

MINUTES
REGULAR MEETING OF COUNCIL
AUGUST 12, 2013

Call to Order

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

Prayer/Pledge of Allegiance

Councilmember Meyers led in prayer and Pledge of Allegiance.

Roll Call

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

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

Agenda Modifications

Executive Session Requests

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

Public Hearing(s)

Special Presentations and Citizen Comments

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

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

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

Mayor/Council Reports

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

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

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

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

Approval of Minutes

Regular Meeting Minutes of July 8, 2013

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

OLD BUSINESS

NEW BUSINESS

PUBLIC SAFETY COMMITTEE

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

Simple Motion: Motion to approve a liquor permit application in the name of JC and Company, LLC, 22 Donald Drive, 1st Floor, Fairfield, OH 45014 (Permit Classes: D5 and D6).

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

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

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

DEVELOPMENT SERVICES COMMITTEE

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

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

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

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

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

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

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

PUBLIC UTILITIES COMMITTEE

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

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

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

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

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

PUBLIC WORKS COMMITTEE

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

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

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

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

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

FINANCE & BUDGET COMMITTEE

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

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

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

Background: City Manager Pizzano recommended an ordinance to levy special assessments for sidewalk repairs. Legislative Action: Councilmember Abbott presented the first reading of this ordinance.

Councilmember Abbott, seconded by Councilmember Meyers moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 6-0. Councilmember Abbott, seconded by Councilmember Meyers moved to adopt . Motion Carried 6-0. ORDINANCE NO. 68-13. APPROVED 6-0.

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

Background: City Manager Pizzano recommended an ordinance to reduce and recertify special assessments levied for the purpose of constructing certain improvements. Legislative Action: Councilmember Abbott presented the first reading of this ordinance.

Councilmember Abbott, seconded by Councilmember Meyers moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 6-0. Councilmember Abbott, seconded by Councilmember Senger moved to adopt . Motion Carried 6-0. ORDINANCE NO. 69-13. APPROVED 6-0.

Ordinance to Reconcile Accounts

Background: City Manager Pizzano recommended an ordinance to reconcile accounts. Legislative Action: Councilmember Abbott presented the first reading of this ordinance.

Councilmember Abbott, seconded by Councilmember Meyers moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 6-0. Councilmember Abbott, seconded by Councilmember Meyers moved to adopt . Motion Carried 6-0. ORDINANCE NO. 70-13. APPROVED 6-0.

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

Background: City Manager Pizzano recommended appropriations for the previously approved contracts. Legislative Action: Councilmember Abbott presented the first reading of this ordinance.

Councilmember Abbott, seconded by Councilmember Meyers moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 6-0. Councilmember Abbott, seconded by Councilmember Meyers moved to adopt . Motion Carried 6-0. ORDINANCE NO. 71-13. APPROVED 6-0.

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

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

Councilmember Abbott, seconded by Councilmember Senger moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 6-0. Councilmember Abbott, seconded by Councilmember Meyers moved to adopt . Motion Carried 6-0. ORDINANCE NO. 72-13. APPROVED 6-0.

PUBLIC UTILITIES COMMITTEE

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

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

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

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

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

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

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

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

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

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

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

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

Meeting Schedule

Clerk Wilson read the following meeting schedule:

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

Executive Session of Council (if needed)

Council adjourned to Executive Session at 7:50 PM.

Adjournment

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

ATTEST:

Clerk of Council

Mayor

Date Approved _____