

MINUTES
REGULAR MEETING OF COUNCIL
MARCH 11, 2013

Call to Order

Tradetown Mayor Nathan Smearsoll called the Regular Meeting of Council to order at 7:00 PM at the Fairfield Municipal Building, 5350 Pleasant Avenue.

Prayer/Pledge of Allegiance

Tradetown Police Chief Sam Byrd 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 Oler, Councilmember Meyers, and Councilmember Jones.

Mayor D'Epifanio asked Tradetown Mayor Nathan Smearsoll to introduce his classmates from Cincinnati Christian that attended and participated in the meeting. Tradetown Vice Mayor Brooke Watts, Police Chief Sam Byrd, Policeman Alex Perry, Nathan Guthry that helped with advertising and running the mayor's campaign.

Mayor D'Epifanio explained that Tradetown holds an actual campaign and election. He and Judge Campbell go to the school to swear in the elected officials.

Agenda Modifications

Executive Session Requests

Councilmember Pennington, seconded by Councilmember Holtegel, made a motion for Executive Session for discussion of public appointments. Approved 7-0.

Public Hearing(s)

Joint Public Hearing - Proposed Changes to Codified Ordinances

Mayor D'Epifanio opened the public hearing at 7:10 PM. Clerk Wilson read the public hearing notice (attached). Roll call of Council: Councilmember Jones, Councilmember Holtegel, Councilmember Pennington, Councilmember Senger, Councilmember Abbott, Councilmember Oler, Councilmember Meyers. Roll call of Planning Commission: Commissioner Holtegel, Commissioner Myron, Commissioner Lepsky, and Commissioner Woeste. Councilmember Holtegel, seconded by Councilmember Abbott, moved to excuse Commissioner Hasselbeck, Commissioner Hassler and Commissioner Morris. Motion carried 7-0.

Development Services Director Tim Bachman presented a summary of the recommended changes to the zoning code of the codified ordinances. These changes are done every couple of years and based on recommendations by the Planning Commission and past case precedent of the Board of Zoning Appeals. This year, the Ohio Department of Natural Resources is requiring a modification to the flood zone regulations. The proposed changes include accessory structures, allowance of temporary signage (with restrictions - see attached PowerPoint presentation), uses in downtown D-1 zoning district, specifically removal of Motor Vehicle Service and Fuel Dispensing and making them conditional uses, the basis for establishing the areas of special flood hazard, and lot and area frontage and yard requirements.

The public hearing closed at 7:20 PM.

Special Presentations and Citizen Comments

Mayor/Council Reports

Councilmember Meyers commented that the Crystal Classic at the beginning of March was wonderful. There was an article in the newspaper about the positive economic impact of the event.

Councilmember Abbott thanked Finance Director Mary Hopton and her department for their excellent work. The city was awarded the Government Financial Officers Association Award for auditing and reporting for the 26th year in a row.

Councilmember Senger and Tradetown Vice Mayor Brooke Watts reported that Marsh Park Fishing Lake and Fairfield Greens opened for the season on March 1. The Parks and Recreation Board will conduct its monthly meeting on March 12 at 5:30 PM.

Mayor D'Epifanio reported that the Easter Eggstravaganza is on March 23 at 10:30 AM at Harbin Park. The egg hunt begins at 11:00 AM. Also, Fairfield Firefighter Rick Gibbs is over-seeing the Movies in the Park program for the summer and has expanded the program to invite corporate sponsors to participate at different levels to provide give-aways. IAFF, Local 4010, has become the first corporate sponsor by donating \$2,500 to the program.

Mayor D'Epifanio also reported on the Fairfield Works program. Several individuals were recognized, including, the street crews, the Income Tax division, specifically Clerks Christine, Jewell, and Eileen, Building Inspectors Mike Stehlin and Mike Piatt, Police Officers John Vinsky, Brandon Felts, Tom Lucas and Tom Wolf.

Approval of Minutes

Regular Meeting Minutes of February 25, 2013

- The Regular Meeting Minutes of February 25, 2013 were approved as written.

OLD BUSINESS

PUBLIC WORKS COMMITTEE

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

Ordinance to authorize the City Manager to enter into a one (1) year contract with options for years two (2) and three (3) with Brad Evans Excavating for the 2013 Concrete Repair and Replacement Work.

Legislative Action: Councilmember Meyers presented the third reading of this ordinance.

Councilmember Meyers, seconded by Councilmember Abbott moved to adopt . Motion Carried 7-0.
ORDINANCE NO. 16-13. APPROVED 7-0.

Ordinance to authorize the City Manager to enter into a one (1) year contract with options for years two (2) and three (3) Innovative Concrete and Utility Construction, Inc. for the 2013 Sidewalk/Apron

Replacement.

Legislative Action: Councilmember Meyers presented the third reading of this ordinance.

Councilmember Meyers, seconded by Councilmember Pennington moved to adopt . Motion Carried 7-0.
ORDINANCE NO. 17-13. APPROVED 7-0.

PARKS, RECREATION AND ENVIRONMENT COMMITTEE

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

Ordinance to authorize the City Manager to execute and submit an Ohio Public Works Commission/Clean Ohio Fund Green Space Conservation grant application for the Black Bottom Park Project.

Legislative Action: Tradetown Vice Mayor Brooke Watts presented the second reading of this ordinance.

DEVELOPMENT SERVICES COMMITTEE

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

Ordinance to amend various sections of the Zoning Code of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio.

Legislative Action: Councilmember Holtegel deferred the second reading of this ordinance until recommendation from Planning Commission is received.

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 JM Bear A Touch of Class, LLC dba The Thirsty Turtle, 101 Bacher Square & Patio, Fairfield, OH 45014 (Permit Classes: D5 and D6).

Councilmember Oler, seconded by Councilmember Abbott, moved to approve a liquor permit application in the name of JM Bear A Touch of Class, LLC dba The Thirsty Turtle. Motion carried 7-0.
SIMPLE MOTION 4-13. APPROVED 7-0.

Simple Motion: Motion to approve a liquor permit application in the name of Fairfield Partners, Inc. dba LaRosa's, 5130 Camelot Drive, Fairfield, OH 45014 (Permit Classes: D2 and D2X).

Councilmember Oler, seconded by Councilmember Holtegel, moved to approve a liquor permit application in the name of Fairfield Partners, Inc. dba LaRosa's. Motion carried 7-0. SIMPLE MOTION 5-13. APPROVED 7-0.

Ordinance to authorize the City Manager to enter into a contract with Rozzi's Famous Fireworks, Inc. for the annual Red, White and Kaboom Event.

Councilmember Oler, seconded by Councilmember Abbott moved to read the following ordinance by title only. Motion Carried 7-0.

Background: City Manager Pizzano recommended a contract with Rozzi's Famous Fireworks, Inc. for the annual Red, White and Kaboom event. The terms of the contract remain the same as in previous years. Legislative Action: Councilmember Oler presented the first reading of this ordinance.

Councilmember Oler, seconded by Councilmember Pennington moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 7-0. Councilmember Oler, seconded by Councilmember Abbott moved to adopt . Motion Carried 7-0. ORDINANCE NO. 18-13. APPROVED 7-0.

PUBLIC WORKS COMMITTEE

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

Councilmember Meyers, seconded by Councilmember Abbott moved to read the following two (2) ordinances by title only. Motion Carried 7-0.

Ordinance to authorize the City Manager to enter into a three (3) year contract with Scioto Services, LLC for janitorial services.

Background: City Manager Pizzano recommended a contract with Scioto Services, LLC for janitorial services at several of the city facilities. 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 of this ordinance. Motion Carried 7-0. Councilmember Meyers, seconded by Councilmember Oler moved to adopt . Motion Carried 7-0. ORDINANCE NO. 19-13. APPROVED 7-0.

Ordinance to authorize the City Manager to enter into a contract with White Family Companies, Inc. for the purchase of seven (7) vehicles for use in the Parks, Utilities (Water and Sewer) and Public Works Departments and declaring an emergency.

Background: City Manager Pizzano recommended a contract with White Family Companies, Inc. for the purchase of seven (7) vehicles for use in city departments. These vehicles will replace current ones that are getting old. Legislative action: Councilmember Meyers presented the first reading of this ordinance.

Councilmember Meyers, seconded by Councilmember Abbott moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 7-0. Councilmember Meyers, seconded by Councilmember Jones moved to adopt . Motion Carried 7-0. ORDINANCE NO. 20-13. APPROVED 7-0.

FINANCE & BUDGET COMMITTEE

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

Councilmember Abbott, seconded by Councilmember Oler moved to read the following five (5) ordinances by title only. Motion Carried 7-0.

Ordinance to authorize the City Manager to enter into a grant agreement with Partners in Prime in order to provide ARK transportation services to residents in Fairfield and provide funds for its operations for the benefit of Fairfield seniors.

Background: City Manager Pizzano recommended a grant agreement with Partners in Prime. The money was approved in the 2013 budget. The grant agreement is the required paperwork to authorize the grant. Legislative action: Councilmember Abbott presented the first reading of this ordinance.

Councilmember Abbott, seconded by Councilmember Pennington moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 7-0. Councilmember Abbott, seconded by Councilmember Oler moved to adopt . Motion Carried 7-0. ORDINANCE NO. 21-13. APPROVED 7-0.

Ordinance to authorize the City Manager to enter into a grant agreement with the Fairfield Community Foundation to provide funding to support its operations for the benefit of the Fairfield community.

Background: City Manager Pizzano recommended a grant agreement with Fairfield Community Foundation. The money was approved in the 2013 budget. The grant agreement is the required paperwork to authorize the grant. 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 7-0. Councilmember Abbott, seconded by Councilmember Senger moved to adopt . Motion Carried 7-0. ORDINANCE NO. 22-13. APPROVED 7-0.

Ordinance to authorize the City Manager to enter into an addendum to the contract with the American Federation of State, County and Municipal Employees (AFSCME), Council #8, Local 3646, for wages, hours and terms and conditions of employment for the AFSCME bargaining unit and declaring an emergency.

Background: City Manager Pizzano recommended an addendum to the contract with AFSCME. The terms and conditions of this addendum are the same as the previous ones that have been approved by Council with other bargaining units. Legislative Action: Councilmember Abbott presented the first reading of this ordinance.

Councilmember Abbott, seconded by Councilmember Oler moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 7-0. Councilmember Abbott, seconded by Councilmember Oler moved to adopt . Motion Carried 7-0. ORDINANCE NO. 23-13. APPROVED 7-0.

Councilmember Abbott and Mayor D'Epifanio thanked the bargaining team and the unions for their hard work in reaching an agreement that is acceptable to everyone involved.

Appropriation Ordinance (Contractual Items) - \$176,381.00 for the purchase of vehicles for use in the Parks, Utilities (Water and Sewer) and Public Works Departments.

Background: City Manager Pizzano recommended the appropriation to fund the previously approved contract for the purchase of seven (7) new vehicles for city departments. Legislative Action: Councilmember Abbott presented the first reading of this ordinance.

Councilmember Abbott, seconded by Councilmember Pennington moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 7-0. Councilmember Abbott, seconded by Councilmember Jones moved to adopt . Motion Carried 7-0. ORDINANCE NO. 24-13. APPROVED 7-0.

Appropriation Ordinance (Non-Contractual Items) - \$7,950 for Well #5 maintenance at Water Treatment Plant; \$25,293 for Chevrolet Express passenger van for Parks Dept.

Background: City Manager Pizzano recommended two appropriations, one for well maintenance at the Water Treatment Plant and one for an additional vehicle purchase not included in the contract with White Family Companies, Inc. 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 7-0. Councilmember Abbott, seconded by Councilmember Meyers moved to adopt . Motion Carried 7-0. ORDINANCE NO. 25-13. APPROVED 7-0.

Meeting Schedule

Clerk Wilson read the following meeting schedule:

- Saturday, March 9 Special Meeting, 9:00 AM at Municipal Building
- Saturday, March 23 Special Meeting, 8:30 AM at 8870 N. Gilmore Road
- Monday, March 25 Council-Manager Briefing, 5:30 p.m. (CIP Review); 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 adjourned at 8:45 PM.

ATTEST:

Clerk of Council

Date Approved

Mayor's Approval

JOINT PUBLIC HEARING NOTICE
CITY OF FAIRFIELD, OHIO

All property owners and citizens of Fairfield, OH are hereby notified that a joint public hearing between the Planning Commission and City Council has been scheduled for 7:00 PM Monday, March 11, 2013 at the Fairfield Municipal Building located at 5350 Pleasant Ave, Fairfield OH 45014. The purpose of the hearing is to solicit citizen input regarding proposed changes to the following codified ordinances:

1. Chapter 1143 – Modifications to accessory structures
2. Chapter 1187 – Provision to allow flutter flags as temporary signage
3. Chapter 1168 - Use changes in D-1 and D-1A
4. Chapter 1173 - Fire lane modifications in Industrial zones

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

Alisha Wilson
Clerk of Council

For insertion in the Journal News Friday, February 22, 2013.

Ordinance Changes

Public Hearing
March 11, 2013

Background

- Try and update the ordinances every couple of years.
- Changes recommended by the Planning Commission and by past case precedent from the Board of Zoning Appeals.
- Ohio Department of Natural Resources is also requiring a modification to the flood zone regulations.

Chapter 1143.06 ACCESSORY USES IN A OR R DISTRICTS

- Change requirement for a bldg. permit from 150 sq. ft. to 100 sq. ft.
- Add resin as a prohibited material for sheds over 100 sq. ft.
- Clarify the access provision regarding *paved* access.
- Add a height provision. In no case shall the height of an accessory building or structure exceed the height of the principal structure that occupies the same lot or parcel.

Chapter 1187.02 Temporary signage

Add a provision to allow flutter flags as a temporary sign.

- Two flags per business;
- Placed out of the right-of-way and adequately secured and anchored;
- Located no closer than 20 feet from the roadway edge;
- Cannot be wider than three feet at their widest dimension;
- Cannot extend any higher than 15 feet from immediate grade/pavement.

Picture of flutter flag



Amending the definition of sign

- Modify definition to treat all signage the same with regard to message. Commercial and non-profit will adhere to the same standards.
- Clarify public signage for entryways and public directional signs.

Chapter 1168.02 Uses in downtown D-1 zoning district

- Removal of Motor Vehicle Service and Fuel Dispensing as principal permitted uses and making them Conditional Uses in the D-1 and D-1A zoning districts.
- All existing uses, uses approved by permit or ordinance are “grandfathered” .

Chapter 1199.06 Basis for establishing the areas of special flood hazard

At the request of ODNR, all reference to map panels will be removed and the following will be the references for establishing areas of special flood hazard:

- Flood Insurance Rate Map & Flood Insurance Study, Butler County, Ohio and Incorporated areas

Chapter 1173.07 Lot and area frontage and yard requirements

- Fire Lane requirements for industrial developments
 - Proposed change from 15 feet in width to 20 feet in width.
 - Reflect local and national fire code minimum standards.

Process

Public Hearing -- March 11, 2013

Planning Commission – Wed., March 13, 2013
@ 6:00 PM.

Second Reading – Mon., March 25, 2013 @
7:00 PM.

Third Reading – Mon., April 8, 2013 @ 7:00
PM.

Questions and Comments