improvement Program.

LEGISLATIVE ACTIONS:

Suspension of Rules & Adoption Requested?
Emergency Provision Needed?

Yes
No

Prepared by: Maya Hagan
 Approved for Content by: Maya Hagan
 Financial Review (where applicable) by: Maya Hagan
 Legal Review (where applicable) by: J. A. Clemmons
 Accepted by Council Agenda: Maria Wilson

RESOLUTION NO. _____

RESOLUTION TO APPROVE AND ADOPT THE CITY OF FAIRFIELD,
OHIO 2014-2018 CAPITAL IMPROVEMENT PROGRAM.

BE IT RESOLVED by the Council of the City of Fairfield, Ohio, that:

Section 1. The City of Fairfield, Ohio 2014-2018 Capital Improvement Program, a copy of which is on file in the office of the Clerk of Council and which is incorporated herein by reference, is hereby approved and adopted.

Section 2. Resolution No. 4-13 is hereby repealed in its entirety.

Section 3. This Resolution shall take effect at the earliest period allowed by law.

Passed _____

Mayor's Approval

Posted _____

First Reading _____

Rules Suspended _____

Second Reading _____

Third Reading _____

ATTEST:

Clerk of Council

This is to certify that this Resolution has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

CITY OF FAIRFIELD, OHIO
CITY COUNCIL COMMUNICATION

ITEM:

April 14, 2014

Request for appropriation for non-contractual agenda items.

FINANCIAL IMPACT:

\$74,650.00 from noted funding source.

SYNOPSIS:

The following appropriations have been requested:

- \$12,000 for software packages for City's internet access, virus protection, SPAM filtering and message archiving;
- \$5,700 repair/replacement of the Fairfield Greens South Trace irrigation system;
- \$9,450 for the purchase of a replacement main pool pump at Fairfield Aquatic Center;
- \$20,000 for chemicals to remove roots from public sewer lines;
- \$6,000 for purchase of replacement generator for CCTV Truck;
- \$9,000 for purchase of replacement garage doors and ventilation system for Sludge Thickener Building;
- \$12,500 for purchase of Dezurik valves for Digesters No. 3 and No. 4.

BACKGROUND:

Please refer to specific Council Communications dated April 14, 2014 for a description of these items.

RECOMMENDATIONS:

It is recommended that City Council suspend the rules requiring a second and third reading of this Ordinance and adopt the appropriations listed above.

LEGISLATIVE ACTIONS:

Suspension of Rules & Adoption Requested?

yes

If yes, explain
no above

Emergency Provision Needed?

yes

If yes, explain
no above

Prepared by: Alicia Wilson

Approved for Content by: Alicia Wilson

Financial Review (where applicable) by: May Hym

Legal Review (where applicable) by: Justin Williams

Accepted by Council Agenda: Alicia Wilson

CITY OF FAIRFIELD, OHIO
CITY COUNCIL COMMUNICATION

April 14, 2014

ITEM

City Council is requested to appropriate the amount of \$12,000.00 from the Capital Improvement Fund for 2014.

FINANCIAL IMPACT

An appropriation in the amount of \$12,000.00 from the Capital Improvement Fund for project FIN-14-002 from the 2014 Capital Improvement Program.

BACKGROUND

As an ongoing use of vendor software required to conduct City business occurs, it is necessary to purchase upgrade rights in order to maintain the software packages used for the City's internet access, virus protection, SPAM filtering and message archiving.

STAFF RECOMMENDATION

It recommended City Council authorize and direct the preparation of legislation for the appropriation of \$12,000.00 from the Capital Improvement Fund and suspend the rules requiring the second and third reading.

LEGISLATIVE ACTIONS:	Suspension of Rules & Adoption Requested?	Yes
	Emergency Provision Needed?	No

Prepared by:

Financial Review (where applicable) by:

Legal Review (where applicable) by:

Accepted by Council Agenda:

Joseph Waldmann

Mary Hopton

[Signature]

[Signature]

CITY OF FAIRFIELD, OHIO
CITY COUNCIL MEETING COMMUNICATION

ITEM:

DATE: 4/14/14

It is necessary for City Council to authorize an appropriation for work associated with the repair/replacement of the Fairfield Greens South Trace irrigation system.

FINANCIAL IMPACT:

An appropriation of \$5,700.00 will be necessary to fund this proposal.

SYNOPSIS:

It is necessary for City Council to authorize an appropriation for work associated with repair/replacement of the Fairfield Greens South Trace irrigation system.

BACKGROUND:

The Parks and Recreation Board's 2014-2018 Capital Improvement Program (REC-14-003) lists a series of improvements, maintenance and renovations within the Fairfield Greens Golf Course facilities. In 2014-2017, these funds are allocated for a series of repairs/replacements projects associated with the South Trace golf course irrigation system. The system has become antiquated and a maintenance burden; a portion of the system is pre-City owned (prior to 1978). This portion of the project is for repair/replacement of parts within the main water/irrigation pit. Proposals were solicited and are attached to this correspondence.

RECOMMENDATION:

It is recommended that the City Council authorize and direct the preparation of legislation authorizing an appropriation for the funding of the work described above.

LEGISLATIVE ACTION:

Suspension of Rules/Adoption Requested: YES () NO (X) If yes, explain above.

Emergency Provision Needed: YES () NO (X) If yes, explain above.

Prepared by: [Signature]

Approved for Content by: [Signature]

Financial Review (where applicable): [Signature]

Legal Review (where applicable): [Signature]

Accepted for Council Agenda: [Signature]

Project Number: REC-14-003 **Dept:** RECREATION FACILITIES **Bid Date:** 04/01/2014 **Priority:** Minor **Need:** Quality Of Life Development Driven

Golf Course Improvements, Maintenance and Renovation

2014 - 2017 South Trace irrigation system renovations (irrigation system is original 1970's system)

2018 - A/E Poindexter Property / # 2 Hole renovation



2014	2015	2016	2017	2018
\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00

City Funding Source:

Capital Improvement Fund

Amount:

\$250,000.00

Planning / Engineering / Legal: \$10,000.00	Impact On Operating
Acquisition of Property / ROW: \$0.00	Personnel Costs: \$0.00
Construction: \$240,000.00	Other Costs: \$0.00
Equipment / Vehicle: \$0.00	Total Operating Costs: \$0.00

City's Cost: \$250,000.00 **Outside Funding:** \$0.00 **Total Cost:** \$250,000.00



2341 Salvatore Pl.
Hamilton, OH 45013

513-868-2793

"Your Lawn Sprinkler Connection"

April 2, 2014

CITY OF FAIRFIELD
ATTN: GREG MORROW
411 WESSEL DRIVE
FAIRFIELD OH 45014

Greg,

After our meeting regarding the water main supply line as discussed at Fairfield Golf Course water pit – gravel issue; below you will find a price and breakdown of work needed to replace strainer in vault.

I will have a labor at the top of the hole for safety – this is a confined space and we will have air movers and air detectors in the pit for the safety of the plumbers working on the strainer. Labor rate is \$25.00 per hour. Rental – we will have to have an air mover on the job and air sensing equipment. This will run \$150.00 per day.

Plumbing labor to be done by the hour at the rate of \$50.00 per hour per man, there will be 2 men on site doing the work.

Install a new strainer on the down side of the existing backflow inside the vault. A 2" discharge line and a DC valve will be install on the new strainer, to be able to periodically flush the new strainer. This includes the trenching and installation of a 2" drain line to the nearby creek as discussed. Backing filling the trenched area on site and leaving the final restoration responsible for the C.O.F.F.

Estimated time, 2 men at 12 – 20 hours each, depending on repair or replace new 6" basket Stainless Steel strainer with spool piece to make up the same space or old strainer, gaskets, bolt kits material only. Plus delivery (UPS/FedEx) plus labor to pick up and install, 2 plumbers plus labor, man on top for confined space area.

*Note- this is and estimation for time and materials involved to complete job.

All labor for repair or replacement will be done on the time and material basis of \$50.00.

An estimate for repair/replace will range anywhere from \$4,400.00 to \$5,700.00.

If you have any questions, you can contact me at 513-615-2793.

Thank you,
Sam Madden

Proposal
3-31-2014

The Southern Group, Inc.

2275 Morgan Ross Rd.
Hamilton OH. 45013
(513) 738-8300

Proposal submitted to:

City of Fairfield
Parks & Recreation Dept.
411 Wessel Dr.
Fairfield, OH. 45014
Attn: Cyndi Kreke

Project location: Fairfield Greens Golf Course

Description of work to be performed:

- Install 8" wye strainer downstream of meter in existing sprinkler pit.
- Install 2" flush line from wye strainer to outside of pit.
- Install 2" PVC pipe (flush line) from outside pit to creek, trench line to be mounded, seeding by others.
- Flush line to have a 2" Toro 220 brass valve (DC Latching) used to flush wye strainer.
- Install Toro battery powered DC controller to control flush valve operation.

Notes:

Work inside sprinkler pit to be performed by Queen City Mechanicals, Inc.

Work outside of the pit to be performed by The Southern Group, Inc.

Proposal Valid for 60 Days

Total Labor, Equipment, and Material: \$8,125.00

Submitted By: Scott Yerkes,
Vice-President 

Accepted By: _____

Date: _____

CITY OF FAIRFIELD, OHIO
CITY COUNCIL MEETING COMMUNICATION

ITEM:DATE: 4/14/14

It is necessary for City Council to authorize an appropriation of \$9,450.00 for the purchase of a replacement main pool pump at the Fairfield Aquatic Center.

FINANCIAL IMPACT:

An appropriation will be necessary to fund this proposal.

SYNOPSIS:

It is necessary for City Council to authorize an appropriation for the purchase of replacement main pool pump at the Fairfield Aquatic Center.

BACKGROUND:

The Fairfield Aquatic Center opened in 1997 and the main pool circulation pump is the original and is close to the end of its typical life expectancy. In the 2014-2018 CIP (REC-14-01) major renovations to the aquatic center were programmed, the replacement of the pump was included in the renovations. The pump will be installed by City staff (Public Utilities and Parks).

RECOMMENDATION:

It is recommended that the City Council authorize and direct the preparation of legislation authorizing an appropriation for the purchase of replacement diatomaceous earth disc type filter elements for use at the Fairfield Aquatic Center in accordance with the proposals on file. Rules suspension and adoption is requested since vendors are only guaranteeing pricing for 30 days.

LEGISLATIVE ACTION:

Suspension of Rules/Adoption Requested: YES () NO (X) If yes, explain above.

Emergency Provision Needed: YES () NO (X) If yes, explain above.

Prepared by: [Signature]
 Approved for Content by: [Signature]
 Financial Review (where applicable): Mary Hagan
 Legal Review (where applicable): [Signature]
 Accepted for Council Agenda: [Signature]

Project Number: Dept: REC-14-001
Bid Date: 03/01/2014
Priority: Need: Minor Maintain Current Service Level

Aquatic Center Improvements, Maintenance and Renovations
 2014 - Aquatic Center Renovation Project

2015-2018 - Routine Replacement / Renovation of pumps, filters, site amenities



2014	2015	2016	2017	2018
\$270,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00

City Funding Source:
 Recreation Facilities Fund
Amount: \$310,000.00

Planning / Engineering / Legal:	\$0.00	Impact On Operating
Acquisition of Property / ROW:	\$0.00	Personnel Costs: \$0.00
Construction:	\$310,000.00	Other Costs: \$0.00
Equipment / Vehicle:	\$0.00	Total Operating Costs: \$0.00

City's Cost: \$310,000.00
Outside Funding: \$0.00
Total Cost: \$310,000.00



RECREONICS, INC.
 4200 SCHMITT AVENUE
 LOUISVILLE, KY 40213
 (800) 428-3254
 FAX (800) 428-0133
 INTERNATIONAL (502) 458-5731
 FAX (502) 458-9777
 FED. I.D. # 61-1228501
 http://www.recreonics.com

110-1/CITIE

TBB

Quote Reprint

Quote#	574544
Customer #	141400
Date	03/10/14
Page	1

Quoted To: CITY OF FAIRFIELD
 PURCHASING DEPT.
 5350 PLEASANT AVE.
 FAIRFIELD, OH 45014-3597

Ship To: CITY OF FAIRFIELD
 PURCHASING DEPT.
 5350 PLEASANT AVE.
 FAIRFIELD, OH 45014-3597

PO/REF #	EXPIRES	SLP	SHIP VIA	FREIGHT	QUOTED BY
	03/30/14	014	BEST	PPD&BILL	TOM BACON EXT 428

QUOTED TO: RANDY HASSLER
 CT=5138675358 X=5138675358 E-Mail:
 KT=513-858-7760 X= E-Mail: rhassler@fairfield-city.org

LINE	ITEM DESCRIPTION	S/D	QUANTITY	UM	PRICE	UM	EXTENSION
001	S-3340-6E4PEL/40HP 6E4PEL 40HP PUMP WIHT BASE COUPLING AND GUARD	D	-1	EA	14273.99	EA	14273.99
002	S-3340-EPOXY EPOXY COATED WETTED IRON	D	-1	EA	936.96	EA	936.96
003							
004							
005	- OPTION II -						
006	S-3340-M6E1A0FRSTOLM PUMP END FOR 6E4PEL PUMP LESS BASE, COUPLIG & GUARD	D	1	EA	8364.35	EA	8364.35
007	S-3340-EPOXY EPOXY COATED WETTED IRON	D	1	EA	936.96	EA	936.96
008							
009	<u>PLUS FREIGHT</u>						
010							
011	LEAD TIME: 45-50 BUSINESS DAYS						

Freight +/- \$100.00

9301.31

STATE	CERTIFICATE #	TAXABLE AMT	TAX	TOTAL
		24512.26	(4) .00	-24512.26

TO ACCEPT THIS QUOTE PLEASE SIGN AND DATE BELOW & FAX WITH COVER SHEET
 ATTN: TOM BACON AT 1-800-428-0133 OR E-MAIL TO tomb@recreonics.com

By: _____
 Date: _____

FREIGHT CHARGES, SALES TAX, ETC., IF
 APPLICABLE TO BE ADDED TO THIS QUOTE.
 QUOTE SUBJECT TO ALL RECREONICS SALES
 POLICIES & FINAL APPROVAL BY MANAGEMENT.



The Root Intrusion Solution

www.rootx.com



Quotation

Tuesday, April 01, 2014

Attn: Jason Hunold
City of Fairfield, OH
4799 Groh Ln
Fairfield, OH 45014
Fax: (513)858-7762

Re: Request for Quotation, Sole Source Letter

As the patent owner and manufacturer, RootX Root Control Corp. is the sole source for the RootX & Grease-X products.

We welcome the opportunity to provide you with a quote for the following products:

Quantity	Item Description	Unit Price	Extended
50	40 lb. Box	\$319	\$15,950
		Shipping:	\$666.09
		Total	\$16,616.09

If you have further questions, or if you would like to place an order, please feel free to call (800)844-4974.

Thank you, again, for your interest in the **RootX** family of products.

Sincerely,

Adam Meisner
Pipe Flow Specialist

RootX Inc.

PO Box 7626 Salem, OR 97303
Voice: (800) 844-4974 Fax: (503)485-5229
www.rootx.com



Mail Payments To: #774494
 4494 Solutions Center
 Chicago, IL 60677-4004
 Corporate Accounts Receivable: (248) 573-1600
 Terms: NET 30 Interest at the rate of 1-1/2% per month

CINCINNATI
 5400 RIALTO ROAD
 WEST CHESTER, OH 45069
 (513) 563-6670

QUOTE

EXPIRATION DATE:

Invoice No
Make Checks Payable To: CUMMINS BRIDGEWAY, LLC

SOLD TO

CITY OF FAIRFIELD
 5350 PLEASANT AVENUE
 FAIRFIELD, OH 45014-OH

SHIP TO

CITY OF FAIRFIELD
 8870 NORTH GILMORE
 FAIRFIELD, OH 45014

PAGE 1 OF 1

CONTACT JASON HUNOLD

*** ON ACCOUNT CHARGE ***

DATE	CUSTOMER ORDER NO.	DATE IN SERVICE	ENGINE MODEL	PUMP NO.	EQUIPMENT MAKE
01-APR-2014					
CUSTOMER NO.	SHIP VIA	FAIL DATE	ENGINE SERIAL NO.	CPL NO.	EQUIPMENT MODEL
9653167	CUSTOMER ROUTED				
REF. NO.	SALESPERSON	PARTS DISP.	MILEAGE/HOURS	PUMP CODE	UNIT NO.
OEQT-100-202428	20003				

QUANTITY ORDERED	BACK ORDERED	QUANTITY SHIPPED	PART NUMBER	DESCRIPTION	PRODUCT CODE	UNIT PRICE	AMOUNT
1			7.0HGJAD	CMM7000 EFI GENSET	ONAN	4,709.00	4,709.00
1			541-1002	PUMP KIT	ONAN	276.15	276.15
1			155-3439	ELBOW-EXH	ONAN	24.15	24.15
1			155-3481-01	TAIL PIPE KIT	ONAN	56.70	56.70
1			320-1683	CIR BKR KIT-20A	ONAN	40.95	40.95
1			300-5332	CONTROL PANEL-SW HOURMT	ONAN	71.40	71.40
1			338-3489-01	HARNES-ADAPTER REMOTE 10	ONAN	34.65	34.65
1			026-00165	MARQUIS UNDERFLOOR KIT W/	RV	390.85	390.85
1			699-01082	22"-PAIR GENERATOR SLIDES	RV	247.93	247.93

**** NO RETURN ON ELECTRICAL PARTS ****
 25% RESTOCKING FEE ON APPROVED RETURNS
 NO CREDIT FOR CORE RETURNED AFTER 90 DAYS
 TAX ON CORE CHARGE IS NOT REFUNDABLE

WE APPRECIATE YOUR BUSINESS!!

TRACKING#

INCOMING FREIGHT: 30.00
 SUB TOTAL: 5,881.78

MATERIAL SAFETY DATA SHEETS REQUIRED BY OSHA HAZARD COMMUNICATION STANDARD ARE AVAILABLE AT ALL BRANCHES

THIS INVOICE FOR ENGINES PARTS, COMPONENTS, REPAIR AND/OR SERVICE IS SUBJECT TO THE TERMS AND CONDITIONS OF SALE SET FORTH ON THE BACK OF THIS INVOICE, WHICH INCLUDES LIMITATIONS ON WARRANTIES AND REMEDIES. PURCHASER ACKNOWLEDGES THAT SUCH TERMS AND CONDITIONS HAVE BEEN READ AND FULLY UNDERSTOOD.

TOTAL AMOUNT: US \$ 5,881.78

RECEIVED BY (print name) _____ SIGNATURE _____ DATE _____

CUMMINS BRIDGEWAY, LLC WARRANTY

AUTOMOTIVE & INDUSTRIAL ENGINES, GENERATORS AND PARTS

Cummins Bridgeway, LLC (hereinafter referred to as CBL) will administer the warranty of Cummins, Inc. and its subsidiaries or other suppliers of CBL for new engines, generators, motors, products and parts manufactured or remanufactured or supplied by Cummins or such other suppliers, that are used in Automotive On-Highway, Marine and Industrial applications. Warranty certificates are provided by the equipment manufacturer and copies are available from CBL.

CUMMINS BRIDGEWAY REBUILT ENGINES, GENERATORS & ELECTRICAL MOTORS

This warranty is made by CBL for engines, generators and electrical motors originally manufactured or distributed by Cummins or other suppliers that are rebuilt and sold by CBL as a rebuilt engine, generator or electrical motor. Rebuilt Engines are warranted to be free from DEFECTIVE WORKMANSHIP AND MATERIAL ONLY, under normal use and service for 6 MONTHS or 50,000 MILES or 1,800 HOURS, Generators for 3 MONTHS or 900 HOURS and electrical motors for 12 months of operation whichever shall occur first, from the date of delivery to the first retail purchaser. The responsibility of CBL is limited to repairing, or, at its option, replacing any part of such Rebuilt Engine, Generator or Electrical Motor that, upon examination, is disclosed to the satisfaction of CBL to have been defective. CBL will bear reasonable labor costs required to repair or replace such defective parts provided that repairs or replacements are made by CBL at its rebuild centers. This warranty does not include engine, generator or electrical motor removal and reinstallation expense.

REPAIR: WORKMANSHIP

CBL warrants its repair work, on components, accessories, or complete engines or generators to be free from DEFECTIVE WORKMANSHIP ONLY under normal use and service, for a period of three (3) months from the date of completed repair or for the first 25,000 miles of operation or 900 hours of operation, whichever shall occur first. Electrical Motors shall be warranted for a period of one (1) year.

This warranty applies to work done in any CBL repair facility or field repairs and covers repair or replacement (at a CBL location) of failures which result, under normal use and service, from defects in workmanship and provides reasonable labor to repair faulty workmanship only.

REPAIR: PARTS

Any new parts used in the repair work or reconditioning will be covered by the warranty of the manufacturer of such parts, if any, and CBL will administer such warranty, if any. Any parts left in the equipment, or reused in the repair work and reconditioning of the equipment, will be covered only by any previous warranties. CBL will not provide any warranty coverage for reused magnafluxed parts due to possible internal defects. Unless the owner shall issue specific instructions to the company, only such parts will be replaced as are considered necessary by CBL for continuing operation.

WARRANTY PROCEDURE

All parts supplied and repair work done, which may be the subject of any warranty, may be billed to the owner by CBL and will be paid for in the normal manner, while a warranty claim is being initiated with the manufacturer, and the allegedly defective parts are being examined. If and when CBL receives a credit from the manufacturer as a result of warranty, this credit will be passed on to the owner of the equipment.

Sufficient evidence, in the opinion of CBL, must be presented by the owner to CBL at the time of the warranty repair request to determine if any of the foregoing warranties apply.

All parts and other items supplied by CBL, which may be the subject of any warranty, shall be promptly returned to CBL for examination and analysis as to any claimed defect.

WARRANTY LIMITATIONS:

1. CBL is not responsible for failures resulting from owner or operator misuse; abuse, neglect, or accident, such as; operation without adequate coolant, fuel or lubricants; overspeeding; lack of maintenance of lubricating, cooling or air intake systems; improper storage, starting, or shut down practices with load.
2. Components and accessory items not manufactured by Cummins are not warranted by CBL. Only the warranty coverage provided by the specific parts manufacturer will apply for such items. Examples of such components and accessory items include but are not limited to: electrical motors, starters, generators, alternators, flywheel housings, ring gears, transmissions, clutches, non-Cummins air compressors, air conditioning air compressors, engine brakes, marine gears, torque converters, non-Cummins Hydraulic pumps and non-Cummins steering pumps, radiators, shut down systems, and gauges.
3. CBL will not accept liability for reused parts failures and will not provide coverage for reused magnafluxed parts due to possible internal defects.
4. This warranty applies to only those products and services which are detailed on the reverse side of this document.
5. Owner is responsible for costs of towing, lubricating oil, anti-freeze, filter elements, hoses, belts, and other maintenance items replaced during warranty repairs except in new Cummins Engines where such items may be covered by the new engine warranty provided by Cummins and administered by CBL.
6. CBL is not responsible for failures resulting from improper repair or installation by others or the use of parts not approved by Cummins or CBL.
7. Owner is responsible for the operation and maintenance of the engine or equipment as specified in manufacturer's Operation and Maintenance Manuals.
8. Owner is responsible for communication expenses, meals, lodging and incidental costs incurred by owner or employee of owner as a result of a warrantable failure.
9. Owner is responsible for "down time" expenses, and all business costs and losses resulting from a warrantable failure. CBL IS NOT RESPONSIBLE FOR INCIDENTAL OR CONSEQUENTIAL DAMAGES.
10. The liability of CBL arising out of any defects shall not, in any case, exceed the cost of correcting such defects in accordance with the aforementioned warranties, and shall not include any transportation charges, owner's labor or material (except as authorized in writing in advance), or loss of revenue or any direct or indirect consequential damage.
11. This warranty shall not apply to any workmanship, part or parts which shall have been altered or repaired by other than authorized CBL employees.
12. THE ENTIRE LIABILITY OF CBL IS DEFINED BY THIS WARRANTY AND THE SAME IS GIVEN IN LIEU OF ANY AND ALL OTHER WARRANTIES, EITHER EXPRESS OR IMPLIED, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE. EXCEPT AS EXPRESSLY SET FORTH HEREIN, NO WARRANTY OF ANY KIND, WHETHER EXPRESSED OR IMPLIED, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE IS MADE OR AUTHORIZED BY IT UNLESS NOTED HEREON AND SIGNED BY THE PURCHASER AND AN OFFICER OF CBL. UPON THE EXPIRATION OF THE WARRANTY PERIOD, ALL LIABILITY ON THE PART OF CBL SHALL TERMINATE IN ANY EVENT. NO ORAL OR WRITTEN STATEMENTS OR REPRESENTATIONS SHALL BE BINDING UPON CBL UNLESS ENDORSED HEREON. THIS INSTRUMENT SHALL CONSTITUTE THE SOLE AGREEMENT BETWEEN CBL AND THE PURCHASER IN RESPECT OF THE SUBJECT MATTER HEREOF.

CITY OF FAIRFIELD, OHIO
CITY COUNCIL MEETING COMMUNICATION

ITEM NO. 11091A

ITEM:

DATE: 4/14/14

An appropriation in the amount of \$9,000, from the Sewer Surplus Fund for the purchase of replacement garage doors and ventilation system for the Sludge Thickener Building

FINANCIAL IMPACT:

As part of the 2014 – 2018 CIP, the Public Utilities Department earmarked funding in Project Number WWD-14-016 for minor renovations of the Sludge Thickener Building.

SYNOPSIS:

The Wastewater Treatment Plant Sludge Thickener Building houses two belt thickener solids treatment processes. These processes are necessary to prepare digested sludge for land disposal.

BACKGROUND:

The interior of the Sludge Thickener building is a moist/wet and corrosive environment. The processes in the building create hydrogen sulfide gas which is extremely corrosive to all metals and masonry materials. This environment accelerates rust and corrosion on the equipment and inside the building.

RECOMMENDATION:

It is recommended that City Council appropriate funding in the amount of \$9,000 from the Sewer Surplus Fund for the purchase of replacement Sludge Thickener Building garage doors and ventilation system.

LEGISLATIVE ACTION: Suspension of Rules and Adoption Requested? yes no If yes, explain above.

Emergency Provision Needed? yes no If yes, explain above.

Prepared by: [Signature]
Approved for Content by: [Signature]
Financial Review (where applicable): May Hagan
Legal Review (where applicable): [Signature]
Accepted for Council Agenda: [Signature]

Overhead Door Company Of Greater Cincinnati

Overhead Door of Greater Cincinnati
 9345 Princeton-Glendale Road
 Hamilton, Ohio 45011
 Phone (513) 645-1261
 Fax: (513)645-1250

The Genuine. The Original.



Proposal #: 1-494

Q 582

PROPOSAL SUBMITTED TO: City of Fairfield				Date 1/15/2014	Attention: Joe				
STREET 4799 Groh Lane				Job Name City of Fairfield					
City Fairfield		State OH	Zip Code 45014	Job Location Fairfield					
Phone Number 858-7760		Fax Number		Job Phone 858-7760					
ITEM #	QTY	SERIES	DOOR WIDTH	DOOR HEIGHT	OPENING WIDTH	OPENING HEIGHT	OPERATION	HEAD ROOM	JAMB TYPE
1	2	591	12' 2"	10' 1"	12' 0"	10' 0"	manual	50"	steel
2	1	591	12' 2"	10' 1"	12' 0"	10' 0"	manual	20"	steel

FURNISH AND INSTALL:

The above sized 591 series "Thermacore" sectional door(s), as manufactured by the Overhead Door Corporation. Door standard features to include the following:
 .016" thick roll-formed hot-dipped galvanized, ribbed face steel sections, with metal/foam/metal sandwich, foamed-in-place homogeneous CFC/HCFC free polyurethane insulation. Insulating values: R = 14.86, U = .067. Section thickness 1 5/8", all sections to be fitted with tube seals to weatherstrip each joint. Air infiltration of .08 cfm per sq. ft. of door at 15 mph, and class 26 sound transmission. End stiles will be 16 ga. steel; hinges and fixtures will be galvanized steel. EPDM thermal break to be provided between interior and exterior skins to prevent thermal transmission. Patented water channel is provided for a drip free opening. The polyurethane foam insulation is fully encapsulated in non-permeable materials for no loss of thermal efficiency. Limited 10-year warranty against panel delamination of foam and steel skins.

PROPOSAL TO INCLUDE THE FOLLOWING:

Item 1 above to feature the following:

- (12.17) Top Seal, dual flap (408972).
- (1) Lock, Inside Slide #1 (STD).
- (1) Lift Clearance Track 49"-60" Headroom.
- (10.08) Track, 2", Continuous Angle In (#2) STEEL JAMB (STD).

Item 2 above to feature the following:

- (12.17) Top Seal, dual flap (408972).
- (1) Lock, Inside Slide #1 (STD).
- (10.08) Track, 2", Continuous Angle In (#2) STEEL JAMB (STD).
- Existing door(s) to be taken down and removed from site by Overhead Door.

We hereby propose to complete in accordance with above specification, for the sum of:

Five Thousand Eighty Two Dollars and No Cents

5,082.00

Signature _____

J. Gregory Smith Commercial Service/Sales

Direct Dial: (513)645-1261

TERMS AND CONDITIONS

Payment to be made as follows:

Prices subject to change if not accepted in 30 days.

BY OTHERS: Jamb, spring pads, all wiring to motors and control stations, unless otherwise stated above, are not included. Purchaser agrees that doors shall remain in Seller's possession until paid in full. In the event Purchaser breaches or defaults under the terms and provisions of this Agreement, the Purchaser shall be responsible for the costs of collection, including reasonable attorneys' fees. There shall be a 1 1/2% service charge per month for all payments due and owing after 30 days. (Agreements are contingent upon strikes, accidents, or delays beyond our control.)

ACCEPTANCE: Terms, Price, and specifications on all pages of this proposal are hereby accepted and the work authorized.

Purchaser: _____

Signature

Title

Date of Acceptance

Proposal



HILL-AIR HEATING & AIR, INC.
3160 Cunagin Drive • Fairfield, Ohio 45014
Office: (513) 346-7500 • Fax: (513) 346-7501
1-800-475-7502



PROPOSAL SUBMITTED TO City of Fairfield		PHONE 513-858-7760	DATE 1/30/2014
STREET 4799 Groh Ln		JOB NAME Waste Water Division	
CITY, STATE AND ZIP CODE Fairfield, Ohio, 45014		JOB LOCATION Fairfield	
ARCHITECT	DATE OF PLANS		JOB PHONE

We hereby submit specifications and estimates for:

Exhaust Hood Replacement

(1) Replace both sections of exhausting ductwork that is corroded and rusted that Joe Hennies went over.

Total For Job \$3,600.00

This quote includes all materials and labor

We Propose hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:
Three Thousand Six Hundred Dollars & 00/100 _____ dollars (\$ 3,600.00)

Payment to be made as follows:

100% Due at Completion of Job

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practice. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized Signature: Brian J. Hill

Note: This proposal may be withdrawn by us if not accepted within _____ days.

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.
Date of Acceptance: _____

Signature: _____

Signature: _____

CITY OF FAIRFIELD, OHIO
CITY COUNCIL MEETING COMMUNICATION

ITEM NO. 11(8)A

ITEM:

DATE: 4/14/14

Appropriation of \$12,500 from the Sewer Surplus Fund to purchase Dezurik valves for Digesters No. 3 and No.4

FINANCIAL IMPACT:

Various wastewater improvements and plant projects are funded from the Sewer Surplus Fund. This valve replacement project is included in the 2014-2018 Capital Improvement Program under WWD-14-018. The purchase will include a total of 22 valves and lever operators.

SYNOPSIS:

Digesters No. 3 and No.4 were constructed in 1967 and upgraded to increase methane gas storage in 1987. Many of the valves being replaced have been disassembled and rebuilt multiple times and have reached their maximum life expectancy.

BACKGROUND:

The project is being performed as part of an on-going maintenance effort to correct and ensure reliability of the sludge transfer piping system. The work will be performed by staff in conjunction with a major dystor gas membrane replacement project being performed by Evoqua Water Technologies LLC. Dezurik valves are sole source proprietary equipment and a sole source confirmation letter from the Ohio sales representative is attached.

RECOMMENDATION:

It is recommended that City Council appropriate funding in the amount of \$12,500 from the Sewer Surplus Fund for Dezurik valves and lever operators.

LEGISLATIVE ACTION: Suspension of Rules and Adoption Requested? yes no If yes, explain above.

Emergency Provision Needed? yes no If yes, explain above.

Prepared by: [Signature]
Approved for Content by: [Signature]
Financial Review (where applicable): [Signature]
Legal Review (where applicable): [Signature]
Accepted for Council Agenda: [Signature]



250 Riverside Ave N 320-259-2000 p
Sartell, MN 56377 USA 320-259-2227 f

January 14, 2014

Subject: DeZURIK / APCO / Hilton brand representation

To Whom It May Concern,

This letter is to certify that Rawdon Myers, Inc. is the sole authorized Municipal Water and Wastewater representative for all DeZURIK / APCO / Hilton projects in the following counties in the state of Ohio,

Adams, Allen, Ashland, Ashtabula, Auglaize, Belmont, Brown, Butler, Carroll, Champaign, Clark, Clermont, Clinton, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, Defiance, Delaware, Erie, Fairfield, Fayette, Franklin, Geauga, Greene, Guernsey, Hamilton, Hancock, Hardin, Harrison, Highland, Hocking, Holmes, Huron, Jackson, Jefferson, Knox, Lake, Licking, Logan, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Mercer, Miami, Montgomery, Morgan, Morrow, Muskingum, Noble, Ottawa, Paulding, Perry, Pickaway, Pike, Portage, Preble, Putnam, Richland, Ross, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Trumbull, Tuscarawas, Union, Van Wert, Vinton, Warren, Wayne, Wood, Wyandot.

The contact information is:

Rawdon Myers, Inc.
300 Millford Parkway
Millford, OH 45150
Phone: 513-965-5300
Fax: 513-965-5314
E-Mail: valves@rawdonmyers.com
Website: <http://www.rawdonmyers.com>

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Symanietz', written over a white rectangular area.

Steve Symanietz
Municipal Regional Manager
DeZURIK, Inc.
320-259-2355
steve.symanietz@dezurik.com

info@dezurik.com
www.dezurik.com


RAWDON MYERS INC.

300 Milford Parkway • Milford OH 45150 • (513) 965-5300 Phone • (513) 965-5314 Fax

www.rawdonmyers.com

TO: Fairfield WWTP- Joe Hennies

Date: 12/12/13

RE: Plug Valves

Page: 1 of 3

Quote No: 121213-01

By: Kole Wurschmidt
kwurschmidt@rawdonmyers.com

Following is our price for valves and related items.

Digester# 3:

Qty: 11 6" DeZurik Plug Valve, Flanged, Cast Iron Construction, Buna-N
Packing, Chloroprene Plug Facing, and a 2" Nut Operator.
*Part Number: 9070109

Price: \$560.00 each.

Qty: 11 Removable Lever Operator for use with 6" Plug Valve.

Price: \$39.00 each.

Digester# 4:

Qty: 11 6" DeZurik Plug Valve, Flanged, Cast Iron Construction, Buna-N
Packing, Chloroprene Plug Facing, and a 2" Nut Operator.
*Part Number: 9070109

Price: \$560.00 each.

Qty: 11 Removable Lever Operator for use with 6" Plug Valve.

Price: \$39.00 each.

Terms:

Prices are firm for 30 days from the date of quotation.

Payment net 30 days.

No taxes are included.

We do not guarantee accuracy in our take off.

Any items not specifically named in our quotation are considered as furnished by others.

FOB shipping point with truck freight prepaid and allowed to jobsite.

Complete terms and conditions are included in the next page.

Due to legal considerations Rawdon Myers Inc. cannot be party to a sub-contract agreement.

Purchase orders will be the only accepted form of orders.

ORDINANCE NO. _____

ORDINANCE TO AMEND ORDINANCE NO. 109-13 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, 2014, AND ENDING DECEMBER 31, 2014."

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. Ordinance No. 109-13, the 2014 Appropriation Ordinance, is hereby amended in the following respects:

From:	Unappropriated Capital Improvement Fund	\$27,150
To:	40216025-253400 Computer Equipment <i>(Software for Network)</i>	\$12,000
To:	40216025-252000 Improvements Other Than Buildings <i>(Replacement of South Trace Irrigation System)</i>	\$5,700
To:	40216025-253200 Capital Equipment <i>(Replacement Pump for Pool at Aquatic Center)</i>	\$9,450
From:	Unappropriated Sewer Surplus Fund	\$47,500
To:	62416025-252000 Improvements Other Than Buildings <i>(Root Control Chemicals (\$20,000); Garage Doors and Ventilation System at Sludge Building (\$9,000); Replace Valves at Digester #3 & #4 (\$12,500))</i>	\$41,500
To:	62416025-253200 Capital Equipment <i>(Replacement Generator for CCTV Truck)</i>	\$6,000

Section 2. This Ordinance shall take effect at the earliest period allowed by law.

Passed _____

Mayor's Approval

Posted _____

First Reading _____

Rules Suspended _____

Second Reading _____

Third Reading _____

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2014\Non Contractual 4-14 - Ord