

MINUTES
REGULAR MEETING OF COUNCIL
MAY 29, 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 Senger led in prayer followed by the Pledge of Allegiance.

Roll Call

Clerk Jolivette called the roll of Council. Councilmember Abbott, Councilmember Oler, Councilmember Holtegel, Councilmember Senger, Councilmember Pennington, and Councilmember Meyers. Councilmember Oler, seconded by Councilmember Meyers moved to excuse Councilmember Jones. Motion Carried 6-0.

Agenda Modifications

There were no modifications to the Agenda.

Executive Session Requests

Councilmember Holtegel, seconded by Councilmember Oler moved to approve an Executive Session to discuss pending and imminent litigation. Clerk Jolivette took a roll call vote of Council. Motion Carried 6-0.

Public Hearing(s)

No public hearings were scheduled.

Special Presentations and Citizen Comments

- Proclamation - Doctor Stan Goodman

Councilmember Pennington presented a proclamation to Doctor Stan Goodman for his many contributions as a pediatrician and for practicing medicine for over 50 years.

Mayor D'Epifanio discussed the countywide Butler County We Thank You event that will be held on the airport on Saturday, June 30, 2012 from noon to 4:00 PM. He also mentioned some of the members of the committee for this event. Mayor D'Epifanio discussed UC student's inquiry about the event which led to the students raising money on campus for the event. City of Hamilton Mayor Pat Moeller discussed this community wide thank you event. Mayor Moeller and Mayor D'Epifanio received a check from UC students Karen Wasuski and Mark Clemente for a donation of \$350 for the Butler County We Thank You Event and the Honor and Remember Flag Organization. Mayor D'Epifanio explained Tom Mitchell is the Chairman of the Honor and Remember Organization, which presents a Gold Star flag to any military family who loses a loved one. Mayor D'Epifanio explained any funds left over from the event will be used to purchase flags for military families that have lost loved ones. Mayor Moeller again invited everyone to attend.

- Presentation - Butler County Developmental Disabilities

Sharon Perry from the Butler County Developmental Disabilities introduced Theresa and Ted who are also with the Butler County DD. On behalf of the Butler County DD, Sharon Perry thanked the tax payers for their support and played the short video presentation "*Because of You I Live on My Own*", which is part of their campaign awareness. Mayor D'Epifanio discussed his family's experiences and thanked the organization for their work.

Jim Brown, 5678 Winton Road, asked for a follow-up regarding the question he raised two years ago regarding the widening of a section of Winton Road. Public Works Director Dave Butsch advised this project is the CIP for 2015, but it may get pushed out further. Mr. Brown discussed his concern for safety with the possibility of an accident occurring in the area that changes from three lanes to two. He commented Winton Road is an emergency route because all the traffic comes off Mack Road and Nilles Road. He stated he feels it should not be pushed back and something should be done. Mayor D'Epifanio explained it is due to lack of funding, but we are always looking for grants.

Ealer Wadlington III, 5815 Leslie Drive, discussed water damage to his home due to a storm on May 1st. He stated his home was one of many affected in the City of Fairfield. He further stated the main cause of his destruction was the city's storm drain in the right corner of his yard. He requested the City of Fairfield reimburse \$5,000 to him for the recovery of the property and rebuild the easement. Mr. Wadlington presented the attached photos showing how the water flowed into the house. He also read the attached letter from William Schaefer a construction & utilities engineer retired from Procter & Gamble regarding his opinion for the storm drain overflow. Mr. Wadlington briefly discussed the damages which he stated were caused by a faulty storm drain. Mayor D'Epifanio advised that the City has spent well over 23 million dollars to correct water problems. He commented on just going through the heaviest rain year in the history of our country. He noted the ground was saturated and when we got three inches very quickly it created some problems. Law Director John Clemmons stated there is a claim form at the City Manager's office that can be submitted to the city's insurance company. He stated that does not mean it will be paid, but that is the process.

Mayor/Council Reports

Councilmember Oler commented on the lack of organization for the Memorial Day Parade and the confusion. He also commented on the policy that the parade is for veterans and someone running for office would not be allowed to participate. Councilmember Senger advised the Parks Board will take a look at the parade and these items. Councilmember Oler recognized Police Officer Aaron Meyer who was recently honored by the Fairfield Rotary Club with the Police Officer of the Year award.

Councilmember Abbott advised the April and May employer tax withholdings is above projections and the 2011 annual audit is under way and being performed from Peck, Shafer, and Hackett.

Councilmember Senger stated he didn't witness the problems with the parade. He thanked the Police, Fire Department, Parks Department and Public Works for the coordination of the parade especially in the heat.

Councilmember Pennington commented positively on the Parade honoring the Veterans.

Councilmember Holtegel expressed his positive comments on the Parade. He agreed that politics should be left out of the Memorial Day Parade.

Mayor D'Epifanio commented someone from Parks is usually at Merck Medco for the line-up, but no one was there this year. He explained the park was nice.

A voicemail from resident Gladys Black was played in which she offered her thanks to the Police Chief and the Officers, Fire Department and all of our service people who give such great service. She stated Fairfield is a very pleasant place to live and she has always had such positive experiences whenever she has had to call for help.

Mayor D'Epifanio stated he is speaking for himself not for anyone on Council or the City. He further advised his problems with the press do not pertain to Ms. Kieswetter from the Enquirer. He briefly commented on the process for selecting the replacement for the Clerk of Council office and his concern with the media coverage regarding the request for names of those interviewed for the Clerk of Council position, which was later printed in the newspaper. He expressed his concern with the possibility of those who interviewed losing their jobs because of this list being printed. He further commented on the lack of media coverage regarding the Butler County Veterans We Thank You Event press conference. He commented on the media that attended the press conference and expressed that three television stations that did not attend the press conference for this positive event.

Approval of Minutes

- Special Meeting Minutes of May 12, 2012

The Special Meeting Minutes of May 12, 2012 were approved as written.

- Regular Meeting Minutes of May 14, 2012

The Regular Meeting Minutes of May 14, 2012 were approved as written.

OLD BUSINESS

PUBLIC SAFETY COMMITTEE

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

Ordinance to adopt a new subsection 517.01 (ggg) and a new section 517.16 of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio relative to sweepstakes terminal devices.

Councilmember Oler presented the third reading of this Ordinance. Councilmember Oler, seconded by Councilmember Abbott moved to adopt. Motion Carried 6-0. ORDINANCE NO. 53-12 ADOPTED 6-0.

DEVELOPMENT SERVICES COMMITTEE

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

Ordinance to authorize the City Manager to execute a lease extension amendment with Red Spires Asset Sub, LLC for the tower on City land located on Joe Nuxhall Way.

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

NEW BUSINESS

COMMUNITY & PUBLIC RELATIONS COMMITTEE

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

Simple Motion: Simple Motion appointing Alisha Wilson as the Clerk of Council effective June 4, 2012.

Councilmember Pennington, seconded by Councilmember Holtegel moved to appoint Alisha Wilson as the Clerk of Council effective June 4, 2012. Mayor D'Epifanio commented that Ms. Wilson is here in the audience this evening. He further commented she is currently employed by the city in Human Resources. Motion Carried 6-0. SIMPLE MOTION NO. 16-12 APPROVED 6-0.

PUBLIC SAFETY COMMITTEE

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

Simple Motion: Motion to approve a liquor permit application in the name of JDM Entertainment LLC, Cincinnati Mills Mall, 125 Cincinnati Mills Drive 2nd Floor, Fairfield, OH 45014 (Permit Classes: D5B and D6).

Councilmember Oler, seconded by Councilmember Abbott moved to approve a liquor permit application in the name of JDM Entertainment LLC, Cincinnati Mills Mall, 125 Cincinnati Mills Drive 2nd Floor, Fairfield, OH 45014 (Permit Classes: D5B and D6). Motion Carried 6-0. SIMPLE MOTION NO. 17-12 APPROVED 6-0.

PUBLIC WORKS COMMITTEE

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

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

Ordinance to authorize the City Manager to enter into a one (1) year contract with the John R. Jurgensen Company for the 2012 Street Repair and Resurfacing Program.

Background: City Manager Pizzano recommended a one year contract with John R. Jurgensen Company for this year's Street Repair and Resurfacing Program. He stated the useful life of our streets is between 18 and 22 years. Legislative Action: Councilmember Meyers presented the first reading of this Ordinance. Councilmember Meyers, seconded by Councilmember Abbott moved to suspend the rules requiring three (3) readings. Motion Carried 6-0. Councilmember Meyers, seconded by Councilmember Abbott moved to adopt. Motion Carried 6-0. ORDINANCE NO. 54-12 ADOPTED 6-0.

Ordinance to declare 1,414 tons of salt as surplus and to authorize the City Manager to sell up to 1,414 tons of salt to the City of Forest Park at the current invoiced price of \$65.89 per ton.

Background: City Manager Pizzano explained the City has surplus salt and by State law to dispose of any surplus asset of the City it requires Council action. He explained this winter was a record non-snowfall and the city's contract called for the city to purchase a minimum amount of salt annually. At the end of the winter our salt barn was filled and we still had not taken delivery of the salt we had ordered, so it was temporarily stored at Forest Park. This action will declare the salt in the Forest Park bin as surplus and sell it to Forest Park for the same price we paid for it. He advised we will be able to maintain the same cost structure next year with the vendor we had this year and the requirement in the contract that calls for a minimum to be purchased has been eliminated. **Legislative Action:** Councilmember Meyers presented the first reading of this Ordinance. Councilmember Meyers, seconded by Councilmember Oler moved to suspend the rules requiring three (3) readings. Motion Carried 6-0. Councilmember Meyers, seconded by Councilmember Oler moved to adopt. Councilmember Senger stated this is a good example of how professional the staff works because the problem was figured out ahead of time and a community was found that had space to put it. He thanked Public Works because the effort involved is a way that Fairfield can maintain the good discount on salt for next season. Councilmember Abbott recognized Public Works for the great job and for continuing the relationship with a Hamilton County community especially with all the work being done at Exit 39. Motion Carried 6-0. ORDINANCE NO. 55-12 ADOPTED 6-0.

PUBLIC UTILITIES COMMITTEE

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

Ordinance to authorize the City Manager to enter into a contract with Adgo, Inc. for the Wastewater Treatment Plant SCADA Improvements.

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

Background: City Manager Pizzano recommended a contract with Adgo, inc. for the Wastewater Treatment Plant SCADA improvements. He advised this is a Capital Improvement item that was discussed and the current system is from 1988. He explained the equipment is technically outdated and has limited software support. The goal is to get both systems compatible for Water and Wastewater. **Legislative Action:** Councilmember Meyers presented the first reading of this Ordinance. Ordinance approved for first reading only.

FINANCE & BUDGET COMMITTEE

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

Councilmember Abbott, seconded by Councilmember Pennington moved to read the following three (3) Ordinances by title only. Motion Carried 6-0.

Ordinance to reconcile accounts.

Background: City Manager Pizzano recommended an Ordinance to reconcile accounts. **Legislative Action:** Councilmember Abbott presented the first reading of this Ordinance entitled an "Ordinance to amend Ordinance No. 117-10 entitled "An Ordinance to make estimated appropriations for the expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2011, and ending December 31, 2011". Councilmember Abbott, seconded by Councilmember Holtegel moved to suspend the rules requiring three (3) readings of the Ordinance. Motion Carried 6-0. Councilmember Abbott, seconded by Councilmember Holtegel moved to adopt. Motion Carried 6-0. ORDINANCE NO. 56-12 ADOPTED 6-0.

Appropriation Ordinance (Non-Contractual Items) - \$5,300 for Hatton Park/Joe Nuxhall Miracle League Fields Project signage; \$8,200 re-locate overhead fiber optic cables and coaxial cables to an underground conduit at the Municipal Building; \$24,500 purchase of fire hose and related equipment for the Fire Department; and \$20,000 material and labor to connect Fire Houses 32 and 33 to the City's computer network.

Background: City Manager Pizzano recommended the following non-contractual items: \$5,300 for the signage for the Joe Nuxhall Miracle League Fields; \$8,200 to re-locate overhead fiber optic cables and coaxial cables to an underground conduit at the Municipal Building; \$24,500 to purchase of fire hose and related equipment for the Fire Department; and \$20,000 for material and labor to connect Firehouses 32 and 33 to the City's computer network. **Legislative Action:** Councilmember Abbott presented the first reading of an Ordinance entitled an "Ordinance to amend Ordinance No. 127-11 entitled "An Ordinance to make estimated appropriated expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2012, and ending December 31,

2012." Mayor D'Epifanio commented on the accomplishments at the Miracle League Field of Dreams noting the fields are done and they are just working on landscaping and other aesthetics. Councilmember Abbott, seconded by Councilmember Pennington moved to suspend the rules requiring three (3) readings of the Ordinance. Motion Carried 6-0. Councilmember Abbott, seconded by Councilmember Holtegel moved to adopt. Motion Carried 6-0. ORDINANCE NO. 57-12 ADOPTED 6-0.

Appropriation Ordinance (Contractual Items) - \$363,000 for Wastewater Treatment Plant SCADA Improvements; and \$480,000 for 2012 Street Repair and Resurfacing Program.

Background: City Manager Pizzano recommended the following contractual items: \$363,000 for Wastewater Treatment Plant SCADA Improvements and \$480,000 for 2012 Street Repair and Resurfacing Program. Legislative Action: Councilmember Abbott presented the first reading of an Ordinance entitled an "Ordinance to amend Ordinance No. 127-11 entitled "An Ordinance to make estimated appropriated expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2012, and ending December 31, 2012." Councilmember Abbott, seconded by Councilmember Senger moved to suspend the rules requiring three (3) readings of the Ordinance. Motion Carried 6-0. Councilmember Abbott, seconded by Councilmember Meyers moved to adopt. Motion Carried 6-0. ORDINANCE NO. 58-12 ADOPTED 6-0.

Mayor D'Epifanio stated this is something we never do because we keep politics out of this room as much as we can. Mayor D'Epifanio acknowledged Wes Rutherford was in the Council Meeting audience tonight, which he felt should be mentioned since his opponent was in the parade.

Meeting Schedule

Clerk Jolivette read the following meeting notices:

Summer Schedule:

- Monday, June 11 Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.
- Monday, July 9 Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.
- Monday, August 13 Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.

Executive Session of Council (if needed)

City Council recessed into Executive Session at 8:11 PM.

Adjournment

The Regular Meeting of Council adjourned at 9:20 PM.

ATTEST:

Clerk of Council

Mayor's Approval

Date Approved _____