

MINUTES

REGULAR MEETING OF COUNCIL

FEBRUARY 9, 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 Meyers, Councilmember Judd, Councilmember Snyder, Councilmember Senger, Councilmember Abbott, and Councilmember Rhodus. Councilmember Judd, seconded by Councilmember Snyder, moved to excuse Councilmember Oler. Motion Carried 6-0.

Prayer & Pledge

Councilmember Rhodus 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 employment and compensation of personnel. A roll call vote was taken by the clerk. The executive session was approved by a 6-0 vote.

Special Presentations and Citizen Comments

Mayor D'Epifanio stated we finished second to the City of Oxford in the recycling challenge. Councilmember Meyers who led the 2008 Recycle to Win Challenge, once again challenged the City of Oxford in the 2009 Recycle to Win Challenge. He then presented a proclamation to City of Oxford Mayor Prue Dana for their recycling efforts. Mayor Dana accepted the challenge on behalf of the City of Oxford and stated that they will continue to increase their recycling efforts.

Kris Roselle, president of the Environmental Resources and Community Forest Commission, celebrated its many achievements that took place in 2008 including participating in the City's Adopt A Roadway Program for the third year; staffing informational booths at the city's Home Expo, summer concert series and September Dayz; developing and implementing a birdhouse workshop and hosting a recycling workshop; marking hazardous, misplaced and low value trees for removal at the future memorial tree grove; exploring and pinpointing new technology for annual street tree inventory and developing a new tree lottery voucher system and holding an arbor day tree seedling give-a-way. She further commented although we are still awaiting official notice it appears the City will receive Tree City USA recognition from the National Arbor Day Foundation for the fourteenth year in a row. She stated the ERCFC drafted a sustainability plan for the city which has been reviewed by key staff and is awaiting approval by the Parks and Recreation Board. Ms. Roselle introduced the ERCFC Commission members and thanked Ben Strickler, Dave Crouch and Councilmember Meyers for working with the ERCFC. She presented the 2008 Friends of Fairfield Citizen Award to Councilmember Tim Meyers. She further presented the Hamilton to New Baltimore Groundwater Consortium with the 2008 Friends of Fairfield group business category award winner. Tim McClellan, Consortium Manager and Fairfield Public Utilities Director Dave Crouch accepted the award on behalf of the consortium. Mr. Crouch briefly explained the importance of the consortium in protecting the aquifer.

Mr. Steve Barrett, 1605 Parliament Court, stated his objection to the legislation which will invest the citizens' money in upgrading a private parking lot on the corner of Magie Avenue and Route 4. He stated he believes this is a misappropriation of the taxpayers' money. He further stated it is not the taxpayers' responsibility to upgrade private citizens' property and investors'. He further commented there is no plan for this easement. He asked Council to vote against this tonight. Mr. Barrett stated of the seven Councilmembers and the Mayor, there are five individuals out of eight that have received campaign contributions from the property owner. Mr. Barrett read from a booklet from the Ohio Ethics Commission. He encouraged anyone on Council who took contributions from the Route 4 Coalition, Martha Tipton or Tom Burer to recuse himself from the vote tonight.

Development Services Director Tim Bachman stated the project is a beautification project for Route 4. He further stated it is an enhancement of the Route 4 corridor and he listed other similar improvements that have been completed and others that are planned. Mr. Bachman explained this project is very similar to other projects where the city has partnered with a developer, including Village Green; the improvement of the right-of-way for electric boxes and twinkle lights on Wessel

Drive; and upgrades to the Route 4 and Michael Lane turn lane. He further stated this is being funded from the city's redevelopment fund for projects like this when we partner with a developer or an owner. He noted this project was in CIP and was approved March of 2008 and this development will occur sometime around April 2009 if approved. Mr. Bachman explained the events and actions that occurred leading up to the Route 4 Redevelopment Plan.

Law Director John Clemmons stated that Council is not voting on any contracts with TB Properties, Mr. Burer, Ms. Tipton or any of those entities. He stated what is being voted on is to allow the City Manager to accept the dedication of the easement from TB Properties and a contract with a contractor who was the low bidder in responsible bidding. He further stated where the city has sufficient right-of-way to make improvements you see these types of improvements out in the median and this is a public project being done for public purpose. He further stated one way to do this would be to appropriate the property, widen the road and put these improvements in the middle as they exist in other places. He stated this is not very practical in this instance. Mr. Clemmons stated he does not see this is some sort of pay-to-play violation or by the mere fact that someone donated to someone's campaign in his opinion does not prevent a councilmember in voting on a project that has a public benefit. He further commented we all benefit from public improvements.

Martha Tipton, 1587 Congress Hill Lane, asked that Council vote for this project this evening because it is an example of what ten years of work has culminated in partnerships to foster economic redevelopment in the City between business and the City. She referred to a document finalized on December 11, 2006 which is a culmination of the Task Force. Ms. Tipton read the long term recommendations strategic redevelopment of sites the committee reported there are several key properties in highly visible locations throughout the Route 4 Corridor that are vacant or substantially under utilized. She further read the committee recommends that the city intensify these key properties and aggressively work to redevelopment. She further read several redevelopment strategies as listed in the document. Ms. Tipton stated this particular presentation was done in January 2007 and the report was finalized December 11, 2006. She further referred to the Route 4 Plan which was July 1, 1999 and explained the purpose of this report and recommendations the consultant made on what actions the city should take to improve the status of Route 4 and the business corridor. She stated ten years ago they identified that particular location as needing focus and being one of the two development processes they would focus on for city funding. Ms. Tipton commented on the curb appeal grant program that was presented in 1999.

Mayor/Council Reports

Mayor D'Epifanio relayed a resident's positive remarks on the city's recent snow removal efforts and read a thank you letter for the same. He further read a letter from a resident who was assisted by one of the city's snow plow drivers after falling in her driveway.

Councilmember Meyers commented on the Fairfield High School's success at a dance competition this weekend when Choraliers and Rhythm Express were awarded the highest award of Grand Champions and Pure Elegance came in second for their division. He reminded everyone of the Crystal Classic on March 14, 2009 where all these groups will perform.

Councilmember Abbott proposed that Council go out in the field with Chief Bennett to choose random intersections to inspect the preemption devices.

Councilmember Senger thanked Development Services Director Tim Bachman and Building and Zoning Inspection Superintendent Rick Helsing for their leadership with property maintenance and also all the Building and Zoning Inspectors for their efforts.

Councilmember Rhodus encouraged everyone to visit the city's website and attend the events coming up at the Community Arts Center.

Councilmember Judd stated we have over 1,000 tons of road salt still on hand. He commented on the great job the road crews did during our last snow removals.

Approval of Minutes

The minutes from the Regular Meeting of January 26, 2009 were approved as written.

OLD BUSINESS

DEVELOPMENT SERVICES COMMITTEE

Highway Appearance Improvement and Limited Public Use Easement: Legislative Action: Councilmember Senger presented the third reading of an ordinance to authorize the City Manager to accept a highway appearance improvement and limited public use easement along Dixie Highway. Councilmember Senger, seconded by Councilmember Judd, moved for adoption. Councilmember Senger stated he disagrees with Mr. Barrett's assessment of the situation. He stated these public improvements have been in the CIP plan for a number of years. He further explained that each year businesses will apply for this program and each year the one we deal with is sometimes very different than the one we dealt with before or will the next year. Councilmember Judd stated this is mostly a continuation of the project started a few years ago. He further stated we have had great success on the southern half of Route 4 near Muhlhauser Road with the end result having a gas station come in there and the long vacant building at the old Van Leunen site has been occupied and generating money for the city. He further commented we need to move that way of thinking to the northern half of Route 4 and he believes we will be looking at the same type of good results when we do improvement. Councilmember Abbott stated Route 4 is vital to the city's operation with approximately 20% of our income tax revenues being generated from Route 4 and we are seeing significant private investment on the northern quadrant of Route 4. He stated the last thing we need to do as a community is to let Route 4 deteriorate and lose the momentum we have. Councilmember Meyers thanked Mr. Barrett for coming and for voicing his opinion tonight. He stated we are in a tough economy right now and if Fairfield does not poise itself and does not take advantage of opportunities like this when we come out of this economic slump we will be poised for significant growth and economic advantage. He stated this particular project truly enhances the business community and without the business community and without tax dollars we fail to enjoy the quality of life that we as Fairfield residents have come to enjoy. Development Services Director Tim Bachman clarified that the private parking pavement goes right to the edge of the pavement of the street. He stated this plan will remove and eradicate portions of asphalt it will bring in landscape on both Route 4 and Magie Avenue. Mr. Bachman stated there is a portion that is public right-of-way. Councilmember Rhodus stated he is one of the Councilmembers who has not taken campaign money from any of those people, but he stated he still plans on voting for this measure. He explained this is not setting precedence because we have done it elsewhere in the city and also that complex has floundered for an excess of fifteen years. He commented we are spending additional money on a railroad stanchion which is a similar type of project. **ORDINANCE NO. 13-09 ADOPTED 6-0.**

Contract with Landform Services, Inc.: Legislative Action: Councilmember Senger presented the third reading of an ordinance to authorize the City Manager to enter into a contract with Landform Services, Inc. for highway appearance improvements along Dixie Highway. Councilmember Senger, seconded by Councilmember Judd, moved for adoption. **ORDINANCE NO. 14-09 ADOPTED 6-0.**

PARKS, RECREATION & ENVIRONMENT COMMITTEE

Phase I - Public Safety Tribute: Legislative Action: Councilmember Meyers presented the second reading of an 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 \$14,000 in donations came from the Police and Fire Department groups. Mayor D'Epifanio stated this statue will be at the Justice Center and has been in the works for some time. Keith Davis, 1853 Vernon Place, commented on the cost of this monument and wondered if there was perhaps some equipment that could be purchased by the Fire or Police Department instead. He stated we are not in very good economic times right now. Mr. Davis stated he did not know if this is the right economic times to be spending money on bronze statue, money for the Fairfield Tempo Club, Hamilton Fairfield Symphony or air conditioning for the YMCA. Mr. Davis suggested the money be used for something else or hold it for some other type of calamity that might yet befall us. Ordinance approved for second reading only.

NEW BUSINESS

PUBLIC WORKS COMMITTEE

Maintenance Bond Release for Lauryn Meadows Subdivision: Background: City Manager Pizzano recommended a release of a maintenance bond and the acceptance of public improvements for Lauryn Meadows Subdivision. He stated the city

will withhold a five year performance bond for some work that still needs to be performed on the storm system. Legislative Action: Councilmember Judd, seconded by Councilmember Rhodus, moved to read the following ordinance by title only. Motion Carried 6-0. Councilmember Judd presented the first reading of an ordinance releasing the maintenance bond and accepting public improvements for Lauryn Meadows Subdivision. Ordinance approved for first reading only.

FINANCE & BUDGET COMMITTEE

Reading's (8) by Title Only: Councilmember Abbott, seconded by Councilmember Senger, moved to read the following eight ordinances by title only. Motion Carried 6-0.

Fairfield Community Foundation Grant Agreement: Background: City Manager Pizzano explained the program that was established several years ago to allocate a pool of money in the operating budget and a sequence to take care of all of these types of requests. He further explained this process places a cap on that financing and will allow various groups to compete for that money. Mr. Pizzano stated these groups will come to the next Council-Manager Briefing to explain exactly how the funds will be used. He recommended a grant agreement with the Fairfield Community Foundation to provide funding to support the Foundation's Scholarship Program. Legislative Action: Councilmember Abbott presented the first 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 first reading only.

Partners in Prime Grant Agreement: Background: City Manager Pizzano recommended a grant agreement with Partners in Prime, in order to provide ARK transportation services to residents of Fairfield and to provide funds to operate their Fairfield facility located on Patterson Blvd. Legislative Action: Councilmember Abbott presented the first 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 first reading only.

Fairfield Tempo Club: Background: City Manager Pizzano recommended a grant agreement with the Fairfield Tempo Club to provide funding for the Summer Theatre Program. Legislative Action: Councilmember Abbott presented the first 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 first reading only.

Hamilton Fairfield Symphony Orchestra: Background: City Manager Pizzano recommended a grant agreement with the Hamilton Fairfield Symphony Orchestra (HFSO). Legislative Action: Councilmember Abbott presented the first 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 first reading only.

Greater Miami Valley YMCA: Background: City Manager Pizzano recommended a grant agreement with the Great Miami Valley YMCA to provide funding for air conditioning in the gymnasium at the Fairfield YMCA branch. Legislative Action: Councilmember Abbott presented the first 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 first reading only.

Wage and Salary Ordinance: Background: City Manager Pizzano recommended an amendment of the Wage and Salary Ordinance in accordance with a collective bargaining agreement. Legislative Action: Councilmember Abbott presented the first reading of an ordinance to establish salaries and hourly rates for certain salaried and hourly employees of the City of Fairfield, Ohio and to authorize and limit the numbers and types of certain employees, to repeal Ordinance No. 8-09 and all amendments thereto and declaring an emergency. Councilmember Abbott, seconded by Councilmember Senger, moved to suspend the rules requiring three readings of the ordinance. Rules Suspended 6-0. Councilmember Abbott, seconded by Councilmember Senger, moved for adoption. ORDINANCE NO. 15-09 ADOPTED AS AN EMERGENCY 6-0.

2008 Year End Transfers: Background: City Manager Pizzano recommended an ordinance to reconcile accounts, which exceed the original appropriations for 2008 operations for Ordinance 154-07. Legislative Action: Councilmember Abbott presented the first reading of ordinance to amend Ordinance No. 154-07 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, 2008, and ending December 31, 2008. City Manager Pizzano explained this ordinance appropriates \$21,000 to cover payment of interest on debt; \$34,000 for transfers from water Revenue to other water funds; and \$30,000 for sewer refunds to Butler County through November, 2008 to reconcile accounts which have exceeded the original appropriations for

operations. Councilmember Abbott, seconded by Councilmember Senger, moved to suspend the rules requiring three readings of the ordinance. Rules Suspended 6-0. Councilmember Abbott, seconded by Councilmember Senger, moved for adoption. ORDINANCE NO. 16-09 ADOPTED 6-0.

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: \$4,550 for design services for North Route 4 landscape plan; \$155,000 for grounds, entry-ways and landscaping program; \$129,450 for additional engineering services for State Route By-Pass 4; \$700,000 for 2009 concrete repair and replacement program; and \$80,000 for 2009 annual drainage 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 Senger, moved for adoption. Councilmember Senger stated we are appropriating a lot of money in these ordinances, but the city newsletter has a positive story about the financial status of the city. He further stated we are in a very enviable positive situation this year. ORDINANCE NO. 17-09 ADOPTED 6-0.

Meeting Notices

Monday, February 23	Council-Manager Briefing, 6 PM; Regular Meeting, 7 PM
Monday, March 9	Council-Manager Briefing 6 PM; Regular Meeting, 7 PM

Executive Session

Council recessed to executive session at 8:25 p.m. to discuss employment and compensation of personnel.

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 _____