

MINUTES

REGULAR MEETING OF COUNCIL

OCTOBER 24, 2011

Call to Order

Mayor D'Epifanio called the Regular Meeting to order at 7:03 PM at the Fairfield Municipal Building, 5350 Pleasant Avenue.

Prayer/Pledge of Allegiance

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

Roll Call

Clerk Jolivette called the roll of Council. Councilmember Abbott, Councilmember Rhodus, Councilmember Meyers, Councilmember Judd, Councilmember Snyder, Councilmember Oler, and Councilmember Senger.

Agenda Modifications

There were no modifications to the Agenda.

Executive Session Requests

There were no requests for executive session.

Public Hearing(s)

Sourcewater (formerly Wellhead) Protection Program

Mayor D'Epifanio opened the public hearing at 7:04 PM. Clerk Jolivette called the roll of the Planning Commission. The following members of the Planning Commission were present: Tom Hasselbeck, Bill Woeste, Scott Lepsky, Mark Morris, Don Hassler, and Mitch Rhodus. Councilmember Rhodus, seconded by Commissioner Morris, moved to excuse Commissioner Holtegel. Motion Carried 7-0. Clerk Jolivette read the notice of the Public Hearing that was posted in the Journal News on Thursday, October 13, 2011. Development Services Director Tim Bachman introduced Tim McLelland with the Groundwater Consortium. He stated the Groundwater Consortium did some of the technical review on the Ordinance. He displayed the logos of the members of the Groundwater Consortium and noted that these members produce 61 Million gallons of water a day. He commented they were created in 1967 and their focus is water quantity and quality. He stated Wellhead protection has been changed to Sourcewater protection. Mr. Bachman commented they are trying to protect the groundwater for the 315,000 people of Hamilton and Butler County who use that water on a daily basis as well as businesses who use the water in their production processes. He noted the original Ordinance was created in 1998. He explained changes include "wellhead" protection was changed to "sourcewater" protection as a requirement by EPA and new hydrologic time of travel maps, which is the time that it takes for a pollutant to reach the wells for a particular industry or area. He commented the maps are more precise and have less impact on properties. He displayed and discussed the 1 year, 5 year and 10 year time of travel maps. He discussed the new area time of travel on the five and ten year maps. He further discussed the land use impact uses the time of travel maps, specifically the one year time of travel additional prohibitions: construction and demo debris landfills, gasoline/diesel dispensing stations, rail switch yards/container ports, application of sewage sludge, all oil and gas drilling exploration. He discussed the new five & ten year prohibitions including the storage of regulated substances underground exclusive of vehicle fuels, heating fuels within a new underground storage tank; rail switch yards/container ports, application of sewage sludge and all oil and gas drilling exploration; and storage of large quantities of road salt added to five year for prohibition. He commented on new impacts on facilities with regards to drywells, signage is suggested to remind of aquifer protection - direct water source to aquifer; for wells they are suggesting the technical processes that area created by the State that is for the installation and maintenance for new water wells and geothermal wells as well as the processes for abandoning of existing wells. He commented fill operations in which a section was added to prohibit possible pollutants in fill including fly ash, asphalt, shingles and construction debris. He further commented a section of regulated chemicals in section 1192.10, which are chemicals regulated by various state and federal agencies which indicate acute and chronic health effects which can result from exposure. He noted the ordinance is on the website at fairfield-city.org/devservices with maps for public review. He reported a stake holder meeting was held September 30, 2011 in which a letter was sent to all the businesses new to the five and ten year time of travel to invite them to discuss the impact on the business, processes and impact on what they store. He stated the Planning Commission Review will be on Oct. 26th

and November 9th. He further commented the second reading should be November 14 and third reading on Nov. 28th. Councilmember Meyers asked if there were any active groundwater remediations. Mr. Bachman commented there was at the corner of Pleasant and Nilles, but that has been cleaned up. Mr. McLelland commented there was one started at BP on Pleasant Avenue. In response to Councilmember Rhodus' question, Mr. Bachman clarified this is the pollutant time of travel to the aquifer. Public Utilities Director Dave Crouch clarified the difference between time of travel for water in the aquifer and pollutant time of travel to the aquifer. There were no questions from public. Public Hearing ended 7:19 PM.

Special Presentations and Citizen Comments

- Fairfield City Schools Superintendent Paul Otten and Fairfield School Board President Jerome Kearns - School Levy

Fairfield City Schools Superintendent Paul Otten stated Fairfield Schools will be on the ballot November 8th for a 6.5 operating levy. He discussed the critical nature of the levy and how it will impact Fairfield Schools noting currently the district is in a good financial state for this academic year, but starting next fiscal year a deficit is projected in April for next school year. He noted the State will not allow a school year to begin with a budget in the red, so this ballot issue should it pass will give money beginning January 1 to stay in the black. He commented should the levy fail in November, in order to begin the 2012/2013 school year, a projected 9 million dollars in reductions will be needed. Mr. Otten briefly discussed the proposed 9 million dollars in cuts that he introduced at the October 6th Board of Education Meeting including personnel; reducing busing to state minimums; two mile walk radius from all the schools; reducing art, music and P.E. for grades 1 - 8; reducing extracurriculars and having a high pay to participate fee. Mr. Otten explained the levy was projected to last three to four years and was extended to seven years and significant reductions were made including 137 1/2 positions in the last three years. Fairfield City Schools Board President Jerome Kearns discussed the need for the levy. He further discussed the community group that was commissioned and chaired by Councilmember Meyers to look at the finances and the significant number of the recommendations from that group that have been acted upon. He stated the cost for a homeowner based on a \$100,000 valuation is about 17 dollars per month. Mr. Kearns discussed reductions and changes if the levy does not pass. He read a portion of an article from the Cincinnati Enquirer, which listed Fairfield as the third lowest in the region for the amount per pupil received in state funds. He explained this coupled with the 9% reduction in revenue received as well as the cost savings measures implemented he feels they are doing a good job in coming to the voters with a 6.5 mil levy. He asked for Council's support for the Resolution supporting the levy on the agenda this evening and asked that the voters of the community support the levy with a yes vote on November 8th. In response to Mayor D'Epifanio's question, Mr. Otten clarified if the levy does not pass, it would take a minimum of 120 teaching positions to reach nine million or 13.3 teachers per building out of nine buildings if only personnel was cut. Mayor D'Epifanio compared day care costs versus school costs. Mayor commented the schools drive the community and if schools are not operating at the level they should be it will hurt whole community not just kids. He commented on the way the schools are financed and property values. Mayor D'Epifanio further commented he is 100% behind the levy personally. In response to Councilmember Meyer's question, Mr. Otten discussed the growth rate since 2004 noting there was spike in 2008 with 320 additional students, but it has been flat since then and is projected to be at 10,100 for the next 10 years. Councilmember Abbott commented he would like to echo all the positive things the Mayor said and he commented on the fantastic job School Business Manager Chad Lewis is doing. Councilmember Abbott further commented in his capacity he works with Chad who works tirelessly to strip costs out of budget especially around energy. He offered his support. Councilmember Meyers commented it was an interesting process to have the schools open the books and to look at the finances, which were truthful and forthcoming. He stated the income and revenue pieces are completely untraditional to a standard business and because of that there are a lot of difficulties and challenges and the schools are doing a great job. Councilmember Senger commented it has been seven years since Fairfield has attempted an operating levy and it is commendable for the district to make cuts internally for all those years to keep rates at what they were and is uncommon to go that long. He stated this is not a levy that has been attempted and failed; it is the first time in seven years since the schools have asked for levy increase. He discussed levy increases are not permanent increases due to re-evaluations. Councilmember Senger read and discussed an article from the Cincinnati Enquirer in which 50 school districts were listed and Fairfield's tax on \$100,000 home is \$972.66; Fairfield is 35th with only 15 having a lower tax rate. He offered his support for the levy. Councilmember Oler congratulated the School Board for going seven years without a levy, traditionally in Ohio it is 3-5 years. He discussed the importance of having kids educated in K-12 and the importance of the school on property values. He briefly discussed the problem with funding at the State level and expressed his support for the levy. Councilmember Rhodus expressed support for the levy. He commented on the City leaning the processes and the Schools doing the same thing over the last few years with the schools down 137 teachers over the past few years. Mr. Otten clarified 137 1/2 positions, not just teachers. Councilmember Rhodus stated the employees at the city as well as the Schools system have zero percent increases for two to three years. Mayor D'Epifanio commented we are constantly trying to attract businesses into Fairfield, if schools are failing we are not going to get those folks. School Board member Mark Morris discussed according to a Realtors' study, home values decreased 28% this year in Little Miami, which has eight failed levies.

Mayor/Council Reports

Councilmember Oler announced November 9 at 2:00 PM there will be a National Emergency Alert Test conducted by the Federal Government, which will simulate a message from the President.

Councilmember Judd stated Resor Road is complete with the exception of a few punchlist items. He further stated Complete General, the contractor for the Gilmore/Winton/I-275 project has begun clearing on the job site. Councilmember Judd announced water main work is scheduled to begin on the job site next month and will continue through the winter and the bridge work is scheduled to begin next spring.

Councilmember Meyers asked if there is anything to do to publicize the efficiency of the Bypass and the signals. Public Works Director Dave Butsch commented it is on paper and it should be more efficient. He stated there are not the backups that had been seen. Mr. Butsch further stated ODOT will still make some adjustments to the signals; they will monitor traffic and make tweaks. Councilmember Rhodus asked if the no right turn on red was temporary. Mr. Butsch stated he does not think that will change. Councilmember Oler commented a person from the State has been told by people who were not keen on the change that they have noticed traffic backup is much less. Councilmember Judd stated the big traffic backups from Tylersville to Symmes are gone.

Councilmember Snyder reported on his participation in the recent school event Dancing with the Choraliers. He commented this type of programming, The Choraliers, is primarily funded by contributions from the community through fundraisers and things of that nature. Councilmember Snyder announced the Hamilton Fairfield Symphony Orchestra Tillman Memorial Concert on October 29th at 7:30 PM at New Life Vineyard Church.

Mayor D'Epifanio announced the Crystal Classic is the first Saturday in March and there will be forty plus show choirs from across the country.

Approval of Minutes

- Regular Meeting Minutes of October 11, 2011

The Regular Meeting Minutes of October 11, 2011 were approved as written.

OLD BUSINESS

PUBLIC WORKS COMMITTEE

Marty Judd, Chairman; Mike Oler, Vice Chairman, Tim Abbott, Member

Ordinance to declare various city vehicles as surplus and authorize the City Manager to sell the vehicles on Govdeals.com.

Councilmember Judd presented the third reading of the Ordinance. Councilmember Judd, seconded by Councilmember Abbott moved to adopt. Motion Carried 7-0. ORDINANCE NO. 106-11 ADOPTED 7-0.

DEVELOPMENT SERVICES COMMITTEE

Mitch Rhodus, Chairman; Mike Snyder, Vice Chairman, Tim Meyers, Member

Ordinance to amend various sections of Chapters 557 and 717 of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio relative to property maintenance, weeds and litter and garbage and refuse disposal.

Councilmember Rhodus presented the second reading of this Ordinance. Ordinance approved for second reading only.

Ordinance to amend Chapter 1192, Source Water (formerly Well Head) Protection Program of Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio.

Councilmember Rhodus deferred second reading of this Ordinance pending Planning Commission's recommendation. Councilmember Rhodus deferred the second reading pending Planning Commission's recommendation.

NEW BUSINESS

COMMUNITY & PUBLIC RELATIONS COMMITTEE
Mike Snyder, Chairman; Tim Abbott, Vice Chairman, Terry Senger, Member

Resolution of support for Issue #4, the 6.5 mill Fairfield City School operating levy on the November 8, 2011 ballot.

Councilmember Snyder, seconded by Councilmember Rhodus moved to read the following Resolution by title only. Motion Carried 7-0. Background: Councilmember Pizzano stated this is a Resolution in support of Issue 4, which is the Fairfield City School Operating Levy discussed under presentations. Legislative Action: Councilmember Snyder presented the first reading of this Resolution. Councilmember Snyder, seconded by Councilmember Abbott moved to suspend the rules requiring three (3) readings of this Resolution. Motion Carried 7-0. Councilmember Snyder, seconded by Councilmember Oler moved to adopt. Motion Carried 7-0. RESOLUTION NO. 14-11 ADOPTED 7-0.

Simple Motion: Reappointment of Donald Hassler and Dave Butsch to the Butler County Transportation Improvement District for a term of office retroactive to October 15, 2011 and expiring on October 14, 2013.

Councilmember Snyder, seconded by Councilmember Rhodus moved to reappoint Donald Hassler and Dave Butsch to the Butler County Transportation Improvement District for a term of office retroactive to October 15, 2011 and expiring on October 14, 2013. Councilmember Meyers thanked Mr. Hassler for his years of service. Mayor D'Epifanio commented on the great job by Mr. Hassler who has served the City well. Motion Carried 7-0. SIMPLE MOTION NO. 16-11 APPROVED 7-0.

PUBLIC SAFETY COMMITTEE
Mike Oler, Chairman; Marty Judd, Vice Chairman, Mitch Rhodus, Member

Simple Motion - Motion requesting that no hearing be held on the liquor permit application in the name of SMJS Enterprises LLC DBA Ricks Tavern, 5955 Boymel Drive Units 4-6 & Patio, Fairfield, OH 45014 (Permit Classes: D1, D2, D3, D3A and D6).

Councilmember Oler, seconded by Councilmember Meyers moved to request that no hearing be held on the liquor permit application in the name of SMJS Enterprises LLC DBA Ricks Tavern, 5955 Boymel Drive Units 4-6 & Patio, Fairfield, OH 45014 (Permit Classes: D1, D2, D3, D3A and D6). Motion Carried 7-0. SIMPLE MOTION 17-11 APPROVED 7-0.

PUBLIC WORKS COMMITTEE
Marty Judd, Chairman; Mike Oler, Vice Chairman, Tim Abbott, Member

Ordinance to authorize the City Manager to enter into a contract with Evans Landscaping for the 2011 Pleasant Run Creek property demolition and declaring an emergency.

Councilmember Judd, seconded by Councilmember Rhodus moved to read the following Ordinance by title only. Motion Carried 7-0. Background: City Manager Pizzano recommended a contract with Evans Landscaping for the most recent FEMA and Ohio Public Works Commission joint grant for this phase of the flood hazard mitigation program known as the Pleasant Run Creek property demolition. He explained there are 17 homes potentially if they all take the offer to purchase; there are five acceptances at this point. He stated the funding for the majority of this will come from FEMA and the Ohio Public Works Commission with a city match. He stated Evans was the lowest and best bidder. Legislative Action: Councilmember Judd presented the first reading of the Ordinance. Councilmember Judd, seconded by Councilmember Snyder moved to suspend the rules requiring three readings of the Ordinance. Motion Carried 7-0. Councilmember Judd, seconded by Councilmember Meyers moved to adopt. Motion Carried 7-0. ORDINANCE NO. 107-11 ADOPTED 7-0.

FINANCE & BUDGET COMMITTEE
Tim Abbott, Chairman; Terrence Senger, Vice Chairman, Michael Oler, Member

Councilmember Abbott, seconded by Councilmember Oler moved to read the following three (3) Ordinances by title only. Motion Carried 7-0.

Appropriation Ordinance (Contractual Items) - \$109,842 for 2011 Pleasant Run Creek Property Demolition.

Background: City Manager Pizzano recommended the following contractual ordinance, \$109,842 for the 2011 Pleasant Run Creek property demolition. Legislative Action: Councilmember Abbott presented the first reading of the Ordinance. Councilmember Abbott, seconded by Councilmember Senger moved to suspend the rules requiring three (3) readings of the Ordinance. Motion Carried

7-0. Councilmember Abbott, seconded by Councilmember Judd moved to adopt. Motion Carried 7-0. ORDINANCE NO. 108-11 ADOPTED 7-0.

Appropriation Ordinance (2011 Year End Transfers - See Ordinance for Details).

Background: City Manager Pizzano recommended the following appropriation ordinance for year end transfers to reconcile accounts. Legislative Action: Councilmember Abbott presented the first reading of the Ordinance. Councilmember Abbott, seconded by Councilmember Meyers moved to suspend the rules requiring three (3) readings of the Ordinance. Motion Carried 7-0. Councilmember Abbott, seconded by Councilmember Senger moved to adopt. Motion Carried 7-0. ORDINANCE NO. 109-11 ADOPTED 7-0.

Appropriation Ordinance (Non-contractual Items) - \$ 15,000 library electrical upgrades.

Background: City Manager Pizzano recommended the following non-contractual item: \$15,000 for electrical upgrades at the library. He thanked Duke Energy for the \$3,000 contribution to offset the costs. Legislative Action: Councilmember Abbott presented the first reading of the Ordinance. Councilmember Abbott, seconded by Councilmember Meyers moved to suspend the rules requiring three (3) readings of the Ordinance. Motion Carried 7-0. Councilmember Abbott, seconded by Councilmember Meyers moved to adopt. Motion Carried 7-0. ORDINANCE NO. 110-11 ADOPTED 7-0.

Meeting Schedule

Clerk Jolivette read the following meeting notices:

Monday, November 14 Council-Manager Briefing, 5:00 p.m.; Regular Meeting, 7:00 p.m.
Monday, November 28 Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.
Monday, December 5 Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.

Executive Session of Council (if needed)

There were no requests for Executive Session.

Adjournment

Councilmember Snyder, seconded by Councilmember Meyers moved to adjourn. Motion Carried 7-0.

The Regular Meeting of Council adjourned at 8:06 PM.

ATTEST:

Clerk of Council

Mayor's Approval

Date Approved _____