

MINUTES

REGULAR MEETING OF COUNCIL

APRIL 27, 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 Community Arts Center, 411 Wessel Drive.

Roll Call

Clerk Morsch called the roll of Council. Present members were Councilmember Abbott, Councilmember Rhodus, Councilmember Meyers, Councilmember Judd, and Councilmember Snyder. Councilmember Judd, seconded by Councilmember Abbott moved to excuse Councilmember Oler and Councilmember Senger. Motion Carried 5-0.

Prayer & Pledge

Councilmember Snyder led in prayer followed by the Pledge of Allegiance.

Executive Session

Councilmember Judd, seconded by Councilmember Abbott, moved for an executive session to discuss pending and imminent litigation. A roll call vote was taken by the clerk. The executive session was approved by a 5-0 vote.

Special Presentations and Citizen Comments

Mayor D'Epifanio presented a proclamation to Sergeant Alexander Woeste in recognition of his military service.

City Manager Arthur Pizzano presented the 2009 First Quarter Star Award to Parks and Recreation Clerk II, Cyndi Kreke for stepping in to replace the Clerk II who retired after 21 years of service. She is recognized for the management of the "back office" of the department as well as the office duties for five divisions. Most notably, during the windstorm event, Cyndi worked from home to process payroll since the Community Arts Center was without electricity. City Manager Pizzano presented School Resources Officer Kevin Harrington and Information Technology Manager Joseph Waldmann as First Quarter Star Award winners, for teaming up to work together to prepare a program to educate students and parents about the dangers of online predators and cyber bullies. City Manager Pizzano stated the program entitled "Cyber-shield" will be presented at the Fairfield Community Arts Center on May 14 at 6:30 p.m.

Mayor D'Epifanio presented a proclamation to Building and Zoning Superintendent Rick Helsinger proclaiming May 3-9, 2009 as Building Safety Week.

Mayor/Council Reports

Councilmember Meyers thanked staff for their work in producing recent metrics. He stated the City of Fairfield has really taken to task looking at overall expenses trying to keep the operating costs down. He reported the Golf Course expenses are down and revenues are up. Councilmember Meyers reported considering the economic times, there will be discounts and reductions offered at the Golf Course and Marsh Lake.

Councilmember Abbott stated last week, Moody's Investors affirmed AA2 Bond rating which is going to save the City a tremendous amount of money. He further commented over a ten year period the difference between the AA2 rating and the lower A2 bond rating the City will save about \$750,000. He noted on the administrative fees we will save about \$112,000 for the difference between the two ratings. He congratulated everyone on their great work. Councilmember Abbott announced that property maintenance inspections are up 73% which is being done by utilizing different departments within the city and being proactive in the four different quadrants of the City. Councilmember Abbott further reported violations are up 484%. He thanked Mayor and Council for the proclamation he accepted at the Butler County United Way Awards Ceremony this week declaring Friday, April 24th Duke Energy Day.

Councilmember Snyder commended the staff on the 2009 Annual Report and recommended the residents check this out for information. He commented on the Municipal Court's and more specifically Judge Joyce Campbell's recognition for creative approach with the Operating a Vehicle while Impaired Diversion Program. Councilmember Snyder commented on the great senior programs at the Community Arts Center.

Mayor D'Epifanio commented on the swine flu in the United States and encouraged residents if you have flu symptoms see your healthcare provider. He further commented on the successful fundraiser held for Matthew Jones, a young boy with autism, to purchase a service dog for this young child. Mayor D'Epifanio thanked the Fairfield Choraliers, Rhythm Express and Pure Elegance music groups as well as the stage hands who donated their whole evening for entertainment to raise money.

Citizen Comments

Duane Roebuck, Alec Drive, commented on changes to the neighborhood watch program. He stated that the meeting could be held, but an officer would no longer be available to attend. Mr. Roebuck further commented on the safety concerns in the neighborhood and problems in the past. He expressed the different positive comments about Officer Dennis Valentini. Mr. Roebuck suggested that the City consider a possible joint neighborhood watch meeting with other areas in the community or explore alternatives. Mayor D'Epifanio stated he will have Chief Dickey contact Mr. Roebuck to further discuss this matter and he will ask Councilmember Oler, Chairman of the Public Safety Committee to consider the option of a joint community wide neighborhood watch meeting.

Dana Pace, 3508 Alec Drive, thanked Councilmember Snyder for his attendance at the meetings and for his involvement.

Approval of Minutes

The minutes from the Regular Meeting of April 13, 2009 were approved as written.

OLD BUSINESS

PUBLIC WORKS COMMITTEE

Street Sweeping Service: Legislative Action: Councilmember Judd presented the third reading of an ordinance to authorize the City Manager to enter into a three (3) year contract with an option of two (2) additional years with Contract Sweepers and Equipment Company for the purpose of street sweeping services. Councilmember Judd, seconded by Councilmember Rhodus, moved for adoption. ORDINANCE NO. 52-09 ADOPTED 5-0.

Seward Road Widening: Legislative Action: Councilmember Judd presented the second reading of an ordinance to authorize the City Manager to enter into a contract with Northwest Consultants, Inc. for the design of the Seward Road Widening- Port Union Road to Union Centre/Symmes Road Project. Ordinance approved for second reading only.

Mack Road @ CFC Driveway Traffic Signal Upgrade: Legislative Action: Councilmember Judd presented the second reading of an ordinance to authorize the City Manager to enter into a contract with Capital Electric Line Builders, Inc. for the Mack Road @ CFC Driveway Traffic Signal Upgrade. Ordinance approved for second reading only.

PUBLIC UTILITIES COMMITTEE

HVAC System at Wastewater Treatment Plant Maintenance Buildings: Legislative Action: Councilmember Rhodus presented the second reading of an ordinance to authorize the City Manager to enter into a contract with GRW Engineers, Inc. for the replacement and upgrade of the HVAC system to the maintenance buildings at the Wastewater Treatment Plant. Ordinance approved for second reading only.

DEVELOPMENT SERVICES COMMITTEE

JEDD-I: Legislative Action: Councilmember Senger presented the second reading of an ordinance approving the West Chester Township JEDD-I Joint Economic Development District contract and declaring an emergency. Ordinance approved for second reading only.

Right-of-Entry Agreement: Councilmember Senger deferred third reading pending further information from Neyer Properties

Pleasant Meadows Planned Unit Development: Legislative Action: Councilmember Senger deferred second reading pending Planning Commission's recommendation.

River Road Planned Unit Development: Legislative Action: Councilmember Senger deferred second reading pending a Joint Public Hearing on May 11 at 7:00 p.m.

Amendment to the Zoning Map: Legislative Action: Councilmember Senger deferred second reading pending a Joint Public Hearing on May 11 at 7:00 p.m.

NEW BUSINESS

PUBLIC WORKS COMMITTEE

Reading's (6) by Title Only: Councilmember Judd, seconded by Councilmember Rhodus, moved to read the following six pieces of legislation by title only. Motion Carried 5-0.

Central Traffic System Project: Background: City Manager Pizzano recommended a final legislative agreement with the Ohio Department of Transportation (ODOT) for the Central Traffic Signal project. He stated this project will be funded up to 80% by Ohio-Kentucky-Indiana Regional Council of Governments. Legislative Action: Councilmember Judd presented the first reading of a resolution to authorize the City Manager to enter into a Final Legislation Agreement with the Ohio Department of Transportation for the Central Traffic System project and declaring an emergency. Councilmember Judd, seconded by Councilmember Rhodus, moved to suspend the rules requiring three readings of the resolution. Rules Suspended 5-0. Councilmember Judd, seconded by Councilmember Snyder, moved for adoption. RESOLUTION NO. 7-09 ADOPTED AS AN EMERGENCY 5-0.

River Road Widening Project- Adjacent to Bolton Water Plant: Background: City Manager Pizzano recommended a contract with the Mt. Pleasant Blacktopping Company for the River Road widening project in the area adjacent to the Bolton Water Treatment Plant. He explained this will actually move River Road to the east. Legislative Action: Councilmember Judd presented the first reading of an ordinance to authorize the City Manger to enter into a contract with Mt. Pleasant Blacktopping Company for the River Road Widening Project adjacent to the Bolton Water Plant and declaring an emergency. Councilmember Judd, seconded by Councilmember Snyder, moved to suspend the rules requiring three readings of the ordinance. Rules Suspended 5-0. Councilmember Judd, seconded by Councilmember Abbott, moved for adoption. ORDINANCE NO. 53-09 ADOPTED AS AN EMERGENCY 5-0.

Storm Water Camera: Background: City Manager Pizzano recommended a contract with Great Lakes Service & Supplies, Inc. for the purchase of a storm water camera to be shared jointly between the Wastewater Division of our Utilities Department and our Public Works Department. Legislative Action: Councilmember Judd presented the first reading of an ordinance to authorize the City Manger to enter into a contract with Great Lakes Service & Supplies, Inc. for the purchase of a storm water camera, installation and related equipment and declaring an emergency. Councilmember Judd, seconded by Councilmember Abbott, moved to suspend the rules requiring three readings of the ordinance. Rules Suspended 5-0. Councilmember Judd, seconded by Councilmember Snyder, moved for adoption. ORDINANCE NO. 54-09 ADOPTED AS AN EMERGENCY 5-0.

Easements for Port Union Road Storm Sewer Detention Basin: Background: City Manger Pizzano recommended an ordinance to accept easements for the Port Union Road storm sewer detention basin project from both the Fairfield City School District and Augroup Credit Union. He explained this is a public private partnership among the Fairfield City Schools, Augroup Credit Union and Performance Automotive in the vicinity of Gilmore, Holden and Port Union Road. Legislative Action: Councilmember Judd presented the first reading of an ordinance to authorize the City Manager to accept easements for the Port Union Road Storm Sewer Detention Basin from the Fairfield City School District and Augroup Credit Union and declaring an emergency. Ordinance approved for first reading only.

Partial Reimbursement of the Port Union Road Sewer Detention Basin Project: Background: City Manager Pizzano recommended an agreement with Performance Automotive Group for partial reimbursement of the Port Union Storm Sewer Detention Basin Project. Legislative Action: Councilmember Judd presented the first reading of an ordinance to authorize the City Manager to enter into an agreement with Performance Automotive Group for partial reimbursement of the Port Union Road Storm Sewer Detention Basin Project and declaring an emergency. Ordinance approved for first reading only.

Contract for the Port Union Road Storm Sewer Detention Basin Project: Background: City Manager Pizzano recommended a contract with Broshear Contractors, Inc. for the Port Union Storm Sewer and Detention Basin in conjunction with Performance Toyota. Legislative Action: Councilmember Judd presented the first reading of an ordinance to authorize the City Manger to enter into a contract with Broshear Contractors for the Port Union Road Storm Sewer and Detention Basin Project and declaring an emergency. Ordinance approved for first reading only.

PUBLIC SAFETY COMMITTEE

Liquor Permit: Legislative Action: Councilmember Judd, seconded by Councilmember Snyder, moved that no hearing be held on the liquor permit application in the name of Eric Boepler Family Limited Partnership, DBA Cheap Shots, 4737 Dixie Highway (Permit Class: D5/D6). Motion Carried 5-0.

COMMUNITY & PUBLIC RELATIONS COMMITTEE

Reading's (3) by Title Only: Councilmember Snyder, seconded by Councilmember Rhodus, moved to read the following three pieces of legislation by title only. Motion Carried 5-0.

Design Review Committee Appointment: Legislative Action: Councilmember Snyder, seconded by Councilmember Rhodus, made a simple motion to appoint Kert Radel as the southeast quadrant representative to the Design Review Committee. Motion Carried 5-0.

Charter Review Commission Appointment: Legislative Action: Councilmember Snyder, seconded by Councilmember Rhodus, made a simple motion to appoint Duane Roebuck as first ward representative to the Charter Review Commission. Motion Carried 5-0.

General Communications and Public Relations Services: Background: City Manager Pizzano recommended Audio Visual Impact, Inc. for general communications and public relations services. Mr. Pizzano briefly mentioned background information on Audio Visual Impact, Inc. Legislative Action: Councilmember Snyder presented the first reading of an ordinance to authorize the City Manger to enter into a contract with audio Visual Impact, Inc. for general communications and public relations services and declaring an emergency. Councilmember Snyder, seconded by Councilmember Abbott, moved to suspend the rules requiring three readings of the ordinance. Rules Suspended 5-0. Councilmember Snyder, seconded by Councilmember Judd, moved for adoption. Councilmember Rhodus offered his thanks to Dean Langevin of Audio Visual Impact, Inc. for the great work he does with the annual report and the newsletter. Councilmember Abbott stated the annual report is first class and is a great document. ORDINANCE NO. 55-09 ADOPTED AS AN EMERGENCY 5-0.

PARKS, RECREATION & ENVIRONMENT COMMITTEE

“Environmental Resources and Community Forest Commission: Background: City Manager Pizzano recommended the change of name of the current Environmental Resources and Community Forest Commission to the Environmental Commission. He noted this is a Parks and Recreation Board recommendation. Legislative Action: Councilmember Meyers, seconded by Councilmember Abbott moved to read the following ordinance by title only. Motion carried 5-0. Councilmember Meyers presented the first reading of an ordinance amending Chapter 170 of Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio, to change the name of the “Environmental Resources and Community Forest Commission” to “Environmental Commission”. Councilmember Meyers, seconded by Councilmember Abbott, moved to suspend the rules requiring three readings of the ordinance. Rules Suspended 5-0. Councilmember Meyers, seconded by Councilmember Abbott, moved for adoption. ORDINANCE NO. 56-09 ADOPTED 5-0.

PUBLIC UTILITIES COMMITTEE

Reading's (2) by Title Only: Councilmember Rhodus, seconded by Councilmember Judd, moved to read the following two ordinances by title only. Motion Carried 5-0.

Purchase of Single-Axle Cab and Chassis: Background: City Manager Pizzano recommended a contract with Miami Valley International Trucks for the purchase of single-axle cab and chassis for the Water Division. Legislative Action: Councilmember Rhodus presented the first reading of an ordinance to authorize the City Manager to enter into a contract with Miami Valley International Trucks, Inc. for the purchase of one single-axle cab and chassis for the Water Division. Ordinance approved for first reading only.

Hicks Manor Subdivision Water Line Replacement Project: Background: City Manager Pizzano recommended a contract with Rock River Construction for the Phase III of the Hicks Manor Subdivision Water Line Replacement Program. He explained there is a lot of aging water piping dating back to the 1950's in this area. Legislative Action: Councilmember Rhodus presented the first reading of an ordinance to authorize the City Manger to amend and extend the contract with Rock River Construction LTD for the Hicks Manor Subdivision Water Line Replacement Project, Phase Three and declaring an emergency. Public Utilities Director Dave Crouch stated their commitment to us expires on May 26th, which would be the only complication. He further stated he expects them to be done with all of Phase I & II in the next thirty days. Councilmember Judd stated this company has done a very good job in getting the lines in the ground and getting clean water flowing to the houses with very minimal disruption of services and traffic flow. He stated the main issue he has calls on and has concern with is the restoration of the yards and the concrete work that has been torn up during this process. Mr. Crouch stated legally they are not required to do the restoration until the whole project is done. He explained there has been some miscommunication with a premature installation of soil, which was assumed by everyone to be final and it wasn't. Mr. Crouch further explained a lot of the restoration began today between the sidewalk and curb and that will continue until it is completed. Councilmember Judd stated at this point he would like this to stand for first reading tonight and in two weeks to see what kind of progress they have made and if they've shown in good faith they are going to fix these yards and do it right, then he will not have a problem proceeding with this piece of legislation. Ordinance approved for first reading only.

FINANCE & BUDGET COMMITTEE

Reading's (6) by Title Only: Councilmember Abbott, seconded by Councilmember Meyers, moved to read the following six pieces of legislation by title only. Motion Carried 5-0.

Identity Theft Policy: Background: City Manager Pizzano recommended a resolution which adopts an identity theft policy. He stated this is a Federal Trade Commission (FTC) requirement for any agency that serves as a creditor and because through our utilities collections do collect in arrears we are characterized as a creditor. Legislative Action: Councilmember Abbott presented the first reading of a resolution adopting an Identity Theft Policy (3-8) and declaring an emergency. Councilmember Abbott, seconded by Councilmember Meyers, moved to suspend the rules requiring three readings of the resolution. Rules Suspended 5-0. Councilmember Abbott, seconded by Councilmember Meyers, moved for adoption. RESOLUTION 8-09 ADOPTED 5-0

Water System Mortgage Bonds: Background: City Manager Pizzano recommended an ordinance to authorize issuance not to exceed \$2,495,000 of bonds for refunding Water System mortgage bonds. Mr. Pizzano explained we received an AA2 rating which is a very high rating for a city of our size and stature. He explained we will be combining this \$2,495,000 sewer system bond with the next item on the agenda which is \$2,765,000 various purpose bonds into a \$5,260,000 bond. Legislative Action: Councilmember Abbott presented the first reading of an ordinance providing for the issuance of not to exceed \$2,495,000 of bonds by the City of Fairfield, Ohio, for the purpose of refunding water system mortgage revenue bonds in the City, authorizing an official statement, and declaring an emergency. Councilmember Abbott, seconded by Councilmember Meyers, moved to suspend the rules requiring three readings of the ordinance. Rules Suspended 5-0. Councilmember Abbott, seconded Councilmember Meyers, moved for adoption. ORDINANCE 57-09 ADOPTED AS AN EMERGENCY 6-0.

Issuance of Bonds for Purpose of Refunding Various Purpose Bonds: Legislative Action: Councilmember Abbott presented the first reading of an ordinance providing for the issuance of not to exceed \$2,765,000 of bonds by the City of Fairfield, Ohio for the purpose of refunding various purpose bonds in the City, Authorizing an official statement, and declaring an emergency. Councilmember Abbott, seconded by Councilmember Meyers, moved to suspend the rules requiring three readings of the ordinance. Rules Suspended 5-0. Councilmember Abbott, seconded Councilmember Meyers, moved for adoption. ORDINANCE 58-09 ADOPTED AS AN EMERGENCY 5-0.

Issuance of Bonds for Various Purposes in the City: Legislative Action: Councilmember Abbott presented the first reading of an ordinance providing for the issuance of not to exceed \$5,260,000 of bonds by the city of Fairfield, Ohio, for various purposes in the City, and declaring an emergency. Councilmember Abbott, seconded by Councilmember Meyers, moved to suspend the rules requiring three readings of the ordinance. Rules Suspended 5-0. Councilmember Abbott, seconded Councilmember Meyers, moved for adoption. ORDINANCE 59-09 ADOPTED AS AN EMERGENCY 5-0.

2009 Budget Amendment: 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: \$408,100 Central Traffic Signal System; \$318,410 River Road Widening Project; \$81,069 one (1) 177" Wheel Base Single-Axle Cab & Chassis for the Water Division; \$55,000 storm sewer camera and equipment; \$741,882 Hicks Manor Subdivision Water Line Replacement, Phase 3. Councilmember Abbott, seconded by Councilmember Meyers, moved to suspend the rules requiring three readings of the ordinance. Rules Suspended 5-0. Councilmember Abbott, seconded by Councilmember Meyers, moved for adoption. ORDINANCE NO. 60-09 ADOPTED 5-0.

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: \$10,929 design of Ross Road/Kenn Road Project; \$8,855 traffic signal design for Port Union Road/Thunderbird Lane; \$14,190 traffic signal upgrade design for Symmes Road and N. Gilmore Road; \$45,000 various NPDES Phase II expenses; \$15,000 school zone flasher upgrade; \$10,950 sign reflectometer; \$17,185 replacement traffic control cabinet- Rte. 4 and Fairfield Crossing; \$10,000 TimeClock Plus hardware/software for the Public Works Department; \$11,000 replacement mini-cam inspection equipment/Wastewater Division; \$14,500 overhaul of channel grinder/Wastewater Division; \$8,000 root treatments of main public sewer lines; \$10,400 furniture of Council Chambers; \$12,710 purchase of lawnmower parts/Parks Maintenance Division; \$12,275 aquatic play feature/Aquatic Center; \$9,165 turf aerator/Park Maintenance Division; \$18,000 renovation of catering kitchen/Community Arts Center; \$18,070 replacement theater lighting/Community Arts Center; and \$18,700 spray feature/Aquatic Center. Councilmember Abbott, seconded by Councilmember Meyers, moved to suspend the rules requiring three readings of the ordinance. Rules Suspended 5-0. Councilmember Abbott, seconded by Councilmember Meyers, moved for adoption. ORDINANCE NO. 61-09 ADOPTED 5-0.

Meeting Notices

Monday, May 11	Council-Manager Briefing 6 PM; Public Hearing & Regular Meeting, 7 PM
Tuesday, May 26	Council-Manager Briefing 6 PM; Public Hearing & Regular Meeting, 7 PM

Executive Session

Council recessed to executive session at 8:21 p.m. to discuss pending and imminent litigation.

Regular Meeting Reconvenes

The Regular Meeting reconvened at approximately 9:00 p.m. No announcements were made as a result of the executive session of Council.

Adjournment

The Regular Meeting adjourned at 9:00 p.m.

ATTEST:

Clerk of Council

Mayor's Approval

Date Approved