

MINUTES

REGULAR MEETING OF COUNCIL

NOVEMBER 14, 2011

Call to Order

Mayor 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 Snyder led in prayer followed by the Pledge of Allegiance.

Roll Call

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

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

Agenda Modifications

There were no modifications to the Agenda.

Executive Session Requests

Councilmember Judd, seconded by Councilmember Abbott moved to request an Executive Session to discuss pending and imminent litigation. Clerk Jolivette took a roll call vote of Council. Motion Carried 6-0.

Public Hearing(s)

No Public Hearings were scheduled.

Special Presentations and Citizen Comments

Mayor D'Epifanio congratulated and welcomed the new Councilmembers-elect who will be sworn in on December 30th.

- Beautiful Fairfield Awards

Development Services Director Tim Bachman discussed the Beautiful Fairfield Home Improvement Contest. He thanked the three judges, Planning Commission Chairperson Jeff Holtegel, Chairperson of the Design Review Committee and Chairperson of the Board of Zoning Appeals Ron Siciliano. Councilmember Rhodus presented awards to Lou Yorio, 5 Primrose Court for Runner-Up Best Remodeling or Landscaping; Tom and Rae DeBord, 456 St. Thomas Court for Runner-Up Best Remodeling and Landscaping and Deb and Dave Homer, 5582 Mississippi Drive as winners of the Best Remodeling/Landscaping Project.

- Third Quarter STAR Awards

City Manager Pizzano presented a group Third Quarter STAR Award to Jeff Kenworthy on behalf of Fire Chief Don Bennett, Mike Dickey, Ben Strickler, JoBeth Yambrich, and Brad Williams for their efforts in organizing the 9/11 Memorial Ceremony. Parks/Events Manager Ben Strickler commented this truly was a team effort and thanked everyone in the community who came out including surrounding agencies. Police Chief Dickey commented on public safety workers lost on September 11th and thanked the Parks Department for their work in getting this accomplished.

Keith Davis, 1853 Vernon Place, discussed the need to have laws on the books for people who destroy, deface, damage and steal legitimately placed political signs and campaign materials. He questioned why a problem that occurs every time there is a School Board election or levy is not dealt with. He submitted several examples of laws that were passed including in the City of Eden Prairie and one from the State of Washington.

Mayor/Council Reports

Councilmember Judd commented for the I-275 Gilmore/Winton Project all the clearing and grubbing and the water main work has begun on the South side of the Interstate. He further commented the Groh Lane Improvement Project has been completed except for a fence that needs to be installed. Councilmember Judd announced the leaf collection program has begun. He suggested residents call the Public Works Department to find out when crews will be on their street. He asked residents to rake the leaves to the grassy area behind the curb and not actually into the curb. He also asked on days the crews will be on the street that residents not park in front of the leaf piles if possible.

Councilmember Senger congratulated the Council and the Fairfield City School Board members who won the election. He announced the Nutcracker performance by the Miami Valley Ballet Theater will be held December 2, 3, and 4 and again December 9, 10 and 11. He also announced the Light Up Fairfield Festival will be December 3 from 3-6 PM at Village Green Campus. He further announced holiday gift certificates are available through the Parks and Recreation Department for Aquatic Center passes, Golf, theater tickets and recreation/fitness passes.

Councilmember Abbott thanked the staff in preparing the budget for Council's review.

Mayor D'Epifanio thanked all the citizens that passed the School levy. He commented on the Fairfield Choraliers involvement in the Glee voting for grants. He announced the Crystal Classic will be held the first Saturday in March.

Approval of Minutes

- Regular Meeting Minutes of October 24, 2011

The Regular Meeting Minutes of October 24, 2011 were approved as written.

OLD BUSINESS

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 deferred the third reading of this Ordinance.

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

NEW BUSINESS

COMMUNITY & PUBLIC RELATIONS COMMITTEE

Mike Snyder, Chairman; Tim Abbott, Vice Chairman, Terry Senger, Member

Simple Motion: Appointment of Joseph Koczeniak to the Board of Zoning Appeals to fill the unexpired term of Debbie Pennington, beginning immediately and expiring on March 31, 2016.

Councilmember Snyder, seconded by Councilmember Rhodus moved to approve the appointment of Joseph Koczeniak to the Board of Zoning Appeals to fill the unexpired term of Debbie Pennington, beginning immediately and expiring on March 31, 2016. Councilmember Snyder commented on Mr. Koczeniak's attendance at every Board of Zoning Appeals Meeting as a private citizen since the potential for this opening to exist was known. Motion Carried 6-0. SIMPLE MOTION NO. 18-11 APPROVED 6-0.

PUBLIC UTILITIES COMMITTEE

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

Ordinance to authorize the City Manager to execute an Amendment to the Memorandum of Understanding with Duke Energy Retail Sales, LLC (DERS) for a City endorsed reduced electric rate program for Fairfield residents and small businesses through December, 2013.

Councilmember Abbott recused himself from the meeting at 7:30 PM. Councilmember Meyers, seconded by Councilmember Senger moved to read the following Ordinance by title only. Motion Carried 5-0. Background: City Manager Pizzano recommended an amendment to the Memorandum of Understanding between Duke Energy Retail Sales and the City for an endorsed reduced electric rate program for Fairfield residents and small businesses. He explained the modification of the agreement, which is to expire December 2011, the offer that has been made carries with it he believes the longest of the available terms of any of the competing companies that we are familiar with in terms of its fixed rate availability and will reduce the already lowered rate that Duke Retail Sales will be offering down to a rate of 6.39 KWH. He commented it will be opt-in rather than opt-out. Legislative Action: Councilmember Meyers presented the first reading of this Ordinance. Councilmember Meyers, seconded by Councilmember Judd moved to suspend the rules requiring three (3) readings of the Ordinance. Motion Carried 5-0. Councilmember Meyers, seconded by Councilmember Snyder moved to adopt. Councilmember Meyers commented currently 25% of all residents and small businesses have opted-in to this utility program with little or no complaints that he has heard. Law Director John Clemmons introduced John Finnagin from Duke Energy Retail Sales. He commented that we are aware of this program going through December 13 is the longest fixed rate that is available. He explained in the event that regulated Duke Energy, which is probably going to 7.3 cents in January 2012, goes below the 6.39 rate offered residents would have the option to leave this program and go to Duke Energy fixed rate. He commented this program does not prevent anyone from selecting a supplier on their own that they feel offers a better benefit. He commented he believes the reason we were successful in getting the high percentages was because of the familiarity with the name Duke Energy coupled with the City's endorsement. Councilmember Meyers stated this is not mandatory by any means; it is an opt-in. Keith Davis, 1853 Vernon Place, expressed his concern with the government endorsing something. He asked if we are giving these people an exclusive endorsement through the government of the City of Fairfield. Law Director Clemmons answered yes. Mr. Davis stated then he is still against this. Motion Carried 5-0. ORDINANCE NO. 111-11 ADOPTED 5-0. Councilmember Abbott returned to the meeting at 7:37 PM.

PUBLIC WORKS COMMITTEE

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

Councilmember Judd, seconded by Councilmember Snyder moved to read the following four (4) Ordinances by title only. Motion Carried 6-0.

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

Background: City Manager Pizzano recommended the following Ordinance to declare city vehicles as surplus and the authorization to sell the vehicles on govdeals.com. He noted any disposition of any real property or equipment owned by the City must be declared by this body before it is disposed of. He further noted 92.5% of any revenue from the sale goes to the City and the balance goes to govdeals.com for their efforts. Legislative Action: Councilmember Judd presented the first reading of this Ordinance. Councilmember Judd, seconded by Councilmember Abbott moved to suspend the rules requiring three (3) readings of the Ordinance. Motion Carried 6-0. Councilmember Judd, seconded by Councilmember Meyers moved to adopt. Motion Carried 6-0. ORDINANCE NO. 112-11 ADOPTED 6-0.

Ordinance to authorize the City Manager to enter into a contract with MTech Company for the purchase of a GapVax MC Series Combination Jet/Vacuum Machine.

Background: City Manager Pizzano recommended an Ordinance for a contract with MTech Company to purchase a GapVax MC Series Combination Jet/Vacuum Machine. He stated this will be purchased under State of Ohio bid. He explained this is used by the Public Works Department for clearing of storm sewers and dry wells and by the Wastewater Department. Legislative Action: Councilmember Judd presented the first reading of this Ordinance. Councilmember Judd, seconded by Councilmember Rhodus 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. 113-11 ADOPTED 6-0.

Ordinance to authorize the City Manager to enter into a contract with Design Build Solutions, Inc. for asphalt shingle re-roofing of the Municipal Building.

Background: City Manager Pizzano recommended an Ordinance for a contract with Design Build Solutions, Inc. for the shingling of the Municipal Building. Mr. Pizzano discussed the need for this project. Legislative Action: Councilmember Judd presented the first

reading of this Ordinance. Councilmember Judd, seconded by Councilmember Abbott moved to suspend the rules requiring three (3) readings of the Ordinance. Motion Carried 6-0. Councilmember Judd, seconded by Councilmember Snyder moved to adopt. Motion Carried 6-0. ORDINANCE NO. 114-11 ADOPTED 6-0.

Ordinance to authorize the City Manager to enter into a contract with Overhead Door/Mooney and Moses Company of Greater Cincinnati, Inc. for spray foam insulation for the Municipal Building attic and declaring an emergency.

Background: City Manager Pizzano recommended an Ordinance for a contract with Overhead Door/Mooney and Moses Company of Greater Cincinnati, Inc. for spray foam insulation in the Municipal Building attic. He explained this will prevent further stresses on the new HVAC unit that has been installed in that area and will prevent the pipes from the chiller unit from freezing. Mr. Pizzano commented an analysis on the payback for this improvement was done and a savings of \$10,000 per year on energy is anticipated, which is about a five year return on investment. 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. 115-11 ADOPTED 6-0.

FINANCE & BUDGET COMMITTEE

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

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

Ordinance to amend Section 921.09 of the Street, Utilities and Public Services Codes of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio.

Background: City Manager Pizzano recommended an Ordinance to amend a section of the code for Street, Utilities and Public Services, which will deal with those folks that are not as diligent about keeping their bills paid. He explained this is generally for accounts in arrears 40 days or more, there will be an increase in the termination fee, a restoration fee and a servicing charge. Legislative Action: Councilmember Abbott presented the first reading of this Ordinance. Councilmember Abbott, seconded by Councilmember Senger moved to suspend the rules requiring three (3) readings of the Ordinance. Motion Carried 6-0. Councilmember Abbott, seconded by Councilmember Meyers moved to adopt. Motion Carried 6-0. ORDINANCE NO. 116-11 ADOPTED 6-0.

Appropriation Ordinance (Non-Contractual Items) - \$9,950 asbestos consultant services GM Plant Boiler House; \$5,000 purchase of hydrants; \$7,480 concrete repairs at Water Treatment Plant; \$17,000 Well #4 repairs at Water Treatment Facility; \$6,500 rebuilding concrete covers and water vault and walkway repairs at Water Treatment Plant; \$22,000 Professional engineering services for Raw Water Wells at Water Treatment Plant; \$20,400 change orders to Route 4 Waterline Project, Phases 1 and 1A1; 18,000 Municipal Building cupola remodel.

Background: City Manager Pizzano recommended the following non-contractual items: \$9,950 asbestos consultant services at the GM Plant Boiler House; \$5,000 purchase of fire hydrants; \$7,480 concrete repairs at Water Treatment Plant; \$17,000 Well #4 repairs at Water Treatment Facility; \$6,500 rebuilding concrete covers and water vault and walkway repairs at Water Treatment Plant; \$22,000 Professional engineering services for Raw Water Wells at Water Treatment Plant; \$20,400 change orders to Route 4 Waterline Project, Phases 1 and 1A1; 18,000 Municipal Building cupola remodel. Legislative Action: Councilmember Abbott presented the first reading of this Ordinance. Councilmember Abbott, seconded by Councilmember Meyers moved to suspend the rules requiring three (3) readings of the Ordinance. Motion Carried 6-0. Councilmember Abbott, seconded by Councilmember Meyers moved to adopt. Motion Carried 6-0. ORDINANCE NO. 117-11 ADOPTED 6-0.

Appropriation Ordinance (Contractual Items) - \$336,628 combination jet/vacuum machine; \$161,943 for Municipal Building asphalt shingle re-roof; and \$53,914 for spray foam attic insulation at the Municipal Building.

Background: City Manager Pizzano recommended the following contractual items: \$336,628 combination jet/vacuum machine; \$161,943 for Municipal Building asphalt shingle re-roof; and \$53,914 for spray foam attic insulation at the Municipal Building. Legislative Action: Councilmember Abbott presented the first reading of this Ordinance. Councilmember Abbott, seconded by Councilmember Senger moved to suspend the rules requiring three (3) readings of the Ordinance. Motion Carried 6-0. Councilmember Abbott, seconded by Councilmember Meyers moved to adopt. Motion Carried 6-0. ORDINANCE NO. 118-11 ADOPTED 6-0.

Meeting Schedule

Clerk Jolivette read the following meeting notices:

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.

Monday, December 12 Regular Meeting and Public Hearing (Budget Hearing), 7:00 p.m.; Council-Manager Briefing, 8:00 p.m.

Executive Session of Council (if needed)

Council adjourned to Executive Session at 7:50 PM.

Adjournment

The Regular Meeting adjourned at 8:30 PM.

ATTEST:

Clerk of Council

Mayor's Approval

Date Approved _____