

MINUTES

REGULAR MEETING OF COUNCIL

September 28, 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. Mayor D'Epifanio recognized the contributions of local business woman and former BZA member, Martha Tipton who passed away on Wednesday, September 23, 2009.

Roll Call

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

Prayer & Pledge

A moment of silence was held for Martha Tipton. Councilmember Snyder led in prayer followed by the Pledge of Allegiance.

Executive Session

Councilmember Judd, seconded by Councilmember Abbott, moved for executive session to discuss pending and imminent litigation. A roll call vote was taken by the Clerk. The executive session was approved by a 7-0 vote.

Special Presentations and Citizen Comments

Steve Smith from the Field of Dreams Committee stated great progress has been raised for the project. He discussed the celebrity softball tournament held as a fundraiser in which the City of Fairfield won. Mr. Smith presented the trophy to the City. Mr. Smith further presented the conceptual drawings for the field to be located on Groh Lane. He discussed how the field will be constructed to allow those with wheelchairs, walkers, etcetera to be able to play baseball.

Bill Meyers discussed the recent Heroes Ride held on September 5, 2009. He stated this year the event raised over \$18,825 and over the past three years, the Fairfield community has raised over \$55,600 in support of our troops. He thanked the Mayor, Fire Chief Bennett and Parks & Recreation staff for their assistance and support of this event.

Mayor D'Epifanio presented a proclamation to Senior Airman Matthew Doxsey to thank him for his service in the United States Air Force.

Dan Domas representing People Working Cooperatively, a nonprofit organization briefly discussed services provided to clients. He stated they currently provide services to Fairfield residents through grants provided through Butler County United Way, State of Ohio and Duke Energy. He stated on the agenda is an appropriation relating to a proposed contract with People Working Cooperatively and is here to answer any questions. Development Services Director Tim Bachman stated the actual appropriation is through the Community Development Block Grants and will provide assistance to individuals with low to moderate income who need help with property maintenance issues.

Mayor/Council Reports

Councilmember Snyder thanked Community Arts Center Manager Heidi Schiller was recently recognized for her work. He further noted that Bob Webster of Webster Funeral Home who recently was asked to participate in a documentary that will focus on wedding planning services and the role of a funeral director.

Councilmember Judd explained due to weather delays, River Road is planned to open Friday, October 2, 2009.

Mayor D'Epifanio read a letter from a Fairfield resident expressing his thanks to the personnel and management at the Public Works Department.

Councilmember Rhodus thanked Sacred Heart Church, Fairfield Police Department, Fairfield Fire Department, and the Public Works Department for their assistance with the Fairfield High School Homecoming Parade.

Approval of Minutes

The minutes from the Regular Meeting of September 14, 2009 were approved as written.

OLD BUSINESS

DEVELOPMENT SERVICES COMMITTEE

Income Tax Administration Agreement: Legislative Action: Councilmember Senger presented the second 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. Development Services Director Tim Bachman clarified that we are actually ahead of the JEDD board, so second reading only is fine. Ordinance approved for second reading only.

FINANCE & BUDGET COMMITTEE

Ordinance repealing and amending sections of Ordinance No. 166-84: Legislative Action: Councilmember Abbott presented the second 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 second reading only.

NEW BUSINESS

COMMUNITY & PUBLIC RELATIONS COMMITTEE

Board of Zoning Appeals Appointment: Councilmember Snyder, seconded by Councilmember Abbott, moved to appoint Chad Oberon to the Board of Zoning Appeals for a term of office commencing September 28, 2009 and expiring on March 31, 2013. Motion approved 7-0.

PUBLIC WORKS COMMITTEE

2009 Flood Zone Surveys for LOMAs: Background: City Manager Pizzano recommended a contract with Stantec Consulting Services, Inc. for 2009 Flood Zone Surveys in anticipation of preparing Letters of Map Amendment. 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 enter into a contract with Stantec Consulting Services, Inc. for 2009 Flood Zone Surveys for Letters of Map Amendment and declaring an emergency. Councilmember Judd stated the Federal government has decided to re-map and rezone surveys all across the nation, so we have hired this company to try to minimize the negative impact on Fairfield residents. Councilmember Judd, seconded by Councilmember Abbott, moved to suspend the rules requiring three readings of the ordinance. Rules Suspended 7-0. Councilmember Judd, seconded by Councilmember Meyers, moved for adoption. ORDINANCE NO. 119-09 ADOPTED AS AN EMERGENCY 7-0.

PARKS & RECREATION COMMITTEE

Aquatic Center Spray Ground: Background: City Manager Pizzano recommended an agreement with Robert P. O'Brien Enterprises, Incorporated, DBA Shamrock Enterprises for the construction of the Aquatic Center Spray Ground to enable us to maintain our competitive position. Mr. Pizzano noted the second lowest bidder, which was a recommendation that came through from the Parks Board. Legislative Action: Councilmember Meyers, seconded by Councilmember Abbott, moved to read the following ordinance by title only. Motion Carried 7-0. Councilmember Meyers presented the first reading of an Ordinance to authorize the City Manager to enter into an agreement with Robert P. O'Brien Enterprises, Incorporated DBA Shamrock Enterprises for the construction of the Fairfield Aquatic Center Spray Ground. Councilmember Meyers stated the Aquatic Center is thirteen years old and is a revenue maker, and nets a positive net income for the City. He further stated it serves over 40,000 residents of the City and surrounding areas. He noted we were down this year due to weather. Ordinance approved for first reading only.

DEVELOPMENT SERVICES COMMITTEE

Reading's (2) by Title Only: Councilmember Senger, seconded by Councilmember Rhodus, moved to read the following two ordinances by title only. Motion Carried 7-0.

Patterson Drive Redevelopment Easement: Background: City Manager Pizzano recommended execution of an easement agreement for the Patterson Drive Redevelopment Project. He further stated the demolition for a large position of Fair Plaza has been completed. He noted this particular easement is required for the construction for a retention pond in coordination with the redevelopment of that property. He further stated the City has agreed to maintain that property for a period of five years with anticipation that eventually an association will pick up the maintenance at that time. Legislative Action: Councilmember Senger presented the first reading of an Ordinance to authorize the City Manager to execute a Patterson Drive Redevelopment Easement Agreement with Neyer Properties Acquisitions Ltd. And Fair Plaza LLC. Ordinance approved for first reading only.

North Town Center Community Reinvestment Area: Background: City Manager Pizzano recommended an ordinance to establish and describe the boundaries for the North Town Center Reinvestment Area. He stated this will be the City's third Community Reinvestment Area. Legislative Action: Councilmember Senger presented the first reading of an Ordinance implementing Sections 3735.65 through 3735.70 of the Ohio Revised Code, establishing and describing the boundaries of the North Town Center Community Reinvestment Area in the City of Fairfield, Ohio, designating a housing officer to administer the program, and creating a Community Investment Housing Council and a Tax Incentive Review Council. 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.

Disposal of obsolete computer and other electronic equipment: Background: City Manager Pizzano recommended an ordinance declaring certain older computer equipment as obsolete and other electronic equipment as surplus and authorizing an agreement with Possitivity Green who will dispose of the items properly. Legislative Action: Councilmember Abbott presented the first reading of an Ordinance declaring certain obsolete computer and other electronic equipment as surplus and authorizing an agreement with Possitivity Green for its disposal. Councilmember Abbott, seconded by Councilmember Senger, moved to suspend the rules requiring three readings of the ordinance. Rules Suspended 7-0. Councilmember Abbott, seconded by Councilmember Meyers, moved for adoption. ORDINANCE NO. 120-09 ADOPTED 7-0.

Amounts & Rates: Background: City Manager Pizzano recommended the acceptance of amounts and rates as determined by the Butler County Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor. Legislative Action: Councilmember Abbott presented the first reading of a resolution accepting the amounts and rates as determined by the Butler County Budget Commission and authorizing necessary tax levies and certifying them to the County Auditor. Councilmember Abbott, seconded by Councilmember Judd, moved to suspend the rules requiring three readings of the resolution. Rules Suspended 7-0. Councilmember Abbott, seconded by Councilmember Judd, moved for adoption. RESOLUTION NO. 15-09 ADOPTED 7-0.

2009 Budget Amendments (Contractual): 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." City Manager Pizzano explained the following contractual appropriations: \$286,800 for construction of Fairfield Aquatic Center Spray Ground Park; and \$65,500 for 2009 Flood Zone Surveys for Letter of Map Amendments. Councilmember Abbott, seconded by Councilmember Snyder, moved to suspend the rules requiring three readings of the ordinance. Rules Suspended 7-0. Councilmember Abbott, seconded by Councilmember Oler, moved for adoption. ORDINANCE NO. 121-09 ADOPTED 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." City Manager Pizzano explained the following non-contractual appropriations: \$15,000 engineering for 2010 needs assessment for Route 4/Gilmore waterline; and \$15,000 for labor & materials for Home Rehabilitation Program. Councilmember Abbott, seconded by Councilmember Senger, moved to suspend the rules requiring three readings of the ordinance. Rules Suspended 7-0. Councilmember Abbott, seconded by Councilmember, moved for adoption. ORDINANCE NO. 122-09 ADOPTED 7-0.

Meeting Notices

Tuesday, October 13 C/M Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.
Monday, October 26 C/M Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.

Executive Session

Council recessed to executive session at 7:40 p.m. to discuss pending and imminent litigation.

Adjournment

The Regular Meeting adjourned at 8:05 p.m.

ATTEST:

Clerk of Council

Mayor's Approval

Date Approved _____