

MINUTES

REGULAR MEETING OF COUNCIL

May 26, 2009

Call to Order

Mayor Ronald A. D'Epifanio called the Regular Meeting of Council to order at 7:08 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 Oler, Councilmember Senger, and Councilmember Abbott. Councilmember Meyers, seconded by Councilmember Oler, moved to excuse Councilmember Rhodus. Motion Carried 6-0.

Prayer & Pledge

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

Agenda Modifications

Councilmember Abbott, seconded by Councilmember Meyers moved to add to the agenda an additional appropriation ordinance. Motion Carried 6-0.

Executive Session

Councilmember Judd, seconded by Councilmember Abbott, moved for an executive session to discuss pending and imminent litigation and employment and compensation of public officials and employees. A roll call vote was taken by the clerk. The executive session was approved by a 6-0 vote.

Public Hearing

Clerk Morsch read the Joint Public Hearing notice. Development Services Director Tim Bachman briefly explained that a Joint Economic Development District is created by the Ohio Revised Code and allows for different governments to work together to facilitate economic development. He stated the City of Fairfield will use its ability to use income tax collection authority to raise an income tax for the businesses that will be created and generated within the area of the JEDD. He explained by the agreement the City of Fairfield will be using its money for improvement to Seward Road near Tylersville Road. He further explained Fairfield Township brings to the table the actual land; there are six pieces of property. He stated they also will be securing the petition from property owner and owners to permit the JEDD on their property and it is their intention to use the money for improvement to the By-pass and streets that intersect within the by-pass in Fairfield Township. Mr. Bachman explained the agreement including a 1.5% tax on earnings of employees of the JEDD will be collected by Fairfield. He further explained the City of Fairfield will receive 5% off the top to recoup administrative expenses for the collection of that tax. He stated the revenue split will be as follows the City of Fairfield will retain 20% and Fairfield Township 80%. Mr. Bachman further explained the term will be for 40 years with two 10 year renewals. He noted there are six different locations in the Township which encompass 375 acres and showed a map of those areas. Mr. Bachman explained the next steps for this item. Ray McDaniel, 249 Palm Springs Drive, asked why we have to have it approved by two counties when it is in Butler County. Mr. Bachman explained this particular JEDD is City of Fairfield and Fairfield Township, but there is a small portion of the City of Fairfield down by Cincinnati Mall down on Gilmore that is in Hamilton County. Mayor D'Epifanio complimented Mr. Pizzano, Mr. Clemmons and Mr. Bachman on the way they handled this JEDD. Mr. Bachman noted that this as well the West Chester Township JEDD all have a portion as part of the agreement that there is no annexation during the life of the agreement. The public hearing closed at 7:21 p.m.

Citizen Comments

Keith Davis, 1853 Vernon Place, discussed the possibility of including local churches in the conference in June where all the church leaders who are interested can sit down and talk about what they can do to present the EMA a list of churches and responsible people that in times of emergency can be contacted and a list of facilities available for use if needed as refuge for safety. He asked that churches interested in participating send email to him at keithpod@fuse.net.

Mayor/Council Reports

Councilmember Snyder recognized and congratulated One Way Farm owner, Barb Condo for her recent achievement on being installed in the Senior Citizens Hall of Fame.

Mayor D'Epifanio commented on the nice turnout yesterday for Memorial Day at Veterans Park. He noted the Hamilton Fairfield Band played and the third and fourth grade classes from Central came and led in the Pledge of Allegiance.

Approval of Minutes

The minutes from the Regular Meeting of May 11, 2009 were approved as written.

OLD BUSINESS

PUBLIC WORKS COMMITTEE

Traffic Signal Power Backup Upgrade Project: Legislative Action: Councilmember Judd presented the second reading of an ordinance to authorize the City Manager to enter into a contract Capital Electric Line Builders, Inc. for the 2009 Traffic Signal Power Backup Upgrade Project. Ordinance approved for second reading only.

Resor Road Improvement Project: Legislative Action: Councilmember Judd presented the second reading of an ordinance to authorize the City Manager to enter into a contract with ME Companies for the design of the Resor Road Improvement Project. Ordinance approved for second reading only.

PUBLIC UTILITIES COMMITTEE

Purchase of Single-Axle Cab and Chassis: Legislative Action: Councilmember Meyers presented the third 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 (1) single-axle cab and chassis for the Water Division. Councilmember Meyers, seconded by Councilmember Abbott, moved for adoption. ORDINANCE NO. 75-09 ADOPTED 6-0.

DEVELOPMENT SERVICES COMMITTEE

Pleasant Meadows Planned Unit Development: Legislative Action: Councilmember Senger presented the third reading of an ordinance amending Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio, Section 1141.02, the City of Fairfield, Ohio, Zoning Map by approving the concept and final development plan for the Pleasant Meadows Planned Unit Development. Councilmember Senger, seconded by Councilmember Snyder, moved for adoption. Councilmember Senger stated this is one that we had at two Planning Commission meetings and we had lengthy discussion. He stated they sent this to Council with a 4-3 vote and he was one of the three who voted not to support this particular item. He stated he felt there were many questions, many comments that in his opinion, it wasn't the right item at the right place at this particular point in time and that he does not plan to support this tonight either. Councilmember Abbott commented this has been debated in the committee and obviously there are people in favor and people against. He stated as an elected official these types of issues are tough issues, but where he comes down on this issue is the safety aspect of the area where this development would occur. He further commented even with supervision people get out of the boundaries of the facilities and if we would have one fatality, that would be one fatality too many, therefore he will be voting no tonight. Councilmember Meyers commented that he has received no less than thirty person phone calls and selection of various emails from various constituents on both sides. He further commented after reviewing it completely from all sides at this point he agrees that it is a safety issue for potential residents of the particular area and there are probably better places for this particular unit. Councilmember Meyers stated he will not be voting in favor of this particular ordinance. Councilmember Oler commented as councilman sometime you do have to look for the welfare of others. He further commented he couldn't just say yes and hope they have enough staff and nothing happens. He stated he will not support the motion. Law Director Clemmons stated the charter says in order for Council to override the recommendation of Planning Commission it takes a super majority of 2/3 which would be five votes in this case; however it also provides that no ordinance can be adopted without four votes. He further stated in this case if the ordinance does not attain four votes it will fail. Councilmember Snyder stated he plans to support it because any organization or individual can buy any house in the City of Fairfield and we have had situations where individual have either owned a house and moved on and rather than

renting it has converted it into a group home in a residential neighborhood. He further stated the folks he is thinking of had very limited experience, they met the state's minimum requirement and they were able to establish a group home. He stated in this case we have an organization that has a well established track record as professionals in this field. He further discussed the screening at this location. Councilmember Snyder stated if it is safe enough for a childcare center and preschool then it should be safe also for a facility that is run by professionals that have established an excellent track record. Councilmember Judd stated he feels that all citizens including those with mental disabilities deserve to have adequate and nice housing. He commented he does have concerns with the proximity to Route 127 and tight supervision will be needed, but he does think this is a good location for this project. He urged everyone to follow Planning Commission's decision. Councilmember Oler stated he thinks all on Council realize the need these people have to have a place to stay; he does not think that is the issue. He commented he has had people from the mental health field say this is the worst place to put it. Ray McDaniel, 249 Palm Springs, questioned the safety of the children at Goddard School with no fence. He stated if there is a safety factor and your voting no then you need to take up the safety factor on Goddard School. Francine Streithorst, 1565 Oak Valley Drive, stated she's lived in Fairfield for the past 26 years and lived on Pleasant Avenue for 20 years and on Oak Valley for the past six years. She expressed her concern for the safety of the individuals in regards to having it on Hamilton Avenue and the chances of them getting out on the street. She stated the speed limit is 50 MPH. She further stated there are no sidewalks going either north or south on Hamilton Avenue. She further commented the facility they want to build would be next to the Goddard Center and the owner of the Goddard Center does not believe this is good location. She stated there is a fenced in play center at Goddard. She further there are other MRDD group homes in Fairfield, but the maximum they can have at any particular location is three to five and what they want to do at this location is two buildings each having eight, so it would have a maximum of 16 people. She stated the possibility of inadequate supervision increases as you have more people. She stated she does not think this is the right location for it. Grover Owens, 1612 Oak Valley Drive, commented in addition to the safety concerns, thinks the residents should not have to live 50 feet from Pleasant Avenue, noting the gravel trucks and the traffic would make it hard to sleep at night. Rachel Thomas, 1502 Oak Valley Drive, stated she loves to take walks with her children and would like to see another small business in that area. She stated she is a runner and has to cross Pleasant Avenue and it really is not a safe area. She asked what the building becomes in ten or twenty years. She commented she would like to see more of a sense of community that all can benefit from. Michelle Rampton, believes the safety issue is a big issue and commented on the noise. She stated she is opposed to rezoning that for the facility. She stated she is concerned that since it is not a good fit that they might not be there a long time and then the facility is limited in what it can do afterwards. Tom Tepe of Keating, Muenthing and Klekamp PLL stated a group home can go here as a matter of right without a zone change. He stated the general assembly has determined when it enacted the statute 23-19 that group homes can go into any residential district that permits residential uses. He stated granted this is a C-1 neighborhood commercial, but it also wholly adopts the residential district. He commented the reason for the zone change is so that they can consolidate and put two homes of eight beds. Mr. Tepe further commented he questions whether safety can be a true motivating factor. He discussed the safety concerns. Susan Arnoczsky, project manager from the Ohio Department of Mental Retardation, commented on the professionals. She gave an example of Developmental Disabilities, discussed that their individuals will be safe and that they are professionals and know how to deal with this. Roger Nash, Withers Design Group Architects of Columbus stated they went through two meetings with the Planning Commission, and they felt they did work through a good process a lot of input from the public. He further commented they heard the issues on safety and stated they did agree to put fencing around the front doors, so that all the entry and exit doors of the facilities and those doors are typically alarmed by the way. He stated he brought a revised color site plan showing that additional level of fencing (Council did not receive copies of the revised site plan). Mr. Nash commented they have agreed to have access to the property off the cul-de-sac at the end of Ambassador Drive. He further stated they have agreed to dedicate an additional 40 feet of width of right-of-way to the city for potential future widening of Pleasant Avenue. Mr. Nash discussed that this project is being done as a PUD so that this rezoning is for these two eight bed group homes with this site plan and these footprints and all of that becomes part of the zoning ordinance so that any change in the operation any change in the operation, any change to change the buildings later or add more residents would have to go through Council and Planning Commission. Mr. Nash further stated even through by right they feel that a group home is allowed in this location, they felt that going through the PUD process gave the city a lot of input, gave the city a lot of control over the process. Bill Maynard, facility administrator for Empowering People, who would be the operator of this location on Pleasant Avenue. Mr. Maynard stated we have gone through quite a bit of debate about this location through the Planning Commission and also here tonight and the initial hearing. He stated he does feel this is a good use of the Pleasant Avenue site. Mr. Maynard stated the county superintendent Kris Hehr has issued her letter of support for this project. Mr. Maynard explained empowering people's mission statement. Mr. Maynard stated he feels they have gone to great extent to ensure the safety of their individuals. He further stated they have a team of people that are experienced in looking for site plans and he trusts that team and they do it all over the Ohio. Keith Davis, 1853 Vernon Place, stated the whole area has turned into a hodgepodge and there already is discussion of a zoning change to

accommodate two facilities as opposed to one. He further commented there needs to be serious decision making down the road about what to do with this area besides just once piece at a time. He thinks there are plenty of places in Fairfield that he thinks would be more appropriate for the type of facility being discussed. Bob Breen, 1632 Oak Valley Drive, stated he stands in support of MRDD and the mentally handicapped. He stated he stands in opposition of this rezoning. Mr. Breen expressed his concern for the safety of the individuals. He stated he does not think this is the right business for this particular area. He discussed businesses in the area and their value. Lynne Whitaker, 1780 Calumet Way, and Director of Nursing at Dakota Trails, questioned why there is a 50 mph speed limit with that many businesses. She stated the people that will live there are supervised. Ms. Whitaker commented that she is part of the committee that has several members that pick the people for placement and they are not going to put anyone there that will run out into the street. Ms. Whitaker asked Council to approve this as Planning Commission did. Bill Roth, 1622 Oak Valley Court, stated he has had relatives that are MRDD and when he first heard of the use of the property for a group home for those poor souls all he could think about was whether he would put his own relatives in that position. He explained this is supposed to be a residential setting for these people. He commented he does not feel this facility fits their objective of a residential setting. He stated his opposition to this project. Tammy Holman, 301 Ramey Lane, Program Director of Dakota Trails, explained that a lot of the people who would be moving in to this home have parents and families who are also residents of the city, who are also taxpayers to this city, who have looked at and reviewed this site and want this site and want their family members to live in this city and continue to be members of this community. Ms. Holman discussed ways in which the residents contribute to the community. Clerk Morsch called the roll of Council. Motion defeated 2-4, Councilmember Senger, Councilmember Abbott, Councilmember Meyers and Councilmember Oler dissenting.

River Road Planned Unit Development: Legislative Action: Councilmember Senger presented the second reading of an ordinance amending Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio, Section 1141.02, the City of Fairfield, Ohio, Zoning Map by approving the Concept and Final Development Plan for the River Road Planned Unit Development. Councilmember Senger commented this was not recommended by Planning Commission. Ordinance approved for second reading only.

Amendment to the Zoning Map: Legislative Action: Councilmember Senger presented the second reading of an ordinance amending Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio, Section 1141.02, the City of Fairfield, Ohio, Zoning Map. Ordinance approved for second reading only.

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 JAMM Enterprises, LLC, DBA Rib City Grill, 5502-B Dixie Highway (Permit Class: D1 and D2). Motion Carried 6-0.

PUBLIC UTILITIES COMMITTEE

Liquid Carbon Dioxide: Background: City Manager Pizzano recommended a contract with Continental Carbonics for the purchase of liquid carbon dioxide for use as part of the softening process at the Water Treatment Plant. Legislative Action: Councilmember Meyers, seconded by Councilmember Snyder, moved to read the following three ordinances by title only. Motion Carried 6-0. Councilmember Meyers presented the first reading of an ordinance to authorize the City Manager to enter into a contract with Continental Carbonics for liquid carbon dioxide. Councilmember Meyers, seconded by Councilmember Abbott, moved to suspend the rules requiring three readings of the ordinance. Rules Suspended 6-0. Councilmember Meyers, seconded by Councilmember Oler, moved for adoption. ORDINANCE NO. 76-09 ADOPTED 6-0.

PUBLIC WORKS COMMITTEE

2009 Asphalt Paving and Resurfacing Work: Background: City Manager Pizzano recommended a contract with Mt. Pleasant Blacktopping for the annual Asphalt Paving and Resurfacing work. Legislative Action: Councilmember Judd, seconded by Councilmember Meyers, moved to read the following three ordinances by title only. Motion Carried 6-0. Councilmember Judd presented the first reading of an ordinance to authorize the City Manager to enter into a contract with Mt. Pleasant Blacktopping for the 2009 Asphalt Paving and Resurfacing Work and declaring an emergency. Councilmember Judd, seconded by Councilmember Meyers, moved to suspend the rules requiring three readings of the

ordinance. Rules Suspended 6-0. Councilmember Judd, seconded by Councilmember Meyers, moved for adoption. Councilmember Judd stated he is always pleased when we can do business with Fairfield companies. ORDINANCE NO. ADOPTED 77-09 AS AN EMERGENCY 6-0.

DEVELOPMENT SERVICES COMMITTEE

Reading's (3) by Title Only: Councilmember Senger, seconded by Councilmember Oler, moved to read the following three pieces of legislation by title only. Motion Carried 6-0.

West Chester Township JEDD-1 Board Member: Background: City Manager Pizzano recommended a simple motion appointing Development Services Director Tim Bachman as Fairfield's board member to the West Chester Township JEDD-1 Board of Directors. Legislative Action: Councilmember Senger, seconded by Councilmember Judd, moved to appoint the Development Services Director as the Fairfield board member to the West Chester Township JEDD-1 Board of Directors. Motion Carried 6-0.

JEDD I Contract with Fairfield Township: Background: City Manager Pizzano recommended an ordinance which would approve the Fairfield Township and Fairfield City Joint Economic Development District (JEDD). Legislative Action: Councilmember Senger presented the first reading of an ordinance approving the Fairfield Township and City Joint Economic Development District I Contact and declaring an emergency. Ordinance approved for first reading only.

Cricket Communications Antenna: Background: City Manger Pizzano recommended authorization for an option and lease agreement with Cricket Communications Inc. for an antenna on the Winton Road water tower. He stated this will provide the City with revenue of \$1500 per month for the term of a five year lease and thereafter there would be ten percent escalators over and above that for continuation of use of the tower. Legislative Action: Councilmember Senger presented the first reading of an ordinance to authorize the City Manager to sign an option and lease agreement with Cricket Communications for an antenna on the Winton Road Water Tower. Ordinance approved for first reading only.

FINANCE & BUDGET COMMITTEE

Reading's (4) by Title Only: Councilmember Abbott, seconded by Councilmember Meyers, moved to read the following four ordinances by title only. Motion Carried 6-0.

Contract to Provide Uniforms and Other Services: Background: City Manager Pizzano recommended a three (3) year contract with an option for two additional years with Unifirst Corporation to provide uniforms and other services to the City. He stated we had three bidders, Unifirst was in the middle of the three bids that we received. He explained when you add in the ancillary cost for the emblems on the uniforms, Unifirst will actually be cheaper in terms of our overall cost. Legislative Action: Councilmember Abbott presented the first reading of an ordinance to authorize the City Manager to enter into a three (3) year contract with an option for two additional years with Unifirst Corporation to provide uniforms and other services for the City. Councilmember Abbott, seconded by Councilmember Meyers, moved to suspend the rules requiring three readings of the ordinance. Rules Suspended 6-0. Councilmember Abbott, seconded by Councilmember Meyers, moved for adoption. ORDINANCE NO. 78-09 ADOPTED 6-0.

2009 Budget Amendment (Contractual Item): 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: \$1,085,000 for the Asphalt Paving and Resurfacing Work for 2009. Councilmember Abbott, seconded by Councilmember Judd, moved to suspend the rules requiring three readings of the ordinance. Rules Suspended 6-0. Councilmember Abbott, seconded by Councilmember Oler, moved for adoption. ORDINANCE NO. 79-09 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: \$13,360 design services for May Avenue Bridge Replacement; \$13,816 for design services for Doris Jane Avenue Bridge replacement; \$21,219 for repairs to poles, signage, signals and wiring; \$12,000 appraisal services/State Route 4 By-Pass Project;

\$846,537 for Port Union Road Storm Sewer and Detention Basin Project (contract approved by Council on May 11, 2009). 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 Meyers, moved for adoption. ORDINANCE NO. 80-09 ADOPTED 6-0.

2009 Budget Amendments (Contractual Item): 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 appropriation: \$228,518 for the initial contribution to the West Chester JEDD. Councilmember Abbott, seconded by Councilmember Meyers, moved to suspend the rules requiring three readings of the ordinance. Rules Suspended 6-0. Councilmember Abbott, seconded by Councilmember Meyers, moved for adoption. ORDINANCE NO. 81-09 ADOPTED 6-0.

Council Reports

Councilmember Oler recognized Firefighters Tom Wagner, Nick Spencer, and Tom Kuykendall for recently receiving the Star of Life Award for Region 1. He explained that this is the second year the Fairfield Fire Department has received this award. Chief Bennett briefly explained the Star of Life Award and the extensive requirements it takes to be awarded this honor.

Meeting Notices

Monday, June 8 Council-Manager Briefing, 6 PM; Regular Meeting, 7 PM
Monday, July 13 Council-Manager Briefing, 6 PM; Regular Meeting, 7 PM

Executive Session

Council recessed to executive session at 8:40 p.m. to discuss.

Regular Meeting Reconvenes

The Regular Meeting reconvened at 9:40 p.m. No announcements were made as a result of the executive session of Council.

Adjournment

The Regular Meeting adjourned at 9:40 p.m.

ATTEST:

Clerk of Council

Mayor's Approval

Date Approved _____