

MINUTES

REGULAR MEETING OF COUNCIL

APRIL 25, 2011

Due to technical difficulties, the audio for the beginning portion of this meeting did not record.

Call to Order

Mayor Ronald A. D'Epifanio called the Regular Meeting to order at 7:00 PM at the Fairfield Municipal Building, 5350 Pleasant Avenue.

Prayer/Pledge of Allegiance

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

Roll Call

Clerk Johns called the roll of Council. Present members were Councilmember Meyers, Councilmember Judd, Councilmember Snyder, Councilmember Oler, Councilmember Senger, and Councilmember Rhodus.

Councilmember Judd, seconded by Councilmember Snyder moved to excuse Councilmember Abbott. Motion Carried 6-0.

Agenda Modifications

No modifications were made to the Agenda.

Executive Session Requests

No requests were made for Executive Session.

Public Hearing(s)

No Public Hearings were scheduled.

Special Presentations and Citizen Comments

- Proclamation for Parents Who Host Lose the Most - Pat VanOflen

Mayor D'Epifanio discussed the need for families to be more involved. He explained after talking to 73 sixth graders, 69 admitted to having witnessed a school aged kid that has taken illegal drug. He presented a proclamation to Pat VanOflen proclaiming May 2011 "Parents Who Host Lose the Most". Pat VanOflen thanked the City for the five year partnership with the Coalition for a Safe and Drug Free Fairfield and Parents Who Host Lose the Most. Marilyn Colburn, Board Member of Coalition for Safe and Drug Free Member and Youth Advisory, stated as a result of the consistent messaging our community norms are changing; regular use of alcohol by youth in grades seven through twelve had dropped by 22% in 2006 to 13.9% in 2010. She further stated this compares to 17% in Butler County and 18% in Greater Cincinnati and 19.6% nationally. Zoe Anderson stated the number of parents who believe that alcohol is harmful to teens has increased from 79 to 84%. She further stated parents have learned this from fact cards, emails, newspaper ads, and letters from law enforcement and from their own children. Adam Reece stated the number of youth reporting alcohol as easily available in the community has dropped from 48% to 38%. He further stated access and availability has been influenced by frequent compliant checks by law enforcement, tips to parents about securing their alcohol, community festivals locating alcohol booths in secure locations, retail outlets placing alcohol in areas that are well supervised, and community messaging by proclamations, posters on doors and windows, messages on sign boards and banners on light poles. Ashley Ryan stated the number of youth who say schools are setting clear and consistent rules has increased to 78.1%. She further stated the new extracurricular code of conduct, teachers talking about the dangers of drugs, students talking to teachers about dangers of drugs schools are punishing when rules are broken, and school board and administration support strong policy. She stated these are the things that are helping. Ms. Ryan further stated because of all the things talked they have talked about the average age of youth who first try alcohol has increased from 12.4 years old to 13.9 years old. She commented youth are hearing the message given to them at

home, in the classroom, in the media, in the community, by their peers and older youth, so they appreciate the support. Mayor D'Epifanio discussed the problem of teenagers attending parties to share prescription pills and to take them with beer. He commented its going to take a lot of people, grandparents, neighbors, church members, students who want to be leaders to step up to help with these circumstances.

- Proclamation for Assistant City Manager Dennis Stuckey

Mayor D'Epifanio recognized retiring Assistant City Manager Dennis Stuckey for his years of service. He noted Mr. Stuckey and his wife are retiring on the same day. Mayor D'Epifanio stated he has been a tremendous asset to this city in every respect and has been a true professional. Mayor D'Epifanio offered further positive comments about Mr. Stuckey. He presented a proclamation to Assistant City Manager Dennis Stuckey in honor of his retirement on April 29, 2011. City Manager Pizzano presented a plaque of recognition to Mr. Stuckey. Mr. Stuckey was joined by his wife Janet Stuckey. Assistant City Manager Stuckey thanked the City Manager, Mayor, City Council, members of staff and members of the public here this evening. He gave a special thanks to all the employees of the City. He stated labor negotiations can sometimes be an adversarial role, but he has found over the last 15 years, that they have developed an excellent relationship with the employees of the city. He commented these are hard working people who are out there everyday doing work for the city and providing the services that we all depend upon and it is only through them that the city is able to do the excellent work that they do.

Councilmember Snyder discussed when he first met Dennis was when he attended Council meetings as the volunteer TV camera operator. He commented Dennis is the consummate professional and there is not a finer example of a professional committed person to the affairs of the city. Councilmember Judd thanked Mr. Stuckey and he really shines at the labor negotiations and we will miss you at that. He commented Dennis will leave this city a better place because of his efforts. Councilmember Rhodus recognized Mr. Stuckey's efforts as the Rotary treasurer. He wished Dennis well in retirement. Councilmember Senger recognized Dennis and Janet Stuckey for their retirement. He thanked Mr. Stuckey for the great job.

City Manager Pizzano commented both will be missed. Councilmember Oler has known Dennis since he first came here and commented Dennis is always very fair, gracious and knowledgeable. Mr. Oler wished Dennis and his wife well in their retirement. Councilmember Meyers stated he truly believes Dennis' decisions made for the city and the actions he has had for the City were for the residents and business owners. He commented Dennis is professional, has the right values, hopefully leaving in good health and will continue on. Law Director John Clemmons stated he will miss Dennis and hopes he will enjoy his retirement. Former Councilmember Don Hassler stated it has been a pleasure working with Dennis. He wished Dennis a good, healthy retirement. Former Councilmember Jeff Holtegel stated he has known Dennis for 18 years and Dennis is even keeled and will be missed. Mayor D'Epifanio stated Dennis has been a true pillar of the city. He thanked Dennis for everything and Janet for sharing him with the city.

Mayor/Council Reports

Approval of Minutes

- Regular Meeting Minutes of April 11, 2011

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

OLD BUSINESS

PUBLIC WORKS COMMITTEE

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

Ordinance to authorize the City Manager to enter into a one (1) year contract with MP Dory Company for the 2011 Guardrail Improvement Program.

Councilmember Judd presented the third reading of this ordinance. Councilmember Judd, seconded by Councilmember Rhodus moved to adopt. Motion Carried 6-0. ORDINANCE NO. 38-11 ADOPTED 6-0.

NEW BUSINESS

PUBLIC WORKS COMMITTEE

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

Councilmember Judd, seconded by Councilmember Oler moved to read the following two (2) Ordinances by title only. Motion Carried 6-0.

Ordinance to authorize the City Manager to enter into a contract with Elex, Inc. for traffic signal improvements at Port Union Road and Seward Road.

Background: City Manager Pizzano recommended a contract with Elex for traffic signal improvements at Port Union Road and Seward. He explained these will replace the existing mast arm signals with new modern signals. He stated the timing of this project was coordinated with some improvements that were being done in connection with Duke Energy up and down Seward Road. Legislative Action: Councilmember Judd presented the first reading of this ordinance. Councilmember Judd, seconded by Councilmember Senger moved to suspend the rules requiring three (3) readings of the ordinance. Motion Carried 6-0. Councilmember Judd, seconded by Councilmember Senger moved to adopt. Motion Carried 6-0. ORDINANCE NO. 39-11 ADOPTED 6-0.

Ordinance to authorize the City Manager to enter into a contract with Capital Electric Line Builders for traffic signal video detection installation at the Holden - North Gilmore Intersection; the Holden -Fairfield High School Intersection and the River - Patterson Intersection.

Background: City Manager Pizzano recommended a contract with Capital Electric Line Builders for traffic signal video detection installation at Holden - North Gilmore, Holden at the Fairfield High School and the River/Patterson intersection. Legislative Action: Councilmember Judd presented the first reading of this ordinance. Ordinance approved for first reading only.

DEVELOPMENT SERVICES COMMITTEE
Mitch Rhodus, Chairman; Mike Snyder, Vice Chairman, Tim Meyers, Member

Councilmember Rhodus, seconded by Councilmember Senger moved to read the following Ordinance by title only. Motion Carried 6-0.

Ordinance authorizing the City Manager to execute a Community Reinvestment Agreement with Safety-Kleen Systems, Inc. and Lichtenberg Property Number Three, LLC for property tax incentives and declaring an emergency.

Background: City Manager Pizzano recommended a community reinvestment agreement with Safety-Kleen Systems, Inc. in partnership with Lichtenberg Property Number Three, LLC for certain property tax incentives to construct an office warehouse and a distribution facility. Mr. Pizzano explained the company that will be using the facility is a national company who provides recycling of industrial and environmental services. He further explained they will be moving from a location in Sharonville to Thunderbird Lane in Fairfield. He stated they will be making a 1.2 million dollar investment and bringing 25 full time jobs to the City of Fairfield comprising approximately one million dollar payroll. He explained this is a tax abatement for a 50%, five year abatement and with that the Fairfield Schools will be compensated as they usually are in the agreement. Richard Goodwin, Area General Manager for Safety Kleen, stated with him is Tim Pohlman, General Manager for the local Sharonville facility. He explained they have been in business for over 45 years. He explained they do environmental services, the largest of which is recycling used oil. He discussed a new oil is ecopower oil made from used oil that will be available in retail outlets. Mayor and Council welcomed Safety Kleen to Fairfield. Legislative Action: Councilmember Rhodus presented the first reading of this Ordinance. Councilmember Rhodus, seconded by Councilmember Oler moved to suspend the rules requiring three (3) readings of this Ordinance. Motion Carried 6-0. Councilmember Rhodus, seconded by Councilmember Oler moved to adopt. Councilmember Rhodus asked if residents could drop off used oil at the facility. Mr. Goodman explained the residents cannot drop off oil at the facility, but used oil can be dropped off at local retail stores like Autozone and Advanced Auto have Safety Kleen oil tanks in their facilities and residents can drop their oil off at those locations. Motion Carried 6-0. ORDINANCE NO. 40-11 ADOPTED AS AN EMERGENCY 6-0.

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

Simple Motion: Motion appointing the following Fairfield residents to serve on Fairfield's Boards and Commissions retroactive to April 1, 2011:

Councilmember Snyder, seconded by Councilmember Judd moved to approve appoint the following Fairfield residents to serve on Fairfield's Boards and Commissions retroactive to April 1, 2011:

Pat Davis - Cultural Arts Advisory Commission (Term expiring 3/31/2014)

Greg LoBuono - Environmental Commission (Term expiring 3/31/2014)
James Herrmann - Environmental Commission (Term expiring 3/31/2014)

Councilmember Snyder welcomed these three individuals to their new positions. Councilmember Meyers recognized Greg LoBuono who was in the audience. Motion Carried 6-0. SIMPLE MOTION 9-11 APPROVED 6-0.

Ordinance to authorize an amended employment agreement for the City Manager.

Law Director John Clemmons clarified that this has a rules suspension vote that would take five votes and the adoption of the ordinance takes four votes. Councilmember Snyder stated City Manager Pizzano has been employed by the City since March, 1998 and the existing employment agreement calls for an annual review of the manager's performance, which has been accomplished. He further stated the modification is supported by and is consistent with the results of that performance review. Councilmember Snyder, seconded by Councilmember Senger moved to read the following Ordinance by title only. Motion Carried 6-0. Background: City Manager Pizzano recommended authorization for an amended employment agreement for the City Manager. He explained this follows what we do periodically the formal evaluation performance review of the City Manager. He commented this will add a little over a year to the existing employment agreement with the basic provisions that exist at the current time. Legislative Action: Councilmember Snyder presented the first reading of this Ordinance. Councilmember Snyder, seconded by Councilmember Oler moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 6-0. Councilmember Snyder, seconded by Councilmember Judd moved to adopt. Councilmember Meyers commented Art has done a fantastic job and Mike is the leader from the performance standpoint of the appraisal and has done a great job. He congratulated Art and the entire departmental team, but stated he is going to vote against this because he is not in favor of long term contracts and he voted against this the first time, but this should not reflect on his performance because Art has done a great job. Councilmember Snyder commented they all understand this and that Art is widely recognized as an outstanding professional and has served the city well and during the review sessions Councilmember Meyers has been very supportive and complimentary of Art and that it is more procedural issue. Councilmember Rhodus commented he did not know this would be suspension of the rules until he read this. Councilmember Rhodus stated the way it was handled two weeks ago was by surprise to three of them, so he is not going to vote in suspending the rules. Law Director Clemmons clarified that the Council voted on reading by title only and on rules suspension, the rules are already suspended, so it is a matter of voting on the adoption. Councilmember Rhodus commented he is not in favor of suspending the rules when we do not need to and something of this nature. He further stated also the way it was handled two weeks ago he didn't agree with and he didn't agree with tonight, so he asked to withdraw that vote. Law Director Clemmons commented he did not know of procedure in the rules to allow that. Councilmember Senger stated he was not surprised by any of the discussion that took place two weeks ago and he thinks it was all above board. He further stated Art has done a great job for 13 years and this is a way to show support for him to continue the contract without any change to the point that he would desire to retire. Councilmember Rhodus clarified he has been one of Art's biggest supporters and stated in fact he has been one of the best City Manager's we have had. Councilmember Oler stated we dealt with our labor groups recently and we acknowledged in the past that we are very proud of the fact that they realize the condition of the way things are and really cooperate with the City, but the process was some of those courtesies would be extended to the City Manager for the reason that the union groups wanted to go to three years from the original two, so he feels. Councilmember Oler stated yes, he deserves it, but also that they are extending that courtesy for the same reason that they gave the labor group that third year. He stated he was clear and is not sure where the confusion was. Mayor D'Epifanio stated he has had a lot of years on Council and six years as Mayor and with all that this man has accomplished for the city, he is embarrassed to be sitting here tonight for him to have to listen to this. Motion Carried 5-1, Councilmember Meyers dissenting. ORDINANCE NO. 41-11 ADOPTED 5-1, Councilmember Meyers dissenting.

PUBLIC UTILITIES COMMITTEE

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

Councilmember Meyers, seconded by Councilmember Oler moved to read the following Ordinance by title only. Motion Carried 6-0.

Ordinance to authorize the City Manager to enter into an amended agreement for the purchase of electricity with Duke Energy Retail Sales and declaring an emergency.

Background: City Manager Pizzano recommended an amended agreement with Duke Energy Retail Sales for the purchase of electricity. Mr. Pizzano explained this program is for the component we have for our public buildings. He explained one of the reasons this is being recommended to extend this agreement with Duke Energy Retail Sales is that existing agreement will end at the end of 2011. He further explained we are dealing with an important public serves that will require accountability and reliability from a known provider of services. He stated also we are anticipating substantial savings, we anticipated this past couple years and the estimated savings from the two years extension from 2012 and 2013 are \$700,000. Law Director Clemmons stated Paul Smith and John Finnigan are from Duke Energy Retail Sales to answer any questions. Legislative Action: Councilmember Meyers presented

the first reading of this Ordinance. Councilmember Meyers, seconded by Councilmember Senger moved to suspend the rules requiring three (3) readings of this Ordinance. Motion Carried 6-0. Councilmember Meyers, seconded by Councilmember Senger moved to adopt. Councilmember Rhodus asked if this same contract will be offered to the residents and the timing of such. Mr. Finnegan stated they do intend to continue the endorsement program that was introduced for residents to allow residents to also receive savings and their generation costs as compared to what they would pay the utility company. He stated the current contract for residents runs through the end of this year. He explained there is a procedure that the Public Utilities Commission of Ohio has for renewing those contracts and they will follow that procedure. He further explained they will notify Council once they have developed the new price for residents and will go through the normal PUCO renewal process. He explained they hope to offer the same types of programs that allow people to receive significant savings off the utility price they are currently receiving. He stated they offer this program to a number of communities in this region and they think the program in the City of Fairfield has been among their most successful with an enrollment rate of approximately 30%. Councilmember Rhodus asked if the plan is to require the city's endorsement again to get the break or will the break be offered to everybody. Mr. Finnegan explained they will do both, they will consult with the city before communicating with residents and also communicate with residents. He answered they can get it even if the city does not endorse it. Councilmember Meyers asked how tied are these rates, he asked by locking in does that hedge some of the expected fuel increases over the summer as well that could be transferred back into the energy sector. Mr. Finnegan stated yes it does, which is the real benefit to locking in that contract now, which is why they are recommending the city take that action. He explained electricity is a commodity and the price is determined by supply and demand and the present situation gas prices have started to go up and they expect the same thing with electricity prices will occur over time. He explained if the city adopts this contract and approve the amendment to extend for another two years, the city will take the current contract, which is priced at percentage discount off the utilities price and will be locking in a fixed price which will be substantially lower than the utilities projected price and will produce a substantially greater discount than the city is currently receiving. Councilmember Meyers reminded of the financial headwinds for the city in 2012 and stated \$700,000 split between two years is going to be significant as far as, not necessarily curing those headwinds, but at least putting some of those at bay. He stated we appreciate the lock in rates. Motion Carried 6-0. ORDINANCE NO. 42-11 ADOPTED AS AN EMERGENCY ADOPTED 6-0.

FINANCE & BUDGET COMMITTEE

Tim Abbott, Chairman; Terrence Senger, Vice Chairman, Michael Oler, Member

Councilmember Senger, seconded by Councilmember Meyers moved to read the following three (3) pieces of legislation by title only. Motion Carried 6-0.

Resolution to approve and adopt the City of Fairfield, Ohio 2011-2015 Capital Improvement Program.

Background: City Manager Pizzano recommended the adoption of the 2011-2015 Capital Improvement Program. He stated the 2011 budget comprised of about \$23 million dollars in new expenditures for capital outlay. Legislative Action: Councilmember Senger presented the first reading of this Resolution. Councilmember Senger, seconded by Councilmember Oler moved to suspend the rules requiring three (3) readings of this Resolution. Motion Carried 6-0. Councilmember Senger, seconded by Councilmember Rhodus moved to adopt. Councilmember Meyers asked if approving this we are not approving all the projects. Finance Director Mary Hopton explained for 2011 Council is approving the projects themselves for approval most will come to Council for appropriation ordinances, 2012-15 is just a plan for future projects. Councilmember Meyers complimented staff on prioritizing projects with a weighted priority in several categories, which allowed city leadership to go through those projects in tough financial times and make some critical decisions on what needs to be funding and what is lower in the ranking. Motion Carried 6-0. Resolution 5-11 ADOPTED 6-0.

Appropriation Ordinance (Contractual Items) - \$165,000 traffic signal improvements at Port Union Road and Seward Road; \$60,000 traffic signal video detection installation at the Holden - North Gilmore Intersection; the Holden -Fairfield High School Intersection and the River - Patterson Intersection.

Background: City Manager Pizzano recommended the following contractual items: \$165,000 traffic signal improvements at Port Union Road and Seward Road; \$60,000 traffic signal video detection installation at the Holden-North Gilmore Intersection; the Holden-Fairfield High School Intersection and the River-Patterson Intersection. Legislative Action: Councilmember Senger presented the first reading of this ordinance. Councilmember Senger, seconded by Councilmember Snyder moved to suspend the rules requiring three (3) readings of the ordinance. Motion Carried 6-0. Councilmember Senger, seconded by Councilmember Meyers moved to adopt. Motion Carried 6-0. ORDINANCE NO. 43-11 ADOPTED 6-0.

Appropriation Ordinance (Non-Contractual Items) - \$15,000 Pleasant Run Creek flood wall repair.

Background: City Manager Pizzano recommended the following non-contractual item: \$15,000 for repairs to the Pleasant Run Creek flood wall. Legislative Action: Councilmember Senger presented the first reading of this ordinance. Councilmember Senger, seconded by Councilmember Oler moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 6-0. Councilmember Senger, seconded by Councilmember Rhodus moved to adopt. Motion Carried 6-0. ORDINANCE NO. 44-11 ADOPTED 6-0.

Meeting Schedule

Clerk Johns Read the following meeting schedule:

Monday, May 9 Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.
Monday, May 23 Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.

Summer Schedule:

Monday, June 13 Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.
Monday, July 11 Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.
Monday, August 8 Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.

Executive Session of Council (if needed)

Adjournment

Councilmember Rhodus, seconded by Councilmember Oler moved to adjourn. Motion Carried 6-0. Meeting adjourned at 8:03 PM.

ATTEST:

Clerk of Council

Mayor's Approval

Date Approved _____