

## MINUTES

### REGULAR MEETING OF COUNCIL

JUNE 13, 2011

#### Call to Order

Mayor Ronald A. D'Epifanio called the Regular Meeting of Council to order at 7:07 PM at the Fairfield Municipal Building, 5350 Pleasant Avenue.

#### Prayer/Pledge of Allegiance

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

#### Agenda Modifications

Law Director John Clemmons asked that Item B1 be moved to the end of the agenda between items D3 and D4 because Councilmember Abbott is affiliated with Duke Energy and would like to recuse himself from the vote for both items. He explained if we move this item he will not have to leave and come back in more than once.

#### Executive Session Requests

There were no requests for Executive Session.

#### Public Hearing(s)

No public hearings were scheduled.

#### Special Presentations and Citizen Comments

- Proclamation for Transitional Living, Inc.

Mayor D'Epifanio discussed many of the accomplishments of Transitional Living CEO Kathy Becker and presented a proclamation to her in recognition of Transitional Living, Inc. Ms. Becker thanked the Police Chief, Fire Chief and Council for being proactive in allowing TLC to help. Councilmember Oler explained she offers training and advice in the townships as well. Marilyn Weigel, Kathy Becker's Administrative Assistant and Chris Coleman, Assistant Team Leader for the Outreach team both introduced themselves.

Bill Meyer, 885 Maple Ridge, discussed and invited everyone to attend the 7th Annual Support our Troops Hero's Ride benefiting Impact a Hero that will be held on Saturday, August 27 on Village Green. He explained this ride began in 2005 to commemorate and honor the life of Lcpl Taylor Prazynski who was killed in Iraq. He explained the ride leaves at 1:00 PM and will return to Village Green Park around 4:00 PM where there will be food, refreshments and entertainment and a dinner at the Community Arts Center. Councilmember Senger commented the work of Mr. Meyer and the group that puts this on is very much appreciated and that this is a really great event and all proceeds go to a good cause.

Bobby Duncan, 110 Palm Springs Drive, discussed he will be running for third ward and thanked the leadership for all they have done over the year. Mayor D'Epifanio commented that campaigning is not allowed at the meeting.

#### Mayor/Council Reports

Councilmember Snyder discussed the Drug Abuse Resistance Education D.A.R.E. program at the intermediate school graduation ceremony. He further commented the Mayor was involved in an essay contest in which bicycles were presented to two

winners, Logan Roberts and Brittany Hubbard on May 16th. Mayor D'Epifanio commented that particular event was for the Special Education kids and the bikes were paid for out of his pockets not city coffers. Councilmember Snyder announced the Summer Music Games that will occur on June 22nd at 7:00 PM and tickets can be purchased at 513-858-DRUM or at the Fairfield Stadium.

Councilmember Judd discussed road repairs that began this week in the Sir Lancelot, Ivanhoe and King Arthur area.

Councilmember Senger announced according to the report from the Butler County Recycling and Solid Waste District for the first quarter of 2011, the City of Fairfield attained a 16.9% recycling rate, which is the city's best for a quarter. He stated that rate was second only to the City of Oxford. He thanked Jim Bell and Brad Williams for their presentation on the Parks at the work session earlier tonight.

Councilmember Abbott stated revenues are 8.5% above projections. He further stated the 2012 budget process will begin in July and the drive up window for Utility bill payments will be closed next month and a new more accessible drop box will be installed.

Councilmember Oler commented on the rough crossing on Bobmeyer Road at the Norfolk Southern Railroad crossing. He suggested that sign be put up warning of the rough crossing. Public Works Director Dave Butsch responded they will take care of this with Norfolk Southern.

Councilmember Meyers congratulated maintenance/labor worker in the Water Division, Todd Bradbury for passing his Ohio EPA Class 3 Operator's certificate. Mr. Meyers also announced a ten inch water main will be installed on Resor Road from Windermere to Pleasant Avenue.

Mayor D'Epifanio thanked Public Works Director and his department on receiving the Ohio Public Works Grant from the state that will go towards the purchase of the 17 flood prone homes.

Mayor D'Epifanio announced on June 25 from 10:00 AM until 2:00 PM there will be a Support our Troops Rally in the Jungle Jim's parking lot and will include the Fairfield Choraliers, Police Color Guard, military and various speakers. He also announced on Saturday, July 30 there will be a celebrity softball tournament at the Civitan Club to benefit the Joe Nuxhall Field of Dreams for two baseball fields that will be wheel chair and handicap accessible. Mayor D'Epifanio briefly discussed the possibility of having an ordinance to support the Honor and Remember flag at our next meeting. He explained he may invite Mr. Mitchell to the next meeting and he noted that the Hamilton Community Foundation has purchased flags and they would like to give two to the City.

#### Approval of Minutes

- Regular Meeting Minutes of May 23, 2011

The Regular Meeting Minutes of May 23, 2011 were approved as written.

#### **OLD BUSINESS**

No old business was scheduled.

#### **NEW BUSINESS**

##### **PUBLIC UTILITIES COMMITTEE**

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

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

Ordinance to authorize a contract with Ovivo USA, LLC for replacement of Clarifier Drive #2 at the Wastewater Treatment Plant.

Background: City Manager Pizzano recommended a contract with Ovivo USA to replace the clarifier drive #2 at the Water Treatment Plant. He explained the equipment is proprietary and is specific to the original manufacturer. Legislative Action: Councilmember Meyers presented the first reading of this Ordinance. Councilmember Meyers, seconded by Councilmember Abbott moved to suspend the rules requiring three (3) readings of this Ordinance. Motion Carried 6-0. Councilmember Meyers, seconded by Councilmember Abbott moved to adopt. Councilmember Meyers commented one reason for rule suspension is due to the extremely long lead time of up to sixteen weeks to get this equipment. Motion Carried 6-0. ORDINANCE NO. 58-11 ADOPTED 6-0.

## **PUBLIC WORKS COMMITTEE**

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

Councilmember Judd, seconded by Councilmember Snyder moved to read the following three (3) ordinances and one (1) resolution by title only. Motion Carried 6-0.

Ordinance to authorize the City Manager to enter into a contract with Duke Energy for relocation of existing street lighting for the Exit 39-South Gilmore/Winton Road Project.

Council returned to this item as indicated during the agenda modification after Councilmember Abbott recused himself at 7:53 PM. Background: City Manager Pizzano recommended a contract with Duke Energy for relocation of existing street lighting for the Exit 39-South Gilmore/Winton Road Project. 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 this Ordinance. Motion Carried 5-0. Councilmember Judd, seconded by Councilmember Senger moved to adopt. Motion Carried 5-0. ORDINANCE NO. 65-11 ADOPTED 5-0, COUNCILMEMBER ABBOTT RECUSED.

Ordinance to authorize the City Manager to enter into a contract with Welsh Excavation Company, Inc. for the Resor Road Improvements Project and declaring an emergency.

Background: City Manager Pizzano recommended a contract with Welsh Excavation Company for the Resor Road Improvement Project for the area on Resor between Pleasant and Windermere. He explained the road will be widened, shoulder work put in, the hill will be cut down in size, largely for visibility of those backing out of driveways. He further explained this is great indication of how our departments work together; this is a joint project in terms of construction and financing. Legislative Action: Councilmember Judd presented the first reading of this Ordinance. Councilmember Judd, seconded by Councilmember Snyder moved to suspend the rules requiring three (3) readings of this Ordinance. Motion Carried 6-0. Councilmember Judd, seconded by Councilmember Abbott moved to adopt. Motion Carried 6-0. ORDINANCE NO. 59-11 ADOPTED AS AN EMERGENCY 6-0.

Ordinance to authorize the City Manager to enter into a contract with Miami Valley International Trucks for the purchase of a 2012 International 7400 SBA 4 x 2 (SA625) 37,000 lb GVWR single axle truck cab and chassis.

Background: City Manager Pizzano recommended a contract with Miami Valley International Trucks to purchase a 2012 single axle truck cab and chassis to replace one of the vehicles that has developed a cracked chassis. Legislative Action: Councilmember Judd presented the first reading of this Ordinance. Councilmember Judd, seconded by Councilmember Oler moved to suspend the rules requiring three (3) readings of this Ordinance. Motion Carried 6-0. Councilmember Judd, seconded by Councilmember Snyder moved to adopt. Motion Carried 6-0. ORDINANCE NO. 60-11 ADOPTED 6-0.

Resolution authorizing participation in Ohio Department of Transportation (ODOT) Cooperative Purchasing Program and declaring an emergency.

Background: City Manager Pizzano recommended authorization to participate in the Ohio Department of Transportation Cooperative Purchasing Program. He explained the city has participated in the ODOT joint bidding for many years and this is a procedural step. Legislative Action: Councilmember Judd presented the first reading of this Resolution. Councilmember Judd, seconded by Councilmember Senger moved to suspend the rules requiring three (3) readings of the Resolution. Motion Carried 6-0. Councilmember Judd, seconded by Councilmember Senger moved to adopt. Motion Carried 6-0. RESOLUTION NO. 6-11 ADOPTED AS AN EMERGENCY 6-0.

## **PUBLIC SAFETY COMMITTEE**

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

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

Ordinance amending Section 351.15 of the Traffic and General Offenses Codes of Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio relative to parking on public property.

Background: City Manager Pizzano recommended an amendment to section 351.15 of the Traffic and General Offenses Codes, which relates to parking on public property. He commented this ordinance will assist in prohibiting unauthorized parking on public property and was initially brought to us by the Fairfield Board of Education with regards to unauthorized parking at

the High School. Legislative Action: Councilmember Oler presented the first reading of the Ordinance. Councilmember Oler, seconded by Councilmember Abbott moved to suspend the rules requiring three (3) readings of the Ordinance. Motion Carried 6-0. Councilmember Oler, seconded by Councilmember Senger moved to adopt. Mayor D'Epifanio asked if this was occurring other than school functions. Law Director John Clemmons explained that is the only issue we currently know about and it was not just school functions it was actually students who were parking randomly and haphazardly outside of marked spaces. In response to Councilmember Snyder's question, Mr. Clemmons clarified the Ordinance requires some warning, so they will be given that and announcements are being made now. He explained they will be warned not necessarily individually, but generally, there will be signs posted on the property that say you must park in marked spaces, not blocking aisle ways and so forth. Mayor D'Epifanio commented at the Crystal Classic and district wrestling tournament and you can't find a parking space sometimes. Mr. Clemmons stated in those situations where there are no more marks spaces they will not be towing people's cars, this is primarily the students themselves on a daily basis. Motion Carried 6-0. ORDINANCE NO. 61-11 ADOPTED 6-0.

## **FINANCE & BUDGET COMMITTEE**

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

Councilmember Abbott, seconded by Councilmember Senger moved to read the following three (3) Ordinances by title only. Motion Carried 6-0.

Ordinance to authorize the City Manager to execute the agreement for indigent legal representation in the Fairfield Municipal Court with the Butler County Public Defender Commission/ Butler County Board of Commissioners and declaring an emergency.

Background: City Manager Pizzano recommended authorization to execute an agreement for indigent legal representation in the Fairfield Municipal Court via the Butler County Public Defender Commission. He explained Butler County will provide five public defenders for use in the Fairfield Municipal Court for indigent offenders. He further explained the estimated cost savings being projected by the Court are approximately \$40,000 a year. Legislative Action: Councilmember Abbott presented the first reading of the ordinance. Councilmember Abbott, seconded by Councilmember Oler moved to suspend the rules requiring three (3) readings of the Ordinance. Motion Carried 6-0. Councilmember Abbott, seconded by Councilmember Senger moved to adopt. Mayor D'Epifanio commented on paying for attorney's for those here not legally. Motion Carried 6-0. ORDINANCE NO. 62-11 ADOPTED AS AN EMERGENCY 6-0.

Appropriation Ordinance (Non-contractual Items) - \$5,850 Public Safety Tribute various site work and amenities; \$10,575 for Municipal and Annex Building parking lot asphalt sealing and restriping; \$25,000 manhole rehabilitation; \$20,200 roof repairs on Wastewater Treatment Plant Digester #1; \$16,000 replacement of damaged brick on Wastewater Treatment Plant Digester #1; \$6,999 for Water Division mower; \$10,205 professional inspection services of coating systems for Winton, Mack and two tanks at Seward Road; \$5,000 electric work at Raw Water Well #8; \$20,910 police/courts prisoner transport van; \$15,000 police/courts prisoner transport van outfitting; \$20,000 public works energy savings upgrades; \$15,000 security access upgrades; \$9,180 North Trace Clubhouse office remodel; and \$16,820 North Trace Clubhouse HVAC replacement.

Background: City Manager Pizzano recommended the non-contractual items: \$5,850 Public Safety Tribute various site work and amenities; \$10,575 for Municipal and Annex Building parking lot asphalt sealing and restriping; \$25,000 manhole rehabilitation; \$20,200 roof repairs on Wastewater Treatment Plant Digester #1; \$16,000 replacement of damaged brick on Wastewater Treatment Plant Digester #1; \$6,999 for Water Division mower; \$10,205 professional inspection services of coating systems for Winton, Mack and two tanks at Seward Road; \$5,000 electric work at Raw Water Well #8; \$20,910 police/courts prisoner transport van; \$15,000 police/courts prisoner transport van outfitting; \$20,000 public works energy savings upgrades; \$15,000 security access upgrades; \$9,180 North Trace Clubhouse office remodel; and \$16,820 North Trace Clubhouse HVAC replacement. Legislative Action: Councilmember Abbott presented the first reading of this Ordinance. Councilmember Abbott, seconded by Councilmember Snyder 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. Councilmember Oler asked if the police/court prison transport van is the old dodge that has been there forever. Chief Dickey commented yes, and further explained there are two purchases, one is the van and second is the outfitting for security and putting the seats and partitions and so forth into that same vehicle. He further stated the old van would then be auctioned off. Motion Carried 6-0. ORDINANCE NO. 63-11 ADOPTED 6-0.

Appropriation Ordinance (Contractual Items) - \$103,500 Replacement of Clarifier Drive #2 at the Wastewater Treatment Plant; \$944,000 Resor Road Improvement Project; and \$76,814 2012 International 7400 SBA 4 x 2 (SA625) 37,000 lb GVWR single axle truck cab and chassis.

Background: City Manager Pizzano recommended the following contractual items: \$103,500 Replacement of Clarifier Drive #2 at the Wastewater Treatment Plant; \$944,000 Resor Road Improvement Project; and \$76,814 2012 International 7400 SBA 4 x 2

(SA625) 37,000 lb GVWR single axle truck cab and chassis. 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 this Ordinance. Motion Carried 6-0. Councilmember Abbott, seconded by Councilmember Senger moved to adopt. Motion Carried 6-0. ORDINANCE NO. 64-11 ADOPTED 6-0.

Councilmember Abbott recused himself at 7:53 PM and Council moved back to item B1 on the Agenda.

Appropriation Ordinance (Contractual Items) - \$56,381 Exit 39- South Gilmore/Winton Road Improvements street lighting relocation.

Background: City Manager Pizzano recommended the following contractual item: \$56,381 for the Exit 39 - South Gilmore/Winton Road Improvements street lighting relocation. Legislative Action: Councilmember Senger presented the first reading of this Ordinance. Councilmember Senger, seconded by Councilmember Meyers moved to read the following Ordinance by title only. Motion Carried 5-0. Councilmember Senger, seconded by Councilmember Meyers moved to suspend the rules requiring three (3) readings. Motion Carried 5-0. Councilmember Senger, seconded by Councilmember Judd moved to adopt. Motion Carried 5-0. ORDINANCE NO. 66-11 ADOPTED 5-0, Councilmember Abbott recused.

Meeting Schedule

Clerk Johns read the following meeting notices:

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.  
Monday, September 12 Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.

Executive Session of Council (if needed)

Adjournment

Councilmember Senger, seconded by Councilmember Snyder moved to adjourn. Motion Carried 6-0.

The Regular Meeting adjourned at 7:57 PM.

ATTEST:

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Clerk of Council

\_\_\_\_\_  
Mayor's Approval

Date Approved \_\_\_\_\_