

## MINUTES

### REGULAR MEETING OF COUNCIL

NOVEMBER 28, 2011

#### 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 Judd led in prayer followed by the Pledge of Allegiance.

#### Roll Call

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

#### Agenda Modifications

No modifications were made to the Agenda.

#### Executive Session Requests

Councilmember Judd, seconded by Councilmember Snyder moved to approve an Executive Session to discuss pending and imminent litigation. Clerk Jolivette took a roll call vote of Council. Motion Carried 7-0.

#### Public Hearing(s)

No public hearings were scheduled.

#### Special Presentations and Citizen Comments

- Relay for Life - Jill Beasley

Jill Beasley and Katie Williams, Co-Chairs for Relay for Life discussed the Relay for Life event sponsored by the American Cancer Society to raise money and awareness for cancer. Ms. Beasley announced the 2012 event will be held beginning June 23 at 3 PM through 9 AM on June 24th. Ms. Beasley issued a challenge to the Mayor and Council to form a team and be present at the event. Mayor D'Epifanio stated he has helped kick off the event for the last six years and would like to meet with Ms. Beasley to discuss this further. Ms. Williams stated this is the 10th year that Fairfield has been involved in the American Cancer Society Relay for Life. Councilmember Oler thanked them for putting this event together.

There were no citizen comments.

#### Mayor/Council Reports

Councilmember Senger announced the Nutcracker performed by the Miami Valley Ballet Theatre will be held this weekend December 2-4 and the following weekend. He further announced the Light-up Fairfield festival will be held Saturday, December 3rd from 3-6 pm at Village Green.

Councilmember Snyder briefly discussed the Cincinnati Mall -Cincinnati Sports Zone in which construction will begin soon. He recognized local eye doctor Thomas Maseco for his 35 years of service to community.

#### Approval of Minutes

- Regular Meeting Minutes of November 14, 2011

The Regular Meeting Minutes of November 14, 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 Chapter 557 and subsection 1343.03 of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio relative to weeds and litter and property maintenance.

Law Director John Clemmons explained this is the final draft of this Ordinance. He explained numerous properties are being maintained sometimes up to one hundred and the administrative costs of the property maintenance program are becoming substantial. He further explained this Ordinance adopts a \$100 per year fee that will be charged to those properties that require administrative attention for maintenance and to make that fee part of the costs that are assessed to the tax bill for the property. He further explained sometimes the City has to act for those properties that are not meeting our maintenance standards, that are a blight and a threat to the health and safety of the community and this Ordinance will enable those costs incurred to be certified to the Auditor for collection as part of the tax bill also. He stated there is really nothing new in this Ordinance, some of the wording has been amended to be more internally consistent, but those are the primary amendments. Mr. Clemmons explained the last amendment is that notices can be personally delivered. He explained sometimes to cut down certified mail time it is easier to deliver it personally than to wait for the mail to come back. Councilmember Rhodus, seconded by Councilmember Abbott moved to amend the Ordinance entitled "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." Motion Carried 7-0. Councilmember Rhodus, seconded by Councilmember Senger moved to read the amended Ordinance "Ordinance to amend various sections of Chapter 557 and subsection 1343.03 of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio relative to weeds and litter and property maintenance." by title only. Motion Carried 7-0. Councilmember Rhodus presented the third reading of this Ordinance. Councilmember Rhodus, seconded by Councilmember Judd moved to adopt. Motion Carried 7-0. ORDINANCE NO. 119-11 ADOPTED 7-0.

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 third reading of this Ordinance. Councilmember Rhodus, seconded by Councilmember Senger moved to adopt. Motion Carried 7-0. ORDINANCE NO. 120-11 ADOPTED 7-0.

### **NEW BUSINESS**

#### **COMMUNITY & PUBLIC RELATIONS COMMITTEE**

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

Simple Motion: Motion approving the proposed revised City Council meeting schedule for December 2011 as outlined in the Council Communication 11 (A)(1) dated November 28, 2011.

Councilmember Snyder, seconded by Councilmember Abbott moved to approve the proposed revised City Council meeting schedule for December 2011 as outlined in the Council Communication 11 (A)(1) dated November 28, 2011. Councilmember Snyder read the schedule: Monday, December 5th Council-Manager Briefing at 6 PM, Regular Meeting at 7 PM; Monday, December 12th Regular Meeting and Public Hearing for the Budget at 7 PM; Tuesday, December 13th - Special Meeting at 7 PM; Friday, December 30 - Oath of Office at 7 PM. Motion Carried 7-0. SIMPLE MOTION NO. 19-11 APPROVED 7-0.

#### **DEVELOPMENT SERVICES COMMITTEE**

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

Ordinance to accept and approve the recommendations of the City of Fairfield Tax Incentive Review Council and to authorize the City Manager to execute an Amendment to the Community Reinvestment Area Agreement with Brown-Campbell Company and authorizing the City Manager to execute an assignment of a Community Reinvestment Area Agreement to Hollingsworth Capital Partners-Investments IV, LLC.

Background: City Manager Pizzano recommended an Ordinance to accept and approve the recommendation of the Fairfield Tax Incentive Review Council, which convenes annually for the purpose of reviewing the various tax incentives that are provided to area businesses over time. He explained an amendment is required to the Community Reinvestment Area Agreement with Brown-

Campbell Company and also the execution of an assignment of a change to the Community Reinvestment Area Agreement moving it to the Hollingsworth Capital Partners. Mr. Pizzano explained annually there is review of commitments that have been made by the businesses principally in terms of job generation and in return for that various tax incentives are agreed to by the City Council. He explained the recommendation is to reduce the term of the tax abatement for Brown-Campbell Company from seven to six years. He explained the second part is the re-assignment of what had been an agreement to a prior owner of a property and that owner is now Hollingsworth Capital Partners. Councilmember Rhodus, seconded by Councilmember Senger moved to read the following Ordinance by title only. Motion Carried 7-0. 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 the Ordinance. Motion Carried 7-0. Councilmember Rhodus, seconded by Councilmember Meyers moved to adopt. Motion Carried 7-0. ORDINANCE NO. 121-11 ADOPTED 7-0.

## **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 7-0.

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

Background: City Manager Pizzano recommended an amendment to Ordinance No. 166-84 relative to service fees for residential garbage and solid waste collection. He explained the contract with Rumpke which began in 2007 is scheduled for expiration in September, 2012. He explained Council was updated during budget proceedings about initiating a phase out of the long standing subsidy that was coming from the General Fund to the Solid Waste Fund, which is an enterprise fund generally supported by customers of the Solid Waste Collection pick-up. He explained Fairfield is the only community subsidizing this of all neighboring communities. He discussed with reductions in State aid, this will be one of the ways to make ends meet this year without a reduction in services. Legislative Action: Councilmember Abbott presented the first reading of this Ordinance. Ordinance approved for first reading only.

Ordinance to amend Section 921.08 and Subsection 925.08 (b)(1) of Ordinance No. 166-84, The Codified Ordinance of Fairfield, Ohio relative to water and sewer rates.

Background: City Manager Pizzano recommended an amendment to Ordinance No. 166-84 relative to water and sewer rates. He explained the principal purpose of this modification is upon having done a five year rate study, which has been done historically in this city as a way for rates to gradually keep pace with costs without putting people at a disadvantage to make adjustments too quickly. He explained this Ordinance will help with issues of credit coverage for the bond holders that must be met, infrastructure needs driven largely by federal mandates, operation concerns with decreases in revenues from lower usage, less new construction activity and more water efficient faucets. He discussed Fairfield is the second lowest of all jurisdictions of Southwest Ohio for combined water and sewer rates and will continue to be very competitive on water and sewer rates even with this change. He stated the average adjustment over a five year period to an average customer is \$1.75/month; a minimum customer is \$0.89/month. Legislative Action: Councilmember Abbott presented the first reading of this Ordinance. Ordinance approved for first reading only.

Appropriation Ordinance (Non-Contractual Item) - \$23,100 engineering services for River Road Improvements design.

Background: City Manager Pizzano recommended the following non-contractual item: \$23,100 for engineering for River Road Improvements and design. 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 7-0. Councilmember Abbott, seconded by Councilmember Meyers moved to adopt. Public Works Director David Butsch explained a grant was submitted for the Gilmore/Holden/Route 4 intersection, which is one of the worst in the city as far as accidents. He discussed the improvements will be to add lanes on Holden and Gilmore, two through lanes up the hill and a double turn lane onto Route 4. He further explained a 90/10 grant was applied for and they have notification that they have received that for the construction and engineering. He commented it is roughly a 2.5 million dollar grant and the city match is roughly \$250,000 and with that either OPWC money or money for used for traffic signals may be used to cover that portion so in essence out of pocket for the City is zero. Mr. Butsch pointed out it will be about four years before construction due to environmental, right-of-way and the engineering. Motion Carried 7-0. ORDINANCE NO. 122-11 ADOPTED 7-0.

Meeting Schedule

Clerk Jolivette read the following meeting schedule:

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.  
Tuesday, December 13 Special Meeting, 7:00 p.m.  
Friday, December 30 Oath of Office, 7:00 p.m.

Executive Session of Council (if needed)

Council adjourned to Executive Session at 7:34 PM.

Adjournment

The Regular Meeting of Council ended at 8:30 PM.

ATTEST:

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Clerk of Council

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Mayor's Approval

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