

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

MONDAY, SEPTEMBER 9, 2013

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)

- a) Joint Public Hearing – Planning Commission and City Council, Meijer-Gilmore Road Planned Unit Development

7. Special Presentations and Citizen Comments

- a) Todd Dockum, CFO, Council on Aging of SW Ohio and Butler County Citizens for Elderly Services
- b) Auditor Roger Reynolds

8. Mayor/Council Reports

- a) Fairfield Works Presentation

9. Approval of Minutes

- a) Regular Meeting Minutes of August 12, 2013

10. OLD BUSINESS

**(A) DEVELOPMENT SERVICES COMMITTEE
Jeff Holtegel, Chairman; Tim Abbott, Vice Chairman, Tim Meyers, Member**

- (1)  Ordinance amending Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio, Section 1141.02, the City of Fairfield, Ohio, Zoning Map by approving the revised concept and final development plan for the Meijer-Gilmore Road Planned Unit Development.

- Ordinance – Second Reading – Hold for Planning Commission recommendation

11. NEW BUSINESS

(A) **PUBLIC WORKS COMMITTEE**

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

- (1) Ordinance to authorize the City Manager to enter into a three (3) year contract with Thelen & Associates for Geotechnical and Testing Services and declaring an emergency.

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

- (2) Ordinance to declare thirteen (13) city vehicles as surplus and authorize the City Manager to sell the vehicles on GovDeals.com.

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

- (3) Ordinance to authorize the City Manager to execute a Ohio Public Works Commission Issue 1 Grant Application and Agreement for Ross Road from Danbury Road to the South Corporation Line and declaring an emergency.

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

- (4) Ordinance to authorize the City Manager to execute a Ohio Public Works Commission Issue 1 Grant Application and Agreement for Winton Road-Ross Road-Seward Road and declaring an emergency.

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

(E) **FINANCE & BUDGET COMMITTEE**

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

- (1) Resolution accepting the amounts and rates as determined by the Butler County Budget Commission.

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

- (2) Appropriation Ordinance (Non-Contractual Items) - \$668.00 to Butler County Prosecutor's Office; \$2,798 for purchase of tandem axle trailer for Water Division; \$10,865 for asphalt repairs at the Community Arts Center.

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

12. Meeting Schedule

Monday, September 23	Regular Meeting, 7:00 p.m.
Tuesday, October 15	Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.
Monday, October 28	Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.

13. Executive Session of Council (if needed)

14. Adjournment



NEWS RELEASE

FOR IMMEDIATE RELEASE

Fairfield City Council

August 23, 2013

JOINT PUBLIC HEARING NOTICE **CITY OF FAIRFIELD, OHIO**

All property owners and citizens of Fairfield, OH are hereby notified that a joint public hearing between the Planning Commission and City Council has been scheduled for 7:00 PM Monday, September 9, 2013 at the Fairfield Municipal Building at 5350 Pleasant Avenue, Fairfield OH 45014. The purpose of the hearing is to solicit citizen input regarding a modification to a Planned Unit Development to allow a stand-alone bank and a retail shopping center on approximately two acres of land on South Gilmore Road in front of the Meijer store.

Parties wishing to review the application may do so by visiting the Development Services Department located at the Fairfield Municipal Building or at the City website at www.fairfield-city.org/devservices. Questions may be directed to the Department by telephone at (513) 867-5345 or via e-mail at development@fairfield-city.org. The Department is open business days between the hours of 8:00 AM and 5:00 PM.

Alisha Wilson
Clerk of Council

For insertion in the Journal News Monday, August 26, 2013.

MINUTES
REGULAR MEETING OF COUNCIL
AUGUST 12, 2013

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 Meyers led in prayer and Pledge of Allegiance.

Roll Call

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

Councilmember Meyers, seconded by Councilmember Abbott, moved to excuse Councilmember Oler. Approved 6-0.

Agenda Modifications

Executive Session Requests

Councilmember Holtegel, seconded by Councilmember Abbott, moved for Executive Session for the purpose of discussing imminent litigation. Motion carried 6-0.

Public Hearing(s)

Special Presentations and Citizen Comments

Bill Meyer addressed Council and thanked the city for their support of the Hero's Ride for the past five years. The 2013 event will be on August 24, starting at 10 AM. More information is available on the website <http://herosride.com>. The ride will start at Village Green, go to Hueston Woods, and then return to Village Green around 4 PM for more events in the evening. The event raises money for a group called Impact a Hero and honors military members from this community.

Thomas Otten, 5939 Sigman Way, and Ann Otten, 125 Buck Court, addressed Council regarding having a brick put in at Veteran's Park for Thomas' father, Ann's husband. They understand that the city is no longer installing the bricks, but would like to be able to purchase a brick and have it installed. Mayor D'Epifanio asked Assistant City Manager Wendling to take their name and phone number and contact them to have the situation resolved.

Maggie Simpson, 5495 Bandelier Court, addressed Council regarding a complaint made regarding her grandfather's trees. Her grandfather is Harry Deaton. He had tree work done in 2010, but it was not done very well. However, he did not take on the additional expense of legal action or additional tree work. She stated that he was told this summer that his trees were in violation and he needed to have them cut down, and he was only given a short amount of time to do so. She is upset that an elderly, disabled citizen on a fixed income was given such a short amount of time to resolve a problem that had not existed since the tree work was initially done in 2010. Mayor D'Epifanio asked Building and Zoning Superintendent Rick Helsing to discuss the issue with her and resolve any outstanding complaints.

Mayor/Council Reports

Councilmember Holtegel announced that, due to changes in the retirement rules with OPERS, he will retire from his position as Second Ward Councilmember effective November 30, 2013. He stated that he does not want to retire, but if he waits, it will cost him a lot more money for his health benefits. He stated that he currently pays all of his health care benefits because he is self-employed.

Councilmember Pennington welcomed Valerie Rains as the new City of Fairfield Post Master. She has already made several improvements at the Post Office.

Councilmember Senger thanked Bill Meyer for the promotion of the Hero's Ride and he invited everyone to join the city for this great event.

Councilmember Abbott reported that income tax receipts are continuing to see an increase. Also, Sacred Heart Festival was this previous weekend and it was very successful.

Approval of Minutes

Regular Meeting Minutes of July 8, 2013

- The Regular Meeting Minutes of July 8, 2013 were approved as written.

OLD BUSINESS

NEW BUSINESS

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

Councilmember Pennington, seconded by Councilmember Meyers, moved to approve a liquor permit application in the name of JC and Company, LLC. Motion carried 6-0. SIMPLE MOTION NO. 14-13. APPROVED 6-0.

Simple Motion: Motion to approve a liquor permit application in the name of Tavalali Enterprises, Inc. dba Sunoco Fairfield, 7500 Dixie Highway, Fairfield, OH 45014 (Permit Classes: C1 and C2).

Councilmember Pennington, seconded by Councilmember Abbott, moved to approve a liquor permit application in the name of Tavalali Enterprises, Inc. dba Sunoco Fairfield.. Motion carried 6-0. SIMPLE MOTION NO. 15-13. APPROVED 6-0.

DEVELOPMENT SERVICES COMMITTEE

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

Ordinance amending Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio, Section 1141.02, the City of Fairfield, Ohio, Zoning Map by approving the revised concept and final development plan for the Meijer-Gilmore Road Planned Unit Development.

Councilmember Holtegel, seconded by Councilmember Senger moved to read the following ordinance by title only. Motion Carried 6-0.

Background: City Manager Pizzano recommended an ordinance to amend Ordinance No. 166-84 to approve the revised concept and final development plan for the Meijer-Gilmore Road Planned Unit Development. Legislative Action: Councilmember Holtegel presented the first reading of this ordinance.

Randall Herbst, 5635 Raven Valley Drive, Hamilton, addressed Council regarding the development that is proposed. He is the current owner of the retail unit just down the street from the proposed unit at Kolb and Gilmore. He stated that when he built the shopping center he currently owns, he was told he was not allowed to put in drive-thrus. He disagrees with the proposed plan showing Panera Bread as a tenant, as Panera Bread is currently his tenant. He wants to have a chance to discuss putting in a drive-thru at the current location before this ordinance is passed and he loses Panera Bread.

Councilmember Holtegel suggested that Mr. Herbst attend the Planning Commission meeting regarding the issue and voice his concerns there.

Bill Martin, 45 Fairfield Avenue, addressed Council regarding Mr. Herbst's complaints. He represents the developer of the Meijer-Gilmore Road project. He stated that Panera has been involved with them since day one, because they are excited about introducing a new prototype restaurant in Fairfield and feel this new location is the best place to do so.

PUBLIC UTILITIES COMMITTEE

Adam Jones, Chairman; Tim Meyers, Vice Chairman, Jeff Holtegel, Member

Ordinance to authorize the City Manager to enter into a contract with Smithcorp, Inc. for the Shearwater Drive Water Main Improvements and declaring an emergency.

Councilmember Jones, seconded by Councilmember Abbott moved to read the following ordinance by title only. Motion Carried 6-0.

Background: City Manager Pizzano recommended a contract with Smithcorp, Inc. for the Shearwater Drive Water Main Improvements. Legislative Action: Councilmember Jones presented the first reading of this ordinance.

Councilmember Jones, seconded by Councilmember Pennington moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 6-0. Councilmember Jones, seconded by Councilmember Abbott moved to adopt . Motion Carried 6-0. ORDINANCE NO. 66-13. APPROVED 6-0.

PUBLIC WORKS COMMITTEE

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

Ordinance to authorize the City Manager to enter into a contract with A&A Safety, Inc. for the 2013 Pavement Marking Application Program and declaring an emergency.

Councilmember Meyers, seconded by Councilmember Abbott moved to read the following ordinance by title only. Motion Carried 6-0.

Background: City Manager Pizzano recommended a contract with A&A Safety, Inc. for the 2013 Pavement Marking Application Program. Legislative Action: Councilmember Meyers presented the first reading of this ordinance.

Councilmember Meyers, seconded by Councilmember Pennington moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 6-0. Councilmember Meyers, seconded by Councilmember Senger moved to adopt . Motion Carried 6-0. ORDINANCE NO. 67-13. APPROVED 6-0.

FINANCE & BUDGET COMMITTEE

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

Councilmember Abbott, seconded by Councilmember Pennington moved to read the following five (5) ordinances by title only. Motion Carried 6-0.

Ordinance to levy Special Assessments for the repair of sidewalks (including aprons) in the City of Fairfield, Ohio and declaring an emergency.

Background: City Manager Pizzano recommended an ordinance to levy special assessments for sidewalk repairs. 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. 68-13. APPROVED 6-0.

An Ordinance determining to reduce and recertify special assessments levied for the purpose of constructing certain improvements and declaring an emergency.

Background: City Manager Pizzano recommended an ordinance to reduce and recertify special assessments levied for the purpose of constructing certain improvements. 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 Senger moved to adopt . Motion Carried 6-0. ORDINANCE NO. 69-13. APPROVED 6-0.

Ordinance to Reconcile Accounts

Background: City Manager Pizzano recommended an ordinance to reconcile accounts. 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. 70-13. APPROVED 6-0.

Appropriation Ordinance (Contractual Items) - \$85,000 for Shearwater Drive Water Main Improvements; \$80,000 for 2013 Pavement Marking Application Program.

Background: City Manager Pizzano recommended appropriations for the previously approved contracts. 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. 71-13. APPROVED 6-0.

Appropriation Ordinance (Non-Contractual Items) - \$35,500 for content management software for financial and human resources software provided by Tyler Technologies; \$31,748 for purchase of 2013 Chevrolet Tahoe 4x4 for Street Division; \$7,095 for outfitting of a 2013 Chevrolet Silverado 2500 for Parks and Recreation Department; \$21,425 for replacement of fluorescent light bulbs, fixtures, roof repairs and other miscellaneous items at Fire House 1; \$11,000 for repair of water leaks and other miscellaneous repairs at Public Works Building; \$18,975 for Municipal Building North Entrance Exterior Improvements; \$7,000 for HVAC and Boiler repairs at Justice Center Building; \$3,225 for five handguns for Police Department; \$9,900 for sealing, crack fill and re-striping of tennis courts at William Harbin Park; \$5,000 for overlay and sealing of 120' golf cart path on South Trace Golf Course; \$6,000 for renovations of the back-of-house at Fairfield Community Arts Center's Theater; \$2,900 for renovation of catering kitchen and lower restrooms at Elisha Morgan Mansion; \$5,051 for contracted drainage improvements - South Gilmore Road wall repair; \$10,000 for engineering services associated with water system modeling activities for Water Division.

Background: City Manager Pizzano recommended non-contractual appropriations. Legislative Action: Councilmember Abbott presented the first reading of this ordinance.

Councilmember Abbott, seconded by Councilmember Senger 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. 72-13. APPROVED 6-0.

PUBLIC UTILITIES COMMITTEE

Adam Jones, Chairman; Tim Meyers, Vice Chairman, Jeff Holtegel, Member

Councilmember Abbott recused himself from the discussion and vote for the following three ordinances.

Councilmember Jones, seconded by Councilmember Pennington moved to read the following three (3) ordinances by title only. Motion Carried 5-0.

Ordinance to authorize the City Manager to enter into an amended agreement for the purchase of electricity for municipal use with Duke Energy Retail Sales and declaring an emergency.

Background: City Manager Pizzano recommended an ordinance to enter into an amended agreement with Duke Energy Retail Services for a reduced rate for the purchase of electricity for use at city buildings. Legislative Action: Councilmember Jones presented the first reading of this ordinance.

Councilmember Jones, seconded by Councilmember Meyers moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 5-0. Councilmember Jones, seconded by Councilmember Pennington moved to adopt . Motion Carried 5-0. ORDINANCE NO. 73-13. APPROVED 5-0.

Ordinance to authorize the City Manager to enter into an agreement to transfer the city-owned well field power grid to Duke Energy.

Background: City Manager Pizzano recommended an agreement to transfer the city-owned well field power grid to Duke Energy. Legislative Action: Councilmember Jones presented the first reading of this ordinance.

Councilmember Jones, seconded by Councilmember Meyers moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 5-0. Councilmember Jones, seconded by Councilmember Meyers moved to adopt . Motion Carried 5-0. ORDINANCE NO. 74-13. APPROVED 5-0.

Appropriation Ordinance (Contractual Item) - \$125,000 Transition of Well Field Power Grid to Duke Energy

Background: City Manager Pizzano recommended the appropriation related to the transfer of the well field power grid. Legislative Action: Councilmember Jones presented the first reading of this ordinance.

Councilmember Jones, seconded by Councilmember Pennington moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 5-0. Councilmember Jones, seconded by Councilmember Meyers moved to adopt . Motion Carried 5-0. ORDINANCE NO. 75-13. APPROVED 5-0.

Meeting Schedule

Clerk Wilson read the following meeting schedule:

- Monday, September 9 Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.
- Monday, September 23 Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.
- Monday, October 14 Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.

Executive Session of Council (if needed)

Council adjourned to Executive Session at 7:50 PM.

Adjournment

The Regular Meeting of Council adjourned at 8:45 PM.

ATTEST:

Clerk of Council

Mayor

Date Approved _____

Item No. 11(2)(1)

City of Fairfield, Ohio
City Council Meeting Communication

Date 8-12-13

Item:

An ordinance approving revised concept and final development plans for a bank and retail shopping center on approximately two acres of land located at the southwest corner of South Gilmore Road and Kolb Drive.

Financial Impact:

None.

Synopsis:

The property is currently a part of the Meijer-Gilmore Road Planned Unit Development that was approved in 1995. The proposal is to build a stand-alone bank and a retail strip center that is anchored by a Panera restaurant, which will feature a drive-thru. Rendered elevations are located in City Council's workroom for review.

Background:

The property, which is located between the Meijer store and South Gilmore Road, was designated as permanent open space per a condition of approval. It was to provide a buffer in front of the large Meijer store and its parking lot. The current request is to change this provision of the Planned Unit Development.

Recommendation:

It is recommended that City Council have first reading on this item at the August 12 meeting, set the public hearing for September 9, 2013 and await the written recommendation from the Planning Commission.

Legislative Actions: Rules Suspension and Adoption Requested?
Emergency Provision Needed?

No.
No.

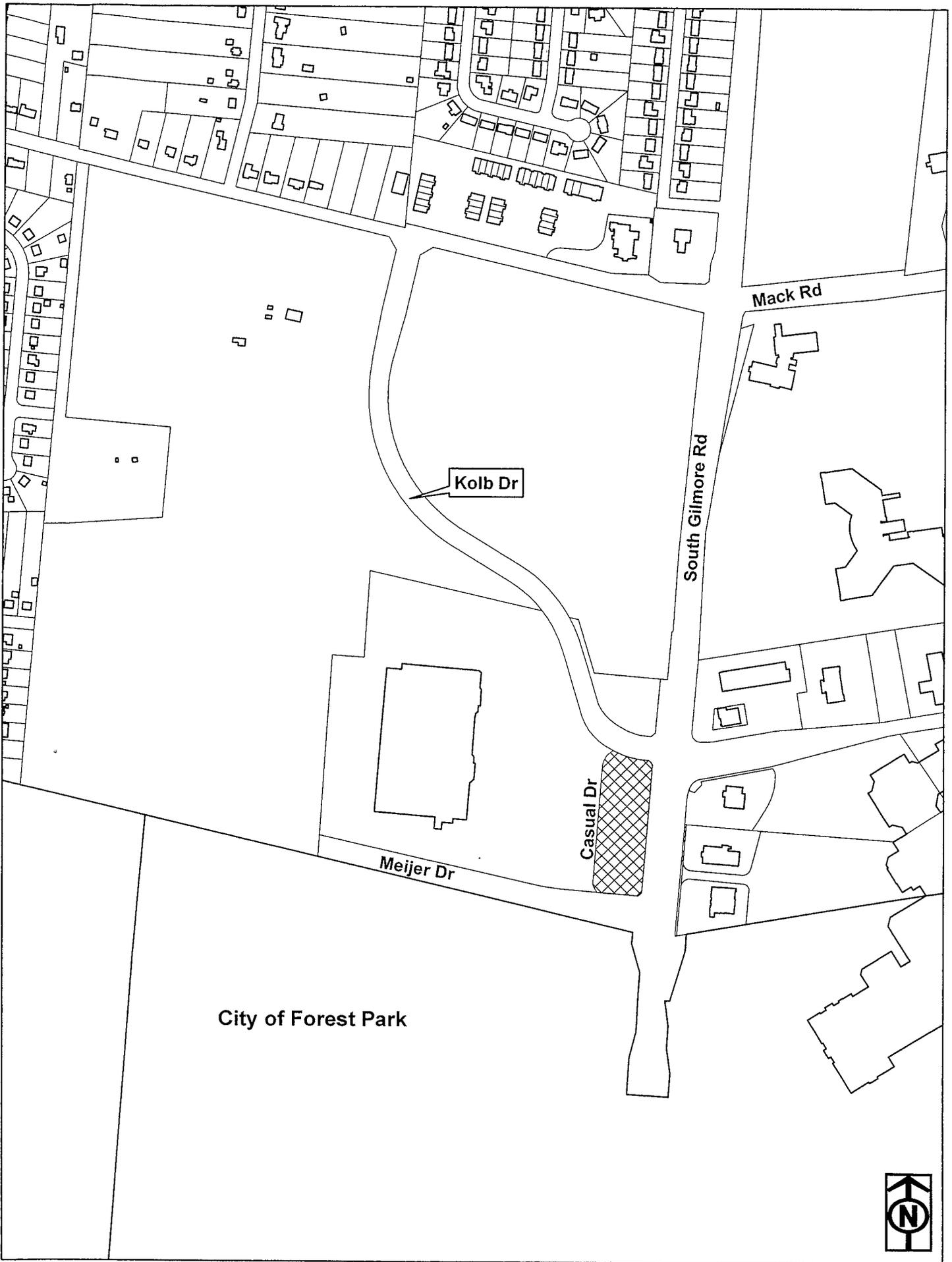
Prepared by: Eric Dawson (Planning Manager)

Approved for Content by: Kimberly Buchanan

Financial Review (where applicable) May Ayne

Legal Review (where applicable) J. H. Clemmons

Accepted for Council Agenda: Mike Walker



Kolb Dr

Mack Rd

South Gilmore Rd

Casual Dr

Meijer Dr

City of Forest Park



ORDINANCE NO. _____

ORDINANCE AMENDING ORDINANCE NO. 166-84, THE CODIFIED ORDINANCES OF FAIRFIELD, OHIO, SECTION 1141.02, THE CITY OF FAIRFIELD, OHIO, ZONING MAP BY APPROVING THE REVISED CONCEPT AND FINAL DEVELOPMENT PLAN FOR THE MEIJER-GILMORE ROAD PLANNED UNIT DEVELOPMENT.

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

Section 1. The official Zoning Map of the City of Fairfield, Ohio, which is incorporated into Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio, Section 1141.02, is hereby amended by changing the zoning classification of the 2.0 acres located at the southwest corner of South Gilmore Road and Kolb Drive from its present Planned Unit Development classification by approving the revised concept and final development plan for the Meijer-Gilmore Road Planned Unit Development, a copy of which plan, including the written terms and conditions which constitute a material part thereof, is on file in the office of the Clerk of Council and which are incorporated herein by reference. No other terms, conditions or area of the existing Meijer Planned Unit Development shall be affected by this amendment.

Section 2. The Director of Development Services is hereby directed to change the official Zoning Map of the City of Fairfield, Ohio in accordance with this ordinance.

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

Passed _____ Mayor's Approval _____

Posted _____

First Reading _____ Rules Suspended _____

Second Reading _____

Third Reading _____

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary

publication as provided by Charter.

Clerk of Council

Active Clients\City of Fairfield\Ordinances\ 2013\Meijer-Gilmore Road PUD - Ord

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A THREE (3) YEAR CONTRACT WITH THELEN & ASSOCIATES FOR GEOTECHNICAL AND TESTING SERVICES AND DECLARING AN EMERGENCY.

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

Section 1. The City Manager is hereby authorized to enter into a three (3) year contract with Thelen & Associates for geotechnical and testing services in accordance with the proposal on file in the office of the City Manager.

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

Passed _____ Mayor's Approval _____

Posted _____

First Reading _____ Rules Suspended _____

Second Reading _____ Emergency _____

Third Reading _____

ATTEST:

Clerk of Council

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

Clerk of Council

ORDINANCE NO. _____

ORDINANCE TO DECLARE THIRTEEN (13) CITY VEHICLES AS SURPLUS AND AUTHORIZE THE CITY MANAGER TO SELL THE VEHICLES ON GOVDEALS.COM.

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

Section 1. Thirteen (13) city vehicles as shown on the list on file in the office of the Clerk of Council are hereby declared surplus and not needed for municipal purposes and the City Manager is hereby authorized to execute the agreement on file in his office with Govdeals.com for sale of such vehicles.

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 _____

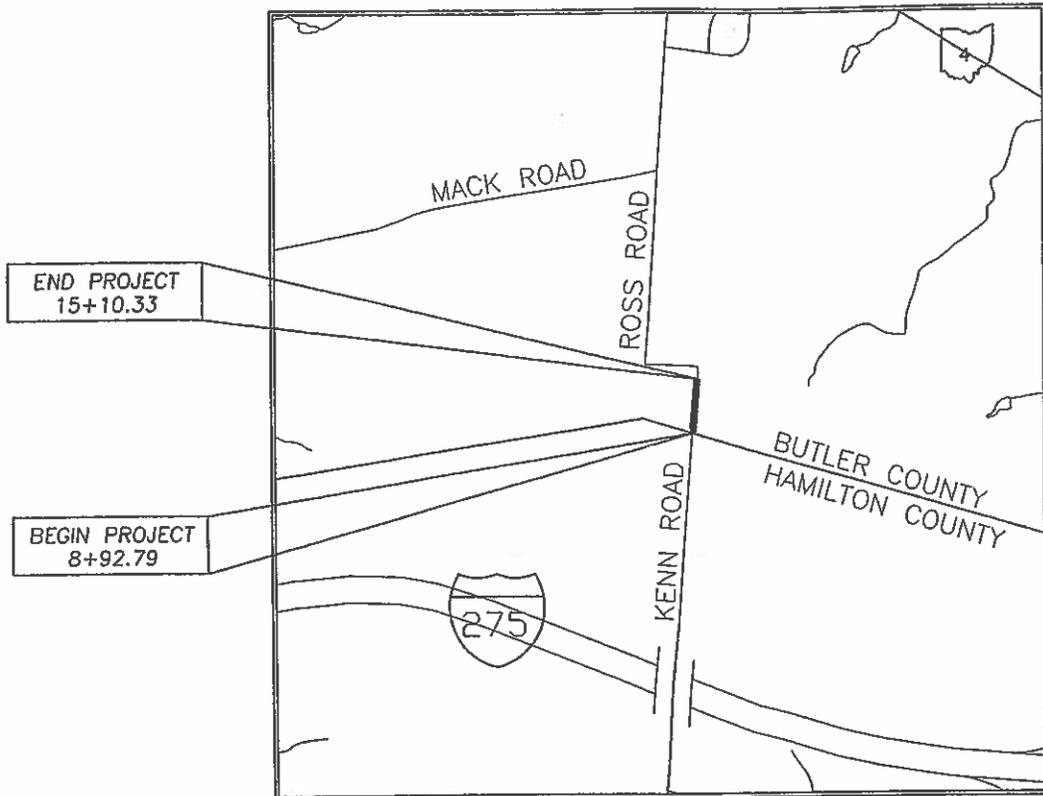
ATTEST:

Clerk of Council

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

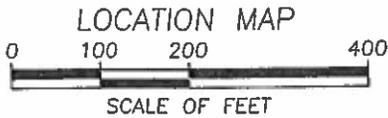
Clerk of Council

ROSS ROAD/KENN ROAD
IMPROVEMENTS
CITY OF FAIRFIELD
BUTLER COUNTY, OHIO



END PROJECT
15+10.33

BEGIN PROJECT
8+92.79



- PORTION TO BE IMPROVED
- STATE ROUTE
- OTHER ROADS
- RIVERS

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO EXECUTE A OHIO PUBLIC WORKS COMMISSION ISSUE 1 GRANT APPLICATION AND AGREEMENT FOR ROSS ROAD FROM DANBURY ROAD TO THE SOUTH CORPORATION LINE AND DECLARING AN EMERGENCY.

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

Section 1. The City Manager is hereby authorized to execute a Ohio Public Works Commission Issue 1 Grant Application and Agreement for Ross Road from Danbury Road to the South Corporation Line in accordance with the application and agreement on file in the office of the City Manager.

Section 2. This Ordinance is hereby declared to be an emergency measure necessary for the urgent benefit and protection of the City and its inhabitants for the reason that the final application is due September 16, 2013; wherefore, this ordinance shall take effect immediately upon its passage.

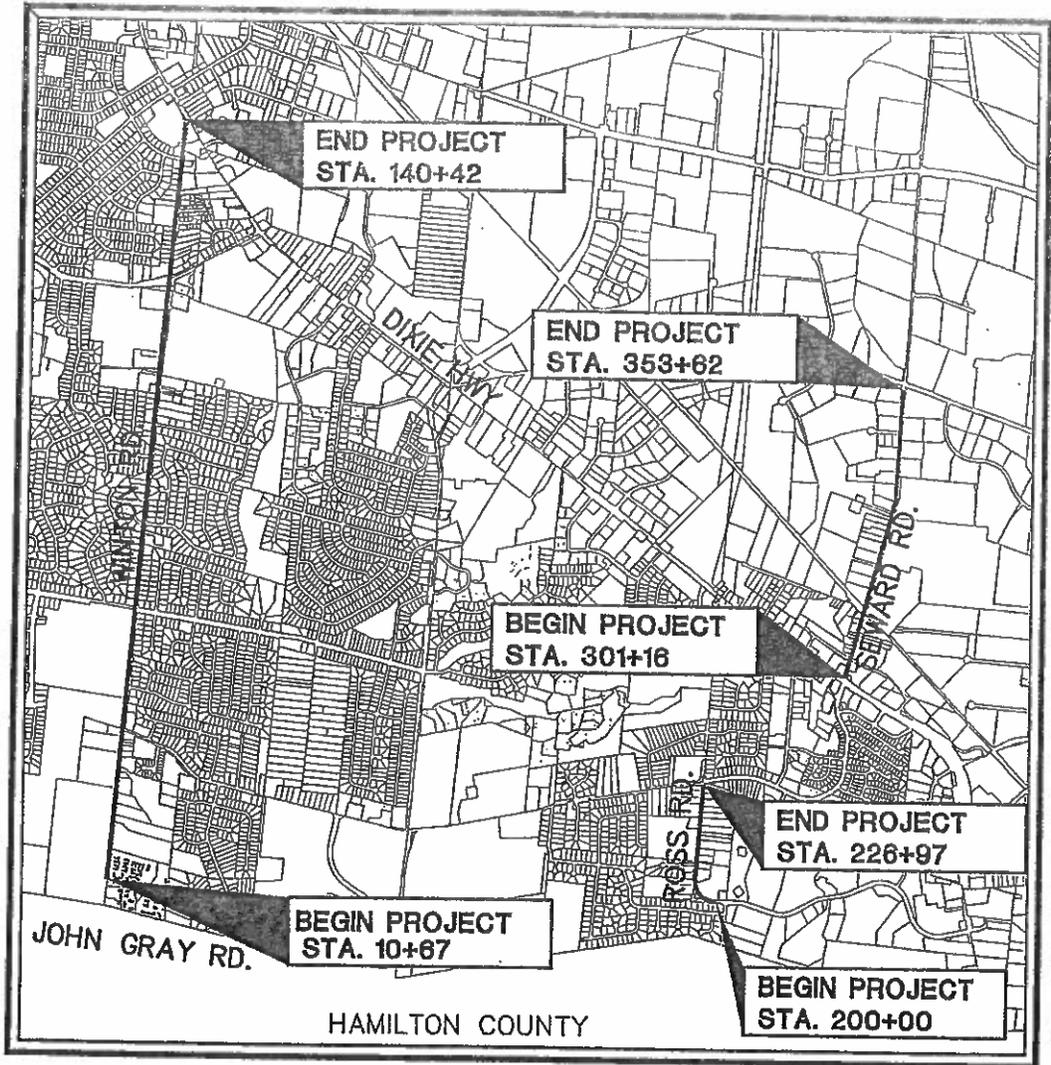
Passed	_____	_____
		Mayor's Approval
Posted	_____	
First Reading	_____	Rules Suspended _____
Second Reading	_____	Emergency _____
Third Reading	_____	

ATTEST:

Clerk of Council

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

Clerk of Council



LOCATION MAP

LATITUDE: N 39°-19'-32" LONGITUDE: W 84°-32'-27"

SCALE IN MILES



PORTION TO BE IMPROVED _____

STATE & FEDERAL ROUTES _____

OTHER ROADS _____

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO EXECUTE A OHIO PUBLIC WORKS COMMISSION ISSUE 1 GRANT APPLICATION AND AGREEMENT FOR WINTON ROAD-ROSS ROAD-SEWARD ROAD AND DECLARING AN EMERGENCY.

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

Section 1. The City Manager is hereby authorized to execute a Ohio Public Works Commission Issue 1 Grant Application and Agreement for Winton Road-Ross Road-Seward Road in accordance with the application and agreement on file in the office of the City Manager.

Section 2. This Ordinance is hereby declared to be an emergency measure necessary for the urgent benefit and protection of the City and its inhabitants for the reason that the final application is due September 16, 2013; wherefore, this ordinance shall take effect immediately upon its passage.

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

ATTEST:

Clerk of Council

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

Clerk of Council

CITY OF FAIRFIELD
CITY COUNCIL COMMUNICATION

September 9, 2013

ITEM

It is necessary for City Council to pass a resolution accepting the amounts and rates as determined by the Butler County Budget Commission.

FINANCIAL IMPACT

Resolution authorizes the necessary tax levies to be collected for the budget year 2014 to the County Auditor.

SYNOPSIS

The County Budget Commission has estimated tax collections for the year 2014 that the City will receive at a minimum the following amounts in property taxes:

	Millage	2012	2012
General Fund	1.29	\$1,183,000	\$1,180,000
Fire/EMS Levy Fund	4.65	\$3,800,000	\$3,900,000
Totals	5.94	\$4,983,000	\$5,080,000

The resolution is a conservative estimate of the amounts to be collected since the total assessed valuation for the City is not available until later this year. Actual property tax collections run higher than the estimates in the County prepared resolution.

BACKGROUND

In accordance with ORC section 5705.34, each taxing authority must pass a resolution to accept and authorize the necessary tax levies and to certify the levies to the County Auditor by October 1st.

STAFF RECOMMENDATION

It is recommended that the City Council authorize and direct the preparation of a resolution, with rules suspension, accepting the amounts and rates as determined by the Budget Commission.

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

Prepared by: May Hays
 Approved for Content by: May Hays
 Financial Review (where applicable) by: May Hays
 Legal Review (where applicable) by: John Clement
 Accepted by Council Agenda: Richard Wilson

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES
AND CERTIFYING THEM TO THE COUNTY AUDITOR

(CITY COUNCIL)

Rev. Code, Secs. 5705.34, 5705.35

The Council of the City of **FAIRFIELD**, Butler County, Ohio, met in _____
(regular or special)
session on the _____ day of _____, 20_____, at the office of _____

_____ with the following members present:

_____ moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously adopted a Tax
Budget for the next succeeding fiscal year commencing **January 1, 2014**; and

WHEREAS, the Budget Commission of Butler County, Ohio has certified its action thereon to the City
Council together with an estimate by the County Auditor of the rate of each tax necessary to be
levied by this Council, and what part thereof is without, and what part within the ten mill tax
limitation; therefore be it

RESOLVED, By the Council of the **CITY OF FAIRFIELD**, Butler County, Ohio, that the amounts
and rates, as determined by the Budget Commission in its certification, be and the same are hereby
accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate of
each tax necessary to be levied within and without the ten mill limitation as follows:

and be it further

RESOLVED, That the Clerk of this Council be, and he/she is hereby directed to certify a copy of

this Resolution to the County Auditor of said County.

_____ seconded the Resolution and the roll being called upon its

adoption the vote resulted as follows:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Adopted the _____ day of _____, 20____.

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

=====



CERTIFICATE OF COPY

ORIGINAL ON FILE

The State of Ohio, Butler County, ss.

I, _____, Clerk of the Council of the City of _____, within
and for said County, and in whose custody the Files and Records of said Council are required by the
Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from
the original _____

now on file, that the foregoing has been compared by me with said original document, and that the
same is a true and correct copy thereof.

WITNESS my signature, this _____ day of _____, 20_____

CLERK OF COUNCIL

NOTE: A copy of this Resolution must be certified to the County Auditor before the first day of
October in each year, or at such later date as may be approved by the Board of Tax Appeals.

=====

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION
AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.
(CITY COUNCIL)

ADOPTED _____, 20_____

FILED _____ 20, _____

CLERK OF COUNCIL

COUNTY AUDITOR

DEPUTY AUDITOR

=====

CITY OF FAIRFIELD, OHIO
CITY COUNCIL COMMUNICATION

ITEM:

September 9, 2013

Request for appropriation for non-contractual agenda items.

FINANCIAL IMPACT:

\$14,331.00 from noted funding source.

SYNOPSIS:

The following appropriations have been requested:

- \$668.00 to Butler County Prosecutor's Office
- \$2,798.00 for purchase of tandem axle trailer for Water Division
- \$10,865.00 for asphalt repairs at Community Arts Center

BACKGROUND:

Please refer to specific Council Communications dated September 9, 2013 for a description of these items.

RECOMMENDATIONS:

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

LEGISLATIVE ACTIONS:

Suspension of Rules & Adoption Requested? yes

If yes, explain no above

Emergency Provision Needed? yes

If yes, explain no above

Prepared by: Alisha Wilson

Approved for Content by: Alisha Wilson

Financial Review (where applicable) by: Mark Pappas

Legal Review (where applicable) by: John A. O'Leary

Accepted by Council Agenda: Alisha Wilson

CITY OF FAIRFIELD, OHIO
CITY COUNCIL MEETING COMMUNICATION

ITEM: Appropriation – Butler County Prosecutor's Office

September 9, 2013

The Butler County Common Pleas Court recently ordered \$2,669 in a case forfeited to the Fairfield Police Department. As part of that forfeiture, \$667.25 is to be paid to the Butler County Prosecutor's Office.

FINANCIAL IMPACT:

No cost to the city.

BACKGROUND:

As a result of a drug investigation, Fairfield police officers prosecuted a defendant for a weapons violation. As part of the conviction, the U. S. currency in the defendant's possession at the time of the violation was forfeited as criminal proceeds. The statute requires that 25 percent of the assets be remitted to the prosecutor's office.

RECOMMENDATION:

It is recommended that Council appropriate \$667.25 from the Law Enforcement Trust Fund for payment to the Butler County Prosecutor's Office.

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

Prepared by: Michael J. Dickey, Chief of Police

Approved for Content by: Michael J. Dickey, Chief of Police

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

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

Accepted for Council Agenda: Alisha Wilson, Clerk of Council

COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

112131A
WK

FPO
Clerk P

STATE OF OHIO

CASE NO. CR2013-05-0741

Plaintiff

SPAETH, J.

vs.

FILED BUTLER CO.
COURT OF COMMON PLEAS

ORDER FORFEITING CASH

EDDIE L. SMILEY JR.

5 2013

Defendant

MAHE L. SWAIN
CLERK OF COURTS

On July 11, 2013, the Court finds that said defendant has plead guilty to **HAVING WEAPONS WHILE UNDER DISABILITY** and pursuant to plea negotiations and agreement of the parties, stipulated on record, the \$2,669.00 found in a search of the defendant is to be forfeited.

It is **THEREFORE ORDERED** that the \$2,669.00 cash previously seized is hereby forfeited pursuant to Ohio Revised Code Section 2925.42.

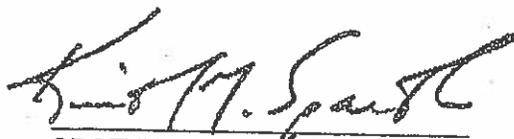
It is **FURTHER ORDERED** pursuant to R.C. 2981.01 et al, that the Court makes the following equitable division of the forfeited monies in the amount of \$2,669.00 to be distributed between or among the law enforcement trust funds of the law enforcement agencies which have participated in the investigation, arrest, seizure, prosecution, and forfeiture herein, as the Court considers proper under the circumstances, to wit:

- twenty-five percent (25%) to the Butler County Prosecuting Attorney's law enforcement trust fund, in the amount of \$667.25; and
- seventy-five percent (75%) to the Fairfield Police Department law enforcement trust fund, in the amount of \$2,001.75.

APPROVED AS TO FORM:

ENTER

MICHAEL T. GMOSE
PROSECUTING ATTORNEY
BUTLER COUNTY, OHIO


SPAETH, J.

BAB/mbs
July 11, 2013

cc: Jerome Cook
Fairfield Police Department

NOTICE TO CLERK: (intake) Please return two certified copies of this Entry to the Butler County Prosecutor's Office for mailing.



Trailers.com

SALES - PARTS - SERVICE
(513) 896-9940

Hamilton, OH 45011
513-896-9940 Fax 513-896-4727

Date 8/29/2013
Quote 110240

Name / Address
Fairfield City Schools
4641 Bach Lane
Fairfield, OH 45014

Phone
Fax

Due Date 8/29/2013
Other

Item	Description	Qty	Rate	Total
Big Tex 50LA-12	77" x 12' Tandem Axle Utility Trailer Two 3,500# Dexter EZ-Lube Axles w/ Elec. Brake ST205/75-15" Load Range C Tires 15 x 5 White Spoke 5 Bolt Wheels 4" Channel Tongue 3" x 2" x 3/16" Frame 3" x 2" x 3/16" Angle Top Rail 14" Tall 9" x 72" Rolled Formed Fenders w/Back 2" A-Frame Coupler 2K Top Wind Jack (Bolted On) 4 Tie Down Pockets 4' Rampgate Spare Tire Mount Grommet Mount Sealed Lighting Complete Break-A-Way System w/Charger Treated Wood Floor		2,298.00	2,298.00

Subtotal \$2,298.00
Sales Tax (0.0%) \$0.00
Total \$2,298.00

CITY OF FAIRFIELD, OHIO
CITY COUNCIL MEETING COMMUNICATION

ITEM:

DATE: September 9, 2013

Asphalt Repairs at the Community Arts Center

FINANCIAL IMPACT:

\$10,865 (\$8,865 + \$2,000 contingency) from the Capital Improvement Fund

SYNOPSIS:

This request is for parking lot asphalt repairs at the Community Arts Center.

BACKGROUND:

This request is for the asphalt repairs at the Community Arts Center. Currently water is ponding in the drive area that leads to the back of the parking lot and has caused asphalt erosion and damage which is in need of attention prior to the winter season. The work will also include a catch basin and associated piping to drain the standing water to a dry well. Two quotes were received for this work. The quotes were as follows:

Southern Ohio Sealcoating, LLC	\$8,865
Barry Brown Paving	\$11,000

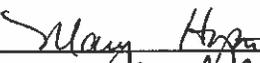
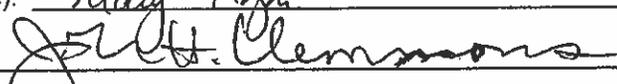
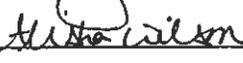
These repairs are listed in the CIP as # FAC-13-101 Community Arts Center Repairs (\$25,000).

RECOMMENDATION:

It is recommended that the City Council authorize and direct the preparation of legislation authorizing the appropriation of funding in the amount of \$10,865 from the Capital Improvement Fund for the asphalt repairs and catch basin installation at the Community Arts Center.

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

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

Prepared by: Approved for Content by: Financial Review (where applicable): Legal Review (where applicable): Accepted for Council Agenda: 



Southern Ohio Sealcoating, LLC

Estimate 13-246

5301 Lester Road • Cincinnati, OH 45213
(513) 871-4567 • FAX: (513) 533-2911 • www.southernohiosealcoating.com

Name / Address	Project	P.O. No.	Date
City of Fairfield Brian R. Rose 8870 North Gilmore Road Fairfield, OH 45014	Brian Rose		
	Fairfield Performing Arts Center		
	Terms	Net 10	

Description	Total
Catch basin drain installation with related asphalt patch repairs.	
A. Install one (1) ea. ODOT 2-2-B catch basin drain fixture with 120 in fl of SDR-35 PVC perforated pipe tapped into the side walls for collecting under surface water.	
B. The new drain will be installed in the standing water problem area.	
C. Asphalt patch repairs 286 sq yds.	
1. Mill/grind deteriorated asphalt and haul spoils off site.	
2. Patch areas using ODOT 448 type 1 asphalt surface material compacted in place.	
The total \$8,865.00	
2014 Drain installation & asphalt patch repairs using the same specs. 2014 total \$7730.00	
Total	

CONDITIONS

All material is guaranteed to be as specified (with same or similar quality material). All work is to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from specifications involving extra costs will be executed only upon written, signed change orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance. In the event that you fail to remit payment as required, you hereby agree to reimburse us for any costs incurred as a result thereof, including but not limited to the preparation and filing of mechanic's liens and any collection efforts (whether or not this results in litigation), including but not limited to all costs and reasonable attorney fees incurred by us.

Acceptance of Proposal

The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Thank you for the opportunity to submit this Proposal.

Signature: _____

Date of Acceptance _____

Signature: *Thomas Hager*

Brian Rose

From: BarryBrownPaving@aol.com
Sent: Wednesday, May 29, 2013 9:58 PM
To: Brian Rose
Subject: CAC Lot

Brian,

I spent a lot of time looking at different options to repair the drainage problem and failed asphalt at the Community Arts Center
The drainage problem can be fixed without a new catch basin, but the area that needs removed is large and would cost about \$11,000
The best way would be to install a catch basin and tie it into the nearest dry well
The repair area would be smaller, but the cost would be \$1,000 more
If you'd like to me at the site and review the situation again, feel free to call me
Barry

ORDINANCE NO. _____

ORDINANCE TO AMEND ORDINANCE NO. 113-12 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, 2013, AND ENDING DECEMBER 31, 2013."

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

Section 1. Ordinance No. 113-12, the 2013 Appropriation Ordinance, is hereby amended in the following respects:

From: Unappropriated Law Enforcement Fund **\$668**
To: 21131027-275000 Refunds **\$668**
(Refund Portion of Seized Assets to Butler County)

From: Unappropriated Water Surplus Fund **\$2,798**
To: 60516025-253100 Automotive Equipment **\$2,798**
(Purchase Tandem Axle Trailer for Water Division)

From: Unappropriated Capital Improvement Fund **\$10,865**
To: 40216025-252000 Improvements Other Than Building **\$10,865**
(Asphalt Repairs at Community Arts Center)

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

Active Clients\City of Fairfield\Ordinances\2013\Non Contractual 9-23 - Ord