

MINUTES

REGULAR MEETING OF COUNCIL

September 14, 2009

Call to Order

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

Roll Call

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

Prayer & Pledge

Councilmember Mike Oler led in prayer followed by the Pledge of Allegiance.

Executive Session

Councilmember Snyder, seconded by Councilmember Judd, moved for executive session to discuss the appointment of a public official. A roll call vote was taken by the Clerk. The executive session was approved by a 7-0 vote.

Special Presentations and Citizen Comments

Councilmember Oler recognized Hank Atkins, from Force One regarding the ten vests he donated to the Fairfield Police Department. Councilmember Oler stated this donation is approximately \$6,000 in value. Mr. Atkins briefly explained his business and his project Force One Gives Back which donates vests to law enforcement agencies around the country. Councilmember Rhodus expressed Council's appreciation for the donation.

Jim Fitton, Chair of Citizens Advisory Council of Miami University Hamilton, briefly discussed the Friends of Miami University Hamilton which formed in response to the "Report of the Regional Campus Committee," written by Dr. Jeffrey I. Herbst, Miami provost, dated March 21, 2009. Mr. Blount discussed the report's contradictions and the changes to which they are opposed. Mr. Blount explained that Fairfield High School contributes the greatest number of students to the Miami Hamilton freshman class. He stated the campus is a major tool in economic development for communities. Jim Fitton explained that of the 4,300 total students, Fairfield makes up between 52 to 56 percent. Councilmember Rhodus commented when he was on Planning Commission that several companies inquired about degrees when looking to relocate. Mr. Blount commented that Miami Hamilton and Middletown are in the black. Councilmember Rhodus clarified that the Friends of Miami University Hamilton is looking for a resolution of support from City Council directed to the President, Provost and Board of Directors.

Kert Radel, Fairfield Chamber of Commerce President, commented that Miami University Hamilton is having an after hours event in October because they appreciate how many students they receive from Fairfield.

Mayor/Council Reports

Councilmember Snyder recognized WWII Vet, Emerson Hall, as part of the Ohio's Honor Flight which funded his trip to Washington, D.C. to place a wreath at the Tomb of the Unknown Soldier. Councilmember Snyder further recognized Lourdes Leon who was recently named the Hispanic Chamber of Commerce Business Person of the Year for the State of Ohio.

Councilmember Meyers thanked City Council and City staff in constructing the 2010 goals and objectives for the City.

Councilmember Oler requested additional information be given to Council regarding incidents that happen in the city. He commented he would like more information in the reports. Assistant City Manager Dennis Stuckey responded that this will be further looked into by staff.

Councilmember Senger reported at the last Planning Commission meeting there was a review of alternative energy sources such as solar panels and wind energy. He commented further information on how those may prosper in the future and how they may affect land use will be forthcoming.

Councilmember Rhodus recognized four boys, two of which are from Fairfield, who attempted to set a Guinness World Record. He explained they attempted to ride through forty eight states in forty eight days to benefit the Leukemia Lymphoma Society. He noted they only missed the goal by a few days.

Councilmember Oler announced openings in the Citizen Police Academy, a free ten week program beginning September 17 at the Justice Center at 6:30 PM.

Approval of Minutes

The minutes from the Regular Meeting of August 10 and the Special Meeting of August 29, 2009 were approved as written.

OLD BUSINESS

DEVELOPMENT SERVICES COMMITTEE

North Route 4 Landscaping Project Plan: Legislative Action: Councilmember Senger presented the third reading of an ordinance to execute the Preliminary Participatory Legislation for the North Route 4 Landscaping Project Plan. Councilmember Senger, seconded by Councilmember Abbott, moved for adoption. ORDINANCE NO. 112-09 ADOPTED 7-0.

FINANCE & BUDGET COMMITTEE

Revised Organizational Chart: Legislative Action: Councilmember Abbott presented the third reading of an ordinance adopting an updated organizational chart of the City of Fairfield, Ohio. Councilmember Abbott, seconded by Councilmember Oler, moved for adoption. ORDINANCE NO. 113-09 ADOPTED 7-0.

NEW BUSINESS

PUBLIC SAFETY COMMITTEE

Liquor Permit: Legislative Action: Councilmember Oler, seconded by Councilmember Meyers, moved that no hearing be held on the liquor permit application in the name of Walgreen Co., DBA Walgreens 05196, 6355 Dixie Highway (Permit Class: C1, C2 and D6). Motion Carried 7-0.

Liquor Permit: Legislative Action: Councilmember Oler, seconded by Councilmember Meyers, moved that no hearing be held on the liquor permit application in the name of Walgreen Co., DBA Walgreens 07046, 4610 Pleasant Avenue (Permit Class: C1, C2 and D6). Motion Carried 7-0.

Liquor Permit: Legislative Action: Councilmember Oler, seconded by Councilmember Abbott, moved that no hearing be held on the liquor permit application in the name of Terry E. Woodcock, DBA Legends, 7245 Dixie Highway (Permit Class: D1 and D2). Motion Carried 7-0.

Liquor Permit: Legislative Action: Councilmember Oler, seconded by Councilmember Meyers, moved that no hearing be held on the liquor permit application in the name of Angela Ramos Una LLC, DBA El Havanero, 6435 Dixie Highway (Permit Class: D5). Motion Carried 7-0.

Appointment to the Butler County 9-1-1 Planning Committee: Background: Assistant City Manager Stuckey explained the Ohio law only permits funds to be distributed to five PSAPs, Public Safety Answering Points, within the county. He explained that Butler County currently has six and there needs to be some agreement as to how the various PSAPs would actually be represented on the committee. He explained that this agreement will provide that the fifth PSAP will rotate among the three at-large members representing the City of Oxford, City of Middletown and the City of Fairfield. Legislative Action: Councilmember Oler, seconded by Abbott, moved to read the following resolution by title only. Motion Carried 7-0. Councilmember Oler presented the first reading of

a resolution making appointments to the Butler County 9-1-1 Planning Committee and declaring an emergency. Councilmember Oler, seconded by Councilmember Abbott, moved to suspend the rules requiring three readings of the ordinance. Rules Suspended 7-0. Councilmember Oler, seconded by Councilmember Meyers, moved for adoption. RESOLUTION NO. 14-09 ADOPTED AS AN EMERGENCY 7-0.

COMMUNITY & PUBLIC RELATIONS COMMITTEE

Appointment of Clerk of Council as Elected Officials' Designee: Councilmember Snyder, seconded by Councilmember Judd, moved to appoint the Clerk of Council as designee for Fairfield's elected officials relative to the mandatory three hours of public records training as required by House Bill 9, Ohio's Public Records Act. Motion Carried 7-0.

PUBLIC UTILITIES COMMITTEE

Councilmember Abbott recused himself from the meeting at 7:40 p.m.

Agreement with Duke Energy Retail Sales, LLC: Background: Assistant City Manager Stuckey recommended a twenty eight month agreement with Duke Energy Retail Services which will enable us to take advantage of better power rates for that twenty eight month period. He commented some 40 accounts will benefit from this service with an estimated savings over the 28 month period in excess of \$200,000. Mr. Stuckey recognized Public Utilities Director Dave Crouch for his diligent work. Councilmember Rhodus discussed "Big Ike" the generator at the water plant which will run for a 24 hour period. He explained this will be an annual test that will run two wells for a 24 hour period as part of Emergency Operation Day. Legislative Action: Councilmember Rhodus, seconded by Councilmember Senger, moved to read the following ordinance by title only. Motion Carried 7-0. Councilmember Rhodus presented the first reading of an ordinance to authorize the City Manager to execute a twenty eight (28) month agreement with Duke Energy Retail Sales, LLC for electric power and declaring an emergency. Councilmember Rhodus, seconded by Councilmember Oler, moved to suspend the rules requiring three readings of the ordinance. Rules Suspended 7-0. Councilmember Rhodus, seconded by Councilmember Snyder, moved for adoption. Councilmember Meyers thanked Mr. Crouch and the entire team for the great job and great partnership with Duke. ORDINANCE NO. 114-09 ADOPTED AS AN EMERGENCY 7-0.

Councilmember Abbott returned to the meeting at 7:44 p.m.

PUBLIC WORKS COMMITTEE

Grant Application & Agreement with Ohio Public Works Commission: Background: Assistant City Manager Stuckey recommended an authorization for a grant application for the Resor Road Improvements. He further stated this is a section of Resor Road from Windermere to Pleasant that was included in the CIP. He commented it is anticipated that this application would give us funding in the amount of \$350,000, which is 58% of the total cost of the project. Legislative Action: Councilmember Judd, seconded by Councilmember Senger, moved to read the following ordinance by title only. Motion Carried 7-0. Councilmember Judd presented the first reading of an ordinance to authorize the City Manager to execute a grant application and agreement with Ohio Public Works Commission for the Resor Road Improvement Project and declaring an emergency. Councilmember Judd, seconded by Councilmember Snyder, moved to suspend the rules requiring three readings of the resolution. Rules Suspended 7-0. Councilmember Judd, seconded by Councilmember Senger, moved for adoption. Councilmember Rhodus thanked staff for their work on this project. ORDINANCE NO. 115-09 ADOPTED AS AN EMERGENCY 7-0.

DEVELOPMENT SERVICES COMMITTEE

Income Tax Administration Agreement: Background: Assistant City Manager Stuckey recommended authorization of an Income Tax Administration Agreement with the West Chester Township JEDD-1 Joint Economic Development District. He explained the JEDD board has already passed a resolution requiring the income tax collection to begin on Tuesday, September 15. He further explained the Income Tax Administration Agreement will fine tune the accounting, auditing, and record keeping for the City of Fairfield who collects the tax and the JEDD board. Development Service Director Tim Bachman stated the JEDD has already convened and has had several meetings. He stated one resolution was passed to enact a 1% income tax which was part of the agreement. He further explained the board passed a resolution to clarify when the tax would start; the board selected September 15. He stated the legislation before Council will clean up the accounting and auditing and first reading is fine. Legislative Action: Councilmember Senger, seconded by Councilmember Rhodus, moved to read the following ordinance by title only. Motion Carried 7-0. Councilmember

Senger presented the first reading of an ordinance authorizing the City Manager to enter into an Income Tax Administration Agreement with the West Chester Township JEDD-1 Joint Economic Development District and declaring an emergency. Ordinance approved for first reading only.

FINANCE & BUDGET COMMITTEE

Reading's (4) by Title Only: Councilmember Abbott, seconded by Councilmember Senger, moved to read the following four ordinances by title only. Motion Carried 7-0.

Ordinance repealing and amending sections of Ordinance No. 166-84: Background: Assistant City Manager Stuckey recommended an amendment of a number of ordinance provisions in our Codified Ordinances as they relate to the City's Civil Service Commission and Ordinances. He stated this is really a housekeeping effort in order to bring our ordinances into line with the current Civil Service law and to clean up various areas that have become redundant. Law Director John Clemmons stated Civil Service ordinance requires three separate readings on three separate days, so rules cannot be suspended. He further stated it also requires a three-fourths majority, so six will have to vote for adoption. He clarified that the Mayor can only vote in the case of a tie. Legislative Action: Councilmember Abbott presented the first reading of an ordinance to repeal sections 143.04 and 143.08 and to amend sections 145.01, 145.02, 145.04 and 145.05 of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio, relative to the City Civil Service Ordinances pursuant to § 8.04 (E) of the Fairfield City Charter. Ordinance approved for first reading only.

Wage and Salary Ordinance: Background: Assistant City Manager Stuckey recommended an amendment of the exempt wage and salary ordinance as it relates to the authorized positions list. He emphasized that this does not change any of the authorized wage ranges within the salary schedule. Legislative Action: Councilmember Abbott presented the first reading of an ordinance establishing salaries for certain exempt and salaried employees of the City of Fairfield, Ohio and repealing previous ordinances and declaring an emergency. Councilmember Abbott, seconded by Councilmember Snyder, moved to suspend the rules requiring three readings of the ordinance. Rules Suspended 6-1, Councilmember Senger dissenting. Councilmember Abbott, seconded by Councilmember Meyers, moved for adoption. ORDINANCE NO. 116-09 ADOPTED AS AN EMERGENCY 7-0.

Assessments for Sidewalk Repair: Background: Assistant City Manager Stuckey recommended an ordinance to levy sidewalk assessment on properties where sidewalk repairs were done during 2008. Legislative Action: Councilmember Abbott presented the first reading of an ordinance levying special assessments for the repair of sidewalks (including aprons) in the City of Fairfield, Ohio and declaring an emergency. Councilmember Abbott, seconded by Councilmember Meyers, moved to suspend the rules requiring three readings of the ordinance. Rules Suspended 7-0. Councilmember Abbott, seconded by Councilmember Senger, moved for adoption. ORDINANCE NO. 117-09 ADOPTED AS AN EMERGENCY 7-0.

2009 Budget Amendments (Non-Contractual Items): Legislative Action - Councilmember Abbott presented the first reading of an ordinance to amend Ordinance No. 161-08 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, 2009, and ending December 31, 2009." Assistant City Manager Stuckey explained the following non-contractual appropriations: \$15,000 for 2009 raised pavement markers; \$16,000 concrete and entryway improvements at the Community Arts Center; \$14,900 concrete curb removal and replacement at the Harbin Park parking lot and Aquatic Center/North Trace parking lot; \$8,000 roof repairs within the parks and recreation system; \$45,000 expansion of Administration Building at Wastewater Treatment Plant; \$12,000 earthwork hauling for By-Pass Project; \$53,000 utility relocations for Port Union Storm Sewer and Detention Basin (under existing contract). Councilmember Abbott, seconded by Councilmember Oler, moved to suspend the rules requiring three readings of the ordinance. Rules Suspended 7-0. Councilmember Abbott, seconded by Councilmember Meyers, moved for adoption. Councilmember Rhodus commented and thanked staff for saving about \$15,000 by doing the work in house for the expansion of the Administration Building at Wastewater Treatment Plant. ORDINANCE NO. 118-09 ADOPTED 7-0.

Meeting Notices

Monday, September 28 C/M Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.
Tuesday, October 13 C/M Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.

Executive Session

Council recessed to executive session at 7:58 p.m. to the appointment of a public official.

Adjournment

The Regular Meeting adjourned at 8:18 p.m.

ATTEST:

Clerk of Council

Mayor's Approval

Date Approved _____