

**FAIRFIELD CITY COUNCIL  
REGULAR MEETING AGENDA  
FAIRFIELD MUNICIPAL BUILDING  
5350 PLEASANT AVENUE  
FAIRFIELD, OHIO 45014**

**MONDAY, APRIL 8, 2013**

**7:00 PM**

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MAYOR.....RONALD A. D'EPIFANIO  
COUNCILMEMBER 1<sup>ST</sup> WARD.....ADAM B. JONES  
COUNCILMEMBER 2<sup>ND</sup> WARD.....JEFFREY L. HOLTEGEL  
COUNCILMEMBER 3<sup>RD</sup> WARD.....DEBBIE PENNINGTON  
COUNCILMEMBER 4<sup>TH</sup> WARD.....TERRY SENGER

COUNCILMEMBER AT-LARGE...TIM ABBOTT  
COUNCILMEMBER AT-LARGE...TIMOTHY M. MEYERS  
COUNCILMEMBER AT-LARGE...MICHAEL OLER  
CITY MANAGER.....ARTHUR E. PIZZANO  
CLERK OF COUNCIL.....ALISHA WILSON  
LAW DIRECTOR.....JOHN H. CLEMMONS

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Guidelines for Citizen Comments: Thank you for your interest and participation in city government. Fairfield City Council's Guidelines for Citizen Comments describe the rules for addressing City Council. The guidelines are posted in the Council Chambers.

ADA Notice: The City of Fairfield is pleased to provide accommodations to disabled individuals or groups and encourage full participation in city government. Should special accommodations be required, please contact the Clerk of Council at 867-5383 at least 48 hours in advance of the meeting.

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1. **Call to Order**
2. **Prayer/Pledge of Allegiance**
3. **Roll Call**
4. **Agenda Modifications**
5. **Executive Session Requests**
6. **Public Hearing(s)**
7. **Special Presentations and Citizen Comments**
8. **Mayor/Council Reports**
9. **Approval of Minutes**
  - a) Regular Meeting Minutes of March 25, 2013

**10. OLD BUSINESS**

- (A) **DEVELOPMENT SERVICES COMMITTEE**  
Jeff Holtegel, Chairman; Tim Abbott, Vice Chairman, Tim Meyers, Member

- (1)  Ordinance to amend various sections of the Zoning Code of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio.

- Motion – Amend Ordinance
- Ordinance – Second Reading

**11. NEW BUSINESS**

- (A) **COMMUNITY & PUBLIC RELATIONS COMMITTEE**  
Debbie Pennington, Chairman; Jeff Holtegel, Vice Chairman, Adam Jones, Member

- (1) Simple Motion: Boards & Commissions Appointments appoint the following residents to serve on Design Review Committee effective April 8, 2013:

- Zachery Ketring, northeast quadrant. Term expiring 3/31/2015.

(2) Simple Motion: Boards & Commissions Appointments appoint the following residents to serve on Charter Review Commission effective April 8, 2013:

- Andrew Bennett, second ward

(B) **PUBLIC SAFETY COMMITTEE**

**Mike Oler, Chairman**; Debbie Pennington, Vice Chairman, Terry Senger, Member

(1) Simple Motion: Motion to approve a liquor permit application in the name of Dev Rudral1, Inc. dba Fairfield Food Mart, 7157 Dixie Hwy., Fairfield, OH 45014 (Permit Classes: C1, C2 and D6).

(C) **FINANCE & BUDGET COMMITTEE**

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

(1) Ordinance to authorize the City Manager to enter into a contract with Audio Visual Impact for public communication services and declaring an emergency.

- Motion – Read by Title Only (Optional)
- Ordinance – First Reading
- Motion – Suspend Second and Third Readings
- Motion – Adoption

(2) Resolution to approve and adopt the City of Fairfield 2013-2017 Capital Improvement Program.

- Motion – Read by Title Only (Optional)
- Ordinance – First Reading
- Motion – Suspend Second and Third Readings
- Motion – Adoption

(3) Ordinance to establish salaries and hourly rates for certain salaried hourly employees of the City of Fairfield, Ohio, and to authorize and limit the numbers and types of certain employees, to repeal ordinance no. 48-12 and all amendments thereto and declaring an emergency.

- Motion – Read by Title Only (Optional)
- Ordinance – First Reading
- Motion – Suspend Second and Third Readings
- Motion – Adoption

(4) Ordinance to establish salaries and hourly rates for certain Municipal Court employees of the City of Fairfield, Ohio, and to authorize and limit the numbers and types of certain Municipal Court employees, to repeal ordinance no. 47-12 and all amendments thereto and declaring an emergency.

- Motion – Read by Title Only (Optional)
- Ordinance – First Reading
- Motion – Suspend Second and Third Readings
- Motion – Adoption

(5) Ordinance establishing salaries for certain exempt and salaried employees of the City of Fairfield, Ohio, to repeal ordinance no. 46-12 and all amendments thereto and declaring it an emergency.

- Motion – Read by Title Only (Optional)
- Ordinance – First Reading

- Motion -- Suspend Second and Third Readings
- Motion – Adoption

(6) Ordinance to authorize an amendment to the Employment Agreement of the City Manager.

- Motion – Read by Title Only (Optional)
- Ordinance – First Reading
- Motion – Suspend Second and Third Readings
- Motion – Adoption

(7) Appropriation Ordinance (Non-Contractual Items) - \$27,830.00 for Winton Road Improvements, \$15,000.00 for various NPDES Phase II storm water system expenses, \$6,500.00 for technical specifications for Tunnel Cleaning for Nilles Road Bridge, \$24,200.00 for CDW-G Agreement.

- Motion – Read by Title Only (Optional)
- Ordinance – First Reading
- Motion – Suspend Second and Third Readings
- Motion – Adoption

**12. Meeting Schedule**

Monday, April 22  
Monday, May 13  
Tuesday, May 28

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

**13. Executive Session of Council (if needed)**

**14. Adjournment**

MINUTES  
REGULAR MEETING OF COUNCIL  
MARCH 25, 2013

**Call to Order**

Mayor Ronald A. D'Epifanio called the Regular Meeting of Council to order at 7:00 PM at the Fairfield Municipal Building, 5350 Pleasant Avenue.

**Prayer/Pledge of Allegiance**

Councilmember Jones led in prayer and Pledge of Allegiance.

**Roll Call**

Clerk Wilson called the roll of Council. Councilmember Holtegel, Councilmember Pennington, Councilmember Senger, Councilmember Abbott, Councilmember Oler, and Councilmember Jones.

Councilmember Holtegel, seconded by Councilmember Oler, moved to excuse Councilmember Meyers. Motion carried 6-0.

**Agenda Modifications**

**Executive Session Requests**

Councilmember Pennington, seconded by Councilmember Oler, made a motion for an executive session for employment and compensation of personnel. Motion carried 6-0.

**Public Hearing(s)**

**Special Presentations and Citizen Comments**

Mayor D'Epifanio presented a proclamation to Dakota Sizemore for his outstanding academic and athletic accomplishments. He stated that Dakota is a great role model for other youth in the Fairfield community. Dakota's parents are Fairfield graduates and were also very active in sports.

**Mayor/Council Reports**

Councilmember Abbott commented that the CIP (Capital Improvement Plan) budget was reviewed in the 5:30 PM meeting tonight and thanked the staff for their hard work and the detail contained in that review.

Councilmember Senger commented that the Fairfield Aquatic Center staff have received the prestigious Gold Aquatic Safety Award for exceeding qualifications for safety in 2012. He congratulated the staff and thanked Parks and Recreation Director Jim Bell for his leadership of the department.

Councilmember Pennington commented that the Boards & Commissions appointments have been finalized and are on the agenda for approval tonight.

Councilmember Jones congratulated Public Utilities Director Dave Crouch, who has been asked to train to become an accreditation team review member with the APWA, American Public Works Association.

Mayor D'Epifanio congratulated City Manager Pizzano on his recent Ohio City/County Management

Association's 2013 Achievement Award. He thanked City Manager Pizzano for his time with the city and noted that it far exceeds the average term of service for the position.

**Approval of Minutes**

Regular Meeting Minutes of March 11, 2013

- The Regular Meeting Minutes of March 11, 2013 were approved as written.

**OLD BUSINESS**

**PARKS, RECREATION AND ENVIRONMENT COMMITTEE**

**Terry Senger, Chairman; Adam Jones, Vice Chairman, Debbie Pennington, Member**

Ordinance to authorize the City Manager to execute and submit an Ohio Public Works Commission/Clean Ohio Fund Green Space Conservation grant application for the Black Bottom Park Project.

Legislative Action: Councilmember Senger presented the third reading of this ordinance.

Councilmember Senger, seconded by Councilmember Abbott moved to adopt. Motion Carried 6-0. ORDINANCE NO. 26-13. APPROVED 6-0.

**DEVELOPMENT SERVICES COMMITTEE**

**Jeff Holtegel, Chairman; Tim Abbott, Vice Chairman, Tim Meyers, Member**

Ordinance to amend various sections of the Zoning Code of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio.

Legislative Action: Councilmember Holtegel deferred the second reading of this ordinance until recommendation from Planning Commission is received.

**NEW BUSINESS**

**COMMUNITY & PUBLIC RELATIONS COMMITTEE**

**Debbie Pennington, Chairman; Jeff Holtegel, Vice Chairman, Adam Jones, Member**

Simple Motion: Boards & Commissions Appointments appoint the following residents to serve on Fairfield's boards and commissions effective April 1, 2013:

Don Hassler - Planning Commission (Term expiring 3/31/2017)  
Lew Hollinger - Fair Housing Board (Term expiring 3/31/2016)  
Scott Lepsky - Planning Commission (Term expiring 3/31/2017)  
Ken McFarland - Fair Housing Board (Term expiring 3/31/2016)  
Rebecca Montag - Environmental Commission (Term expiring 3/31/2016)  
Robert Myron - Parks and Recreation Board (Term expiring 3/31/2016)  
Chad Oberson - Board of Zoning Appeals (Term expiring 3/31/2018)  
Kert Radel - Design Review Committee (Term expiring 3/31/2015)  
Kari Russo - Civil Service Commission (Term expiring 3/31/2016)

James Schultheiss - Fair Housing Board (Term expiring 3/31/2016)  
David Sheldrick - Cultural Arts Advisory Commission (Term expiring 3/31/2016)  
Rodney Spencer - Parks and Recreation Board (Term expiring 3/31/2016)

Councilmember Pennington, seconded by Councilmember Holtegel, moved to approve the Boards & Commissions appointments. Motion carried 6-0. SIMPLE MOTION NO. 6-13. APPROVED 6-0.

Councilmember Abbott thanked the experienced and new boards and commission members, as well as Councilmember Pennington for organizing the process. Councilmember Pennington recognized Chad Oberson, Don Hassler and Kert Radel in the audience.

#### **PUBLIC WORKS COMMITTEE**

**Tim Meyers, 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 7-0.

Ordinance to authorize the City Manager to enter into a contract with Mount Pleasant Blacktopping for the Seward Road Improvements Project.

Background: City Manager Pizzano recommended a contract with Mount Pleasant Blacktopping for the Seward Road Improvements Project. This project was mentioned in the CIP review and is largely driven by economic development in the area. Legislative Action: Councilmember Oler presented the first reading of this ordinance.

Councilmember Oler, seconded by Councilmember Pennington moved to suspend the rules requiring three (3) readings of this ordinance. Motion Carried 6-0. Councilmember Oler, seconded by Councilmember Abbott moved to adopt. Motion Carried 6-0. ORDINANCE NO. 27-13. APPROVED 6-0.

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

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

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

Ordinance to authorize the City Manager to enter into an addendum to the contract with the International Union of Operating Engineers, Local #20, AFL-CIO (IUOE), for wages, hours and terms and conditions of employment for the IUOE bargaining unit and declaring an emergency.

Background: City Manager Pizzano recommended an addendum to the contract with IUOE. This is the final agreement out of all the bargaining units for the re-opener this year and the terms are the same as with the other unions. 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 this ordinance. Motion Carried 6-0. Councilmember Abbott, seconded by Councilmember Oler moved to adopt. Motion Carried 6-0. ORDINANCE NO. 28-13. APPROVED 6-0.

Appropriation Ordinance (Contractual Items) - \$1,600,000 for Seward Road project.

Background: City Manager Pizzano recommended the appropriation for the Seward Road project, to go along with the contract approved earlier in the meeting. A portion of the money is grant money.  
Legislative Action: Councilmember Abbott presented the first reading of this ordinance.

Councilmember Abbott, seconded by Councilmember Jones 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. 29-13. APPROVED 6-0.

**Meeting Schedule**

Clerk Wilson read the following meeting schedule:

- Monday, April 8 Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.
- Monday, April 22 Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.
- Monday, May 13 Council-Manager Briefing, 6:00 p.m.; Regular Meeting, 7:00 p.m.

**Executive Session of Council**

Council adjourned to Executive Session at 7:25 PM.

**Adjournment**

The Regular Meeting of Council adjourned at 8:45 PM.

ATTEST:

\_\_\_\_\_  
Clerk of Council

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

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

Item No. 11(C)(4)

**City of Fairfield, Ohio  
City Council Meeting Communication**

Date 02-25-13

**Item:**

An ordinance modifying various chapters of the zoning code as part of the Fairfield Codified Ordinances.

**Financial Impact:**

There will not be a financial impact with this request.

**Synopsis:**

It is necessary from time to time to update various provisions of the code to address unclear items and to address issues that come before the Planning Commission and the Board of Zoning Appeals.

**Background:**

Code elements that are being reviewed include:

1. Modification of shed/yard barn requirements dealing with height, construction materials and when a permit is required
2. Review of temporary signage to allow, with regulation, the feather flags that are prevalent in other commercial shopping districts.
3. Modification of signage requirements for multi-family developments.
4. Use changes in the Downtown or D-1 zoning district with respect to motor vehicle service stations and motor vehicle fuel dispensing facilities

**Recommendation:**

It is recommended that City Council have first reading on this ordinance at the February 25<sup>th</sup> meeting and set the public hearing for Monday, March 11, 2013.

**Legislative Actions:** Rules Suspension and Adoption Requested?  
Emergency Provision Needed?

No.  
No.

Prepared by:

Timothy Boehman

Approved for Content by:

Timothy Boehman

Financial Review (where applicable)

May Ann

Legal Review (where applicable)

[Signature]

Accepted for Council Agenda:

[Signature]

ORDINANCE NO. \_\_\_\_\_

ORDINANCE TO AMEND VARIOUS SECTIONS OF THE ZONING CODE OF ORDINANCE NO. 166-84, THE CODIFIED ORDINANCES OF FAIRFIELD, OHIO.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. Various sections of the Zoning Code of Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio are hereby amended to read as follows:

See attached Exhibit "A" which is incorporated herein by reference.

Section 2. This Ordinance shall take effect at the earliest period allowed by law.

Passed	_____	_____
		Mayor's Approval
Posted	_____	
First Reading	_____	Rules Suspended _____
Second Reading	_____	
Third Reading	_____	

ATTEST:

\_\_\_\_\_  
Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

\_\_\_\_\_  
Clerk of Council

Exhibit "A"

Adding provision for the regulation of resin or plastic sheds in a residential zoning district, a height provision and a modification of the paved access requirement.

1143.06 ACCESSORY USES IN A OR R DISTRICTS AND ON PROPERTY USED FOR RESIDENTIAL PURPOSES IN ANY OTHER ZONING DISTRICT.

(a) Buildings and Parking Space. In any A or R District, and all property used for residential purposes in any other zoning district, accessory buildings or structures may be erected, detached from the principal building or may be erected as an integral part of the principal building, or may be connected therewith by a breezeway or similar structure. Except as provided in Section 1180.03, no accessory building shall be erected in any required yard or court, except a rear yard, and shall not occupy more area than thirty-five percent (35%) of the required rear yard. An accessory building or structure, if greater than ~~[150]~~ 100 square feet, shall not be made of metal, **RESIN OR COMPOSITE MATERIAL.** ~~[and a]~~ Accessory buildings or structures shall not exceed 500 square feet except on parcels zoned A-1 which are two acres or more in size. Accessory buildings and structures shall be distant at least six feet from any dwelling situated on the same lot, unless erected as an integral part thereof, and at least six feet from all lot lines or adjoining lots which are within any A or R District or are used for residential purposes. An accessory paved parking space may be located in any yard except a front yard. The accessory use area of a building or structure which is constructed both contemporaneously with and as an integral part of the original principal residence shall not be included in the calculation of allowable accessory building or structure area under this subsection. (Ord. 180-04. Passed 12-13-04.)

(b) Corner Lots. In any A or R District, where a corner lot adjoins in the rear a lot fronting on the side street, no part of an accessory building or structure on such corner shall be near a side street lot line than the least depth of the front yard required along such side street for a dwelling on such adjoining lot.

(c) Front Setback. No accessory use or structure in any A or R District, except an off-street parking area subject to the provisions of Chapter 1183, shall be permitted nearer to any front lot line than sixty feet, unless such use or structure is contained within, or connected by breezeway or similar structure to, the principal structure.

(d) Yard Requirements. Except as provided in Section 1180.03, an accessory building or structure, if not located in the rear yard, shall be erected as an integral part of, or connected by a breezeway or similar structure with, the principal building to which it is accessory, and shall be so placed as to meet all yard and court requirements for a principal building of the same height and other dimensions as such accessory building or structure.

(e) Without Main Buildings. In any A or R District, no accessory building or structure shall be erected or constructed prior to the erection or construction of the principal or main building.

(f) Paved Ingress and Egress. An accessory building or structure which has a door opening(s) greater than six feet in width ~~[and any accessory paved parking space or spaces totaling more than 360 square feet on a lot]~~ must have paved access in accordance with subsection 1183.05(c). (Ord. 30-00. Passed 3-13-00.)

(g) HEIGHT OF ACCESSORY BUILDING. IN NO CASE SHALL THE HEIGHT OF AN ACCESSORY BUILDING OR STRUCTURE EXCEED THE HEIGHT OF THE PRINCIPAL STRUCTURE THAT OCCUPIES THE SAME LOT OR PARCEL.

Amended Sign Definition and Flutter Flags as temporary signage

1187.02 General Requirements

(a) "Sign" means any name, identification, description, illustration, symbol, statue or device illuminated or nonilluminated which is visible from any public place or is located on private property and exposed to the public view from outside the property where located and which directs attention to a product, service, place, activity, person, institution, business or solicitation, or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information, to include any landscaping wherein letters or numbers are used for the purpose of directing the public's attention to a product or location. For the purpose of removal, signs shall also include all sign structures. The entire translucent area of an internally illuminated or backlit awning, canopy or other exterior area of a building or an attachment to the building which is located outside of the enclosed building and is visible from any public street shall be included as a sign, whether or not it has lettering or other symbols or illustrations thereon.

The word "sign" does not include: a flag[,] OR pennant[~~-, insignia or temporary signs~~] of any nation, state, city or other political unit; [~~or of any educational, charitable, philanthropic, civic, professional, religious organizations or like campaign, drive, movement or event;~~] commemorative plaques approved by Council; any name plate sign in residential areas or any board, sign or surface used to display any official notices issued or posted by any court or public officer in the performance of a public duty; window displays; signs within a stadium, shopping center, residential complex, arena or other use, which cannot be viewed from any public streets; any signs for control of traffic and other regulatory purposes, governmental identification **AND DIRECTIONAL** signs, **INCLUDING SIGNS FOR IDENTIFICATION AND LOCATION OF ENTRYWAYS AND PUBLIC FACILITIES AND EVENTS AND GEOGRAPHIC AREAS OF THE CITY**, street signs, warning signs, railroad crossing signs and signs of public service companies for the purpose of public safety. All signs excluded herein shall meet any applicable building or structural requirements.

The following are types of signs:

- (1) "Advertising signs" means billboard as defined herein.
- (2) "Banner" means a piece of cloth, canvas, plastic sheet or other pliable material.
- (3) "Billboard" means any sign painted on or affixed to any structure or erected as a freestanding sign, which advertises a person, product or service not located on the same parcel of record as the sign. This definition shall not include subdivision tract directional signs but does include poster panels.
- (4) "Business sign" means a sign which directs attention to a business commodity, service, industry or other activity which is sold, offered or conducted on the premises upon which such sign is located or to which it is affixed or which displays the identifying name and address of a future comparable business or industrial establishment.

(5) "Bulletin board" means a structure containing a surface upon which is displayed the name of a religious institution, school or library, auditorium, stadium, athletic field or area of similar use for the announcement of services or activities to be held therein or at some other place.

(6) "Cabinet sign" means a temporary/movable sign constructed with sign faces designed to install movable letters or characters and the sign faces are held by a frame. Cabinet signs include both illuminated or non-illuminated signs.

(7) "Canopy, awning or marquee" means a sign that is mounted on or painted on or attached to a canopy, awning or marquee.

(8) "Captive balloons" means an envelope of spherical or similar shaped gas proof fabric distended by the pressure of gas or air held internally.

(9) "Company logo flag" means a piece of cloth or canvas attached to a flagpole and used to designate a company logo.

(10) "Construction" means a sign indicating the names of architects, engineers, contractors, owners and similar persons involved in the design and construction of a structure or project.

(11) "Directional" means a sign without advertising, directing vehicular or pedestrian movement onto a premises.

(12) "Electronic message display sign" means a sign capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means, including graphics and/or video. This definition includes light emitting diode (LED) screens. These signs must be capable of utilizing at least three colors per pixel with color capability in excess of 32,000 colors.

(13) "Flashing" means a sign which contains or is illuminated by lights which are intermittently on and off, scintillate, move, change color, or appear to change color, change in intensity, or which create the illusion of flashing in any manner such as by rotating a light source.

**(13.1) "FEATHER/FLUTTER FLAG" MEANS A SIGN WHICH IS GENERALLY DISPLAYED VERTICALLY, PRIMARILY SUPPORTED BY A ROD OR SUPPORTING FRAME ALONG ONE EDGE AND CONSTRUCTED OF A PIECE OF CLOTH, CANVAS, PLASTIC SHEET OR OTHER PLIABLE MATERIAL. THE FEATHER/FLUTTER FLAG MAY OR MAY NOT DISPLAY WORDS OR IMAGES.**

(14) "Freestanding" means a sign suspended or supported by one or more uprights, braces, poles or other similar structural components when utilizing earth, rock, the ground or any foundation set in the ground as a primary holding base and not attached to or enclosed by any building.

(15) "Gateway" means a sign placed by the City on a thoroughfare within 1000 feet of the City limits noting the City boundary.

(16) "Good condition" means a sign that is maintained so as to be readable, structurally sound, mechanically working as it was designed, with no chipping, fading or other maladies and having an overall appearance similar to the original state.

(17) "Ground" means a sign placed upon a foundation, or a slab or placed upon or attached to an ornamental wall and not supported by any uprights, braces, poles or other similar structural components taller than three feet.

(18) "Illuminated" means a sign that is lighted by an artificial light source.

(19) "Moving" means any sign which in part or total, rotates, revolves, oscillates, tilts or otherwise is in motion at any time. This includes, indexing, multiprism units, whose speed exceeds one complete revolution in less than twenty seconds.

(20) "Nonconforming" means a sign which has been issued a valid permit at the time it was erected but does not now accord or comply with the requirements of this chapter and was made nonconforming by annexations, rezoning or ordinance amendment.

(21) "On-site or accessory" means business sign as defined herein.

(22) "Pennant" means a long, narrow, triangular or tapering cloth, canvas, plastic sheet or other pliable material.

(23) "Portable" means any sign which is not permanently affixed to the ground or a building in accordance with the provisions of the Building Code of the City or any sign which is intended to be moveable or capable of being moved from place to place, whether or not wheels or other special supports are provided. This definition includes searchlights, but excludes banners, pennants, streamers, captive balloons and company logo flags.

(24) "Poster panel" means an advertising structure on which posters are displayed. See Billboard.

(25) "Projecting" means a sign suspended from or supported by a building, structure or building column and extending horizontally therefrom, more than fifteen inches.

(26) "Property improvement sign" means a sign as defined in Section 1187.05(i).

(27) "Real estate" means a sign pertaining to the sale or lease of the lot or tract of land on which the sign is located or to the sale or lease of one or more structures or a portion thereof located on such lot or tract of land.

(28) "Roof" means any sign which is erected over the roof or parapet above the roof line and/or receives any or all of its support from the roof structure.

(29) "Special event sign" means a portable sign which is not internally lit or capable of being internally lit and does not exceed twenty-four square feet.

(30) "Streamer" means a series of banners, pennants or other shaped cloth, canvas, plastic sheet or other pliable material attached to a line such as a rope or wire. This definition includes tinsel.

(31) "Temporary" means a **FEATHER/FLUTTER FLAG**, banner, pennant, paper or cardboard sign, streamer, portable sign, or captive balloon which is affixed to or painted upon or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, person, institution, organization or business.

(32) "Variable message reader board" means a permanent sign which is displayed in a series of monochromatic lights that can be changed electronically by remote or automatic means. No message, graphic, display or part thereof shall be visible for less than seven (7) seconds. The entire message shall be text only and shall not be traveling, scrolling, flashing, scintillating, animating or changing in color or light intensity or visibly changing in any other manner for the minimum seven (7) second interval.

(33) "Wall" means a sign which is affixed, painted on or attached to the wall of the building or other wall or structure and which extends not more than fifteen inches from the face of the fence or wall.

(34) "Warning" means any sign indicating danger or a situation which is potentially dangerous.

(35) "Window" means any sign printed, painted on, attached, glued or otherwise affixed to the interior side of a window and designed to be viewed from adjoining streets, walkways, malls or parking lots available for public use.

***NO OTHER CHANGES UNTIL SECTION (i).***

(i) Promotional Advertising. In addition to any other permitted signage and only in specifically authorized zoning districts, banners and special event signs may be permitted for a maximum of twelve periods in a calendar year not to exceed ten days each upon issuance of a temporary permit and payment of a fee, described in Section 1187.09 for each period, to the City of Fairfield, subject to the following limitations:

- (1) A minimum of ten days between each ten day permit is required.
- (2) Any permit issued in the same calendar year as provided in subsection (g) hereof shall count as one of the twelve ten day periods permitted herein.
- (3) Only one banner or one special event sign can be used at a time.
- (4) No banner shall exceed thirty square feet.
- (5) No special event shall exceed twenty-four square feet (only one side counted to compute sign area) and is not to be reflective or illuminated. The sign must be designed with one color of lettering and one color background, however, a multi-colored corporate logo and color picture with inlaid text of any color(s) is permitted. The sign must be constructed as an "a-frame" or mounted via post to the ground. No cabinet signs are permitted to be used as special event signs. The maximum height of a special event sign is 6 feet.
- (6) Lettering on banners must be silkscreened, stenciled, created with vinyl letters or sewn into the fabric or material. Banners are permitted only upon existing buildings, canopies, canopy supports and existing sign supports.
- (7) Special event signs are to be manufactured, lettering is to be digitally printed, machine cut or vinyl press on letters. The lettering is not to be hand painted.
- (8) Businesses which open during a calendar year shall be entitled to a proportionate amount of time for promotional signage based upon the portion of the calendar year remaining after the grand opening signage period and 30 day waiting period, if grand opening signage is used.
- (9) **FEATHER/FLUTTER FLAGS ARE PERMITTED BUT MUST BE LIMITED TO TWO SUCH FLAGS PER BUSINESS, PLACED AT LEAST TWO (2) FEET OUT OF THE RIGHT-OF-WAY AND ADEQUATELY SECURED AND ANCHORED. THESE DEVICES ARE TO BE LOCATED NO CLOSER THAN 20 FEET FROM THE ROADWAY EDGE, CANNOT BE WIDER THAN THREE FEET AT THEIR WIDEST DIMENSION AND CANNOT EXTEND ANY HIGHER THAN 15 FEET FROM IMMEDIATE GRADE/PAVEMENT AT THE BASE.**

***Removal of Motor Vehicle Service and Fuel Dispensing as principal permitted uses and making them Conditional Uses in the D-1 and D-1A zoning districts. NOTE: Changes in D-1 carry forward into the D-1A zoning district by reference.***

1168.02 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses, except as provided in Chapter 1198.

(a) General. Any use permitted and as regulated in the C-1 District, except as modified herein and except that no residential uses are permitted.

(b) Retail and Service. Art and antique shops, artist supply stores, interior decorating shops, furniture and appliance stores, self-service laundries, dry cleaning shops, department stores, variety and dime stores, dry goods and apparel stores, laundry pick-up stores, supermarkets.

(c) Office. Business and/or professional offices; office buildings.

(d) Financial. Banks, savings and loans and other similar financial organizations with or without drive-through facilities. (Ord. 130-94. Passed 9-26-94.)

(e) Restaurants. Restaurants without drive-through facilities. (Ord. 30-00. Passed 3-13-00.)

(f) School and Studio. Trade or business schools provided machinery which is used for instruction purposes is not objectionable due to noise, fumes, smoke, odor or vibration; photographic studios, dancing studios, radio and telecasting studios and the like.

(g) Printing and Related Trade. Publishing, job printing, lithographing and blueprinting, etc.

(h) Clinic.

~~[(i) Motor Vehicle Service. Motor vehicle service station, display, hire and sales subject to the provisions of Chapter 1189.~~

~~[(j) Motor Vehicle Fuel Dispensing Facility.]~~  
(Ord. 130-94. Passed 9-26-94.)

1168.03 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission.

(a) Restaurants. Restaurants as defined in Section 1133.01(70.1).

(b) Retail and Service. Any other retail business or service establishment or use which is determined by the Commission to be of the same general character as the above principal permitted uses, but not including any use which is first permitted or which is not permitted in the C-3 District.

(c) Veterinary Hospital or Clinic. Veterinary hospitals and clinics, excluding any outside kennels, cages, exercise runs or keeping of animals.

(d) Drive-thru Facilities. Any establishment with drive-thru facilities as defined in Section 1133.01(29) except bank drive-thru facilities which are a principal permitted use. This is defined as an operation where transfer of goods and services to the customer is designed to be done while the customer remains in the vehicle.

(e) Institutional. Schools and colleges for academic instruction and churches including church schools.

(f) Fruit and Vegetable Stores.

(g) Entertainment. Night clubs, game rooms, theaters, billiard parlors, bowling alleys, teen clubs, taverns and similar enterprises, but not within 100 feet of any R District and subject to all applicable regulations and such permits as may be required by law.(Ord. 130-94. Passed 9-26-94.)

(h) Wind Turbines. An alternative energy device designed to harness the natural wind currents to produce energy. (Ord. 98-10. Passed 11-8-10.)

(i) **MOTOR VEHICLE FUEL DISPENSING FACILITY.**

(j) **MOTOR VEHICLE SERVICE. MOTOR VEHICLE SERVICE STATION, DISPLAY, HIRE AND SALES SUBJECT TO THE PROVISIONS OF CHAPTER 1189.**

**Modification of the M-2 lot setbacks incorporating the requirement of a twenty foot fire lane.**

**1173.07 LOT AREA FRONTAGE AND YARD REQUIREMENTS**

The following minimum requirements shall be observed, except as otherwise provided in Sections 1180.03 and 1180.04.

(a) Nonresidential.

(1) Lot area. 10,000

(2) Lot frontage. None.

(3) Front yard depth. Thirty feet.

(4) Side yard depth. The minimum required side yard shall be six feet; however, a designated fire lane ~~[fifteen]~~ **TWENTY** feet wide **SHALL BE PROVIDED AT THE DISCRETION OF THE FIRE CHIEF OR HIS DESIGNEE AFTER REVIEW OF THE APPLICABLE FIRE CODE. [~~on one side of the building for interior lots.~~]** When adjoining an A or R District, the minimum required side yard shall be not less than fifty feet, of which ~~[fifteen]~~ **TWENTY** feet must be designated as a fire lane. A street side yard shall be a minimum of thirty feet, appropriately landscaped and maintained except for designated pedestrian, vehicular and utility accessways.

(5) Rear yard depth. A minimum rear yard of six feet is required. Fire separations for high hazard buildings shall be in accord with Chapter 69 Industrial Buildings of the Ohio Building Code. When adjoining an A or R District, the minimum required rear yard shall be not less than fifty feet.

(b) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
M-2	Industrial	30' adjoining R-3, R-4 40' adjoining R-0, R-1, R-2	6' adjoining A and R Districts

# DEPARTMENTAL CORRESPONDENCE

City  
of  
Fairfield



TO Mayor D'Epifanio and City Councilmembers

FROM Scott Lepsky, Chairman, Planning Commission

SUBJECT PLANNING COMMISSION RECOMMENDATION

DATE 04/02/13

Please be advised at the Planning Commission meeting held on Wednesday, March 27, 2013, the Planning Commission voted 7 – 0 in favor of recommending approval of the proposed changes to Fairfield Codified Ordinances as outlined in the attached Exhibit "A".

Scott Lepsky, Chairman  
Fairfield Planning Commission

plf

c: Arthur E. Pizzano, City Manager  
Alisha Wilson, Clerk of Council  
Timothy Bachman, Development Services Director  
David Butsch, Public Works Director  
Rick Helsing, Supt., Bldg. Inspection & Zoning  
John Clemmons, Law Director  
Planning Commission Members (7)



**Exhibit "A"**

**1143.06 ACCESSORY USES IN A OR R DISTRICTS AND ON PROPERTY USED FOR RESIDENTIAL PURPOSES IN ANY OTHER ZONING DISTRICT.**

(a) **Buildings and Parking Space.** In any A or R District, and all property used for residential purposes in any other zoning district, accessory buildings or structures may be erected, detached from the principal building or may be erected as an integral part of the principal building, or may be connected therewith by a breezeway or similar structure. Except as provided in Section 1180.03, no accessory building shall be erected in any required yard or court, except a rear yard, and shall not occupy more area than thirty-five percent (35%) of the required rear yard. **THE EXTERIOR SURFACE OF [A]an accessory building or structure, if greater than [150] 100 square feet, shall not be made of metal, RESIN, PLASTIC OR NON-FINISHED COMPOSITE MATERIAL. [and a]**Accessory buildings or structures shall not exceed 500 square feet except on parcels zoned A-1 which are two acres or more in size. Accessory buildings and structures shall be distant at least six feet from any dwelling situated on the same lot, unless erected as an integral part thereof, and at least six feet from all lot lines or adjoining lots which are within any A or R District or are used for residential purposes. An accessory paved parking space may be located in any yard except a front yard. The accessory use area of a building or structure which is constructed both contemporaneously with and as an integral part of the original principal residence shall not be included in the calculation of allowable accessory building or structure area under this subsection. (Ord. 180-04. Passed 12-13-04.)

(b) **Corner Lots.** In any A or R District, where a corner lot adjoins in the rear a lot fronting on the side street, no part of an accessory building or structure on such corner shall be near a side street lot line than the least depth of the front yard required along such side street for a dwelling on such adjoining lot.

(c) **Front Setback.** No accessory use or structure in any A or R District, except an off-street parking area subject to the provisions of Chapter 1183, shall be permitted nearer to any front lot line than sixty feet, unless such use or structure is contained within, or connected by breezeway or similar structure to, the principal structure.

(d) **Yard Requirements.** Except as provided in Section 1180.03, an accessory building or structure, if not located in the rear yard, shall be erected as an integral part of, or connected by a breezeway or similar structure with, the principal building to which it is accessory, and shall be so placed as to meet all yard and court requirements for a principal building of the same height and other dimensions as such accessory building or structure.

(e) **Without Main Buildings.** In any A or R District, no accessory building or structure shall be erected or constructed prior to the erection or construction of the principal or main building.

(f) **Paved Ingress and Egress.** An accessory building or structure which has a door opening(s) greater than six feet in width [~~and any accessory paved parking space or spaces totaling more than 360 square feet on a lot~~] must have paved access in accordance with subsection 1183.05(c). (Ord. 30-00. Passed 3-13-00.)

(g) **HEIGHT OF ACCESSORY BUILDING. IN NO CASE SHALL THE HEIGHT OF AN ACCESSORY BUILDING OR STRUCTURE EXCEED THE HEIGHT OF THE PRINCIPAL STRUCTURE THAT OCCUPIES THE SAME LOT OR PARCEL EXCEPT ON PARCELS ZONED A-1 WHICH ARE TWO ACRES OR GREATER IN SIZE.**

### 1159.01 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses, except as provided in Chapter 1198.

(a) General. Any use permitted and as regulated in the C-1 District, except as modified herein and except that no residential uses are permitted.

(b) Retail and Service. Art and antique shops, artist supply stores, interior decorating shops, furniture and appliance stores, self-service laundries, dry cleaning shops, department stores, variety and dime stores, dry goods and apparel stores, laundry pick-up stores, supermarkets.

(c) Office. Business and/or professional offices; office buildings.

(d) Bank. Banks, savings and loans and other similar financial organizations with or without drive-through facilities.

(e) Motor Vehicle Service. Motor vehicle service **[station] FACILITY.** ~~[-display, hire and sales subject to the provisions of Chapter 1189.]~~

(f) Restaurants and Fast Food Restaurants. Restaurants and fast food restaurants provided the principal building is distant not less than 100 feet from a principal structure in any A or R District. This subsection does not include drive-through facilities.

(g) School and Studio. Trade or business schools provided machinery which is used for instruction purposes is not objectionable due to noise, fumes, smoke, odor or vibrations; photographic studios, dancing studios, radio and telecasting studios and the like.

(h) Printing and Related Trade. Publishing, job printing, lithographing and blueprinting, etc.

(i) Clinic.

(j) Motor Vehicle Fuel Dispensing Facility.  
(Ord. 155-92. Passed 12-14-92.)

### 1168.02 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses, except as provided in Chapter 1198.

(a) General. Any use permitted and as regulated in the C-1 District, except as modified herein and except that no residential uses are permitted.

(b) Retail and Service. Art and antique shops, artist supply stores, interior decorating shops, furniture and appliance stores, self-service laundries, dry cleaning shops, department stores, variety and dime stores, dry goods and apparel stores, laundry pick-up stores, supermarkets.

(c) Office. Business and/or professional offices; office buildings.

(d) Financial. Banks, savings and loans and other similar financial organizations with or without drive-through facilities. (Ord. 130-94. Passed 9-26-94.)

(e) Restaurants. Restaurants without drive-through facilities. (Ord. 30-00. Passed 3-13-00.)

(f) School and Studio. Trade or business schools provided machinery which is used for instruction purposes is not objectionable due to noise, fumes, smoke, odor or vibration; photographic studios, dancing studios, radio and telecasting studios and the like.

(g) Printing and Related Trade. Publishing, job printing, lithographing and blueprinting, etc.

(h) Clinic.

~~[(i) Motor Vehicle Service. Motor vehicle service station, display, hire and sales subject to the provisions of Chapter 1189.~~

~~[(j) Motor Vehicle Fuel Dispensing Facility.]~~  
(Ord. 130-94. Passed 9-26-94.)

#### 1168.03 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission.

(a) Restaurants. Restaurants as defined in Section 1133.01(70.1).

(b) Retail and Service. Any other retail business or service establishment or use which is determined by the Commission to be of the same general character as the above principal permitted uses, but not including any use which is first permitted or which is not permitted in the C-3 District.

(c) Veterinary Hospital or Clinic. Veterinary hospitals and clinics, excluding any outside kennels, cages, exercise runs or keeping of animals.

(d) Drive-thru Facilities. Any establishment with drive-thru facilities as defined in Section 1133.01(29) except bank drive-thru facilities which are a principal permitted use. This is defined as an operation where transfer of goods and services to the customer is designed to be done while the customer remains in the vehicle.

(e) Institutional. Schools and colleges for academic instruction and churches including church schools.

(f) Fruit and Vegetable Stores.

(g) Entertainment. Night clubs, game rooms, theaters, billiard parlors, bowling alleys, teen clubs, taverns and similar enterprises, but not within 100 feet of any R District and subject to all applicable regulations and such permits as may be required by law.(Ord. 130-94. Passed 9-26-94.)

(h) Wind Turbines. An alternative energy device designed to harness the natural wind currents to produce energy. (Ord. 98-10. Passed 11-8-10.)

~~(i) MOTOR VEHICLE FUEL DISPENSING FACILITY.~~

~~(j) MOTOR VEHICLE SERVICE. MOTOR VEHICLE SERVICE FACILITY. [~~DISPLAY, HIRE AND SALES SUBJECT TO THE PROVISIONS OF CHAPTER 1189.~~]~~

#### 1173.07 LOT AREA FRONTAGE AND YARD REQUIREMENTS

The following minimum requirements shall be observed, except as otherwise provided in Sections 1180.03 and 1180.04.

(a) Nonresidential.

(1) Lot area. 10,000

(2) Lot frontage. None.

(3) Front yard depth. Thirty feet.

(4) Side yard depth. The minimum required side yard shall be six feet; however, a designated fire lane ~~[fifteen]~~ **TWENTY** feet wide **SHALL BE PROVIDED AT THE DISCRETION OF THE FIRE CHIEF OR HIS DESIGNEE AFTER REVIEW OF THE APPLICABLE FIRE CODE.** ~~[on one side of the building for interior lots.]~~ When adjoining an A or R District, the minimum required side yard shall be not less than fifty feet, of which ~~[fifteen]~~ **TWENTY** feet must be designated as a fire lane. A street side yard shall be a minimum of thirty feet, appropriately landscaped and maintained except for designated pedestrian, vehicular and utility accessways.

(5) Rear yard depth. A minimum rear yard of six feet is required. Fire separations for high hazard buildings shall be in accord with Chapter 69 Industrial Buildings of the Ohio Building Code. When adjoining an A or R District, the minimum required rear yard shall be not less than fifty feet.

(b) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
M-2	Industrial	30' adjoining R-3, R-4 40' adjoining R-0, R-1, R-2	6' adjoining A and R Districts

1187.02 General Requirements

(a) "Sign" means any name, identification, description, illustration, symbol, statue or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public view from outside the property where located and which directs attention to a product, service, place, activity, person, institution, business or solicitation, or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information, to include any landscaping wherein letters or numbers are used for the purpose of directing the public's attention to a product or location. For the purpose of removal, signs shall also include all sign structures. The entire translucent area of an internally illuminated or backlit awning, canopy or other exterior area of a building or an attachment to the building which is located outside of the enclosed building and is visible from any public street shall be included as a sign, whether or not it has lettering or other symbols or illustrations thereon.

The word "sign" does not include: a flag~~;~~ **OR** pennant~~;~~ ~~insignia or temporary signs] of any nation, state, city or other political unit; or of any educational, charitable, philanthropic, civic, professional, religious organizations or like campaign, drive, movement or event; commemorative plaques approved by Council; any name plate sign in residential areas or any board, sign or surface used to display any official notices issued or posted by any court or public officer in the performance of a public duty; window displays; signs within a stadium, shopping center, residential complex, arena or other use, which cannot be viewed from any public~~

streets; any signs for control of traffic and other regulatory purposes, governmental identification **AND DIRECTIONAL** signs, **INCLUDING SIGNS FOR IDENTIFICATION AND LOCATION OF ENTRYWAYS AND PUBLIC FACILITIES AND EVENTS AND GEOGRAPHIC AREAS OF THE CITY**, street signs, warning signs, railroad crossing signs and signs of public service companies for the purpose of public safety. All signs excluded herein shall meet any applicable building or structural requirements.

The following are types of signs:

(1) "Advertising signs" means billboard as defined herein.

**(1.1) "AIR DANCER" AN INFLATABLE DEVICE CONSISTING OF A LONG TUBE-LIKE SLEEVE MADE OF FABRIC ATTACHED TO A POWERED FAN BLOWER, WHICH CAUSES THE TUBE TO MOVE IN A DANCING OR FLAILING MOTION.**

(2) "Banner" means a piece of cloth, canvas, plastic sheet or other pliable material.

(3) "Billboard" means any sign painted on or affixed to any structure or erected as a freestanding sign, which advertises a person, product or service not located on the same parcel of record as the sign. This definition shall not include subdivision tract directional signs but does include poster panels.

(4) "Business sign" means a sign which directs attention to a business commodity, service, industry or other activity which is sold, offered or conducted on the premises upon which such sign is located or to which it is affixed or which displays the identifying name and address of a future comparable business or industrial establishment.

(5) "Bulletin board" means a structure containing a surface upon which is displayed the name of a religious institution, school or library, auditorium, stadium, athletic field or area of similar use for the announcement of services or activities to be held therein or at some other place.

(6) "Cabinet sign" means a temporary/movable sign constructed with sign faces designed to install movable letters or characters and the sign faces are held by a frame. Cabinet signs include both illuminated or non-illuminated signs.

(7) "Canopy, awning or marquee" means a sign that is mounted on or painted on or attached to a canopy, awning or marquee.

(8) "Captive balloons" means an envelope of spherical or similar shaped gas proof fabric distended by the pressure of gas or air held internally.

(9) "Company logo flag" means a piece of cloth or canvas attached to a flagpole and used to designate a company logo.

(10) "Construction" means a sign indicating the names of architects, engineers, contractors, owners and similar persons involved in the design and construction of a structure or project.

(11) "Directional" means a sign without advertising, directing vehicular or pedestrian movement onto a premises.

(12) "Electronic message display sign" means a sign capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means, including graphics and/or video. This definition includes light emitting

diode (LED) screens. These signs must be capable of utilizing at least three colors per pixel with color capability in excess of 32,000 colors.

**(12.1) "FEATHER/FLUTTER FLAG" MEANS A SIGN WHICH IS GENERALLY DISPLAYED VERTICALLY, PRIMARILY SUPPORTED BY A ROD OR SUPPORTING FRAME ALONG ONE EDGE AND CONSTRUCTED OF A PIECE OF CLOTH, CANVAS, PLASTIC SHEET OR OTHER PLIABLE MATERIAL. THE FEATHER/FLUTTER FLAG MAY OR MAY NOT DISPLAY WORDS OR IMAGES.**

(13) "Flashing" means a sign which contains or is illuminated by lights which are intermittently on and off, scintillate, move, change color, or appear to change color, change in intensity, or which create the illusion of flashing in any manner such as by rotating a light source.

(14) "Freestanding" means a sign suspended or supported by one or more uprights, braces, poles or other similar structural components when utilizing earth, rock, the ground or any foundation set in the ground as a primary holding base and not attached to or enclosed by any building.

(15) "Gateway" means a sign placed by the City on a thoroughfare within 1000 feet of the City limits noting the City boundary.

(16) "Good condition" means a sign that is maintained so as to be readable, structurally sound, mechanically working as it was designed, with no chipping, fading or other maladies and having an overall appearance similar to the original state.

(17) "Ground" means a sign placed upon a foundation, or a slab or placed upon or attached to an ornamental wall and not supported by any uprights, braces, poles or other similar structural components taller than three feet.

(18) "Illuminated" means a sign that is lighted by an artificial light source.

(19) "Moving" means any sign which in part or total, rotates, revolves, oscillates, tilts or otherwise is in motion at any time. This includes, indexing, multiprism units, whose speed exceeds one complete revolution in less than twenty seconds.

(20) "Nonconforming" means a sign which has been issued a valid permit at the time it was erected but does not now accord or comply with the requirements of this chapter and was made nonconforming by annexations, rezoning or ordinance amendment.

(21) "On-site or accessory" means business sign as defined herein.

(22) "Pennant" means a long, narrow, triangular or tapering cloth, canvas, plastic sheet or other pliable material.

(23) "Portable" means any sign which is not permanently affixed to the ground or a building in accordance with the provisions of the Building Code of the City or any sign which is intended to be moveable or capable of being moved from place to place, whether or not wheels or other special supports are provided. This definition includes searchlights, but excludes banners, pennants, streamers, captive balloons and company logo flags.

(24) "Poster panel" means an advertising structure on which posters are displayed. See Billboard.

(25) "Projecting" means a sign suspended from or supported by a building, structure or building column and extending horizontally therefrom, more than fifteen inches.

(26) "Property improvement sign" means a sign as defined in Section 1187.05(i).

(27) "Real estate" means a sign pertaining to the sale or lease of the lot or tract of land on which the sign is located or to the sale or lease of one or more structures or a portion thereof located on such lot or tract of land.

(28) "Roof" means any sign which is erected over the roof or parapet above the roof line and/or receives any or all of its support from the roof structure.

(29) "Special event sign" means a portable sign which is not internally lit or capable of being internally lit and does not exceed twenty-four square feet.

(30) "Streamer" means a series of banners, pennants or other shaped cloth, canvas, plastic sheet or other pliable material attached to a line such as a rope or wire. This definition includes tinsel.

(31) "Temporary" means a **FEATHER/FLUTTER FLAG**, banner, pennant, paper or cardboard sign, streamer, portable sign, or captive balloon which is affixed to or painted upon or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, person, institution, organization or business.

(32) "Variable message reader board" means a permanent sign which is displayed in a series of monochromatic lights that can be changed electronically by remote or automatic means. No message, graphic, display or part thereof shall be visible for less than seven (7) seconds. The entire message shall be text only and shall not be traveling, scrolling, flashing, scintillating, animating or changing in color or light intensity or visibly changing in any other manner for the minimum seven (7) second interval.

(33) "Wall" means a sign which is affixed, painted on or attached to the wall of the building or other wall or structure and which extends not more than fifteen inches from the face of the fence or wall.

(34) "Warning" means any sign indicating danger or a situation which is potentially dangerous.

(35) "Window" means any sign printed, painted on, attached, glued or otherwise affixed to the interior side of a window and designed to be viewed from adjoining streets, walkways, malls or parking lots available for public use.

***NO OTHER CHANGES UNTIL DEFINITION (63).***

(63) "Motor vehicle service [~~station or filling station~~] **FACILITY**" means a place where [~~gasoline or other~~] **AUTOMOBILE SERVICE INCLUDING REMOVAL AND REPLACEMENT OF [motor fuel,] lubricants, tires, batteries, accessories [and] OR** supplies, for operating [~~and~~] **OR** equipping motor vehicles [~~are sold at retail to~~] **ARE PERFORMED FOR** the public. [~~and deliveries are made directly into or onto motor vehicles, incidental battery, brake, muffler, and tire service, washing and polishing.~~]

(63.1) "Motor vehicle fuel dispensing facility" means a place where gasoline or [~~other motor fuel~~] **ALTERNATIVE FUEL/POWER/ENERGY** is sold at retail to the public and deliveries are made directly into or onto motor vehicles and no other motor vehicle service is performed. The sale of gasoline or other motor vehicle fuel, **ALTERNATIVE POWER/ENERGY** under this definition must be [~~an accessory~~] **THE PRIMARY** use. [~~to~~] **R[+]etail** grocery and/or convenience store sales **ARE PERMITTED.** [~~and must be of the~~]

~~self-service sales type.] Vending machines AND OUTDOOR RETAIL DISPLAY do not constitute retail sales under this definition UNLESS SPECIFICALLY APPROVED BY THE PLANNING COMMISSION. [All motor fuel tanks shall be underground and shall not exceed a total of 20,000 gallons for any one facility]~~

(g) Grand Openings. Banners, pennants, portable signs, streamers, captive balloons **AIR DANCERS**, and other temporary signs for grand openings are only permitted, subject to the issuance of a permit and payment of a fee, described in Section 1187.09, to the City of Fairfield under this section, all of the above may be authorized by the Building Superintendent or his/her designate for a period not to exceed sixty days for the purpose of a grand opening of a new business and to allow installation of permanent signs (change of ownership or management does not constitute a new business unless the business has been closed for at least sixty days). No flashing signs are permitted under this subsection. The size of portable signs shall be limited to a maximum of thirty-two square feet. After the grand opening, a 30 day waiting period is required before promotional signs as defined in Section 1187.03(i) will be permitted. **AIR DANCERS SHALL BE PLACED A MINIMUM 25 FEET FROM THE ROADWAY EDGE OF PAVEMENT AND AT NO TIME MAY BE PLACED IN THE RIGHT-OF-WAY.**

(h) Portable Signs. No portable signs **OR AIR DANCERS** shall be permitted except as provided in subsection (g) hereof.

(i) Promotional Advertising. In addition to any other permitted signage and only in specifically authorized zoning districts, banners and special event signs may be permitted for a maximum of twelve periods in a calendar year not to exceed ten days each upon issuance of a temporary permit and payment of a fee, described in Section 1187.09 for each period, to the City of Fairfield, subject to the following limitations:

- (1) A minimum of ten days between each ten day permit is required.
- (2) Any permit issued in the same calendar year as provided in subsection (g) hereof shall count as one of the twelve ten day periods permitted herein.
- (3) Only one banner or one special event sign can be used at a time.
- (4) No banner shall exceed thirty square feet.
- (5) No special event shall exceed twenty-four square feet (only one side counted to compute sign area) and is not to be reflective or illuminated. The sign must be designed with one color of lettering and one color background, however, a multi-colored corporate logo and color picture with inlaid text of any color(s) is permitted. The sign must be constructed as an "a-frame" or mounted via post to the ground. No cabinet signs are permitted to be used as special event signs. The maximum height of a special event sign is 6 feet.
- (6) Lettering on banners must be silkscreened, stenciled, created with vinyl letters or sewn into the fabric or material. Banners are permitted only upon existing buildings, canopies, canopy supports and existing sign supports.
- (7) Special event signs are to be manufactured, lettering is to be digitally printed, machine cut or vinyl press on letters. The lettering is not to be hand painted.
- (8) Businesses which open during a calendar year shall be entitled to a proportionate amount of time for promotional signage based upon the portion of the

calendar year remaining after the grand opening signage period and 30 day waiting period, if grand opening signage is used.

**(9) FEATHER/FLUTTER FLAGS ARE PERMITTED BUT MUST BE LIMITED TO TWO SUCH FLAGS PER BUSINESS, PLACED AT LEAST TWO (2) FEET OUT OF THE RIGHT-OF-WAY AND ADEQUATELY SECURED AND ANCHORED. THESE DEVICES ARE TO BE LOCATED NO CLOSER THAN 20 FEET FROM THE ROADWAY EDGE, CANNOT BE WIDER THAN THREE FEET AT THEIR WIDEST DIMENSION AND CANNOT EXTEND ANY HIGHER THAN 15 FEET FROM IMMEDIATE GRADE/PAVEMENT AT THE BASE.**

#### 1189.01 ENTRANCE; DISTANCE REQUIREMENTS.

No motor vehicle service **[station]** FACILITY, parking lot for twenty-five or more motor vehicles or parking garage or motor vehicle repair shop, shall have an entrance or exit for vehicles within 200 feet along the same side of a street of any school, public playground, church, hospital, public library or institution for dependents or for children, except where such property is in another block or on another street which the lot in question does not abut. (Ord. 94-84. Passed 7-9-84.)

#### 1199.06 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

For the purposes of these regulations, the following studies and/or maps are adopted:

(a) Flood Insurance Rate Map, **BUTLER COUNTY, OHIO AND INCORPORATED AREAS AND FLOOD INSURANCE STUDY BUTLER COUNTY, OHIO AND INCORPORATED AREAS, BOTH AS THEY PERTAIN TO PROPERTIES WITHIN THE CORPORATE LIMITS OF FAIRFIELD, OHIO** [~~Panels 284, 302, 303, 304, 306, 307, 308, 309, 315, 316, 317, 326, 328 and 336~~] effective December 17, 2010.

(b) Other studies and/or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard.

(c) Any hydrologic and hydraulic engineering analysis authored by a registered professional engineer in the State of Ohio which has been approved by the City of Fairfield as required by Section 1199.26 Subdivisions and Large Developments. Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the Fairfield Municipal Building, 5350 Pleasant Avenue, Fairfield, Ohio 45014.

(Ord. 98-10. Passed 11-8-10.)



Item No. 11(A)(1)

**City of Fairfield, Ohio  
City Council Meeting Communication**

Date 4-08-13

**Item:**

A simple motion authorizing the City Council to appoint Mr. Zachery Ketring as the northeast quadrant representative to the Design Review Committee.

**Synopsis:**

The current representative has resigned from this position. Chapter 1168.12 (c)(6) authorizes the City Manager to appoint quadrant members subject to the confirmation of City Council. Mr. Ketring's resume is attached.

**Recommendation:**

It is recommended that City Council past this motion so the seat can be filled and the business of this committee can continue.

Prepared by: \_\_\_\_\_

Approved for Content by: \_\_\_\_\_

Financial Review (where applicable) \_\_\_\_\_

Legal Review (where applicable) \_\_\_\_\_

Accepted for Council Agenda: \_\_\_\_\_

*Timothy Boehman*  
*Timothy Boehman*  
*Mary Harty*  
*Robert Clemmons*  
*[Signature]*

**Zachery M. Ketring**  
 5331 River Rd.  
 Fairfield, OH 45014  
 Home – 513-309-2827  
 E-mail – zketring@kzmartin.com

## SUMMARY

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Innovative, dedicated & self directed professional with strong leadership abilities.

## EDUCATION

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2001–2006	The University of Cincinnati Bachelor of Science, Business Administration	Cincinnati, OH
2008–2010	The University of Phoenix Master of Business Administration	West Chester, OH

## EXPERIENCE

---

**10/2010 – Present**    **Owner/Operator of five local Hot Head Burritos**

- President of the Cincinnati Hot Head Burritos Advertising Group.

**11/2008 – 10/2010**    **Cincinnati Children's Hospital Medical Center**  
*Administrative Coordinator, Teen-LABS DCC*  
*Administrative Assistant, Surgical Weight Loss Program for Teens*

- Assist in the successful direction of the Teen-Longitudinal Assessment of Bariatric Surgery (Teen-LABS) consortium, which has been awarded a \$3.9 million NIH grant for a five-year, multicenter study assessing the health benefits and risks of bariatric surgery in adolescents.
- Verify insurance benefits and obtain surgery authorization
- Reconcile physician and program financial statements
- Function as liaison between clinical, research and management teams
- Develop programs and systems to effectively obtain patient care feedback and clinical outcomes
- Take, transcribe and distribute meeting minutes
- Coordinate all aspects of local and national meeting logistics
- Process invoices and check requests
- Order supplies from vendors
- Prepare poster and slide presentations for local and national meetings
- Order memberships, journals, software licensure for surgeons and DCC Director
- Track ancillary, publication and data request proposals

1998 – 2008    The College Hill Pet Clinic    Cincinnati, OH  
*Lead Assistant / Department Head*

- Manage 8-10 employees in a \$4 million a year veterinary practice
- Responsible for all aspects of hiring, training & termination
- Responsible for team conflict resolution/team building
- Ensure clients receive the highest level of care from employees
- Initiate/follow up on all work orders for building repair
- Coordinate various fund raising and community education events
- Employee scheduling within budgetary constraints
- Facility upkeep & maintenance
- Inventory control & ordering

#### **SKILLS & PROFICIENCIES**

---

Microsoft Word \* Microsoft Excel \* Microsoft Power Point \* Microsoft Access \* Microsoft Publisher \* SharePoint \* KIDS \* ICIS \* Epic \* Adobe Acrobat \* People Soft \* Internet Applications \*

Interpersonal communication \* Problem solving \*  
Organization \* Time management \* Team building \*  
Conflict resolution \* Project management \* Data management \*

#### **Extracurricular Activities**

---

##### **Hurricane Katrina Relief Efforts    2005 – 2006**

- Worked with SPCA Cincinnati to pick up pets from New Orleans
- Assisted in performing checkups & treatment on pets
- Recruited foster homes for misplaced pets

##### **Habitat for Humanity    2000**

- Assisted in rehabbing homes in Cincinnati, OH

##### **Mentor    1998-2000**

- Tutored inner city school children
-

CITY OF FAIRFIELD, OHIO  
CITY COUNCIL MEETING COMMUNICATION

Item No. 11 (A) (2)

Item

April 8, 2013

Appointment of second ward representative to the Charter Review Commission.

Financial Impact

None

Synopsis/Background

The second ward representative on the Charter Review Commission, Rhonda Williams, recently moved to outside of Fairfield, creating a vacancy on the Commission. The person nominated for this position by second ward Councilmember Jeff Holtegel will serve until a new Council is seated in January 2014 and a new Charter Review Commission is selected by each member of Council.

Recommendation

It is recommended that City Council, via simple motion, appoint Andrew Bennett, as second ward representative on the Charter Review Commission effective April 8, 2013.

**LEGISLATIVE ACTION:**

**SIMPLE MOTION OF COUNCIL**

Prepared by: Alisia Wilson

Approved for Content by: Alisia Wilson

Financial Review (where applicable) by: Mark Stone

Legal Review (where applicable) by: John Clemmens

Accepted by Council Agenda: Alisia Wilson

**CITY OF FAIRFIELD, OHIO  
CITY COUNCIL COMMUNICATION**

**ITEM:**

**April 8, 2013**

Liquor permit application in the name of Dev Rudral, Inc. dba Fairfield Food Mart, 7157 Dixie Hwy., Fairfield, Ohio 45014.

**FINANCIAL IMPACT:**

No financial impact.

**SYNOPSIS/BACKGROUND:**

The City of Fairfield is in receipt of an application from the Ohio Department of Liquor Control for a C1, C2 and D6 permit for the above establishment.

Background checks from both the Police Department and Building and Zoning Division are attached for Council and staff's review.

**RECOMMENDATION:**

It is recommended that City Council request, via simple motion, that no hearing be held on the liquor permit application in the name of Dev Rudral, Inc. dba Fairfield Food Mart.

**LEGISLATIVE ACTION REQUIRED:** Simple Motion of Council

Prepared by: Alexia Wilson  
Approved for Content by: Alexia Wilson  
Financial Review (where applicable) by: Mary Hoff  
Legal Review (where applicable) by: John F. Clemmons  
Accepted for Council Agenda: Alexia Wilson

# DEPARTMENTAL CORRESPONDENCE

City  
of  
Fairfield



TO Michael J. Dickey, Police Chief  
Tim Bachman, Development Services Director

FROM Alisha Wilson, Clerk of Council *aw*

SUBJECT **Request for Background Check – Liquor Permit**

DATE **3-19-13**

Attached is a liquor permit application in the name of Dev Rudra1, Inc. dba Fairfield Food Mart, 7157 Dixie Highway, Fairfield, OH 45014 (Permit Classes: C1, C2 and D6)

Please complete the necessary background check and submit your findings to me **no later than 3:00 PM on Monday, April 1, 2013.**

This item will be added to Council's Regular Meeting agenda of Monday, April 8, 2013.

Thank you for your assistance.

- c: Arthur E. Pizzano, City Manager
- Peggy Flaig, Development Services
- File

NOTICE TO LEGISLATIVE  
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL  
6606 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2360 FAX(614)644-3186

TO

2091692		TRFO	DEV RUDRAL INC
06 01 2012			DBA FAIRFIED FOOD MART
03 11 2013			7157 DIXIE HWY
C1 C2 D6			FAIRFIELD OHIO 45014
09	011	A	F09432

FROM 03/13/2013

91591990103			UNITED DAIRY FARMERS INC #829559
06 01 2012			DBA UNITED DAIRY FARMERS #103
03 11 2013			7157 DIXIE HWY
C1 C2 D6			FAIRFIELD OHIO 45014
09	011		



MAILED 03/13/2013

RESPONSES MUST BE POSTMARKED NO LATER THAN. 04/15/2013

**IMPORTANT NOTICE**

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES **A TRFO 2091692**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT  
THE HEARING BE HELD  IN OUR COUNTY SEAT.  IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)-  Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

**CLERK OF FAIRFIELD CITY COUNCIL  
5350 PLEASANT AV  
FAIRFIELD OHIO 45014**

FOR OFFICE USE ONLY	
NEW	TRANSFER
PERMIT # 2091692	

OHIO DEPARTMENT OF COMMERCE  
 DIVISION OF LIQUOR CONTROL  
 6606 Tussing Road, P.O. Box 4005, Reynoldsburg, OH 43068-9005  
 Telephone: (614) 644-2431 http://www.com.ohio.gov/liquor  
**OFFICER/ SHAREHOLDERS DISCLOSURE FORM**



SECTION A. (This form must accompany all applications of a corporate business entity) **2013 MAR -6 AM 11:44**

Name of Corporation <u>Dev Rudra1 Inc</u>	DBA Name <u>Fairfield Food Mart</u>
Permit Premises Address <u>7157 Dixie hwy</u>	City, State <u>Fairfield, OH</u> Zip Code <u>45014</u>
Township, if in Unincorporated Area	Tax Identification No. (TIN)

SECTION B.

1. Is stock publicly traded?  YES  NO  
 If "YES", indicate exchange \_\_\_\_\_ & Do NOT complete SECTION D.

2. Does any stockholder own 5% or more shares? If YES, complete SECTION D.  YES  NO

3. Total Number of shares issued 100

Please be advised that any social security numbers provided to the Division of Liquor Control in this application may be released to the Ohio Department of Public Safety, the Ohio Department of Taxation, the Ohio Attorney General, or to any other state or local law enforcement agency if the agency requests the social security number to conduct an investigation, implement enforcement action, or collect taxes.

SECTION C. List the top five (5) officers of the captioned corporation. If an office is NOT held please indicate by writing NONE.

THE INDIVIDUALS LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCIAI AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191

NAME OF OFFICER	SOCIAL SECURITY NUMBER	DATE OF BIRTH
1) CEO <u>None</u>		
2) President <u>Falgunibahen Patel</u>		<u>11/10/79</u>
3) Vice-President <u>" "</u>	<u>" "</u>	<u>" "</u>
4) Secretary <u>" "</u>	<u>" "</u>	<u>" "</u>
5) Treasurer <u>" "</u>	<u>" "</u>	<u>" "</u>

SECTION D. Stockholders holding 5% or more outstanding shares. Note: If you answered Question 1 YES, do not complete this section

THE INDIVIDUALS LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCIAI AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191. If none, please indicate by writing "NONE".

1) Stockholder's Name <u>Falgunibahen Patel</u>	Social Security No. (if Individual)	NUMBER OF SHARES HELD (NOT PERCENTAGE)  <u>100</u>
Residence Address <u>7157 Dixie hwy</u>	Tax Identification No. (if applicable)	
City and State <u>Fairfield OH</u>	Zip Code <u>45014</u>	
Telephone No. <u>414-755-2425</u>	Date of Birth <u>11-10-1979</u>	
2) Stockholder's Name	Social Security No. (if Individual)	NUMBER OF SHARES HELD (NOT PERCENTAGE)
Residence Address	Tax Identification No. (if applicable)	
City and State	Zip Code	
Telephone No.	Date of Birth	

(PLEASE SEE REVERSE SIDE SHOULD YOU NEED ADDITIONAL SPACE TO LIST STOCKHOLDERS)

STATE OF OHIO, Butler COUNTYss  
 I, Falgunibahen Patel being first duly sworn, according to law, deposes and says that he/she is (Title) Owner  
 of the Dev Rudra1 Inc, a corporation duly authorized by law to do business in the State of Ohio, and that the statements made in the foregoing affidavit are true.

(Signature) Falguni Patel (Print Name and Corporate Title) Falgunibahen Patel, Owner  
 Sworn to and subscribed in my presence this 4 day of March 2013



**DIANE DRAMAN**  
 Notary Public, State of Ohio  
 My Commission Expires  
 August 22, 2016

[Signature] (Notary Public) Aug 22, 2013 (Notary Expiration)  
 FOR TTY USERS DIAL 1-800-750-0750 Rev. 4/2012

**DEPARTMENTAL  
CORRESPONDENCE**

City  
of  
Fairfield



TO Alisha Wilson, Clerk of Council

FROM Timothy Bachman, Development Services Director

SUBJECT Liquor Permit Application

DATE 03/22/13

The business at 7157 Dixie Hwy, in the name of Dev Rudra1, Inc. and doing business as Fairfield Food Mart is in a C-3, General Business District zone and is a permitted use.

A handwritten signature in cursive script that reads 'Timothy Bachman'.

Timothy Bachman  
Development Services Director

plf



NAME OF ESTABLISHMENT Dev Rudra 1 Inc.  
 ADDRESS DBA Fairfield Food Mart  
7157 Dixie Hwy.  
Fairfield, OH 45014

YES NO

- 1. Is there a conviction record of the applicant, any partner, member, officer director, manager or any shareholder owning 5% or more of the capital stock, for felonies or other crimes relating to his ability to operate a liquor establishment?  YES  NO
- 2. Is there a prior unfavorable enforcement record of applicant and/or operation in disregard for laws, regulations or local ordinances?  YES  NO
- 3. Is there misrepresentation of material fact by applicant in making application to the Department?  YES  NO
- 4. Is there an inability of law enforcement authorities and of authorized agents of the Department to gain ready entrance to the permit premise; or location of permit premise at such distance from the road or street as to be isolated from police or other observation?  YES  NO
- 5. Will the place substantially and adversely interfere with the public decency, sobriety, peace, or good order of the neighborhood in which it is located?  YES  NO
- 6. Will the place substantially and adversely interfere with the normal orderly conduct of a church, library, public playground, school or township park?  YES  NO
- 7. Will the granting or transferring of a permit substantially interfere with the morals, safety, or welfare of the public?  YES  NO
- 8. Will there be adverse effects of saturation of the area in relation to the number of existing permits, and will there be any adverse conditions in the area?  YES  NO

REMARKS: \_\_\_\_\_

  
 Michael J. Dickey  
 Chief of Police

HEARING REQUESTED: Yes  No

Date: March 21, 2013

CITY OF FAIRFIELD, OHIO  
CITY COUNCIL MEETING COMMUNICATION

ITEM:

DATE: 4/08/1

Contract for Public Communications Services

FINANCIAL IMPACT:

There is no financial impact associated with the proposed contract beyond that previously authorized by Council in the annual budget. All costs of services from AVI, the contractor, have been anticipated in the 2013 Operating Budget.

SYNOPSIS:

Council action is requested to authorize a renewal contract with Audio Visual Impact, Inc., for services related to the preparation, publication, and distribution of various printed media for the City. The current contract expires this month. AVI has not received a requested increase since 2008. It is proposed that Council approve a one-year contract with AVI that includes a 4% increase.

BACKGROUND:

The City has contracted with Audio Visual Impact (AVI) since 1992 for services related to the publication of the newsletter mailed to all City residents periodically throughout the year. AVI provides writing and design services as well as coordination of the printing, sorting, and mailing involved with the production. In addition to the residential newsletter, a popular annual report initiated in 1997 was first mailed to residents in 1999, and a business newsletter was initiated in 2002—all under the supervision of Mr. Dean Langevin of AVI. The business newsletter is now included in the newsletter mailed to all residents and businesses. From time to time other special brochures have also been developed with AVI creative and production assistance, including brochures/mailers for the Home Improvement Expo and for Community Arts Center special programs.

It is proposed that the City continue to contract with AVI for the described professional services. Attached is a proposal from AVI outlining the various aspects proposed for a new two-year agreement that would begin upon execution. Please note that the production of the newsletter includes the costs of printing and preparation for mailing. This arrangement provides for the expedited publication of the newsletter, which is necessary to ensure that Parks programming activities are publicized in a timely manner, thus offering greater revenue reliability. AVI will provide design and layout for other publications, including the annual report, exclusive printing, in order to allow the City to solicit competitive bids from area printers for those printing services, inasmuch as these publications are not as time-sensitive as is the newsletter. The second year of the contract contains an option to renegotiate the financial terms.

RECOMMENDATION:

It is recommended that City Council authorize a contract with Audio Visual Impact, Inc., to provide general communications and public relations services including printing and mailing services on an as-needed basis. Rules suspension and emergency passage are requested so that the new contract will be effective for the publication of the next newsletter issue.

LEGISLATIVE ACTION: Suspension of Rules and Adoption Requested?  [X]  [] If yes, explain above

yes no

Emergency Provision Needed?  [X]  [] If yes, explain above

yes no

Prepared by: Mark T. Wendling Mark T. Wendling, Assistant City Manager

Approved for Content by: Mark T. Wendling Mark T. Wendling, Acting City Manager

Financial Review (where applicable): Mary I. Hopton Mary I. Hopton, Finance Director

Legal Review (where applicable): John H. Clemmons John H. Clemmons, Law Director

Accepted for Council Agenda: Alisha A. Wilson Alisha A. Wilson, Clerk of Council



**Audio Visual Impact, Inc.**

- Publications
- Graphic Design
- Political Consulting
- Media Relations

Telephone  
513.942.2222

Fax  
513.942.0522

E-mail  
AVI@cinci.rr.com

www  
AVI-Digital.com

Creative Studios  
3200 Symmes Road  
Suite B  
Hamilton OH 45015

April 3, 2013

Mr. Mark Wendling  
Assistant City Manager  
City of Fairfield  
5350 Pleasant Avenue  
Fairfield OH 45014

Over the years since 1992, Audio Visual Impact Inc. (AVI) has been honored to serve the City of Fairfield by creating quality and compelling publications, including the annual report and the quarterly newsletter. There has been no increase in base creative charges since our 2008 agreement. Since then, the depth of graphic treatment has vastly improved, requiring significant investment of additional time to create the quarterly newsletter, all delivered consistently on deadline.

A two-year agreement is proposed. Since there have been no increases in base charges over several years, AVI requests a four percent increase in the first year of the agreement, which is consistent with increases provided to bargaining groups within the City. It is proposed that the second year of the agreement include an option for a mutually agreeable increase that will be negotiated at the end of the first year of the agreement.

Thank you for allowing AVI to be involved in these attractive and effective communiques over the years. If you have any questions, please feel free to contact me.

Sincerely,

W. Dean Langevin  
Director of Creative Services

**Fairfield FLYER Newsletter**

AVI proposes to continue comprehensive production of a quality, timely newsletter, including content meeting, information gathering, interviews of department directors, incidental photography, story generation, layout, design, proof presentation, corrections/changes (as many cycles as deemed needed by the City), comprehensive graphics/illustration support, final proof, prepress, print production, overnight mail prep for each household and business within Fairfield immediately upon publication (more than 20,000 addresses), delivery to the Post Office the day after publication, prep of a full color PDF file for placement on the City's website, and availability of created artwork or photographs for other City purposes, as requested. Out of pocket expenses associated with preparation of the publication (i.e. costs for aerial photography or studio photography) will be added to invoices for reimbursal. No mark-ups will added. The City will continue to be responsible for postage which provides the lowest rate possible through the City's mail permit.

**Prices listed below reflect a comprehensive per page cost for creative and printing costs of approximately 20,000 newsletters and 1,000 overprints for parks section.** Per page rates have been calculated based on a minimum of 28 pages, but not to exceed 48 pages (due to limits of inhouse automatic collation equipment.) Publications of more than 48 pages are possible, but may require a slight surcharge for fulfillment. Publications must contain a page count divisible by four 8½ x 11 inch pages. The Parks page rate is contingent on the formatted submissions as they have historically been provided.

**City Editorial Page and Parks Page Rate . . . . . \$938.55**

**Newsletter Mail Prep (per mailing) . . . . . \$502.32**

**Overprint of Parks Section (Page Rate/1,000 units) . . . \$101.42**

**NOTE:** The Fairfield FLYER has combined the traditional newsletter, parks programming publication and the Business BOOSTER Newsletter to economize on postage costs.

**Annual Report**

AVI proposes to continue preparation of a popular annual report, including content meeting, information gathering, interviews of department directors, incidental photography, story generation, layout, design, proof presentation, corrections/changes (as many cycles as deemed needed by the City), comprehensive graphics/illustration support, final proof, prepress, prep of a full color PDF file for placement on the City's website, and availability of created artwork or photographs for other City purposes, as requested. Files will be prepared and presented to the successful bidder for this publication. Price quoted is for creative fees associated with a 20-page annual report and does not consider printing costs, mail prep or postage.

**Annual Report . . . . . \$12,875.00**

**Miscellaneous Assignments**

As in the past years, AVI will remain available for other needs at an hourly cost of \$75, plus any related costs as agreed by project and required turnaround. This rate is a 12 percent reduction over the 2007-2009 agreement and remains unchanged from last year's agreement.

ORDINANCE NO. \_\_\_\_\_

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH AUDIO VISUAL IMPACT, INC. FOR PUBLIC COMMUNICATION SERVICES AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. The City Manager is hereby authorized to enter into a contract with Audio Visual Impact, Inc. for public communication services in accordance with the proposal on file in the office of the City Manager. This contract is for professional design and communication services and is authorized without formal advertising and bidding.

Section 2. This Ordinance is hereby declared to be an emergency measure necessary for the urgent benefit and protection of the City and its inhabitants for the reason that the new contract will need to be effective for the timely publication of the next newsletter issue; wherefore, this ordinance shall take effect immediately upon its passage.

Passed	_____	_____	_____
		Mayor's Approval	
Posted	_____		
First Reading	_____	Rules Suspended	_____
Second Reading	_____	Emergency	_____
Third Reading	_____		

ATTEST:

\_\_\_\_\_  
Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

\_\_\_\_\_  
Clerk of Council

CITY OF FAIRFIELD, OHIO  
CITY COUNCIL COMMUNICATION

April 8, 2013

## ITEM

It is necessary for City Council to pass a resolution to approve the 2013-2017 Capital Improvement Program (CIP) budget.

## FINANCIAL IMPACT

Total City capital expenditures programmed in the proposed budget for calendar year 2013 total approximately \$10.8 million with anticipated outside/other funding of \$4.8 million.

## SYNOPSIS

The total amount programmed for capital spending in the 2013-2017 Capital Improvement Program budget is approximately \$79.4 million. For 2013, approximately \$10.8 million is programmed in the Capital Improvement Program the breakdown by Department/Division is as follows:

Development Services	\$ 191,875
Fire	\$ 45,000
Police	\$ 74,000
Finance	\$ 315,000
Facility Maintenance	\$ 471,000
Fleet Maintenance	\$ 907,000
Public Works	\$ 3,785,626
Parks	\$ 225,000
Recreation Facilities	\$ 75,000
Public Utilities – Water	\$ 899,000
Public Utilities – Wastewater	\$ 3,805,750
Total	<u>\$10,794,251</u>

A Finance Committee meeting of Council was conducted on March 25<sup>th</sup> at a Council-Manager briefing to review each department's capital requests.

## BACKGROUND

The Capital Improvement Program is prepared and submitted annually to the Fairfield City Council in accordance with Article VI, Section 6.02 (A)(6) of the Fairfield City Charter. The 2013-2017 Capital Improvement provides Council with a comprehensive plan of capital improvements that are to be undertaken by the City over the next five years.

## STAFF RECOMMENDATION

It is recommended that City Council authorize and direct the preparation of legislation adopting the 2013-2017 Capital Improvement Program.

LEGISLATIVE ACTIONS:	Suspension of Rules & Adoption Requested?	Yes
	Emergency Provision Needed?	No

Prepared by: Mary Hryn  
 Approved for Content by: Mary Hryn  
 Financial Review (where applicable) by: Mary Hryn  
 Legal Review (where applicable) by: Scott Clemmons  
 Accepted by Council Agenda: Shirley Wilson

RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO APPROVE AND ADOPT THE CITY OF FAIRFIELD,  
OHIO 2013-2017 CAPITAL IMPROVEMENT PROGRAM.

BE IT RESOLVED by the Council of the City of Fairfield, Ohio, that:

Section 1. The City of Fairfield, Ohio 2013-2017 Capital Improvement Program, a copy of which is on file in the office of the Clerk of Council and which is incorporated herein by reference, is hereby approved and adopted.

Section 2. Resolution No. 6-12 is hereby repealed in its entirety.

Section 3. This Resolution shall take effect at the earliest period allowed by law.

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

Posted \_\_\_\_\_

First Reading \_\_\_\_\_ Rules Suspended \_\_\_\_\_

Second Reading \_\_\_\_\_

Third Reading \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Clerk of Council

This is to certify that this Resolution has been duly published by posting and summary publication as provided by Charter.

\_\_\_\_\_  
Clerk of Council

CITY OF FAIRFIELD, OHIO  
CITY COUNCIL MEETING COMMUNICATION

ITEM:

DATE: 04/08/13

Wage and Salary Ordinance Changes

**FINANCIAL IMPACT:**

The financial impact of the proposed changes was anticipated in the City's 2013 Operating Budget.

**SYNOPSIS:**

Council action is requested to amend the ordinance establishing wages and salaries for various positions in accordance with proposals included in the new budget as well as the new Ohio Minimum Wage Law. The City entered into collective bargaining agreements with the AFSCME, FOP, and IAFF in 2011 that maintained wages and benefits at the existing levels for the first two years of the agreements (April 1, 2011 through March 31, 2013). Similarly, the City entered into a collective bargaining agreement with the IUOE in 2011 that maintained wages and benefits at the existing level for the first two years of the agreement (March 1, 2011 through February 28, 2013). This effectively froze wages for two years for a 0% increase. The third year of agreements provided "reopener" clauses that called for renegotiation of wages, health and dental benefits, and cost-sharing of the benefits during the final year of the agreement (April 1, 2013 through March 31, 2014 for the AFSCME, FOP, and IAFF; March 1, 2011 through February 28, 2013 for the IUOE). Negotiations between the City and the bargaining units commenced in January 2013 and the parties agreed to recommend modifications that include a 3% raise for all ranks within each bargaining units.

**BACKGROUND:**

The City's 2013 Operating Budget proposed changes to be authorized in the Wage and Salary Ordinance which primarily covers the City's hourly employees.

The City received a request from a current Account Clerk I in the Financial Services Division for medical leave of absence without pay, the remaining duration of which is estimated at nine months. This request has been granted in accordance with the AFSCME labor agreement. The additional Account Clerk I requested will, in essence, be doing the work of the one on medical leave. The wage costs of \$29,699.68 for the remainder of 2013 for an additional Account Clerk I will be offset by approximately \$38,874.34 in wages which will not be paid to the Account Clerk I who is on leave without pay.

It is proposed that part-time Firefighter-Paramedics receive an additional \$0.50 per hour when assigned to a medic unit. This is intended to aid the City in recruitment and retention of part-time firefighter-medic personnel.

The addition of part-time positions in the Parks & Recreation Department is proposed in order to comply with the "hours" requirement of the Affordable Care Act as well as to enhance safety at the Aquatic Center. Under the Affordable Care Act the City must establish a "look-back" period during which any employee exceeding 1560 hours in a year becomes eligible to receive health care benefits. By increasing the number of part-time positions the City is able to spread the hours over a greater number of employees, thereby reducing the likelihood of an employee exceeding the 1560 ceiling. It is proposed that a total of 20 additional part-time positions be added in order to comply with the requirements of the Affordable Care Act. It is proposed that the position of part-time Volunteer Coordinator be eliminated.

Parks and Recreation management has expressed concern regarding safety, specifically the volume of hours worked by lifeguards, at the Aquatic Center. In the past, lifeguards have worked in excess of 40 hours in a week. It is proposed that additional lifeguards be added to ensure that staff is well-rested and alert while on duty. No additional hours will be assigned. The hours will simply be spread over a greater number of part-time employees. These changes will provide staff with greater flexibility to address safety issues. It is proposed that a total of ten additional lifeguard positions be added in



ORDINANCE NO. \_\_\_\_\_

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 AND TYPES OF CERTAIN EMPLOYEES, TO REPEAL ORDINANCE NO. 48-12 AND ALL AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio that:

Sec.1 Ordinance No. 48-12 and all amendments thereto and all other ordinances inconsistent herewith are hereby repealed as the respective sections of this ordinance become effective as stated in Section 14 hereof. Changes from Ordinance No. 48-12 are shown in bold, with deletions in brackets.

Sec.2 The salaries and hourly rates and related information contained herein are applicable only to those positions authorized in this Ordinance.

Sec.3 The terms of the agreements of each bargaining unit of the City shall apply to all members of the bargaining unit, whether or not they are members of the union which represents that bargaining unit.

Sec.4 All rates established by this Ordinance shall either be the maximum authorized rate or the range for each respective position as shown.

Sec.5 In the department of General Government are the following classifications of jobs and rates of pay:

A. Civil Service Commission

One (1) Clerk of Commission (PT)	[17.80-19.71]	18.33-20.30 PER HOUR
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B. Special Appropriations

One (1) Clerk I	[16.54-19.46]	17.04-20.04 PER HOUR
Two (2) Clerks (PT)	[ 7.70-16.55]	7.85-17.05 PER HOUR

Sec.6 In the Department of Development Services there are the following classifications of jobs and rates of pay:

A. Development Services

One (1) Clerk of the Planning Commission		\$600-1024.00 per annum
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B. Division of Building and Zoning Inspection

One (1) Building Inspector*	[28.11-29.24]	28.95-30.12 PER HOUR
One (1) Heating Inspector*	[28.11-29.24]	28.95-30.12 PER HOUR
One (1) Electrical Inspector*	[28.11-29.24]	28.95-30.12 PER HOUR
One (1) Clerk II	[20.03-21.30]	20.63-21.94 PER HOUR
One (1) Clerk I	[16.54-19.46]	17.04-20.04 PER HOUR
Three (3) Zoning Inspector/Clerks	[20.03-21.30]	20.63-21.94 PER HOUR
One (1) Zoning Inspector/Clerk (PT)	[ 7.70-16.55]	7.85-17.05 PER HOUR
One (1) Plans Reviewer (PT)	[21.29-32.93]	21.93-33.92 PER HOUR
One (1) Electrical Inspector (PT/TEMP)	[21.29-32.93]	21.93-33.92 PER HOUR

\* Additional certifications in Building, Heating and/or Electrical other than that required in classification, add \$1.00 per hour.

Sec.7 In the Department of Finance are the following classifications of jobs and rates of pay:

A. Finance Administration/Financial Services

Two (2) Account Clerk II	[20.03-21.30]	20.63-21.94 PER HOUR
FOUR (4) [Three (3)] Account Clerk I	[16.54-19.46]	17.04-20.04 PER HOUR
Three (3) Clerks (PT)	[ 7.70-16.55]	7.85-17.05 PER HOUR

B. Income Tax

One (1) Account Clerk II	[20.03-21.30]	20.63-21.94 PER HOUR
Four (4) Account Clerk I	[16.54-19.46]	17.04-20.04 PER HOUR
One (1) Clerks (PT)	[ 7.70-16.55]	7.85-17.05 PER HOUR

Sec.8 In the Police Department are the following classifications of jobs and rates of pay:

Three (3) Lieutenants	[39.82-42.99]	41.01-44.28 PER HOUR
Ten (10) Sergeants	[35.53-38.37]	36.60-39.52 PER HOUR
Forty-seven (47) Police Officers*	[21.54-34.10]	22.28-35.12 PER HOUR
Ten (10) Dispatchers**/****	[18.59-21.69]	19.15-22.34 PER HOUR
Eight (8) Dispatchers (PT)	[18.59-21.69]	19.15-22.34 PER HOUR
Four (4) Clerk II***	[20.03-21.30]	20.63-21.94 PER HOUR
Four (4) Clerk I	[16.54-19.46]	17.04-20.04 PER HOUR
One (1) Crime Prevention Coordinator (PT)	[18.91-21.84]	19.48-22.50 PER HOUR
One (1) Animal Control Officer	[16.95-19.89]	17.46-20.49 PER HOUR
One (1) Animal Control Officer (PT)	[16.95-19.89]	17.46-20.49 PER HOUR
One (1) Park Ranger***	[19.85-22.44]	20.45-23.11 PER HOUR
Three (3) Park Rangers (PT)	[19.85-22.44]	20.45-23.11 PER HOUR
Two (2) Police Services Aides (PT)	[17.32-22.08]	17.84-22.74 PER HOUR
One (1) Receptionist (PT)	[ 7.70-16.55]	7.85-17.05 PER HOUR

\* A Police Officer assigned as Field Training Officer for a new Officer will be paid an additional \$1.50 per hour for hours worked in the company of the new Officer as long as the Field Training Officer remains responsible for the training of the new Officer.

\*\* Dispatchers assigned training responsibilities will be paid an additional \$0.50 per hour for the duration of the assignment.

\*\*\* Crew leader position established to receive an additional .30 per hour.

\*\*\*\* Appointed Dispatch Foreman will be paid [\$25.88] \$26.66 PER HOUR.

Sec.9 In the Fire Department are the following classifications of jobs and rates of pay:

Three (3) Captains ***	[28.87-29.74]	29.74-30.94 PER HOUR
Six (6) Lieutenants **/****	[25.93-27.54]	26.71-28.37 PER HOUR
Eighteen (18) Firefighter/Paramedics*/**	[16.72-25.56]	17.22-26.33 PER HOUR
Three (3) Captains (PT)	[16.10-18.23]	16.58-18.78 PER HOUR
One (1) Lieutenant (PT)	[14.62-17.40]	15.06-17.92 PER HOUR
One (1) Training Coordinator (PT)	[17.27-22.37]	17.79-23.04 PER HOUR
One (1) Asst. Training Coordinator (PT)	[14.62-17.40]	15.06-17.92 PER HOUR
Seventy-five (75) PT Firefighters/EMT-A****	[14.21-16.10]	14.64-16.58 PER HOUR
Two (2) Safety Inspectors (PT)	[14.21-17.54]	14.64-18.07 PER HOUR
One (1) Clerk II	[20.03-21.30]	20.63-21.94 PER HOUR

\* Additional \$1.00 per hour paid when serving as Station Supervisor.

\*\* Additional \$2.00 per hour paid when serving as Acting Captain.

\*\*\* Includes eligibility for a \$.50 merit bonus.

\*\*\*\* ADDITIONAL \$.50 PER HOUR WHEN ASSIGNED TO A MEDIC UNIT.

Sec.10 In the Department of Public Works are the following classifications of jobs and rates of pay:

A. Construction Services

One (1) Clerk II	[20.03-21.30]	20.63-21.94 PER HOUR
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<b>One (1) Construction Inspector*</b>	<b>[28.02-29.15]</b>	<b>28.86-30.02 PER HOUR</b>
<b>Two (2) Sidewalk Inspectors (PT)</b>	<b>[ 7.70-16.55]</b>	<b>7.85-17.05 PER HOUR</b>

\* Construction Inspectors shall be compensated for one Water License and/or one Wastewater License achieved as follows:

Class I Water Distribution	\$0.25	Class I Wastewater Collection	\$0.25
Class II Water Distribution	\$0.50	Class II Wastewater Collection	\$0.50

**B. Engineering Services**

<b>One (1) GIS-GPS Mapping Technician/ Traffic Analyst</b>	<b>[28.02-29.15]</b>	<b>28.86-30.03 PER HOUR</b>
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**C. Municipal Building Maintenance**

<b>One (1) Custodial Worker*</b>	<b>[17.70-19.65]</b>	<b>18.23-20.24 PER HOUR</b>
<b>One (1) Maintenance Worker/Laborer**</b>	<b>[18.70-25.88]</b>	<b>19.26-26.66 PER HOUR</b>

\* Crew Leader position established to receive an additional \$0.30 per hour.

\*\* Crew Leader positions established to receive an additional \$0.30 per hour. Maintenance Worker Laborer required to maintain proficiency on three or more pieces of equipment shall be compensated an additional \$0.30 per hour while maintaining those proficiencies. A Maintenance Worker Laborer required to maintain an Ohio Department of Agriculture Public Operator Spraying License, a National Swimming Pool Foundation Certified Pool/Spa Operator License, or an NPRA/OPRA National Playground Safety Inspector Certification will be compensated an additional \$0.40 cents per hour.

**D. Division of Streets and Transportation**

<b>Twenty Two (22) Maintenance Workers/Laborers**</b>	<b>[18.70-25.88]</b>	<b>19.26-26.66 PER HOUR</b>
<b>Four (4) Laborers (Temp/PT)</b>	<b>[ 7.70-16.55]</b>	<b>7.85-17.05 PER HOUR</b>
<b>One (1) Clerk II</b>	<b>[20.03-21.30]</b>	<b>20.63-21.94 PER HOUR</b>

\*\* Crew Leader position(s) established to receive an additional \$0.30 per hour. Maintenance Worker Laborer required to maintain proficiency on three or more pieces of equipment shall be compensated an additional \$0.30 per hour while maintaining those proficiencies.

A Maintenance Worker Laborer required to maintain an Ohio Department of Agriculture Public Operator Spraying License, a National Swimming Pool Foundation Certified Pool/Spa Operator License, or an NPRA/OPRA National Playground Safety Inspector Certification will be compensated an additional \$0.40 cents per hour.

**E. Municipal Garage**

<b>Four (4) Mechanics *</b>	<b>[19.85-24.71]</b>	<b>20.45-25.45 PER HOUR</b>
<b>One (1) Clerk II</b>	<b>[20.03-21.30]</b>	<b>20.63-21.94 PER HOUR</b>

\*Mechanic Foreman position to receive an additional \$1.25 per hour.

**Sec. 11** In the Department of Parks & Recreation there are the following job classifications and rates of pay:

**A. Administration and Recreation**

<b>One (1) Clerk II</b>	<b>[20.03-21.30]</b>	<b>20.63-21.94 PER HOUR</b>
<b>One (1) Clerk I</b>	<b>[16.54-19.46]</b>	<b>17.04-20.04 PER HOUR</b>
<b>FIVE (5) [Four (4)] Clerks (PT)</b>	<b>[ 7.70-16.55]</b>	<b>7.85-17.05 PER HOUR</b>
<b>SIX (6) [Three (3)] Recreation Programmers (PT)</b>	<b>[13.25-19.03]</b>	<b>13.65-19.60 PER HOUR</b>
<b>FOUR (4) [Three (3)] Facility Attendants (PT)</b>	<b>[ 7.70-16.55]</b>	<b>7.85-17.05 PER HOUR</b>
<b>[One (1) Volunteer Coordinator (PT)]</b>		<b>[13.69-19.71 per hour]</b>
<b>Five (5) Cashiers (PT)</b>	<b>[ 7.70-16.55]</b>	<b>7.85-17.05 PER HOUR</b>

**Forty (40) Recreation Leaders (PT) [ 7.70-16.55] 7.85-17.05 PER HOUR**

**B. Parks and Recreation Maintenance**

**Six (6) Maintenance Worker Laborers\*\* [18.70-25.88] 19.26-26.66 PER HOUR**  
**SIXTEEN (16) [Ten (10)] Laborers (Temp/PT) [ 7.70-16.55] 7.85-17.05 PER HOUR**

\*\* Crew Leader position(s) established to receive an additional \$0.30 per hour. Maintenance Worker Laborer required to maintain proficiency on three or more pieces of equipment shall be compensated an additional \$0.30 per hour while maintaining those proficiencies. A Maintenance Worker Laborer required to maintain an Ohio Department of Agriculture Public Operator Spraying License, a National Swimming Pool Foundation Certified Pool/Spa Operator License, or an NPRA/OPRA National Playground Safety Inspector Certification will be compensated an additional \$0.40 cents per hour.

**C. Marsh Fishing Lake**

**One (1) Fishing Lake Supervisor (PT) [13.25-19.03] 13.65-19.60 PER HOUR**  
**EIGHT (8) [Seven (7)] Cashiers (PT) [ 7.70-16.55] 7.85-17.05 PER HOUR**

**D. Recreation Center-Swimming Pool**

**One (1) Pool Supervisor (Temp) [13.25-19.03] 13.65-19.60 PER HOUR**  
**Two (2) Senior Lifeguards (Temp) [ 7.70-16.55] 7.85-17.05 PER HOUR**  
**FORTY-FOUR (44) [Thirty-four (34)] Lifeguards (Temp) [ 7.70-16.55] 7.85-17.05 PER HOUR**  
**Two (2) Cashiers (PT) [ 7.70-16.55] 7.85-17.05 PER HOUR**

**E. Recreation Center-Golf Course**

**One (1) Turf Mechanic/Maintenance Worker [19.85-24.70] 20.45-25.44 PER HOUR**  
**Two (2) Greenskeepers \* [23.12-25.27] 23.81-26.03 PER HOUR**  
**One (1) Maintenance Worker/Laborer\*\* [18.70-25.88] 19.26-26.66 PER HOUR**  
**SEVENTEEN (17) [Fourteen (14)] Laborers (Temp/PT) [ 7.70-16.55] 7.85-17.05 PER HOUR**  
**Four (4) Pro Shop Supervisors (PT) [13.25-19.03] 13.65-19.60 PER HOUR**  
**FIFTY (50) [Forty-five (45)] Cashiers (PT) [ 7.70-16.55] 7.85-17.05 PER HOUR**

\* Crew Leader established to receive additional \$0.30 per hour.

\*\* Crew Leader position(s) established to receive an additional \$0.30 per hour. Maintenance Worker Laborer required to maintain proficiency on three or more pieces of equipment shall be compensated an additional \$0.30 per hour while maintaining those proficiencies.

A Maintenance Worker Laborer required to maintain an Ohio Department of Agriculture Public Operator Spraying License, a National Swimming Pool Foundation Certified Pool/Spa Operator License, or an NPRA/OPRA National Playground Safety Inspector Certification will be compensated an additional \$0.40 cents per hour.

**Sec.12** In the Department of Public Utilities are the following classifications of jobs and rates of pay:

**A. Wastewater Division**

**One (1) Clerk II [20.03-21.30] 20.63-21.94 PER HOUR**  
**Two (2) Laboratory Technicians\*\*\*\* [19.61-28.71] 20.20-29.57 PER HOUR**  
 (55 % of wages charged to Sewer Fund; 45% charged to Water Fund)  
**One (1) Construction Inspector\* [28.02-29.15] 28.86-30.02 PER HOUR**  
**Fourteen (14) Operator/Maintenance Workers\*\*\* [19.85-27.79] 20.45-28.62 PER HOUR**  
**Three (3) Maintenance Worker/Laborers\*\* [18.69-22.81] 19.25-23.49 PER HOUR**  
**Two (2) Laborers (PT) [ 7.70-16.55] 7.85-17.05 PER HOUR**

\* Construction Inspectors shall be compensated for one Water License and/or one Wastewater License achieved as follows:

Class I Water Distribution \$0.25 Class I Wastewater Collection \$0.25

Class II Water Distribution \$0.50 Class II Wastewater Collection \$0.50

\*\* Crew Leader position(s) established to receive an additional .30 per hour. Maintenance Worker Laborer required to maintain proficiency on three or more pieces of equipment shall be compensated an additional \$0.30 per hour while maintaining those proficiencies. Maintenance Worker Laborer required to maintain proficiency on two pieces of equipment only shall be compensated an additional \$0.15 per hour while maintaining those proficiencies. Wastewater Division employees in the Maintenance Worker Laborer Classification shall be compensated for the single highest level Wastewater License achieved as follows:

Class I Operations	[\$0.80]	\$0.83
Class II Operations	[\$2.56]	\$2.64
Class III Operations	[\$4.35]	\$4.48

\*\*\* Chief Operator, Instrumentation Foreman, Maintenance Foreman and Collection Foreman to receive \$1.25 over their regular rate of pay. Assistant Collection Foreman/Data Specialist, Assistant Instrumentation Foreman to receive \$0.75 per hour added to regular rate of pay. Crew leader position(s) established to receive an additional \$0.30 per hour.

\*\*\*\* Laboratory Technicians with Class III Water Plant Operator License or Voluntary Wastewater Lab Certifications to receive an additional \$0.50 per hour each. Lab Supervisor to receive \$1.25 in addition to regular rate of pay.

**B. Water Division**

One (1) Clerk II	[20.03-21.30]	20.63-21.94 PER HOUR
Three (3) Meter Readers**/*** (55% of wages charged to Water Fund; 45% charged to Sewer Fund)	[20.99-22.10]	21.62-22.76 PER HOUR
Thirteen (13) Operator/Maintenance Workers*/***	[19.85-27.16]	20.45-27.97 PER HOUR
Two (2) Maintenance Worker/Laborers***	[18.70-25.88]	19.26-26.66 PER HOUR
Two (2) Laborers (PT/Temp)	[ 7.70-16.55]	7.85-17.05 PER HOUR

\* Chief Operator and Foreman positions to receive \$1.25 over their regular rate of pay.

\*\* Crew Leader position(s) established to receive an additional \$0.30 per hour.

\*\*\* Maintenance Worker Laborer required to maintain proficiency on three or more pieces of equipment shall be compensated an additional \$0.30 per hour while maintaining those proficiencies.

A Maintenance Worker Laborer required to maintain an Ohio Department of Agriculture Public Operator Spraying License, a National Swimming Pool Foundation Certified Pool/Spa Operator License, or an NPRA/OPRA National Playground Safety Inspector Certification will be compensated an additional \$0.40 cents per hour. An employee in the Meter Reader or Maintenance Worker Laborer Classification in the Water Division shall be compensated for one Water Supply License and /or one Water Distribution License as follows:

Class I Water Supply	\$0.50	Class I Water Distribution	\$0.25
Class II Water Supply	\$1.00	Class II Water Distribution	\$0.50
Class III Water Supply	\$1.50		

**Sec.13** There shall be established a labor pool of temporary or part-time employees who will be eligible to work at any time within the duration of this ordinance. These temporary/part-time employees may work in any city department and their wages will be charged to the department to which they are assigned. The following temporary or part-time positions are established:

**Twenty-five (25) Employees (Temp/or P.T.) [ 7.70-16.55] 7.85-17.05 PER HOUR**

**Sec.14** The salaries, rates and conditions established by Sections 5-13 of this Ordinance shall be effective from and after the dates specified in the Union Contracts for employees included in bargaining units and at the earliest date allowed by law, for all other employees. Until the rates are changed, the former rates shall apply. Notwithstanding any other provision of this ordinance, an employee under the age of sixteen (16) may be paid a wage rate less than the Ohio Minimum Wage Rate provided such rate is not less than that established under the Federal Fair Labor Standards Act or its successor law.

Sec. 15 The City Manager is authorized to hire up to one additional person for each position authorized in this ordinance to allow for overlap training and transitioning. Generally, such instances would occur when a current employee has given notice of retirement or resignation and a replacement not currently employed by the City is able to be hired before the departure of the employee. Such training overlaps would be of short duration, generally, not to exceed 60 days.

Sec. 16 This Ordinance is hereby declared to be an emergency measure necessary for the urgent benefit and protection of the City and its inhabitants so that the recommended changes can take effect in a timely manner; wherefore this Ordinance shall take effect immediately upon its passage.

Passed \_\_\_\_\_

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

Posted \_\_\_\_\_

First Reading \_\_\_\_\_

Rules Suspended \_\_\_\_\_

Second Reading \_\_\_\_\_

Emergency \_\_\_\_\_

Third Reading \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

\_\_\_\_\_  
Clerk of Council

CITY OF FAIRFIELD, OHIO  
CITY COUNCIL MEETING COMMUNICATION

ITEM NO. 111C241

ITEM:

DATE: 4/08/13

This is a request for City Council to amend the Wage and Salary Ordinance for Municipal Court Employees.

**FINANCIAL IMPACT:**

Funding is provided under the auspices of City Council's previously approved 2013 Budget.

**SYNOPSIS:**

The requested modifications are consistent with the City's periodic practice of maintaining parity for the non-classified pay structure with that of the City's bargaining units. In that regard, it is proposed that the Court wage ranges be increased by 3.00%.

**BACKGROUND:**

The employees covered by the Municipal Court salary ordinance are compensated on a Pay for Performance basis. There are no automatic annual increases or cost of living adjustments for these employees. While adjustments to the pay grades are not designed to automatically trigger pay increases, periodic upgrades to the structure help to maintain the City's competitive position in the marketplace regarding employee retention, recruitment and succession.

The addition of Part-Time Bailiff position is proposed in order to comply with the "hours" requirement of the Affordable Care Act. Under the Affordable Care Act the City must establish a "look-back" period during which any employee exceeding 1560 hours in a year becomes eligible to receive health care benefits. By increasing the number of Part-Time Bailiff positions, Court is able to spread the hours over a greater number of employees, thereby reducing the likelihood of an employee exceeding the 1560 ceiling. It is proposed that a total of 20 additional part-time positions be added in order to comply with the requirements of the Affordable Care Act.

**RECOMMENDATION:**

It is recommended that City Council approve this ordinance, suspending the rules and declaring an emergency to allow for the expeditious implementation of these new rates.

**LEGISLATIVE ACTION:** Suspension of Rules and Adoption Requested?

yes

no

If yes, explain above.

Emergency Provision Needed?

yes

no

If yes, explain above.

Prepared by: Mark T. Wendling Mark T. Wendling, Assistant City Manager

Approved for Content by: Mark T. Wendling Mark T. Wendling, Acting City Manager

Financial Review (where applicable): Mary I. Hopton Mary I. Hopton, Finance Director

Legal Review (where applicable): John H. Clemmons John H. Clemmons, Law Director

Accepted for Council Agenda: Alisha A. Wilson Alisha A. Wilson, Clerk of Council

ORDINANCE NO. \_\_\_\_\_

ORDINANCE TO ESTABLISH SALARIES AND HOURLY RATES FOR CERTAIN MUNICIPAL COURT EMPLOYEES OF THE CITY OF FAIRFIELD, OHIO AND TO AUTHORIZE AND LIMIT THE NUMBERS AND TYPES OF CERTAIN MUNICIPAL COURT EMPLOYEES TO REPEAL ORDINANCE NO. 47-12 AND ALL AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio that:

- Sec. 1 Ordinance No. 47-12, and all other prior Ordinances inconsistent herewith, are hereby repealed.
- Sec. 2 The salaries and hourly rates and related information contained herein are applicable only to those positions authorized in this Ordinance. Pay decisions relative to all these positions excluding those which salaries are mandated by the State of Ohio, are at the discretion of the Municipal Judge for the City of Fairfield.
- Sec. 3 All positions established in this Ordinance are considered "at will" and those employees in said positions serve at the pleasure of the Municipal Judge of the City of Fairfield.
- Sec. 4 All rates established by this Ordinance shall either be the maximum authorized rate or the range for each respective position as shown.
- Sec. 5 In the department of General Government are the following classifications of jobs and rates of pay:

A. Municipal Court

One (1) Municipal Judge*		**
<b>One (1) Clerk of Courts/Court Administrator*</b>	[27,786.60-54,232.80]	28,620.20-55,859.78 PER ANNUM
<b>One (1) Chief Probation Officer</b>	[46,311-90,388]	47,700- 93,100 PER ANNUM
<b>One (1) Secretary to the Judge</b>	[17.21-31.94]	17.73-32.90 PER HOUR
<b>Two (2) Chief Deputy Clerks</b>	[39,784-59,675]	40,978-61,465 PER ANNUM
<b>Eleven (11) Deputy Clerks</b>	[16.54-21.30]	17.04-21.94 PER HOUR
<b>One (1) Imaging Clerk</b>	[16.54-19.46]	17.04-20.04 PER HOUR
<b>One (1) Bailiff*</b>	[18.17-22.51]	18.72-23.19 PER HOUR
<b>Three (3) Probation Officers</b>	[18.17-22.51]	18.72-23.19 PER HOUR
One (1) Civil Magistrate (PT)*		26,738-27,541 per annum
Three (3) Acting Judges		**
Four (4) Visiting Judges***		**
<b>Two (2) Community Service Officers (PT)</b>	[15.59-18.53]	16.06-19.09 PER HOUR
<b>EIGHT (8) [Seven (7)] Deputy Bailiffs (PT)</b>	[17.77-21.84]	18.30-22.50 PER HOUR

(\*3/5 of salary paid by City of Fairfield, and 2/5 of salary paid by Butler County)

(\*\* Salary mandated by State of Ohio)

(\*\*\*2/5 of salary paid by City of Fairfield, and 3/5 of salary paid by Butler County)

- Sec. 6 The salaries, rates and conditions established in Section 5 of this Ordinance shall be effective from and after April 1, 2013. Until the rates are changed, the former rates shall apply. Notwithstanding any other provision of this ordinance, an employee under the age of sixteen (16) may be paid a wage rate less than the Ohio Minimum Wage Rate provided such rate is not less than that established under the Federal Fair Labor Standards Act or its successor law.
- Sec. 7 The Municipal Judge is authorized to hire up to one additional person for each position authorized in this ordinance to allow for overlap training and transitioning. Generally, such instances would occur when a current employee has given notice of retirement or resignation and a replacement not currently employed by the City is able to be hired before the departure of the employee. Such training overlaps would be of short duration, generally, not to exceed 60 days.

Sec. 8 This Ordinance is hereby declared to be an emergency measure necessary for the urgent benefit and protection of the City and its inhabitants so that the recommended changes can take effect in a timely manner; wherefore this Ordinance shall take effect immediately upon its passage.

Passed \_\_\_\_\_

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

Posted \_\_\_\_\_

First Reading \_\_\_\_\_

Rules Suspended \_\_\_\_\_

Second Reading \_\_\_\_\_

Emergency \_\_\_\_\_

Third Reading \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

\_\_\_\_\_  
Clerk of Council



ORDINANCE ESTABLISHING SALARIES FOR CERTAIN EXEMPT AND SALARIED EMPLOYEES OF THE CITY OF FAIRFIELD, OHIO, TO REPEAL ORDINANCE NO. 46-12 AND ALL AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. Ordinance No. 46-12, and all other prior ordinances inconsistent herewith, are hereby repealed.

Section 2. The attached position list, which is incorporated herein by reference, is hereby adopted. The existing salaries for the positions set forth in the attached salary structure shall be within the ranges as shown.

Section 3. The City Manager is authorized to hire up to one additional person for each position authorized in this ordinance to allow for overlap training and transitioning. Generally, such instances would occur when a current employee has given notice of retirement or resignation and a replacement not currently employed by the City is able to be hired before the departure of the employee. Such training overlaps would be of short duration, generally, not to exceed 60 days.

Section 4. The City Manager is hereby authorized to grant performance based pay increases, achievement awards and equity pay adjustments for employees within the job classifications listed on the three band salary structure attached, within the confines of the ranges shown. Such pay adjustments shall not exceed a total of \$135,000.00. All increases and adjustments shall be retroactive to April 1, 2013.

Section 5. This Ordinance is hereby declared to be an emergency measure necessary for the urgent benefit and protection of the City and its inhabitants so that the changes to the exempt salary pay schedule position list can take effect in a timely manner; wherefore, this ordinance shall take effect immediately upon its passage.

Passed \_\_\_\_\_

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

Posted \_\_\_\_\_

First Reading \_\_\_\_\_

Rules Suspended \_\_\_\_\_

Second Reading \_\_\_\_\_

Emergency \_\_\_\_\_

Third Reading \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

\_\_\_\_\_  
Clerk of Council

**EXEMPT SALARY PAY SCHEDULE  
POSITION LIST**

**BAND 1**      Administrative Assistant  
 EMS Privacy Officer  
 Human Resources Assistant  
 Secretary to Director of Development Services  
 Secretary to Director of Public Utilities  
 Secretary to the Mayor

**BAND 2**      Accounting Supervisor  
 Building and Zoning Master Plans Examiner  
 City Engineer  
 Clerk of Council  
 Arts/Programs Manager  
 Construction Services Manager  
 Deputy Fire Chief  
 Development Manager  
 Economic Development Manager  
 Engineer  
 Financial Services Manager  
 Fleet/Facilities Manager  
 G.I.S. Analyst  
 Golf Professional (2)  
 Human Resources Manager  
 Income Tax Administrator  
 Information Technology Manager  
 Juvenile Diversion Counselor  
 Network Analyst  
 Community Events Coordinator  
 Facilities/Operations Manager  
 Maintenance Coordinator  
 Payroll Administrator  
 Planning Manager  
 Recreation Coordinator  
 Operations Coordinator  
 Senior Network Analyst  
 Superintendent of Building Inspection and Zoning  
 Superintendent of Public Utilities (2)  
 Superintendent of Streets  
**Tax SUPERVISOR [Compliance Officer]**  
 Theatre Technical Coordinator  
 Utility Collections Supervisor  
 Web Editor

**BAND 3**      Assistant City Manager  
 Director of Development Services  
 Director of Finance  
 Director of Parks and Recreation  
 Director of Public Utilities  
 Director of Public Works  
 Fire Chief  
 Police Chief

**BASE WAGE RANGES**

<b>BAND 1: Clerical/Technical</b>	<b>[\$35,797 - 66,436]</b>	<b>\$36,871- 68,429</b>
<b>BAND 2: Supervisory/Professional</b>	<b>[\$46,311 - 90,388]</b>	<b>\$47,700- 93,100</b>
<b>BAND 3: Managerial</b>	<b>[\$66,159-128,046]</b>	<b>\$68,144-131,887</b>

CITY OF FAIRFIELD, OHIO  
CITY COUNCIL MEETING COMMUNICATIONDATE: 4/08/13**ITEM:**

Amended Employment Agreement for the City Manager.

**FINANCIAL IMPACT:**

This amendment to the existing Employment Agreement of the City Manager authorizes a 3% increase in the annual base salary of the City Manager and enhances the existing provision of the Agreement regarding deferred compensation.

**SYNOPSIS:**

After a review of the performance of the City Manager, the City Council has determined that modifications to the existing Agreement between the City and Manager are warranted as noted above. The term of the Employment Agreement remains as presently exists.

**BACKGROUND:**

The City Manager has been employed by the City since March, 1998. The Employment Agreement provides for an annual review of the Manager's performance, which has been accomplished, and City Council desires to provide an increase in annual compensation to the Manager based upon a finding of excellence by Council.

**RECOMMENDATION:**

It is recommended that City Council adopt an Ordinance authorizing the amendment to the Employment Agreement of the City Manager to be effective April 1, 2013.

**LEGISLATIVE ACTION:**

Rules suspension is requested so that the amendment can take place in a timely manner relative to the effective date.

Suspension of Rules and Adoption Requested? Yes X No         
If yes, explain above.

Emergency Provision Needed? Yes        No X  
If yes, explain above.

Prepared By: John H. Clemmons John H. Clemmons, Law Director  
 Approved for Content: John H. Clemmons John H. Clemmons, Law Director  
 Financial Review: Mary Hopton Mary Hopton, Finance Director  
 Legal Review: John H. Clemmons John H. Clemmons, Law Director  
 Approved for Agenda: Alisha Wilson Alisha Wilson, Clerk of Council

ORDINANCE NO. \_\_\_\_\_

ORDINANCE TO AUTHORIZE AN AMENDMENT TO THE  
EMPLOYMENT AGREEMENT OF THE CITY MANAGER.

BE IT ORDAINED by the City Council of the City of Fairfield, Ohio, that:

Section 1. An amendment to the Employment Agreement of the City Manager to provide for certain modifications, including an increase of three percent (3%) in annual compensation commencing on or about April 1, 2013, in accordance with the Amendment on file in the offices of the City Manager and Clerk of Council is hereby authorized and approved. The Mayor is authorized to execute the agreement on behalf of the City.

Section 2. This Ordinance shall take effect at the earliest period allowed by law.

Passed \_\_\_\_\_

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

Posted \_\_\_\_\_

First Reading \_\_\_\_\_

Rules Suspended \_\_\_\_\_

Second Reading \_\_\_\_\_

Third Reading \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

\_\_\_\_\_  
Clerk of Council

**CITY OF FAIRFIELD, OHIO  
CITY COUNCIL COMMUNICATION**

**ITEM:**

April 8, 2013

Request for appropriation for **non-contractual** agenda items.**FINANCIAL IMPACT:**

\$73,530.00 from noted funding source.

**SYNOPSIS:**

The following appropriations have been requested:

\$27,830.00	Design for Winton Road Improvements
\$15,000.00	Various NPDES Phase II Storm Water System expenses
\$6,500.00	Tunnel Cleaning for Nilles Road Bridge
\$24,200.00	CDW-G Agreement for purchase of computers

**BACKGROUND:**

Please refer to specific Council Communications dated April 8, 2013 for a description of these items.

**RECOMMENDATIONS:**

It is recommended that City Council suspend the rules requiring a second and third reading of this Ordinance and adopt the appropriations listed above.

<b>LEGISLATIVE ACTIONS:</b>	Suspension of Rules & Adoption Requested?	<input checked="" type="checkbox"/>	<input type="checkbox"/> If yes, explain
		yes	no above
	Emergency Provision Needed?	<input type="checkbox"/>	<input checked="" type="checkbox"/> If yes, explain
		yes	no above

Prepared by: Heather WilsonApproved for Content by: Heather WilsonFinancial Review (where applicable) by: Mary HaganLegal Review (where applicable) by: Eric H. ClemmonsAccepted by Council Agenda: Heather Wilson



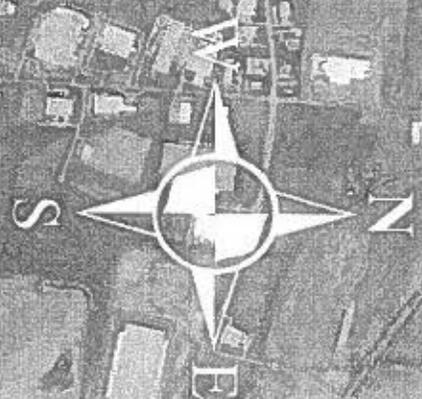
Winton Rd



Ross Rd



Seward Rd









**CITY OF FAIRFIELD, OHIO  
CITY COUNCIL COMMUNICATION**

April 08, 2013

ITEM

City Council is requested to authorize the City Manager to enter into agreement with CDW-G and to pass an appropriation in the amount of \$24,200.00 (including 10% contingency), from the Capitol Improvement Fund for 2013.

FINANCIAL IMPACT

An appropriation in the amount of \$24,200.00 from the Capital Improvement Fund for project FIN-13-008 from the 2013 Capital Improvement Program.

BACKGROUND

In an effort to save time and city funds, while creating a means for greater efficiency during meetings conducted in the City Council Chambers, from Council meetings themselves to committee meetings conducted in the same space, the City will retrofit the Chambers dais with local computer workstations. These workstations will nearly eliminate the need for paper printing and afford the Council and board members instant access to agendas and digital content for the meetings being conducted. This appropriation will cover the necessary workstations and associated equipment for each location of the dais as well as each location of contributing members of council and committee meetings.

STAFF RECOMMENDATION

It recommended City Council authorize and direct the preparation of legislation for the appropriation of \$24,200.00 from the Capital Improvement Fund and suspend the rules requiring the second and third reading.

LEGISLATIVE ACTIONS:

Suspension of Rules & Adoption Requested?  
Emergency Provision Needed?

Yes  
No

Prepared by:

Joseph Waldmann *JW*

Financial Review (where applicable) by:

Mary Hopton *Mary Hopton*

Legal Review (where applicable) by:

[Signature]

Accepted by Council Agenda:

[Signature]



CDWG.com | 800.594.4239

OE400SPS

# SALES QUOTATION

QUOTE NO.	ACCOUNT NO.	DATE
DJLQ933	6636447	3/27/2013

**BILL TO:**  
 CITY OF FAIRFIELD  
 5350 PLEASANT AVE

**SHIP TO:**  
 CITY OF FAIRFIELD  
 Attention To: JOSEPH WALDMANN  
 5350 PLEASANT AVE

Accounts Payable  
 FAIRFIELD , OH 45014-3597

FAIRFIELD , OH 45014-3597  
 Contact: JOSEPH  
 WALDMANN 513.896.8134

Customer Phone #

Customer P.O. # LAPTOPS - COUNCIL

ACCOUNT MANAGER		SHIPPING METHOD	TERMS	EXEMPTION CERTIFICATE
BJ DIETERICH 866.665.7137		FEDEX Ground	NET 30-VERBAL	GOVT-EXEMPT
QTY	ITEM NO.	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
20	2842942	HP SB 8570P I5-3320 500GB 4GB W7PW8 Mfg#: C6Z56UT#ABA Contract: Ohio HP WSCA NASPO	1,100.00	22,000.00
20	2211297	B27164 0A1067 KENSINGTON CLICKSAFE KEYED NB LOCK Mfg#: K64637WW Contract: MARKET	39.89	797.80
SUBTOTAL				22,797.80
FREIGHT				9.62
TAX				0.00

US Currency

**TOTAL** 22,807.42

CDW Government  
 230 North Milwaukee Ave.  
 Vernon Hills, IL 60061

Fax: 312.752.3951

**Please remit payment to:**  
 CDW Government  
 75 Remittance Drive  
 Suite 1515  
 Chicago, IL 60675-1515

STATE OF OHIO  
DEPARTMENT OF ADMINISTRATIVE SERVICES  
GENERAL SERVICES DIVISION  
OFFICE OF PROCUREMENT SERVICES  
4200 SURFACE ROAD, COLUMBUS, OH 43228-1395

REQUIREMENTS CONTRACT: WSCA HP COMPUTER EQUIPMENT, PERIPHERALS AND RELATED SERVICES

CONTRACT No.: 0A1067

EFFECTIVE DATES: 09/14/09 to 08/31/12  
Renewal though 06/30/13

The Department of Administrative Services (DAS) has agreed to participate in a multi-user contract for Computer Equipment, Software, Peripherals and Related Services with Hewlett-Packard Company (HP) under the Western States Contracting Alliance (WSCA), and the National Association of State Procurement Officials (NASPO). The State of Ohio Department of Administrative Service is a member WSCA/NASPO and has accepted prices as a result of the WSCA/NASPO RFP WS 1999 which opened on September 29, 2008. The respective bidder response, including Terms and Conditions from HP Master Price Agreement B27164 and supplemental Contract Terms and Condition from the Ohio HP Participating Addendum has been determined to be the lowest responsive and responsible bidder and has been awarded a contract for the items listed.

The HP Master Price Agreement is effective September 1, 2009 through August 31, 2014 unless, prior to the expiration date, the Contract is renewed, terminated or cancelled in accordance with the Contract Terms and Conditions.

The HP Master Price Agreement is available to all State Agencies, State institutions of higher education and properly registered members of the Cooperative Purchasing Program of the Department of Administrative Services, as applicable.

**SPECIAL NOTE:** State agencies may make purchases und this Price Agreement up to \$2,500.00 using the state of Ohio payment card. Any purchase that exceeds \$2,500.00 will be made using the Ohio Office of Information Technologies' (OIT) Release and Permit system. Any non-state agency, institution of higher education or Cooperative Purchasing member will use forms applicable to their respective agency.

Question regarding this and/or the Master Price Agreement may be directed to:

Dan Myers  
[dan.myers@das.state.oh.us](mailto:dan.myers@das.state.oh.us)

This Master Price Agreement and any Amendments or Addendums thereto are available from the DAS Web site at the following address:

<http://Procure.ohio.gov>

**PARTICIPATING ADDENDUM**

[hereinafter "Addendum"]

For

**WSCA/NASPO PC Contracts 2009-2014  
COMPUTER EQUIPMENT, PERIPHERALS, AND RELATED SERVICES  
MASTER PRICE AGREEMENT NUMBER B27164**

Between

Hewlett Packard Company

[hereinafter "Contractor"]

and

Ohio Department of Administrative Services

[hereinafter "Participating State"]

Ohio Department of Administrative Services 0A1067

Page 1 of 8

**1. Scope**

This Addendum covers the WSCA/NASPO PC Contracts 2009-2014 (Computer Equipment, Peripherals and Related Services) lead by the State of Minnesota for use by state agencies and other entities located in the Participating State authorized by that state's statutes to utilize state contracts.

**2. Participation**

Use of specific WSCA/NASPO cooperative contract by state agencies, political subdivisions and other entities (including cooperatives) authorized by an individual state's statutes to use state contracts are subject to the approval of the respective State Chief Procurement Official. Issues of interpretation and eligibility for participation are solely within the authority of the State Chief Procurement Official.

**3. Changes:**

**Contractor's Revenue Share.** The Contractor agrees to provide a quarterly administrative fee in the form of a Check or EFT payment. The fee will be payable to the Participating Entity in an amount equal to one percent (1%) of the net invoiced sales (net of any returns, credits, or adjustments) under this Addendum for the applicable period. Payment(s) shall be made in accordance with the following schedule:

<u>Period End</u>	<u>Fee/Report Due</u>
June 30	July 31
September 30	October 31
December 31	January 31
March 31	April 30

**PARTICIPATING ADDENDUM**

[hereinafter "Addendum"]

For

**WSCA/NASPO PC Contracts 2009-2014**

**COMPUTER EQUIPMENT, PERIPHERALS, AND RELATED SERVICES**

**MASTER PRICE AGREEMENT NUMBER B27164**

Between

Hewlett Packard Company

[hereinafter "Contractor"]

and

Ohio Department of Administrative Services

[hereinafter "Participating State"]

Ohio Department of Administrative Services 0A1067

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The Contractor agrees to provide a quarterly utilization report, reflecting net sales to the Participating Entity during the associated fee period. The report shall be in the format developed by the Lead State and as agreed by the Contractor. The report will be provided in secure electronic format and/or submitted electronically to the state contact listed in the Addendum.

**Transaction Document(s).** Transaction Document(s) do not supersede the Master Pricing Agreement Contract

**Transfer of Software.** Subject to the use restrictions in Exhibit D, 5. a of the MPA, the Participating Entity reserves the right to transfer software in the event that the entity is abolished or absorbed into another entity.

**Elections Law.** Contractor, by signature affixed on this document, hereby certifies that all applicable parties listed in Division (I)(3) or (J)(3) of O.R.C. Section 3517.13 are in full compliance with Divisions (I)(1) and (J)(1) of O.R.C. Section 3517.13.

The Contractor is solely responsible to know the requirements and limitations set forth in the above-referenced Divisions of O.R.C. Section 3517.13, and to comply with those requirements and restrictions. The Contractor shall not accept a Contract and/or any purchase order issued under the Contract if the Contractor is unable to certify compliance with all provisions set forth in O.R.C. Section 3517.13. If the Contractor is unable to certify such compliance and accepts a Contract and/or purchase order issued under the Contract, DAS shall deem the Contractor in breach. As such, DAS may deem the Contract invalid and immediately cancel the Contract. If DAS cancels the Contract and applicable purchase order(s), the Contractor will be subject to all legal remedies available to the Department of Administrative Services up to and including debarment from doing business with the State of Ohio. Also, any Contractor unable to certify compliance with the above-referenced provisions in O.R.C. Section 3517.13, that accepts the Contract and any purchase orders issued under the Contract, will be held financially liable for any additional costs incurred by the DAS or other governmental

**PARTICIPATING ADDENDUM**

[hereinafter "Addendum"]

For

**WSCA/NASPO PC Contracts 2009-2014**

**COMPUTER EQUIPMENT, PERIPHERALS, AND RELATED SERVICES**

**MASTER PRICE AGREEMENT NUMBER B27164**

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Ohio Department of Administrative Services 0A1067

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entities placing orders under the Contract. These additional costs include those costs associated with re-awarding the Contract and/or seeking replacement items related to the cancellation of the Contract and/or related purchase orders.

Additional information regarding Contribution Restrictions is available on the Office of Budget & Management's website at: [www.obm.ohio.gov](http://www.obm.ohio.gov).

**Executive Order 2007-1S Compliance**

A. The Vendor certifies that it has reviewed and is currently in compliance and will continue to adhere to the requirements of Ohio ethics laws.

B. In accordance with Executive Order 2007-01S, the Vendor, by signature on this document, certifies: (1) it has reviewed and understands Executive Order 2007-01S, (2) has reviewed and understands the Ohio ethics and conflict of interest laws, and (3) will take no action inconsistent with those laws and this order. The Vendor understands that failure to comply with Executive Order 2007-01S is, in itself, grounds for termination of this contract and may result in the loss of other contracts with the State of Ohio.

**Appropriation Of Funds.** The State of Ohio's funds are contingent upon the availability of lawful appropriations by the Ohio General Assembly. If the General Assembly fails at any time to continue funding for the payments or any other obligations due by the State under this Contract, the State may terminate its obligations under this Agreement, by providing written notice of termination, and the State will be released from its obligations on the date funding expires, for undelivered Products and Services. The State, or Purchasing entity shall provide prior written notice, sixty (60) days if possible, of its intent to terminate for the reason cited above.

The current General Assembly cannot commit a future General Assembly to an expenditure. Therefore, this Contract will automatically expire at the end June, 2011. The State may renew this Contract in the next biennium by issuing written notice to the Contractor or by actions of the State of the decision to do so.

**PARTICIPATING ADDENDUM**

[hereinafter "Addendum"]

For

**WSCA/NASPO PC Contracts 2009-2014  
COMPUTER EQUIPMENT, PERIPHERALS, AND RELATED SERVICES  
MASTER PRICE AGREEMENT NUMBER B27164**

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Ohio Department of Administrative Services 0A1067

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**Drug Free Workplace.** The Contractor agrees to comply with all applicable state and federal laws regarding drug-free workplace and shall make a good faith effort to ensure that all its employees, while working on state property, will not purchase, transfer, use or possess illegal drugs or alcohol or abuse prescription drugs in any way.

**Equal Employment Opportunity.** The Contractor will comply with all state and federal laws regarding equal employment opportunity, including Ohio Revised Code Section 125.111 and all related Executive Orders.

Before a contract can be awarded or renewed, an Affirmative Action Program Verification Form must be submitted to the DAS Equal Opportunity Division to comply with the affirmative action requirements. Affirmative Action Verification Forms and approved Affirmative Action Plans can be found by going to the Equal Opportunity Departments web site: <http://www.das.ohio.gov/Eod/AAEEO.htm>

**Declaration of Material Assistance.** In accordance with R.C. 2909.33(C), I certify that I meet one of the following conditions:

(a) ~~I have not received, nor will receive as a result of this contract, an aggregate amount greater than one hundred thousand dollars (\$100,000) in business or funding, excluding personal benefits, from the state, instrumentalities, or political subdivisions during the current fiscal year;~~

or

(b)(1) I have received, or will receive as a result of this contract, an aggregate amount greater than one hundred thousand dollars (\$100,000) in business or funding, excluding personal benefits, from the state, instrumentalities, or political subdivisions during the current fiscal year.

and,

**PARTICIPATING ADDENDUM**

[hereinafter "Addendum"]

For

**WSCA/NASPO PC Contracts 2009-2014  
COMPUTER EQUIPMENT, PERIPHERALS, AND RELATED SERVICES  
MASTER PRICE AGREEMENT NUMBER B27164**

Between

Hewlett Packard Company  
[hereinafter "Contractor"]

and

Ohio Department of Administrative Services  
[hereinafter "Participating State"]

Ohio Department of Administrative Services 0A1067

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(2) I have either precertified with the Office of Budget and Management, or have completed the Declaration of Material Assistance form as directed on page 2 of the Invitation to Bid, (Item D), certifying that I have not provided material assistance to any organization on the Terrorist Exclusion List, as that term is defined in R.C. 2909.21.

**Contractor's Warranty Against An Unresolved Finding For Recovery.** Contractor warrants to the knowledge and belief of the individual signing this contract, that it is not subject to an unresolved finding for recovery under ORC §9.24. If the warranty was false on the date the parties signed this Contract, the Contract is void *ab initio*.

**Travel Expenses.** Any travel or living expenses required by the Contractor to do its obligations under this Contract will be at the Contractor's expense. The State will pay for any additional travel that it requests only with prior, written approval. All additional travel and living expenses that the State requests in addition to what this Contract requires the Contractor to provide at the Contractor's expense will be paid in accordance with the Office of Budget and Management's Travel Rules in Section 126-1-02 of the Ohio Administrative Code.

**Patent, Copyright, Trademark and Trade Secret Indemnification.** The following text replaces Section 12, Subsection A, Part 2.

"Allow the Contractor, upon proper authorization from the Ohio Attorney General, to defend or settle the claim; and"

**4. Continuation of Participation from WSCA/NASPO PC Contracts 2004-2009:**

To the extent permitted by the laws and rules of the state in which an individual participating entity is located, valid participating addenda for the WSCA/NASPO PC Contracts 2004-2009 are hereby extended to include participation in the WSCA/NASPO PC Contracts 2009-2014 under the same terms and conditions in the current participating addendum.

**PARTICIPATING ADDENDUM**

[hereinafter "Addendum"]

For

**WSCA/NASPO PC Contracts 2009-2014**

**COMPUTER EQUIPMENT, PERIPHERALS, AND RELATED SERVICES**

**MASTER PRICE AGREEMENT NUMBER B27164**

Between

Hewlett Packard Company

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Ohio Department of Administrative Services

[hereinafter "Participating State"]

Ohio Department of Administrative Services 0A1067

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If re-execution of a participating addendum or amendment to an existing participating addendum is required by a participating entity, the authorization to participate in the WSCA/NASPO PC Contracts 2004-2009 is sufficient to permit participation in the WSCA/NASPO PC Contracts 2009-2014, unless specifically denied by the appropriate chief state procurements official.

**5. Lease Agreements**

No Leasing Is Authorized to State Agencies Under this Addendum at this time.

Political subdivisions or educational entities that have the authority may finance their purchase. If financing is through a lease agreement, that agreement is separate from this agreement and between the Contractor and the agency.

**6. Primary Contacts**

The primary government contact individuals for this Addendum are as follows (or their named successors):

Lead State

Name: Bernadette Kopischke  
Address: 112 Admin Bldg, St Paul, MN 55155  
Telephone: (651) 201-2450  
Fax: (651) 297-3996  
E-mail: [bernie.kopischke@state.mn.us](mailto:bernie.kopischke@state.mn.us)

Contractor

Name: Debra Lee  
Address: 442 Swan Blvd., Deerfield, IL 60015  
Telephone: 847.537.0344  
Fax: 847/572-1336  
E-mail: [debra.lee@hp.com](mailto:debra.lee@hp.com)

**PARTICIPATING ADDENDUM**

[hereinafter "Addendum"]

For

**WSCA/NASPO PC Contracts 2009-2014  
COMPUTER EQUIPMENT, PERIPHERALS, AND RELATED SERVICES  
MASTER PRICE AGREEMENT NUMBER B27164**

Between

Hewlett Packard Company  
[hereinafter "Contractor"]

and

Ohio Department of Administrative Services  
[hereinafter "Participating State"]

Ohio Department of Administrative Services 0A1067

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Participating State

Name: W. Thomas Hart  
Address: 4200 Surface Road, Columbus, OH 43228-1395  
Telephone: 614-466-7955  
Fax: 614-644-9152  
E-mail: tom.hart@ohio.gov

**7. Servicing Subcontractors:**

1. HP-authorized subcontractors are eligible to fulfill orders under the WSCA/NASPO PC Contract 2009-2014 entered into by Hewlett-Packard Company and the lead State of Minnesota. HP-authorized subcontractors include distributors and the resellers and service providers listed on the HP/State website at: [www.hp.com/buy/wscalii](http://www.hp.com/buy/wscalii). HP-authorized subcontractors are included in HP's Partner One Reseller and/or Reseller Agent Program.
2. Orders and invoicing for products in Band 1 (Servers), Band 4 (Storage) and "Other Software" may be processed by either HP or an HP-authorized subcontractor.
3. Orders and invoicing for products in Band 2 (PCs), Band 3 (Printers), Band 5 (PDAs), Band 6 (Instructional Bundles) and Band 7 (Monitors) must be handled by HP directly.

**All purchase orders issued by purchasing entities with the jurisdiction of this Addendum must include the Participating State contract number: 0A1067**

**8. Compliance with reporting requirements of the "American Recovery and Reinvestment Act of 2009" ("ARRA"):** If or when contractor is notified by ordering entity that a specific purchase or purchases are being made with ARRA funds, contractor agrees to comply with the data element and reporting requirements that are legally required of providers of goods and related services. Ordering entity is responsible for informing contractor as soon as the ordering entity is aware that ARRA

**PARTICIPATING ADDENDUM**

[hereinafter "Addendum"]

For

**WSCA/NASPO PC Contracts 2009-2014**

**COMPUTER EQUIPMENT, PERIPHERALS, AND RELATED SERVICES**

**MASTER PRICE AGREEMENT NUMBER B27164**

Between

Hewlett Packard Company

[hereinafter "Contractor"]

and

Ohio Department of Administrative Services

[hereinafter "Participating State"]

Ohio Department of Administrative Services 0A1067

Page 8 of 8

funds are being used for a purchase or purchases. Contractor will provide any required report to the ordering entity as required by law. The Contractor, as it relates to purchases under this contract, is not a subcontractor or subgrantee, but simply a provider of goods and related services.

This Addendum and the Master Price Agreement together with its exhibits, set forth the entire agreement between the parties with respect to the subject matter of all previous communications, representations or agreements, whether oral or written, with respect to the subject matter hereof. Terms and conditions inconsistent with, contrary or in addition to the terms and conditions of this Addendum and the Master Price Agreement, together with its exhibits, shall not be added to or incorporated into this Addendum or the Master Price Agreement and its exhibits, by any subsequent purchase order or otherwise, and any such attempts to add or incorporate such terms and conditions are hereby rejected. The terms and conditions of this Addendum and the Master Price Agreement and its exhibits shall prevail and govern in the case of any such inconsistent or additional terms. This Addendum applies only in the jurisdiction of the Participating State or Participating Entity which has executed this Addendum.

IN WITNESS WHEREOF, the parties have executed this Addendum as of the date of execution by Contractor below.

**Signatures as required by State Statutes, Rules or Policies**

State of Ohio

Hewlett Packard Company

By: *Hugh Quinn / MDH*

By: *Debra Lee*

Name: \_\_\_\_\_

Name: *Debra Lee*

Title: \_\_\_\_\_

Title: *Contract Manager*

Date: *09/14/09*

Date: *9-3-09*

## How To Order

Information pertaining to the WSCA/NASPO PC Contracts 2009-2014 Computer Equipment, Peripherals, and Related Services Contract can be found at:

<http://www.aboutwsca.org/contract.cfm/contract/w2-1999>

Information regarding purchasing HP computers off of the HP WSCA contract can be found at:

[http://gem.compaq.com/qemstore/home.asp?jumpid=ex\\_r3962\\_oh/b2bvanity](http://gem.compaq.com/qemstore/home.asp?jumpid=ex_r3962_oh/b2bvanity)

ORDINANCE NO. \_\_\_\_\_

ORDINANCE TO AMEND ORDINANCE NO. 113-12 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, 2013, AND ENDING DECEMBER 31, 2013."

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. Ordinance No. 113-12, the 2013 Appropriation Ordinance, is hereby amended in the following respects:

<b>From:</b>	<b>Unappropriated Capital Improvement Fund</b>	<b>\$45,700</b>
To:	40216025-252500 Drainage Improvements (NPDES Phase II Improvements)	\$15,000
To:	40216023-233300 Engineering Services (Engineering for Tunnel Cleaning)	\$6,500
To:	40216025-253400 Computer Equipment (Computers for Council Chambers)	\$24,200
<b>From:</b>	<b>Unappropriated Street Improvement Fund</b>	<b>\$27,830</b>
To:	40116023-233300 Engineering Services (Engineering for Winton Road Improvements)	\$27,830

Section 2. This Ordinance shall take effect at the earliest period allowed by law.

Passed	_____	_____
		Mayor's Approval
Posted	_____	
First Reading	_____	Rules Suspended _____
Second Reading	_____	
Third Reading	_____	

ATTEST:

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Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

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Clerk of Council

Active Clients\City of Fairfield\Ordinances\2013\Non Contractual Appropriation 4-8 - Ord