

## MINUTES

### REGULAR MEETING OF COUNCIL

NOVEMBER 22, 2010

#### 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 Snyder 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 Rhodus, and Councilmember Meyers. Councilmember Oler, seconded by Councilmember Snyder moved to excuse Councilmember Abbott and Councilmember Judd. Motion Carried 5-0.

#### Agenda Modifications

Councilmember Oler discussed an amendment relative to an ordinance to amend various traffic and general offenses codes of ordinance. Law Director John Clemmons explained the revised ordinance in front of council is the update to the Traffic and General Offenses Codes of the City that has been reviewed by the police and the court. He discussed the primary change is an addition to the disorderly conduct section on page eight adding a sixth category of disturbance of the peace and disorderly conduct, which would enable the court or our officers to charge such offenses as minor misdemeanors instead of misdemeanor four. He commented this is being done at the request of the court, so he recommends it. He explained Councilmember Oler can amend at the time of the reading.

#### Executive Session Requests

No requests for Executive Session.

#### Public Hearing(s)

No public hearings were scheduled.

#### Special Presentations and Citizen Comments

Mayor recognized Joseph Statzer from the Butler County Auditor's Office and Kert Radel in attendance tonight.

Edith Stewart, 1050 Walter Avenue, requested Council consider a temporary exemption to the increased sewer bill for the month of September due to the hot and dry summer. She also requested that the irrigation credit be shifted to include September in that credit. Ms. Stewart discussed her bill that included the sewer amount. She again asked that Council grant leniency toward all residents for the extensive sewer bill received; most of the water went to the trees not down the drain.

Ray McDaniels, 249 Palm Springs Drive, questioned if this city has a tiered thing on sex offenders. Police Chief Dickey discussed the tiered system is managed by the state and is assigned to a convicted sex offender. He commented we have access to that information and we routinely track it. Mr. McDaniels asked if they report to the sheriff or if they get lost in the system. Mayor D'Epifanio commented they have to report to the sheriff and anybody can go on the computer and find where they are at. Mr. McDaniels discussed that Lebanon City Council is bringing this up to pass a tier section. Chief Dickey stated the Sheriff actually has staff assigned to track offenders as a full time job within that department. He further explained members of the community can go online and request through the email system to be notified when someone moves into the neighborhood.

#### Mayor/Council Reports

Councilmember Meyers invited everyone to attend Light Up Village Green on December 4th starting at 2:00 PM.

Mayor D'Epifanio commented on the Public Safety Tribute dedication earlier tonight. He further commented we are blessed to have the best.

Councilmember Oler commented on the police department acquiring a grant from the Department of Homeland Security for a second license plate reader for the value of about \$7,500 for the equipment. Chief Dickey briefly discussed it is a device mounted on the exterior of the police car and as it drives down the road it is automatically looking and reading license plate numbers and submitting them to a database for the purpose of identifying wanted persons or stolen cars. Councilmember Oler further commented on the Public Safety Tribute Dedication that took place tonight. He noted a grand dedication will be held on a Saturday when it is warmer weather to allow the whole community to visit.

Councilmember Senger stated last week City of Hamilton water customers on Magie Avenue began receiving water service from City of Fairfield. Councilmember Senger commented for Finance & Budget, income tax revenues for November are very close to projections. Councilmember Senger thanked Mary Hopton for an excellent budget review earlier this evening.

Councilmember Rhodus commented the process is continuing on the international accreditation service group for the building division. Councilmember Rhodus encouraged Council to call and ride in the license plate reader car explaining it is amazing how fast it can scan and how fast it takes a picture of every car. He discussed a case recently that was used to solve a crime, so he is glad to see we are getting another one.

Councilmember Snyder recognized the Fairfield Choraliers, High School Show Choir, for the many awards won in Grove City at a recent competition.

#### Approval of Minutes

- Regular Meeting of November 8, 2010

The minutes of the Regular Meeting of November 8, 2010 were approved as written.

### **OLD BUSINESS**

#### **PUBLIC SAFETY COMMITTEE**

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

Ordinance to amend various sections of the Traffic and General Offenses Codes of Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio.

Councilmember Oler, seconded by Councilmember Meyers moved to Amend the Ordinance as previously described by the city solicitor. Motion Carried 5-0. Councilmember Oler presented the second reading of this amended Ordinance. Ordinance approved for second reading only.

#### **PUBLIC WORKS COMMITTEE**

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

A Resolution for an agreement between the City of Fairfield and the City of Forest Park to maintain aesthetic improvements to the bridge over IR-275 at Exit 39 (Winton/Gilmore), PID NO. 83469 - HAM/BUT CR 239-9.49.

Councilmember Oler presented the second reading of this resolution. Resolution approved for second reading only. Ray McDaniels, 249 Palm Springs Drive, discussed his involvement as an inspector for the bridge when it was first put in and he discussed the direct turn lane into the mall.

#### **FINANCE & BUDGET COMMITTEE**

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

Ordinance to amend subsection 953.01 (a) of Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio, relative to the service fees for residential garbage and solid waste collection and recycling.

Councilmember Senger presented the Second reading of this ordinance. Councilmember Senger, seconded by Councilmember Oler moved to Suspend the rules requiring three (3) readings of this ordinance. Motion Carried 5-0. Councilmember Senger, seconded by Councilmember Oler moved to Adopt. Motion Carried 5-0. ORDINANCE NO. 102-10 ADOPTED 5-0.

Ordinance to amend section 925.08 (a)(5) of Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio, relative to the sanitary sewer irrigation credit.

Councilmember Senger presented the second reading of this Ordinance. Ordinance approved for second reading only. Mayor D'Epifanio suggested Ms. Stewart call the Water Department and ask for an explanation. Ms. Stewart commented she has already spoken to Kim in the Water Department and Kim explained how those credits work and Ms. Stewart understands it is a formula based on the winter bill and the summer bill, but basically it is in Council's hands to decide which months receive the irrigation credit and that is how she ended up here. She further explained that is why she is addressing Council and asking them to make changes to extend the irrigation credit into the fall months when it is dry. City Manager Pizzano commented Mr. Judd indicated he spoke with her earlier today and Mr. Pizzano indicated that they will look into the implications. Mr. Pizzano commented the implications are a combination of looking at an average and this is not an average year. He further commented the city finds itself in dire financial straits and one of the reasons the item is on the agenda tonight in terms of permanent solutions is because it is an item that is costing the city a lot of money and we do not want to eliminate the credit but we have to pare it back to save the city some money. Mr. Pizzano commented they will take a look at it and if there are any modifications to the current position they will be in touch with her. Ms. Stewart encouraged some mitigation at least for 2010. Finance Director Mary Hopton stated the credit goes from April through September. Ms. Hopton further commented May through September is the proposal. She explained in this particular case the usage started after the September billing period, so it covers end of September into October, that is not covered by the current irrigation. Ms. Hopton discussed we had this several years ago in '06 or '07, we had a dry year, at that point Council did extend it one month, but it was before we actually billed. She stated there are implications of going back and trying to credit.

#### **NEW BUSINESS**

#### **PARKS, RECREATION & ENVIRONMENT COMMITTEE**

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

Ordinance to authorize the City Manager to execute and submit an Ohio Department of Natural Resources/Division of Forestry grant application for the Ash Removal and Canopy Restoration Grant Program and declaring an emergency.

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 ordinance to execute and submit a grant application with the Ohio Department of Natural Resources, a forestry grant. He explained this is a new grant program coming out the State of Ohio for ash removal and canopy restoration because of the Emerald Ash borer program. He explained the City is going to put in an application for a \$10,000 grant, it is a 50/50 match, so we will have \$10,000 of our own money into it if successful. He commented this has run through the Environmental Commission and Parks Board as well. **Legislative Action:** Councilmember Meyers presented the first reading of this Ordinance. Councilmember Meyers, seconded by Councilmember Rhodus 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. Motion Carried 5-0. ORDINANCE NO. 103-10 ADOPTED AS AN EMERGENCY 5-0.

#### **DEVELOPMENT SERVICES COMMITTEE**

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

Ordinance to authorize the City Manager to execute a Professional Services Contract with the Fairfield Chamber of Commerce.

Councilmember Rhodus, seconded by Councilmember Senger moved to Read the following ordinance by title only. Motion Carried 5-0. **Background:** City Manager Pizzano recommended a professional services contract with the Fairfield Chamber of Commerce. He explained this is a continuation of our previous year's agreement. **Legislative Action:** Councilmember Rhodus presented the first reading of this ordinance. Ordinance approved for first reading only. Fairfield Chamber of Commerce President Kert Radel explained they have been able to offer one on one marketing to 125 businesses in the past two and a half years and sales training. Mr. Radel thanked the City for Platinum sponsorship and their support. He discussed the business retention report survey, which is a report card for the city to know how they are doing. Mr. Radel commented in 2011 they want to continue with business survey and offer an entrepreneur assistance program. Mr. Radel explained the city's support is critical to the Chamber.

Ordinance to accept and approve the recommendations of the City of Fairfield Tax Incentive Review Council and to authorize the City Manager to implement the same and enter into an amended Community Reinvestment Area Agreement with Iwata Bolt USA, Inc and

the Fairfield City School District and declaring an emergency.

Councilmember Rhodus, seconded by Councilmember Meyers moved to Read the following Ordinance by title only. Motion Carried 5-0. **Background:** City Manager Pizzano recommended the acceptance and approval of the recommendations of the Tax Incentive Review Council to implement and enter into an amended Community Reinvestment Agreement with Iwata Bolt and the Fairfield City School District. Mr. Pizzano explained this is an annual review conducted through the Incentive Review Council. Mr. Pizzano explained they go through the abatements to see if they are hitting their numbers because the abatements are based largely on job generation. He discussed almost all of our companies were qualified for continuations; the exceptions were Ellenbee Leggett, which was recommended for a continuation but a modification; Brilliant Promotions their abatement was reduced to zero because they went out of business. **Legislative Action:** Councilmember Rhodus presented the first reading of the ordinance. In response to Councilmember Meyers question regarding the number of Iwata Bolt employees, Development Services Director Tim Bachman responded their proposal is fifteen employees. City Manager Pizzano commented this Ordinance also ensures that Iwata will get the full amount of abatement to which they were due. Ordinance approved for first reading only.

#### **PUBLIC WORKS COMMITTEE**

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

Councilmember Oler, seconded by Councilmember Snyder moved to Read the following two (2) ordinances by title only. Motion Carried 5-0.

Ordinance to authorize the City Manager to enter into a contract with Brian Brothers for interior work at the Public Works facility garages.

**Background:** City Manager Pizzano recommended a contract with Brian Brothers for interior work at the Public Works facility garages. He explained it was an industrial facility at one point in its past, the Public Works facility as we know it today, it had a lot of chemical usage in it and the residue from those chemicals have gotten into the ceiling and made it very difficult to get a paint job that is going to stick. **Legislative Action:** Councilmember Oler presented the first reading of the ordinance. Ordinance approved for first reading only.

Ordinance to authorize the City Manager to enter into an agreement with ODOT for the Exit 39 - South Gilmore/Winton Road Improvements referred to by ODOT as Ham/BUT CR239-9.49 (PID #83469).

**Background:** City Manager Pizzano recommended an agreement with ODOT for the Exit 39 South Gilmore/Winton Road Improvements. **Legislative Action:** Councilmember Oler presented the first reading of the ordinance. Ordinance approved for first reading only.

#### **PUBLIC SAFETY COMMITTEE**

**Michael 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 5-0.

Ordinance to authorize the City Manager to enter into a contract with Vigil Vanguard, Inc. for the purchase of a driver training and evaluation system and declaring an emergency.

**Background:** City Manager Pizzano recommended a contract with Vigil Vanguard to purchase a driver training and evaluation system. He explained this has been purchased out of a federal fire grant. Mr. Pizzano briefly described the system. **Legislative Action:** Councilmember Oler presented the first reading of the ordinance. Councilmember Oler, seconded by Councilmember Meyers moved to Suspend the rules requiring three (3) readings of the ordinance. Motion Carried 5-0. Councilmember Oler, seconded by Councilmember Meyers moved to Adopt. Fire Chief Don Bennett explained it is a combination of video, computer, and GPS system. He further explained it records the operation of the vehicle, measures acceleration, turning and stopping and actually tracks the route the vehicle takes. Motion Carried 5-0. ORDINANCE NO 104-10 ADOPTED AS AN EMERGENCY 5-0.

#### **FINANCE & BUDGET COMMITTEE**

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

Councilmember Senger, seconded by Councilmember Rhodus moved to Read the following five (5) ordinances by title only. Motion Carried 5-0.

Ordinance establishing salaries for certain exempt and salaried employees of the City of Fairfield, Ohio, to repeal Ordinance No. 32-10 and all amendments thereto and declaring an emergency.

**Background:** City Manager Pizzano recommended an ordinance for establishing certain exempt and salaried employees. He explained we do have a new manager of our building and fleet operation that title currently was the manager of the fleet only, the new assignment will include fleet and facilities. Mr. Pizzano discussed we are very fortunate that Brian Rose who has been a building inspector in the city for about ten years was a successful candidate. He explained this Ordinance will formalize the new title and duties, it is not a new position. **Legislative Action:** Councilmember Senger presented the first reading of the ordinance. Councilmember Senger, seconded by Councilmember Snyder moved to Suspend the rules requiring three (3) readings of the ordinance. Motion Carried 5-0. Councilmember Senger, seconded by Councilmember Meyers moved to Adopt. Councilmember Rhodus discussed when we are having a budget crisis we are not replacing heads. Motion Carried 5-0. **ORDINANCE NO. 105-10 ADOPTED AS AN EMERGENCY 5-0.**

Ordinance to establish salaries and hourly rates for certain salaried and hourly employees of the City of Fairfield, Ohio and to authorize and limit the numbers of types of certain employees, to repeal Ordinance No. 23-10 and all amendments thereto and declaring an emergency.

**Background:** City Manager Pizzano recommended an ordinance establishment of salaries and hourly rates for a number of our salaried and hourly employees as required by Federal law to meet the new minimum wage requirement. Mr. Pizzano explained there is a reduction of a redundant firefighter/paramedic position that was created when we elevated one of the firefighter/paramedics up to the lieutenant position. Mr. Pizzano further explained the removal of one operator/maintenance position in the Water Division, that was per an authorization by Council when they allowed the staffing of an additional person because of someone was on extended medical leave. **Legislative Action:** Councilmember Senger presented the first reading of the ordinance. Councilmember Senger, seconded by Councilmember Snyder moved to Suspend the rules requiring three (3) readings of the ordinance. Motion Carried 5-0. Councilmember Senger, seconded by Councilmember Snyder moved to Adopt. Motion Carried 5-0. **ORDINANCE NO. 106-10 ADOPTED AS AN EMERGENCY 5-0.**

Appropriation Ordinance (Reconcile Accounts) - See ordinance for details.

**Background:** City Manager Pizzano recommended an appropriation ordinance to reconcile accounts. **Legislative Action:** Councilmember Senger presented the first reading of an "Ordinance to amend Ordinance No. 149-09 entitled 'an Ordinance to make estimated appropriations for the expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2010, and ending December 31, 2010'". Councilmember Senger, seconded by Councilmember Snyder moved to Suspend the rules requiring three (3) readings of the ordinance. Motion Carried 5-0. Councilmember Senger, seconded by Councilmember Snyder moved to Adopt. Motion Carried 5-0. **ORDINANCE NO. 107-10 ADOPTED 5-0.**

Appropriation Ordinance (Non-contractual Items) - \$14,000 sanitary sewer manhole casting adjustments; \$20,000 asphalt repairs to repair roadway areas; \$9,300 equipment for one police vehicle; \$5,200 software package service support and upgrade rights; and \$287,470 purchase of real estate for Exit 39 - South Gilmore/Winton road Improvements (under existing agreement).

**Background:** City Manager Pizzano recommended the following non-contractual items: 14,000 sanitary sewer manhole casting adjustments; \$20,000 asphalt repairs to repair roadway areas; 9,300 equipment for one police vehicle; \$5,200 software package service support and upgrade rights; and \$287,470 for purchase of real estate for Exit 39 - South Gilmore/Winton Road Improvements. **Legislative Action:** Councilmember Senger presented the first reading of the "Ordinance to amend Ordinance No. 149-09 entitled 'an Ordinance to make estimated appropriations for the expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2010, and ending December 31, 2010'". Councilmember Senger, seconded by Councilmember Oler moved to Suspend the rules requiring three (3) readings of the ordinance. Motion Carried 5-0. Councilmember Senger, seconded by Councilmember Oler moved to Adopt. Councilmember Senger stated this is the Ordinance where the police car was involved in a wreck. He asked how does it work when we get the reimbursement from the insurance company. Police Chief Dickey explained the car was replaced, because it was an older car that was due to be replaced next year, so what he's asking is that it we go ahead and equip it out of the CIP. Motion Carried 5-0. **ORDINANCE NO. 108-10 ADOPTED 5-0.**

Appropriation Ordinance (Contractual Items) - \$79,000 interior painting of the Public Works facility garages; \$60,000 driver training and evaluation system; and \$19,000 2011 Chamber of Commerce Platinum Sponsorship Program.

**Background:** City Manager Pizzano recommended Legislative Action: Councilmember Senger presented the first reading of the "Ordinance to amend Ordinance No. 149-09 entitled 'an Ordinance to make estimated appropriations for the expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2010, and ending December 31,

2010". Councilmember Senger, seconded by Councilmember Rhodus moved to Suspend the rules requiring three (3) readings of the ordinance. Motion Carried 5-0. Councilmember Senger, seconded by Councilmember Meyers moved to Adopt. Motion Carried 5-0. ORDINANCE NO. 109-10 ADOPTED 5-0.

Brent Delay, 2451 E. Highwood Drive, discussed an incident on November 11th in which the City charged Applebee's thirty dollars for a permit they required for a tent for their veteran's event. Mayor D'Epifanio stated no one supports our veterans more than any of us.

Mayor D'Epifanio commented we are in the process from now till the first of May of selling bricks at the Public Safety monument. He noted the cost is \$50 per brick, which are available through the Parks Department.

Meeting Schedule

Clerk Johns read the following meeting notices:

Saturday, December 4 Special Meeting - Council Retreat, 9:00 AM; Fairfield Municipal Building, Room 119  
Monday, December 6 Council-Manager Briefing (2011 Budget Review), 5 p.m.; Regular Meeting, 7 p.m.  
Monday, December 13 Council-Manager Briefing, 6 p.m.; Regular Meeting, 7 p.m.

Executive Session of Council (if needed)

Adjournment

Councilmember Snyder, seconded by Councilmember Rhodus moved to Adjourn. Meeting adjourned at 8:03 PM. Motion Carried 5-0.

ATTEST:

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Clerk of Council

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

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