

MINUTES
REGULAR MEETING OF COUNCIL
FEBRUARY 14, 2011

Call to Order

Vice Mayor Terrence Senger called the Regular Meeting to order at 7:00 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 Johns called the roll of Council. Present members were Councilmember Snyder, Councilmember Oler, Councilmember Senger, Councilmember Abbott, Councilmember Rhodus, and Councilmember Meyers. Councilmember Oler, seconded by Councilmember Abbott moved to excuse Councilmember Judd. Motion Carried 6-0.

Agenda Modifications

No modifications were made to the Agenda.

Executive Session Requests

Councilmember Snyder, seconded by Councilmember Abbott moved to approve an Executive Session to discuss the employment and compensation of personnel. Clerk Johns called the roll of Council. Motion Carried 6-0.

Public Hearing(s)

No Public Hearings were scheduled.

Special Presentations and Citizen Comments

- Ann Yungbluth - MASC Tournament

This presentation was rescheduled until March.

Mayor/Council Reports

Councilmember Snyder commented the Rhythm Express Show Choir competed at the Beavercreek Show Choir Competition in January and the group won best vocals, best choreography and Grand Champion honors. He mentioned the program in which students can earn college credit while in high school. He recognized Senior Whitney Lawson who is only 19 and is expecting to graduate from Miami University this year due to her involvement with this program. He explained the family of employee Craig Stroud, whose mother passed away from cancer of an unknown variety, has started a foundation and held a fundraiser to focus on research in this area.

Councilmember Abbott stated our income tax for January came in about seven percent above projections, which is a good sign, but we will remain cautious as we move forward.

Vice Mayor Senger announced the Miami University Institute for Learning in Retirement will begin its Spring Semester at the Community Arts Center on March 15th. He stated a history class based on the history of the United States Navy and a creative writing class will be offered during the spring semester and course catalogs are available at the Community Arts Center. Vice Mayor Senger thanked everyone who attended a Marine Corps Reserve Retirement for him. He further thanked Fairfield Greens Chuck Johnson, Vivian Paul and Keith Crutcher for their efforts.

Approval of Minutes

- Regular Meeting Minutes of January 24, 2011

OLD BUSINESS

PUBLIC WORKS COMMITTEE

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

Resolution declaring necessity of repairing sidewalks (including aprons).

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

PARKS & RECREATION COMMITTEE

Terry Senger, Chairman; Tim Meyers, Vice Chairman, Marty Judd, Member

Resolution to authorize the City Manager to enter into a maintenance agreement with MetroParks of Butler County for the maintenance of the Miami-Erie Canal Bike Path and the Great Miami River Bike Path.

Vice Mayor Senger presented the second reading of this Resolution. Resolution approved for second reading only.

FINANCE & BUDGET COMMITTEE

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

Ordinance to amend Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio, by adding a new Section 145.07 regarding the reinstatement process for the position of Fire Chief pursuant to Section 8.04(E) of the Charter of the City of Fairfield.

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

NEW BUSINESS

PUBLIC SAFETY COMMITTEE

Mike Oler, Chairman; Marty Judd, Vice Chairman, Mitch Rhodus, Member

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

Simple Motion: Motion requesting that no hearing be held in the name of TB Properties LLC VI, DBA Charlies Throttle Stop & Deck, 7121 Dixie Hwy, Fairfield, OH 45014 (Permit Classes D5 and D6).

Councilmember Oler, seconded by Councilmember Abbott moved to request that *no hearing be held* in the name of TB Properties LLC VI, DBA Charlies Throttle Stop & Deck, 7121 Dixie Hwy, Fairfield, OH 45014 (Permit Classes D5 and D6). Motion Carried 6-0. Councilmember Snyder asked if this is a transfer of the license since he understands there has been a change of the business owners at that location. Law Director John Clemmons explained what he suspects is happening is that the business owner is taking the license into his name in order to have it as an amenity for leasing the building to someone else, so that the license does not lapse. SIMPLE MOTION NO. 2-11 APPROVED 6-0.

Ordinance to authorize the City Manager to enter into a contract with Rozzi's Famous Fireworks, Inc. for the annual Red, White and Kaboom event.

Background: City Manager Pizzano recommended a contract with Rozzi's Fireworks for the annual Red, White and Kaboom event. He explained negotiations with Rozzi's have resulted in no increase again this year for prices. Legislative Action: Councilmember Oler presented the first reading of this Ordinance. Councilmember Oler, seconded by Councilmember Abbott moved to suspend the rules requiring three (3) readings of the Ordinance. Motion Carried 6-0. ORDINANCE NO. 9-11 ADOPTED 6-0.

Ordinance authorizing the City Manager to transfer surplus firefighting equipment to the Morgan Township Fire Department, Butler

County, Ohio and declaring an emergency.

Background: City Manager Pizzano recommended transfer of surplus firefighting equipment to the Morgan Township Fire Department in Butler County. He explained recently we ordered 35 self contained breathing apparatus and will transfer 20 pieces of the older equipment. He further explained these are fairly old for SCBAs and were originally purchased through a federal fire grant and the grant did say when ready to dispose they encourage that we make use of the maximum usage in the surplus process. He stated the equipment was valued and it has negligible if any trade in value. Legislative Action: Councilmember Oler presented the first reading of this Ordinance. Councilmember Oler, seconded by Councilmember Meyers moved to suspend the rules requiring three (3) readings of the Ordinance. Motion Carried 6-0. Councilmember Oler, seconded by Councilmember Meyers moved to adopt. Motion Carried 6-0. ORDINANCE NO. 10-11 ADOPTED AS AN EMERGENCY 6-0.

DEVELOPMENT SERVICES COMMITTEE

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

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

Ordinance to authorize the Building Superintendent to waive building permit fees for the construction of the Butler County Field of Dreams/Miracle Field Complex.

Background: City Manager Pizzano recommended an ordinance for a wavier of the building permit fees by the Building Superintendent for the construction of the Butler County Field of Dreams/Miracle Field Complex. He explained this is required by the Codes and Ordinances that Council must authorize any waiver of building permit fees. He explained this permit will be part of the City's contribution to facilitating this project for the physically disabled in our community for a couple of baseball fields that are being constructed to accommodate those with severe disabilities. He further explained the last item on the agenda for non-contractual items is for the approval of \$18,000 for the improvement design at Groh Lane. Councilmember Snyder thanked Scott Dallis from Dallis Homes and other groups, organizations and individuals that are involved in this project. Mr. Dallis stated there are over 6,000 people involved. Councilmember Abbott offered his thanks to Mr. Dallis for his leadership in these volunteer projects. Councilmember Rhodus recognized First Class Scout Kenny Kelly from Troop 902 who is working on citizenship in the community and Life Scout Nick Tarnoveski from Troop 969. Legislative Action: Councilmember Rhodus presented the first reading of this Ordinance. Councilmember Rhodus, seconded by Councilmember Abbott moved to suspend the rules requiring three (3) readings of the ordinance. Motion Carried 6-0. Councilmember Rhodus, seconded by Councilmember Oler moved to adopt. Motion Carried 6-0. Kim Nuxhall commented they are very excited and appreciative for all that has been done. ORDINANCE NO. 11-11 ADOPTED 6-0.

PUBLIC WORKS COMMITTEE

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

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

Ordinance to authorize the City Manager to enter into a one (1) year contract with Prus Construction with an option of extending the contract for years two (2) and three (3) for the 2011 Sidewalk/Apron Replacement.

Background: City Manager Pizzano recommended a one year contract with Prus Construction with an option of extending the contract for years two and three for the 2011 Sidewalk/Apron Replacement. Legislative Action: Councilmember Oler presented the first reading of this Ordinance. Ordinance approved for first reading only.

FINANCE & BUDGET COMMITTEE

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

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

Appropriation Ordinance (Contractual Items) - \$192,173 for 2011 Sidewalk/Apron Replacement program.

Background: City Manager Pizzano recommended the following contractual items: \$192,173 for the 2011 Sidewalk/Apron Replacement Program. Legislative Action: Councilmember Abbott presented the first reading of this Ordinance. Councilmember Abbott, seconded by Councilmember Rhodus moved to suspend the rules requiring three (3) readings of the Ordinance. Motion

Carried 6-0. Councilmember Abbott, seconded by Councilmember Snyder moved to adopt. Motion Carried 6-0. Carl Willig, 2434 Charter Oak Drive, asked how much money comes back to the City for the sidewalk and apron program. City Manager Pizzano explained the way the process works is residents are given the opportunity through a notice to make the improvements on their own and if they choose not to then the City will use the contractor that we bid with to perform that work, then the money is assessed on their property tax. He stated in essence it all comes back eventually. ORDINANCE NO. 12-11 ADOPTED 6-0.

Appropriation Ordinance (Non-Contractual Items) - \$1,225 police vehicle repair with reimbursed funds; and \$10,000 survey of real estate for Exit 39 - South Gilmore/Winton Road Improvements Project; and \$18,250 for Groh Lane improvement design.

Background: City Manager Pizzano recommended the following non-contractual items: \$1,225 for a police vehicle that was damaged by a defendant during an arrest and he has paid restitution and that money is coming back to us, and \$10,000 for survey of real estate for Exit 39 - South Gilmore/Winton Road Improvements Project and \$18,250 for Groh Lane improvement design. Legislative Action: Councilmember Abbott presented the first reading of this Ordinance. Councilmember Abbott, seconded by Councilmember Rhodus moved to suspend the rules requiring three (3) readings of the Ordinance. Motion Carried 6-0. Councilmember Abbott, seconded by Councilmember Oler moved to adopt. Motion Carried 6-0. ORDINANCE NO. 13-11 ADOPTED 6-0. Vice Mayor Senger stated that Mayor D'Epifanio is at home recovering from minor eye surgery and he will be back for the next week.

Meeting Schedule

Clerk Johns read the following meeting notices:

Saturday, February 19 Special Meeting (Executive Session) - Board/Commission Interviews; 8 a.m.
Monday, February 28 Council-Manager Briefing, 6 p.m.; Regular Meeting, 7 p.m.
Monday, March 14 Council-Manager Briefing, 6 p.m.; Regular Meeting, 7 p.m.

Executive Session of Council (if needed)

The Regular Meeting adjourned to Executive Session at 7:23 PM.

Adjournment

The Regular Meeting ended at 8:20 PM.

ATTEST:

Clerk of Council

Mayor's Approval

Date Approved _____