

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

MONDAY, SEPTEMBER 10, 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 August 13, 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 – Second Reading

(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 – Second Reading

(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 deferred to September 24, 2012
- (2) Ordinance to authorize the City Manager to enter into an easement agreement with the Farhat S. Khan Trust.
 - Ordinance – Third Reading deferred to September 24, 2012

11. NEW BUSINESS

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

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

- (1) Simple Motion: Motion to appoint the following residents to serve on the Environmental Commission effective immediately.

Charles Ullrich (Term expiring March 31, 2014)

(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 Mi Hacienda Nightclub & Patio, LLC, 3220 Dixie Highway, Unit C, Fairfield, OH 45014 (Permit Classes: D5 and D6).
- (2) 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).
- (3) 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).

(C) **PUBLIC WORKS COMMITTEE**

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

- (1) 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.
 - Motion – Read by Title Only (Optional)
 - Ordinance – First Reading
 - Motion – Suspend Second and Third Readings
 - Motion – Adoption
- (2) Ordinance to authorize the City Manager to enter into a contract with LJB, Inc. for the preliminary engineering for Route 4, South Gilmore and Holden Intersection Improvements and declaring an emergency.
 - Motion – Read by Title Only (Optional)
 - Ordinance – First Reading
 - Motion – Suspend Second and Third Readings
 - Motion – Adoption

(D) **FINANCE & BUDGET COMMITTEE**

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

- (1) 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.
 - Motion – Read by Title Only (Optional)
 - Ordinance – First Reading
 - Motion – Suspend Second and Third Readings
 - Motion – Adoption

- (2) 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.
 - 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 enter into a contract with Dell for the replacement of computer servers.
 - Motion – Read by Title Only (Optional)
 - Ordinance – First Reading
 - Motion – Suspend Second and Third Readings
 - Motion – Adoption

- (4) 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.
 - Motion – Read by Title Only (Optional)
 - Ordinance – First Reading
 - Motion – Suspend Second and Third Readings
 - Motion – Adoption

- (5) 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.
 - Motion – Read by Title Only (Optional)
 - Ordinance – First Reading
 - Motion – Suspend Second and Third Readings
 - Motion – Adoption

- (6) Appropriation Ordinance (Non-Contractual Item) - \$24,000 for emergency repairs performed by Duke Energy to the Water System wellfield power grid.
 - Motion – Read by Title Only (Optional)
 - Ordinance – First Reading
 - Motion – Suspend Second and Third Readings
 - Motion – Adoption

12. Meeting Schedule

Monday, September 24	Council-Manager Briefing, 6:00 p.m.; 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.

13. Executive Session of Council (if needed)

14. Adjournment

AGENDA

**COUNCIL-MANAGER BRIEFING
FAIRFIELD MUNICIPAL BUILDING
5350 PLEASANT AVENUE**

**MONDAY, SEPTEMBER 10, 2012
6:00 P.M.**

1. Electronic Council Communications Training – Joseph Waldmann
 - o (at Municipal Building Annex Training Room)

**MINUTES
REGULAR MEETING OF COUNCIL
AUGUST 13, 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 Meyers led in prayer followed by the pledge of allegiance.

Roll Call

Acting Clerk Flaig called the roll of Council. Councilmember Senger, Councilmember Abbott, Councilmember Oler, Councilmember Meyers, and Councilmember Jones.

Councilmember Meyers seconded by Councilmember Abbott moved to excuse Councilmember Holtegel and Councilmember Pennington. Motion Carried 5-0.

Agenda Modifications

There were no modifications to the Agenda.

Executive Session Requests

Councilmember Oler, seconded by Councilmember Abbott moved to approve an Executive Session to discuss pending and imminent litigation. Acting Clerk Flaig took a roll call vote of Council. Motion Carried 5-0.

Public Hearing(s)

No public hearings were scheduled.

Special Presentations and Citizen Comments

Proclamation - Fairfield High School Choraliers and Director Jeff Clark

Fairfield High School Choraliers sang the National Anthem. Mayor D'Epifanio presented a proclamation and certificates to the Choraliers in recognition of their award of World Grand Champions of the Show Choir Category of the 2012 World Choir Games. Street signs recognizing the Choraliers accomplishment were unveiled and will be dispersed throughout the city.

Bill Meyer commented on the 8th Annual Hero's Ride, to be held on Saturday, August 25. This event supports severely injured military personnel. The city of Fairfield has hosted four previous events, and Mr. Meyer thanked the city for their support of this important event.

Johnny and Shirley Haynes, 5896 Emerald Lake Drive, presented to council regarding their home on Emerald Lake Drive. The home was built in November 2005 and there were 30 feet between homes in the subdivision, which was one of their reasons for choosing that community. In July 2012, the Zoning Board disregarded their concerns regarding the approval for their neighbor to build an additional car garage between the two homes, which reduces the space from thirty feet to eleven feet. She requested that the Mayor and Council revisit this request and approval of the additional car garage.

Law Director John Clemmons explained that the Planning Commission is the last word on this issue. The only recourse would be to try to appeal the decision to the Common Pleas Court; Council and the Mayor do not have jurisdiction to override the Planning Commission's decision.

David Brown, of the Butler County Auditor's Office, 130 High Street, presented to Council as part of the Auditor's Office outreach. The photo project that has been ongoing for several months, in which pictures of every property in Butler County have been taken for Auditor records, will be in

Fairfield as the first part of phase six, the last phase, later this month. The county financial reports are available on the Auditor's webpage, www.butlercountyauditor.org.

Robert Philpot, current resident in Hamilton, Ohio, but born and raised in Fairfield. He approached council with a request for help for veterans to be hired in city positions. Hamilton currently gives five points to veterans and ten points to disabled veterans on the civil service tests. He noted there are many characteristics of veterans that are beneficial to the city, such as their leadership.

Mayor D'Epifanio commented that the city does have several veterans and active-duty reservists currently employed. Councilmember Oler commented that the city would look into Mr. Philpot's request with the Civil Service Commission.

Mayor/Council Reports

Councilmember Meyers reported on the Bypass 4 Project and noted that it is essentially complete, all lanes are open and final restoration of the turf area will be completed by the end of the month. This project started in July 2010. The I-275 Gilmore and Winton Road Project will be completed in Spring 2013. The project is fifty percent (50%) complete as of right now. The sidewalk and apron program is about fifty percent (50%) complete and should be finished in approximately thirty (30) days.

Councilmember Abbott reported that staff has renegotiated the contract for solid waste with Rumpke, which will go into effect on September 1. Residents will see a reduction of approximately eighteen percent (18%). He commended staff for their great work on the contract. Councilmember Abbott also reported that income tax revenues are up approximately one and one-half percent (1.5%) or \$218,000 for the same period last year. This is a good sign of positive economic growth in the city.

Councilmember Senger reported again on the Hero's Ride and encouraged participation in the event. He also reported that the Miracle League opening day was held on July 28 and that it was a great day of events and went well. Mayor D'Epifanio noted that the Miracle League Fields have been featured on ESPN and Fox National News.

Approval of Minutes

- Regular Meeting Minutes of July 9, 2012
 - The Regular Meeting Minutes of July 9, 2012 were approved as written.

OLD BUSINESS

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.

Councilmember Abbott presented the second reading of this ordinance.

Councilmember Meyers asked Development Services Director Tim Bachman if a full-impact safety study of that intersection has been completed and if it can be presented to Council prior to the third reading.

Monte Chesko, Real Estate Manager with Kroger Cincinnati/Dayton Division, reported to Council that the process started in July 2011. He noted that Kroger has taken the comments and suggestions of the city seriously and has made several changes to the design of the facility. Mr.

Chesko reported that Kroger has made several commitments to the city regarding the maintenance of the property, merchandising on the property and improvements to their grocery store location. He commented that in regards to the safety concerns, Kroger has agreed to limit the access to one turning movement northbound into the property from Pleasant Avenue. Mr. Chesko passed out a letter from John Pflume, certified traffic engineer, regarding the traffic impact of a fueling center, in which Mr. Pflume suggests that there will be minimal impact on the traffic flow of the intersection at Pleasant and Nilles and a traffic study for the fueling center location only would not be beneficial to the decision.

Councilmember Meyers asked if Mr. Pflume benchmarked data from other Kroger fueling centers. Mr. Chesko answered that Mr. Pflume used data from the Institute of Transportation Engineers (ITE), Trip Generation Manual and Handbook, which is much higher than what Kroger is anticipating based on data from other fueling centers. Councilmember Meyers also asked if Mr. Pflume made a judgment call on the safety of the location. Mr. Chesko answered that Mr. Pflume did not make a judgment call of the safety.

Mayor D'Epifanio commented that there was a "No Left Turn" sign posted at Nilles and Bibury due to the number of high-rate accidents, and the intersection of Nilles and Pleasant also has a high number of serious accidents, and it is his understanding that left turns from the fueling center onto Nilles would be permitted.

Councilmember Abbott thanked Mr. Chesko for providing the information to Council and for working so well with the staff regarding the concerns of the city. He asked if the fueling center will be managed by the current management at the Kroger grocery store, and Mr. Chesko answered that it would be overseen by the same management staff.

Councilmember Oler commented that his concern of accidents in that area has still not been addressed. He requested reports from the Police Department showing the number of accidents with property only and injury only.

Tony Spaeth, store manager at Kroger, reported to Council that the fueling center would be under his management with a department manager and several associates working at the location, given it's size. The positives of this project are that it will bring improvement to a blighted corner of the city, provide economic benefits, such as increased taxes and new jobs, Fairfield residents will keep business in Fairfield, as well as visitors from other communities that shop in the Fairfield Kroger grocery store. Kroger will maintain the good relationship it has built with the city and continue to sponsor city events. Mr. Spaeth presented a petition from Kroger customers with 5,000 signatures in support of the fueling center. He noted that it will be the most beautiful gas station anyone has ever seen, with nothing on the parking lot; all merchandise will be located inside the store. Kroger has an established presence in the Cincinnati-Dayton area and will have a long-term commitment to the property. The current grocery store is spending over \$200,000 in remodeling and renovation of the store, which will be completed within nine (9) days.

Don Hassler, 825 Brook Court, commented to Council that he agrees with a full-impact study on the intersection. Fueling centers generate a lot of traffic and the city should have records in the event that improvements are needed, Kroger pays for it and not the tax-payers. Councilmember Meyers asked Law Director Clemmons about the process to request an impact study. Mr. Clemmons answered that Council can request the impact study of the staff. There was discussion among Council and staff regarding the impact study specifics.

Judy Abbott, Village Green, commented to Council that she petitioned against a fueling center at the Kroger grocery location in Village Green, but she is impressed with the store and impressed with the plans displayed for the fueling center. She remembers a Dairy Mart on that corner that did well and there were not accidents, and she hopes the Council votes for the fueling center.

Steve Barrett, 1605 Parliament Court, commented to Council that he has several reasons he is

opposed to the fueling center, as well as questions for the city and Kroger staff. Mr. Barrett's opinion is that the corner of Pleasant and Nilles is a very important, historical corner and something of importance should be located on that corner. He does not believe a gas station fits that criteria. He agrees that no left turn should be allowed out of that location, no matter what the business is that occupies the space. Mr. Barrett is concerned about fuel delivery at that location with large semi-trucks trying to pull in and out of the location. There are several gas stations located within two blocks of the proposed fueling center location, and he feels that one of the smaller stations will fail as a result of a Kroger fueling center being built, resulting in another vacant property. He asked if there is any cost to the city for this proposed facility, and if there is, Kroger should have to pay for it, no matter what it is. He does not support an easement. Mr. Barrett asked if anyone has discussed this proposal with any of the companies along Nilles to Wessel Drive that back up to Kroger's existing property. He noted that he contacted one of those business owners that said he would be happy to negotiate with Kroger to sell his property for them to build a fueling center, which would not present the same traffic and safety issues that the current proposed location presents. Councilmember Oler noted that he has been told Kroger is not interested in building a gas station behind their store. Mr. Barrett requested legitimate reasons as to why Kroger does not want to build behind their store.

Jordan Horan, Real Estate Manager for the Kroger fueling center project, commented to Council and Mr. Barrett that Kroger has proposed to pay the city for the easement that has been requested, as well as the lease to the existing property and all demolition and improvements to the location. Ms. Horan noted that Kroger did look at another site that backs up to the current store and tried to lay it out, but the facility wouldn't fit, and the site that Mr. Barrett referred to is also not the appropriate size.

Matthew Goodwin, 5327 Lakeside Drive, commented to Council that he feels the Kroger fueling center would bring good business to the city. He does not like the run-down buildings that currently occupy the lot.

Councilmember Senger, seconded by Councilmember Abbott moved to postpone the third reading and vote on this issue to September 24. Councilmember Senger noted that he is not available for the September 10 meeting and wants his vote to be heard on this issue. Mr. Clemmons clarified that this motion is for both the Kroger fueling center ordinance and the easement ordinance. Motion Carried 5-0.

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

Councilmember Abbott presented the second reading of this ordinance.

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 Danny Phone Card LLC, 5407 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 Danny Phone Card, LLC. Motion Carried 5-0. SIMPLE MOTION 19-12. APPROVED 5-0.

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 Senger, seconded by Councilmember Meyers moved to approve to read the following ordinance by title only. Motion Carried 5-0.

Background: City Manager Pizzano recommended entering into an agreement with The Joe Nuxhall Miracle League Dream Fields, Inc. for the operation of the Field of Dreams recreation complex. This is a procedural step following council action in February 2012; the agreement has not changed, however, since February 2012, the entity has changed and has become a 501(c)(3), therefore further action is required. **Legislative action:** Councilmember Terry Senger presented the first reading of this ordinance.

PUBLIC WORKS COMMITTEE

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

Councilmember Meyers, seconded by Councilmember Abbott moved to approve to read the following four (4) ordinance by title only. Motion Carried 5-0.

Ordinance to authorize the City Manager to enter into a contract with D.A. Van Dam and Associates for the 2012 Emergency Storm Sewer Repair on South Gilmore Road and declaring an emergency.

Background: City Manager Pizzano recommended a contract with D.A. Van Dam and Associates for the 2012 Emergency Storm Sewer Repair on South Gilmore Road and declaring an emergency. It was discovered during construction that the storm sewer needs repair so as not to cause sink holes in the roadway. **Legislative Action:** Councilmember Meyers presented the first reading of this ordinance.

Councilmember Meyers, seconded by Councilmember Jones moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 5-0. Councilmember Meyers, seconded by Councilmember Abbott moved to adopt . Motion Carried 5-0. ORDINANCE NO. 78-12. ADOPTED 5-0.

Ordinance to authorize the City Manager to execute the grant application and enter into an agreement with Ohio Public Works Commission (OPWC) for a grant to fund a portion of the Seward Road Project and declaring an emergency.

Background: City Manager Pizzano recommended execution of the grant application and an agreement with Ohio Public Works Commission (OPWC) for a grant to fund a portion of the Seward Road Project. He commended the staff for their work to secure the following three (3) grants, which total in excess of \$4 million. This particular grant is \$750,000, which is 43.5% of the project funding. The project consists of widening the road in several areas. **Legislative Action:** Councilmember Meyers presented the first reading of this ordinance.

Councilmember Meyers, seconded by Councilmember Jones moved to suspend the rules requiring three (3) readings. Motion Carried 5-0. Councilmember Meyers, seconded by Councilmember Oler moved to adopt . Motion Carried 5-0. ORDINANCE NO. 79-12. ADOPTED 5-0.

Ordinance to authorize the City Manager to execute the Local Public Agency Agreement with ODOT for the Route 4 and Holden Improvement Project and declaring an emergency.

Background: City Manager Pizzano recommended execution of the Local Public Agency Agreement with ODOT for the Route 4 and Holden Improvement Project. The grant amount is almost \$2.5 million. This agreement with ODOT allows the city to manage the project, in terms of design and construction. The funding from ODOT is 90% of the total project cost. Legislative Action: Councilmember Meyers presented the first reading of this ordinance.

Councilmember Meyers, seconded by Councilmember Senger moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 5-0. Councilmember Meyers, seconded by Councilmember Abbott moved to adopt . Motion Carried 5-0. ORDINANCE NO. 80-12. ADOPTED 5-0.

Ordinance to authorize the City Manager to enter into an agreement with Ohio Public Works Commission for the grant to fund a portion of the 2012 River Road Project and declaring an emergency.

Background: City Manager Pizzano recommended entering into an agreement with Ohio Public Works Commission for the grant to fund a portion of the 2012 River Road Project. The grant total is \$985,000, which is 59% of the total funding for the project. Legislative Action: Councilmember Meyers presented the first reading of this ordinance.

Councilmember Meyers, seconded by Councilmember Senger moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 5-0. Councilmember Meyers, seconded by Councilmember Oler moved to adopt . Motion Carried 5-0. Mayor and Council thanked the staff for securing these three (3) grants for the city. ORDINANCE NO. 81-12. ADOPTED 5-0.

FINANCE & BUDGET COMMITTEE

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

Councilmember Abbott, seconded by Councilmember Senger moved to read the following four (4) ordinance by title only. Motion Carried 5-0.

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

Background: City Manager Pizzano recommended recertification of special assessments, as part of an agreement with Greater Cincinnati Port Authority. This has been done every year since 2004 and is a procedural requirement. 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 5-0. Councilmember Abbott, seconded by Councilmember Senger moved to adopt . Motion Carried 5-0. ORDINANCE NO. 82-12. ADOPTED 5-0.

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.

Background: City Manager Pizzano recommended an amendment to 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. The contract was renegotiated and has resulted in an eighteen percent (18%) decrease in fees for the first year and minor increases

for the subsequent four (4) years. Legislative Action: Councilmember Abbott presented the first reading of this ordinance.

Appropriation Ordinance (Contractual Items) - \$985,000 for the 2012 River Road Project; \$51,491 for the 2012 Emergency Storm Sewer Repair at South Gilmore Road.

Background: City Manager Pizzano recommended the following contractual appropriations: \$985,000 for the 2012 River Road Project and \$51,491 for the 2012 Emergency Storm Sewer Repair at South Gilmore Road. 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 5-0. Councilmember Abbott, seconded by Councilmember Meyers moved to adopt . Motion Carried 5-0. ORDINANCE NO. 83-12. ADOPTED 5-0.

Appropriation Ordinance (Non-Contractual Items) - \$21,840 for the Alternate Power for Traffic Signals; \$20,000 for the installation of time and attendance electronic time clocks.

Background: City Manager Pizzano recommended the following non-contractual appropriations: \$21,840 for the Alternate Power for Traffic Signals and \$20,000 for the installation of time and attendance electronic time clocks. 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 5-0. Councilmember Abbott, seconded by Councilmember Oler moved to adopt . Motion Carried 5-0. ORDINANCE NO. 84-12. ADOPTED 5-0.

Meeting Schedule

Acting Clerk Flaig read the following meeting schedule:

Monday, September 10 Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.
Monday, September 24 Regular Meeting, 7:00 p.m.
Tuesday, October 9 Regular Meeting, 7:00 p.m.

Executive Session of Council (if needed)

Council adjourned to Executive Session at 9:01 PM.

Adjournment

The Regular Meeting of Council adjourned at 10:05 PM.

ATTEST:

Clerk of Council

Mayor's Approval

Date Approved _____

Fairfield-Emerald Lake Citizen Concern

August 1, 2012

Johnny & Shirley Haynes
5896 Emerald Lake Drive
Fairfield, OH 45014

Dear Mayor D'Epifanio,

First and foremost I'd like to say how happy my husband and I are with the overall selection of our home. My husband and I decided to have a house built in the greater Cincinnati area and we looked for well over three years when we decided Fairfield was the place for us. We were very pleased with the area and the people of the Emerald Lakes Community.

In November 2005 we started our building plans and moved in our new home May 2006. My husband and I decided on Ryan's to build our home on Emerald Lake Drive. This community was immaculate. The very first time we drove through the community, we had an instantaneous feeling that this was "home". This area had everything we were looking for, such as, the surrounding homes were gorgeous, the space between homes that were being built had thirty even forty feet on each side (to our knowledge), the schools were of high standards, a trustworthy, diverse, and safe neighborhood but most of all fairness and equal rights for all tax payers in Fairfield. As of right now, my husband and I feel neglected to our rights in the Fairfield Community.

In July 2012 our respect for the zoning board was very saddened with a decision of the home space between the 2 homes thirty feet being disregarded (mine you, one of the reason we had our home built was the thirty feet space between homes) with no concern for my husband and I being there six years prior to the new owner. Who purchased the home after it was built with thirty feet between the 2 homes. The zoning board should have removed themselves from the voting on this issue knowing the owner who wants to add the additional garage that they would approve his permit.

Fairfield-Emerald Lake Citizen Concern

Also, no concerns relating to the fire department, drainage may flood our basement with limited space for water to flow out. I spoke to other neighbors and with their concern, we felt like our concerns were disregarded.

To find out our new neighbor wants to build an additional car garage between the two homes and reduce the space from thirty feet to eleven feet, is frustrating. We had our home built for a reason. We wanted to have exactly what we wanted; thirty feet space on both sides between the homes. We chose to build because of the space between the homes was a huge selling point for us. I had a Bay Window installed with a kitchen window as well, which will be obstructed if this addition is approved.

I am asking that the Mayor and Council members please revisit this request and approval of this garage, not only for me, but for all future residents who choose to reside in the Emerald Lakes Community. I do not feel this will help our community. If I was a potential buyer looking to buy this property, I would be very concerned about the limited space between both homes, especially for the safety of families in the event something unforeseen takes place. To find out later that anyone who purchase a home already built; there property space can and will be reduced nine to eleven feet between 2 homes is very disappointing and misleading the person who having their home built in Emerald Lake.

I would like to thank you in advance for the opportunity to hear our concerns.

Thank you,


Johnny & Shirley Haynes



July 5, 2012

Dear Resident:

Please be advised Mr. and Mrs. Valentini, 5888 Emerald Lake Drive, have submitted a request to the City of Fairfield to construct a "carriage style" garage into the side yard setback. Per the plan, the encroachment would be 8'9" leaving a side yard of 11'3". Emerald Lake has a restriction which requires one side yard to be a minimum of 20'.

The Fairfield Planning Commission will be discussing this item at their meeting scheduled for Wednesday, July 11, 2012 at 6:00 p.m. at the Fairfield Municipal Building, 5350 Pleasant Avenue. This meeting is open to the public and you are welcome to attend or you may send your comments to development@fairfield-city.org.

Sincerely,

A handwritten signature in cursive script that reads "Timothy Bachman". The signature is written in black ink and is positioned above the printed name.

Timothy Bachman
Development Services Director

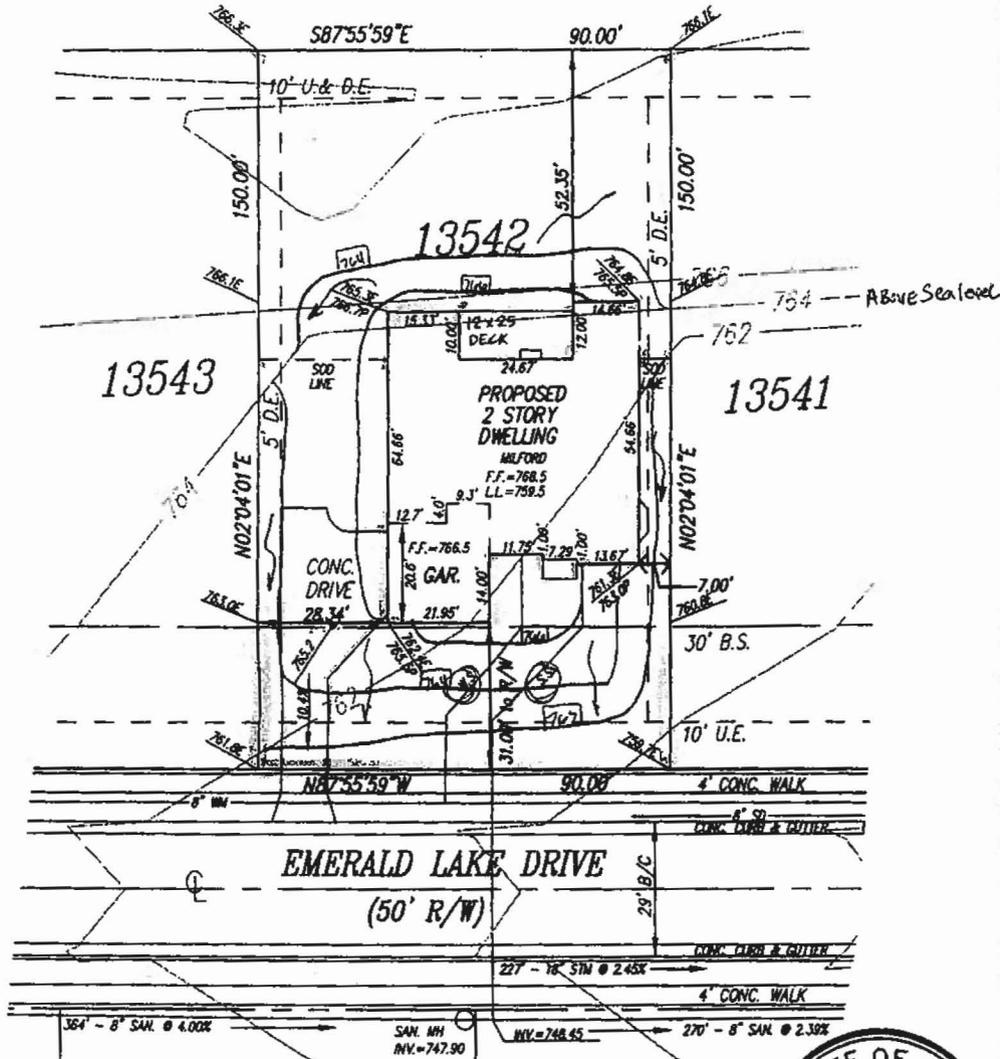


NOTE: EXISTING TOPOGRAPHY IS BASED ON RECORD DRAWINGS.

NOTE: EROSION CONTROL SHALL BE MODIFIED AS REQUIRED IF DEEMED NECESSARY UPON INSPECTION.

SETBACKS
FRONT=30'
REAR=30'
SIDES=5' min.; 20' total

C=753.5



LEGEND

- B.S. BUILDING SETBACK
- U.E. UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT
- W.S. WATER SERVICE
- S.S. SANITARY SERVICE

- CITY WALK=320
- DRIVE=879
- APRON=72
- APRON/WALK=40
- SOD=4,795
- Note: Quantities for estimating purposes only!



12/20/05

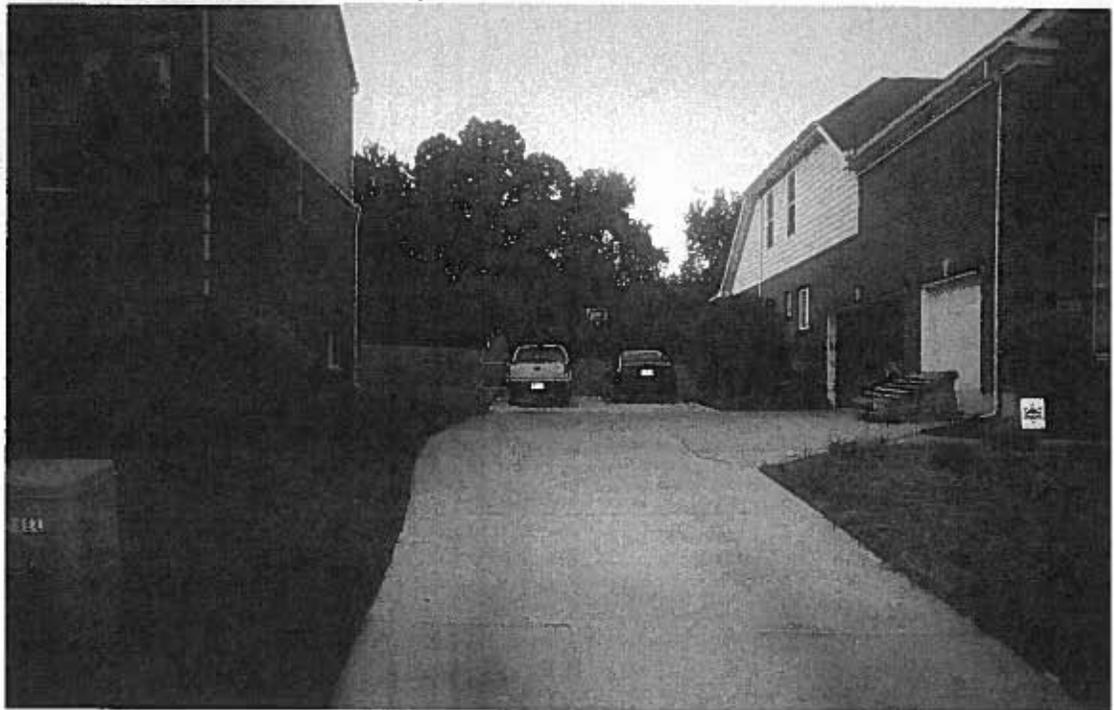
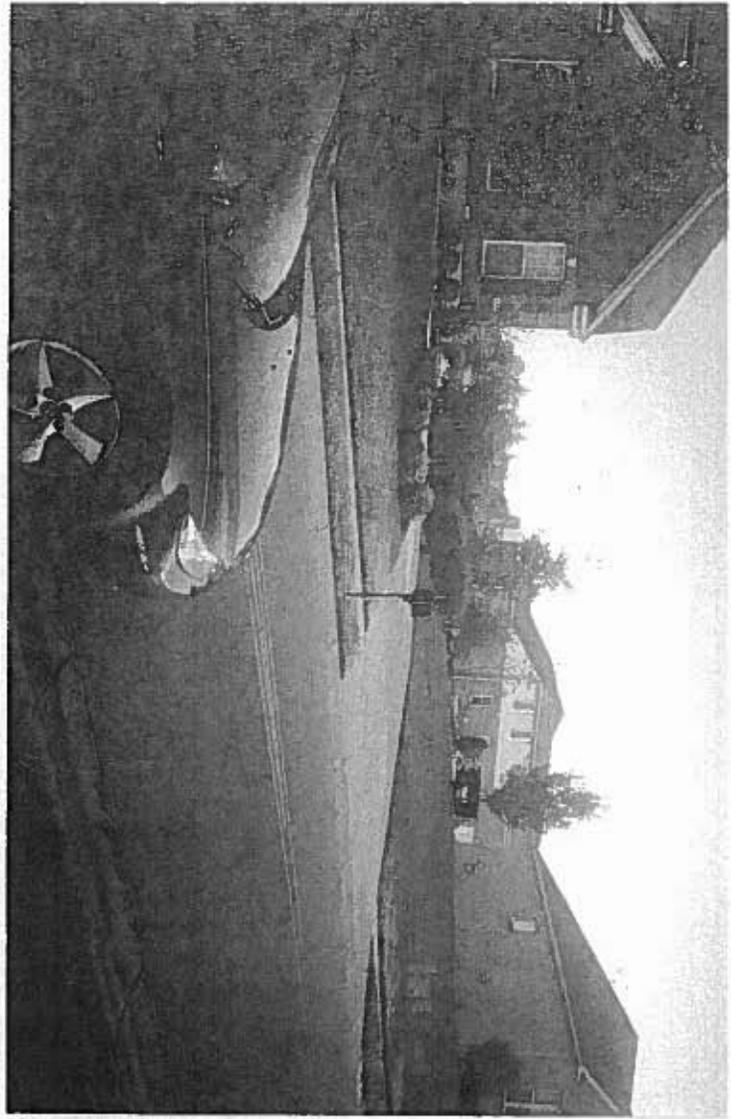
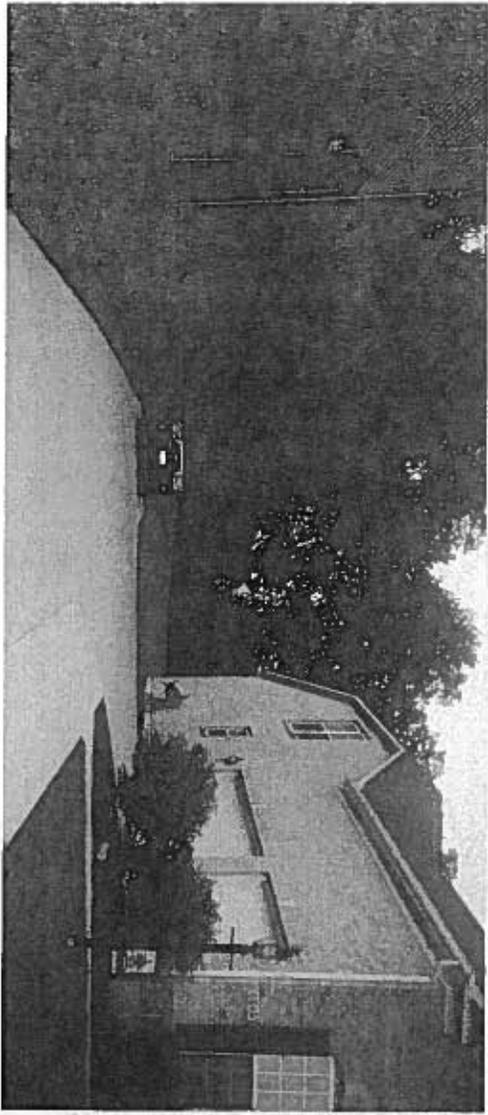
RYAN HOMES

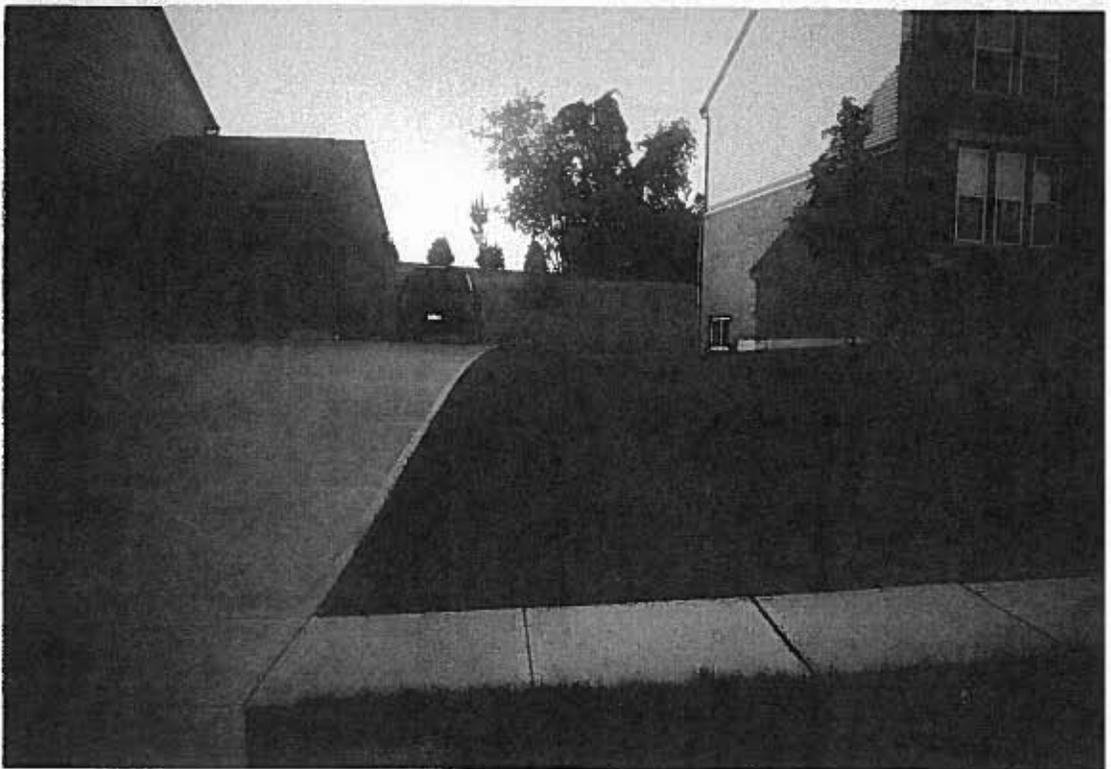
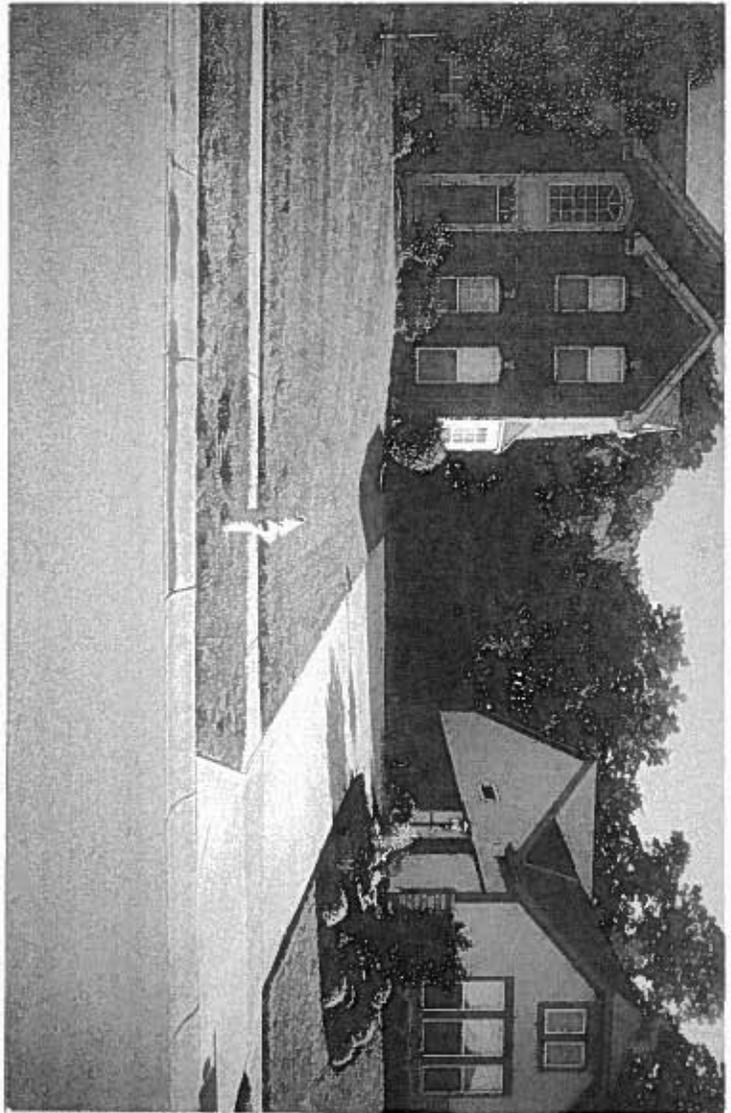
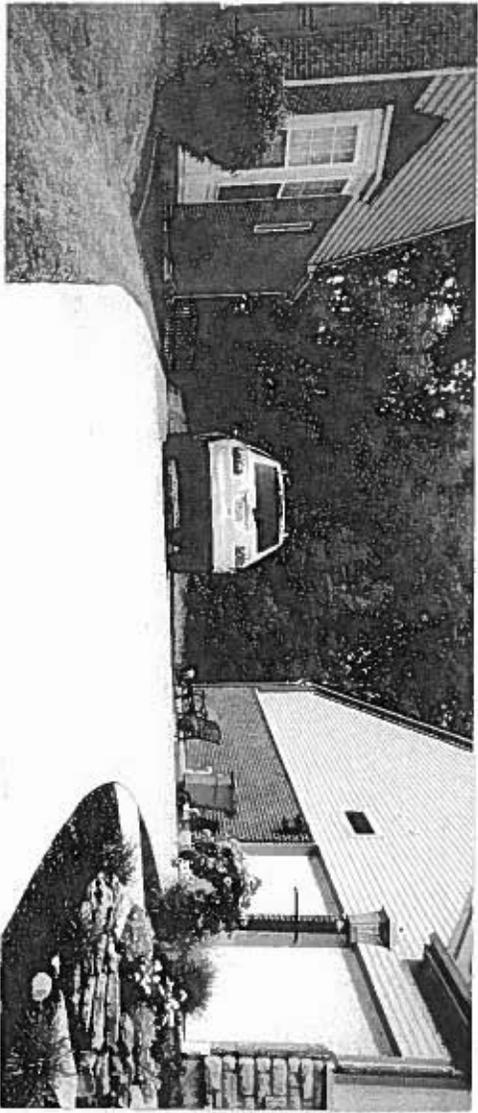
EXHIBIT "A"

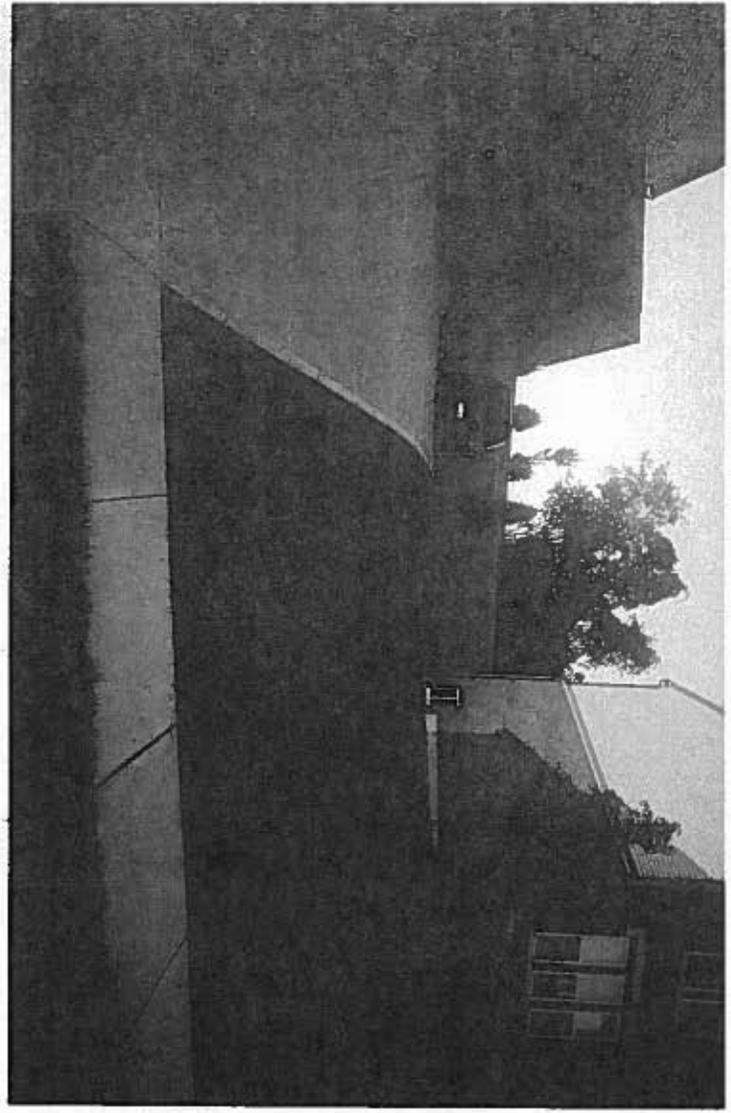
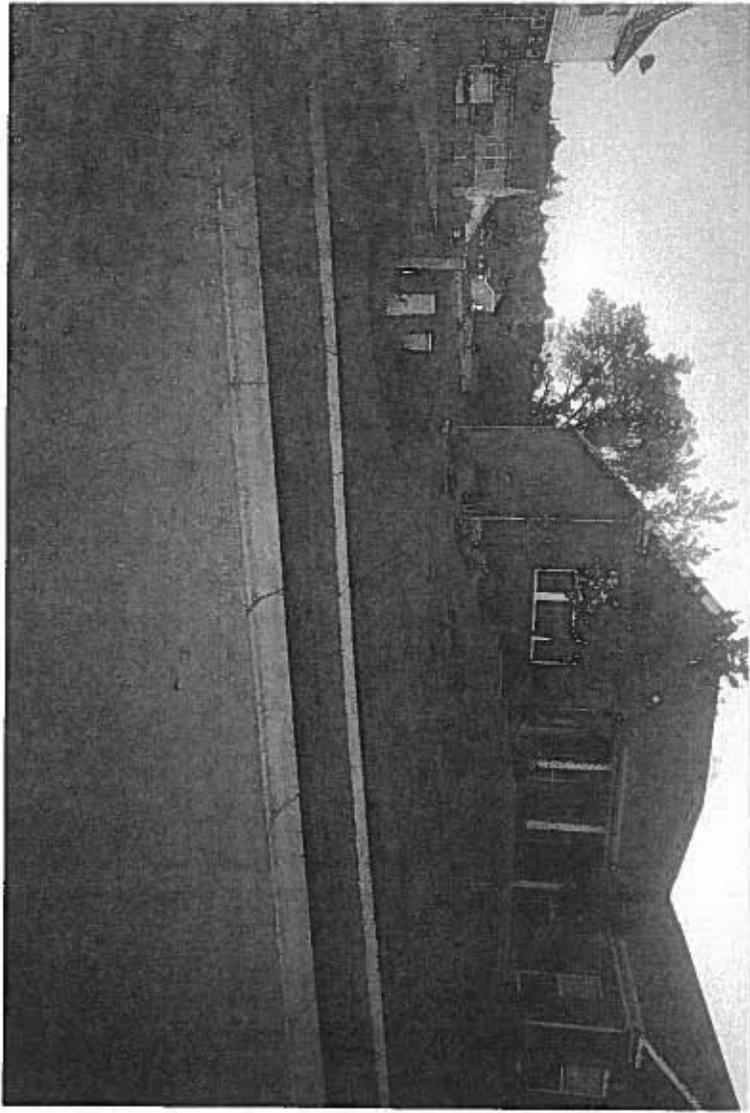
PLOT PLAN
LOT 13542 EMERALD LAKE
SECTION ONE
SECTION 2 & 3, TOWN 1, RANGE 2
CITY OF FAIRFIELD
BUTLER COUNTY, OHIO

SCALE: 1"=30'
DATE: 12/19/05
DRAWN: BJW
CHECKED: [Signature]
JOB No. 051208PA10

KLEINGERS
& ASSOCIATES
ENGINEERS AND SURVEYORS
6305 Centre Park Drive, West Chester, OH 45060
(613) 770-7801 Fax: (613) 770-7852









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

Consulting Engineering

7541 Hosbrook Road, Cincinnati, OH 45243

Email: jackpflum@cinci.rr.com

Telephone: 513.919.7814

Ms. Jordin Horan
Real Estate Fuel Development Manager
Kroger Limited Partnership I
130 Tri-County Parkway
Suite 324
Cincinnati, Ohio 45246

August 11, 2012

Re: Proposed Kroger Fuel Center – Pleasant Ave. (US 127) & Nilles Road, Fairfield, Ohio

Dear Ms. Horan

This letter is in response to our recent discussion concerning the potential traffic impact of the subject development and if a traffic study can provide a benefit.

Generally, the purpose of a traffic study is to determine the impact of traffic generated by a proposed land use on the adjacent street system. The impact of the site traffic is measured in terms of volume of traffic, level of service, safety, and access parameters. Satisfactory resolution of traffic related issues will depend on direct relationships between site factors (such as size, shape and land use) and configuration and characteristics of the adjacent public streets.

Perfect solutions are rarely found in existing urban areas. Thus, it is almost always necessary to balance ideal aspects of land use and access management with practical limitations of the "urban place". The proposed Kroger Fuel Center is a good example of such a condition.

First, let's look at the trip generation characteristics of the Fuel Center. (Reference - Institute of Transportation Engineers (ITE), Trip Generation Manual and Handbook):

1. With 16 fueling stations, there will be a total of 2,700 trips during an average weekday, 180 trips during the am peak hour, and 220 trips during the pm peak hour;
2. Many of the Fuel Center customers are already customers of the existing Kroger store;
3. Many of the Fuel Center customers are already using Pleasant Ave. and Nilles Rd.;
4. Such by pass trips, #2 and #3, above, make up about 62% of the total number of trips generated; and
5. The total number of new trips generated by the Fuel Center will be 1,025 (.38 x 2,700).



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

Kroger's experience, based on the operation of Fuel Centers throughout the Southwest Ohio region, is that the number of actual customer transactions and trip volumes are less than the volumes predicted by the ITE sources cited above.

Second, we should look at the traffic volumes on Pleasant and Nilles. The Ohio Department of Transportation and OKI maintain records related to Average Daily Traffic (ADT) volumes in the City of Fairfield. The following traffic volumes (ADT) for Year 2011 are based on current and historic records:

1. Pleasant Ave., south of Nilles = 21,530
2. Pleasant Ave., north of Nilles = 22,860
3. Nilles Rd., west of Pleasant = 24,300
4. Nilles Rd., east of Pleasant = 21,420

Total traffic volume for all four legs of the intersection is 90,110.

New trips generated by the Kroger Fuel Center (1,025) will account for only 1.1% increase in volume at the intersection of Pleasant and Nilles. That is a negligible amount. Traffic flow varies by a greater amount than 1.1% from day to day and season to season. The impact of such a small amount of traffic is not measurable in practical terms of traditional level of service calculations and impact on traffic operations on the public street system.

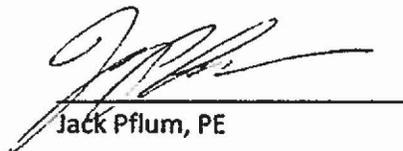
It should be understood that a traffic study would necessarily take into account all aspects of traffic flow at the intersection of Pleasant and Nilles. Thus, each leg of the intersection and the adjacent land uses, together with their existing driveway access will be a part of the study.

Conclusion

Traffic volumes on Pleasant and Nilles are overwhelmingly influenced by regional and City-wide factors. The proposed site will have an insignificant impact on the level of service of traffic flow.

Conducting a traffic impact study for the Kroger Fuel Center site only would not advance the interests of the public since its conclusions and/or recommendations would be based on a very small increase in traffic.

Sincerely Yours



Jack Pflum, PE

Summary of Changes by Kroger to Fuel Center Plan since the October 2011 Planning Commission Meeting

- Increased the size of the store from 176 SF to 1,000 SF
 - 5.5 times larger than originally proposed
 - **Store will be unique to Fairfield in this region**
- Modified access on Pleasant Ave. to right-in only
 - Agreeing to purchase an easement from City
- Made Design Enhancements to Store and Canopy
 - Modified roof of building and canopy to be pitched/hipped, metal seam roof
 - Agreed to brick for store building and enhanced brick design for columns
- Reduced the amount of outside display and sales area
- Agreed to irrigation of landscaping
- Modified proposed landscape material to have more shrubs and perennials
- Agreed to controls for temporary signs
- Agreed to special provisions for the maintenance and replacement of landscape material, and to keeping the site clean and free of litter and debris
- Modified the sidewalk crossing for right-in driveway on Pleasant Avenue
- Added parking spaces
- Addressed site and operational items at existing Kroger store
- Prepared rendering of site

Kroger Fueling Center

FAIRFIELD, OH #A939



Galloway
ARCHITECTS

Perspective Rendering

**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 Horn
Legal Review (where applicable): John H. Cummings
Accepted for Council Agenda: Linda Wilson

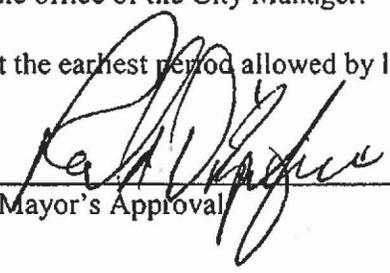
ORDINANCE NO. 10-12

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

**CITY OF FAIRFIELD
CITY COUNCIL COMMUNICATION**

August 13, 2012

ITEM

An amendment to the current rates charged by the City for the collection of solid waste and recycling for City residents.

FINANCIAL IMPACT

The current contract for solid waste and recycling services began in 2007 and will continue until August 2017. This contract continuation was made available through using the option to extend the current contract for an additional 5 year term. In 2011, Council authorized the final phase-in to reduce the subsidization (and dependence on the General Fund) by the Solid Waste Fund by passing on the entire cost of the contracted service to the residents. Fortunately for the residents, the negotiated cost of solid waste and recycling has gone down by approximately 18% from current rates.

SYNOPSIS

The following rate structure would become effective on the date specified.

Monthly Rates						
Effective Date	Current	10/1/12	9/3/13	9/3/14	9/3/15	9/3/16
Residential	\$14.00	\$11.45	\$11.65	\$11.85	\$12.05	\$12.25
Dumpster	\$7.90	\$6.50	\$6.65	\$6.80	\$6.95	\$7.10

BACKGROUND

The current contract for solid waste and recycling services began in 2007 and will expire in September of 2017. The City subsidized the rates charged to residential customers for solid waste and recycling collection through 2011. In 2012, the rates charged to customers became a direct pass-through to the residents. Passing on the full cost of solid waste and recycling is common in surrounding communities, such as Hamilton, Mason, Middletown and Oxford. Fortunately, Fairfield residents will see a significant decrease in their current rates by extending the contract with the current provider.

STAFF RECOMMENDATION

It is recommended that the City Council authorize and direct the preparation of legislation to amend the rates charged for solid waste and recycling under Section 953.01(a).

LEGISLATIVE ACTIONS:

Suspension of Rules & Adoption Requested?
Emergency Provision Needed?

No
No

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

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:

Type of Service	Effective <u>1/1/11</u>	Effective <u>2/1/2012</u>	EFFECTIVE <u>10/1/2012</u>	EFFECTIVE <u>9/3/13</u>	EFFECTIVE <u>9/3/14</u>	EFFECTIVE <u>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
	EFFECTIVE					
Type of Service	<u>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 _____

Second Reading _____

Third Reading _____

Mayor's Approval _____

Rules Suspended _____

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. 1168.12(d)

**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: Orin Demora (Planning Manager)

Approved for Content by: Timothy Bachman

Financial Review (where applicable): Maury Hartz

Legal Review (where applicable): [Signature]

Accepted for Council Agenda: [Signature]

11071

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

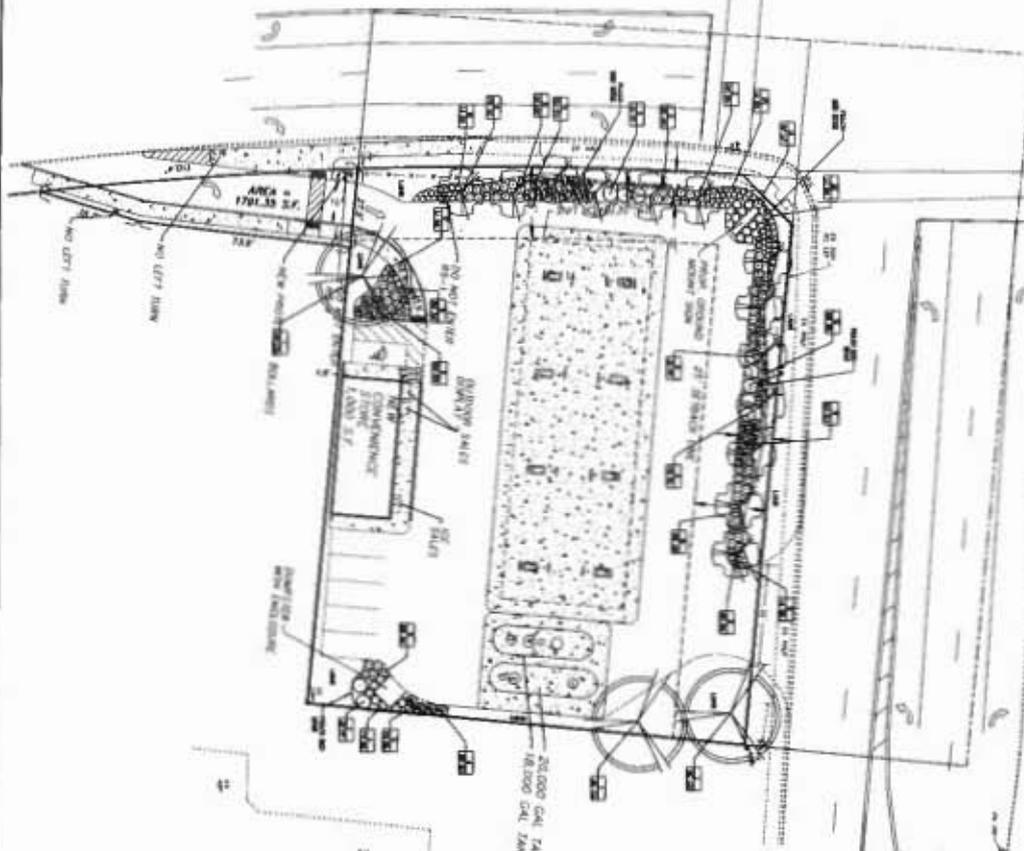
Approved as to content:

Development Services Director
City of Fairfield, Ohio

LANDSCAPE REQUIREMENTS
 LANDSCAPE TREATMENT:
 1. STREET PLANTING ON STREET FRONTAGE:
 1.5' SHAD. TREE (OR 1.0' ORNAMENTAL TREE) PER 10' DIST.
 2. SIDE PLANTING (STREET FRONTAGE):
 1.5' SHAD. TREE (OR 1.0' ORNAMENTAL TREE) PER 10' DIST.
 3. SIDE PLANTING (REAR FRONTAGE):
 1.5' SHAD. TREE (OR 1.0' ORNAMENTAL TREE) PER 10' DIST.

PLEASANT AVE.

NILLES RD.



Plant Schedule	Common Name	Botanical Name	Height (ft)	Sp. Code	Quantity
AC 10	Large Maple	Acer glabrum	12' - 14'	100	1
AC 20	Small Maple	Acer glabrum	8' - 10'	100	1
AC 30	Small Maple	Acer glabrum	6' - 8'	100	1
AC 40	Small Maple	Acer glabrum	4' - 6'	100	1
AC 50	Small Maple	Acer glabrum	3' - 4'	100	1
AC 60	Small Maple	Acer glabrum	2' - 3'	100	1
AC 70	Small Maple	Acer glabrum	1' - 2'	100	1
AC 80	Small Maple	Acer glabrum	1' - 2'	100	1
AC 90	Small Maple	Acer glabrum	1' - 2'	100	1
AC 100	Small Maple	Acer glabrum	1' - 2'	100	1
AC 110	Small Maple	Acer glabrum	1' - 2'	100	1
AC 120	Small Maple	Acer glabrum	1' - 2'	100	1
AC 130	Small Maple	Acer glabrum	1' - 2'	100	1
AC 140	Small Maple	Acer glabrum	1' - 2'	100	1
AC 150	Small Maple	Acer glabrum	1' - 2'	100	1
AC 160	Small Maple	Acer glabrum	1' - 2'	100	1
AC 170	Small Maple	Acer glabrum	1' - 2'	100	1
AC 180	Small Maple	Acer glabrum	1' - 2'	100	1
AC 190	Small Maple	Acer glabrum	1' - 2'	100	1
AC 200	Small Maple	Acer glabrum	1' - 2'	100	1
AC 210	Small Maple	Acer glabrum	1' - 2'	100	1
AC 220	Small Maple	Acer glabrum	1' - 2'	100	1
AC 230	Small Maple	Acer glabrum	1' - 2'	100	1
AC 240	Small Maple	Acer glabrum	1' - 2'	100	1
AC 250	Small Maple	Acer glabrum	1' - 2'	100	1
AC 260	Small Maple	Acer glabrum	1' - 2'	100	1
AC 270	Small Maple	Acer glabrum	1' - 2'	100	1
AC 280	Small Maple	Acer glabrum	1' - 2'	100	1
AC 290	Small Maple	Acer glabrum	1' - 2'	100	1
AC 300	Small Maple	Acer glabrum	1' - 2'	100	1
AC 310	Small Maple	Acer glabrum	1' - 2'	100	1
AC 320	Small Maple	Acer glabrum	1' - 2'	100	1
AC 330	Small Maple	Acer glabrum	1' - 2'	100	1
AC 340	Small Maple	Acer glabrum	1' - 2'	100	1
AC 350	Small Maple	Acer glabrum	1' - 2'	100	1
AC 360	Small Maple	Acer glabrum	1' - 2'	100	1
AC 370	Small Maple	Acer glabrum	1' - 2'	100	1
AC 380	Small Maple	Acer glabrum	1' - 2'	100	1
AC 390	Small Maple	Acer glabrum	1' - 2'	100	1
AC 400	Small Maple	Acer glabrum	1' - 2'	100	1
AC 410	Small Maple	Acer glabrum	1' - 2'	100	1
AC 420	Small Maple	Acer glabrum	1' - 2'	100	1
AC 430	Small Maple	Acer glabrum	1' - 2'	100	1
AC 440	Small Maple	Acer glabrum	1' - 2'	100	1
AC 450	Small Maple	Acer glabrum	1' - 2'	100	1
AC 460	Small Maple	Acer glabrum	1' - 2'	100	1
AC 470	Small Maple	Acer glabrum	1' - 2'	100	1
AC 480	Small Maple	Acer glabrum	1' - 2'	100	1
AC 490	Small Maple	Acer glabrum	1' - 2'	100	1
AC 500	Small Maple	Acer glabrum	1' - 2'	100	1
AC 510	Small Maple	Acer glabrum	1' - 2'	100	1
AC 520	Small Maple	Acer glabrum	1' - 2'	100	1
AC 530	Small Maple	Acer glabrum	1' - 2'	100	1
AC 540	Small Maple	Acer glabrum	1' - 2'	100	1
AC 550	Small Maple	Acer glabrum	1' - 2'	100	1
AC 560	Small Maple	Acer glabrum	1' - 2'	100	1
AC 570	Small Maple	Acer glabrum	1' - 2'	100	1
AC 580	Small Maple	Acer glabrum	1' - 2'	100	1
AC 590	Small Maple	Acer glabrum	1' - 2'	100	1
AC 600	Small Maple	Acer glabrum	1' - 2'	100	1
AC 610	Small Maple	Acer glabrum	1' - 2'	100	1
AC 620	Small Maple	Acer glabrum	1' - 2'	100	1
AC 630	Small Maple	Acer glabrum	1' - 2'	100	1
AC 640	Small Maple	Acer glabrum	1' - 2'	100	1
AC 650	Small Maple	Acer glabrum	1' - 2'	100	1
AC 660	Small Maple	Acer glabrum	1' - 2'	100	1
AC 670	Small Maple	Acer glabrum	1' - 2'	100	1
AC 680	Small Maple	Acer glabrum	1' - 2'	100	1
AC 690	Small Maple	Acer glabrum	1' - 2'	100	1
AC 700	Small Maple	Acer glabrum	1' - 2'	100	1
AC 710	Small Maple	Acer glabrum	1' - 2'	100	1
AC 720	Small Maple	Acer glabrum	1' - 2'	100	1
AC 730	Small Maple	Acer glabrum	1' - 2'	100	1
AC 740	Small Maple	Acer glabrum	1' - 2'	100	1
AC 750	Small Maple	Acer glabrum	1' - 2'	100	1
AC 760	Small Maple	Acer glabrum	1' - 2'	100	1
AC 770	Small Maple	Acer glabrum	1' - 2'	100	1
AC 780	Small Maple	Acer glabrum	1' - 2'	100	1
AC 790	Small Maple	Acer glabrum	1' - 2'	100	1
AC 800	Small Maple	Acer glabrum	1' - 2'	100	1
AC 810	Small Maple	Acer glabrum	1' - 2'	100	1
AC 820	Small Maple	Acer glabrum	1' - 2'	100	1
AC 830	Small Maple	Acer glabrum	1' - 2'	100	1
AC 840	Small Maple	Acer glabrum	1' - 2'	100	1
AC 850	Small Maple	Acer glabrum	1' - 2'	100	1
AC 860	Small Maple	Acer glabrum	1' - 2'	100	1
AC 870	Small Maple	Acer glabrum	1' - 2'	100	1
AC 880	Small Maple	Acer glabrum	1' - 2'	100	1
AC 890	Small Maple	Acer glabrum	1' - 2'	100	1
AC 900	Small Maple	Acer glabrum	1' - 2'	100	1
AC 910	Small Maple	Acer glabrum	1' - 2'	100	1
AC 920	Small Maple	Acer glabrum	1' - 2'	100	1
AC 930	Small Maple	Acer glabrum	1' - 2'	100	1
AC 940	Small Maple	Acer glabrum	1' - 2'	100	1
AC 950	Small Maple	Acer glabrum	1' - 2'	100	1
AC 960	Small Maple	Acer glabrum	1' - 2'	100	1
AC 970	Small Maple	Acer glabrum	1' - 2'	100	1
AC 980	Small Maple	Acer glabrum	1' - 2'	100	1
AC 990	Small Maple	Acer glabrum	1' - 2'	100	1
AC 1000	Small Maple	Acer glabrum	1' - 2'	100	1

PLANTING NOTES
 1. ALL PLANT MATERIALS SHALL BE SUPPLIED BY THE CONTRACTOR.
 2. ALL PLANT MATERIALS SHALL BE SUPPLIED BY THE CONTRACTOR.
 3. ALL PLANT MATERIALS SHALL BE SUPPLIED BY THE CONTRACTOR.
 4. ALL PLANT MATERIALS SHALL BE SUPPLIED BY THE CONTRACTOR.
 5. ALL PLANT MATERIALS SHALL BE SUPPLIED BY THE CONTRACTOR.
 6. ALL PLANT MATERIALS SHALL BE SUPPLIED BY THE CONTRACTOR.
 7. ALL PLANT MATERIALS SHALL BE SUPPLIED BY THE CONTRACTOR.
 8. ALL PLANT MATERIALS SHALL BE SUPPLIED BY THE CONTRACTOR.
 9. ALL PLANT MATERIALS SHALL BE SUPPLIED BY THE CONTRACTOR.
 10. ALL PLANT MATERIALS SHALL BE SUPPLIED BY THE CONTRACTOR.

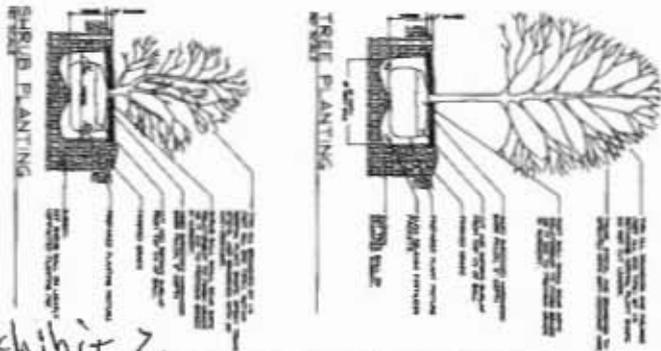


Exhibit 2

PRELIMINARY LANDSCAPE PLAN

SEC. 22, T. 2, R. 2
 FAIRFIELD TOWNSHIP
 CITY OF FAIRFIELD
 BUTLER COUNTY, OHIO

JACOBS
 1800 HAYCROSS ROAD
 CINCINNATI, OHIO 45240
 PH 513-595-7576
 FAX 513-595-7588
 J084_JACOBS.CORP

DATE: JAN 28, 2012
 SCALE: 1" = 20'
 DRAWN BY: M. DORR
 CHECKED BY: M. DORR
 PROJECT NO.: 839
 ACAD FILENAME: 7716_STUDY.DWG

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 Sand 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).

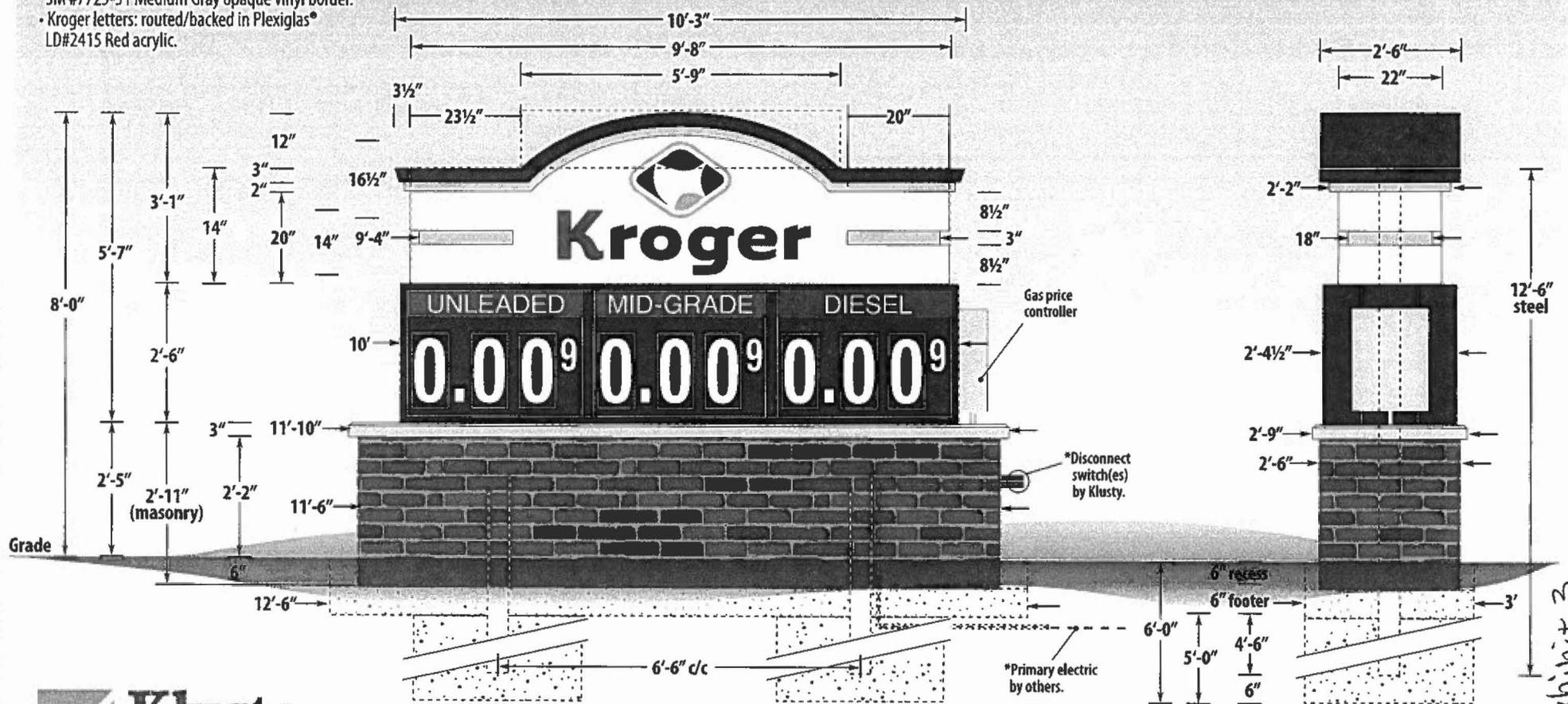
FINISHES

- 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 Kemmer 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.S.198

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

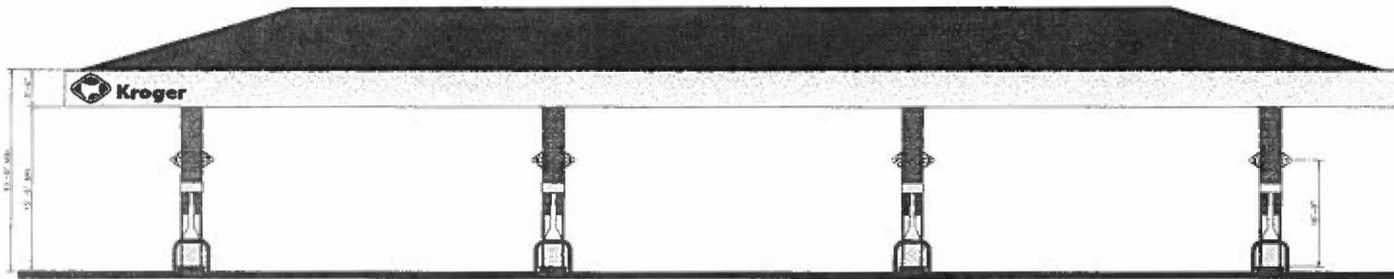
APPROVED BY: _____ DATE: _____
LANDLORD APPROVAL: _____ DATE: _____
All designs and specifications are the sole copyrighted property of KlustySign Associates, Inc. Any unauthorized use, copying, or reproduction is a violation of Federal Copyright law and will be prosecuted.

Exhibit 3

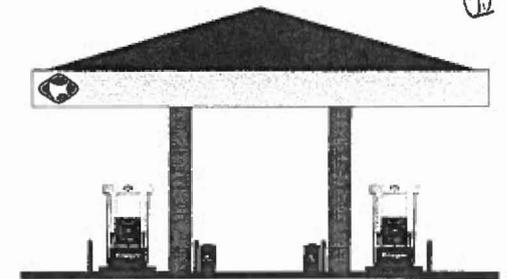
Kroger Fueling Center

FAIRFIELD, OHIO #A939

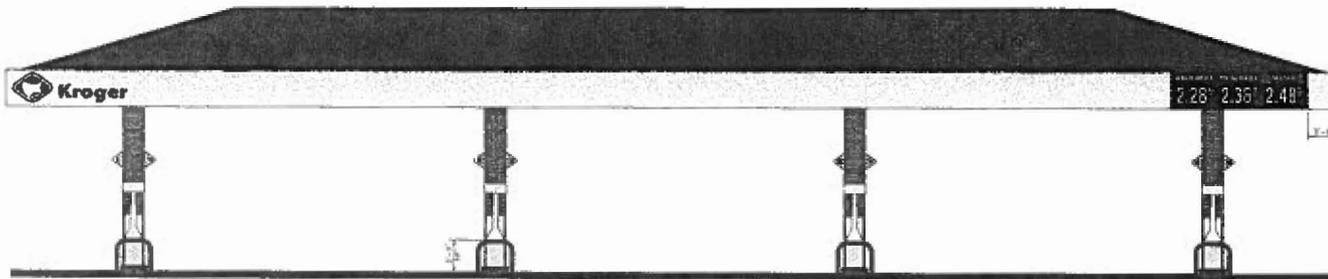
Exhibit 4



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"

Galloway
DESIGN ARCHITECTURE INTERIORS
1508 GTC Parkway, Suite 100
Cincinnati, OH 45240
353.770.8866 F
353.770.3631 F


Kroger
The Kroger Co.
Supermarket
Petroleum Group
10000 W. 10th Street
Cincinnati, OH 45240
TEL: 513.752.1000

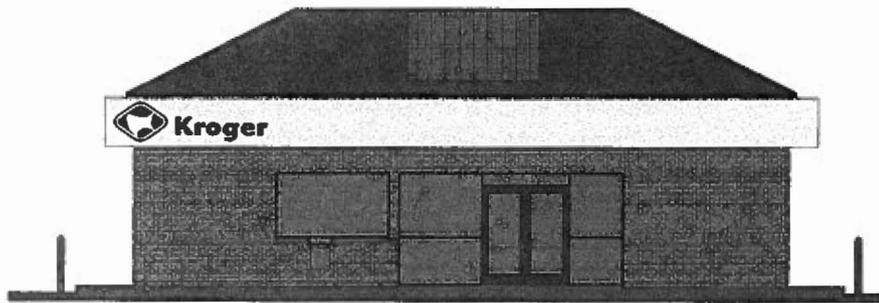
Canopy Color Elevations

06/28/12

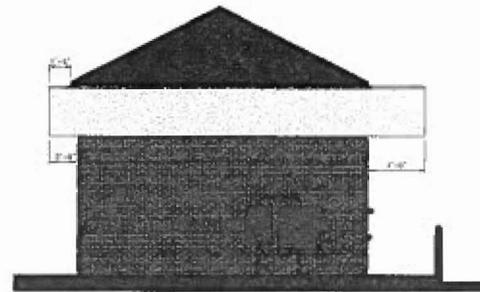
Kroger Fueling Center

FAIRFIELD, OHIO #A939

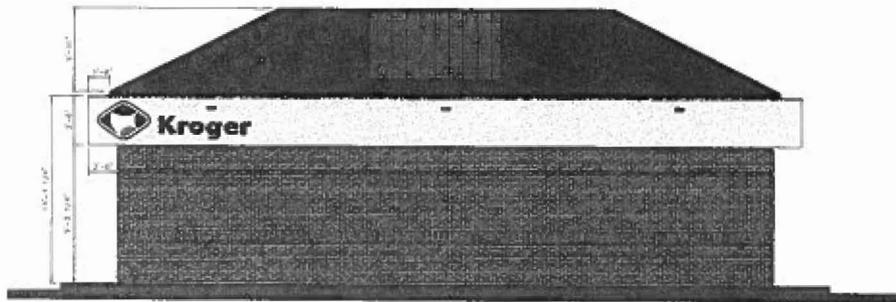
Exhibit 5



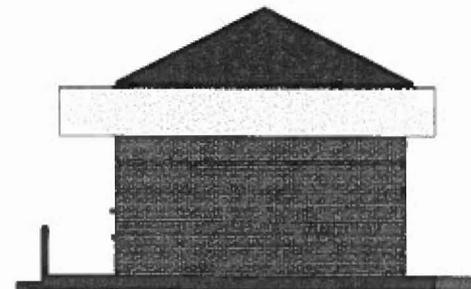
NORTH ELEVATION
SCALE: 1/4"=1'-0"



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



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



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

Kroger Fueling Center

FAIRFIELD, OH #A939



Galloway
Planning & Architecture, Engineering
5708 DTC Parkway, Suite 120
Greenwood Village, CO 80111
303.776.8900
303.776.3026

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?
Emergency Provision Needed?

No.

No.

Prepared by: Erin Demora (Planning Manager)

Approved for Content by: Timothy Bachman

Financial Review (where applicable) Mary Ann

Legal Review (where applicable) John A. Clemons

Accepted for Council Agenda: David Wilson



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

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:

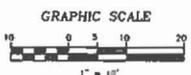
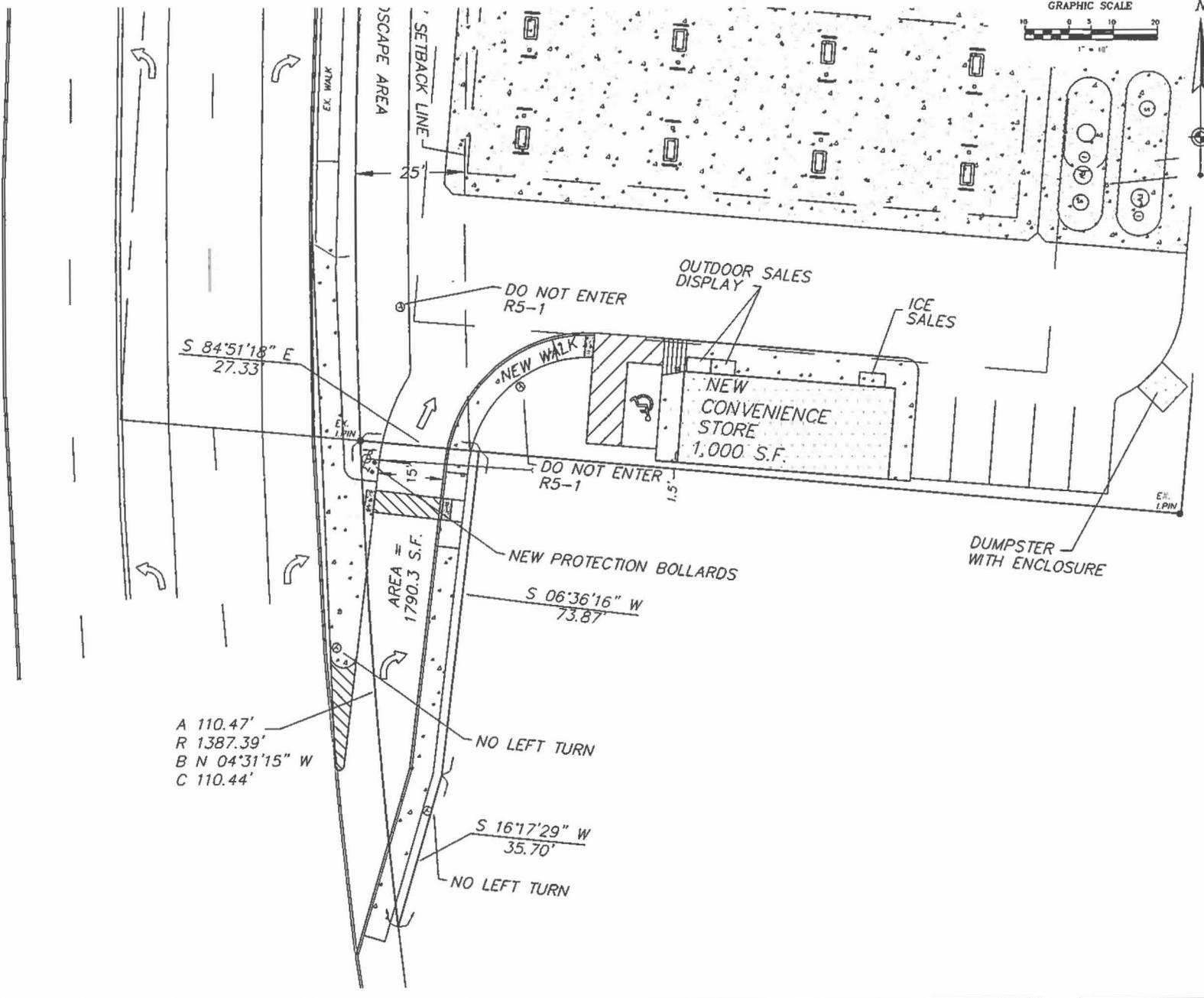
Commencing at a point, said point being the northwest corner of Section 33, Town 2, Range 2; thence along the north line of said Section, South 84° 51' 18" East, 250.25 feet; thence South 05° 08' 42" West, 77.00 feet to the southerly right-of-way line of Nilles Road; thence departing the said southerly 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 # 521-2439

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

Revisions

No.	Date

STUDY PLAT #6B

SEC. 15, T. 2, R. 2
 FAIRFIELD TOWNSHIP
 CITY OF FAIRFIELD
 BUTLER COUNTY, OHIO

Kroger
 Store # **939**
 Drawn by: **R.J. TRENKAMP**
 Sheet _____ of _____
 Job No: 7716_11

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 the 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

K:\68 PROJECTS\7716_939_STUDY PLAT.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

CITY OF FAIRFIELD, OHIO
CITY COUNCIL MEETING COMMUNICATION

Item No. 11(A)(1)

September 10, 2012

Item

Appointment of one (1) resident to Fairfield's boards and commissions.

Financial Impact

None

Synopsis/Background

One vacancy currently exists on the Environmental Commission for an unexpired term expiring on March 31, 2014. At the Parks & Recreation Board meeting on August 14, 2012, members of the Board recommended Charles Ullrich for the unexpired seat on the Environmental Commission. Based upon the recommendations of the Parks and Recreation Board, City Council has selected Mr. Ullrich to serve on this commission for a term as listed below.

Recommendation

It is recommended that City Council, via simple motion, appoint the following Fairfield residents to serve on the Environmental Commission effective immediately.

Charles Ullrich (Term expiring on March 31, 2014)

LEGISLATIVE ACTION:

SIMPLE MOTION

Prepared by: Heather Wilson
Approved for Content by: Heather Wilson
Financial Review (where applicable) by: Mary Harris
Legal Review (where applicable) by: John A. Commons
Accepted by Council Agenda: Heather Wilson

Alisha Wilson

From: Jim Bell
Sent: Wednesday, August 15, 2012 1:37 PM
To: Alisha Wilson
Subject: Vacant EC and CAAC Positions

Alisha:

FYI, Mr. James Jonson has notified me that he no longer wants to be considered for a position on the Environmental Commission and/or the Cultural Arts Advisory Commission, due to increased work commitments. He stated that he would also contact Councilmember Meyers of his decision.

At the August 14th meeting of the Parks and Recreation Board, the Board interviewed Mr. Charles Ullrich and recommends that City Council appoint Mr. Ullrich to the Environmental Commission. Ms. Roberta Miller was scheduled to be interviewed, but cancelled due to a work commitment. She may be interviewed at a subsequent meeting, for the vacant commission positions. I believe that there is only a vacancy left on the CAAC, is that correct or is there another opening on the EC?

I'll keep you updated.

Jim

James A. Bell, Director
Parks and Recreation
411 Wessel Drive
Fairfield, OH 45014
513-867-5348

FAIRFIELD CITY COUNCIL

**Board/Commission Application – City of
Fairfield, Ohio**

Contact Information

Name	Charles R. Ullrich
Street Address	5467 Boehm Dr.
City ST ZIP Code	Fairfield, OH 45014
Home Phone	513-858-1074
Work Phone	N/A
E-Mail Address	crullrich@cinci.rr.com
Cell Phone	513-509-2589

What Board or Commission Are You Interested In Serving On?

If applying for more than one board or commission, please list in order of preference.

Environmental Commission

Community Service as a Board or Commission Member

Why are you interested in serving as a member of Fairfield's boards and commissions?

Work Experience

Briefly describe work experience

Forty- seven years in the computer software industry in various technical and management positions. Most recently with Cincom Systems inc., here in the Cincinnati area, for 19 years serving as Senior Product Manager, and then Senior Project Manager.

Our Board and Commission Mission Statement

The City of Fairfield's boards and commissions provides a way for the public to participate in the City's decision making process by advising Council on numerous issues. Serving on a board or commission can be a rewarding experience for community service-minded residents. It is an excellent way to participate in the functioning of local government and to make a personal contribution to the improvement of the Fairfield community.

Our Policy

It is the policy of the City of Fairfield to provide equal opportunities without regard to race, color, religion, national origin, gender, sexual preference, age, or disability.

Thank you for completing this application and for your interest in volunteering with us.

Mail completed application to: Clerk of Council, 5350 Pleasant Avenue, Fairfield, Ohio 45014 or email Alisha Wilson at awilson@fairfield-city.org

Questions? Please call 867-5383 weekdays, 8:00 a.m. to 5:00 p.m.

**CITY OF FAIRFIELD, OHIO
CITY COUNCIL COMMUNICATION**

ITEM:

September 10, 2012

Liquor permit application in the name of Mi Hacienda Nightclub & Patio, LLC, 3220 Dixie Highway, Unit C, Fairfield, Ohio 45014.

FINANCIAL IMPACT:

No financial impact.

SYNOPSIS/BACKGROUND:

The City of Fairfield is in receipt of an application from the Ohio Department of Liquor Control for a D5 and D6 permit for the above establishment.

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

RECOMMENDATION:

It is recommended that City Council request, via simple motion, that no hearing be held on the liquor permit application in the name of Mi Hacienda Nightclub & Patio, LLC.

LEGISLATIVE ACTION REQUIRED: Simple Motion of Council

Prepared by: Alexia Wilson
Approved for Content by: Alexia Wilson
Financial Review (where applicable) by: Maury Dwyer
Legal Review (where applicable) by: Scott Clemmons
Accepted for Council Agenda: Alexia Wilson

DEPARTMENTAL
CORRESPONDENCE

City
of
Fairfield



TO Alisha Wilson, Clerk of Council

FROM Timothy Bachman, Development Services Director

SUBJECT Liquor Permit Application

DATE 08/15/12

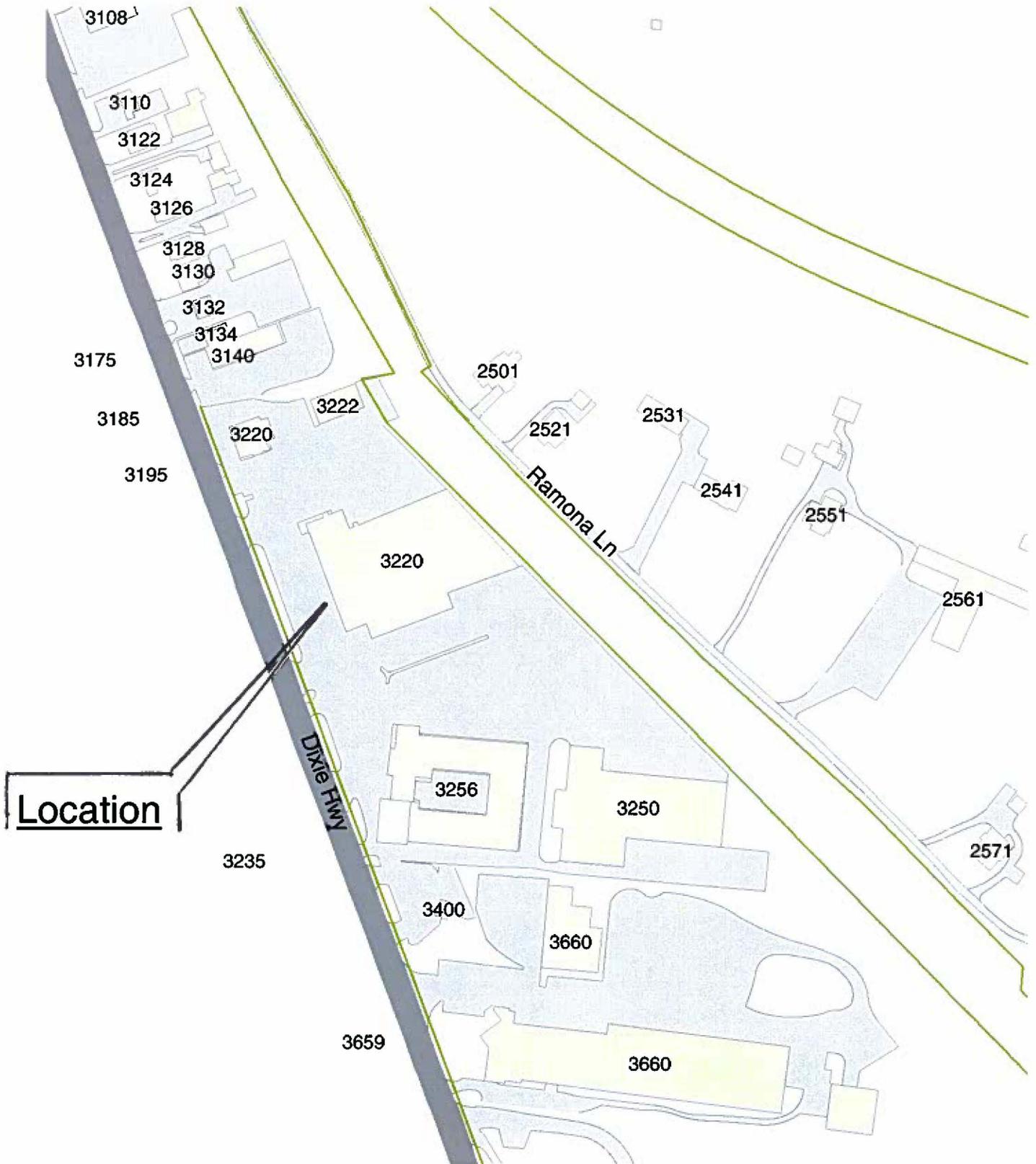
The Mi Hacienda Nightclub is the former Brewske's Nightclub. Sgt. Pete Lagemann discussed the facility's business plan with the new owner, Mr. Rodolfo Zendejas. His plan is to operate the facility very similar to the former Brewske's. Given this is a change of ownership only, it will be treated as a grandfathered use and no approval via Conditional Use is needed.

Should that change, an approval from the Planning Commission will be required.


Timothy Bachman
Development Services Director

plf

Mi Hacienda- 3220 Dixie Hy. Liquor Permit Location



NAME OF ESTABLISHMENT Mi Hacienda Nightclub & Patio LLC
 ADDRESS 3220 Dixie Hwy Unit C
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. Diekey
 Chief of Police

HEARING REQUESTED: Yes No

Date: August 21, 2012

**CITY OF FAIRFIELD, OHIO
CITY COUNCIL COMMUNICATION**

ITEM:

September 10, 2012

Liquor permit application in the name of Bekoil, Inc. DBA \$ Market, 7500 Dixie Highway, Fairfield, Ohio 45014.

FINANCIAL IMPACT:

No financial impact.

SYNOPSIS/BACKGROUND:

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

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

RECOMMENDATION:

It is recommended that City Council request, via simple motion, that no hearing be held on the liquor permit application in the name of Bekoil, Inc. DBA \$ Market.

LEGISLATIVE ACTION REQUIRED: Simple Motion of Council

Prepared by: Elisa Wilson
Approved for Content by: Elisa Wilson
Financial Review (where applicable) by: Mary Anne
Legal Review (where applicable) by: W. H. Clemmons
Accepted for Council Agenda: Elisa Wilson

DEPARTMENTAL
CORRESPONDENCE

City
of
Fairfield



TO Alisha Wilson, Clerk of Council

FROM Timothy Bachman, Development Services Director

SUBJECT Liquor Permit Application

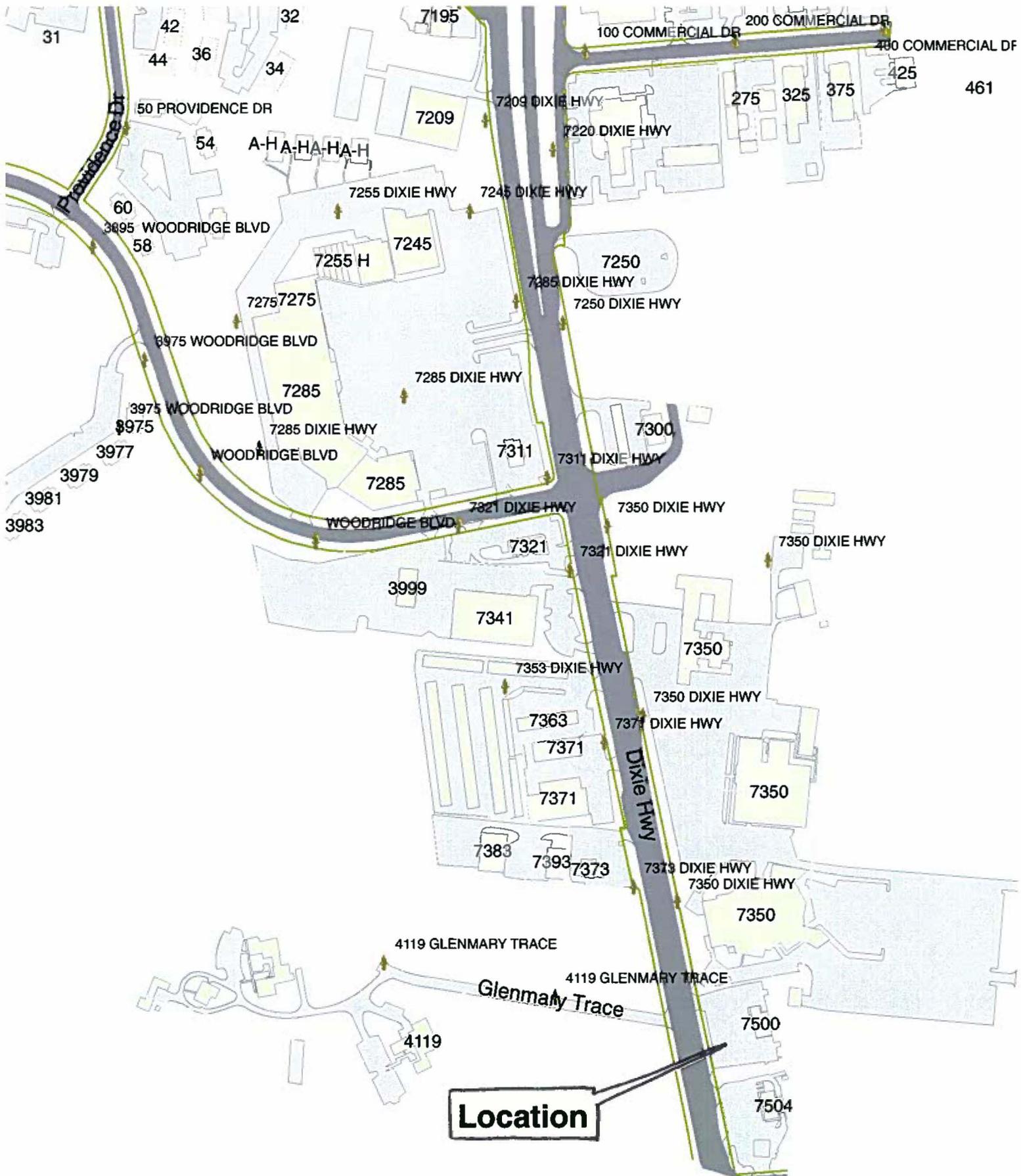
DATE 08/27/12

The business at 7500 Dixie Highway, in the name of Bekoil, Inc. doing business as \$ Market, is in a M-2, General Industrial District zone and is permitted as a non-conforming use.


Timothy Bachman
Development Services Director

plf

Liquor Permit 7500 Dixie Hwy.

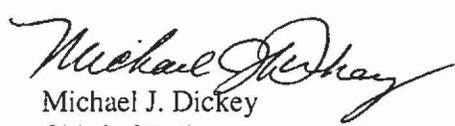


NAME OF ESTABLISHMENT Bekoil Inc.
 ADDRESS DBA \$ Market
7500 Dixie Highway
Fairfield, OH 45014

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

REMARKS: _____


 Michael J. Dickey
 Chief of Police

HEARING REQUESTED: Yes No

Date: August 29, 2012

**CITY OF FAIRFIELD, OHIO
CITY COUNCIL COMMUNICATION**

ITEM:

September 10, 2012

Liquor permit application in the name of Aso, LLC DBA J Gumbos & Patio, 5951 Boymel Drive, Unit 5, 1st Floor, Fairfield, Ohio 45014.

FINANCIAL IMPACT:

No financial impact.

SYNOPSIS/BACKGROUND:

The City of Fairfield is in receipt of an application from the Ohio Department of Liquor Control for a D5 permit for the above establishment.

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

RECOMMENDATION:

It is recommended that City Council request, via simple motion, that no hearing be held on the liquor permit application in the name of Aso, LLC DBA J Gumbos & Patio.

LEGISLATIVE ACTION REQUIRED: Simple Motion of Council

Prepared by: Alina Wilson
Approved for Content by: Alina Wilson
Financial Review (where applicable) by: Mary Ann
Legal Review (where applicable) by: John Clemmons
Accepted for Council Agenda: Alina Wilson

DEPARTMENTAL CORRESPONDENCE

City
of
Fairfield



TO Alisha Wilson, Clerk of Council

FROM Timothy Bachman, Development Services Director

SUBJECT Liquor Permit Application

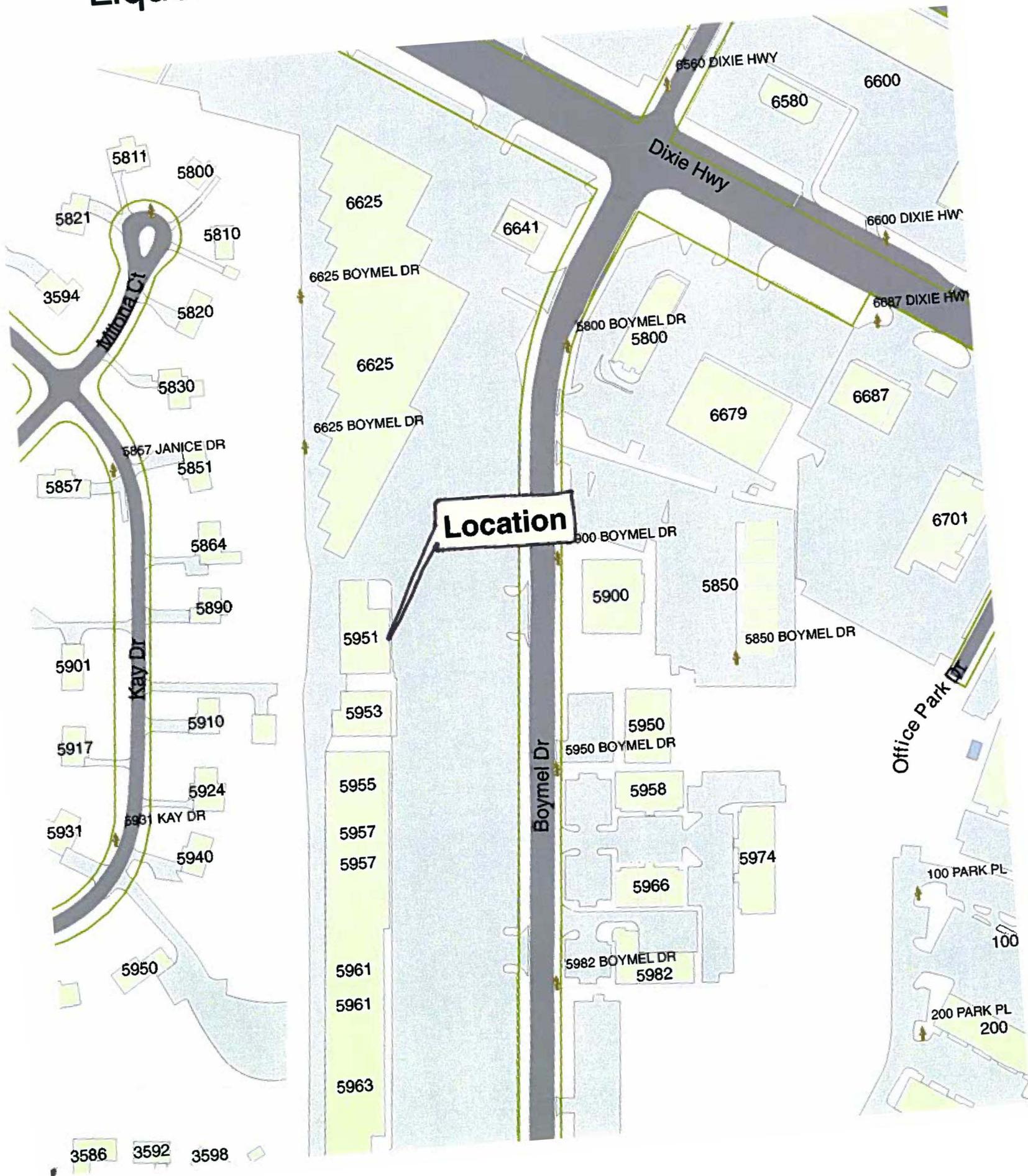
DATE 08/27/12

The business located at 5951 Boymel Drive, Unit 5, 1st floor, in the name of Aso, LLC doing business as J Gumbos and Patio, is in a C-3, General Business District, and is a permitted use as a restaurant. Should the applicant wish to operate this facility as a tavern, night club or entertainment facility solely or in conjunction with the restaurant, a Conditional Use Permit must be secured through the Planning Commission

Timothy Bachman
Development Services Director

plf

Liquor Permit - 5951 Boymel Dr., Unit 5

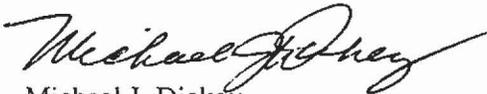


NAME OF ESTABLISHMENT ASO LLC
 ADDRESS DBA J. Gumbos & Patio
5951 Boymel Dr. Unit 5 1st Floor
Fairfield, OH 45014

YES NO

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

REMARKS: _____


 Michael J. Dickey
 Chief of Police

HEARING REQUESTED: Yes No

Date: August 29, 2012

CITY OF FAIRFIELD, OHIO
CITY COUNCIL MEETING COMMUNICATION

ITEM NO. 111(7)13

ITEM:

DATE: 09/10/2012

Pavement Marking Application contract for the 2012 Program.

FINANCIAL IMPACT:

\$65,500.00 (\$56,932.00 for the application of roadway pavement markings plus a contingency of \$8,568.00) from the 0.2% Street Improvement Fund.

SYNOPSIS:

The City contracts out the application of pavement markings on an annual basis to promote safety and aesthetics.

BACKGROUND:

The City has approximately 360 lane miles of pavement within the City. As pavement markings become aged, it is necessary to re-paint them on an annual basis.

A bid opening was held on August 27th for which ten (3) bids were received. The bid results are attached.

<i>Contractors</i>	<i>Total</i>
A&A Safety Inc. – Cincinnati, OH	\$59,932.00
Aero-Mark, Inc. – Streetsboro, OH	\$68,560.86
Oglesby Construction Inc. – Norwalk, OH	\$69,728.34

The lowest and best bidder is A&A Safety Inc. of Cincinnati, Ohio.

STAFF RECOMMENDATION:

It is recommended that City Council approve legislation for an appropriation in the amount of \$65,500 from the 0.2% Street Improvement Fund, and authorize the City Manager to enter into a contract with A&A Safety, Inc. of Cincinnati, Ohio for the 2012 Pavement Marking Application contract. A suspension of the rules and emergency provisions are being requested in order to complete this work before temperatures drop and inclement weather arrives.

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

City of Fairfield

Bid Tabulation for "2012 Application of Roadway Pavement Markings"

Bid Opening: August 27, 2012 City of Fairfield Council Chambers

Item #	Unit	Description	Traffic Paint Est. Qty.	Thermoplastic Est. Qty.	Bidder					
					Traffic Paint Unit Price	Thermoplastic Unit Price	Traffic Paint Unit Price	Thermoplastic Unit Price	Traffic Paint Unit Price	Thermoplastic Unit Price
					A&A Safety 1126 Ferris Road Cincinnati, OH 45102 513-943-6100		Oglesby Construction Inc. 1600 Toledo Road Rt. 20 W Norwalk, OH 44857 419-668-8204		Aero-Mark, Inc. 10423 Danner Drive Streetsboro, OH 44241 330-995-0100	
1	Feet	Edge Lines	25.33	0.16	\$ 553.00	\$ 2,500.00	\$ 385.00	\$ 3,500.00	\$ 470.00	\$ 2,500.00
2	Miles	Lanes Lines	5.39	0.00	\$ 429.00	\$ 1,375.00	\$ 279.00	\$ 2,200.00	\$ 356.00	\$ 1,600.00
3	Miles	Center Lines	19.38	0.07	\$ 685.00	\$ 4,250.00	\$ 710.00	\$ 6,500.00	\$ 740.00	\$ 6,500.00
4	Each	Arrows	145	13	\$ 20.00	\$ 60.00	\$ 33.00	\$ 175.00	\$ 31.00	\$ 75.00
5	Each	Combo Arrow	16	0	\$ 30.00	\$ 110.00	\$ 45.00	\$ 225.00	\$ 45.00	\$ 135.00
6	Each	ONLY'S	94	0	\$ 25.00	\$ 100.00	\$ 55.00	\$ 250.00	\$ 44.00	\$ 100.00
7	Each	SCHOOLS'S	8	0	\$ 140.00	\$ 550.00	\$ 160.00	\$ 500.00	\$ 166.00	\$ 500.00
8	Each	RAILROAD'S	6	0	\$ 140.00	\$ 500.00	\$ 160.00	\$ 475.00	\$ 165.00	\$ 450.00
9	Feet	STOP Bars (24")	2,394	170	\$ 1.20	\$ 4.10	\$ 2.00	\$ 8.17	\$ 1.75	\$ 5.50
10	Feet	Channel Lines (8")	18,086	1,205	\$ 0.20	\$ 0.85	\$ 0.33	\$ 2.36	\$ 0.32	\$ 1.20
11	Feet	Crosswalks (8")	6,542	0	\$ 0.80	\$ 1.00	\$ 0.90	\$ 3.23	\$ 1.10	\$ 2.50
12	Feet	Crosswalks (12")	0	0	\$ 1.20	\$ 2.70	\$ 2.00	\$ 4.25	\$ 1.35	\$ 3.00
13	Sq. Ft	Island Lines	478	0	\$ 1.20	\$ 2.65	\$ 1.25	\$ 5.00	\$ 1.00	\$ 2.50
14	Each	Bullnose	16	0	\$ 45.00	\$ 125.00	\$ 70.00	\$ 350.00	\$ 50.00	\$ 190.00
15	Feet	Dotted Guide Lines	1,212	0	\$ 0.70	\$ 1.25	\$ 0.90	\$ 1.25	\$ 1.00	\$ 1.75
16	Feet	Transverse Lines	912	0	\$ 1.15	\$ 4.10	\$ 1.35	\$ 6.02	\$ 1.25	\$ 4.25
17	Each	Humps's	0	0	\$ 100.00	\$ 400.00	\$ 300.00	\$ 500.00	\$ 200.00	\$ 400.00
18	Feet	Grinding	0	2570	\$ 0.35	\$ 0.40	\$ 1.00	\$ 0.60	\$ 0.75	\$ 0.75
19	Each	Grinding Words/Arrows	0	1	\$ 35.00	\$ 40.00	\$ 1.00	\$ 45.00	\$ 60.00	\$ 75.00
20	Each	Hanicap Marker	6	0	\$ 25.00	\$ 95.00	\$ 75.00	\$ 175.00	\$ 50.00	\$ 75.00
21	Feet	Parking Stall Lines (4")	1503	0	\$ 0.25	\$ 1.00	\$ 1.10	\$ 1.50	\$ 1.00	\$ 1.60

* Unit prices for Painted auxiliary markings are for bidding purposes only - actual quantities to be determined @ pre-construction meeting following bid award

Total Contract Amount	\$59,932.00	\$69,728.34	\$68,560.86
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These bids will be reviewed by the Public Works Department and a recommendation will be made to Council. There is no guarantee that the contract will be awarded to the lowest bidder. Contracts are awarded to the bidder deemed to be the best and the lowest.

ORDINANCE NO. _____

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.

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

Section 1. The City Manager is hereby authorized to enter into a contract with A & A Safety, Inc. for the 2012 Pavement Marking Application program in accordance with the bid 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 this project be completed before the temperatures drop and inclement weather arrives; wherefore, this ordinance shall take effect immediately upon its passage.

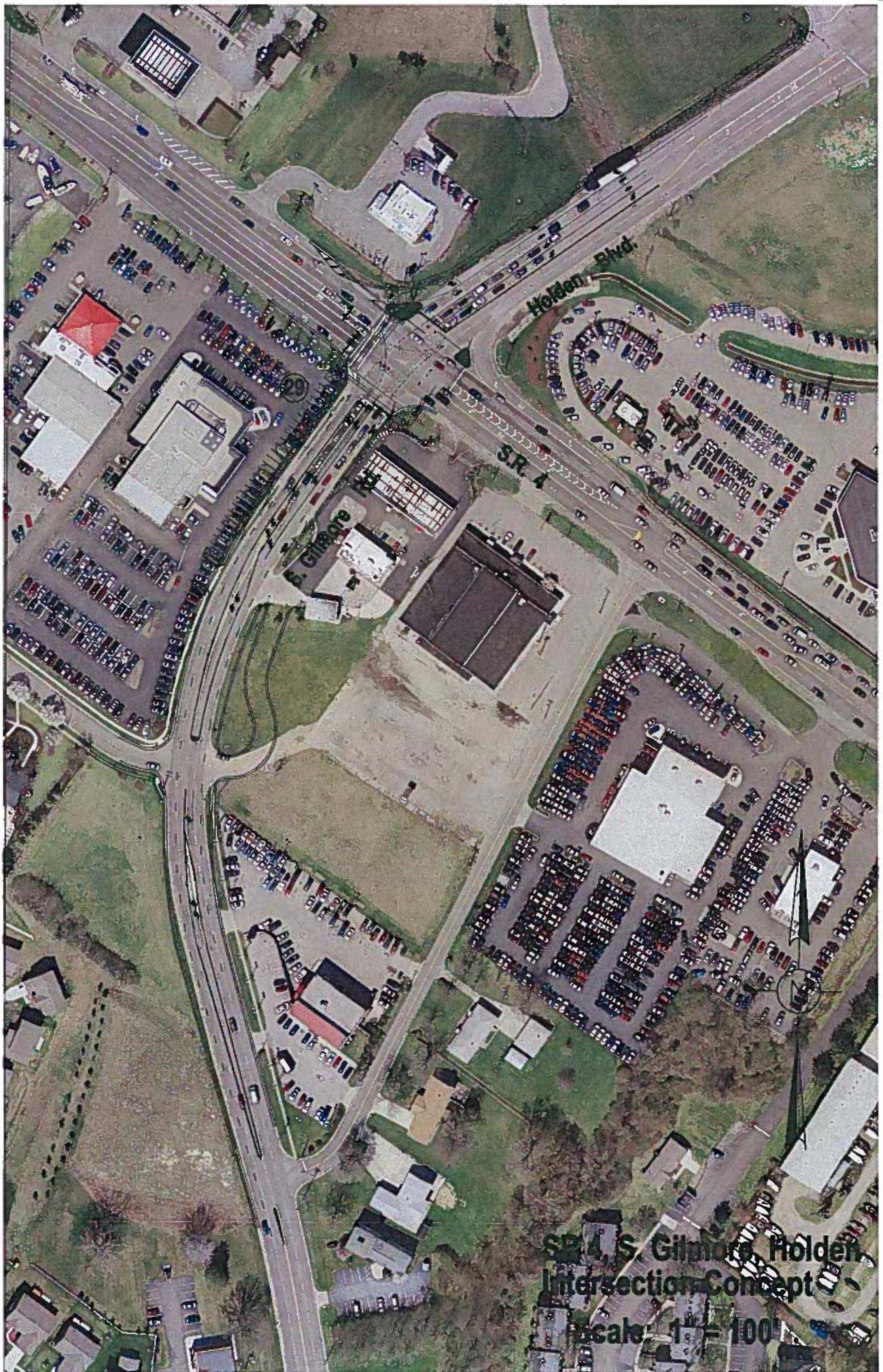
Passed	_____	_____	_____
		Mayor's Approval	
Posted	_____		
First Reading	_____	Rules Suspended	_____
Second Reading	_____	Emergency	_____
Third Reading	_____		

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



S.R. 4 S. Gilmore Holden
Intersection Concept
Scale: 1" = 100'



BUT-SR4-3.00
PID No. 92552

Prepared for:
City of Fairfield

July 6, 2012

LJB Inc.
3100 Research Boulevard
Dayton, Ohio 45420



July 6, 2012

Mr. Ben Mann, P.E.
City of Fairfield
8870 North Gilmore Road
Fairfield, OH 45014

Subject: BUT-SR4-3.00
PID 92552
Revised Price Proposal

Mr. Mann:

Please consider this letter and the attached material as LJB's revised proposal to provide the services discussed at the scope meeting held at the City Public Works Office on May 11, 2012 and revised per city comments received June 15, 2012 for the subject project. Attached are:

Table of Contents
Proposal Cost Summary
Proposed Labor Rates
Proposed Overhead and Cost of Money Rates
(Indirect Cost Inspection Certificate No. 2010-AW-029R)
Non-Labor Direct Cost Summary
Listing of Subconsultants
Project Schedule
(blue divider) Appendix A – Scope of Services Document (5/15/2012)
(yellow divider) Appendix B – Subconsultant proposals

If you require additional information, please contact our project manager, Dan Hoying, at (937) 259-5795 or dhoying@LJBinc.com or contact me directly at (937) 259-5067 or sknebel@LJBinc.com.

Sincerely,
LJB Inc.

Daniel J. Hoying, P.E., P.S., PMP
Project Manager

Scott A. Knebel, P.E.
Managing Principal

cc: Jeff Pietch – ODOT District 8
File

**DETAILED BREAKDOWN OF PROPOSED TOTAL HOURS,
PERSONNEL CATEGORIES, AND LABOR RATES**

Proposal
Date: 5/31/2012
Revised
Date: 7/10/2012

County Route and Section: BUT-SR4-3.00
Agreement No.:
PID: 92552
PDP Path Used: 3
CONSULTANT: EJB Inc.

PROJECT DESCRIPTION:
Reconstruct the intersection of State Route 4 and Holden Road/South Gilmore. Widen Holden and Gilmore to allow two WB through lanes. Replace traffic signal.

HOURLY RATES

Proj Exec / Proj Mgr \$59.16
Sr Engineer \$37.03
Proj Engineer or Survey \$38.80
R/W or Env. Specialist \$31.58
PI Specialist or \$37.15
Clerical \$7.72

Average Overhead Rate = 15.015% (Net Fee Calc.)
Overhead Percentage = 27.172.04%
Net Fee Percentage = 111.00%
Cost of Money = 1.024%

Task #	Task Description	No.	Hourly Rate	Total Hours	Labor Costs	Overhead Costs	Cost of Money	Direct Costs	Subcon Costs	Net Fee	Total Cost
1 Planning Phase											
1.3	Existing Data, Research and Analysis										
1.3	Subtotal		\$37.72	28	\$754	\$1,298	\$2	\$0	\$0	\$211	\$1,265
	SUBTOTAL PLANNING PHASE		\$37.72	28	\$754	\$1,298	\$2	\$0	\$0	\$211	\$1,265
2 Preliminary Engineering Phase											
2.1	Develop Preliminary Alternatives										
2.1	Subtotal		\$37.63	325	\$12,127	\$11,035	\$29	\$0	\$0	\$3,418	\$36,709
2.2	Perform Environmental Field Studies										
2.2	Subtotal		\$37.72	184	\$6,940	\$11,940	\$17	\$0	\$0	\$1,940	\$20,838
2.3	AER Design										
2.3	Subtotal		\$37.13	131	\$4,854	\$8,368	\$12	\$0	\$22,435	\$1,368	\$37,039
2.4	Prepare Cost Estimates										
2.4	Subtotal		\$37.32	57	\$2,127	\$3,660	\$5	\$0	\$4,800	\$595	\$10,387
2.5	AER Submittal and Other Studies										
2.5	Subtotal	#DEV/HR	0	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
2.7	Stage 1 Design										
2.7	Subtotal	#DEV/HR	0	0	\$0	\$0	\$0	\$0	\$22,686	\$0	\$22,686
2.8	Project Management for Preliminary Engineering Phase										
2.8	Subtotal		\$59.16	66	\$3,905	\$6,717	\$9	\$0	\$0	\$1,851	\$11,483
	SUBTOTAL PRELIMINARY ENGINEERING PHASE		\$37.48	763	\$28,063	\$51,721	\$72	\$0	\$49,121	\$8,694	\$139,582
3 Environmental Engineering Phase											
3.1	Environmental Field Studies and Refined Impacts										
3.1	Subtotal		\$37.72	8	\$302	\$519	\$1	\$0	\$334	\$84	\$1,240
3.3	Stage 2										
3.3	Subtotal	#DEV/HR	0	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
3.4	Right of Way Plans										
3.4	Subtotal	#DEV/HR	0	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
3.5	Prepare Environmental Document										
3.5	Subtotal		\$37.72	68	\$2,563	\$3,894	\$5	\$0	\$0	\$633	\$6,795
3.6	Environmental Commitments and Plan Notes										
3.6	Subtotal	#DEV/HR	0	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
3.8	Prepare Cost Estimates and Revise Milestone										
3.8	Subtotal	#DEV/HR	0	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

DETAILED BREAKDOWN OF PROPOSED TOTAL HOURS,
PERSONNEL CATEGORIES, AND LABOR RATES

County Route and Section: BUT-SR4-3.00
 Agreement No.:
 PID: 92552
 PDP Path Used: 3
 CONSULTANT: LJB Inc.

Proposal Date: 5/31/2012
 Revised Date: 7/10/2012

PROJECT DESCRIPTION: Reconstruct the intersection of State Route 4 and Holden Road/South Gilmore. Widen Holden and Gilmore to allow two WB through lanes. Replace traffic signal

HOURLY RATES

Proj Exec / Proj Mgr \$59.16
 Sr Engineer \$37.03
 Proj Engineer or Survey \$38.80
 R/W or Env. Specialist \$31.58
 PI Specialist or \$37.15
 Clerical \$37.72

Average Overhead Rate = 154.13% (Net Fee Calc.)
 Overhead Percentage = 172.04%
 Net Fee Percentage = 11.00%
 Cost of Money = 0.24%

Task #	Task Description	No.	Hourly Rate	Total Hours	Labor Costs	Overhead Costs	Cost of Money	Direct Costs	Subcon Costs	Net Fee	Total Cost
3.9	Project Management for Environmental Engineering Phase										
3.9	Subtotal		#DIV/0!	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	SUBTOTAL ENVIRONMENTAL ENGINEERING PHASE		37.72	68	\$2,565	\$4,413	\$6	\$0	\$334	\$787	\$8,035
4	Final Engineering and R/W Phase										
4.1	Right of Way Acquisition										
4.1	Subtotal		#DIV/0!	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
4.2	Stage 3 Detailed Design Plans										
4.2	Subtotal		#DIV/0!	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
4.3	Prepare Cost Estimates and Revise Milestone										
4.3	Subtotal		#DIV/0!	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
4.4	Final Plan Package										
4.4	Subtotal		#DIV/0!	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
4.5	Project Management for Final Engineering and Right of Way Phase										
4.5	Subtotal		#DIV/0!	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
4.6	Pre-Bid Activities										
4.6	Subtotal		#DIV/0!	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	SUBTOTAL FINAL ENGINEERING AND R/W PHASE		#DIV/0!	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
5	Construction Phase										
5.1	On-going services during Construction										
	SUBTOTAL CONSTRUCTION PHASE		#DIV/0!	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	IF AUTHORIZED TASKS										
	Subtotal of IF Authorized Tasks		337.72	133	\$5,733	\$9,843	\$14	\$4,959	\$77,992	\$4,600	\$98,156
	GRAND TOTAL		339.00	1003	\$39,116	\$47,295	\$94	\$4,959	\$77,428	\$16,935	\$199,137

ORDINANCE NO. _____

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.

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

Section 1. The City Manager is hereby authorized to enter into a contract with LJB, Inc. for the preliminary engineering for Route 4, South Gilmore and Holden intersection improvements 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 survey and environmental phases be completed this calendar 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

**CITY OF FAIRFIELD
CITY COUNCIL COMMUNICATION**

September 10, 2012

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 2012 to the County Auditor.

SYNOPSIS

The County Budget Commission has estimated tax collections for the year 2012 that the City will receive at a minimum the following amounts in property taxes:

	Millage	2010	2011
General Fund	1.29	\$ 990,000	\$1,115,000
Fire/EMS Levy Fund	4.65	\$3,800,000	\$3,378,000
Totals	5.94	\$4,790,000	\$4,493,000

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. Due to an oversight in 2011, this 2012 resolution was not submitted to Council (as noted in the 2011 Auditor's Management Letter.) This resolution is now being submitted for the 2012 year.

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: Maury Hopt
 Approved for Content by: Maury Hopt
 Financial Review (where applicable) by: Maury Hopt
 Legal Review (where applicable) by: [Signature]
 Accepted by Council Agenda: [Signature]

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, 2012**; 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

=====

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, 2013**; 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:

=====

SCHEDULE B

=====

LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

=====

FUND	COUNTY AUDITOR'S ESTIMATE OF YIELD OF LEVY (Carry to Schedule A)	MAXIMUM RATE AUTHORIZED TO BE LEVIED
=====		
GENERAL FUND:		
Current expense levy authorized by voters on not to exceed years.	,20	
Current expense levy authorized by voters on not to exceed years.	,20	
Current expense levy authorized by voters on not to exceed years.	,20	
Current expense levy authorized by voters on not to exceed years.	,20	
TOTAL GENERAL FUND OUTSIDE 10 MILL LIMITATION	0.00	0.00
=====		
SPECIAL LEVY FUNDS:		
Levy authorized 03/19,1996 Terminated by Resolution 09-00 not to exceed 5 years. 91-N, 96-R (EMS 96/2000)		0.00
Levy authorized by voters on 03/07 ,2000 not to exceed IND years. 83-N (FIRE) 2000 REI	3,800,000.00	4.65
Levy authorized by voters on not to exceed years.	,20	
Levy authorized by voters on not to exceed years.	,20	
Levy authorized by voters on not to exceed years.	,20	
Levy authorized by voters on not to exceed years.	,20	
Levy authorized by voters on not to exceed years.	,20	
Levy authorized by voters on not to exceed years.	,20	
Levy authorized by voters on not to exceed years.	,20	
=====		

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

September 10, 2012

ITEM

City Council is requested to enter into agreement with Dell and to pass an appropriation in the amount of \$50,798.00 (including 10% contingency), from the .2% Capital Improvement Fund for 2012.

FINANCIAL IMPACT

An appropriation in the amount of \$50,798.00 from the .2% Capital Improvement Fund for project FIN-11-003 from the 2011 Capital Improvement Program.

BACKGROUND

Replacements of servers are necessary to maintain computer hardware compatibility with the ever changing computer software and the needs of the city users. These advancements in both software and the required hardware are inevitable and completely out of the control of individual organizations. The 2012 replacement plan covers the city email server and the server used for the city financial software. The products/services for this appropriation will be purchased under the Ohio State pricing Contract # 0A1068.

STAFF RECOMMENDATION

It recommended City Council authorize and direct the preparation of legislation for the appropriation of \$50,798.00 from the .2% Capital Improvement Fund and suspend the rules requiring the second and third reading.

LEGISLATIVE ACTIONS:

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

Prepared by:

Joseph Waldmann

Financial Review (where applicable) by:

Mary Hopton

Legal Review (where applicable) by:

[Signature]

Accepted by Council Agenda:

[Signature]

11 (S) (Z)

*Ohio
Cont. # DA1068*

Print Summary



Exchange
PowerEdge R710 Rack Server

Starting Price **\$10,761.00**
Instant Savings **\$804.00**

Subtotal **\$9,957.00**

Use your purchase order number or credit card at checkout for payment.

Discount Details
 Preliminary Ship Date: 9/20/2012

My Selections **All Options**

• **PowerEdge R710 Rack Server**

Date	8/29/2012 9:37:36 AM Central Standard Time			
Catalog Number	84 Retail 84			
Catalog Number / Description	Product Code	Qty	SKU	Id
PowerEdge R710: Chassis for Up to 8, 2.5-Inch Hard Drives	R7108W	1	[224-8461]	1
SHIP: PowerEdge R710 Shipping	SHIPGRP	1	[330-4124]	2
Processor: Intel® Xeon® X5647 2.93GHz, 12M Cache, 5.86 GT/s QPI, 4C	X5647	1	[317-6156]	6
Installation Services: No Installation	NOINSTL	1	[900-9997]	32
Memory: 32GB Memory (8x4GB), 1333MHz Dual Ranked LV RDIMMs for 2 Processors, Advanced ECC	32LVR2A	1	[317-7367]	3
Additional Processor: Intel® Xeon® X5647 2.93GHz, 12M Cache, 5.86 GT/s QPI, 4C	2X5647	1	[317-1213] [317-6165]	7
Operating System: Windows Server 2008 R2 SP1, Standard Edition, Includes 5 CALS	WS8S5C	1	[421-5425]	11
Hard Drive Configuration: RAID 6 for H700 or PERC 6/i Controllers	MSR6	1	[341-8706]	27
Internal Controller: PERC H700 Integrated RAID Controller, 512MB NV Cache, x8	H7512X8	1	[342-1146]	9
Hard Drives: 300GB 15K RPM SAS 6Gbps 2.5in Hot-plug Hard Drive	30015HA	6	[342-2240]	1209

#46,100

Power Supply: High Output Power Supply, Redundant, 870W	RDPSUHO	1	[330-3475]	36
Power Cords: NEMA 5-15P to C13 Wall Plug, 125 Volt, 15 AMP, 125V10F 10 Feet (3m), Power Cord		1	[310-8509]	106
OS Partitions: 80GB Microsoft OS Partition Override	80GBPAR	1	[420-6967]	37
Embedded Management: iDRAC6 Express	IDRCEX	1	[467-8649]	14
Network Adapter: 2x Broadcom 5709 Dual Port 1GbE NIC w/TOE iSCSI, PCIe-4	2B5709I	1	[430-3260] [430-3260]	13
Rails: ReadyRails™ Sliding Rails With Cable Management Arm	RRCMA	1	[330-3477]	28
Bezel: Bezel	BEZEL	1	[313-7517]	17
Internal Optical Drive: DVD ROM, SATA, Internal	DVD	1	[313-9092]	16
System Documentation: Electronic System Documentation and OpenManage DVD Kit	EDOCS	1	[330-3485]	21
1st Hard Drive: HD Multi-Select	HDMULTI	1	[341-4158]	8
Feature Upgrades for Embedded NIC Ports: Dual Two-Port Embedded Broadcom® NetXtreme II 5709 Gigabit Ethernet NIC	OBNIC	1	[430-1764]	5
BIOS Setting: Power Saving BIOS Setting	ESBIOS	1	[330-3491]	10
Power Cords: No Additional Power Cords	NOPWRCD	1	[310-9057]	38
Riser Card: Riser with 2 PCIe x8 + 2 PCIe x4 Slot	PCIEX8	1	[320-7886]	18
Hardware Support Services: 3Yr Basic Hardware Warranty Repair: 5x10 HW-Only, 5x10 NBD Onsite	U3OS	1	[992-8062] [993-2100] [993-8447] [993-8458] [993-8459] [994-4019]	29
Proactive Maintenance: Maintenance Declined	NOMAINT	1	[926-2979]	33

 Print

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Print Summary



Munis
PowerEdge R710 Rack Server

Starting Price **\$13,510.00**
 Instant Savings **\$804.00**

Subtotal **\$12,706.00**

Use your purchase order number or credit card at checkout for payment.

- Discount Details
- Preliminary Ship Date: 9/20/2012

My Selections **All Options**

• **PowerEdge R710 Rack Server**

Date 8/29/2012 9:38:54 AM Central Standard Time
Catalog Number 84 Retail 84

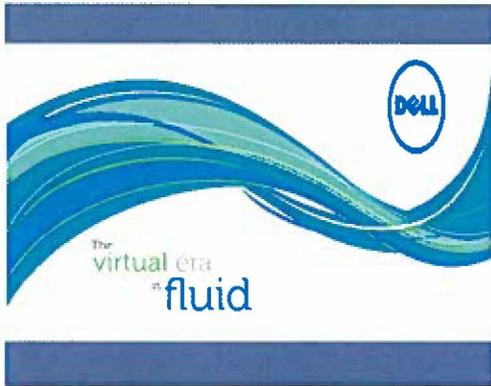
Catalog Number / Description	Product Code	Qty	SKU	Id
PowerEdge R710: Chassis for Up to 8, 2.5-inch Hard Drives	R7108W	1	[224-8461]	1
SHIP: PowerEdge R710 Shipping	SHIPGRP	1	[330-4124]	2
Processor: Intel® Xeon® X5647 2.93GHz, 12M Cache, 5.86 GT/s QPI, 4C	X5647	1	[317-6156]	6
Installation Services: No Installation	NOINSTL	1	[900-9997]	32
Memory: 32GB Memory (8x4GB), 1333MHz Dual Ranked LV RDIMMs for 2 Processors, Advanced ECC	32LVR2A	1	[317-7367]	3
Additional Processor: Intel® Xeon® X5647 2.93GHz, 12M Cache, 5.86 GT/s QPI, 4C	2X5647	1	[317-1213] [317-6165]	7
Operating System: Windows Server 2008 R2 SP1, Standard Edition, Includes 5 CALS	WS8S5C	1	[421-5425]	11
Hard Drive Configuration: RAID 6 for H700 or PERC 6/i Controllers	MSR6	1	[341-8706]	27
Internal Controller: PERC H700 Integrated RAID Controller, 512MB NV Cache, x8	H7512X8	1	[342-1146]	9
Hard Drives: 300GB 15K RPM SAS 6Gbps 2.5in Hot-plug Hard Drive	30015HA	6	[342-2240]	1209
Power Supply: High Output Power Supply, Redundant, 870W	RDPSUHO	1	[330-3475]	36
Power Cords: NEMA 5-15P to C13 Wall Plug, 125 Volt, 15 AMP, 10 Feet (3m), Power Cord	125V10F	1	[310-8509]	106

OS Partitions: 80GB Microsoft OS Partition Override	80GBPAR	1	[420-6967] 37
Embedded Management: iDRAC6 Express	IDRCEX	1	[467-8649] 14
Network Adapter: 2x Broadcom 5709 Dual Port 1GbE NIC w/TOE iSCSI, PCIe-4	2B5709I	1	[430-3260] [430-3260] 13
Microsoft SQL Server: Microsoft®SQLServer™2012Standard,5USERCALs,NFI,includesMedia	MSQL5MD	1	[421-8260] 39
Rails: ReadyRails™ Sliding Rails With Cable Management Arm	RRCMA	1	[330-3477] 28
Bezel: Bezel	BEZEL	1	[313-7517] 17
Internal Optical Drive: DVD ROM, SATA, Internal	DVD	1	[313-9092] 16
System Documentation: Electronic System Documentation and OpenManage DVD Kit	EDOCS	1	[330-3485] 21
1st Hard Drive: HD Multi-Select	HDMULTI	1	[341-4158] 8
Feature Upgrades for Embedded NIC Ports: Dual Two-Port Embedded Broadcom® NetXtreme II 5709 Gigabit Ethernet NIC	OBNIC	1	[430-1764] 5
BIOS Setting: Power Saving BIOS Setting	ESBIOS	1	[330-3491] 10
Power Cords: No Additional Power Cords	NOPWRCD	1	[310-9057] 38
Riser Card: Riser with 2 PCIe x8 + 2 PCIe x4 Slot	PCIEX8	1	[320-7886] 18
Hardware Support Services: 3Yr Basic Hardware Warranty Repair: 5x10 HW-Only, 5x10 NBD Onsite	U3OS	1	[992-8062] [993-2100] [993-8447] [993-8458] [993-8459] [994-4019] 29
Proactive Maintenance: Maintenance Declined	NOMAINT	1	[926-2979] 33

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snFG04



Customer Information

Quote # **EMC1001**

Company Name: **CITY OF FAIRFIELD**

Contact: _____

Email Address: _____

Phone Number: _____

Dell Co. #: **83**

Dell Customer #: **58041**

Date: **August 27, 2012**

Dell Extended Services Detail

Current Equipment Information

Service Tag #	Model	Current Service Contract	Ship Date	Service Contract Expiration
2R99FD1	DELL/EMC AX4-5F DP	4Hr7x24 IPSMC	7/1/2008	9/6/2013
HC89FD1	DELL/EMC AX4-5 DAE	4Hr7x24 IPSMC	7/1/2008	9/6/2013

Extended Service Information

EOL		Price	Extension Date
		\$3,233.00	1/10/2015
		\$561.00	1/10/2015
\$0.00		\$0.00	

Subtotal:	\$ 3,794.00
Reinstatement Fees:	\$0.00
Total:	\$ 3,794.00

Quote is valid for 30 days.
 Removal of items can affect pricing provided
 Taxes not included but will be charged where applicable

Extended Services Quote Information	
Quote #:	1017463754203

Customer Information	
Date:	August 21, 2012
Company Name:	CITY OF FAIRFIELD
Dell Customer #:	58041

Dell Contact Information
Jose Campos S APOS Services Consultant
Jose_Campos_S@Dell.com
Phone: 1-800-247-4618 ext. 741-0000
Fax: 1-866-584-8581

Dell Extended Services Details

Current Equipment Information					Extended Service Information				
Service Tag #	Model	Service Contract Type	Ship Date	Service Contract Expiration	Service Contract Type	New Contract End Date	Service Extension	Reinstatement Fee	Total Price
GPVZRK1	POWER VAULT MD1000	S1 + SV	8/6/2009	8/6/2012	S9+PS	8/6/2016	\$ 4,273.82	\$ -	\$ 4,273.82

Contract Descriptions	
2H	2HR 7x24 Service
6H	2HR 7x24 onsite diagnosis/ 6HR repair
S1, S9	4HR 7X24 Service
S4	4HR 5X10 Service
ND	Next Business Day Onsite Service
NP	Next Business Day - Parts Only
AE	Advanced Exchange
RR	Return to Depot
LT	Limited Technical Support
KK	Keep Your Hard Drive
TS	Gold Technical Support
CC	Complete Care
SV, GD, PL	Silver/Gold/Platinum
PS	End User ProSupport
PSMC	End User ProSupport Mission Critical
IPS	IT ProSupport
IPSMC	IT ProSupport Mission Critical
EPS	Enterprise ProSupport
EPSMC	Enterprise ProSupport Mission Critical
EOL	End Of Life

Extended Services Subtotal	\$ 4,273.82
Reinstatement Fees	\$ -
Parts	\$ -
Subtotal:	\$ 4,273.82
Total:	\$ 4,273.82

Pricing does not include sales tax where applicable.
This quotation is valid for 30 days.

Purchase Order Requirements
Please remember to include the following information:

Extended Services Quote Information	
Quote #:	1012096380765

Customer Information	
Date:	August 29, 2012
Company Name:	CITY OF FAIRFIELD
Dell Customer #:	58041

Dell Contact Information
Jose Campos S APOS Services Consultant
Jose Campos S@Dell.com
Phone: 1-800-247-4618 ext. 741-0000
Fax: 1-866-584-8581

Dell Extended Services Details

Current Equipment Information

Service Tag #	Model	Service Contract Type	Ship Date	Service Contract Expiration
JXLKTG1	POWER EDGE M600	S9 + GD	7/15/2008	1/4/2013
FXLKTG1	POWER EDGE M600	S9 + GD	7/15/2008	1/4/2013
HXLKTG1	POWER EDGE M600	S9 + GD	7/15/2008	1/4/2013
CXLKTG1	POWER EDGE M600	S9 + GD	7/15/2008	1/4/2013
1YLKTG1	POWER EDGE M600	S9 + GD	7/15/2008	1/4/2013
GXLKTG1	POWER EDGE M600	S9 + GD	7/15/2008	1/4/2013
BXLKTG1	POWER EDGE M1000	S9 + GD	7/15/2008	1/4/2013
CG49KB1	POWER EDGE 2950	S9 + GD	8/1/2006	1/4/2013

Extended Service Information

Service Contract Type	New Contract End Date	Service Extension	Reinstatement Fee	Total Price
S9+PSMC	7/15/2015	\$ 2,297.89	\$ -	\$ 2,297.89
S9+PSMC	7/15/2015	\$ 2,297.89	\$ -	\$ 2,297.89
S9+PSMC	7/15/2015	\$ 2,297.89	\$ -	\$ 2,297.89
S9+PSMC	7/15/2015	\$ 2,297.89	\$ -	\$ 2,297.89
S9+PSMC	7/15/2015	\$ 2,297.89	\$ -	\$ 2,297.89
S9+PSMC	7/15/2015	\$ 2,297.89	\$ -	\$ 2,297.89
S9+PSMC	7/15/2015	\$ 2,708.82	\$ -	\$ 2,708.82
S9+PSMC	8/1/2013	\$ 804.33	\$ -	\$ 804.33

Contract Descriptions

2H	2HR 7x24 Service
6H	2HR 7x24 onsite diagnosis/ 6HR repair
S1, S9	4HR 7X24 Service
S4	4HR 5X10 Service
ND	Next Business Day Onsite Service
NP	Next Business Day - Parts Only
AE	Advanced Exchange
RR	Return to Depot
LT	Limited Technical Support
KK	Keep Your Hard Drive
TS	Gold Technical Support
CC	Complete Care
SV, GD, PL	Silver/Gold/Platinum
PS	End User ProSupport
PSMC	End User ProSupport Mission Critical
IPS	IT ProSupport
IPSMC	IT ProSupport Mission Critical
EPS	Enterprise ProSupport
EPSMC	Enterprise ProSupport Mission Critical
EOL	End Of Life

Extended Services Subtotal	\$ 17,300.49
Reinstatement Fees	\$ -
Parts	\$ -
Subtotal:	\$ 17,300.49
Discounts Applied	\$ 3,460.10
Total:	\$ 13,840.39

Pricing does not include sales tax where applicable.
This quotation is valid for 30 days.

Purchase Order Requirements

Please remember to include the following information:

[Questions about Services? Click here.](#)

[Support Questions? Click here.](#)

- Billing address
- Shipping address, including a contact name & phone number
- Terms stated as 'Net 30'
- A total dollar amount
- An authorizing signature (if required)

Please attach a copy of your Dell quote, or reference the Dell quote number(s) on the purchase order.

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH DELL FOR THE REPLACEMENT OF COMPUTER SERVERS.

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

Section 1. The City Manager is hereby authorized to enter into a contract with Dell for the replacement of computer servers in accordance with the bid on file in the office of the City Manager.

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

Passed _____

Mayor's Approval _____

Posted _____

First Reading _____

Rules Suspended _____

Second Reading _____

Third Reading _____

ATTEST:

Clerk of Council

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

Clerk of Council

**CITY OF FAIRFIELD, OHIO
CITY COUNCIL COMMUNICATION**

ITEM:

September 10, 2012

Request for appropriation for **contractual** agenda items.**FINANCIAL IMPACT:**

\$336,120.00 from noted funding source.

SYNOPSIS:

The following appropriations have been requested to fund the contracts appearing under New Business on Council's meeting agenda dated September 10, 2012:

\$65,500.00	Pavement Marking Application contract for the 2012 Program
\$219,822.00	Preliminary Engineering for Route 4, South Gilmore & Holden Intersection Improvements
\$50,798.00	Replacement of computer servers

BACKGROUND:

Please refer to specific Council Communications dated September 10, 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?

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:

Mary Hagan

Legal Review (where applicable) by:

John A. Clemmons

Accepted by Council Agenda:

Alisha Wilson

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	\$50,798
To:	40216025-253400 Computer Equipment <i>(Replacement Computer Servers)</i>	\$50,798
From:	Unappropriated .2% Street Improvement Fund	\$285,322
To:	40116025-252000 Improvements Other than Building <i>(Pavement Marking Application)</i>	\$65,500
To:	40116023-233300 Engineering Services <i>(Engineering Services for Route 4, Holden and Gilmore Improvements)</i>	\$219,822

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

Passed _____
Mayor's Approval

Posted _____

First Reading _____ Rules Suspended _____

Second Reading _____

Third Reading _____

ATTEST:

Clerk of Council

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

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2012\Contractual 9-10 - Ord

CITY OF FAIRFIELD, OHIO
CITY COUNCIL COMMUNICATION

September 10, 2012

ITEM

City Council is requested to enter into agreement with Forward Edge and to pass an appropriation in the amount of \$17,537.00 from the .2% Capital Improvement Fund for 2012.

FINANCIAL IMPACT

An appropriation in the amount of \$17,537.00 from the .2% Capital Improvement Fund for projects FIN-10-001 in the 2012 Capital Improvement Program.

BACKGROUND

All Cisco network equipment is required to be covered under a support agreement in order to receive service and/or support on the equipment. In an effort to determine the most economical vendor to supply this support agreement at the time of the VoIP installation project, an initial support agreement was purchased for a term of one year. After evaluating the support and vendors supplying support, a determination was made to purchase the agreement from Forward Edge.

STAFF RECOMMENDATION

It is recommended that City Council authorize and direct the preparation of legislation to enter into agreement with Forward Edge and suspend the rules requiring a second and third reading of this Ordinance and adopt in order to implement the hardware.

It recommended City Council authorize and direct the preparation of legislation for the appropriation of \$17,537.00 from the .2% Capital Improvement Fund and suspend the rules requiring the second and third reading.

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

Prepared by:

Joseph Waldmann *JW*

Approved for Content by:

Joseph Waldmann

Financial Review (where applicable) by:

Mary Hopton *Mary Hopton*

Legal Review (where applicable) by:

[Signature]

Accepted by Council Agenda:

Fisha Wilson

Acct #

40216025253400

Cisco Systems, Inc.

Download Quote Q14442123

Please Note : This Quote is valid for 60 days from the Quote Date

Quote Number Q14442123
 Creation Date 3-Jul-12
 Quote Amount \$3,178.56
 Customer Price \$3,178.56
 Contract Number
 Service Level SMARTnet Onsite Premium 24x7x4(C4P)
 BID 400682815
 Reseller Name FORWARD EDGE LLC
 3428 Hauck Road Suite K
 Cincinnati, OH 45241
 UNITED STATES
 Parts Expiring in days
 CoTerm No
 Renewal Period Year

To place an order, you will need to purchase:

Line Item	Part Numb	Quantity
1	CON-OSP-S	3696

Site ID#	Company Name	Address 1	Address 2	Country	Product Nu	Service Pro	Description	Serial Num	Quantity	Begin Date	End Date	Customer Price
525454	CUSTOMER	UN-KNOWN	SAN JOSE, (UNITED ST/	WS-C4506-	CON-OSP-C	Cat4500 E-		1	3-Jul-12	2-Jul-13	\$3,178.56

*** End of Quote Q14442123 ***

525454	CUSTOMEF UN-KNOWN	SAN JOSE, (UNITED ST, ATA186-I1- CON-SNT-A ^Cisco ATA	1	3-Jul-12	2-Jul-13	\$13.75	\$13.75
525454	CUSTOMEF UN-KNOWN	SAN JOSE, (UNITED ST, ATA186-I1- CON-SNT-A ^Cisco ATA	1	3-Jul-12	2-Jul-13	\$13.75	\$13.75
525454	CUSTOMEF UN-KNOWN	SAN JOSE, (UNITED ST, ATA186-I1- CON-SNT-A ^Cisco ATA	1	3-Jul-12	2-Jul-13	\$13.75	\$13.75
525454	CUSTOMEF UN-KNOWN	SAN JOSE, (UNITED ST, ATA186-I1- CON-SNT-A ^Cisco ATA	1	3-Jul-12	2-Jul-13	\$13.75	\$13.75
525454	CUSTOMEF UN-KNOWN	SAN JOSE, (UNITED ST, ATA186-I1- CON-SNT-A ^Cisco ATA	1	3-Jul-12	2-Jul-13	\$13.75	\$13.75
525454	CUSTOMEF UN-KNOWN	SAN JOSE, (UNITED ST, ATA186-I1- CON-SNT-A ^Cisco ATA	1	3-Jul-12	2-Jul-13	\$13.75	\$13.75
525454	CUSTOMEF UN-KNOWN	SAN JOSE, (UNITED ST, ATA186-I1- CON-SNT-A ^Cisco ATA	1	3-Jul-12	2-Jul-13	\$13.75	\$13.75
525454	CUSTOMEF UN-KNOWN	SAN JOSE, (UNITED ST, ATA186-I1- CON-SNT-A ^Cisco ATA	1	3-Jul-12	2-Jul-13	\$13.75	\$13.75
525454	CUSTOMEF UN-KNOWN	SAN JOSE, (UNITED ST, ATA186-I1- CON-SNT-A ^Cisco ATA	1	3-Jul-12	2-Jul-13	\$13.75	\$13.75
525454	CUSTOMEF UN-KNOWN	SAN JOSE, (UNITED ST, ATA186-I1- CON-SNT-A ^Cisco ATA	1	3-Jul-12	2-Jul-13	\$13.75	\$13.75
525454	CUSTOMEF UN-KNOWN	SAN JOSE, (UNITED ST, ATA186-I1- CON-SNT-A ^Cisco ATA	1	3-Jul-12	2-Jul-13	\$13.75	\$13.75
525454	CUSTOMEF UN-KNOWN	SAN JOSE, (UNITED ST, ATA186-I1- CON-SNT-A ^Cisco ATA	1	3-Jul-12	2-Jul-13	\$13.75	\$13.75
525454	CUSTOMEF UN-KNOWN	SAN JOSE, (UNITED ST, ATA186-I1- CON-SNT-A ^Cisco ATA	1	3-Jul-12	2-Jul-13	\$13.75	\$13.75
525454	CUSTOMEF UN-KNOWN	SAN JOSE, (UNITED ST, ATA186-I2- CON-SNT-A ^Cisco ATA	1	3-Jul-12	2-Jul-13	\$13.75	\$13.75
		*** End of Quote Q14409187 ***				\$14,357.50	\$14,357.50

Solar Tint



www.solartint.com

130 Donald Drive
Fairfield, OH 45014
(513) 829-8818
Fax: (513) 829-9028

911 Lewis Street
Covington, KY 41011
(859) 746-1000
Fax: (859) 746-1198

3M Prestige Dealer
Established 1979



City of Fairfield Water Division		<Install		Bill>	
5021 Groh Lane		Address			
Fairfield, OH 45014		City, State, Zip			
Andy Eddy		Contact			
(513)858-7775		Phone			
		Fax			
Room / Area	Film	Qty	Sq. Ft.	Price	
Atrium	3M P-18	6	201.50	\$1,200.00	
Duke Energy Rebate				-\$201.50	
Entry	3M P-18	8	94.30	\$540.00	
Duke Energy Rebate				-\$94.30	
Other 2 offices	3M P-18	6	129.00	\$795.00	
Duke Energy Rebate				-\$129.00	
West Atrium Wall	3M P-18	18	391.90	\$2,400.00	
Duke Energy Rebate				-\$391.90	
Public Entry Utilities	3M P-18	2	39.60	\$210.00	
Duke Energy Rebate				-\$39.60	
Lab and HS Pump Room	3M P-18	6	90.00	\$500.00	
Duke Energy Rebate				-\$90.00	
Office next to Andy's	3M P-18	3	29.20	\$175.00	
Duke Energy Rebate				-\$29.20	
Platinum Warranty	YES	NO	Amount:	Film Total	\$4,844.50
Select Platinum	YES	NO	Amount:	Deposit	
Date:	CC / Check #:	Exp. Date:		Subtotal	\$4,844.50
Payment Terms: Check, VISA, Master Card, Discover				Warranty Total	\$0.00
Net on Completion Deferred:				Balance	\$4,844.50
Accounts not paid in 30 days will be assessed a late payment charge of 2% per month. A \$100.00 SERVICE CHARGE will be added to your bill, if a payment is not received as per billing terms. Warranty claims cannot be accepted until job has been paid in full. Any changes in film selection after original installation will be done at the buyers expense.					
Residential / Commercial Limited Warranty			Glass Policy		
None	X 10 Year	X Yes	X 60 Month glass breakage		
12 Year	15 Year	No	40 Month seal failure		
5 Year	Lifetime	(\$500 max per claim)	Platinum warranty		
See specific warranty forms from manufacturer for actual terms and conditions.			Platinum warranty	Select Platinum warranty	
Glass:	Height:	Source:			
Proposed By:	Date:	Designer:	Number:		
Jason Young	8/30/2012				
Proposal Acceptance: 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.					
Proposal Accepted:	Date:	Installation Completed:	Date:		

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	\$35,048
To:	40216025-253400 Computer Equipment <i>(Cisco Network Equipment)</i>	\$17,537
To:	40216025-252000 Improvements Other Than Building <i>(Exhaust System Modifications for Fleet Division)</i>	\$17,511
From:	Unappropriated Water Surplus Fund	\$4,900
To:	60516023-234200 Maintenance of Land, Building and Facilities <i>(Replacement of Protective Coating on Windows at Water Treatment Plant)</i>	\$4,900
From:	Unappropriated .2% Street Improvement Fund	\$5,000
To:	40116023-233500 Appraisal Services <i>(Appraisal of Right of Way Acquisition for Seward Road between Port Union and Symmes)</i>	\$5,000

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

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

ATTEST:

Clerk of Council

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

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2012\Non Contractual 9-10 - Ord

CITY OF FAIRFIELD, OHIO
CITY COUNCIL COMMUNICATION

ITEM:

September 10, 2012

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

FINANCIAL IMPACT:

\$ 24,000 from noted funding sources.

SYNOPSIS:

The following requests have been submitted for the September 10, 2012 meeting:

\$24,000 Emergency repairs performed by Duke Energy to the Water System wellfield power grid

BACKGROUND:

Please refer to the attached Council Communications dated September 10, 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: Mary Hight

Legal Review (where applicable) by: John A. Clements

Council Agenda: Alisa Wilson

CITY OF FAIRFIELD, OHIO
CITY COUNCIL MEETING COMMUNICATION

Date: 9/10/12

ITEM:

Appropriation for emergency repairs performed by Duke Energy to the Water System wellfield power grid.

FINANCIAL IMPACT:

Funding in the amount of \$24,000 from the Water Surplus Fund.

SYNOPSIS:

The appropriation is necessary for emergency replacement of storm damaged line poles and high voltage system in the wellfield.

BACKGROUND:

During the widespread storm activity experienced in the area on June 29, 2012, the power grid to the wellfield was disabled and it was necessary to call Duke Energy to replace storm damaged line poles and the high voltage distribution cable. Because the damage was not anticipated, funding is not available in the Division's annual operating budget to pay for these repairs. It is requested that the funding be appropriated from the Water Surplus Fund.

RECOMMENDATION:

Staff is recommending that City Council authorize an appropriation in the amount of \$24,000 from the Water Surplus Fund for these emergency repairs.

LEGISLATIVE ACTION: Suspension of Rules and Adoption Requested?	<input type="checkbox"/>	<input checked="" 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:

Approved for Content by:

Financial Review (where applicable):

Legal Review (where applicable):

Accepted for Council Agenda:



INVOICE

Invoice: 30313919
Invoice Date: 8/20/2012
Page: 1 of 1

Bill to: USC-FAIRFIELD WATER
5021 GROH LANE
ATTN: DAVE CROUCH
FAIRFIELD OH 45014

Customer No: USC-FAIRFIELDWTR
PO / Contract No:
Payment Terms: Net 30
Due Date: 9/19/2012
Amount Due: \$23,611.00

Emergency Replacement of Storm Damaged Line Poles and High Voltage Distribution Cable

For billing questions, please call Brandy Decker at 8123444367.

Table with 4 columns: Line, Date of Charge, Description, Net Amount. Row 1: 1, Emergency Replacement of Storm Damaged Line Poles and High Voltag, \$23,611.00. Total Amount Due: \$23,611.00

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

Payment Coupon

Please make check payable to:

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

Wire/ACH Instructions:

PNC Bank
041000124
Duke Energy One, Inc.
4060078836

Invoice Number:

30313919

Corporation Code:

75696

Please Pay By:

9/19/2012

Customer Number:

USC-FAIRFIELDWTR

Total Amount Due:

\$23,611.00

Fed Tax ID # 31-1751104

USC-FAIRFIELD WATER
5021 GROH LANE
ATTN: DAVE CROUCH
FAIRFIELD OH 45014

Amount Enclosed



153330333133393139000000000300023611007

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 Water Surplus Fund	\$24,000
To:	60516023-234200 Maintenance of Land, Building and Facilities <i>(Emergency Repairs at Water System Wellfield)</i>	\$24,000

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

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

ATTEST:

Clerk of Council

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

Clerk of Council