

MINUTES
REGULAR MEETING OF COUNCIL
NOVEMBER 23, 2009

Call to Order

Vice Mayor Oler called the Regular Meeting of Council to order at 7:00 p.m. at the Fairfield Municipal Building, 5350 Pleasant Avenue.

Prayer/Pledge of Allegiance

Councilmember Abbott led in prayer, followed by the Pledge of Allegiance.

Roll Call

Clerk Johns called the roll of Council. Present members were Councilmember Snyder, Councilmember Oler , Councilmember Senger, Councilmember Abbott, Councilmember Rhodus, Councilmember Meyers, and Councilmember Judd.

Agenda Modifications

No modifications were made to the agenda.

Executive Session Requests

Councilmember Judd, seconded by Councilmember Snyder moved to Approve an Executive Session to discuss the purchase of real estate. Clerk Johns called the roll of Council. Motion Carried 7-0.

Public Hearing(s)

No Public Hearings were held.

Special Presentations and Citizen Comments

Councilmember Senger presented a military proclamation to Dale Bogard III in recognition of his years of service with the Ohio Army National Guard.

Joe Statzer from the Butler County Auditor's Office reminded everyone to purchase tags for their dogs, which will be on sale between December 1, 2009 and January 31, 2009. He discussed various places to purchase tags including their website at www.butlercountyauditor.org. Mr. Statzer also discussed the Homestead Exemption. He briefly discussed the upcoming property re-evaluation process.

Mayor/Council Reports

Vice Mayor Oler reported the Mayor D'Epifanio could not be at the meeting due to having shoulder surgery earlier in the day. He wished him well in his recovery.

Councilmember Judd reported that the brush and limb pickup program for 2009 has concluded. He reminded everyone that a dump truck can be requested at any time through the Public Works Department.

Councilmember Senger presented an update regarding Rumpke service over the holiday weekend.

Approval of Minutes

The Regular Meeting Minutes of November 9, 2009 were approved as written.

OLD BUSINESS

DEVELOPMENT SERVICES COMMITTEE

Ordinance to authorize the City Manager to execute a Patterson Drive Redevelopment Easement Agreement with Neyer Properties Acquisitions Ltd. And Fair Plaza Center LLC.

Councilmember Senger, seconded by Councilmember Abbott moved to Amend Ordinance to reflect changes to the Easement Agreement and to add the emergency clause. Motion Carried 7-0. Councilmember Senger presented the third reading of the ordinance to authorize the City Manger to execute a Patterson Drive Redevelopment Easement Agreement with Neyer Properties Acquisitions Ltd. and Fair Plaza Center LLC and declaring an emergency. Councilmember Senger explained the emergency is being added in order to get the legal documents completed before the end of the year. Councilmember Senger, seconded by Councilmember Abbott moved to Adopt. Ordinance No. 136-09 adopted as an emergency. Motion Carried 7-0.

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 concept plan for the Creekside Manor Planned Unit Development.

Councilmember Meyers recused himself at 7:23 p.m. prior to discussion of this item.

Councilmember Senger presented the third reading of this ordinance. Law Director John Clemmons clarified since the Planning Commission recommended against the approval of this ordinance it would take five votes of Council to override Planning Commission's recommendation. Councilmember Senger, seconded by Councilmember Rhodus moved to Adopt . Councilmember Rhodus commented this is a rezoning request and the decision is on the proper use of the land. Councilmember Rhodus stated it should remain R-0. Councilmember Senger stated he supports the club's plan to develop this as they have proposed. He stated he will support the Planned Unit Development. He further stated he thinks this is a plan that will work. Bill Spomer, 900 Broadview Drive, commented he is a proponent of the change. He submitted a schedule which shows the present value of the real estate under landominium zoning versus the R-0 current and highest and best use. Will Arledge, 2210 Rolling Hills Blvd., commented he does not feel if the pool went down it will affect the value of his house, but if the condominiums are built it will affect the value of his house. Law Director Clemmons clarified a yes vote is in favor of the rezoning and a no vote is opposed. Clerk Johns called the roll of Council. Councilmember Snyder - no; Councilmember Oler - no; Councilmember Senger - yes; Councilmember Abbott - no; Councilmember Rhodus - no; Councilmember Meyers - recused; and Councilmember Judd - no. Motion Failed 1-5.

Councilmember Meyers returned to the meeting at 7:32 p.m.

Ordinance to adopt the 20 Year Comprehensive Plan of the City of Fairfield, Ohio dated October, 2009 and include it as a part of the official comprehensive plan of the City of Fairfield, Ohio pursuant to §8.01(C)(2) of the Fairfield City Charter.

Councilmember Senger presented the second reading of this Ordinance. He explained the updated plan is available in the Council Workroom and will be on for third reading at the next meeting. Ordinance approved for second reading only.

PUBLIC WORKS COMMITTEE

Ordinance authorizing the City Manager to enter into an agreement with the Ohio Department of Public Safety's Traffic Safety Office for three traffic safety studies on North and South Route 4 and at

Nilles/Winton Intersection.

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

NEW BUSINESS

PUBLIC SAFETY COMMITTEE

Liquor Permit: Motion requesting that a hearing be held on the liquor permit application in the name of Black Diamond Enterprises DBA Lithium, 5353 Dixie Hwy, Fairfield, OH 45014 (Permit Class: D5).

Councilmember Oler, seconded by Councilmember Meyers moved to request that a hearing be held on the liquor permit application in the name of Black Diamond Enterprises DBA Lithium, 5353 Dixie Hwy, Fairfield, OH 45014 (Permit Class: D5). Motion Carried 7-0.

Liquor Permit: Motion requesting that no hearing be held on the liquor permit application in the name of Michaels Billiards Inc. DBA Michaels Billiards, 6625 Dixie Hwy, Fairfield, OH 45014 (Permit Class: D5 and D6).

Councilmember Oler, seconded by Councilmember Meyers moved to request that no hearing be held on the liquor permit application in the name of Michaels Billiards Inc. DBA Michaels Billiards, 6625 Dixie Hwy, Fairfield, OH 45014 (Permit Class: D5 and D6). Police Chief Dickey clarified that this is a new permit. Motion Carried 7-0.

Ordinance to amend various sections of the Traffic and General Offenses Codes of Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio.

Background: City Manager Pizzano recommended amendments to various sections of the Traffic and General Offenses Codes, which is an annual and periodic update. Councilmember Oler, seconded by Councilmember Abbott moved to Read the following ordinance by title only. Motion Carried 7-0. Councilmember Oler presented the first reading of the ordinance. Ordinance approved for first reading only.

PUBLIC WORKS COMMITTEE

Councilmember Judd, seconded by Councilmember Snyder moved to Read the following two (2) ordinances by title only. Motion Carried 7-0.

Ordinance releasing the maintenance bond and accepting Public Improvements for Ross Road subdivision (Devonian Drive).

Background: City Manager Pizzano recommended the ordinance releasing the maintenance bond and accepting public improvements for Ross Road subdivision (Devonian Drive). Legislative Action: Councilmember Judd presented the first reading of this ordinance. Ordinance approved for first reading only.

Ordinance to authorize the City Manager to enter into a three (3) year contract with T.R. Gear Landscaping for the purpose of landscape care and maintenance of the State Route 4 Streetscape.

Background: City Manager Pizzano recommended a three year contract with T.R. Gear Landscaping for the landscape care and maintenance of the plantings along State Route 4. Mr. Pizzano stated T.R. Gear was

the second lowest bidder and the primary reason for going with T.R. Gear is the first low bidder did not meet the terms of the bid proposal. Legislative Action: Councilmember Judd presented the first reading of this ordinance. Ordinance approved for first reading only. At the end of the meeting Councilmember Meyers questioned how many total employees from T.R. Gear are in Fairfield. Brian Easton from T.R. Gear Landscaping commented throughout the season they have anywhere from 70 to 100 employees.

DEVELOPMENT SERVICES COMMITTEE

Councilmember Senger, seconded by Councilmember Meyers moved to Read by title only. Motion Carried 7-0.

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 concept plan and final development plan for the Patterson Drive Planned Unit Development.

Background: City Manager Pizzano recommended an approval of the concept plan for the Patterson Drive Planned Unit Development. He explained a joint public hearing will be held on December 7th at which time the 17 acres north of Patterson Drive will be looked at from the perspective of senior housing.

Ordinance to authorize the City Manager to execute the FY 2010 Community Development Block Grant (CDBG) applications and declaring an emergency.

Background: City Manager Pizzano recommended an execution of the 2010 Community Development Block Grant applications. He explained the City of Fairfield's share is \$115,000, with \$15,000 for a housing redevelopment program with People Working Cooperatively; and \$100,000 for streetscape improvements in support of the Patterson Drive Project. Legislative Action: Councilmember Senger presented the first reading of this ordinance. Ordinance approved for first reading only. Development Services Director Tim Bachman clarified that the rule suspension is not needed, only the emergency clause.

FINANCE & BUDGET COMMITTEE

Councilmember Abbott, seconded by Councilmember Senger moved to Read the following three (3) ordinances by title only. Motion Carried 7-0.

Appropriation Ordinance (Year End Transfer) - See ordinance for details.

Background: City Manager Pizzano recommended the annual year end transfer appropriation ordinance, which is to reconcile our accounts. He explained this is a routine item taken care of every year at this time of the year. Councilmember Abbott, seconded by Councilmember Meyers moved to Suspend the rules requiring three readings of this ordinance. Motion Carried 7-0. Councilmember Abbott, seconded by Councilmember Meyers moved to Adopt. Ordinance 137-09 Adopted. Motion Carried 7-0.

Appropriation Ordinance (Contractual Item) - \$233,757 for landscape care and maintenance of the State Route 4 Streetscape.

Background: City Manager Pizzano recommended the following contractual items: \$233,757 for landscape care and maintenance of the State Route 4 Streetscape. Legislative Action: Councilmember Abbott presented the first reading of this ordinance. Councilmember Abbott, seconded by Councilmember Meyers moved to Suspend the rules requiring three readings of the ordinance. Motion Carried 7-0. Councilmember Abbott, seconded by Councilmember Meyers moved to Adopt. Ordinance 138-09 adopted. Motion Carried 7-0.

Appropriation Ordinance (Non-Contractual Items) - \$39,538 for replacement of signal heads, pre-emption

and messenger wire at Route 4 and Boymel (under existing contract); \$159,835 for right of way acquisition for Bypass 4 Improvements.

Background: City Manager Pizzano recommended the following non-contractual items: \$39,538 for replacement of signal heads, pre-emption and messenger wire at Route 4 and Boymel and \$159,835 for right of way acquisition for Bypass 4 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 readings of this ordinance. Motion Carried 7-0. Councilmember Abbott, seconded by Councilmember Meyers moved to Adopt. Ordinance 139-09 adopted. Motion Carried 7-0.

Meeting Schedule

Clerk Johns read the following meeting notices:

Monday, December 7 Council-Manager Briefing, 5 p.m.; Regular Meeting and two (2) public hearings (2010 Budget and Rezoning- Patterson Place P.U.D.), 7 p.m.

Monday, December 14 Council-Manager Briefing, 6 p.m.; Regular Meeting 7 p.m.

Wednesday, December 30 Oath of Office Ceremony, 7 p.m. at the Fairfield Community Arts Center

Executive Session of Council (if needed)

Council adjourned to Executive Session at 7:47 p.m.

Adjournment

The meeting adjourned at 8:30 P.M.

ATTEST:

Clerk of Council

Mayor's Approval

Date Approved _____