

## MINUTES

### REGULAR MEETING OF COUNCIL

FEBRUARY 23, 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 Judd, Councilmember Snyder, Councilmember Oler, Councilmember Senger, Councilmember Abbott, Councilmember Rhodus, and Councilmember Meyers.

#### Prayer & Pledge

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

#### Request for 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 7-0 vote.

#### Special Presentations and Citizen Comments

Police Chief Michael Dickey presented plaques on behalf of the Police Department to representatives from Walgreens, Meijer Pharmacy and the Fairfield Pharmacy for their assistance in reporting suspected prescription drug abuse. Chief Dickey thanked Ed Knizner and Sgt. Pete Lagemann for their diligence in staying on top of pharmaceutical drug abuse.

Ann Yungbluth discussed the upcoming Mid America Soccer Classic. She stated there are just under 600 teams registered for this year's tournament. She thanked the various city departments involved for their assistance in year's past. Mid America Soccer Classic committee member Laura Sentel stated about 3000 room nights in the Butler County and Hamilton County hotels were booked during the tournament last year. She commented she is working with the Butler County Visitors Bureau to provide more hotel options this year which will bring money into Butler County and Fairfield.

Paul Hasty, 3 Brushback Court, stated he contacted Councilmember Snyder regarding a problem where Brushback Court meets Annandale Drive and received a stop sign in less than two weeks. Councilmember Snyder thanked Public Works Director Dave Butsch for his assistance in this matter.

#### Mayor/Council Reports

Councilmember Oler stated there are not gangs in Fairfield, but it is important to be vigilant and for the community to be that way. Councilmember Oler stated we need to be more proactive and educated on what to look for. He presented a slide presentation identifying numerous locations where graffiti is present in Fairfield. Councilmember Oler discussed his concern with various gangs passing through and possibly even stopping in Fairfield. He enforced the need for residents to remain proactive and be alert. Councilmember Oler asked residents to be alert and report any graffiti or markings to the Police Department.

Councilmember Meyers stated a sustainability plan driven by the Parks Board and the Environmental Resources and Community Forest Commission (ERCFC) is forthcoming. He stated the sustainability plan deals with many items including recycling, energy conservation which Fairfield is already doing.

Mayor D'Epifanio encouraged everyone to attend the Crystal Classic which takes place on March 14<sup>th</sup> at 9 AM at the Fairfield Community Arts Center.

Councilmember Judd stated the Public Works Department has received the first check from FEMA from the Hurricane Ike storm damage.

Councilmember Snyder encouraged everyone to attend the performances of Godspell at the Community Arts Center.

Approval of Minutes

The minutes from the Regular Meeting of February 9, 2009 were approved as written.

**OLD BUSINESS**

**PARKS, RECREATION & ENVIRONMENT COMMITTEE**

Phase I - Public Safety Tribute: Legislative Action: Councilmember Meyers, seconded by Councilmember Oler, moved to table the ordinance to authorize the City Manager to enter into an agreement with The Verdin Company for a bronze sculpture group for the Phase I - Public Safety Tribute. Councilmember Meyers stated with the upcoming CIP review this would be a good time to look at priorities and see where this project fits. Councilmember Meyers stated there is a need for a life squad, equipment and so forth that we may want to look at. Motion Carried 6-1 with Councilmember Senger dissenting. Keith Davis, 1853 Vernon Place, stated instead of a memorial he was going to suggest a fund be set up to help families similar to the AER Fund which assists families from World War II. He stated tabling this project is a great idea. Councilmember Meyers stated he fully supports this particular item, but he is suggesting we pause to consider this project's priority in the CIP before it comes back to Council. Councilmember Senger stated this project was in the CIP and has been for some time. Mayor D'Epifanio stated he would have been a no vote. He further commented this project has been in the works for four years and has been budgeted. Councilmember Meyers stated he want to ensure if a life squad is needed that we need to bring that to the front. Councilmember Oler stated this in no way means we will not do this project. He further stated we need to decide what comes first at CIP and then move forward.

**PUBLIC WORKS COMMITTEE**

Maintenance Bond Release for Lauryn Meadows Subdivision: Legislative Action: Councilmember Judd presented the second reading of an ordinance releasing the maintenance bond and accepting public improvements for Lauryn Meadows Subdivision. 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 Senger, moved for adoption. ORDINANCE NO. 18-09 ADOPTED 7-0.

**FINANCE & BUDGET COMMITTEE**

Fairfield Community Foundation Grant Agreement: Legislative Action: Councilmember Abbott presented the second reading of an ordinance to authorize the City Manager to enter into an agreement with the Fairfield Community Foundation's scholarship and other programs. Ordinance approved for second reading only.

Partners in Prime Grant Agreement: Legislative Action: Councilmember Abbott presented the second reading of an ordinance to authorize the City Manager to enter into an agreement with the Partners in Prime formerly Senior Citizens, Inc. for Ark Transportation and other services to the residents of Fairfield, Ohio. Ordinance approved for second reading only.

Fairfield Tempo Club: Legislative Action: Councilmember Abbott presented the second reading of an ordinance to authorize the City Manager to enter into an agreement with the Tempo Club for the Summer Theatre Program. Ordinance approved for second reading only.

Hamilton Fairfield Symphony Orchestra: Legislative Action: Councilmember Abbott presented the second reading of an ordinance to authorize the City Manager to enter into an agreement with the Hamilton Fairfield Symphony Orchestra for two concerts. Ordinance approved for second reading only.

Greater Miami Valley YMCA: Legislative Action: Councilmember Abbott presented the second reading of an ordinance to authorize the City Manager to enter into an agreement with the Great Miami Valley YMCA to provide funding for air conditioning in the gymnasium at the Fairfield YMCA branch and other programs. Ordinance approved for second reading only.

**NEW BUSINESS**

**PUBLIC SAFETY COMMITTEE**

Liquor Permit: Councilmember Oler presented a simple motion requesting that no hearing be held on the liquor permit application in the name of N and D Restaurants, Inc., DBA Olive Garden Italian Restaurant #1093, 7179 Dixie Highway (Permit Class: D1, D2, D3 and D6). Councilmember Oler, seconded by Councilmember Meyers, moved for adoption. Motion Carried 7-0.

**PUBLIC UTILITIES COMMITTEE**

Reading's (3) by Title Only: Councilmember Rhodus, seconded by Councilmember Judd, moved to read the following three ordinances by title only. Motion Carried 7-0.

Purchase of Lime: Background: City Manager Pizzano recommended a contract for the purchase of lime for use in the Public Utilities Department. Legislative Action: Councilmember Rhodus presented the first reading of an ordinance to authorize the City Manager to enter into a one (1) year contract with Caramuse Lime & Stone, Inc. for the purchase of lime for use in the Water Division. Councilmember Rhodus, seconded by Councilmember Judd, moved to suspend the rules requiring three readings of the ordinance. Rules Suspended 7-0. Councilmember Rhodus, seconded by Councilmember Judd, moved for adoption. ORDINANCE NO. 19-09 ADOPTED 7-0.

Motor Control Center Building: Background: City Manager Pizzano recommended a contract with CDP Engineers, Inc. for professional services for the design of a new motor control center building including a system capable of supporting a standby generator in the future. Legislative Action: Councilmember Rhodus presented the first reading of an ordinance to authorize the City Manager to enter into a contract with CDP Engineers, Inc. for professional services for the design of a motor control center building at the Wastewater Treatment Plant. Ordinance approved for first reading only.

Purchase of chemicals for use at Water Treatment Plant: Background: City Manager Pizzano recommended a contract with Univar USA, Inc. for purchase of chemicals for the Water Division for chlorine, sodium hypochlorite and hydrofluorosilic acid for use at the Water Treatment Plant. Legislative Action: Councilmember Rhodus presented the first reading of an ordinance to authorize the City Manager to enter into a three (3) year contract with Univar USA, Inc. for the purchase of chemicals for use at the Water Treatment Plant. Ordinance approved for first reading only.

**DEVELOPMENT SERVICES COMMITTEE**

Councilmember Meyers recused himself from the meeting at 7:38 PM.

JEDD Agreement: City Manager Pizzano recognized Mr. Brian Elliff from West Chester Township and Mr. Brad Evans from Springdale, Ohio. Councilmember Senger thanked Development Services Director Tim Bachman, Finance Director Mary Hopton, Law Director John Clemmons and City Manager Arthur Pizzano. Councilmember Senger presented a simple motion to authorize the Development Services Director to publish notice and set a public hearing for Monday, April 13, 2009 at 7:00 p.m. to solicit citizen input regarding a Joint Economic Development District (JEDD) Agreement with the City of Springdale, Ohio and West Chester Township, Ohio. Councilmember Senger, seconded by Councilmember Oler, moved for adoption. Mr. Brian Elliff from West Chester Township thanked Fairfield for kicking this off and stated West Chester Township will be doing the same thing tomorrow night. Councilmember Rhodus stated he is looking forward to working with West Chester Township and Springdale. City Manager Pizzano commented on the history between West Chester Township and Fairfield including the Union Center Boulevard interchange. Motion Carried 6-0.

Councilmember Meyers returned to the meeting at 7:46 PM.

## COMMUNITY & PUBLIC RELATIONS COMMITTEE

Employment Agreement: Background: City Manager Pizzano recommended an amended employment agreement for the City Manager. Legislative Action: Councilmember Snyder, seconded by Councilmember Judd, moved to read the following ordinance by title only. Motion Carried 7-0. Councilmember Snyder presented for first reading an ordinance to an amended employment agreement for the City Manager. Councilmember Abbott stated City Council has discussed this issue appropriately in executive session and he would not be opposed to suspension of the rules. Councilmember Snyder, seconded by Councilmember Senger, moved to suspend the rules requiring three readings of the ordinance. Rules Suspended 7-0. Councilmember Snyder, seconded by Councilmember Judd, moved for adoption. Councilmember Abbott stated although he voted to suspend the rules he is going to vote against the ordinance. He read §6.01(A) from the City of Fairfield Charter which states The Council shall appoint a person possessing the qualifications set forth in Division (B) of this Section as the City Manager by a majority vote of the members of the council. The City Manager shall serve at the pleasure of the Council and may be removed from office, without cause, upon a majority vote of the members of Council. He stated in his opinion the vote to extend the contract five years ties the hands of future Councils to make that decision on the City Manager. He further stated it has no reflection on the performance of the City Manager, but in these economic times the city should not be entering into a five year agreement that is not warranted at this time. Councilmember Meyers stated City Manager Pizzano is an outstanding City Manager. He stated unfortunately Mr. Pizzano still has two years on his contract and out of respect for future Councils he stated he will not be voting for this ordinance. Councilmember Rhodus stated he will be voting no for the same reasons. Councilmember Oler stated this is actually three additional years and this is not something new taking place. Mayor D'Epifanio discussed briefly City Manager Pizzano's experience. He further commented that this contract extension will take Mr. Pizzano to retirement age and to make sure he is here with us. A roll call vote was taken by the clerk. ORDINANCE NO. 20-09 ADOPTED 4-3, with Councilmembers Abbott, Meyers and Rhodus dissenting.

## FINANCE & BUDGET COMMITTEE

Reading's (3) by Title Only: Councilmember Abbott, seconded by Councilmember Snyder, moved to read the following three ordinances by title only. Motion Carried 7-0.

Water System Mortgage Revenue Bonds: Background: City Manager Pizzano recommended an ordinance to authorize the refinancing of \$2.8 million in Water Revenue Bonds to \$2.47 million in long-term General Obligation Bonds. Legislative Action: Councilmember Abbott presented the first reading of an ordinance providing for the issuance of not to exceed \$2,470,000 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. Ordinance approved for first reading only.

2009 Budget Amendment (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 contractual appropriations: \$90,000 for professional design services for a motor control center building/ Wastewater Treatment Plant. 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. ORDINANCE NO. 21-09 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: \$316,658 for 2009 Sidewalk/Apron Replacement and Sidewalk Gap Program; \$14,370 for replacement school flasher/Nilles Road at Sacred Heart School; \$14,500 for replacement UV lamps for the disinfection system/ Wastewater Treatment Plant. 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 Meyers, moved for adoption. ORDINANCE NO. 22-09 ADOPTED 7-0.

Meeting Notices

Monday, March 2	Special Meeting in Executive Session for interview of applicants for Fairfield's Boards and Commissions, 6 PM
Saturday, March 7	Special Meeting in Executive Session for interview of applicants for Fairfield's Boards and Commissions, 8 AM
Monday, March 9	Council-Manager Briefing, 6 PM; Regular Meeting, 7 PM
Monday, March 23	Council-Manager Briefing 6 PM; Regular Meeting, 7 PM

Executive Session

Council recessed to executive session at 8:00 p.m. to discuss pending and imminent litigation.

Regular Meeting Reconvenes

The Regular Meeting reconvened at approximately 8:20 p.m. No announcements were made as a result of the executive session of Council.

Adjournment

The Regular Meeting adjourned at 8:20 p.m.