

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

MONDAY, SEPTEMBER 24, 2012

7:00 PM

MAYOR.....RONALD A. D'EPIFANIO
COUNCILMEMBER 1ST WARD.....ADAM B. JONES
COUNCILMEMBER 2ND WARD.....JEFFREY L. HOLTEGEL
COUNCILMEMBER 3RD WARD.....DEBBIE PENNINGTON
COUNCILMEMBER 4TH WARD.....TERRY SENGER

COUNCILMEMBER AT-LARGE...TIM ABBOTT
COUNCILMEMBER AT-LARGE...TIMOTHY M. MEYERS
COUNCILMEMBER AT-LARGE...MICHAEL OLER
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**
8. **Mayor/Council Reports**
9. **Approval of Minutes**
 - a) Regular Meeting Minutes of September 10, 2012

10. **OLD BUSINESS**

(A) **PARKS & RECREATION COMMITTEE**

Terry Senger, Chairman; Debbie Pennington, Vice Chairman, Adam Jones, Member

- (1) Ordinance to authorize the City Manager to enter into an agreement with The Joe Nuxhall Miracle League Fields, Inc. for the operation of the Field of Dreams recreation complex.

- Ordinance – Third Reading
- Motion – Adoption

(B) **FINANCE & BUDGET COMMITTEE**

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

- (1) Ordinance to amend subsection 953.01(a) of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio, relative to the service fees for residential garbage and solid waste collection and recycling.

- Ordinance – Third Reading
- Motion – Adoption

(C) **DEVELOPMENT SERVICES COMMITTEE**

Jeff Holtegel, Chairman; Tim Abbott, Vice Chairman, Tim Meyers, Member

(1) Ordinance to approve a modified development plan for a Kroger Gas Fueling Facility and to authorize the City Manager to sign a development agreement with the Kroger Limited Partnership I.

- Ordinance – Third Reading
- Motion – Adoption

(2) Ordinance to authorize the City Manager to enter into an easement agreement with the Farhat S. Khan Trust.

- Ordinance – Third Reading
- Motion – Adoption

11. **NEW BUSINESS**

(A) **COMMUNITY & PUBLIC RELATIONS COMMITTEE**

Debbie Pennington, Chairman; Jeff Holtegel, Vice Chairman, Adam Jones, Member

(1) Simple Motion: Motion approving the proposed City Council meeting schedule for November and December, 2012 as outlined in the Council Communication 11(A)(1) dated September 24, 2012.

(B) **PUBLIC SAFETY COMMITTEE**

Mike Oler, Chairman; Debbie Pennington, Vice Chairman, Terry Senger, Member

(1) Simple Motion: Motion to approve a liquor permit application in the name of Big Lots Stores, Inc. DBA Big Lots #5268, 4507 Dixie Highway, Fairfield, OH 45014 (Permit Classes: C1 and C2).

(C) **FINANCE & BUDGET COMMITTEE**

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

(1) Appropriation Ordinance (Non-Contractual Item) - \$24,088 for replacement of Route 4 underpass storm water pumps.

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

(2) Appropriation Ordinance (Non-Contractual Items) - \$36,549.25 for Exit 39 – South Gilmore/Winton Road Improvements relocation of Duke Electric work performed in 2011.

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

12. **Meeting Schedule**

Tuesday, October 9

Regular Meeting, 7:00 p.m.

Monday, October 22

Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.

Monday, November 12

Regular Meeting, 7:00 p.m.

13. **Executive Session of Council (if needed)**

14. **Adjournment**

MINUTES
REGULAR MEETING OF COUNCIL
SEPTEMBER 10, 2012

Call to Order

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

Prayer/Pledge of Allegiance

Councilmember Jones led in prayer followed by the pledge of allegiance.

Roll Call

Clerk Wilson called the roll of Council. Councilmember Holtegel, Councilmember Pennington, Councilmember Abbott, Councilmember Oler, Councilmember Meyers, and Councilmember Jones.

Councilmember Meyers seconded by Councilmember Abbott moved to excuse Councilmember Senger. Motion Carried 6-0.

Agenda Modifications

Executive Session Requests

Public Hearing(s)

Special Presentations and Citizen Comments

Mayor D'Epifanio presented several positive comments about city employees submitted through the new Fairfield Works program. Those employees recognized were Tim Bachman and Mike Stehlin from the Development Services Department, Tony Mayer and Randy Levline from the Public Works Department Streets Division, Roxanne Leak from the Finance Department Income Tax Division, Officer Joseph Drake from the Police Department, and Erin Jantzen from the Parks Department Aquatic Center.

Mayor/Council Reports

Councilmember Jones reported that the city has spent \$252,000 less for energy than in 2011.

Councilmember Holtegel reported that September is National Prostate Cancer Awareness Month. He noted statistics regarding prostate cancer and recommended that Fairfield citizens have the appropriate testing and screening done by their doctor.

Councilmember Oler recognized Sergeant Jeff Sprague for his receipt of the Butler County Police Chief's annual Public Service Award for his leadership in establishing the police department's Law Enforcement Explorer Post. This program is run by Sergeant Sprague and other advisors that have donated their time to making it successful.

Councilmember Meyers reported that the sidewalk and safety apron program will be completed in approximately thirty (30) days. The contractors will begin work on River Road in sixty (60) to seventy-five (75) days.

Mayor D'Epifanio reported that the Fairfield Choralier Dancing with the Celebrities fundraiser is October 7 at 12:00 PM at the Fairfield High School. He will be participating in the event with one of the Fairfield Choralier members. He also reported on the Transitional Living Golf Outing and the second annual Trailblazers Award for Innovation in Criminal Justice. This award is being presented to Judge Joyce Campbell at the dinner following the golf outing.

Approval of Minutes

- Regular Meeting Minutes of August 13, 2012
 - The Regular Meeting Minutes of August 13, 2012 were approved as written.

OLD BUSINESS

PARKS & RECREATION COMMITTEE

Terry Senger, Chairman; Debbie Pennington, Vice Chairman, Adam Jones, Member

Ordinance to authorize the City Manager to enter into an agreement with The Joe Nuxhall Miracle League Fields, Inc. for the operation of the Field of Dreams recreation complex.

Councilmember Pennington presented the second reading of this ordinance.

FINANCE & BUDGET COMMITTEE

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

Ordinance to amend subsection 953.01(a) of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio, relative to the service fees for residential garbage and solid waste collection and recycling.

Councilmember Abbott presented the second reading of this ordinance.

DEVELOPMENT SERVICES COMMITTEE

Jeff Holtegel, Chairman; Tim Abbott, Vice Chairman, Tim Meyers, Member

Ordinance to approve a modified development plan for a Kroger Gas Fueling Facility and to authorize the City Manager to sign a development agreement with the Kroger Limited Partnership I.

Third Reading deferred to September 24, 2012

Ordinance to authorize the City Manager to enter into an easement agreement with the Farhat S. Khan Trust.

Third Reading deferred to September 24, 2012

NEW BUSINESS

COMMUNITY & PUBLIC RELATIONS COMMITTEE

Debbie Pennington, Chairman; Jeff Holtegel, Vice Chairman, Adam Jones, Member

Simple Motion: Motion to appoint the following residents to serve on the Environmental Commission effective immediately.

Councilmember Pennington, seconded by Councilmember Holtegel moved to appoint Charles Ullrich to serve on the Environmental Commission effective immediately. Motion carried 6-0. SIMPLE MOTION 20-12. APPROVED 6-0.

PUBLIC SAFETY COMMITTEE

Mike Oler, Chairman; Debbie Pennington, Vice Chairman, Terry Senger, Member

Simple Motion: Motion to approve a liquor permit application in the name of Mi Hacienda Nightclub & Patio, LLC, 3220 Dixie Highway, Unit C, Fairfield, OH 45014 (Permit Classes: D5 and D6).

Councilmember Oler, seconded by Councilmember Abbott moved to approve a liquor permit application in the name of Mi Hacienda Nightclub & Patio, LLC. Motion Carried 6-0. SIMPLE MOTION 21-12. APPROVED 6-0.

Simple Motion: Motion to approve a liquor permit application in the name of Bekoil, LLC, DBA \$ Market, 7500 Dixie Highway, Fairfield, OH 45014 (Permit Classes: C1 and C2).

Councilmember Oler, seconded by Councilmember Meyers moved to approve a liquor permit application in the name of Bekoil, LLC DBA \$ Market. Motion Carried 6-0. SIMPLE MOTION 22-12. APPROVED 6-0.

Simple Motion: Motion to approve a liquor permit application in the name of Aso, LLC, DBA J Gumbos & Patio, 5951 Boymel Drive, Unit 5, 1st Floor, Fairfield, OH 45014 (Permit Classes: D5).

Councilmember Oler, seconded by Councilmember Abbott moved to approve a liquor permit application in the name of Aso, LL DBA J Gumbos & Patio. Motion Carried 6-0. SIMPLE MOTION 23-12. APPROVED 6-0.

PUBLIC WORKS COMMITTEE

Tim Meyers, Chairman; Mike Oler, Vice Chairman, Tim Abbott, Member

Councilmember Meyers, seconded by Councilmember Oler moved to read the following two (2) ordinances by title only. Motion Carried 6-0.

Ordinance to authorize the City Manager to enter into a contract with A&A Safety, Inc. for the 2012 Pavement Marking Application program and declaring an emergency.

Background: City Manager Pizzano recommended a contract with A&A Safety, Inc. for the 2012 Pavement Marking Application program. This is an annual program involving the plastic markers along the streets. Legislative Action: Councilmember Meyers presented the first reading of this ordinance.

Councilmember Meyers, seconded by Councilmember Abbott moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 6-0. Councilmember Meyers, seconded by Councilmember Pennington moved to adopt . Motion Carried 6-0. ORDINANCE NO. 85-12. ADOPTED 6-0.

Ordinance to authorize the City Manager to enter into a contract with LJB, Inc. for the preliminary engineering for Route 4, South Gilmore and Holden Intersection Improvements and declaring an emergency.

Background: City Manager Pizzano recommended a contract with LJB, Inc. for preliminary engineering for Route 4, South Gilmore and Holden Intersection Improvements. This is one of Fairfield's most dangerous intersections and this project will help improve the safety of the intersection. Legislative Action: Councilmember Meyers presented the first reading of this ordinance.

Councilmember Meyers, seconded by Councilmember Abbott moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 6-0. Councilmember Meyers, seconded by Councilmember Oler moved to adopt . Motion Carried 6-0. ORDINANCE NO. 86-12. ADOPTED 6-0.

FINANCE & BUDGET COMMITTEE

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

Councilmember Abbott, seconded by Councilmember Meyers moved to read the following six (6) ordinances by title only. Motion Carried 6-0.

Resolution accepting the amounts and rates for 2012 as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.

Background: City Manager Pizzano recommended a resolution accepting the amounts and rates for 2012 as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor. This resolution was missed last year and is being taken care of now. Legislative Action: Councilmember Abbott presented the first reading of this resolution.

Councilmember Abbott, seconded by Councilmember Oler moved to suspend the rules requiring three (3) readings of this resolution. Motion Carried 6-0. Councilmember Abbott, seconded by Councilmember Meyers moved to adopt . Motion Carried 6-0. RESOLUTION NO. 8-12. ADOPTED 6-0.

Resolution accepting the amounts and rates for 2013 as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.

Background: City Manager Pizzano recommended a resolution accepting the amounts and rates for 2013 as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor. Legislative Action: Councilmember Abbott presented the first reading of this resolution.

Councilmember Abbott, seconded by Councilmember Meyers moved to suspend the rules requiring three (3) readings of this resolution. Motion Carried 6-0. Councilmember Abbott, seconded by Councilmember Meyers moved to adopt . Motion Carried 6-0. RESOLUTION NO. 9-12. ADOPTED 6-0.

Ordinance to authorize the City Manager to enter into a contract with Dell for the replacement of computer servers.

Background: City Manager Pizzano recommended a contract with Dell for replacement of computer servers. Legislative Action: Councilmember Abbott presented the first reading of this ordinance.

Councilmember Abbott, seconded by Councilmember Oler moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 6-0. Councilmember Abbott, seconded by Councilmember Oler moved to adopt . Motion Carried 6-0. ORDINANCE NO. 87-12. ADOPTED 6-0.

Appropriation Ordinance (Contractual Items) - \$50,798 for the replacement of computer servers; \$65,500.00 Pavement Marking Application contract for the 2012 Program; \$219,822.00 Preliminary Engineering for Route 4, South Gilmore & Holden Intersection Improvements.

Background: City Manager Pizzano recommended the following contractual appropriation items: \$50,798 for the replacement of computer servers; \$65,500.00 Pavement Marking Application contract for the 2012 Program; \$219,822.00 Preliminary Engineering for Route 4, South Gilmore & Holden Intersection Improvements. Legislative Action: Councilmember Abbott presented the first reading of this ordinance.

Councilmember Abbott, seconded by Councilmember Jones moved to suspend to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 6-0. Councilmember Abbott, seconded by Councilmember Meyers moved to adopt . Motion Carried 6-0. ORDINANCE NO. 88-12. ADOPTED 6-0.

Appropriation Ordinance (Non-Contractual Items) - \$17,537 for a support agreement with Forward Edge for Cisco network equipment; \$4,900 for replacement and addition of protective coating on windows at the Water Treatment Plant facility; \$17,511 for Fleet division vehicle source capture exhaust system modifications; \$5,000 for appraisals of right of way acquisition for Seward Road between Port Union and Symmes.

Background: City Manager Pizzano recommended the following non-contractual appropriation items: \$17,537 for a support agreement with Forward Edge for Cisco network equipment; \$4,900 for replacement and addition of protective coating on windows at the Water Treatment Plant facility; \$17,511 for Fleet division vehicle source capture exhaust system modifications; \$5,000 for appraisals of right of way acquisition for Seward Road between Port Union and Symmes. Legislative Action: Councilmember Abbott presented the first reading of this ordinance.

Councilmember Abbott, seconded by Councilmember Meyers moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 6-0. Councilmember Abbott, seconded by Councilmember Meyers moved to adopt . Motion Carried 6-0. ORDINANCE NO. 89-12. ADOPTED 6-0.

Appropriation Ordinance (Non-Contractual Item) - \$24,000 for emergency repairs performed by Duke Energy to the Water System wellfield power grid.

Councilmember Tim Abbott recused himself and left the room for the reading and vote of this appropriation ordinance.

Background: City Manager Pizzano recommended the following appropriation item: \$24,000 for emergency repairs performed by Duke Energy to the Water System wellfield power grid. Legislative Action: Councilmember Oler presented the first reading of this ordinance.

Councilmember Oler, seconded by Councilmember Holtegel moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 5-0. Councilmember Oler, seconded by Councilmember Holtegel moved to adopt . Motion Carried 5-0. ORDINANCE NO. 90-12. ADOPTED 5-0, COUNCILMEMBER ABBOTT RECUSED.

Meeting Schedule

Clerk Wilson read the following meeting schedule:

- Monday, September 24 Regular Meeting, 7:00 p.m.
- Tuesday, October 9 Regular Meeting, 7:00 p.m.
- Monday, October 22 Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.

Executive Session of Council (if needed)

Adjournment

The Regular Meeting of Council adjourned at 7:28 PM.

ATTEST:

Clerk of Council

Mayor's Approval

Date Approved _____

**CITY OF FAIRFIELD, OHIO
CITY COUNCIL MEETING COMMUNICATIONS**

ITEM:

DATE: 8/13/12

It is necessary the City Council approve an agreement with the The Joe Nuxhall Miracle League Fields, Inc., for the operation of the Field of Dreams recreation complex on Groh Lane.

FINANCIAL IMPACT:

No financial impact.

SYNOPSIS:

In February 2012 the City Council authorized the City Manager to enter into an agreement with the Therapeutic Recreation for the Disabled, Inc. and the Fairfield Community Foundation, DBA Joe Nuxhall Character Education Fund for the construction and operation of the Field of Dreams recreation complex (Ordinance 10-12). Prior to the execution of the agreement, the Therapeutic Recreation for the Disabled, Inc., and the Fairfield Community Foundation, DBA Joe Nuxhall Character Education Fund made a decision to establish a 501 c 3 organization, The Joe Nuxhall Miracle League Fields, Inc., to operate the facility, therefore authorization is needed since the entities have changed.

BACKGROUND:

In February 2012, the City Council approved an agreement between the City of Fairfield, the Therapeutic Recreation for the Disabled, Inc. and the Fairfield Community Foundation, DBA Joe Nuxhall Character Education Fund for the construction and operation of the programs at the Hatton Park/Joe Nuxhall Miracle League Fields facility (Ordinance 10-12). Prior to the execution of the initial agreement, the Therapeutic Recreation for the Disabled, Inc., and the Fairfield Community Foundation, DBA Joe Nuxhall Character Education Fund established a 501 c 3 organization, The Joe Nuxhall Miracle League Fields, Inc., to provide for the day-to-day operations of the facility. There were no substantive changes from the initial agreement. The agreement is similar to those between the City and the youth baseball association, the youth soccer associations and the youth football associations; which operate youth sports programs on city property.

The Parks and Recreation Board will reviewed this agreement at their August Board meeting.

RECOMMENDATION:

It is recommended that City Council authorize and direct the preparation of legislation authorizing the City Manager to enter into an agreement with The Joe Nuxhall Miracle League Fields, Inc., for the operation of the Field of Dreams recreation complex on Groh Lane.

LEGISLATIVE ACTION:

Suspension of Rules and Adoption Requested? YES [] NO [X] If yes, explain above.

Emergency Provision Needed? YES [] NO [X] If yes, explain above.

Prepared by: Bill
Approved for Content by: Bill
Financial Review (where applicable): Mary Lynn
Legal Review (where applicable): John A. Cunningham
Accepted for Council Agenda: Linda Wilson

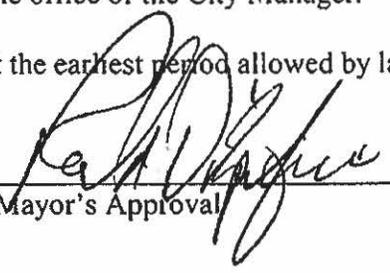
ORDINANCE NO. 10-12

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE THERAPEUTIC RECREATION FOR THE DISABLED, INC. AND THE FAIRFIELD COMMUNITY FOUNDATION, DBA JOE NUXHALL CHARACTER EDUCATION FUND FOR THE CONSTRUCTION AND OPERATION OF THE FIELD OF DREAMS RECREATION COMPLEX.

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

Section 1. The City Manager is hereby authorized to enter into an agreement with the Therapeutic Recreation for the Disabled, Inc. and the Fairfield Community Foundation dba Joe Nuxhall Character Education Fund for the construction and operation of the Field of Dreams Recreation Complex in accordance with the preliminary agreement on file in the office of the City Manager.

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

Passed	<u>2/13/12</u>	<u></u>
		Mayor's Approval
Posted	<u>2/14/12</u>	
First Reading	<u>1/9/12</u>	Rules Suspended <u>—</u>
Second Reading	<u>1/23/12</u>	
Third Reading	<u>2/13/12</u>	

ATTEST:
Dena Morsch
Clerk of Council

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

Dena Morsch
Clerk of Council

FIELD OF DREAMS
AGREEMENT
DRAFT #2

This Agreement made and entered into this ____ day of _____, 2012, by and between the CITY OF FAIRFIELD, OHIO (hereinafter referred to as "City") and THE JOE NUXHALL MIRACLE LEAGUE FIELDS, INC., an Ohio not-for-profit corporation (herein referred to as "Operator").

WITNESSETH

WHEREAS, the parties desire to set forth the intent and understanding of the parties with regard to the construction by Operator of the adapted use baseball/softball fields and related facilities and the Operator's use of the adapted use baseball/softball fields and related facilities all on the Groh Lane property owned by the City of Fairfield, Ohio, and

WHEREAS, the City of Fairfield, Ohio includes the Fairfield Parks and Recreation Board which must approve this Agreement prior to its execution.

NOW, THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. The Operator will construct and operate an amateur adapted baseball/softball program for individuals with special needs at the Groh Lane property in the City of Fairfield as shown in the attached Exhibit "A" and the use of the fields under this agreement shall be limited to such amateur baseball/softball programs. Practice and game times will be limited by the following time constraints:

A. While elementary, middle and/or high school are in regular session during a school year, no game shall start after 9:00 PM, weekdays or weekends, for all age divisions. All games will be scheduled to end by 10:00 PM.

B. After school has been dismissed for the summer, no game shall begin after 10:00 PM, weekdays or weekends, for all age divisions. All games will be scheduled to end by 11:00 PM.

C. If field lights are installed during the term of this agreement, field lights will be turned off ten minutes after the completion of the final game on that specific field unless otherwise required for post-game maintenance or clean-up except as limited below in item 2.

2. The Operator will bear all costs necessary for the construction of the adapted use baseball/softball fields. Operator will provide routine maintenance and housekeeping of the baseball/softball fields, related facilities, and immediate surroundings. No field maintenance will be conducted following the completion of evening games, with the exception of during tournament play where it would be necessary to prepare a field that would be used prior to 8:00 AM the following day.

3. Following completion of the initial construction and completion of the planned facilities, the Operator may erect new structures/facilities or expand existing structures/facilities at the Groh Lane property only with the prior approval of the Fairfield Parks and Recreation Board and the City Manager.

4. Operator will have exclusive scheduling control of the baseball/softball fields at the Groh Lane property during the term of this agreement subject to the following additional terms and conditions:

A. Operator will advise the Parks and Recreation Director and the City Manager of extraordinary events such as tournaments so that he/she may advise on crowd control, safety precautions or cleanup as may be required.

B. The Fairfield Parks and Recreation Board shall have the right to use the baseball/softball fields described in this Agreement, so long as the use does not conflict with the purposes of this Agreement and any such use by the Parks and Recreation Board shall be subject to the prior approval of the Operator. The Parks and Recreation Board will be responsible for the necessary repair/maintenance of the fields as a result of any use of the fields scheduled by it.

C. Admission fees for admission to the baseball/softball fields will not be charged except for special events which shall not include any game or contest between teams which are included in the Operator's league. Tournament admission fees may be charged.

5. The Operator will pay for all utility services to the fields including water, electric, sewer, and gas, if any during the term of this agreement. The Operator is permitted to charge a per hour fee, to outside groups using the fields, to cover its costs associated with the operation and maintenance of the facility. The hourly fee will be agreed upon annually by the Operator and the Fairfield Parks and Recreation Board.

6. The term of this Agreement shall automatically renew on January 1 of each succeeding year for that ensuing calendar year unless either party shall terminate this Agreement by written notice to the other delivered on or before November 1 of any calendar year. In the event that the City terminates this Agreement, the City will allow the Operator to remove any structures or facilities installed by the Operator to the extent that such facilities can be removed without damage to the remaining structures or grounds. In the event that the Operator terminates this Agreement, the Operator will be permitted to remove such structures or facilities can be removed without damage to the remaining structures or grounds.

7. The Operator hereby agrees to defend, indemnify and hold the City, its officers, agents and employees harmless against any and all loss, cost, expense, claims or actions arising out of or connected with the use of the facilities described in this Agreement by the Operator, its agents, employees, members, or third parties. The Operator shall provide public liability insurance in the amount of \$1,000,000.00 at all times during this Agreement, with the City being named as an additional insured on said insurance policy. The Operator shall

provide the City with proof of said insurance policy by March 1 of each calendar year.

8. The Operator shall operate without discrimination as to sex, race, creed, or national origin and will comply with the Americans With Disabilities Act.

9. The Operator shall provide the City, within three (3) months of the ending of their fiscal year, a financial report detailing all sources of revenue and all expenditures of the said association. Such reports shall be certified in writing by the Chief Executive Officer or the Chief Financial Officer of said operator.

10. Due to the Park's location within a ground water sensitive area, all turf grass fertilizer and chemical applications by the Operator must receive prior approval by the Director of Public Utilities or his/her designee.

11. This Agreement may be amended, altered, or changed, only by the written consent of all parties.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first stated above.

Signed in the presence of:

City of Fairfield, Ohio

By: _____

Arthur E. Pizzano, City Manager

Signed in the presence of:

The Joe Nuxhall Miracle League Fields, Inc.

By: _____

Kim Nuxhall, President

APPROVED AS TO FORM:

John H. Clemmons, Fairfield City Law Director

APPROVED AS TO CONTENT:

James A. Bell, Fairfield Parks and Recreation Director

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE JOE NUXHALL MIRACLE LEAGUE FIELDS, INC. FOR THE OPERATION OF THE FIELD OF DREAMS RECREATION COMPLEX.

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

Section 1. The City Manager is hereby authorized to enter into an agreement with the Joe Nuxhall Miracle League Fields, Inc. for the operation of the Field of Dreams recreation complex in accordance with the agreement 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

ORDINANCE NO. _____

ORDINANCE TO AMEND SUBSECTION 953.01(a) OF ORDINANCE NO. 166-84, THE CODIFIED ORDINANCES OF FAIRFIELD, OHIO, RELATIVE TO THE SERVICE FEES FOR RESIDENTIAL GARBAGE AND SOLID WASTE COLLECTION AND RECYCLING.

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

Section 1. Subsection 953.01(a) of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio, is hereby amended to read as follows:

953.01 Service Fee For Residential Garbage and Solid Waste Collection and Recycling.

(a) In order to provide necessary funds for costs incurred in connection with the collection, disposal and recycling of residential garbage and solid waste in the City of Fairfield, a monthly service fee is hereby charged to every residential unit in the City, whether single family or multi-family or mobile home, based upon whether curbside or dumpster (including compactors) service is provided, as follows:

<u>Type of Service</u>	<u>[Effective 1/1/11]</u>	<u>Effective 2/1/2012</u>	<u>EFFECTIVE 10/1/2012</u>	<u>EFFECTIVE 9/3/13</u>	<u>EFFECTIVE 9/3/14</u>	<u>EFFECTIVE 9/3/15</u>
Dumpster	[\$7.11]	\$7.90	\$6.50	\$6.65	\$6.80	\$6.95
Curbside	[\$12.60]	\$14.00	\$11.45	\$11.65	\$11.85	\$12.05

<u>Type of Service</u>	<u>EFFECTIVE 9/3/16</u>
Dumpster	\$7.10
Curbside	\$12.25

[NOTE: NO CHANGES TO BALANCE OF THIS SECTION.]

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

Passed _____

Posted _____

First Reading _____ Rules Suspended _____

Second Reading _____

Third Reading _____

Mayor's Approval _____

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\Ordinances\2012\Amending Section 953.01(a) - Ord

Item No. 1512

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

Date 7-9-12

Item:

An ordinance approving a modified development plan for a Kroger Gas Fueling Facility proposed at the southeast corner of Pleasant Avenue and Nilles Road and authorizing the City Manager to sign a development agreement with the Kroger Limited Partnership1.

Financial Impact:

This is an appeal of a Planning Commission decision as permitted in the Fairfield Codified Ordinances chapter 1168.12(d).

Synopsis: Kroger Limited Partnership1 has appealed the Planning Commission decision and has made several modifications to the plan to address both the Planning Commission and Design Review concerns. The attached development agreement addresses the construction and on-going operational issues with the Kroger Gas Fueling Facility.

Background: The Design Review Committee reviewed plans for a Kroger Gas Fueling Facility to ensure that the proposed project complied with the Design Guidelines outlined in Chapter 1168 of the Planning and Zoning Code. The Design Review Committee denied the request based on four main concerns: the proposed use did not meet the definition of a "Motor Vehicle Fuel Dispensing Facility;" the proposed square footage of outdoor display was greater than the maximum allowable; the access on Pleasant Avenue posed an increased risk for vehicular accidents; and the architectural intent of the Design Guidelines were not met. Planning Commission supported the Design Review Committee's recommendation to deny the project.

Recommendation:

It is recommended that City Council have first reading on this item at the July 9 meeting.

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

Prepared by: Gri Demora (Planning Manager)
Approved for Content by: Timothy Bachman
Financial Review (where applicable) Mary Hays
Legal Review (where applicable) [Signature]
Accepted for Council Agenda: John Wilson

11 (27)

KROGER GAS FACILITY – 5214 PLEASANT AVE.

DEVELOPMENT AGREEMENT

THIS AGREEMENT entered into this _____ day of _____ 2012, by and between the City of Fairfield, Ohio (hereinafter referred to as "CITY") and Kroger Limited Partnership I (hereinafter referred to as "COMPANY").

WITNESSETH

WHEREAS, COMPANY wishes to construct a gas fueling facility at the southeast corner of Nilles Rd. and Pleasant Ave. hereinafter referred to as the "DEVELOPMENT", and

WHEREAS, the Fairfield City Council through appeal as defined in section 1168.12(d) approved a modified DEVELOPMENT plan which is attached as Exhibits 1 thru 5 enumerated as follows: Exhibit 1 site plan; Exhibit 2 landscape plan; Exhibit 3 ground sign plan; Exhibit 4 canopy elevations and Exhibit 5 store elevations – all dated June 28, 2012, and

NOW, THEREFORE, in consideration of the mutual promises contained in this agreement, CITY and COMPANY agree as follows:

COMPANY or COMPANY'S agent shall solely at its cost:

1. Construct a fueling facility consistent with the drawings depicted in Exhibit 1 thru 5.
2. During the operation of DEVELOPMENT, remove and replace dead plant material and apply appropriate herbicides and pesticides as required. The landscaped beds are to be kept free of weeds and the mulch within the beds is to be maintained. Mulch is to be placed in the areas as illustrated on the landscape plan (Exhibit 2) in the spring and fall of every year. Plant replacement shall occur within 30 days or the next planting season (spring or fall), whichever comes first and must conform with Exhibit 2. An irrigation system is to be installed and used for all grass areas and planting beds on the site.
3. During the operation of DEVELOPMENT, shall not allow incidental or advertising signage with the exception of promotional signage as defined in the Fairfield Codified Ordinances. No posters or similar signage are permitted to be displayed on the brick columns of the canopy, building sides, front and rear, landscape elements and the dumpster screen. Window signage shall be limited to signage that is adhered to the inside glazing.
4. During the operation of the DEVELOPMENT, locate all outdoor display storage and sale areas to those areas shown on the site plan (Exhibit 1). These items are limited to seasonal items, car related items, food and beverages, ice, propane tanks and other similar items.

5. During the operation of the DEVELOPMENT, keep the site clean and free from litter or debris at all times
6. During the operation of DEVELOPMENT, provide lighting which is not to exceed zero foot candle at the street side-edge of the sidewalk. Regular lighting, except for security lighting, will be turned down when the facility is not open.
7. Be responsible for submitting plans if COMPANY chooses to alter the site, building or canopy in the future, including the addition of fire suppression systems, all of which will require approval by the City in accordance with the regulations stated in the D-1 Downtown District.

CITY shall:

1. Review final detailed plans that meet the intent of the Exhibits 1 thru 5 and approve final plans that meet all applicable local and state codes.
2. Take the following measures pertaining to landscape maintenance: if plantings and mulch are not replaced or maintained, per section 2 above, within 60 days of written notice by CITY to COMPANY, CITY will contract for the work and place cost of work plus \$100.00 administrative fee as lien on DEVELOPMENT'S property taxes in accordance with standard property maintenance procedures adopted by the CITY.
3. Review alterations, additions or modifications to DEVELOPMENT to verify they meet appropriate local and state codes.

Witness:

Company:

Kroger Limited Partnership I

By: _____

Date: _____

City of Fairfield, Ohio

By: _____

Arthur E. Pizzano, City Manager

Date: _____

Approved as to form:

Law Director
City of Fairfield, Ohio

Approved as to content:

Development Services Director
City of Fairfield, Ohio

ONE (1) DOUBLE FACED ILLUM. MONUMENT

42.03 sq.ft. = (1.00 x 5.75) + (1.1666 x 9.6666) + (2.50 x 10.00)

ROOF

- .125 alum. painted MP 24510 Deep Green and MP 25829 Taos Sande Beige.

CABINET

- .125 alum. painted MP 25833 Bone White.
- Cabinet interior painted Reflective White.
- Internal high output fluorescent tube illum. (Horiz. Daylights)

FUEL LOGO & KROGER LETTER

- Fuel icon: routed/ backed in Plexiglas® #7328 White acrylic w/ first surface trans. vinyls: 3M #3632-33 Red, 3M #3630-246 Teal Green, 3M #3630-84 Tangerine and, Avery #A9503-T Blue with an 3M #7725-31 Medium Gray opaque vinyl border.
- Kroger letters: routed/backed in Plexiglas® LD#2415 Red acrylic.

REVEALS

- .090 alum. painted MP 25829 Taos Sande Beige.

SKYLINE™ PRICE CABINET

- 2'-6" x 10' x 12" per unit; furnished by Kroger®.
- Model No. PSS-14TPSFITC
- See addtl. drawing for alum. end panel "wraps".

MASONRY

- Masonry, internal chassis, and cap by others.

STEEL SUPPORT

- 4.50" O.D x .237" thk. wall steel pipes.
- Primed and painted Bright White (cabinet section only).
- Direct burial.
- Subject to engineer's sealed drawing(s).

FOUNDATION

- 3' dia. x 5'-0" deep (1.31 cu yds.) concrete per caisson by Klusty.
- Dig depth 6'-0"; augered holes, excavation and dirt removal by Klusty.
- 12'-6" x 3'-0" x 6" deep (0.69 cu yds.) concrete masonry footer by Klusty.
- Subject to engineer's sealed drawing(s).

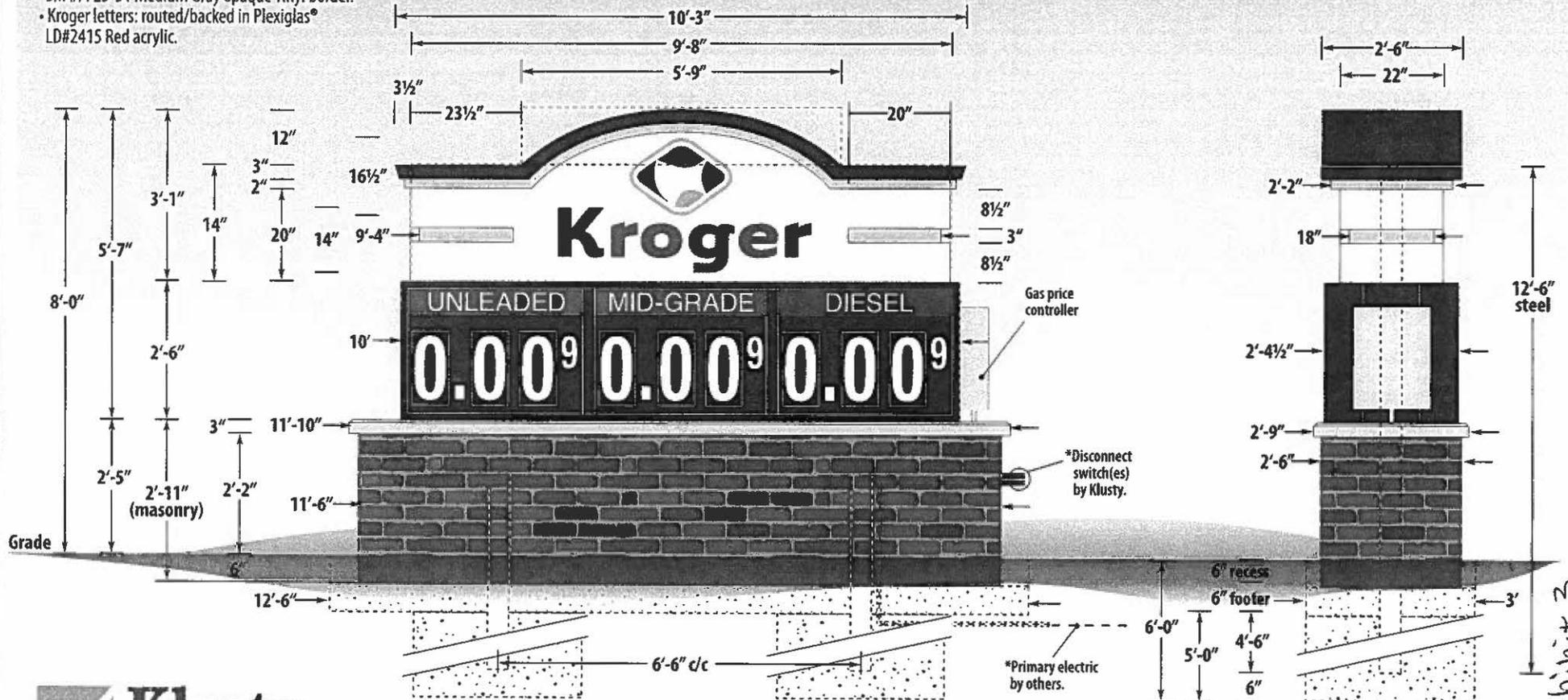
FINISHES

- Matthews® acrylic polyurethane.
- Grip-Gard® acrylic polyurethane.

ELECTRICAL

- U.L. listed and labeled.
- Weatherproof disconnect box/switch(es) by Klusty.
- 3/4" PVC through foundation by Klusty.
- Final connection by Klusty only if in place and to code at time of installation.

***Note: TBD volt**



Klusty SignAssociates
Design | Branding Logistics

3160 East K... Road, Suite B • Cincinnati, OH 45241 1517

*After zoning approval, manufacturing methods may be subject to change.

*Colors may not be exact as shown because of printer limitations. Refer to actual material color charts for true color representation.

CLIENT: Kroger #939
LOC: 560 Wessel Dr.,
Fairfield, OH 45014
DRAWING NO: K.5.198

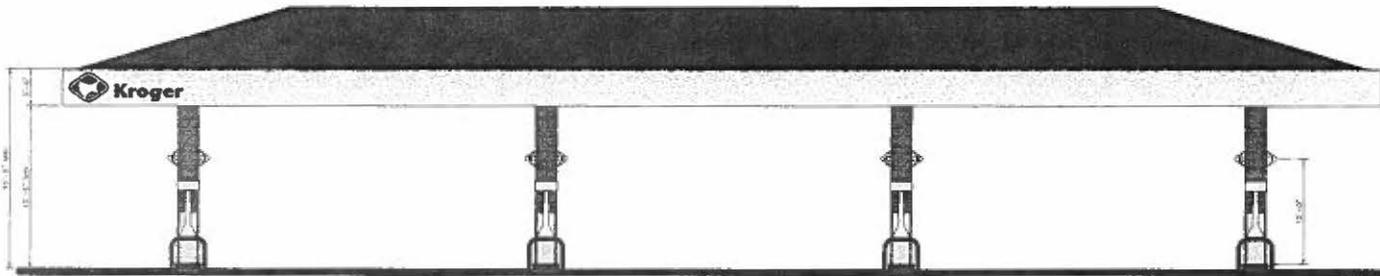
DATE: 6 / 28 / 12
SCALE: 3/8" = 1'-0"
BY: Brian Marco
REP: Vince Klusty

APPROVED BY: _____ DATE: _____
LANDLORD APPROVAL: _____ DATE: _____
All designs and specifications are the sole copyrighted property of KlustySign Assn. Inc. Any unauthorized use, copying, or reproduction is a violation of Federal Copyright law and will be prosecuted.

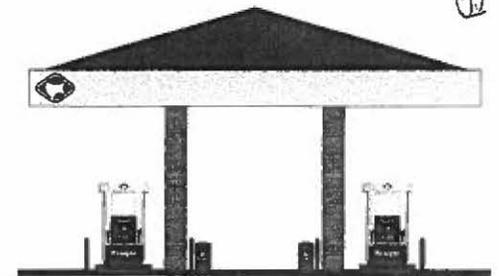
Kroger Fueling Center

FAIRFIELD, OHIO #A939

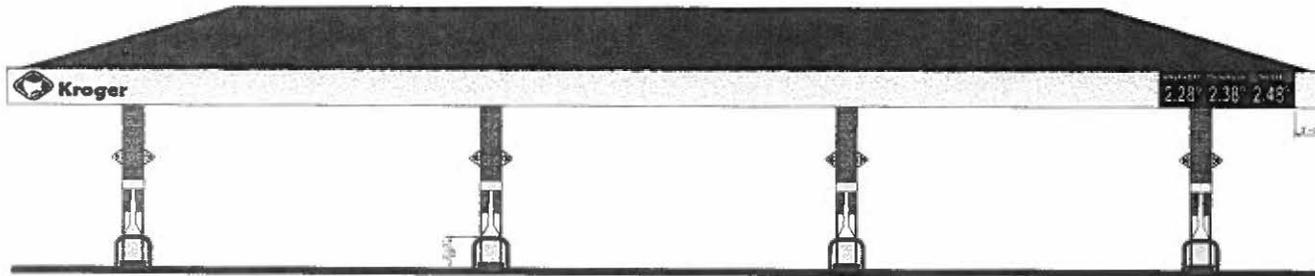
Exhibit 4



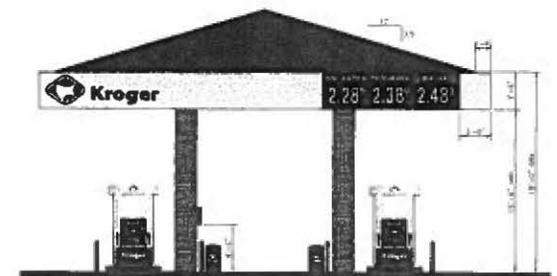
NORTH ELEVATION
SCALE: 3/16"=1'-0"



EAST ELEVATION
SCALE: 3/16"=1'-0"



SOUTH ELEVATION
SCALE: 3/16"=1'-0"



WEST ELEVATION
SCALE: 3/16"=1'-0"

Galoway
Architectural
PLANNING - ARCHITECTURE - INTERIORS
3300 DTC Parkway, Suite 100
Cincinnati, Ohio 45240
351.779.8884
351.779.2638

Kroger
The Kroger Co.
Supermarket
Petroleum Group
2000 W. 12th St.
Fairfield, OH 45024
740.741.1200

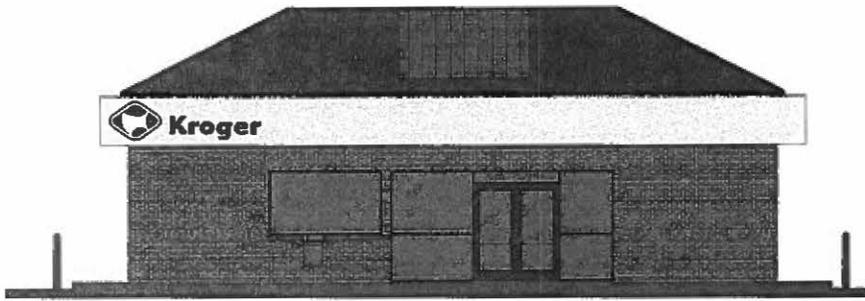
Canopy Color Elevations

06/28/12

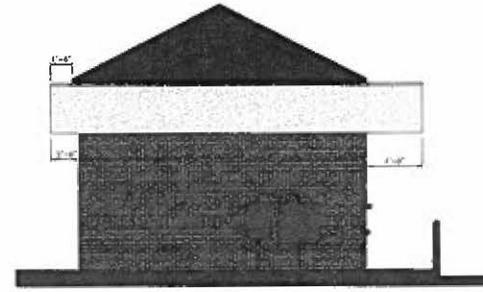
Kroger Fueling Center

FAIRFIELD, OHIO #A939

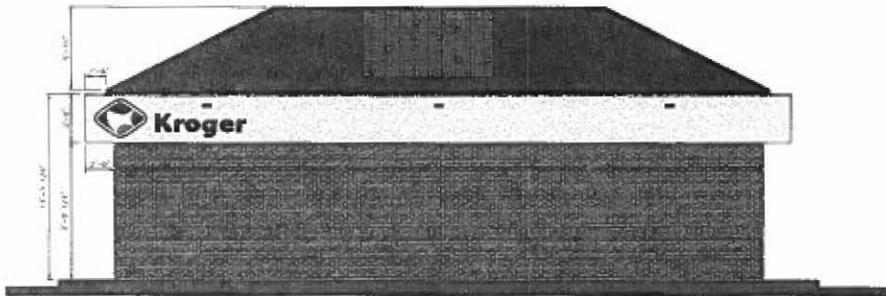
Exhibit 5



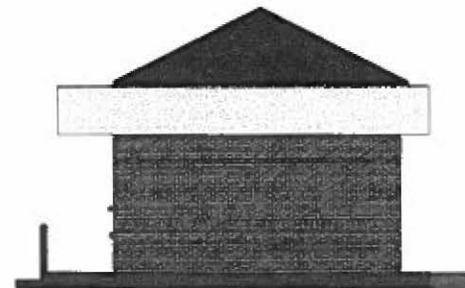
NORTH ELEVATION
SCALE: 1/4"=1'-0"



EAST ELEVATION
SCALE: 1/4"=1'-0"



SOUTH ELEVATION
SCALE: 1/4"=1'-0"



WEST ELEVATION
SCALE: 1/4"=1'-0"

Galloway

7125 E. 14th Avenue, Suite 100
Denver, CO 80231
303.773.8600
303.773.8630



The Kroger Co.
Supermarket
Petroleum Group

Project: 10-1012
Date: 06/28/12
For: CAEP 11-1000

Building Color Elevations

06/28/12

Kroger Fueling Center

FAIRFIELD, OH #A939



EXISTING SITE



PROPOSED SITE

INTERSECTION OF NILLES ROAD AND PLEASANT AVENUE

Galloway
Parking Solutions Engineering
10000 Parkway, Suite 100
Cincinnati, OH 45240
513.752.8884
www.gallowaype.com

Perspective Rendering

06/28/2012

ORDINANCE NO. _____

ORDINANCE TO APPROVE A MODIFIED DEVELOPMENT PLAN FOR A KROGER GAS FUELING FACILITY AND TO AUTHORIZE THE CITY MANAGER TO SIGN A DEVELOPMENT AGREEMENT WITH THE KROGER LIMITED PARTNERSHIP I.

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

Section 1. The modified development plan for a Kroger Gas Fueling Facility at the southeast corner of Nilles Road and Pleasant Avenue, a copy of which, including all terms and conditions thereof, is on file in the office of the Clerk of Council, is hereby approved and the City Manager is hereby authorized to sign a Development Agreement with the Kroger Limited Partnership I in accordance with the agreement 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

Item No. 11(D2)

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

Date 7-9-12

Item:

An ordinance approving an easement agreement between the Farhat S. Khan Trust (Khan) and the City of Fairfield.

Financial Impact:

The City will receive \$22,500 for a perpetual non-exclusive access easement from Kroger.

Synopsis:

The easement agreement is between the City of Fairfield and the property owner (Khan), but will be used by the owner's lessee, Kroger. The easement will allow for a perpetual non-exclusive right for the benefit of the Khan property on, through and across the City of Fairfield's property for pedestrian and vehicular access between the Khan property and Pleasant Avenue. The easement will run with the land, not the use. The easement language and exhibit are attached.

Background:

Kroger is proposing to construct a gas fuel facility on property located at the south east corner of Pleasant Avenue and Nilles Road. In order to construct a right-in only access on Pleasant Avenue to the site, part of the access is required to be constructed on land owned by the City of Fairfield. The proposed easement is 1,790 square feet in area and will contain a sidewalk and roadway pavement.

Recommendation:

It is recommended that City Council have first reading on this item at the July 9 meeting.

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

Prepared by: Evin Demora (Planning Manager)

Approved for Content by: Timothy Bachman

Financial Review (where applicable) Mary Ann

Legal Review (where applicable) St. A. Demora

Accepted for Council Agenda: Jim Wilson

11/24



DRAFT

939-A Fuel

EASEMENT AGREEMENT

This Easement Agreement (this "Agreement") is made and entered into as of the _____ day of _____, 2012, by and between _____, a _____ ("City"), and Imran A. Khan, Successor Trustee of the Farhat S. Khan Trust dated October 25, 1995, ("Khan").

WITNESSETH:

WHEREAS, City is the fee simple owner of certain real estate situated in the City of Fairfield, County of Butler, and State of Ohio, and more particularly described in Exhibit "A" attached hereto and made a part hereof ("City Property");

WHEREAS, Khan is the fee simple owner of certain real estate situated in the City of Fairfield, County of Butler, and State of Ohio, lying contiguous with and adjacent to the City Property, and more particularly described in Exhibit "B" attached hereto and made a part hereof ("Khan Property");

WHEREAS, Khan requires certain easement rights with the respect to the City Property to facilitate the construction, operation and use of the Khan Property, and City wishes to grant Khan such easement rights as hereinafter described in this Agreement.

NOW, THEREFORE, for and in consideration of Twenty Two Thousand Five Hundred Dollars and 00/100 (\$22,500.00) to be paid to City within ten (10) days of the execution of this Agreement and other good and valuable consideration, the receipt and sufficiency is hereby acknowledged, City and Khan hereby agree as follows:

1. City hereby grants, bargains, sells and conveys unto Khan the perpetual non-exclusive right, privilege and easement for the benefit of the Khan Property on, over through and across the City Property for purposes of pedestrian and vehicular ingress and egress to and from the Khan Property and to provide for pedestrian and vehicular ingress and egress between the Khan Property and Pleasant Ave., together with the right to establish and maintain paved pedestrian and vehicular access improvements on the City Property, upon and adjacent to the common boundary line between the City Property and the Khan Property ("Access Improvements") in furtherance of the aforesaid easement. The Access Improvements are more particularly described in



DRAFT

Exhibit "C" attached hereto and made a part hereof. Khan's exercise of its rights regarding the Access Improvements set forth in this Paragraph 1 is subject to the following:

A. The Access Improvements shall be constructed in accordance with applicable governmental regulations.

B. Installation of the Access Improvements shall be performed in a good, expeditious and workmanlike manner with first class materials in accordance with the approved or deemed approved plans and all applicable laws, rules, ordinances and regulations.

C. Khan shall maintain the Access Improvements installed pursuant to this easement in a safe and proper condition and repair. All costs for maintaining, repairing or replacing the Access Improvements shall be borne by Khan.

2. In the event of any controversy, claim or dispute related to this Agreement or the breach thereof, the prevailing party shall be entitled to recover from the losing party reasonable expenses, attorneys' fees and costs actually incurred.

3. This Agreement shall be construed in accordance with the laws of the State of Ohio and any applicable federal laws and regulations.

4. This Agreement may not be modified, amended, terminated or rescinded except in writing signed by both parties hereto.

5. If any term, provision or condition contained in this Agreement shall, to any extent, be held or deemed invalid or unenforceable by a court of competent jurisdiction, the remainder of the Agreement shall not be affected thereby, and each term, provision or condition of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

6. This Agreement shall be binding upon and shall inure to the benefit of the parties and their respective successors and assigns and shall run with the land comprising the City Property and the Khan Property. This Agreement contains the complete understanding of the parties on the subject matter hereof, and there are no terms, conditions or representations except as provided herein.

(Remainder of page left blank intentionally.)



DRAFT

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the date first above written.

CITY: _____

By: _____

Name: _____

Title: _____

KHAN:

Imran A. Khan, Successor Trustee
of the Farhat S. Khan Trust dated October 25,
1995

By: _____

Name: _____

Title: _____

STATE OF _____)
) SS:
COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared _____ of _____, an _____, an _____, who acknowledged the execution of the foregoing Easement Agreement for and on behalf of such limited liability company.

Witness my hand and Notarial Seal, this ___ day of _____, 2012.

My Commission Expires: _____ Signature: _____

My County of Residence: _____ Printed: _____

STATE OF NEW YORK)
)SS.
COUNTY OF NASSAU)

Before me, a Notary Public in and for said County and State, personally appeared Imran A. Khan, Successor Trustee of the Farhat S. Khan Trust, dated October 25, 1995, who acknowledged the execution of the foregoing Easement Agreement and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal, this ___ day of _____, 2012.

My Commission Expires: _____ Signature: _____

My County of Residence: _____ Printed: _____

This instrument was prepared by, and after recording return to: _____
_____ [Insert name and address].

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. [Insert name].

EXHIBIT "A"

City Property Legal Description

EXHIBIT "B"

Khan Property Legal Description

June 28, 2012

Legal Description: Drive Easement Area (0.041 Acres)

Situated in Section 33, Town 2, Range 2, in Fairfield Township, City of Fairfield, Butler County, Ohio and being more particularly described as follows:

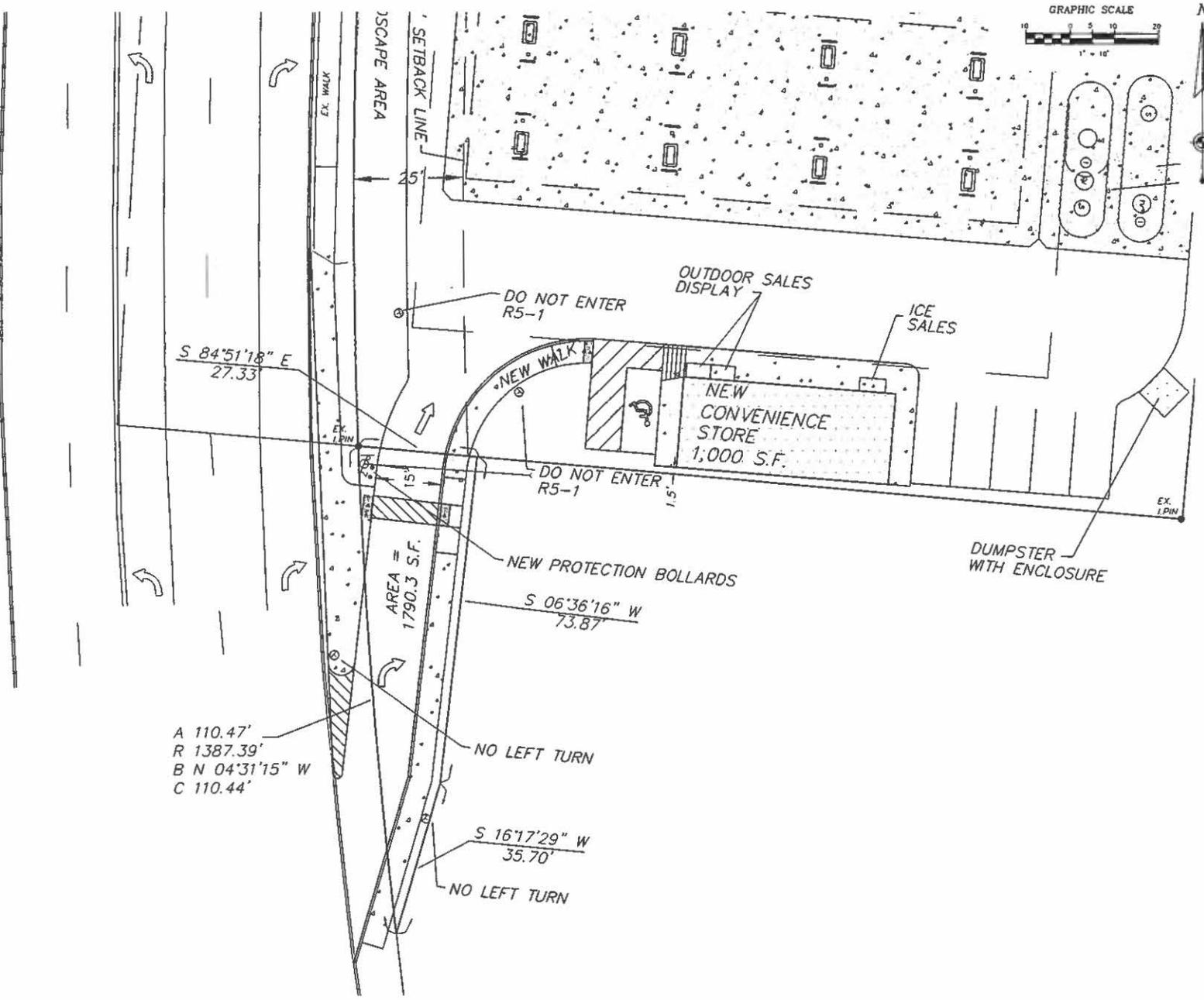
Commencing at a point, said point being the northwest corner of Section 33, Town 2, Range 2; thence along the north line of said Section, South 84° 51' 18" East, 250.25 feet; thence South 05° 08' 42" West, 77.00 feet to the southerly right-of-way line of Nilles Road; thence departing the said southerly right-of-way line of Nilles Road, South 05° 08' 42" West, 153.00 feet; thence North 84° 51' 18" West, 160.75 feet to the point of beginning of the easement herein described; thence South 06° 36' 16" West, 73.87 feet; thence South 16° 17' 29" West, 35.70 feet to the easterly right-of-way line of Pleasant Avenue; thence along the said easterly right-of-way line of Pleasant Avenue with the arc of a curve whose radius is 1387.39 feet, clockwise, 110.47 feet, (chord of said arc bears North 04° 31' 15" East, 110.44 feet); thence departing the said easterly right-of-way line of Pleasant Avenue, South 84° 51' 18" East, 27.33 feet to the point of beginning.

Contains 0.041 Acres.

EXHIBIT "C"

Access Improvements

PLEASANT AVE.



tga
 THOMAS GRAHAM ASSOCIATES, INC.
 Engineers
 Surveyors

803 Compton Road
 Cincinnati, Ohio 45231
 513-521-4760
 Fax # 513-24-439

Date: JUNE 28, 2012
 Scale: 1" = 10'
 Job No: 7716

Revisions

No.	Date

STUDY PLAT #6B

SEC. 31, T. 2, R. 2
 FAIRFIELD TOWNSHIP
 CITY OF FAIRFIELD
 BUTLER COUNTY, OHIO

The utility information shown on this plot, prepared by Thomas Graham Associates, Inc., was obtained from existing records. It is the contractor's responsibility to verify their existence and location, and to contact the appropriate utility company for field locations.

UNDERGROUND UTILITIES
 2 WORKING DAYS
BEFORE YOU DIG
 PHONE: 1-800-362-2764
 OHIO UTILITIES PROTECTION SERVICE
 NON-MEMBERS MUST BE CALLED DIRECTLY

Wreper Store # 939
 Drawn By R.J. TREWKAMP
 Sheet
 of
 Job No: 7716-11

ACAD FILENAME: 7716_039_STUDY#6.DWG

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER
TO ENTER INTO AN EASEMENT AGREEMENT WITH
THE FARHAT S. KHAN TRUST.

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

Section 1. The City Manager is hereby authorized to enter into an easement agreement with the Farhat S. Khan Trust in accordance with the easement agreement 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



John E. "Jack" Pflum, P.E.

Consulting Engineering

7541 Hosbrook Road, Cincinnati, OH 45243

Email: jackpflum@cinci.rr.com

Telephone: 513.919.7814

MEMORANDUM

TO: Mr. Monte Chesko

FROM: Mr. Jack Pflum, PE

Mr. Jamal Adhami, PE, PTOE

SUBJECT: Proposed Kroger Fuel Center - Traffic Safety Analysis

DATE: September 15, 2012

ATTACHMENTS:

- A. Frequency of Driveway Accidents – Charts and Graphs
- B. Tabulation of Driveway Accidents – Characteristics and Factors
- C. Aerial Maps with Location and Collision Diagrams for All Accidents

Background

The Kroger Co. has had ongoing discussions and meetings with the City of Fairfield as part of their request to construct a Fuel Center (FC) at the intersection of Nilles Rd. and Pleasant Avenue. Extensive documentation related to the request has been submitted to the appropriate City Departments in support of the application and in response to requests and comments from various representatives of the City. Those documents are a matter of record.

The purpose of the work described in the following paragraphs is to identify factors of traffic flow that are relevant to driveway operational safety within the Nilles/Pleasant study area.

The proposed FC will be located in the southeast quadrant of the intersection. The site will contain a small retail building and 16 fueling stations.

Previously, the site was occupied by a Taco Bell and a Flowerama. The Taco Bell closed and moved across the street in June, 2008. Flowerama closed in August, 2010.

Estimated trip generation for the FC is 2,700 trips (1,350 in and 1,350 Out) for an average day, 180 trips during an average weekday am peak hour, and 220 trips during an average weekday pm peak hour.

Based on national travel characteristics, it is known that about 62% of the customers are already using the existing streets. Thus, the total new trips will be considerably less than 2,700. New trips will be about 1,025 per day, 68 in the am peak hour, and 84 in the pm peak hour.

Average daily traffic volumes at the intersection, based on City records, is:

1. Pleasant Ave., south approach = 21,170
2. Pleasant Ave., north approach = 18,770
3. Nilles Rd., west approach = 24,163
4. Nilles Rd., east approach = 24,982

Total traffic volume for all four legs of the intersection is 90,084. Generally, the volumes are distributed in a balanced way, with no single approach having a disproportionate traffic count.

Nilles and Pleasant are multi-lane roadways with two through lanes and exclusive turn lanes. The intersection is signalized and part of a modern traffic control system. Pavement markings, signage, overhead lighting, sidewalks, and other infrastructure elements are well maintained. The public circulation system generally meets current usual and customary engineering standards. Posted speed limit for Pleasant is 25 mph and 35 mph for Nilles.

There are a total of 31 existing driveways in the study area. These driveways serve commercial land uses including retail, services to highway users, and office.

Scope of Work

The City required that a safety analysis be submitted for review prior to the next Council meeting, scheduled for September 24, 2012. City staff prepared a Scope of Work, dated August 8, 2012. This Memorandum, together with attachments and other referenced documents, is intended to completely respond to the work tasks described by the City staff on August 8, 2012.

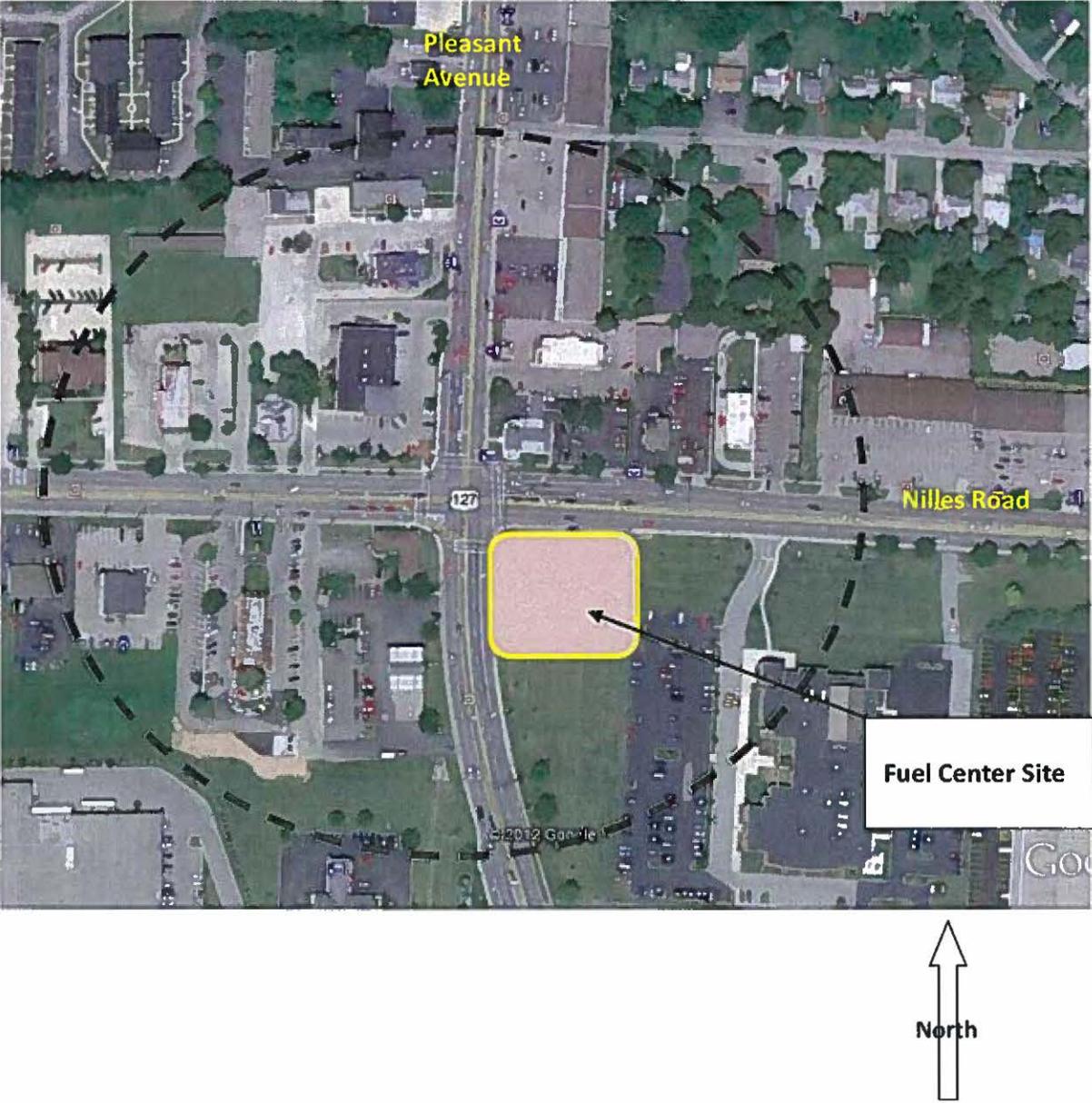
The City provided the following information::

1. A hard copy of Crash Reports (Form OH-1) for the intersection of Nilles/Pleasant;
2. A City wide accident map showing index numbers for intersections;
3. A spread sheet showing accident statistics;
4. A copy of selected parts of the Butler County Engineer's standards for access management; and
5. A request that the years 2008 - 2011 should be included in the analysis.

The work tasks, analysis, and conclusions contained in this Memorandum are limited in scope as defined by the City.

The study area includes all approaches to the intersection for a distance of 500 ft. from the crosswalks. Figure 1 shows an aerial view of the study area.

Figure 1 – Study Area Limits – 500 ft from Existing Crosswalks



Work Tasks

The following tasks were completed:

1. **Accident History** – The accident records provided by the City identified only those accidents within the area bounded by the crosswalks of the intersection. The Ohio Department of Public Safety (ODPS) maintains a comprehensive crash statistics system data base that includes OH-1 Crash records for all accidents as well as yearly historical records. Recognizing that separate sources of data can lead to inconsistent results, it was concluded that better results could be obtained by using a single source for analysis. Thus, Butler County jurisdictional accident data, collected from the ODPS records, was used for the purpose of segregating all accidents for the four years 2008-2011 for the study area. Specific characteristics and collision factors were also identified. An average of 37 accidents per year (total of 148) were identified in the study area for the four years;
2. **Study Area Inventory** – A field inventory was conducted within the study area. This included land use, lane configuration, roadway geometry, driveway locations and operation. Field observations of traffic flow in the study area were conducted during selected time periods through the week day. There are a total of 31 driveways, many of them closely spaced along Nilles and Pleasant. Land uses are predominately highway oriented retail with some office and personal service uses;
3. **Accident Location and Type** – All 148 accidents were plotted on aerial maps. Each individual plot point shows location and a collision diagram for each of the four years. Each roadway approach for the intersection is shown on a separate map. There are four maps for each year and 16 maps total for the four years. These maps are attached to this report as Attachment C.
4. **Driveway Accidents** -It was necessary to specifically identify those accidents which were directly related to driveway traffic operations. In order to accomplish this, all 148 Crash Reports were reviewed. Accidents with the following characteristics were placed in the "Intersection", or "non-driveway", category and excluded from further analysis:
 - a. All accidents within the area bounded by the crosswalks.
 - b. All accidents within the study area that exhibited intersection and/or traffic signal related characteristics. These included rear end and sideswipe accidents.
 - c. Any accidents within the study area that exhibited characteristic that could not be directly related to an active driveway. For example, these could include collision with objects in the roadway, environmental factors, impaired driver, speeding, or late night/early morning accidents.

There are a total of 42 driveway accidents (average of 10.5 per year) and 106 intersection/non-driveway accidents (average of 26.5 per year) in the study area during the four year time period 2008 to 2011. Table 1 below provides a summary of those accidents.

TABLE 1

SUMMARY OF LOCATION AND ACCIDENT SEVERITY

YEAR	Location	Injury Accidents		PDO Accidents		Total	
		#	%	#	%	Location	Year
2008	<i>Intersection</i>	8	25.81%	23	74.19%	31	45
	<i>Driveway</i>	2	14.29%	12	85.71%	14	
2009	<i>Intersection</i>	12	46.15%	14	53.85%	26	33
	<i>Driveway</i>	1	14.29%	6	85.71%	7	
2010	<i>Intersection</i>	10	30.30%	23	69.70%	33	41
	<i>Driveway</i>	2	25.00%	6	75.00%	8	
2011	<i>Intersection</i>	3	18.75%	13	81.25%	16	29
	<i>Driveway</i>	6	46.15%	7	53.85%	13	

Note: PDO = Property Damage Only

Intersection Total = 106

Driveway Total = 42

Accident Analysis -Driveways

Each of the 42 driveway accidents were reviewed and investigated for the purpose of establishing a pattern based on driveway location, associated land use, type of accident, and/or clustering of plotted data points.

Findings and observations related to driveway accident patterns, location, causative factors, and accident types are summarized in the following paragraphs.

Graphic Mapping - All 148 accidents, by year, are shown on the attached set of 16 maps (Attachment C). The 42 driveway accidents are shown with the symbol "DR". Each is also indexed with a number so the original Crash Report (OH-1) can be easily retrieved.

Charts and Graphs – Driveway accidents are shown in graphical form. The graphs were generated by using the ODPS statistical system spreadsheet, for each year for the following:

- *Frequency of crashes by hour* – A significant proportion of accidents (20 crashes – 48%) occurred during the evening peak period of 4 pm to 6 pm. Only about 9% of the crashes occurred during the morning peak hour.
- *Frequency of crashes by month* – There is no significant concentration for any month. There are several months with zero crashes. The highest month was August, 2011 with 5 accidents.
- *Frequency of Crashes by Type of Crash* – Angle crashes accounted for 19 collisions (45%); left turns accounted for 9 collisions (22%); rear end crashes accounted for 7 collisions (17%); sideswipe-passing crashes accounted for 4 collisions (9%); head on crashes, pedestrian/bicycle crashes, and other crashes accounted for 3 collisions (7%).
- *Frequency of Crashes by Light Condition* – Four crashes (9%) occurred outside day light hours.

See Attachment A - Graphical Charts.

Accident characteristics – Driveway accidents were tabulated for the following using the ODPS statistical system spreadsheet:

- *Crash Severity* – Crashes with injury accounted for 11 accidents (26%), property damage only (PDO) accounted for 31 accidents (74%).
- *Day of week* - The crashes were balanced throughout the week; Friday had 8 accidents, Tuesday and Thursday each had 7 accidents, Monday and Wednesday each had 6 accidents, Saturday had 5 accidents, and Sunday had 3 accidents.
- *Hour of Day* – See discussion of frequency above.
- *Type of Crash* – See discussion of frequency above.
- *Weather Conditions* – The weather was clear or cloudy for 37 crashes (88%) and rain for 5 crashes (12%).
- *Light Conditions* - Daylight conditions accounted for 38 accidents (91%), dusk conditions and/or dark-lighted accounted for 4 accidents (9%).

- *Location* – Driveway/Alley accounted for 27 accidents (65%), not an intersection accounted for 14 accidents (33%), T-intersection accounted for 1 accident (2%).
- *Road Contour* – All accidents occurred on a straight-level roadway.
- *Road Conditions* – The pavement was dry for 33 accidents (79%) and wet for 9 accidents (21%). There were no reported accidents ice or snow on the roadway.
- *Crash by Month* – See discussion of frequency above.
- *Action by Unit 1* – Making left turn accounted for 20 accidents (48%), straight ahead accounted for 13 accidents (31%), entering lane accounted for 4 accidents (9%), making a right turn accounted for 4 accidents (9%), unknown accounted for 1 accident (2%).
- *Contributing Factor by Unit 1* – Failure to yield accounted for 27 accidents (65%), followed too close accounted for 6 accidents (14%), other improper action accounted for 3 accidents (7%), improper turn accounted for 2 accidents (5%), non motorist/improper lane change/load shift/unknown accounted for 4 accidents (9%).
- *Action by Unit 2* – Making left turn accounted for 6 accidents (15%), straight ahead accounted for 28 accidents (67%), slowing or stopped accounted for 4 accidents (9%), making a right turn accounted for 3 accidents (7%), unknown accounted for 1 accident (2%).
- *Contributing Factor by Unit 2* – There was no contributing factor for 38 accidents (90%), the remaining accidents included improper turn, improper action, swerving to avoid, non motorist, and unknown.
- *Driver Impairment* – No accident involved alcohol, drugs, or sleeping.
- *Speed* – The posted speed limit of Pleasant is 25 mph and Nilles is 35 mph. The estimated speed of the involved vehicle was less than 20 mph for 38 accidents (90%), none of the accidents involved high speed vehicles.
- *Type of Vehicle* – All accidents involved automobiles, SUV's, or minivans. Pickup trucks were involved in 5 accidents (12%), a semi-truck was involved in 1 accident and a bicyclist was involved in 1 accident.
- *Injury Type* – There were no fatalities and no personal serious visible injuries. Personal injuries were either minor visible or no visible injury.

See Attachment B – Spreadsheet tabulations.

Accidents for Each Approach

The number of accidents for each approach to the intersection is shown in Table 2.

TABLE 2
NUMBER OF ACCIDENTS ON EACH APPROACH (years 2008 to 2011)

Year	Nilles - West	Nilles - East	Pleasant - South	Pleasant - North	TOTAL
2008	5	4	1	4	14
2009	1	1	1	4	7
2010	2	1	1	4	8
2011	5	5	0	3	12
TOTAL	13	11	3	15	42

The number of accidents per approach can be linked with the number of driveways. The total number of driveways for all approaches is 31. Most are full movement access with a few operating as one way.

Nilles west approach has 10 driveways

Nilles east approach has 8 driveways (one driveway serves the now vacant FC site)

Pleasant south approach has 3 driveways (one driveway serves the now vacant FC site)

Pleasant north approach has 10 driveways

Glenna Drive is at the northern limits of the study area. There were no accidents at that intersection.

See Figure 1 and Attachment C.

Correlation with Existing Driveways

The maps (Attachment C) were inspected for the purpose of identifying clustered accident locations and to determine if specific driveways showed a predilection for accidents. Turning movement counts (short time periods) and field observations were made at selected driveways for the purpose of identifying several "high activity" driveways. The number of accidents recorded for these locations during the four year time period is:

Nilles west at McDonalds driveways = 4 accidents
Nilles east at Justice Center driveway = 0 accidents
Nilles east at Chase Bank driveway = 3 accidents
Pleasant south at UDF south driveway = 1
Pleasant north at CVS driveway = 3 accidents
Pleasant north at Burger King driveway = 4 accidents

Each of the high activity driveways experienced, on average, one or fewer, accidents per year.

There were no accidents at the former Taco Bell driveway during the six months it was open in 2008 at the proposed FC site. There was one accident in 2008 on Pleasant at the former Flowerama driveway during the time period between 2008 and it's closing in August, 2010.

Accident Analysis Conclusions

Overall, the intersection of Nilles and Pleasant is ranked by the City as the 17th highest of the 56 signalized intersections in the City. The majority of accidents (76%) in the study area are directly related to the signal operation and the approaches to the intersection. These intersection accidents generally are angle and rear end crashes. Driveway accidents are somewhat random as to location and are not concentrated at any specific driveway locations.

There were no fatalities or serious injuries in the study area.

Many of the driveway accidents show causative factors related to right or left turns (24 accidents – 57%). Of course, these accidents could largely be eliminated by prohibiting selected turns at driveways. This could be accomplished with signage or construction of a median. However, it is unlikely the benefits of accident reduction would offset the inconvenience to customers and loss of business.

Most of the existing driveways are without appropriate directional signage, stop controls, and pavement markings. Most driveway operational controls are lacking in usual and customary traffic engineering design elements. Many drives are spaced within 100 ft of each other, or less. Many driveways with one way operation are not clearly marked. Some effort should be made by the City to bring all these existing driveways into conformance with acceptable standards. Safety would be improved.

Inspection of the contributing factors related to the crashes and identification of accident grouping results in the conclusion there are no compelling factors within the public roadway system that would cause a conclusion that the study area is a dangerous or high hazard area.

Evaluation of Fuel Center Driveways

It has been suggested by the City that Butler County Engineer access management and driveway spacing standards should be considered for the design of the Fuel Center driveway as to location and operation. These standards are generally not applicable since the study area has already been densely developed in a manner that is inconsistent with such requirements.

Based on marketing data provided by Kroger, it is expected that FC customer distribution and orientation will be proportional to the existing traffic counts at the Pleasant/Nilles intersection. The cardinal points of the compass for trip origin and destination will be balanced.

As concluded in the accident analysis portion of this report, it is not likely the proposed driveways serving the Fuel Center will directly cause any significant increase in accidents, or a measurable decrease in safety, for the study area.

However, there are some elements that can be included in the driveway design that will make the traffic flow to and from the site as safe as possible. These are:

Right In Only Driveway on Pleasant – The existing full movement access driveway, previously serving Flowerama, will be closed. It will be replaced with a Right In Only access to the FC site. A single accident, involving a southbound left turn into Flowerama, occurred at this driveway in 2008 (Flowerama moved in August, 2010). There was one accident at the south UDF driveway in 2009 and one accident at the north UDF driveway in 2010.

The prohibition of all left turns and right turns out will essentially eliminate the possibility of driveway related accidents at this location.

It is recommended that:

1. Signs (including DO NOT ENTER and NO LEFT TURN) and pavement markings (including directional arrows) be installed as shown on the site plan to make certain the driveway will operate as a One Way driveway with Right In Only turns from Pleasant.
2. Appropriate signs be installed for the purpose of warning pedestrians using the sidewalk that northbound cars may be crossing the walkway as the pedestrians approach the driveway entrance. CHECK THIS
3. Overhead or curb side ground mounted signs (NO LEFT TURN) be installed on Pleasant for southbound traffic.

Full Access Driveway on Nilles – Taco Bell was served by a full movement access driveway at this location (Taco Bell moved in June, 2008). There were no accidents at this location in 2008. There were 2 left turn accidents at the Chase Bank driveway in 2011 and one right turn rear end accident in 2009. There were two angle accidents at the JAG's driveway in 2008. There were no accidents at the Justice Center driveway.

The proposed driveway is about 180 ft. from the center of Pleasant and 120 ft. from the Nilles stop bar.

There are two eastbound lanes in this section of Nilles. There is excess roadway width (about 12 ft.) since there is a drop lane for right turns on the west approach.

An alternative to the driveway location was investigated in response to the City scope of work – task 4.b.i.1. This work task addressed an issue related to vehicle turns out of the site. The alternative which was considered involved the construction of a frontage road between the FC site and the Justice Center driveway. The driveway on site as presently proposed would be eliminated. Such a connection would integrate the FC site traffic with existing Justice Center Traffic. This alternative was discussed with Kroger and the site engineer. Several schematics were evaluated. It was concluded the connection was not practical and the constructability was not reasonable.

It is recommended that:

1. Nilles be narrowed in order to provide for two eastbound lanes. This will decrease the distance traveled for vehicles turning into or out of the driveway and will also better direct vehicles on Nilles into a path within a defined lane. This could be implemented with appropriate pavement markings and lane delineators. The operational safety will be improved since eastbound traffic travel lane area will be better defined.
2. The FC driveway be placed as far to the east as possible within the boundaries of the site property limits.
3. The driveway be stop controlled with appropriate pavement markings and that caution signage be installed for vehicles turning out of the site.
4. Landscape material be installed in such a manner that sight distance is not impacted. The plantings should not exceed a mature height of 36 inches.
5. Westbound lane delineation marking in Nilles be modified. The westbound left turn lane should be extended to the east so the FC driveway is no longer within the transition area between the left turn lane and the opposing left turn lane. The City Engineer should evaluate the operational conditions for 3 to 6 months after the FC opens. If this change is deemed to have a positive impact on safety, it could then be implemented.

If the above improvements are implemented, the safety of the motoring public will be enhanced.

CITY OF FAIRFIELD, OHIO
CITY COUNCIL MEETING COMMUNICATION

Item No. 11 (A)(1)

Item

September 24, 2012

Budget Review Meetings and the November/December Meeting Schedule

Financial Impact

None

Synopsis/Background

Each year, it is necessary for City Council to adjust the normal Council meeting schedule in order to accommodate budget review sessions and the upcoming holiday season.

Recommendation

It is recommended that City Council, via simple motion, approve the following revised meeting schedule for November and December 2012.

Monday, November 12, 2011

7:00 PM – Regular Meeting

Monday, November 26, 2011

5:30 PM – Council/Manager Briefing (Budget Review Session)

7:00 PM – Regular Meeting

Monday, December 3, 2011

6:00 PM – Council/Manager Briefing (Budget Review Session)

7:00 PM – Regular Meeting

Monday, December 10, 2011

7:00 PM – Regular Meeting

Monday, December 24, 2012 – No Meetings

LEGISLATIVE ACTION:

SIMPLE MOTION OF COUNCIL

Prepared by: Eliska Wilson

Approved for Content by: Eliska Wilson

Financial Review (where applicable) by: Mary Beth

Legal Review (where applicable) by: Scott Clemmons

Accepted by Council Agenda: Eliska Wilson

CITY OF FAIRFIELD, OHIO
CITY COUNCIL COMMUNICATION

ITEM:

September 24, 2012

Liquor permit application in the name of Big Lots Stores, Inc., DBA Big Lots #5268, 4507 Dixie Hwy, 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 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 Big Lots Stores, Inc. DBA Big Lots #5268, 4507 Dixie Hwy, Fairfield, Ohio 45014 (Permit Classes: C1 and C2).

LEGISLATIVE ACTION REQUIRED: Simple Motion of Council

Prepared by: Lisha Wilson
Approved for Content by: Lisha Wilson
Financial Review (where applicable) by: Mary Ann
Legal Review (where applicable) by: Jane A. Demmons
Accepted by Council Agenda: Lisha Wilson

DEPARTMENTAL CORRESPONDENCE

City
of
Fairfield



TO Alisha Wilson, Clerk of Council

FROM Timothy Bachman, Development Services Director

SUBJECT Liquor Permit Application

DATE 09/14/12

The business at 4613 Dixie Hwy, in the name of Big Lots Stores, Inc. and doing business as Big Lots #5268, is in a C-3, General Business District zone and is a permitted use. We have been in contact with the company regarding the address and they are in the process of revising the application with correct address.

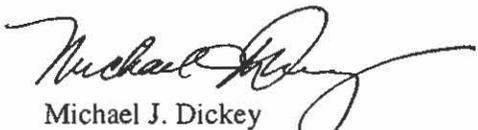
Timothy Bachman
Timothy Bachman
Development Services Director

plf

NAME OF ESTABLISHMENT Big Lots Sores, Inc.
 ADDRESS DBA Big Lots #5268
4507 Dixie Highway
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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is there a prior unfavorable enforcement record of applicant and/or operation in disregard for laws, regulations or local ordinances? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Is there misrepresentation of material fact by applicant in making application to the Department? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Will the place substantially and adversely interfere with the normal orderly conduct of a church, library, public playground, school or township park? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. Will the granting or transferring of a permit substantially interfere with the morals, safety, or welfare of the public? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

REMARKS:


 Michael J. Dickey
 Chief of Police

HEARING REQUESTED: Yes No

Date: September 17, 2012

CITY OF FAIRFIELD, OHIO
CITY COUNCIL COMMUNICATION

ITEM:

September 24, 2012

Requests for appropriations for **non-contractual** agenda items.

FINANCIAL IMPACT:

\$ 24,088.00 from noted funding sources.

SYNOPSIS:

The following requests have been submitted for the September 24, 2012 meeting:

\$24,088.00 Replacement of Route 4 underpass storm sewer water pumps

BACKGROUND:

Please refer to the attached Council Communications dated September 24, 2012 for a description of these items.

RECOMMENDATIONS:

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

LEGISLATIVE ACTIONS:	Suspension of Rules & 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: Alisa Wilson

Approved for Content by: Alisa Wilson

Financial Review (where applicable) by: Gregory Hoppe

Legal Review (where applicable) by: John H. Clemmons

Council Agenda: Alisa Wilson

CITY OF FAIRFIELD, OHIO
CITY COUNCIL MEETING COMMUNICATION

DATE: Sept 24, 2012

ITEM:

Replacement of Rt4 underpass storm water pumps (Public Works)

FINANCIAL IMPACT:

The financial impact is \$24,088 from the .2% Capital Improvement Fund.

SYNOPSIS:

This request is to purchase (2) 26 Hp pumps to replace the current pumps for the purpose of pumping storm water to a nearby waterway at the Rt4 underpass.

BACKGROUND:

The current pumps at the Rt4 underpass are in need of replacement due to age (32 years old), poor condition, and the discontinuation of repair parts. This request would purchase the pumps and associated electrical components to ensure the continued operation of storm water pumping at the Rt4 underpass. The pumps will be installed by the Wastewater department.

These repairs are listed in the CIP as # PWA-12-401 Replace Rt4 Underpass Storm Water Pumps (Public Works) (\$40,000)

RECOMMENDATION:

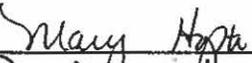
It is recommended that the City Council authorize and direct the preparation of legislation authorizing the appropriation of funding in the amount of \$24,088 to the Excel Fluid Group LLC, 4548 Industrial Parkway, Cleveland, Oh 44135 for the purchase of the pumps.

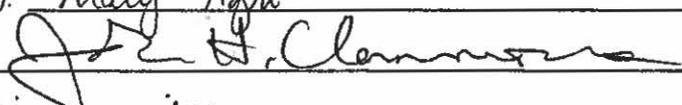
Rules Suspension is being requested to facilitate the work prior to freezing weather.

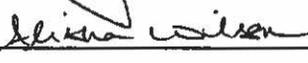
LEGISLATIVE ACTION: Suspension of Rules and Adoption Requested?	<input checked="" type="radio"/>	<input type="radio"/>	If yes, explain above.
	yes	no	
Emergency Provision Needed?	<input type="radio"/>	<input checked="" type="radio"/>	If yes, explain above.
	yes	no	

Prepared by: 

Approved for Content by: 

Financial Review (where applicable): 

Legal Review (where applicable): 

Accepted for Council Agenda: 

Quote # 29653-1

8/31/2012

Ref: Replacement 8" Submersible Pumps

City of Fairfield
5350 Pleasant Ave
Fairfield, OH 45014

Attn: Mr. Randy Hassler

P: #513-858-7760

E: rhassler@fairfield-city.org

As a follow up to your request for quote, we are pleased to offer the following equipment:

QTY 2) **ABS** Submersible Sewage Pump XFP Series, Model #PE200/6:

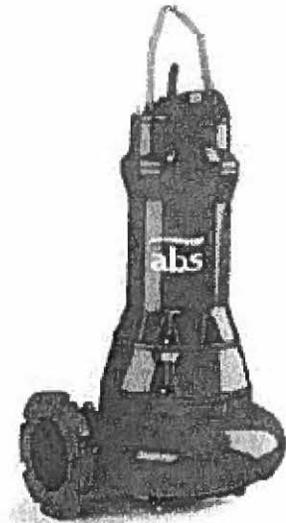
- 26 Hp, 1175 Rpm, 230 V, 3 Ph, 49 FT Power Cord
- 8" Flanged Discharge
- Dual Vane Impeller
- Designed To Deliver 1500 GPM @ 39 TDH

Total Price Each= **\$ 12,044.00 x 2 = \$24,088.00**

FOB: Factory

Delivery: 10 Weeks

Terms: Net 30



Thank you for the opportunity to offer our equipment. If you have any questions or further applications, please do not hesitate to call. We look forward to hearing from you.

Regards,

Carl Wootten

Quote # 29653-1

8/31/2012

Ref: Replacement 8" Submersible Pump Accessories

City of Fairfield
5350 Pleasant Ave
Fairfield, OH 45014

P: #513-858-7760
E: rhassler@fairfield-city.org

Attn: Mr. Randy Hassler

As a follow up to your request for quote, we are pleased to offer the following equipment:

QTY 2) Includes 8" Discharge Bracket To Slid Down Rail System

Total Price Each = **\$1,010.00 x 2 = \$2,020.00**

NOTE: We Made A Mistake On Our Original Quotation And Included The Cast Iron Base Elbow As Well As The Slide Bracket.

QTY 2) Replacement Sealminder Relay – For Panel

Total Price Each = **\$78.00 x 2 = \$156.00**

QTY 2) Slide Bracket Hardware Kit (Includes SS Bolts, Nuts & Gaskets For Slide Bracket)

Total Price Each = **\$88.00 x 2 = \$176.00**

FOB: Factory
Delivery: 10 Weeks
Terms: Net 30

Thank you for the opportunity to offer our equipment. If you have any questions or further applications, please do not hesitate to call. We look forward to hearing from you.

Regards,


Carl Wootten



P. O. Box 40384
Nashville, TN 37204
615-254-0066 phone
615-254-0791 fax

Quotation

To: Fairfield OH WWTP
Randy Hassler
Wastewater Division

Date: 8/22/2012
Project:
Owner: Fairfield, OH
Engineer:
Quote No: 8118

Under the terms and conditions herein stated, we are pleased to quote the following pump.

Equipment:

One (1) ABS submersible pump, XFP201G CB2 60HZ, 27HP, 460V
Replacement pump for ABS AFP/N-30 30HP

Total Selling Price For Above Equipment\$ 12,499.00

General Notes:

1. Delivery: weeks ARO
2. No sales tax included.
3. Installation, piping, electrical *by others*.
4. Start up is not included in pricing.
5. Equipment is FOB point of manufacture with freight and handling allowed.
6. Payment terms are 100% net 30 days from invoice.
7. Any items, equipment or services not specifically outlined in the above to be supplied by others.
8. Please direct all inquires regarding this proposal to Ray Wilkey at the phone numbers shown below.
If you are unable to reach Ray, please call the Southern Sales Company Nashville Office.

We appreciate the opportunity to quote you on this project.

Sincerely yours,

SOUTHERN SALES COMPANY, INC.

Ray A. Wilkey
(812) 282-4028 (Office)
(502) 415-8974 (Cell)

Cc: Rick Messamore

Beckman Environmental Services, Inc.

FAX (513) 752-4825
 4259 Armstrong Blvd.
 Batavia, OH 45103

PROPOSAL

DATE	ESTIMATE NO.
1/25/2012	2239

NAME / ADDRESS
CITY OF FAIRFIELD PURCHASING DEPARTMENT 5350 PLEASANT AVENUE FAIRFIELD, OH 45014

TERMS	REP	FOB	PROJECT
Net 30	JPB		
QTY	ITEM	DESCRIPTION	
1	250DLFU622	EBARA 250DLFU622, 30 HP, 230/460/3/60 SUBMERSIBLE PUMP	
1	ADAPTORS	8" ANSI ADAPTOR	
		PUMP WILL REQUIRE THE USE OF THE SLIDE BRACKET FROM THE EXISTING PUMP IT APPEARS THE PUMP WILL HAVE PROPER CLEARANCE BASED ON THE ABS RAIL SYSTEM DRAWING THAT WE HAVE. IF WE RECEIVE AN ORDER FOR THE PUMP WE WILL COME OUT TO LOOK AT THE EXISTING AND VERIFY DIMENSIONS. THE EXISTING PUMP IS NO LONGER IN THE ABS CATALOG.	

	TOTAL	\$12,700.00
--	--------------	--------------------

SIGNATURE _____

ORDINANCE NO. _____

ORDINANCE TO AMEND ORDINANCE NO. 127-11 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, 2012, AND ENDING DECEMBER 31, 2012."

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

Section 1. Ordinance No. 127-11, the 2012 Appropriation Ordinance, is hereby amended in the following respects:

From:	Unappropriated .2% Capital Improvement Fund	\$24,088
To:	40216025-252500 Drainage Improvements <i>(Replacement of Storm Water Pumps at Route 4 Underpass)</i>	\$24,088

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 COMMUNICATION

ITEM:

September 24, 2012

Request for appropriation for **non-contractual** agenda items.

FINANCIAL IMPACT:

\$36,549.25 from noted funding source.

SYNOPSIS:

The following appropriations have been requested:

\$36,549.25

Exit 39 – South Gilmore/Winton Road Improvements relocation of Duke Electric performed in 2011.

BACKGROUND:

Please refer to specific Council Communications dated September 24, 2012 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/> If yes, explain
		yes	no above
	Emergency Provision Needed?	<input type="checkbox"/>	<input checked="" type="checkbox"/> If yes, explain
		yes	no above

Prepared by: Heidi WilsonApproved for Content by: Heidi WilsonFinancial Review (where applicable) by: Mary HarkLegal Review (where applicable) by: John A. ClemonsAccepted by Council Agenda: Heidi Wilson

11010(A)



INVOICE

Invoice: C0178561701
 Invoice Date: 5/17/2012
 Page: 1 of 1

Bill to: CITY OF FAIRFIELD PUBLIC WORKS
 8870 N GILMORE RD
 BEN MANN
 FAIRFIELD OH 45014

Customer No: 00057465
 PO / Contract No:
 Payment Terms: Net 30
 Due Date: 6/16/2012
 Amount Due: **\$36,549.25**

Invoice for work or services performed at: Gilmore Rd & Mack Rd OH

For billing questions, please call Miscellaneous Accounts Receivable at 800/952-0417.

Line	Date of Charge	Description	Net Amount
1	5/16/2012	Customer contribution	\$36,549.25
Amount Due:			<u>\$36,549.25</u>

↓ Please detach and return with your payment. Please indicate invoice number on check. ↓

Payment Coupon

Please make check payable to:

Duke Energy Ohio, Inc.
 PO Box 1771
 Cincinnati OH 45201-1771

Wire/ACH Instructions:

PNC Bank
 041000124
 Duke Energy Ohio, Inc.
 4060078836

Invoice Number:

C0178561701

Corporation Code:

75023

Please Pay By:

6/16/2012

Customer Number:

00057465

Total Amount Due:

\$36,549.25

Fed Tax ID # 31-0240030

CITY OF FAIRFIELD PUBLIC WORKS
 8870 N GILMORE RD
 BEN MANN
 FAIRFIELD OH 45014

Amount Enclosed



0303303137383536313730310000800036549254

ORDINANCE NO. _____

ORDINANCE TO AMEND ORDINANCE NO. 127-11 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, 2012, AND ENDING DECEMBER 31, 2012."

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

Section 1. Ordinance No. 127-11, the 2012 Appropriation Ordinance, is hereby amended in the following respects:

From:	Unappropriated .2% Street Improvement Fund	\$36,550
To:	40116023-233900 Other Professional Services <i>(Exit 39 - South Gilmore/Winton Road Improvements by Duke Electric)</i>	\$36,550

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