Mitch Rhodus
Mayor

Tim Meyers
Councilmember, At-Large

Matt Davidson
Councilmember, At-Large

Gwen Brill
Councilmember, At-Large

Leslie Besl
Councilmember, 1st Ward

Dale Paullus
Councilmember, 2nd Ward

Terry Senger
Councilmember, 3rd Ward

Adam Kraft
Councilmember, 4th Ward

CITY OF FAIRFIELD CITY COUNCIL
REGULAR MEETING AGENDA
MONDAY, NOVEMBER 27, 2023 7:00 PM
5350 PLEASANT AVENUE, FAIRFIELD, OH 45014

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. COUNCIL-MANAGER BRIEFING

A. None.

2. BUSINESS MEETING CALL TO ORDER

3. PRAYER/PLEDGE OF ALLEGIANCE

Councilmember Matt Davidson

4. ROLL CALL

5. AGENDA MODIFICATIONS

6. EXECUTIVE SESSION REQUESTS

7. SPECIAL PRESENTATIONS

a. Municipal Court 2024 Operating Budget

8. CITIZEN COMMENTS

9. PUBLIC HEARING(S)

10. APPROVAL OF MINUTES

a. Regular Meeting held November 13, 2023

11. OLD BUSINESS AND REPORTS

A. <u>COMMUNITY & PUBLIC RELATIONS</u>

Councilmember Leslie Besl

B. <u>DEVELOPMENT SERVICES</u>

Councilmember Matt Davidson

1. Resolution adopting the 2023 revised edition of the City of Fairfield Tax Incentive Guidelines, establishing policies and procedures for tax incentive programs, and superseding all previous tax incentive guideline documents and policies.
   - Legislation - Second Reading

C. <u>PARKS, RECREATION AND ENVIRONMENT</u>

Councilmember Gwen Brill

D. <u>PUBLIC SAFETY</u>

Councilmember Dale Paullus

E. <u>PUBLIC UTILITIES</u>

Councilmember Adam Kraft

F. <u>PUBLIC WORKS</u>

Councilmember Terry Senger

1. Resolution to Adopt 2023 Butler County Hazard Mitigation Plan
   - Legislation - Third Reading
   - Motion - Adoption

2. Ordinance to authorize the City Manager to enter into a contract with Choice One Engineering for engineering services needed for Winton Road Improvements Project – Resor to Oak Tree
   - Legislation - Second Reading

G. <u>FINANCE & BUDGET</u>

Councilmember Tim Meyers

1. Ordinance to amend Chapter 181, Income Tax, Sections 181.062, 181.094, and 181.10 of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio.
   - Legislation - Third Reading
   - Motion - Adoption

12. NEW BUSINESS

Motion to read all New Business by title only.

A. PUBLIC SAFETY

Councilmember Dale Paullus

1. Simple Motion: Motion to not request a hearing regarding a liquor permit application in the name of Laxmi Drive Thru LLC, dba Kwik N Kold, 730 Nilles Road, Fairfield, OH 45014 (Permit Class C1, C2 & D6).

2. Ordinance to amend Chapter 739 of Ordinance 166-84, the Codified Ordinances of Fairfield, Ohio relative to Medical Marijuana and Adult Use Cannabis Control and declaring an emergency.
   - Legislation - First Reading
   - Motion - Suspend Second and Third Readings
   - Motion - Adoption

B. FINANCE & BUDGET

Councilmember Tim Meyers

1. Ordinance to amend Ordinance No. 155-22 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, 2023, and ending December 31, 2023" - Supplemental Appropriations.
   - Legislation - First Reading
   - Motion - Suspend Second and Third Readings
   - Motion - Adoption

2. Ordinance to amend Ordinance No. 155-22 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, 2023, and ending December 31, 2023."
   Non-Contractual Appropriations: $49,710 for Good Neighbors Park Path Improvements; $36,050 for Waterworks Park Facilities Maintenance; $35,000 for video surveillance equipment maintenance; $70,000 for Network Infrastructure.
   - Legislation - First Reading
   - Motion - Suspend Second and Third Readings
   - Motion - Adoption

13. MEETING SCHEDULE

A. Monday, December 4 - Regular Meeting 7:00 PM

B. Monday, December 11 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM

C. Monday, December 18 - Oath of Office, 6:00 PM

14. EXECUTIVE SESSION OF COUNCIL (IF NEEDED)

15. ADJOURNMENT

City of Fairfield
Minutes
Regular Meeting of City Council
November 13, 2023

Council-Manager Briefing

2024 Operating Budget

Mayor Rhodus called the briefing to order at 6:00 PM. Councilmembers present: Leslie Besl, Dale Paullus, Terry Senger, Adam Kraft, Tim Meyers, Matt Davidson and Gwen Brill.

Staff members present: Scott Timmer, Chris Hacker, Alisha Wilson, Steve Wolterman, Laurie Murphy, Mandi Brock, Carol Mayhall, Adam Sackenheim, Steve Maynard, Ben Mann, Greg Kathman and Chad Cooper.

Finance Director Hacker and department directors presented the 2024 Operating Budget. See attached slides.

Business Meeting Call to Order

Vice Mayor Meyers called the Regular Meeting to order at 7:00 PM.

Prayer/Pledge of Allegiance

Vice Mayor Meyers led in prayer and Pledge of Allegiance.

Roll Call

Councilmembers present included:

Attendee Name	Title	Status	Arrived
Tim Meyers	Councilmember, At-Large	Present	
Matt Davidson	Councilmember, At-Large	Present	
Gwen Brill	Councilmember, At-Large	Present	
Leslie Besl	Councilmember, 1st Ward	Present	
Dale Paullus	Councilmember, 2nd Ward	Present	
Terry Senger	Councilmember, 3rd Ward	Present	
Adam Kraft	Councilmember, 4th Ward	Present	
Mitch Rhodus	Mayor	Absent	

Agenda Modifications

None.

Executive Session Requests

Councilmember Paullus, seconded by Councilmember Davidson, moved for Executive Session for the following reasons:

1. To consider the purchase of property for public purposes, the sale of property at competitive bidding, or the sale or other disposition of unneeded, obsolete, or unfit-for-use property in accordance with section 505.10 of the Revised Code;
2. Pending or imminent litigation;
3. To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official;
4. Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.

Roll call vote. Motion carried 7-0.

Special Presentations

a. Chief Maynard Recognition

Chief Maynard was presented with the Patriot Award by the Department of Defense, one of the Employer Support of the Guard and Reserves Awards. He was nominated by Officer Trey King, who is currently deployed with the Kentucky Army National Guard's 138th Field Artillary Brigade, for his support of Officer King and his family during his deployment.

b. Fire Department Oath of Office

Vice Mayor Meyers administered the oath of office to Firefighter Billy Hatton. Chief Lakamp welcomed Firefighter Hatton to the department.

Citizen Comments

Vice Mayor Meyers recognized and welcomed City Councilmember-elect Debbie Pennington.

Public Hearing(s)

None.

Approval of Minutes

The Regular Meeting Minutes of October 23, 2023 were approved as written and submitted.

OLD BUSINESS AND REPORTS

Community & Public Relations

Councilmember Leslie Besl

Development Services

Councilmember Matt Davidson

Parks, Recreation and Environment

Councilmember Gwen Brill

Public Safety

Councilmember Dale Paullus

Public Utilities

Councilmember Adam Kraft

Public Works

Councilmember Terry Senger

Resolution to Adopt 2023 Butler County Hazard Mitigation Plan

Recommendation:
It is recommended that City Council pass a resolution to adopt Butler County's Hazard Mitigation Plan.

Councilmember Senger presented the second reading of this resolution.

RESULT:	**SECOND READING**	**Next: 11/27/2023 7:00 PM**

Finance & Budget

Councilmember Tim Meyers

Ordinance to amend Chapter 181, Income Tax, Sections 181.062, 181.094, and 181.10 of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio.

Recommendation:
It is recommended that City Council adopt the changes to Section 181 - Income Tax, as submitted.

Vice Mayor Meyers presented the second reading of this ordinance.

RESULT:	**SECOND READING**	**Next: 11/27/2023 7:00 PM**

NEW BUSINESS

Councilmember Besl, seconded by Councilmember Davidson, moved to read all New Business by title only. Motion carried 7-0.

Community & Public Relations

Councilmember Leslie Besl

Simple Motion: Motion to approve the following 2023 Boards/Commissions Appointments: Mark Mesisklis - Environmental Commission (term expires 3/31/26) Donna Faulk - Environmental Commission (term expires 3/31/26)

Recommendation:
It is recommended that City Council, via simple motion, appoint the following residents to serve on the various boards and commissions **effective April 1, 2023**:

Mark Mesisklis - Environmental Commission (term expires 3/31/26)
Donna Faulk - Environmental Commission (term expires 3/31/26)

SIMPLE MOTION NO. 15-23. APPROVED 7-0.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Leslie Besl, Councilmember, 1st Ward
SECONDER:	Gwen Brill, Councilmember, At-Large
AYES:	Meyers, Davidson, Brill, Besl, Paullus, Senger, Kraft

Simple Motion: Motion to re-appoint Ben Mann and Don Hassler to the Butler County Transportation Improvement District effective November 13, 2023 and expiring November 13, 2025.

Recommendation:
It is recommended that City Council, via simple motion, appoint Don Hassler and Public Works Director Ben Mann, to the Butler County Transportation Improvement District for terms of office commencing November 13, 2023 and expiring on November 13, 2025.

SIMPLE MOTION NO. 16-23. APPROVED 7-0.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Leslie Besl, Councilmember, 1st Ward
SECONDER:	Dale Paullus, Councilmember, 2nd Ward
AYES:	Meyers, Davidson, Brill, Besl, Paullus, Senger, Kraft

Development Services

Councilmember Matt Davidson

Resolution adopting the 2023 revised edition of the City of Fairfield Tax Incentive Guidelines, establishing policies and procedures for tax incentive programs, and superseding all previous tax incentive guideline documents and policies.

Recommendation:
It is recommended that City Council approve this resolution to adopt the revised Tax Incentive Guidelines.

Councilmember Davidson presented the first reading of this ordinance.

RESULT:	**FIRST READING Next: 11/27/2023 7:00 PM**

Parks, Recreation and Environment

Councilmember Gwen Brill

Motion to Suspend Second and Third Readings

Councilmember Brill presented the first reading of this ordinance.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Gwen Brill, Councilmember, At-Large
SECONDER:	Adam Kraft, Councilmember, 4th Ward
AYES:	Meyers, Davidson, Brill, Besl, Paullus, Senger, Kraft

Ordinance to authorize the City Manager to execute a contract change order with Human Nature, Inc. for engineering for the Lower Harbin Park Area and declaring an emergency.

Recommendation:
It is recommended that City Council authorize the funding in the amount shown in the Financial Impact section.

ORDINANCE NO. 151-23. APPROVED 7-0.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Gwen Brill, Councilmember, At-Large
SECONDER:	Dale Paullus, Councilmember, 2nd Ward
AYES:	Meyers, Davidson, Brill, Besl, Paullus, Senger, Kraft

Public Utilities

Councilmember Adam Kraft

<u>Motion to Suspend Second and Third Readings</u>

Councilmember Kraft presented the first reading of this ordinance.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Adam Kraft, Councilmember, 4th Ward
SECONDER:	Terry Senger, Councilmember, 3rd Ward
AYES:	Meyers, Davidson, Brill, Besl, Paullus, Senger, Kraft

<u>Ordinance to authorize the City Manager to enter into a contract with Moody's of Dayton Inc. for the completion of a new raw water supply well at the City's Water Treatment Plant and declaring an emergency.</u>

Recommendation:
It is recommended that City Council authorize the City Manager to enter into a contract with Moody's of Dayton Inc. and appropriate funding in the amount of $595,000.00 for the completion of a new raw water supply well at the City's Water Treatment Plant. Rules suspension is requested in order to expedite the project.

ORDINANCE NO. 152-23. APPROVED 7-0.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Adam Kraft, Councilmember, 4th Ward
SECONDER:	Dale Paullus, Councilmember, 2nd Ward
AYES:	Meyers, Davidson, Brill, Besl, Paullus, Senger, Kraft

Public Works

Councilmember Terry Senger

<u>Ordinance to authorize the City Manager to enter into a contract with Choice One Engineering for engineering services needed for Winton Road Improvements Project – Resor to Oak Tree</u>

Recommendation:
It is recommended that the City Council authorize an appropriation of $64,800.00 be made from the Street Fund and that Council authorize the City Manager to enter into a contract with Choice One Engineering for the engineering services needed to perform the Winton Road Improvements - Resor to Oak Tree.

Councilmember Senger presented the first reading of this ordinance.

RESULT:	**FIRST READING**	**Next: 11/27/2023 7:00 PM**

Finance & Budget

Councilmember Tim Meyers

Motion to Suspend Second and Third Readings

Vice Mayor Meyers presented the first reading of this resolution

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Tim Meyers, Councilmember, At-Large
SECONDER:	Matt Davidson, Councilmember, At-Large
AYES:	Meyers, Davidson, Brill, Besl, Paullus, Senger, Kraft

Resolution establishing a Fairfield Township/City of Fairfield Joint Economic Development District (JEDD) Fund and declaring an emergency.

Recommendation:
It is necessary for City Council to pass a resolution in order to establish a Fairfield Township JEDD Fund in order to account for all revenue and expenditures generated by the Fairfield Township-City of Fairfield Joint Economic Development District.

RESOLUTION NO. 11-23. APPROVED 7-0.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Tim Meyers, Councilmember, At-Large
SECONDER:	Gwen Brill, Councilmember, At-Large
AYES:	Meyers, Davidson, Brill, Besl, Paullus, Senger, Kraft

Motion to Suspend Second and Third Readings

Vice Mayor Meyers presented the first reading of this ordinance.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Tim Meyers, Councilmember, At-Large
SECONDER:	Dale Paullus, Councilmember, 2nd Ward
AYES:	Meyers, Davidson, Brill, Besl, Paullus, Senger, Kraft

Ordinance to authorize the City Manager to execute an administrative service agreement with Chard Snyder & Associates, LLC to offer a Health Flexible Spending Account plan option to City of Fairfield employees and declaring an emergency.

Recommendation:
It is recommended that Council approve the City Manager entering into an agreement with Chard Snyder & Associates LLC to authorize the Health FSA option to be offered to City of Fairfield employees through the City's Section 125 Flexible Benefits Cafeteria Plan, as an additional benefit which can assist employee save monies specifically for health-care related costs

ORDINANCE NO. 153-23. APPROVED 7-0.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Tim Meyers, Councilmember, At-Large
SECONDER:	Gwen Brill, Councilmember, At-Large
AYES:	Meyers, Davidson, Brill, Besl, Paullus, Senger, Kraft

Motion to Suspend Second and Third Readings

Vice Mayor Meyers presented the first reading of this ordinance.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Tim Meyers, Councilmember, At-Large
SECONDER:	Adam Kraft, Councilmember, 4th Ward
AYES:	Meyers, Davidson, Brill, Besl, Paullus, Senger, Kraft

Ordinance to amend Ordinance No. 155-22 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, 2023, and ending December 31, 2023."

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

ORDINANCE NO. 154-23. APPROVED 7-0.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Tim Meyers, Councilmember, At-Large
SECONDER:	Dale Paullus, Councilmember, 2nd Ward
AYES:	Meyers, Davidson, Brill, Besl, Paullus, Senger, Kraft

Motion to Suspend Second and Third Readings

Vice Mayor Meyers presented the first reading of this ordinance.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Tim Meyers, Councilmember, At-Large
SECONDER:	Terry Senger, Councilmember, 3rd Ward
AYES:	Meyers, Davidson, Brill, Besl, Paullus, Senger, Kraft

Ordinance to amend Ordinance No. 155-22 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, 2023, and ending December 31, 2023."

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

ORDINANCE NO. 155-23. APPROVED 7-0.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Tim Meyers, Councilmember, At-Large
SECONDER:	Adam Kraft, Councilmember, 4th Ward
AYES:	Meyers, Davidson, Brill, Besl, Paullus, Senger, Kraft

Meeting Schedule

Clerk Wilson read the following meeting schedule:

A. Monday, November 27 - Council-Manager Briefing, 6:30 PM; Regular Meeting 7:00 PM

B. Monday, December 4 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM

C. Monday, December 11 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM

Executive Session of Council (if needed)

Council recessed to Executive Session at 7:45 PM.

15. ADJOURNMENT

The Regular Meeting adjourned at 8:48 PM.

ATTEST:

____

Clerk of Council

____

Mayor's Approval

Date Approved____________________

FAIRFIELD
OHIO

2024 Annual Operating Budget

Christopher J. Hacker, Director of Finance
Scott W. Timmer, City Manager

Agenda

- Monday, October 23, 2023
  - ✓ Budget Overview
  - ✓ Revenue & Expenditures
  - ✓ Council / Mayor / Law
  - ✓ General Services
  - ✓ City Manager's Office
  - ✓ Finance
  - ✓ Development Services
  - ✓ Fire
  - ✓ Police

- Monday, November 13, 2023
  - ✓ Public Works
  - ✓ Parks & Recreation
  - ✓ Public Utilities

- Monday, November 27, 2023
  - ✓ Municipal Court

FAIRFIELD
OHIO

Public Works

Public Works

- Funding Source
  - ✓ General Fund
  - ✓ Special Revenue Funds
  - ✓ Internal Service Fund

		2024 Dept Proposed	2023 Original	% Δ
PUBLIC WORKS	Personnel	4,326,297	4,033,053	7.27%
	Other	2,633,708	2,551,489	3.22%
		6,960,005	6,584,542	5.70%

Public Works – Administration & Construction Services

- Funding Source
  - ✓ General Fund
- Combined in 2021
  - ✓ 410-Public Works Administration
  - ✓ 411-Construction Services

		2024 Dept Proposed	2023 Original	% Δ
100 (GENERAL FUND) - 410 (PUBLIC WORKS ADMIN & CONSTRUCTION SERVICES)	Personnel	878,802	824,824	6.54%
	Other	199,380	192,100	3.79%
		1,077,582	**1,016,924**	**5.96%**

Public Works – Municipal Building and Garage

- Funding Sources
  - ✓ General Fund
  - ✓ Internal Service Fund

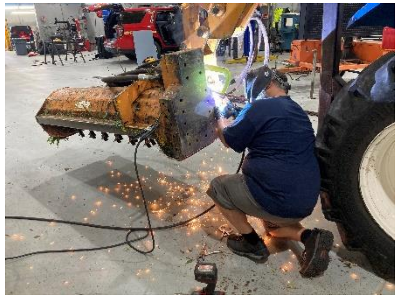
		2024 Dept Proposed	2023 Original	% ∆
100 (GENERAL FUND) - 412 (MUNICIPAL BUILDING)	Personnel	250,369	237,439	5.45%
	Other	221,154	213,154	3.75%
		474,523	**450,593**	**5.31%**
705 (MUNICIPAL GARAGE SERVICES) - 430 (FLEET MANAGEMENT)	Personnel	765,941	722,142	6.07%
	Other	484,250	466,200	3.87%
		1,250,191	**1,188,342**	**5.20%**

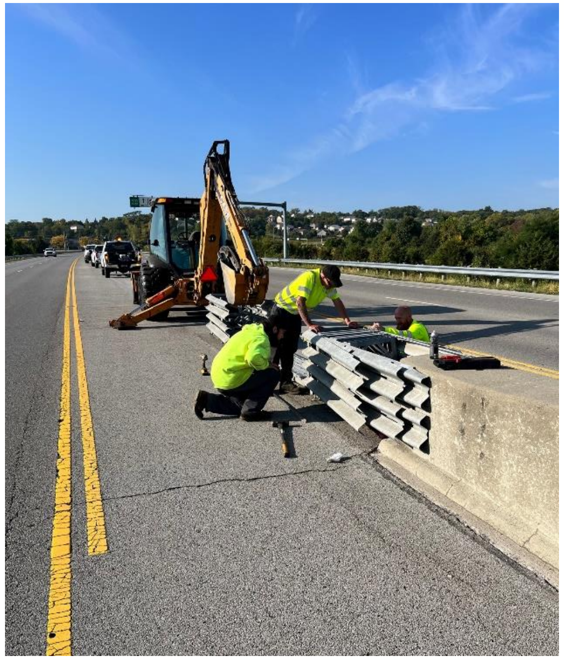
Public Works – Streets

- Funding Sources
  - ✓ Special Revenue Funds

		2024 Dept Proposed	2023 Original	% Δ
201 (STREET CONST, MAINT & REPAIR)	Personnel	1,949,297	1,766,760	10.33%
420 (STREETS & TRANSPORTATION)	Other	1,728,924	1,680,035	2.91%
202 (STATE HIGHWAY IMP)	Personnel	152,175	152,175	0%
420 (STREETS & TRANSPORTATION)	Other	-	-	0%
212 (MUNICIPAL MOTOR VEHICLE)	Personnel	329,713	329,713	0%
420 (STREETS & TRANSPORTATION)	Other	-	-	0%
	Personnel	**2,431,185**	**2,248,648**	**8.12%**
	Other	**1,728,924**	**1,680,035**	**2.91%**
		4,160,109	**3,928,683**	**5.89%**

FAIRFIELD OHIO





Public Works

FAIRFIELD
OHIO

Public Works

Parks and Recreation

Parks & Recreation

- Funding Source
  - ✓ General Fund
  - ✓ Enterprise Fund(s)

		2024 Dept Proposed	2023 Original	% ∆
PARKS & RECREATION	Personnel	3,405,389	3,274,445	4.00%
	Other	2,931,579	2,824,027	3.81%
		6,336,968	6,098,472	3.91%

Parks & Recreation

- Funding Source
  - ✓ General Fund

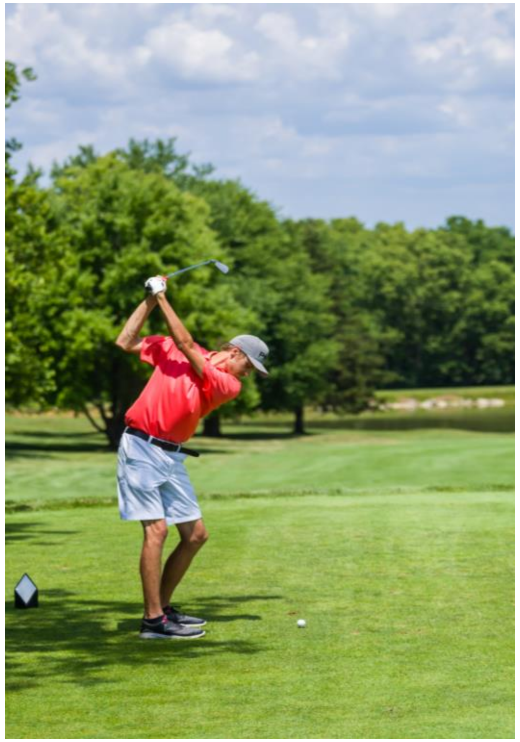
		2024 Dept Proposed	2023 Original	% Δ
100 (GENERAL FUND) - 510 (PARKS & RECREATION ADM)	Personnel	1,305,826	1,186,891	10.02%
	Other	757,700	721,600	5.00%
		2,063,526	**1,908,491**	**8.12%**
100 (GENERAL FUND) - 512 (PARKS MAINTENANCE OPERATIONS)	Personnel	1,125,134	1,091,751	3.06%
	Other	727,000	762,000	(4.59%)
		1,852,134	**1,853,751**	**(0.09%)**
100 (GENERAL FUND) - 513 (MARSH PARK FISHING LAKE)	Personnel	39,500	-	-
	Other	55,850	-	-
		95,350	**-**	**-**
100 (GENERAL FUND) - TOTAL	**Personnel**	**2,470,460**	**2,278,642**	**8.42%**
	Other	**1,540,550**	**1,483,600**	**3.84%**
		4,011,010	**3,762,242**	**6.61%**

Parks & Recreation

- Funding Source
  - ✓ Enterprise Fund(s)

		2024 Dept Proposed	2023 Original	% Δ
640 (RECREATIONAL FACILITIES) - 511 (AQUATIC CENTER OPERATIONS)	Personnel	-	-	0.00%
	Other	289,000	255,000	13.33%
		289,000	**255,000**	**13.33%**
640 (RECREATIONAL FACILITIES) - 515 (GOLF OPERATIONS)	Personnel	352,151	315,180	11.73%
	Other	496,150	456,400	8.71%
		848,271	**771,580**	**9.94%**
640 (RECREATIONAL FACILITIES) - 520 (GOLF MAINTENANCE)	Personnel	383,788	384,624	(0.22)%
	Other	474,879	482,527	(1.58)%
		858,667	**867,151**	**(0.98)%**
641 (RECREATION ACTIVITY) - 510 (PARKS & RECREATION ADM)	Personnel	198,990	295,999	(32.77)%
	Other	131,000	146,500	(10.58)%
		329,990	**442,499**	**(25.43)%**

Parks and Recreation



FAIRFIELD
OHIO

FAIRFIELD
OHIO

Public Utilities

Public Utilities

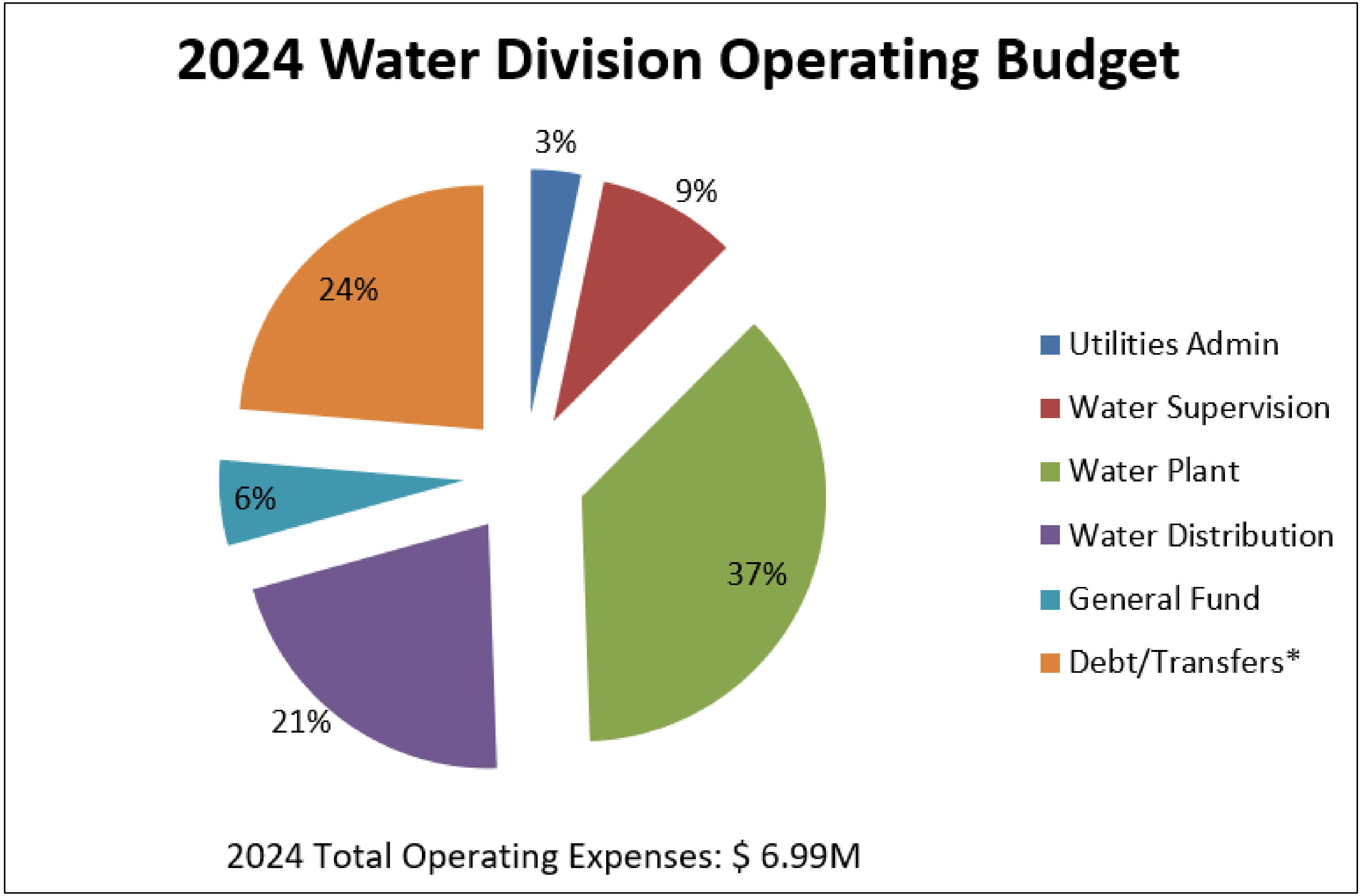
- Funding Source
  - ✓ Enterprise Fund(s)

		2024 Dept Proposed	2023 Original	% Δ
PUBLIC UTILITIES - Water Revenue Fund (Fund 601)	Personnel	2,581,553	2,399,604	7.58%
	Other	4,757,293	4,749,768	0.16%
		7,338,846	**7,149,372**	**2.65%**
PUBLIC UTILITIES - Sewer Revenue Fund (Fund 620)	Personnel	2,986,250	2,720,246	9.78%
	Other	3,508,733	3,403,602	3.09%
		6,494,983	**6,123,848**	**6.06%**
PUBLIC UTILITIES	**Personnel**	**5,567,803**	**5,119,850**	**8.75%**
	Other	**8,266,026**	**8,153,370**	**1.38%**
		13,833,829	**13,273,220**	**4.22%**

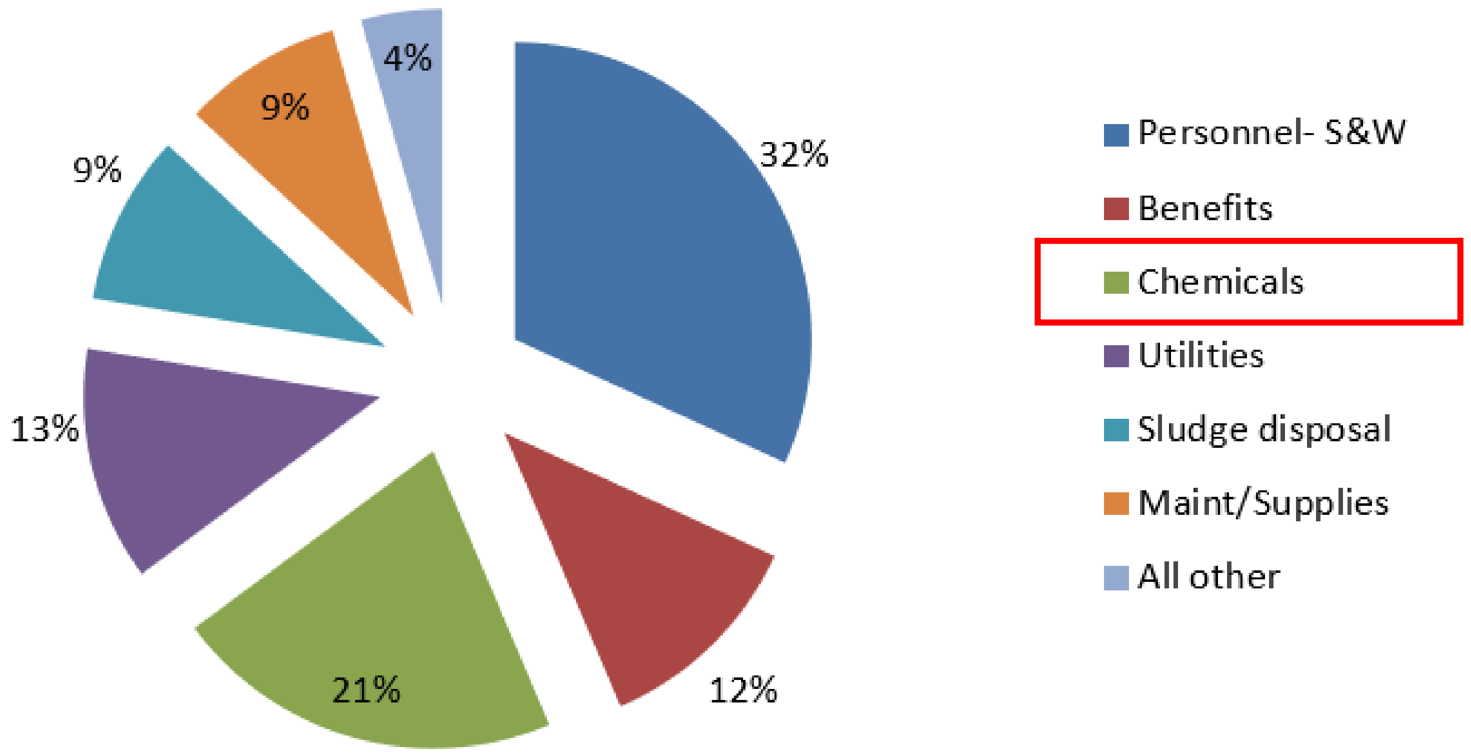
Public Utilities – Water

- Funding Source
  - ✓ Enterprise Fund(s)

		2024 Dept Proposed	2023 Original	% Δ
601 (WATER REVENUE) - 610 (PUBLIC UTILITY ADMINISTRATION)	Personnel	108,425	101,669	6.65%
	Other	122,250	122,250	0.00%
601 (WATER REVENUE) - 611 (WATER SUPERVISION)	Personnel	397,218	344,952	15.15%
	Other	693,728	623,878	11.20%
601 (WATER REVENUE) - 612 (WATER PUMPING TREATMENT)	Personnel	1,131,425	1,047,150	8.05%
	Other	1,455,700	1,408,700	3.34%
601 (WATER REVENUE) - 613 (WATER DISTRIBUTION & MAINT)	Personnel	944,485	905,833	4.27%
	Other	540,690	524,190	3.15%
PUBLIC UTILITIES - Water Revenue Fund (Excluding Debt)	**Personnel**	**2,581,553**	**2,399,604**	**7.58%**
	Other	**2,812,368**	**2,679,018**	**4.98%**
		5,393,921	**5,078,622**	**6.21%**


2024 Water Division Operating Budget
3%
9%
24%
6%
37%
21%
Utilities Admin
Water Supervision
Water Plant
Water Distribution
General Fund
Debt/Transfers*
2024 Total Operating Expenses: $ 6.99M

2024 Water Treatment Plant Expenses



<u>Chlorine costs</u>:
June 2021:
$520 / ton

July 2023:
$2,041 / ton

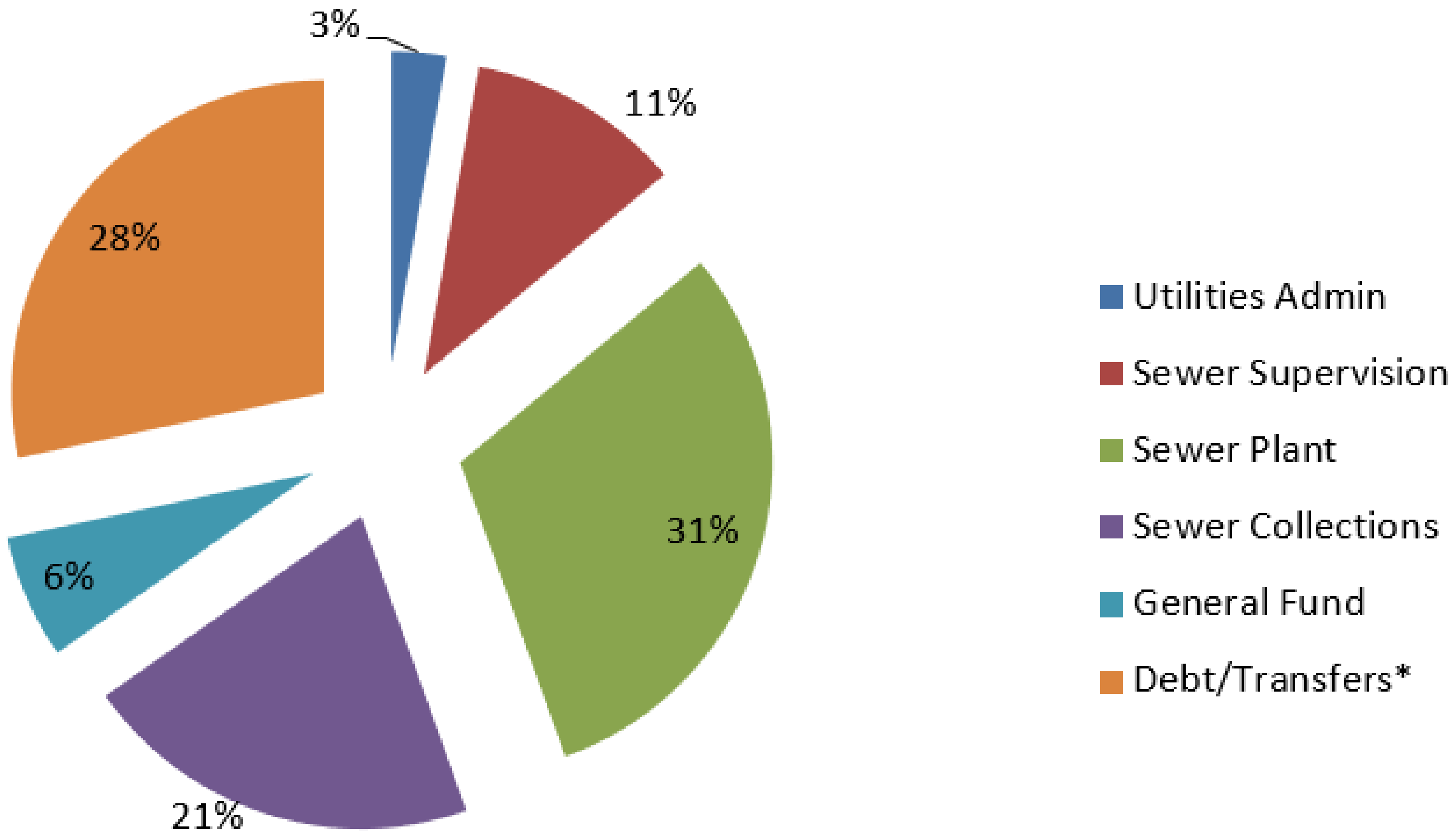
<u>Lime costs</u>:
2024:
+34% per PPI

Public Utilities – Sewer

- Funding Source
  - ✓ Enterprise Fund(s)

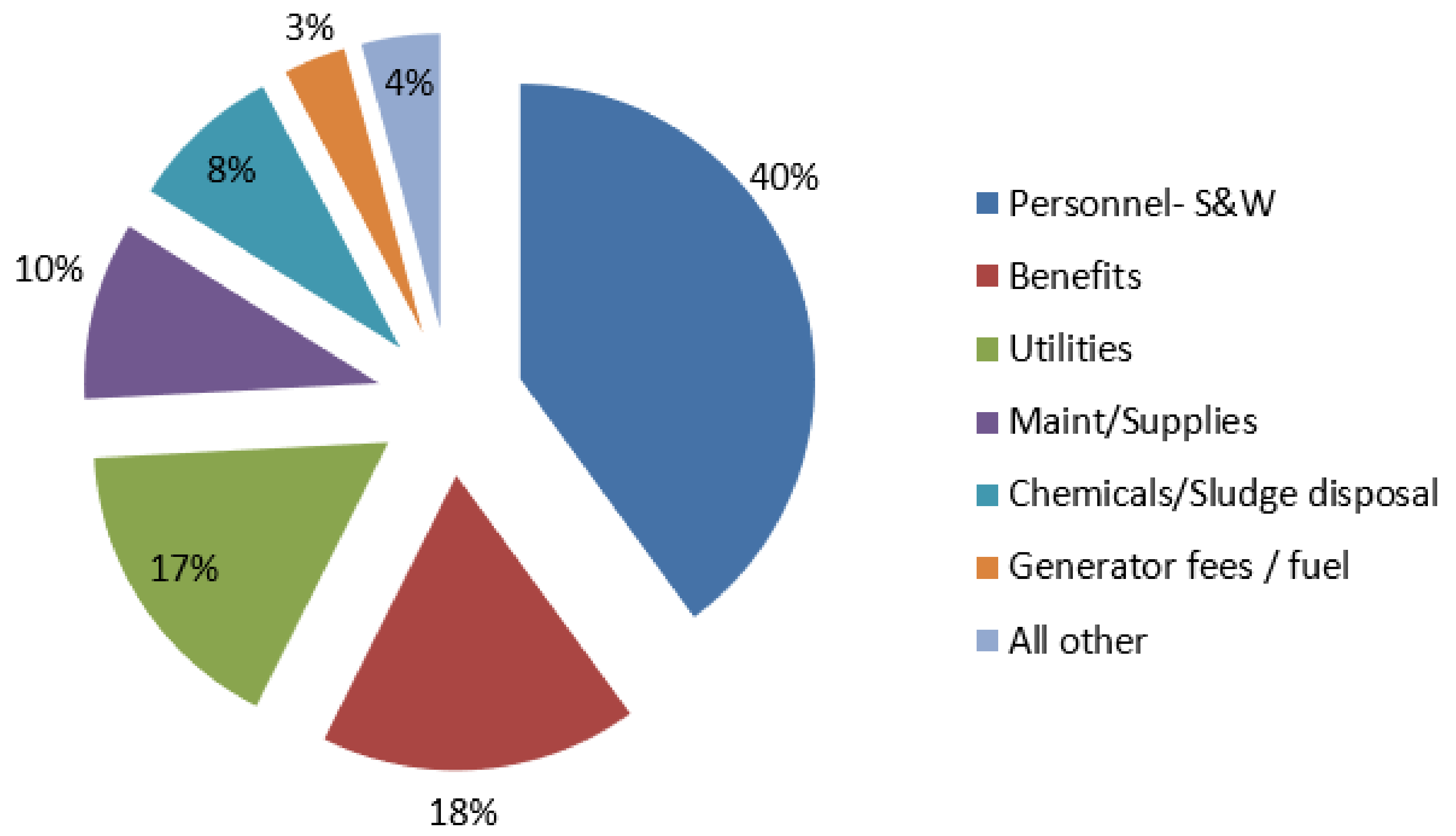
		2024 Dept Proposed	2023 Original	% Δ
620 (SEWER REVENUE) - 610 (PUBLIC UTILITY ADMINISTRATION)	Personnel	108,425	101,669	6.65%
	Other	83,600	82,600	1.21%
620 (SEWER REVENUE) - 621 (SEWER SUPERVISION)	Personnel	520,305	520,152	0.03%
	Other	691,619	661,540	4.55%
620 (SEWER REVENUE) - 622 (SEWER PLANT)	Personnel	1,205,599	1,073,695	12.29%
	Other	883,964	860,964	2.67%
620 (SEWER REVENUE) - 623 (SEWER COLLECTION & MAINT)	Personnel	1,151,921	1,024,730	12.41%
	Other	263,750	266,250	(0.94)%
PUBLIC UTILITIES - Sewer Revenue Fund (Excluding Debt)	**Personnel**	**2,986,250**	**2,720,246**	**9.78%**
	Other	**1,922,933**	**1,871,354**	**2.76%**
		4,909,183	**4,591,600**	**6.92%**

2024 Sewer Division Operating Budget



2024 Total Operating Expenses: $6.8 M

2024 Wastewater Plant Expenses

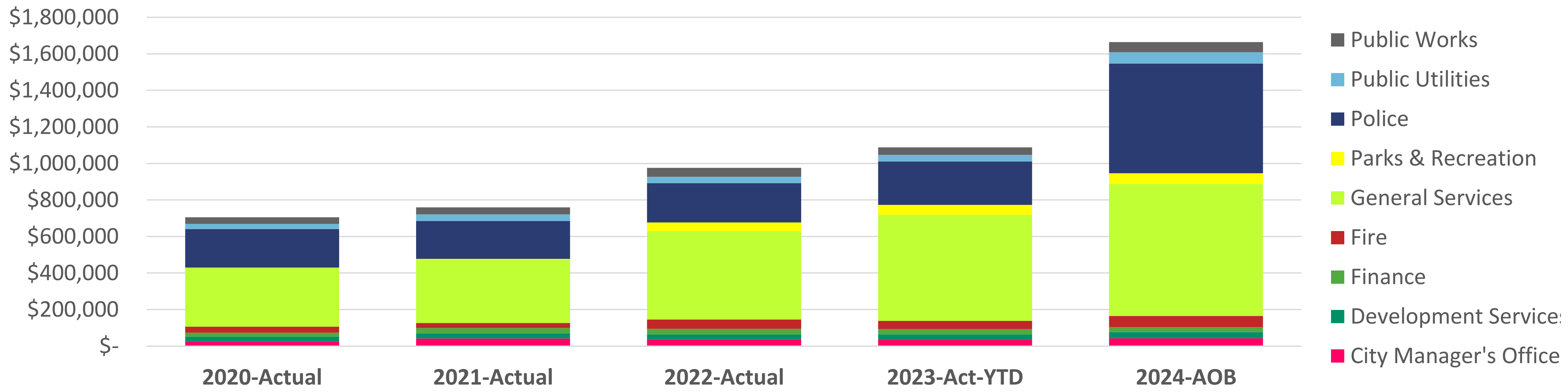


FAIRFIELD OHIO

Technology Trends

Budget Overview – Technology

Row Labels	2020-Actual	2021-Actual	2022-Actual	2023-Act-YTD	2024-AOB
City Manager's Office	$ 25,380.36	$ 41,560.61	$ 35,579.36	$ 33,607.50	$ 42,400.00
Development Services	$ 25,941.19	$ 28,033.11	$ 28,288.36	$ 30,901.41	$ 34,222.00
Finance	$ 21,522.58	$ 29,513.36	$ 31,285.09	$ 28,518.05	$ 27,250.00
Fire	$ 33,304.85	$ 27,500.70	$ 50,670.08	$ 44,409.09	$ 61,500.00
General Services	$323,331.60	$348,119.96	$483,895.78	$ 581,785.97	$ 721,000.00
Parks & Recreation	$ 792.62	$ 2,485.73	$ 46,842.27	$ 54,290.87	$ 60,000.00
Police	$209,839.74	$207,292.84	$215,680.94	$ 236,857.24	$ 599,800.00
Public Utilities	$ 28,660.62	$ 36,684.40	$ 34,298.14	$ 36,948.03	$ 62,775.00
Public Works	$ 36,688.72	$ 38,798.77	$ 48,715.55	$ 40,712.69	$ 55,500.00



FAIRFIELD
OHIO

City Council Resolution
Regular Meeting - November 27, 2023

Submitted by: Nathaniel Kaelin, Economic Development Manager
Submitting Department: Development Services

Subject:
Revised Tax Incentive Guidelines

Legislation Title:
Resolution adopting the 2023 revised edition of the City of Fairfield Tax Incentive Guidelines, establishing policies and procedures for tax incentive programs, and superseding all previous tax incentive guideline documents and policies.

Recommendation:
It is recommended that City Council approve this resolution to adopt the revised Tax Incentive Guidelines.

Background/Synopsis:
The Ohio Constitution and Ohio Revised Code (ORC) empower the City to create and offer programs that foster economic growth by attracting investment and job growth in the community. The City has used tax incentives, such Community Reinvestment Area (CRA) and Enterprise Zone (EZ) programs, for several decades to support and attract economic development projects. These projects have driven job growth at both midsize and large employers, including ART Metals, Calvary Industries, Standex Electronics, Pacific Manufacturing, Koch Foods, and Cincinnati Financial Corporation.

The Fairfield City School District (FCSD) is an important partner in the City's economic development efforts as CRA and EZ incentives impact property tax revenues resulting from the renovation of existing or construction of new buildings. In the early 2000s, the City and FCSD established tax incentive guidelines to establish a framework for City staff to negotiate and propose tax incentives to Fairfield City Council and the FCSD Board of Education. These guidelines have proven to be a successful model to structuring local economic development incentives while maintaining a positive working relationship between the City and FCSD.

City staff has identified the need to revised and update the tax incentive guidelines. The goals of the update include: 1) revising investment and payroll expectations for CRA and EZ incentives to reflect inflation and wage growth, 2) revising CRA policies in response to ORC changes effective in April 2023, 3) establishing a framework for speculative and redevelopment CRA projects, and 4) creating an income tax incentive program for projects that cannot benefit from a CRA or EZ incentive.

The income tax incentive program, to be known as the Job Creation Incentive (JCI), would provide a grant payment to companies that create new jobs with a minimum of $1.5 million in annual net payroll within the City. This new incentive is proposed to reflect changing needs in the community. CRA and EZ incentives can only provide a tax abatement against the value of a new building or increase value of a renovated building. As Fairfield has a decreasing number of greenfield sites available for new development, backfilling existing buildings has become a more critical economic development need. City staff studied income tax incentive programs established by other Ohio jurisdictions to determine best practices for implementation of the JCI program in Fairfield.

The Revised 2023 Tax Incentive Guidelines document was presented to the FCSD Board of Education on November 2, 2023. The Board will consider adoption of a resolution adopting the sections of the document pertaining to CRA and EZ programs at its November 16, 2023 meeting.

Approval of this resolution by Fairfield City Council will adopt the Revised 2023 document and permit City staff to utilize the new guidelines when considering and negotiating economic development incentives.

Financial Impact:
Adoption of the revised Tax Incentive Guidelines does not establish any tax or other financial incentives. Individual projects seeking incentives under these guidelines will be reviewed and require approval by Fairfield City Council.

Emergency Provision Explanation:
N/A

Rule Suspension Requested:
No

Emergency Provision Needed:
No

Attachments:
1. City of Fairfield Tax Incentive Guidelines Revisions - Proposed November 2023
2. Tax Incentive Guidelines 2023-Res

FAIRFIELD
CITY OF OPPORTUNITY

City of Fairfield Tax Incentive Guidelines

Revised 2023 ***PROPOSED November 2023***

I. INTRODUCTION & PURPOSE

a. The City of Fairfield welcomes new business investment, job creation and retention, and revitalization in our community. These guidelines are intended to serve as a tool for City staff to evaluate, negotiate, and recommend tax incentives to Fairfield City Council and/or the Board of Education of the Fairfield City School District.

b. The purpose of the City's tax incentives programs is to foster private investment that produces the following outcomes:

   i. Creation and retention of quality job opportunities;
   ii. Attraction of new business investments;
   iii. Growth of the tax base to support quality public services and schools;
   iv. Enhancement of quality of life amenities; and
   v. Revitalization and activation of underutilized properties and districts.

c. These guidelines provide guidance for three tax incentive programs:

   i. **Community Reinvestment Area (CRA)**: Authorized by Ohio Revised Code (ORC) Section 3735, the CRA program enables the City to provide a real property tax abatement for entities investing in real estate improvements (e.g. new construction or renovation of an existing building). The City has three designated CRA areas in which projects may be considered. Guidance specific to this program is provided in Section III of these guidelines.

   ii. **Enterprise Zone (EZ)**: Authorized by ORC Section 5709, the EZ program enables the City to provide a real or personal property tax abatement for entities investing in real estate and/or capital improvements. The City has one designated EZ area in which projects may be considered. Projects within this EZ area must be approved by the Butler County Board of Commissioners. By practice, the City traditionally recommends use of the CRA program if both programs are available to a project. Some projects may receive a greater benefit from the EZ program (e.g. environmentally contaminated sites). In these cases, the City will evaluate and administer EZ projects following the applicable guidance provided for CRAs in Section III of these guidelines as well as applicable EZ statutory requirements.

FAIRFIELD
CITY OF OPPORTUNITY

iii. **Job Creation Incentive (JCI)**: The JCI program provides a grant for entities creating new jobs in the City. This program can be applied within any area of the City. Guidance specific to this program is provided in Section IV of these guidelines.

II. PROJECT ELIGIBILITY

a. **Major Factor and Retroactivity:** Tax incentive programs will only be offered when absolutely necessary to bring about an investment. In order to demonstrate that the incentive is a major factor in the entity's decision to pursue the project, no incentives shall be made available after the investment is underway (e.g. construction has begun on a building improvement). In order to qualify to receive a tax incentive, the investment must take place subsequent to approval by Fairfield City Council. Project planning and engineering may be completed concurrent with the application and approval process for incentives.

b. **Eligible Project End Uses:** The City will consider tax incentive support for specific end uses. Eligibility does not guarantee an incentive will be offered.
   i. Industrial
      - Manufacturing
      - Distribution and Logistics
      - Research and Development
   ii. Office
   iii. Retail
   iv. Residential

c. **Eligible Investment:** The City will consider tax incentive support for applicants committing to make a substantial investment in the community. For the purposes of these guidelines, eligible investment includes land or building acquisition, building improvement or construction, machinery & equipment, and fixtures & equipment.

d. **Good Standing:** The City will only consider tax incentive support for applicants and related entities that are in full compliance with all applicable building, zoning, and development regulations. Additionally, any applicant or related entity must be current on local income and property tax payments.

e. **Good Corporate Citizen:** Any entity receiving a tax incentive is expected to maintain itself as a good corporate citizen by being a member of the Fairfield Chamber of Commerce and/or contributing to other civic or social organizations that enhance the quality of life in the community. Good corporate citizenship includes maintaining a positive relationship with the local school districts and remaining in good standing with local, state, and federal laws and taxes throughout the term of any tax incentives.

FAIRFIELD
CITY OF OPPORTUNITY

III. COMMUNITY REINVESTMENT AREA (CRA) GUIDELINES

a. **CRA Program:** The CRA program enables the City to provide a real property tax abatement for entities investing in real estate improvements. Generally, state law only permits abatement of taxes on new real estate value gained from new construction, renovation, or expansion of a building. The taxable value of an existing building is therefore not eligible for abatement.

b. **Investment and Job Requirements:** The primary determinants that the City will consider when offering a CRA tax abatement include the total project investment and the resulting impact on job creation, job retention, and total annual payroll.

c. **Industrial and Office Projects:** Projects that involve the construction of a new building, the expansion of an existing building, or the rehabilitation of an existing building for an industrial or office end use will generally be evaluated using the scale shown in Table 1 to determine eligibility and an abatement rate and term. The scale is based on the project metrics of investment, job creation/retention, and payroll. For rehabilitation projects, the City may consider increasing the rate or term should the estimated new real estate value gained not generate a significant incentive, as estimated and determined by program staff.

TABLE 1

Investment	Jobs Created and/or Retained	Annual Payroll	Maximum Rate	Maximum Term
$ 2,500,000	25	$1,250,000	45%	4 years
$ 5,000,000	50	$2,500,000	55%	6 years
$ 7,500,000	75	$3,750,000	65%	8 years
$ 10,000,000	100	$5,000,000	75%	10 years

d. **Speculative Industrial and Office Projects:** Speculative projects are defined as projects without identified tenants prior to construction, meaning that job creation, job retention, and/or payroll impacts are estimated. As a general rule, the City does not provide incentives for speculative projects with an industrial or office end use. However, the City may consider support for speculative projects that:

   i. Develop sites challenged by topography, wetlands, floodplains, environmental contamination, or other development hurdles;
   ii. Improve surrounding roadway, pedestrian, utility, and/or other infrastructure over and above the standard expectation of a real estate development; and/or
   iii. Demonstrate the need for a CRA abatement to attract high-quality tenants to the site upon project completion.

FAIRFIELD
CITY OF OPPORTUNITY

For speculative industrial and office projects, the City will determine an income tax revenue target based on the square footage of the project. A typical revenue target for speculative projects is based on income tax resulting from one job per 2,000 square feet of building space with a specific annual payroll per job. Speculative projects are also subject to an impact fee paid at approval of any CRA tax abatement.

e. **Redevelopment Projects:** Projects for any eligible end use that will redevelop a property that has previously been developed may also be evaluated on other factors. Although investment, job creation, job retention, and payroll remain important factors, the City may also support redevelopment projects that accomplish the following additional goals:

   i. Removal of blight and/or reactivation of underutilized properties;
   ii. Addition of unique quality of life amenities for residents; and/or
   iii. Activation of prioritized commercial districts and corridors.

   For redevelopment projects, the City will consider known development obstacles, documented project funding gaps, other public support for the project, and other related factors to determine eligibility and an abatement rate and term.

f. **School Compensation:** The Fairfield City School District and Butler Tech are important partners in the City's economic development efforts. All CRA tax abatement projects are required to make an annual compensation payment to the affected school districts to offset a portion of the property tax abated. Generally, this payment amount shall equal approximately one-third of the taxes abated. Program staff will estimate these payments during the application and negotiation process so that the applicant can understand the effective abatement value.

   <u>Example School Compensation Payment Calculation:</u>

Property tax abatement	= 75% of taxes due
Fairfield City Schools payment	= 32% of taxes abated
Butler Tech payment	= 1% of taxes abated
Effective tax abatement value	**= ~50% of taxes due**

g. **Application and Negotiation:** Applicants must submit a formal application on a prescribed form provided by and returned to the City's Development Services Department. Upon receipt of an application, the Department will review the proposed project and these guidelines in consultation with City administration and the Fairfield City School District. Each tax incentive will be negotiated on a case-by-case basis. Compliance with these guidelines does not guarantee an offer of any kind or the rate and term that may be offered. Abatement rates and terms exceeding those shown in Table 1 will be granted only in limited circumstances when an extraordinary investment, payroll, or other community impact will result from the project.

FAIRFIELD
CITY OF OPPORTUNITY

h. **Approval and Agreements:** Once the applicant has accepted a proposal from the City for a CRA tax abatement, the City will submit the proposal for approval by Fairfield City Council. As required under state law, the City will provide formal notice to the Fairfield City School District and Butler Tech. The notice to Fairfield City Schools will include a request for the Board of Education to approve a school compensation agreement. Should the project relocate jobs from another community in the State of Ohio to Fairfield, the City will also provide notice to the affected community. Approval of the CRA tax abatement will only be effective after the Board of Education of the Fairfield City School District has approved the school compensation agreement, Fairfield City Council has approved the CRA tax abatement, and all parties have executed the CRA agreement and school compensation agreement.

i. **Tax Incentive Review Council (TIRC):** Pursuant to state law, a TIRC has been established to annually monitor compliance with the terms and conditions of any CRA property tax agreements. The Development Services Department will administer an annual reporting process, collecting investment, job, and payroll data from all entities with agreements active in the previous calendar year. The Department will submit this information to the Ohio Department of Development and TIRC. The TIRC will review the information and make a recommendation to continue, modify, or terminate each active agreement. Fairfield City Council may choose to act upon a recommendation to modify or terminate an agreement.

FAIRFIELD
CITY OF OPPORTUNITY

IV. JOB CREATION INCENTIVE (JCI) GUIDELINES

a. **JCI Program:** The JCI program enables the City to provide a grant for entities that create new jobs in the City. Generally, the City will only consider use of this program for projects that are not viable for a CRA or EZ tax abatement because the new jobs will be created within an existing building for which a property tax abatement would not generate significant value. The JCI program will only be considered for projects with an industrial or office end use.

b. **Investment and Job Requirements:** The primary determinants that the City will consider when offering a JCI grant include the total project investment and the total net annual payroll for work performed in the City. The City will use the scale shown in Table 2 when evaluating projects for eligibility and establishing an incentive rate and term. Investment associated with the project should generally meet or exceed the potential estimated incentive value.

TABLE 2

Net Annual Payroll	Net Withholdings	Maximum Rate	Maximum Term*
$ 1,500,000	$22,500	30%	6 years
$ 3,000,000	$45,000	32%	6 years
$ 4,500,000	$67,500	34%	8 years
$ 6,000,000	$90,000	36%	8 years
$ 8,000,000	$120,500	38%	10 years
$ 10,000,000	$150,000	40%	10 years

***If the applicant is leasing space, the term may be no longer than two years less than the lease term. For example, if an applicant proposes to create $3,000,000 in new payroll in space leased for five (5) years, the maximum grant term would be three (3) years; if the same applicant proposed a ten (10) year lease, the maximum grant term would be six (6) years per the maximum term shown in Table 2.

c. **Application and Negotiation:** Applicants must submit a formal application on a prescribed form provided by and returned to the City's Development Services Department. Upon receipt of an application, the Department will review the proposed project and these guidelines in consultation with City administration. Each incentive will be negotiated on a case-by-case basis. Compliance with these guidelines does not guarantee an offer of any kind or the maximum rate and term. Incentive rate and terms exceeding those shown in Table 2 will be granted only in limited circumstances when an extraordinary investment, payroll, or other community impact will result from the project. The City may consider an annual grant cap for projects exceeding $20,000,000 in payroll.

FAIRFIELD
CITY OF OPPORTUNITY

d. **Approval and Agreement:** Once the applicant has accepted a proposal from the City for a JCI grant, the City will submit the proposal for approval by Fairfield City Council. Should the project relocate jobs from another community in the State of Ohio, the City will provide notice to the affected community. Approval of the JCI grant is only effective after Fairfield City Council has approved a JCI agreement and all parties have executed the JCI agreement.

e. **Reporting and Grant Payments:** The Development Services Department will administer an annual reporting process, collecting investment, job, and income tax withholdings data from all entities with agreements active in the previous year. The Department will verify the withholdings data with the City's Income Tax Division and determine the annual net withholdings income tax received by the City after subtracting any employee refunds (e.g. refunds for employees working off-site). The City will, subject to the annual appropriation of funds by Fairfield City Council, issue a grant payment based on the approved rate multiplied by the net withholdings.

RESOLUTION NO. ___________

RESOLUTION ADOPTING THE 2023 REVISED EDITION OF THE CITY OF FAIRFIELD TAX INCENTIVE GUIDELINES, ESTABLISHING POLICIES AND PROCEDURES FOR TAX INCENTIVE PROGRAMS AND SUPERSEDING ALL PREVIOUS TAX INCENTIVE GUIDELINE DOCUMENTS AND POLICIES.

WHEREAS, the City Council has previously adopted Tax Incentive Guidelines to support economic development projects; and

WHEREAS, the Tax Incentive Guidelines are in need of amendment and updating.

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

Section 1. The revised 2023 City of Fairfield Tax Incentive Guidelines, a copy of which is on file in the office of the Clerk of Council and incorporated herein by reference, are hereby approved and adopted. All previous tax incentive guideline documents and policies are superceded.

Section 2. 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

Active Clients\City of Fairfield\Ordinances\2023\Tax Incentive Guidelines 2023-Res

City Council Resolution
Regular Meeting - November 27, 2023

Submitted by: Ben Mann,
Submitting Department: Public Works

Subject:
Resolution to Adopt 2023 Butler County Hazard Mitigation Plan Update

Legislation Title:
Resolution to Adopt 2023 Butler County Hazard Mitigation Plan

Recommendation:
It is recommended that City Council pass a resolution to adopt Butler County's Hazard Mitigation Plan.

Background/Synopsis:

It is necessary for City Council to adopt the County's Hazard Mitigation Plan in order to be eligible for certain federal funding and to support the Butler County Emergency Management Agency's planning efforts.

Butler County has developed an updated Hazard Mitigation Plan for 2023. These updates are done on a five-year cycle and the City of Fairfield adopted the updated plan in 2018.

The plan development was funded through a grant from the Federal Emergency Management Agency (FEMA) and public meetings were held to gather input from community officials and Butler County residents. The plan has been approved by FEMA and will be adopted by Butler County and a plan needs to be adopted by all of the incorporated areas within the county. It is in the best interests of the City to adopt the County plan rather than maintain an independent City plan.

One of the requirements of past grant agreements between the City of Fairfield and FEMA is that the City adopt the County's Hazard Mitigation Plan prior to spending federal funds. It is a federal requirement that the City have a plan in place through the creation of an independent plan or the adoption of the County plan.

This is necessary step for any future mitigation funding that the City may pursue.

Financial Impact:

None.

Emergency Provision Explanation:

Not applicable.

Rule Suspension Requested:
No

Emergency Provision Needed:
No

Attachments:
1. City of Fairfield Resolution
2. 2023 Hazard Mitigation Plan Update Summary
3. Butler Cty 2023 Hazard Mitigaiton Plan-Res

Butler County 2023 Hazard Mitigation Plan
Municipal Adoption Resolution

Resolution No. __________________
[CITY OF FAIRFIELD], Butler County, Ohio

WHEREAS, *the [CITY OF FAIRFIELD],* Butler County, Ohio is most vulnerable to natural hazards which may result in loss of life and property, economic hardship, and threats to public health and safety, and

WHEREAS, Section 322 of the Disaster Mitigation Act of 2000 (DMA 2000) requires state and local governments to develop and submit for approval to the President a mitigation plan that outlines processes for identifying their respective natural hazards, risks, and vulnerabilities, and

WHEREAS, *the [CITY OF FAIRFIELD]* acknowledges the requirements of Section 322 of DMA 2000 to have an approved Hazard Mitigation Plan as a prerequisite to receiving post-disaster Hazard Mitigation Grant Program funds, and

WHEREAS, the Butler County 2023 Hazard Mitigation Plan has been developed by the Butler County Emergency Management Agency in cooperation with other county departments, and officials and citizens of *the [CITY OF FAIRFIELD],* and

WHEREAS, a public involvement process consistent with the requirements of DMA 2000 was conducted to develop the Butler County 2023 Hazard Mitigation Plan, and

WHEREAS, the Butler County 2023 Hazard Mitigation Plan recommends mitigation activities that will reduce losses to life and property affected by both natural hazards that face the County and its municipal governments,

NOW THEREFORE BE IT RESOLVED by the governing body for *the [CITY OF FAIRFIELD]:*

- The Butler County 2023 Hazard Mitigation Plan is hereby adopted as the official Hazard Mitigation Plan of *the [CITY OF FAIRFIELD]* and

- The respective officials and agencies identified in the implementation strategy of the Butler County 2023 Hazard Mitigation Plan are hereby directed to implement the recommended activities assigned to them.

ADOPTED, this _________ day of ________________, 2023

ATTEST: ***[CITY OF FAIRFIELD]***

___________________________ By ______________________________

By ______________________________

By ______________________________

Attachment: City of Fairfield Resolution (3707 : Resolution to Adopt 2023 Butler County Hazard Mitigation Plan Update)

Hazard Mitigation Plan Update Summary

Background Information	
What is the Butler County Hazard Mitigation Plan Update?	The Butler County Hazard Mitigation Plan update is a required update to the Butler County Hazard Mitigation Plan. The plan is required by the Robert T. Stafford Disaster Relief and Emergency Assistance Act as amended by the Disaster Mitigation Act of 2000. Each jurisdiction is required to have adopted a plan and the plan is required to be updated every five (5) years.
What is the purpose of the plan?	The purpose of the Butler County Hazard Mitigation Plan is to identify hazard mitigation activities within the county which could lessen or remove fully the impacts of natural disasters. The plan is intended to guide mitigation activities within the county. Additionally, only projects listed within the Butler County Hazard Mitigation Plan will be eligible for FEMA Hazard Mitigation grants. Non-FEMA funds may be used for future mitigation projects regardless of whether or not they are identified in the plan.
Who is required to adopt a local hazard mitigation plan?	Each jurisdiction is required to adopt and maintain a local hazard mitigation plan to remain in compliance with the Disaster Mitigation Act of 2000. This can be achieved through adoption of the County plan or through the development of their own local plan. Cities and villages are required to adopt a plan or develop their own, and are additionally required to have at least one (1) identified mitigation action for their community included in the plan. Unincorporated areas, such as townships, are included in the County plan adoption.

What are the benefits of developing and adopting the Butler County Hazard Mitigation plan?	There are several benefits to adopting the Butler County Hazard Mitigation plan. These include:
	• Communities remain in compliance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act and are thus eligible for federal disaster relief funds.
	• Projects identified in the plan may be eligible for FEMA Building Resilient Infrastructure and Communities grants. These include:
	    ○ Potential hazard mitigation funds following a Presidential major disaster declaration.
	    ○ Potential hazard mitigation funds prior to a Presidential major disaster declaration.
	    ○ Potential hazard mitigation funds specifically for flood-prone structures focused on reducing or eliminating claims under the National Flood Insurance Program (NFIP).
	• Adoption of the Butler County Hazard Mitigation plan saves the local jurisdiction money by fulfilling the requirement without having to undergo the costly plan development process.
	• Allows citizens to be eligible for direct application grants, such as the Ohio Safe Room Rebate Program (Tornado Safe Rooms).

Hazard Identification and Risk Analysis (HIRA)	Part of the Butler County Hazard Mitigation plan update is the development of a Hazard Identification and Risk Analysis (HIRA). The HIRA is used to rank the hazards which may impact Butler County. To develop the HIRA, Butler County used surveys provided to first responders, county and jurisdictional administrators, and community partners to identify what hazards they felt were the most concerning. Every jurisdiction in Butler County participated in the development of the HIRA. A full list of participants is located in the plan, beginning on page 24.

	The surveys provided resulted the following HIRA for Butler County:
	1. Natural Hazards
	    1. Severe Thunderstorms
	    2. Extreme Temperatures
	    3. Severe Winter Storms
	    4. Drought
	    5. Earthquakes
	    6. Tornadoes
	    7. Dam/Levee Failures
	    8. Flooding
	    9. Health-related Emergencies*
	2. Man-made Hazards
	    1. Hazardous Materials Incidents*
	*denotes hazard is a new addition to the Butler County HIRA

Contact Information	For more information regarding the Butler County Hazard Mitigation Plan Update, please contact Butler County EMA Director Jim Bolen.
	• Jim Bolen
	    ○ Email – BolenJA@ButlerCountyOhio.org
	    ○ Phone – (513) 795-2999

RESOLUTION NO. ____________

RESOLUTION TO ADOPT THE BUTLER COUNTY 2023 HAZARD MITIGATION PLAN.

WHEREAS, the City of Fairfield, Butler County, Ohio is most vulnerable to natural hazards which may result in loss of life and property, economic hardship, and threats to public health and safety, and

WHEREAS, Section 322 of the Disaster Mitigation Act of 2000 (DMA 2000) requires state and local governments to develop and submit for approval to the President a mitigation plan that outlines processes for identifying their respective natural hazards, risks, and vulnerabilities, and

WHEREAS, the City of Fairfield acknowledges the requirements of Section 322 of DMA 2000 to have an approved Hazard Mitigation Plan as a prerequisite to receiving post-disaster Hazard Mitigation Grant Program funds, and

WHEREAS, the Butler County 2023 Hazard Mitigation Plan has been developed by the Butler County Emergency Management Agency in cooperation with other county departments, and officials and citizens of the City of Fairfield, and

WHEREAS, a public involvement process consistent with the requirements of DMA 2000 was conducted to develop the Butler County 2023 Hazard Mitigation Plan, and

WHEREAS, the Butler County 2023 Hazard Mitigation Plan recommends mitigation activities that will reduce losses to life and property affected by both natural hazards that face the County and its municipal governments.

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

Section 1. The Butler County 2023 Hazard Mitigation Plan is hereby adopted as the official Hazard Mitigation Plan of the City of Fairfield.

Section 2. The respective officials and agencies identified in the implementation strategy of the Butler County 2023 Hazard Mitigation Plan are hereby directed to implement the recommended activities assigned to them.

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

Active Clients\City of Fairfield\Ordinances\2023\Butler Cty 2023 Hazard Mitigation Plan-Res

City Council Ordinance
Regular Meeting - November 27, 2023

Submitted by: Ben Mann,
Submitting Department: Public Works

Subject:
Design for Minor Widening of Winton Road – Resor to Oak Tree

Legislation Title:
Ordinance to authorize the City Manager to enter into a contract with Choice One Engineering for engineering services needed for Winton Road Improvements Project – Resor to Oak Tree

Recommendation:
It is recommended that the City Council authorize an appropriation of $64,800.00 be made from the Street Fund and that Council authorize the City Manager to enter into a contract with Choice One Engineering for the engineering services needed to perform the Winton Road Improvements - Resor to Oak Tree.

Background/Synopsis:

Choice One will complete the final design and cost estimates for an improvement to widen Winton Road to three lanes between Resor Road and Oak Tree Drive. Choice One will survey the area and review and develop a preferred alternative with assistance from City staff. The existing configuration north of Oak Tree Drive is three lanes with a Two Way Center Left Turn Lane and staff believes it would be a benefit to the travelling public if the center turn lane was continued south to the left turn lane at the signalized intersection of Winton and Resor.

The engineering is scheduled in the existing Capital Improvement Program for 2023 as 3PW32. It is recommended that this be engineered this year to allow for budgeting of this work in the future Capital Improvement Program and for potential State funding, should the funding become available.

The design also allows for widening on Winton Road for continuation of a center two-way left turn lane. This section of improved roadway will be approximately 1500 feet long.

This project will improve safety and mitigate delay by allowing left turning vehicles to be in a dedicated turn lane. It will also allow room for vehicles to move to the right for emergency vehicles which are prevalent on this major route towards Mercy Hospital.

Staff reviewed qualifications from Choice One, IBI, American Structurepoint, Fishbeck, LJB, and Strand Associates to perform the necessary engineering work. Choice One was considered the best qualified firm for this professional service. They have performed well for the design of a variety of engineering projects for the City over the last several years and it was in the City’s interest to select them for this important project.

Financial Impact:

$64,800.00 from the Street Fund for Choice One Engineering.

Emergency Provision Explanation:

Not applicable.

Rule Suspension Requested:
No

Emergency Provision Needed:
No

Attachments:
1. 2023-09-22_AgreementWinton - Choice One
2. Choice One Engineering-Ord

Choice One Engineering

Date
September 22, 2023

Attention
Nick Dill, P.E.
City Engineer
ndill@fairfield-city.org

Address
City of Fairfield
8870 N. Gilmore Road
Fairfield, OH 45014

Subject
Agreement for Professional Services
Winton Road Widening (Resor to Oaktree)
BUT-FAI-2310

Dear Mr. Dill:

Choice One Engineering Corporation appreciates the opportunity to provide services for the Winton Road Widening Project.

This Agreement is by and between the City of Fairfield, hereinafter referred to as Client, and Choice One Engineering Corporation, hereinafter referred to as Choice One. If everything is acceptable, please execute and return to Choice One. Choice One will not start work on this Project until the Agreement is signed and received in our office via email or hard copy.

This Agreement is subject to the provisions of the following which are attached to and made a part of this Agreement: Scope of Services, Compensation, and Schedule, consisting of four pages and Choice One Engineering Corporation Standard Terms & Conditions consisting of three pages.

Authorization by the Client to proceed, whether oral or written, constitutes acceptance of the terms and conditions of this Agreement, without modification, addition, or deletion. Client and Choice One each bind itself and its partners, successors, executors, administrators of this executed Agreement.

City of Fairfield

____
Authorized Signature

____
Date

Choice One Engineering Corporation

Nicholas J. Selhorst
Nicholas J. Selhorst, P.E., Project Manager

9/22/2023
Date

W. Central Ohio/E. Indiana
440 E. Hoewisher Rd.
Sidney, OH 45365
937.497.0200 Phone

S. Ohio/N. Kentucky
8956 Glendale Milford Rd., Suite 1
Loveland, OH 45140
513.239.8554 Phone

www.CHOICEONEENGINEERING.com

Scope of Services

Project Snapshot

Choice One intends to provide construction plans for the widening of Winton Road between Resor Road and Oaktree Drive in Fairfield, Ohio.

Project Details

- See attached exhibit for exact project area.
- Existing two-lane section will be widened to be three 10' lanes with 2' shoulders and 30" Fairfield standard roll curb. Full new typical section will be 39' back of curb to back of curb.
- A two-way left turn lane (TWLTL) will be striped as part of the new typical section. Left turn lane for southbound traffic at Resor will remain as it is.
- It is unknown which side of the roadway the widening will be done. Choice One's first submittal will show options for widening all on east side, split evenly between each side, or a combination of both. A meeting and field walk with the City will be done after this submittal. This will be the "50%" submittal.
- The intent is to save the existing sidewalk wherever possible.
- Drive culverts will be removed and drive aprons repaired with in-kind material. New storm sewer will be installed along the roadway because of the addition of curb and will tie into existing outlets in various locations. Inlet spacing and storm sewer capacity calculations will be done by Choice One.
- Existing profile will be followed as much as possible. The intent is not to reconstruct the entire roadway. Pavement will be milled/filled 1.5" and re-striped within the widening areas.
- Posted speed is 35 mph. Design speed will be 40 mph.
- Signs will be replaced along the project route.
- City to provide geotechnical report separately if desired.
- The intersection of Winton and Resor will not be modified. Project will start on the north end of the curb radii at this intersection.
- Curb ramps will be replaced only at Winton and Oaktree Drive as necessary to accommodate the new widened section.
- Plans will be designed to ODOT and City of Fairfield standards.
- A topographic survey will be performed by Choice One for the entirety of the project.
- Maintenance of traffic will be handled with general notes and ODOT standard drawings. No detour should be needed as one lane of traffic should stay open during construction. Short closures may be necessary for various reasons. Local traffic maintained.
- Choice One will contact affected utility companies directly to request basemaps to confirm the utilities marked by OUPS. Electric, telephone, cable, and gas will be relocated by the appropriate company, if necessary.
- Design will be done in 2023-2024 with construction taking place in 2025 most likely.
- No R/W plans or easement legals/exhibits are included in this scope at this time.
- Public bidding procedures and daily construction observation will be handled by City staff. A construction administration phase for Choice One to assist with some items during construction is included in this scope.
- Choice One will review all shop drawings if requested under the construction administration phase.

Project Services

1. **Topographic Survey**
    a. Contact Ohio Utilities Protection Service (OUPS) for underground utility locations.
    b. Perform necessary deed and plat research.
    c. Establish horizontal and vertical survey control for the project area based on State Plane coordinates and NAVD 88.
    d. Field reconnaissance and traverse of existing monumentation.
    e. Identify visible features from 20' beyond right-of-way for both sides including utilities and drainage.
    f. Provide roadway cross-sections every 50', at driveways, and other critical areas.
    g. Inventory manholes and catch basins including type of construction, depth, pipe size, and condition.
    h. Locate underground utilities as marked by the appropriate utility companies.
    i. The location of existing right-of-way lines is anticipated to be a factor for the project design. Boundary resolution of the properties along the route will be completed to show location of existing right-of-way lines and adjacent property lines based on existing monumentation, plats, deeds, and other readily available information.
    j. Provide one (1) foot contour intervals.
    k. Completed topographic survey shall be provided in AutoCAD format.
2. **Construction Plans**
    a. Design construction plans to include:
        i. Title Sheet
        ii. Schematic Plan
        iii. Typical Sections
        iv. General Notes and Details
        v. Intersection Details, including curb ramp blow up details.
        vi. Quantity Summary and Engineer's Estimate
        vii. Plan and Profile (scale 1" = 20' horizontal, 1" = 5' vertical)
        viii. Cross-Sections (scale 1" = 5' horizontal, 1" = 5' vertical)
        ix. Maintenance of Traffic Notes and Standard Drawings
        x. Pavement Markings and Signage Plan
    b. No EPA permits will be needed as part of this project.
    c. Submit 50% plans with widening options, 95% plans for final review, and final plans.
    d. Field walk project area with City staff at 50% plan review stage.
    e. Provide Engineer's Estimate at 95% plans and final plans.
    f. Storm sewer calculations
    g. Utility coordination
3. **Construction Administration Services**
    a. *Construction Administration services listed below will be provided upon request on an hourly basis according to our current Standard Hourly Rate Schedule.*
        i. Attend preconstruction meeting and provide minutes to attendees.
        ii. Administrate plan interpretation for contractor and Client during construction, as required.
        iii. Attend meetings or visit the construction site at the request of the Client with contractor.
        iv. Review and approve pay requests.
        v. Process necessary change orders.
        vi. Review site/civil shop drawings.

Additional Services

We have the skill, experience, and knowledge to provide additional services as listed below. Additional services will be approved by the Client prior to commencement and will be performed on an hourly basis according to our current Standard Hourly Rate Schedule or a mutually negotiated lump sum fee.

1. Sanitary Sewer Design
2. Waterline Design
3. Construction Layout Staking
4. Easement and Right-of-Way Plats or Descriptions
5. Construction Bidding Procedures
6. Record Drawings

Client Responsibilities

- Payment of all related fees.
- Provide any available existing plans.
- Perform subsurface investigation, if necessary.
- Execute necessary Work Agreements and Easements.
- Provide timely decisions to keep design work on schedule.
- Provide owner notification along the project route.
- Assist in utility company coordination.

Compensation & Schedule

Compensation

Lump Sum Fee Schedule	
Topographic Survey	$11,700.00
Construction Plans	$53,100.00
Total	**$64,800.00**
Construction Administration Services	*Hourly Upon Request*

Schedule

Choice One will have the construction plans completed by August 2024 assuming that we receive a signed agreement by November 15, 2023.

This agreement is valid for 60 days prior to being executed by the Client. After 60 days, Choice One reserves the right to modify the fee and schedule, as necessary.

Attachment: 2023-09-22_AgreementWinton - Choice One (3719 : Design for Minor Widening of Winton Road – Resor to Oak Tree)

Choice One Engineering Corporation
Standard Terms & Conditions

4/17/2018

Services Choice One Engineering Corporation (Choice One) will perform services for the Project as set forth in the Choice One agreement and in accordance with these Terms & Conditions. Choice One has developed the Project scope of service, schedule, and compensation based on available information and various assumptions. The Client acknowledges that adjustments to the schedule and compensation may be necessary based on the actual circumstances encountered by Choice One in performing their services.

Additional Services The Client and Choice One acknowledge that additional services may be necessary for the Project to address issues that may not be known at Project initiation or that may be required to address circumstances that were not foreseen. In that event, Choice One will notify the Client of the need for additional services and the Client will pay for such additional services at an hourly rate or as agreed to by the Client and Choice One.

Project Requirements The Client will confirm the objectives, requirements, constraints, and criteria for the Project at its inception. If the Client has established design standards, they will be furnished to Choice One at Project inception. Choice One will review the Client design standards and may recommend alternate standards considering the standard of care provision.

Period of Service Choice One will perform the services for the Project with due and reasonable diligence consistent with normal professional practices according to the Project Schedule. Should Choice One discern that the schedule cannot be met for any reason, Choice One will notify the Client as soon as practically possible.

Limitation of Liability In recognition of the relative risks and benefits of the project to both the Client and Choice One, the Client agrees to the fullest extent permitted by law, to limit the liability of Choice One for any and all damages or claim expenses arising out of this agreement, from any and all causes, to $50,000 or the fee realized by Choice One for the Project, whichever is greater.

Compensation In consideration of the services performed by Choice One, the Client will pay Choice One in the manner set forth in the Choice One agreement. The parties acknowledge that terms of compensation are based on an orderly and continuous progress of the Project. Compensation will be reasonably adjusted for delays or extensions of time beyond the control of Choice One.

Payment Terms Choice One will submit monthly invoices for services performed and Client will pay the full invoice amount within thirty (30) calendar days of the invoice date. Invoices will be considered correct if not questioned in writing within ten (10) calendar days of the invoice date. In the event of a disputed or contested billing, only that portion so contested may be withheld from payment, and the undisputed portion will be paid. No interest will accrue on any contested portion of the billing until mutually resolved. Client will exercise reasonableness in contesting any billing or portion thereof. Choice One will be entitled to a 1.5% per month administrative charge in the event of payment delay. Client payment to Choice One is not contingent on arrangement of project financing. Invoice payment delayed beyond sixty (60) calendar days will give Choice One the right to suspend services until payments are current. Nonpayment beyond seventy (70) calendar days will be just cause for termination by Choice One.

Amendment This Agreement may not be amended except in writing and executed by both Choice One and Client. No alterations or modifications to these Terms and Conditions will be effective unless affirmatively contained in the signed amendment.

Assignment Neither party will assign its rights, interests or obligations under the Project without the express written consent of the other party.

Authorized Representatives The officer assigned to the Project by Choice One is the only authorized representative to make decisions or commitments on behalf of Choice One. The Client will designate a representative with similar authority.

Betterment If, due to Choice One's error or omission, any required item or component of the project is omitted from Choice One's construction documents, Choice One will not be responsible for paying the cost to add such item or component to the extent that such item or component would have been otherwise necessary to the project or otherwise adds value or betterment to the project. In no event will Choice One be responsible for any cost or expense that provides betterment, upgrade, or enhancement of the project.

Buried Utilities Where applicable to the Project, Choice One will conduct research and prepare a plan indicating the locations of underground improvements intended for subsurface penetration with respect to assumed locations of underground improvements. Such services by Choice One will be performed in manner consistent with ordinary standard of care. Client recognizes that the research may not identify all underground improvements and that the information on which Choice One relies may contain errors or may not be complete. The Client agrees to waive all claims and causes of action against Choice One for damages to underground improvements resulting from subsurface penetration locations established by Choice One, except for damages caused by the sole negligence or willful misconduct of Choice One.

Compliance with Laws Choice One will perform its services consistent with normal professional practice and endeavor to incorporate laws, regulations, codes, and standards applicable at the time the work is performed. In the event that standards of practice change during the Project, Choice One will be entitled to additional compensation where additional services are needed to conform to the standard of practice.

Consequential Damages Neither the Client nor Choice One will be liable to the other for any consequential damages regardless of the nature or fault.

Construction Observation, If Applicable Construction observation will consist of visual observation of materials, equipment, or construction services for the purpose of ascertaining that the service is in general conformance with the Contract Documents. Such observation will not be construed as relieving the parties under contract in any way from their obligations and responsibilities under the Contract Documents. Specifically, observation will not require Choice One to assume responsibilities for the means and methods of construction. The Client has not retained Choice One to make detailed inspections or to provide exhaustive or continuous project review and observation services. Choice One does not guarantee the performance of, and will have no responsibility for, the acts or omissions of any contractor, subcontractor, supplier, or any other entity furnishing materials or performing any services on the project.

Cost Estimates or Opinions Choice One may prepare cost estimates or opinions for the Project based on historical information that represents the judgment of a qualified professional. The Client and Choice One acknowledge that actual costs may vary from the cost estimates or opinions prepared and that Choice One offers no guarantee related to the Project cost.

Defects in Service The Client will promptly report to Choice One any defects or suspected defects in service. The Client further agrees to impose a similar notification requirement on all contractors in its Client/Contractor agreement and will require all subcontracts at any level to contain a like provision. Failure by the Client and Client's contractors and subcontractors to notify Choice One will relieve Choice One of the costs of remedying the defects above the sum such remedy would have cost had prompt notification been given when such defects were first discovered.

Delays The services of each task will be considered complete when deliverables for the task have been presented to the Client. Choice One will be entitled to an extension of time and compensation adjustment for any delay beyond Choice One's control.

Design Without Construction Administration The Client acknowledges that there could be misinterpretations of Choice One Design Documents during construction, which could lead to errors and subsequent loss or damage. The Client assumes all responsibility for interpretation of the Contract Documents and for construction observation and the Client waives any claims against Choice One that may be in any way connected hereto.

Dispute Resolution In the event of a dispute between Choice One and Client arising out of or related to this Agreement, the aggrieved party will notify the other party of the dispute within a reasonable time after such dispute arises. If the parties cannot thereafter resolve the dispute, each party will nominate a senior officer of its management to meet to resolve the dispute by direct negotiation. Should such negotiation fail to resolve the dispute, the Client and Choice One agree that all disputes will be submitted to nonbinding mediation unless the parties mutually agree otherwise.

Should such negotiation or mediation fail to resolve the dispute, either party may pursue resolution by arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association.

During the pendency of any dispute, the parties will continue diligently to fulfill their respective obligations hereunder.

Environmental Matters The Client warrants they have disclosed all potential hazardous materials that may be encountered on the Project. In the event unknown hazardous materials are encountered, Choice One will be entitled to additional compensation for appropriate actions to protect the health and safety of its personnel, and for additional services required to comply with applicable laws. The Client will indemnify Choice One from any claim related to hazardous materials encountered on the Project except for those events caused by negligent acts of Choice One.

Governing Law The terms of agreement will be governed by the laws of the state where the services are performed provided that nothing contained herein will be interpreted in such a manner as to render it unenforceable under the laws of the state in which the Project resides.

Hiring of Personnel Client may not directly hire any employee of Choice One. Client agrees that it shall not, directly or indirectly solicit any employee of the Engineer from accepting employment with Client, affiliate companies, or competitors of Engineer.

Information from Other Parties The Client and Choice One acknowledge that Choice One will rely on information furnished by other parties in performing its services under the Project. Choice One will not be liable for any damages that may be incurred by the Client in the use of third party information.

Insurance Choice One will maintain the following insurance and coverage limits during the period of service if such coverage is reasonably available at commercially affordable premium. Upon request, the Client will be named as an additional insured on the Commercial General Liability and Automobile Liability policies.

- Worker's Compensation: As required by applicable state statute
- Commercial General Liability: $1,000,000 per occurrence (bodily injury including death and property damage) $2,000,000 aggregate
- Automobile Liability: $1,000,000 combined single limit for bodily injury and property damage
- Professional Liability: $2,000,000 per claim and $2,000,000 aggregate

The Client will make arrangements for Builder's Risk, Protective Liability, Pollution Prevention, and other specific insurance coverage warranted for the Project in amounts appropriate to the Project value and risks. Choice One will be a named insured on those policies where Choice One may be at risk.

Permits and Approvals Choice One will assist the Client in preparing applications and supporting documents as identified in the scope of services for the Client to secure permits and approvals from agencies having jurisdiction over the Project. Assistance in applying for permit applications by Choice One does not guarantee approval of the permits by the jurisdictional regulatory authorities. The Client agrees to pay all application and review fees.

Reuse of Documents All documents prepared by Choice One pursuant to this Agreement are instruments of service as part of the Project. They are not intended or represented to be suitable for reuse by the Client or others on extensions of the Project or any other project. Any reuse without written verification or adaptation by Choice One for the specific purpose intended will be at the Client's risk and without liability or legal exposure to Choice One. Any verification or adaptation requested by the Client to be performed by Choice One will entitle Choice One to further compensation at rates to be agreed upon by the Client and Choice One.

Safety Choice One will be responsible solely for the safety precautions or programs of its employees and no other party. In no event will Choice One be responsible for construction methods, means, techniques or sequences of construction, which are solely the responsibility of the Contractor.

Severability Any provision of these terms later held to violate any law will be deemed void and all remaining provisions will continue in force. In such event, the Client and Choice One will work in good faith to replace an invalid provision with one that is valid with as close to the original meaning as possible.

Site Access The Client will obtain all necessary approvals for Choice One and subcontractors to access the Project site(s).

Standard of Care Services provided by Choice One will be performed with the care and skill ordinarily exercised by members of the same profession practicing under similar circumstances. The standard of care will exclusively be judged as of the time the services are rendered and not according to later standards.

Survival All provisions of these terms that allocate responsibility or liability between the Client and Choice One will survive the completion or termination of services for the Project.

Suspension of Work The Client may suspend services performed by Choice One with cause upon seven (7) calendar days documented notice. Choice One will submit an invoice for services performed up to the effective date of the work suspension and the Client will pay Choice One all outstanding invoices within fourteen (14) calendar days. Choice One will be entitled to renegotiate the Project schedule and the compensation terms for the Project.

Termination The Client or Choice One may terminate services on the Project upon seven (7) calendar days documented notice in the event of substantial failure by the other party to fulfill its obligations of the terms hereunder. Choice One will submit an invoice for services performed up to the effective date of termination and the Client will pay Choice One all outstanding invoices within fourteen (14) calendar days.

Time Bar To Legal Action All legal actions by either party against the other arising out of or in any way connected with the services to be performed hereunder will be barred and under no circumstances will any such claim be initiated by either party after three (3) years have passed from the date of Choice One's final invoice, unless Choice One's services will be terminated earlier, in which case the date of termination of this Agreement will be used.

Waiver of Rights The failure of either party to enforce any provision of these terms and conditions will not constitute a waiver of such provision nor diminish the right of either party to the remedies of such provision.

ORDINANCE NO. ___________

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CHOICE ONE ENGINEERING FOR ENGINEERING SERVICES NEEDED FOR WINTON ROAD IMPROVEMENTS PROJECT-RESOR TO OAK TREE.

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 Choice One Engineering for engineering services needed for Winton Road Improvements Project-Resor to Oak Tree in accordance with the contract on file in the office of the City Manager.

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.

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Clerk of Council

Active Clients\City of Fairfield\Ordinances\2023\Choice One Engineering-Ord

FAIRFIELD
OHIO

City Council Ordinance
Regular Meeting - November 27, 2023

Submitted by: Chris Hacker,
Submitting Department: Finance

Subject:
Amendments to the Codified Ordinance Section 181 – Income Tax

Legislation Title:
Ordinance to amend Chapter 181, Income Tax, Sections 181.062, 181.094, and 181.10 of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio.

Recommendation:
It is recommended that City Council adopt the changes to Section 181 - Income Tax, as submitted.

Background/Synopsis:
The State of Ohio has passed several pieces of legislation in House Bill 33 requiring the change of Chapter 718 of the ORC. To remain in compliance with the State of Ohio laws, these changes have been incorporated into the income tax ordinance (Chapter 181) of the City of Fairfield.

Legislation passed and incorporated into the income tax ordinance includes:

- Limitations of late filing penalties which may be imposed on a taxpayer;
- Requirement to waive late filing penalties for first-time filing parties;
- Additional one (1) month extension for any business with a federal extension;
- Requirement to notify the State Tax Commissioner of any change in the local income tax rate;
- Limitations on inquiries and/or notices sent to those subjected to a filing extension;
- Allows for businesses which offer remote work opportunities for employees to use a modified apportionment formula (beginning Tax Year 2024).

Financial Impact:
This amendment to Chapter 181 will have no financial impact to the City.

Emergency Provision Explanation:
N/A

Rule Suspension Requested:
No

Emergency Provision Needed:
No

Attachments:

1. Chapter 181 Income Tax-Ord
2. Chapter 181 Income Tax-Ex A

ORDINANCE NO. ___________

ORDINANCE TO AMEND CHAPTER 181, INCOME TAX, SECTIONS 181.062, 181.094 AND 181.10 OF ORDINANCE NO. 166-84, THE CODIFIED ORDINANCES OF FAIRFIELD, OHIO.

WHEREAS, the Home Rule Amendment of the Ohio Constitution, Article XVIII, Section 3, provides that "Municipalities shall have authority to exercise all powers of local self-government" and the municipal taxing power is one of such powers of local self-government delegated by the people of the State to the people of municipalities; and

WHEREAS, Article XIII, Section 6 of the Ohio Constitution provides that the General Assembly may restrict a municipalities power of taxation to the extent necessary to prevent abuse of such power, and Article XVIII, Section 13 of the Ohio Constitution states that "laws may be passed to limit the powers of municipalities to levy taxes and incur debts for local purposes;" and

WHEREAS, the City income tax ordinance is in need of amendment to clarify its provisions and assure compliance with Chapter 718 of the Ohio Revised Code.

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

Section 1. Chapter 181, Income Tax, Sections 181.062, 181.094 and 181.10, 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. Existing Chapter 181 and previous versions of Chapter 181, Income Tax, of Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio, are specifically not repealed and shall remain in effect for tax years prior to 2024 as they currently apply. Existing Chapter 181 and any other previous versions of Chapter 181 which were not repealed shall not be included in the Codified Ordinances publication but will be made available on the City's website as necessary for prior tax filings for previous years.

<u>Section 3.</u> 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.

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Clerk of Council

Active Clients\City of Fairfield\Ordinances\2023\Chapter 181 Income Tax-Ord

EXHIBIT "A"

181.062 NET PROFIT; INCOME SUBJECT TO NET PROFIT TAX; ALTERNATIVE APPORTIONMENT.

This section applies to any taxpayer engaged in a business or profession in the Municipality unless the taxpayer is an individual who resides in the Municipality or the taxpayer is an electric company, combined company, or telephone company that is subject to and required to file reports under Chapter 5745 of the Ohio Revised Code.

(A) Except as otherwise provided in division**S** (B) **AND (J)** of this section, net profit from a business or profession conducted both within and without the boundaries of the Municipality shall be considered as having a taxable situs in the Municipality for purposes of municipal income taxation in the same proportion as the average ratio of the following:

(1) The average original cost of the real property and tangible personal property owned or used by the taxpayer in the business or profession in the Municipality during the taxable period to the average original cost of all of the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated.

As used in the preceding paragraph, tangible personal or real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight;

(2) Wages, salaries, and other compensation paid during the taxable period to individuals employed in the business or profession for services performed in the Municipality to wages, salaries, and other compensation paid during the same period to individuals employed in the business or profession, wherever the individual's services are performed, excluding compensation from which taxes are not required to be withheld under Section 181.052 of this Chapter;

(3) Total gross receipts of the business or profession from sales and rentals made and services performed during the taxable period in the Municipality to total gross receipts of the business or profession during the same period from sales, rentals, and services, wherever made or performed.

(B) (1) If the apportionment factors described in division (A) of this section do not fairly represent the extent of a taxpayer's business activity in the Municipality, the taxpayer may request, or the Tax Administrator of the Municipality may require, that the taxpayer use, with respect to all or any portion of the income of the taxpayer, an alternative apportionment method involving one or more of the following:

(a) Separate accounting;

(b) The exclusion of one or more of the factors;

(c) The inclusion of one or more additional factors that would provide for a fairer apportionment of the income of the taxpayer to the Municipality;

(d) A modification of one or more of the factors.

(2) A taxpayer request to use an alternative apportionment method shall be in writing and shall accompany a tax return, timely filed appeal of an assessment, or timely filed amended tax return. The taxpayer may use the requested alternative method unless the Tax Administrator denies the request in an assessment issued within the period prescribed by division (A) of Section 181.19 of this Chapter.

(3) A Tax Administrator may require a taxpayer to use an alternative apportionment method as described in division (B)(1) of this section only by issuing an assessment to the taxpayer within the period prescribed by division (A) of Section 181.19 of this Chapter.

(4) Nothing in division (B) of this section nullifies or otherwise affects any alternative apportionment arrangement approved by a Tax Administrator or otherwise agreed upon by both the Tax Administrator and taxpayer before January 1, 2016.

(C) As used in division (A)(2) of this section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations:

(1) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following:

(a) The employer;

(b) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient;

(c) A vendor, customer, client, or patient of a person described in division (C)(1)(b) of this section, or a related member of such a vendor, customer, client, or patient.

(2) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial, or similar administrative, judicial, or legislative matter or proceeding is being conducted, provided that the compensation is paid for services performed for, or on behalf of, the employer or that the employee's presence at the location directly or indirectly benefits the employer;

(3) Any other location, if the Tax Administrator determines that the employer directed the employee to perform the services at the other location in lieu of a location described in division (C)(1) or (2) of this section solely in order to avoid or reduce the employer's municipal income tax liability. If a Tax Administrator makes such a determination, the employer may dispute the determination by establishing, by a preponderance of the evidence, that the Tax Administrator's determination was unreasonable.

(D) For tax years beginning on and after January 1, 2018, for the purposes of division (A)(3) of this section**, AND EXCEPT AS PROVIDED IN DIVISION (J) OF THIS SECTION,** receipts from sales and rentals made and services performed shall be sitused to a municipal corporation as follows:

(1) Gross receipts from the sale of tangible personal property shall be sitused to the municipal corporation only if, regardless of where title passes, the property meets either of the following criteria:

(a) The property is shipped to or delivered within the municipal corporation from a stock of goods located within the municipal corporation.

(b) The property is delivered within the municipal corporation from a location outside the municipal corporation, provided the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within such municipal corporation and the sales result from such solicitation or promotion.

(2) Gross receipts from the sale of services shall be sitused to the municipal corporation to the extent that such services are performed in the municipal corporation.

(3) To the extent included in income, gross receipts from the sale of real property located in the municipal corporation shall be sitused to the municipal corporation.

(4) To the extent included in income, gross receipts from rents and royalties from real property located in the municipal corporation shall be sitused to the municipal corporation.

(5) Gross receipts from rents and royalties from tangible personal property shall be sitused to the municipal corporation based upon the extent to which the tangible personal property is used in the municipal corporation.

(E) For tax years beginning prior to January 1, 2018, for the purposes of division (A)(3) of this section, receipts from sales and rentals made and services performed shall be sitused to a municipal corporation as follows:

(1) Gross receipts from the sale of tangible personal property shall be sitused to the municipal corporation in which the sale originated. For the purposes of this division, a sale of property originates in a municipal corporation if, regardless of where title passes, the property meets any of the following criteria:

(a) The property is shipped to or delivered within the municipal corporation from a stock of goods located within the municipal corporation.

(b) The property is delivered within the municipal corporation from a location outside the municipal corporation, provided the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within such municipal corporation and the sales result from such solicitation or promotion.

(c) The property is shipped from a place within the municipal corporation to purchasers outside the municipal corporation, provided that the taxpayer is not, through its own employees, regularly engaged in the solicitation or promotion of sales at the place where delivery is made.

(2) Gross receipts from the sale of services shall be sitused to the municipal corporation to the extent that such services are performed in the municipal corporation.

(3) To the extent included in income, gross receipts from the sale of real property located in the municipal corporation shall be sitused to the municipal corporation.

(4) To the extent included in income, gross receipts from rents and royalties from real property located in the municipal corporation shall be sitused to the municipal corporation.

(5) Gross receipts from rents and royalties from tangible personal property shall be sitused to the municipal corporation based upon the extent to which the tangible personal property is used in the municipal corporation.

(F) The net profit received by an individual taxpayer from the rental of real estate owned directly by the individual or by a disregarded entity owned by the individual shall be subject to tax only by the municipal corporation in which the property generating the net profit is located and the municipal corporation in which the individual taxpayer that receives the net profit resides.

A municipal corporation shall allow such taxpayers to elect to use separate accounting for the purpose of calculating net profit sitused under this division to the municipal corporation in which the property is located.

(G) (1) Except as provided in division (G)(2) of this section, commissions received by a real estate agent or broker relating to the sale, purchase, or lease of real estate shall be sitused to the municipal corporation in which the real estate is located. Net profit reported by the real estate agent or broker shall be allocated to a municipal corporation based upon the ratio of the commissions the agent or broker received from the sale, purchase, or lease of real estate located in the municipal corporation to the commissions received from the sale, purchase, or lease of real estate everywhere in the taxable year.

(2) An individual who is a resident of a municipal corporation that imposes a municipal income tax shall report the individual's net profit from all real estate activity on the individual's annual tax return for that municipal corporation. The individual may claim a credit for taxes the individual paid on such net profit to another municipal corporation to the extent that such credit is allowed under Section 181.081 of this Chapter.

(H) If, in computing a taxpayer's adjusted federal taxable income, the taxpayer deducted any amount with respect to a stock option granted to an employee, and if the employee is not required to include in the employee's income any such amount or a portion thereof because it is exempted from taxation under divisions (18)(L) and (49)(A)(iv) of Section 181.03 of this Chapter, by a municipal corporation to which the taxpayer has apportioned a portion of its net profit, the taxpayer shall add the amount that is exempt from taxation to the taxpayer's net profit that was apportioned to that municipal corporation. In no case shall a taxpayer be required to add to its net profit that was apportioned to that municipal corporation any amount other than the amount upon which the employee would be required to pay tax were the amount related to the stock option not exempted from taxation.

This division applies solely for the purpose of making an adjustment to the amount of a taxpayer's net profit that was apportioned to a municipal corporation under this section.

(I) When calculating the ratios described in division (A) of this section for the purposes of that division or division (B) of this section, the owner of a disregarded entity shall include in the owner's ratios the property, payroll, and gross receipts of such disregarded entity.

(J) (1) AS USED IN THIS DIVISION:

(a) "QUALIFYING REMOTE EMPLOYEE OR OWNER" MEANS AN INDIVIDUAL WHO IS AN EMPLOYEE OF A TAXPAYER OR WHO IS A PARTNER OR MEMBER HOLDING AN OWNERSHIP INTEREST IN A TAXPAYER THAT IS TREATED AS A PARTNERSHIP FOR FEDERAL INCOME TAX PURPOSES, PROVIDED THAT THE INDIVIDUAL MEETS BOTH OF THE FOLLOWING CRITERIA:

(i) THE TAXPAYER HAS ASSIGNED THE INDIVIDUAL TO A QUALIFYING REPORTING LOCATION.

(ii) THE INDIVIDUAL IS PERMITTED OR REQUIRED TO PERFORM SERVICES FOR THE TAXPAYER AT A QUALIFYING REMOTE WORK LOCATION.

(b) "QUALIFYING REMOTE WORK LOCATION" MEANS A PERMANENT OR TEMPORARY LOCATION AT WHICH AN EMPLOYEE OR OWNER CHOOSES OR IS REQUIRED TO PERFORM SERVICES FOR THE TAXPAYER, OTHER THAN A REPORTING LOCATION OF THE TAXPAYER OR ANY OTHER LOCATION OWNED OR CONTROLLED BY A CUSTOMER OR CLIENT OF THE TAXPAYER. "QUALIFYING REMOTE WORK LOCATION" MAY INCLUDE THE RESIDENCE OF AN EMPLOYEE OR OWNER AND MAY BE

LOCATED OUTSIDE OF A MUNICIPAL CORPORATION THAT IMPOSES AN INCOME TAX IN ACCORDANCE WITH THIS CHAPTER. AN EMPLOYEE OR OWNER MAY HAVE MORE THAN ONE QUALIFYING REMOTE WORK LOCATION DURING A TAXABLE YEAR.

(c) "REPORTING LOCATION" MEANS EITHER OF THE FOLLOWING:

(i) A PERMANENT OR TEMPORARY PLACE OF DOING BUSINESS, SUCH AS AN OFFICE, WAREHOUSE, STOREFRONT, CONSTRUCTION SITE, OR SIMILAR LOCATION, THAT IS OWNED OR CONTROLLED DIRECTLY OR INDIRECTLY BY THE TAXPAYER;

(ii) ANY LOCATION IN THIS STATE OWNED OR CONTROLLED BY A CUSTOMER OR CLIENT OF THE TAXPAYER, PROVIDED THAT THE TAXPAYER IS REQUIRED TO WITHHOLD TAXES UNDER SECTION D OF THIS CHAPTER, ON QUALIFYING WAGES PAID TO AN EMPLOYEE FOR THE PERFORMANCE OF PERSONAL SERVICES AT THAT LOCATION.

(d) "QUALIFYING REPORTING LOCATION" MEANS ONE OF THE FOLLOWING:

(i) THE REPORTING LOCATION IN THIS STATE AT WHICH AN EMPLOYEE OR OWNER PERFORMS SERVICES FOR THE TAXPAYER ON A REGULAR OR PERIODIC BASIS DURING THE TAXABLE YEAR;

(ii) IF NO REPORTING LOCATION EXISTS IN THIS STATE FOR AN EMPLOYEE OR OWNER UNDER DIVISION (J)(1)(d)(i) OF THIS SECTION, THE REPORTING LOCATION IN THIS STATE AT WHICH THE EMPLOYEE'S OR OWNER'S SUPERVISOR REGULARLY OR PERIODICALLY REPORTS DURING THE TAXABLE YEAR;

(iii) IF NO REPORTING LOCATION EXISTS IN THIS STATE FOR AN EMPLOYEE OR OWNER UNDER DIVISION (J)(1)(d)(i) OR (ii) OF THIS SECTION, THE LOCATION THAT THE TAXPAYER OTHERWISE ASSIGNS AS THE EMPLOYEE'S OR OWNER'S QUALIFYING REPORTING LOCATION, PROVIDED THE ASSIGNMENT IS MADE IN GOOD FAITH AND IS RECORDED AND MAINTAINED IN THE TAXPAYER'S BUSINESS RECORDS. A TAXPAYER MAY CHANGE THE QUALIFYING REPORTING LOCATION DESIGNATED FOR AN EMPLOYEE OR OWNER UNDER THIS DIVISION AT ANY TIME.

(2) FOR TAX YEARS ENDING ON OR AFTER DECEMBER 31, 2023, A TAXPAYER MAY ELECT TO APPLY THE PROVISIONS OF THIS DIVISION TO THE APPORTIONMENT OF ITS NET PROFIT FROM A BUSINESS OR PROFESSION. FOR TAXPAYERS THAT MAKE THIS ELECTION, THE PROVISIONS OF SECTION 181.062 APPLY TO SUCH APPORTIONMENT EXCEPT AS OTHERWISE PROVIDED IN THIS DIVISION.

A TAXPAYER SHALL MAKE THE ELECTION ALLOWED UNDER THIS DIVISION IN WRITING ON OR WITH THE TAXPAYER'S NET PROFIT RETURN OR, IF APPLICABLE, A TIMELY FILED AMENDED NET PROFIT RETURN OR A TIMELY FILED APPEAL OF AN ASSESSMENT. THE ELECTION APPLIES TO THE TAXABLE YEAR FOR WHICH THAT RETURN OR APPEAL IS FILED AND FOR ALL SUBSEQUENT TAXABLE YEARS, UNTIL THE TAXPAYER REVOKES THE ELECTION.

THE TAXPAYER SHALL MAKE THE INITIAL ELECTION WITH THE TAX ADMINISTRATOR OF EACH MUNICIPAL CORPORATION WITH WHICH, AFTER

APPLYING THE APPORTIONMENT PROVISIONS AUTHORIZED IN THIS DIVISION, THE TAXPAYER IS REQUIRED TO FILE A NET PROFIT TAX RETURN FOR THAT TAXABLE YEAR. A TAXPAYER SHALL NOT BE REQUIRED TO NOTIFY THE TAX ADMINISTRATOR OF A MUNICIPAL CORPORATION IN WHICH A QUALIFYING REMOTE EMPLOYEE'S OR OWNER'S QUALIFYING REMOTE WORK LOCATION IS LOCATED, UNLESS THE TAXPAYER IS OTHERWISE REQUIRED TO FILE A NET PROFIT RETURN WITH THAT MUNICIPAL CORPORATION DUE TO BUSINESS OPERATIONS THAT ARE UNRELATED TO THE EMPLOYEE'S OR OWNER'S ACTIVITY AT THE QUALIFYING REMOTE WORK LOCATION.

AFTER THE TAXPAYER MAKES THE INITIAL ELECTION, THE ELECTION APPLIES TO EVERY MUNICIPAL CORPORATION IN WHICH THE TAXPAYER CONDUCTS BUSINESS. THE TAXPAYER SHALL NOT BE REQUIRED TO FILE A NET PROFIT RETURN WITH A MUNICIPAL CORPORATION SOLELY BECAUSE A QUALIFYING REMOTE EMPLOYEE'S OR OWNER'S QUALIFYING REMOTE WORK LOCATION IS LOCATED IN SUCH MUNICIPAL CORPORATION.

NOTHING IN THIS DIVISION PROHIBITS A TAXPAYER FROM MAKING A NEW ELECTION UNDER THIS DIVISION AFTER PROPERLY REVOKING A PRIOR ELECTION.

(3) FOR THE PURPOSE OF CALCULATING THE RATIOS DESCRIBED IN DIVISION (A) OF THIS SECTION, ALL OF THE FOLLOWING APPLY TO A TAXPAYER THAT HAS MADE THE ELECTION DESCRIBED IN DIVISION (J)(2):

(a) FOR THE PURPOSE OF DIVISION (A)(1) OF THIS SECTION, THE AVERAGE ORIGINAL COST OF ANY TANGIBLE PERSONAL PROPERTY USED BY A QUALIFYING REMOTE EMPLOYEE OR OWNER AT THAT INDIVIDUAL'S QUALIFYING REMOTE WORK LOCATION SHALL BE SITUSED TO THAT INDIVIDUAL'S QUALIFYING REPORTING LOCATION.

(b) FOR THE PURPOSE OF DIVISION (A)(2) OF THIS SECTION, ANY WAGES, SALARIES, AND OTHER COMPENSATION PAID DURING THE TAXABLE PERIOD TO A QUALIFYING REMOTE EMPLOYEE OR OWNER FOR SERVICES PERFORMED AT THAT INDIVIDUAL'S QUALIFYING REMOTE WORK LOCATION SHALL BE SITUSED TO THAT INDIVIDUAL'S QUALIFYING REPORTING LOCATION.

(c) FOR THE PURPOSE OF DIVISION (A)(3) OF THIS SECTION, AND NOTWITHSTANDING DIVISION (D) OF THIS SECTION, ANY GROSS RECEIPTS OF THE BUSINESS OR PROFESSION FROM SERVICES PERFORMED DURING THE TAXABLE PERIOD BY A QUALIFYING REMOTE EMPLOYEE OR OWNER FOR SERVICES PERFORMED AT THAT INDIVIDUAL'S QUALIFYING REMOTE WORK LOCATION SHALL BE SITUSED TO THAT INDIVIDUAL'S QUALIFYING REPORTING LOCATION.

(4) NOTHING IN THIS DIVISION PREVENTS A TAXPAYER FROM REQUESTING, OR A TAX ADMINISTRATOR FROM REQUIRING, THAT THE TAXPAYER USE, WITH RESPECT TO ALL OR A PORTION OF THE INCOME OF THE TAXPAYER, AN ALTERNATIVE APPORTIONMENT METHOD AS DESCRIBED IN DIVISION (B) OF THIS SECTION. HOWEVER, A TAX ADMINISTRATOR SHALL NOT REQUIRE AN ALTERNATIVE APPORTIONMENT METHOD IN SUCH A MANNER THAT IT WOULD REQUIRE A TAXPAYER TO FILE A NET PROFIT RETURN WITH A MUNICIPAL CORPORATION SOLELY BECAUSE A QUALIFYING REMOTE EMPLOYEE'S OR

OWNER'S QUALIFYING REMOTE WORK LOCATION IS LOCATED IN THAT MUNICIPAL CORPORATION.

(5) EXCEPT AS OTHERWISE PROVIDED IN THIS DIVISION, NOTHING IN THIS DIVISION IS INTENDED TO AFFECT THE WITHHOLDING OF TAXES ON QUALIFYING WAGES PURSUANT TO SECTION 181.51 OF THIS CHAPTER.

181.094 EXTENSION OF TIME TO FILE

(A) Any taxpayer that has duly requested an automatic six-month extension for filing the taxpayer's federal income tax return shall automatically receive an extension for the filing of a municipal income tax return. The extended due date of the municipal income tax return shall be the fifteenth day of the tenth month after the last day of the taxable year to which the return relates. **FOR TAX YEARS ENDING ON OR AFTER JANUARY 1, 2023, THE EXTENDED DUE DATE OF THE MUNICIPALITY'S INCOME TAX RETURN FOR A TAXPAYER THAT IS NOT AN INDIVIDUAL SHALL BE THE 15TH DAY OF THE ELEVENTH MONTH AFTER THE LAST DAY OF THE TAXABLE YEAR TO WHICH THE RETURN RELATES.**

[No further changes until paragraph (F).]

(F) IF A TAXPAYER RECEIVES AN EXTENSION FOR THE FILING OF A MUNICIPAL INCOME TAX RETURN UNDER DIVISION (A),(C), OR (E) OF THIS SECTION, THE TAX ADMINISTRATOR SHALL NOT MAKE ANY INQUIRY OR SEND ANY NOTICE TO THE TAXPAYER WITH REGARD TO THE RETURN ON OR BEFORE THE DATE THE TAXPAYER FILES THE RETURN OR ON OR BEFORE THE EXTENDED DUE DATE TO FILE THE RETURN, WHICHEVER OCCURS FIRST.

IF A TAX ADMINISTRATOR VIOLATES DIVISION (F) OF THIS SECTION, THE MUNICIPAL CORPORATION SHALL REIMBURSE THE TAXPAYER FOR ANY REASONABLE COSTS INCURRED TO RESPOND TO SUCH INQUIRY OR NOTICE, UP TO $150.

DIVISION (F) OF THIS SECTION DOES NOT APPLY TO AN EXTENSION RECEIVED UNDER DIVISION (A) OR (C) OF THIS SECTION IF THE TAX ADMINISTRATOR HAS ACTUAL KNOWLEDGE THAT THE TAXPAYER FAILED TO FILE FOR A FEDERAL EXTENSION AS REQUIRED TO RECEIVE THE EXTENSION UNDER DIVISION (A) OF THIS SECTION OR FAILED TO FILE FOR AN EXTENSION UNDER DIVISION (C) OF THIS SECTION.

181.10 PENALTY, INTEREST, FEES, AND CHARGES.

[No changes until paragraph (C).]

(C) The Municipality shall impose on a taxpayer, employer, any agent of the employer, and any other payer, and will attempt to collect, the interest amounts and penalties prescribed in this section when the taxpayer, employer, any agent of the employer, or any other payer for any reason fails, in whole or in part, to make to the Municipality timely and full payment or remittance of income tax, estimated income tax, or withholding tax or to file timely with the Municipality any return required to be filed.

(1) Interest shall be imposed at the rate defined as "interest rate as described in division (A) of this section", per annum, on all unpaid income tax, unpaid estimated income tax, and unpaid withholding tax.

(2) With respect to unpaid income tax and unpaid estimated income tax, a penalty equal to fifteen percent of the amount not timely paid shall be imposed.

(3) With respect to any unpaid withholding tax, a penalty equal to fifty percent of the amount not timely paid shall be imposed for penalties imposed prior to September 29, 2017 and a penalty not exceeding fifty percent of the amount not timely paid shall be imposed for penalties imposed thereafter.

(4) **(a) FOR TAX YEARS ENDING ON OR BEFORE DECEMBER 31, 2022, W**ith

respect to returns other than estimated income tax returns, the Municipality shall impose a monthly penalty of twenty-five dollars for each failure to timely file each return, regardless of the liability shown thereon for each month, or any fraction thereof, during which the return remains unfiled regardless of the liability shown thereon. The penalty shall not exceed a total of one hundred fifty dollars for each failure to timely file a return.

(b) FOR TAX YEARS ENDING ON OR AFTER JANUARY 1, 2023, WITH RESPECT TO RETURNS OTHER THAN ESTIMATED INCOME TAX RETURNS, THE MUNICIPALITY MAY IMPOSE A PENALTY NOT EXCEEDING $25 FOR EACH FAILURE TO TIMELY FILE EACH RETURN, REGARDLESS OF THE LIABILITY SHOWN THEREON, EXCEPT THAT MUNICIPALITY SHALL ABATE OR REFUND THE PENALTY ASSESSED ON A TAXPAYER'S FIRST FAILURE TO TIMELY FILE A RETURN AFTER THE TAXPAYER FILES THAT RETURN.

(D) With respect to income taxes, estimated income taxes, withholding taxes, and returns, the Municipality shall not impose, seek to collect, or collect any penalty, amount of interest, charges or additional fees not described in this section.

(E) With respect to income taxes, estimated income taxes, withholding taxes, and returns, not described in division (A) of this section, the Municipality shall not refund or credit any penalty, amount of interest, charges, or additional fees that were properly imposed or collected before January 1, 2016.

[No further changes to this section.]

FAIRFIELD
OHIO

City Council Action Item

Regular Meeting - November 27, 2023

Submitted by: Alisha Wilson, Clerk
Submitting Department: Clerk

Subject:
Laxmi Drive Thru Liquor Permit

Legislation Title:
Simple Motion: Motion to not request a hearing regarding a liquor permit application in the name of Laxmi Drive Thru LLC, dba Kwik N Kold, 730 Nilles Road, Fairfield, OH 45014 (Permit Class C1, C2 & D6).

Recommendation:
It is recommended that City Council request, by simple motion, that **no hearing be held** on the liquor permit application in the name of Laxmi Drive Thru LLC, dba Kwik N Kold, 730 Nilles Road, Fairfield, OH 45014 (Permit Class C1, C2 & D6).

Background/Synopsis: The City of Fairfield is in receipt of an application from the Ohio Division of Liquor Control for a C1, C2 & D6 permit for the above liquor permit applicant. Background checks from the Building and Zoning Division and Police Department are attached for Council and staff's review.

Financial Impact: No financial impact.

Rule Suspension Requested:

Emergency Provision Needed:

Attachments:
1. LaxmiDriveThru.LiquorPermit

DEPARTMENTAL CORRESPONDENCE

FAIRFIELD
OHIO

TO: Steve Maynard, Police Chief

Greg Kathman, Development Services Director

FROM: Alisha Wilson, Clerk of Council AW

DATE: November 6, 2023

SUBJECT: REQUEST FOR BACKGROUND CHECK – LIQUOR PERMIT

Attached is a liquor permit application in the name Laxmi Drive Thru LLC, dba Kwik N Kold, 730 Nilles Road, Fairfield, OH 45014 (Permit Classes: C1, C2, and D6).

Please complete the necessary background check and submit your findings to me **no later than 11:00 AM on Monday, November 20** for the item to be added to Council's Regular Meeting agenda of Monday, November 27, 2023.

Thank you for your assistance.

c: Scott Timmer, City Manager
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)644-3166

TO

5067128 PERMIT NUMBER			TRFO TYPE	LAXMI DRIVE THRU LLC DBA KWIK N KOLD 730 NILLES RD FAIRFIELD OHIO 45014
06 01 2023 ISSUE DATE				
10 10 2023 FILING DATE				
C1 C2 D6 PERMIT CLASSES				
09	011 TAX DISTRICT	A	F30218 RECEIPT NO.	

FROM 10/12/2023

93214830020 PERMIT NUMBER			TYPE	VUKELIC INC DBA KWIK N KOLD 730 NILLES RD FAIRFIELD OHIO 45014
06 01 2023 ISSUE DATE				
10 10 2023 FILING DATE				
C1 C2 D6 PERMIT CLASSES				
09	011 TAX DISTRICT		RECEIPT NO.	

MAILED 10/12/2023 RESPONSES MUST BE POSTMARKED NO LATER THAN. 11/13/2023

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 5067128
(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

DLC 4052

Ohio | Department of Commerce

Division of Liquor Control
Sheryl Maxfield, Director

Mike DeWine, Governor
Jon Husted, Lt. Governor

Rev 2/10/2021

Dear Local Legislative Authority Official:

Please find enclosed the legislative notice that is being sent to you regarding the applied for liquor permit as captioned on the notice. You must, within 30 days from the "mailed" date listed on the notice under the bar code:

- Notify the Division whether you object and want a hearing; or
- Ask for your one-time only, 30-day extension:
  - Any requests for a one-time, 30-day extension will be reviewed by the Division upon timely receipt. If granted, your additional 30-days runs from the expiration of the original 30-day period.

To be considered timely, your above response must be faxed, emailed, or mailed to the Division no later than the postmark deadline date given on the form. To speed up processing times and reduce paper, the Division respectfully asks that you either fax or email your response. Please send your response to:

FAX: (614) 644 – 3166

EMAIL: LiquorLicensingMailUnit@com.state.oh.us

MAIL: Ohio Division of Liquor Control
Attn: Licensing Unit
6606 Tussing Road
PO Box 4005
Reynoldsburg, Ohio 43068-9005

Please note that the Division is no longer sending ownership information with this legislative notice. If you want to know who owns the applied for permit you can find that information in two ways:

- Go to https://www.comapps.ohio.gov/liqr/liqr_apps/PermitLookup/PermitHolderOwnership.aspx and enter the permit number listed on the legislative notice; or
- Contact your police department or your county sheriff if you are a township fiscal officer or county clerk. The Division sends the applicable law enforcement agency the pertinent ownership information when it notifies them of the permit application.

Thank you in advance for your cooperation,

Division Licensing Section

FAIRFIELD
OHIO

November 6, 2023

Ohio Division of Liquor Control
6606 Tussing Road
PO Box 4005
Reynoldsburg, OH 43068-9005

RE: Liquor Permit No. 5067128

Dear Sir/Madam:

I am writing to request an extension on this liquor permit application. The notice was received on Thursday, November 2, 2023 and there is not enough time to complete the necessary background checks prior to the agenda deadline for our next City Council meeting. Please let me know if you have any questions.

Sincerely,

Alisha Wilson
Clerk of Council

Office of Mayor and City Council
5350 Pleasant Avenue, Fairfield, OH 45014
Phone: (513) 867-5383 Fax: (513) 867-5329
www.fairfield-city.org

FAIRFIELD
OHIO

DEPARTMENTAL CORRESPONDENCE

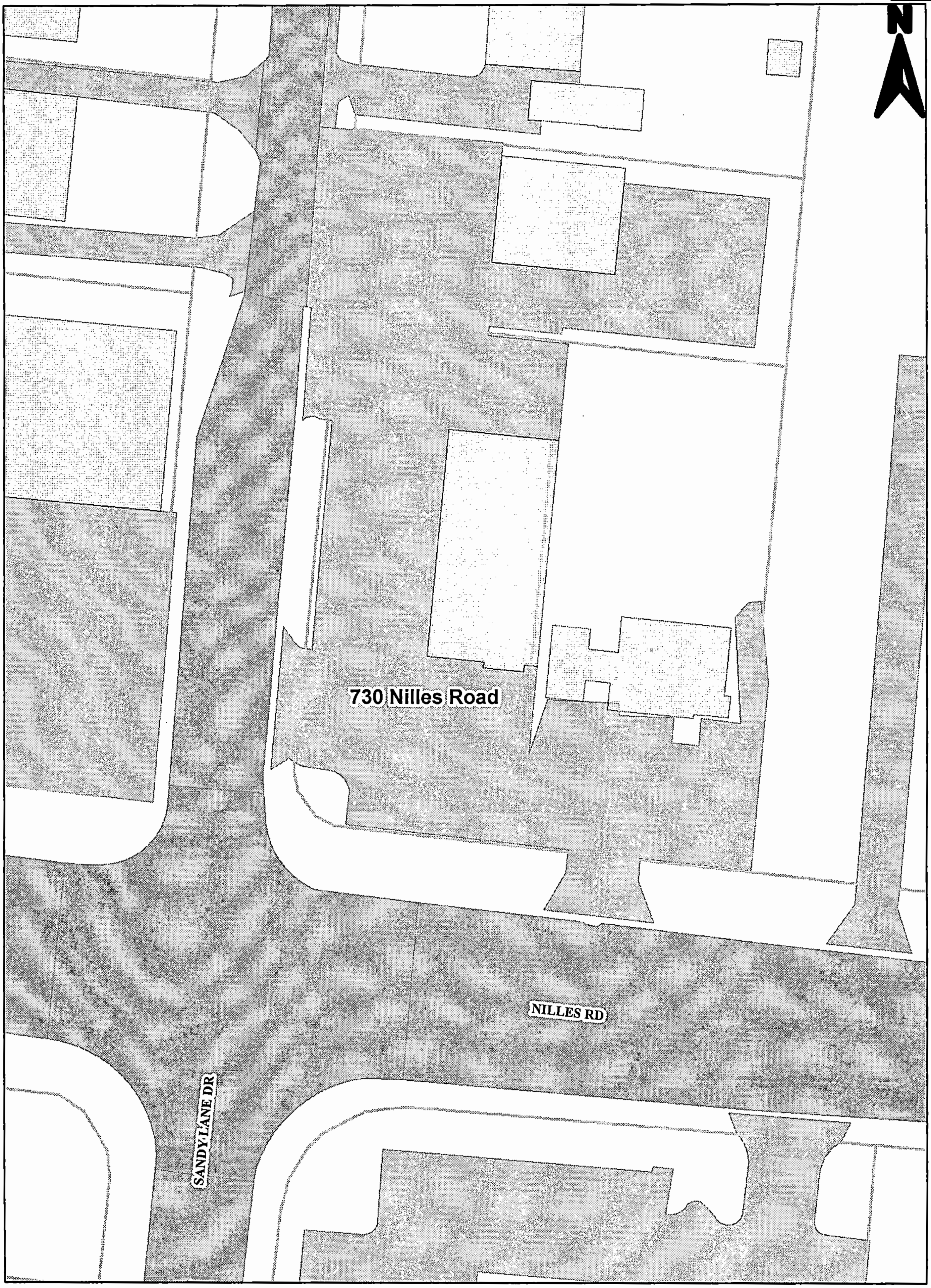
Date: 11/7/23

To: Alisha Wilson, Clerk of Council

From: Greg Kathman, Development Services Director GK

Subject: Liquor Permit Application

The business located at 730 Nilles Road, in the name of Laxmi Drive Thru LLC, and doing business as Kwik N Kold, is in the D-1, Downtown District and is a conditional use as a drive-thru facility.



Date: 11/7/2023

Ohio | Department of Commerce

Division of Liquor Control
Sheryl Maxfield, Director

Mike DeWine, Governor
Jon Husted, Lt. Governor

November 09, 2023

CLERK OF FAIRFIELD CITY COUNCIL
5350 PLEASANT AV
FAIRFIELD OHIO 45014

Re: **TRFO C1 C2 D6 PERMIT #5067128**
LAXMI DRIVE THRU LLC
DBA KWIK N KOLD
730 NILLES RD
FAIRFIELD OHIO 45014

Dear Legislative Authority:

In reference to the above captioned application, and your request, a 30-day extension has been granted from **11/13/2023** to **12/14/2023**.

If you have any questions **concerning this matter** please feel free to contact us at fileinquiry@com.ohio.gov, or go to com.ohio.gov/ineedhelp for additional Guides & Resources. **Don't miss out on important information**, sign-up at com.ohio.gov/stayinformed.

Licensing Processing Section

LJJ

Licensing New or Transfer Section
6606 Tussing Road
PO Box 4005
Reynoldsburg, OH 43068-9005 U.S.A.
liquorlicensingmailunit@com.state.oh.us

614 | 644 3155
Fax 614 | 644 3166
TTY/TDD 800 | 750 0750
www.com.ohio.gov/liqr

NAME OF ESTABLISHMENT Laxmi Drive Thru LLC

ADDRESS dba Kwik N Kold
730 Nilles Road
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?	☐	☒
2. Is there a prior unfavorable enforcement record of applicant and/or operation in disregard for laws, regulations or local ordinances?	☐	☒
3. Is there misrepresentation of material fact by applicant in making application to the Department?	☐	☒
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?	☐	☒
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?	☐	☒
6. Will the place substantially and adversely interfere with the normal orderly conduct of a church, library, public playground, school or township park?	☐	☒
7. Will the granting or transferring of a permit substantially interfere with the morals, safety, or welfare of the public?	☐	☒
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?	☐	☒

REMARKS:

Stephen B. Maynard
Chief of Police

HEARING REQUESTED: Yes ☐ No ☒

Date: November 17, 2023

City Council Ordinance
Regular Meeting - November 27, 2023

Submitted by: Alisha Wilson, Clerk
Submitting Department: Clerk

Subject:
Adult Use Cannabis Control

Legislation Title:
Ordinance to amend Chapter 739 of Ordinance 166-84, the Codified Ordinances of Fairfield, Ohio relative to Medical Marijuana and Adult Use Cannabis Control and declaring an emergency.

Recommendation:
It is recommended that City Council adopt an ordinance to amend Chapter 739 of the General Offenses Code to enact Adult Use Cannabis Control. Suspension of the rules is requested so that the amendments can be effective prior to the effective date of O.R.C. Chapter 3780. Legislation sponsored by Councilmember Tim Meyers.

Background/Synopsis: At the general election on November 7, 2023 voters approved legislation to permit cultivation, processing and controlled and regulated sales and use of cannabis subject to the limitations therein. The legislation becomes effective on December 7, 2023. Section 3780.25 of the Ohio Revised Code as adopted permits the legislative authority of a municipal corporation to adopt an ordinance to prohibit adult use cannabis operators within the municipal corporation. The amendment to the General Offenses Code will incorporate definitions included in state law pertaining to Adult Use Cannabis and prohibit Adult Use Cannabis operators and the cultivation, processing, retail dispensing and sale of marijuana within the corporate limits of the City of Fairfield.

Financial Impact: None.

Emergency Provision Explanation: Emergency language is requested in order for the ordinance to be effective prior to December 7, 2023 which is the effective date of Chapter 3780 of the Ohio Revised Code.

Rule Suspension Requested:
Yes

Emergency Provision Needed:
Yes

Attachments:
1. Amend Chapter 739-Ord
2. 2023-11-17 Chapter 739 Medical Marijuana

ORDINANCE NO. ___________

ORDINANCE TO AMEND CHAPTER 739 OF ORDINANCE NO. 166-84, THE CODIFIED ORDINANCES OF FAIRFIELD, OHIO RELATIVE TO MEDICAL MARIJUANA AND ADULT USE CANNABIS CONTROL AND DECLARING AN EMERGENCY.

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

Section 1. Chapter 739 of the General Offenses Codes of Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio is hereby amended to read as follows:

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

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 ordinance be effective prior to December 7, 2023 which is the effective date of Chapter 3780 of the Ohio Revised Code; 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:

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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\2023\Amend Chapter 739-Ord

CHAPTER 739
Medical Marijuana & ADULT USE CANNABIS CONTROL

CROSS REFERENCES
Drug abuse control - see GEN. OFF. Ch. 513

739.01 DEFINITION.

(a) "Marijuana", "medical marijuana", "cultivators", "processors" and "retail dispensaries" as used in this chapter shall have the same meanings as defined or described in Chapter 3796 of the Ohio Revised Code.

(b) **ADULT USE CANNABIS OPERATOR, ADULT USE DISPENSARY, LEVEL I ADULT USE CULTIVATOR, LEVEL II ADULT USE CULTIVATOR, LEVEL III ADULT USE CULTIVATOR AND ADULT USE PROCESSOR AS USED IN THIS CHAPTER SHALL HAVE THE SAME MEANINGS AS DEFINED OR DESCRIBED IN SECTION 3780.01 OF THE ORC.**

(Ord. 33-17. Passed 4-24-17.)

739.02 PROHIBITION.

(a) Cultivators, processors and retail dispensaries of medical marijuana, including all cultivation, processing and retail dispensing of medical marijuana, whether licensed under Chapter 3796 of the Ohio Revised Code or not, are prohibited within the corporate limits of the City of Fairfield, Ohio.

(b) **ADULT USE CANNABIS OPERATORS, INCLUDING ADULT USE DISPENSARIES, LEVEL I ADULT USE CULTIVATORS, LEVEL II ADULT USE CULTIVATORS, LEVEL III ADULT USE CULTIVATORS AND ADULT USE PROCESSORS WHETHER LICENSED UNDER CHAPTER 3780 OF THE OHIO REVISED CODE OR NOT ARE PROHIBITED WITHIN THE CORPORATE LIMITS OF THE CITY OF FAIRFIELD, OHIO.**

(c) **EXCEPT AS SPECIFICALLY PERMITTED BY SECTION 3780.29 OF THE OHIO REVISED CODE, THE CULTIVATION, PROCESSING, RETAIL DISPENSING, AND SALE AND TRANSFER WITHOUT REMUNERATION OF MARIJUANA ARE PROHIBITED WITHIN THE CORPORATE LIMITS OF THE CITY OF FAIRFIELD, OHIO.**

(Ord. 33-17. Passed 4-24-17.)

739.99 PENALTY.

Any person, firm or corporation who violates any provision of this chapter shall be guilty of a misdemeanor of the third degree. Each day such violation continues shall constitute a separate offense.

(Ord. 33-17. Passed 4-24-17.)

EXHIBIT “A”

City Council Ordinance
Regular Meeting - November 27, 2023

Submitted by: Chris Hacker,
Submitting Department: Finance

Subject:
Supplemental Appropriations

Legislation Title:
Ordinance to amend Ordinance No. 155-22 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, 2023, and ending December 31, 2023" - Supplemental Appropriations.

Recommendation:
It is recommended that City Council authorize and direct the preparation of legislation amending the annual operating budget.

Background/Synopsis:
The Parks Department has requested a supplemental appropriation from the General Fund due to increased Theater Ticket Refunds. The additional costs are a direct result of increased ticket sales at the Community Arts Center (CAC). This line item is used to issue payment to the artists which host events at the CAC, after the City of Fairfield collects a percentage of ticketed sales. Revenues are projected to be nearly 35% higher than in 2022, and so returning the artists' portion of ticket sales leads to the following budget appropriation recommendation:

From:	Unappropriated General Fund:			$40,000
To:	10051027-275001	Refunds – Theater Tickets:	$40,000	

Financial Impact:
Supplemental Appropriations are requested in the following amounts: $40,000 from the Unappropriated General Fund.

Emergency Provision Explanation:
N/A

Rule Suspension Requested:
Yes

Emergency Provision Needed:
No

Attachments:
1. Supplemental-Ord

ORDINANCE NO. ___________

ORDINANCE TO AMEND ORDINANCE NO. 155-22 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, 2023, AND ENDING DECEMBER 31, 2023."

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

Section 1. Ordinance No. 155-22, the 2023 Appropriation Ordinance, is hereby amended in the following respects:

From:	**Unappropriated General Fund**	**$40,000**
To:	10051027-275001 Refunds - Theater Tickets	$40,000

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.

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Clerk of Council

Active Clients\City of Fairfield\Ordinances\2023\Supplemental-Ord

City Council Ordinance
Regular Meeting - November 27, 2023

Submitted by: Alisha Wilson, Clerk
Submitting Department: Clerk

Subject:
Non-Contractual Appropriations

Legislation Title:
Ordinance to amend Ordinance No. 155-22 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, 2023, and ending December 31, 2023."

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

Background/Synopsis: Please refer to specific Council Communications for full description of these items.

$49,710 for Good Neighbors Park Path Improvements;
$36,050 for Waterworks Park Facilities Maintenance;
$35,000 for video surveillance equipment maintenance;
$70,000 for Network Infrastructure.

Financial Impact: $190,760.00 from noted funding source.

Rule Suspension Requested:
Yes

Emergency Provision Needed:
No

Attachments:
1. NonContractualAppropriations.112723
2. NonContractual 11-27-Ord

City Council Ordinance
Regular Meeting - November 27, 2023

Submitted by: Ben Mann,
Submitting Department: Public Works

Subject:
Good Neighbors Park - Path Improvements

Legislation Title:
Good Neighbors Park - Path Improvements

Recommendation:
It is recommended that City Council approve legislation for an appropriation of funding for the amounts shown in the Financial Impact.

Background/Synopsis:

A concept plan was developed by the City for some minor parks improvements throughout the City's parks system using American Rescue Plan Act funding. This funding will help the City to enhance the existing parks by providing improved amenities at several locations.

Improvements at Good Neighbors Park (located at 960 Walter Avenue) include extending an asphalt walking path from near the entrances on Gail Avenue and on Walter Avenue to allow for a paved trail that will run along the outer boundary of much of the park. With this addition, the trail will allow park visitors to circumnavigate the park on an approximate 0.25 mile loop, connecting the tennis courts, basketball court, playground, and shelter.

The construction of this project will likely take place in late spring of 2024 when weather is conducive to asphalt paving.

This project is not specifically identified in the current 2023-2027 Capital Improvement Program but was approved by Parks Board at the October 24, 2023 meeting.

The Parks Department solicited multiple quotes from three vendors (Neyra, Prus, and Mount Pleasant Blacktopping). Neyra was the lowest and best proposal for this project.

Financial Impact:

Total funding is $49,709.20 for Neyra Paving, Inc. for an eight foot wide, asphalt walking path using American Rescue Plan Act funding.

Emergency Provision Explanation:

Not applicable.

Rule Suspension Requested:
No

Emergency Provision Needed:
No

Attachments:
1. Neyra - Good Neighbors Path Estimate

Neyra Paving, Inc.
10750 Evendale Drive
Cincinnati, OH 45241
513-733-1001

www.neyrapaving.com

GOOD NEIGHBORS PARK - WALKING PATH
Date: 09/26/2023

Dear Mr. Derek Baxter

Neyra Paving is pleased to submit our proposal for the above referenced project. Please review the following specs. Please do not hesitate to contact Gus Madden with any questions.

8' WALKING PATH
a. Excavate as required. Dispose of material offsite, as directed.
b. Furnish and install 6" compacted, of ODOT 304 Aggregate base.
c. Furnish and install 0" compacted, of ODOT 301 Asphalt base.
d. Furnish and install 3" compacted, of ODOT 448 Asphalt surface.

MOBILIZATION
a. Cost to mobilize men and Equipment

Description	Quantity	Unit	Unit Price	Total
8' WALKING PATH	604	SY	$82.30	$49,709.20
MOBILIZATION	1	EA	----------------	Included
Total Project Cost				$49,709.20

Neyra Paving, Inc.
10750 Evendale Drive
Cincinnati, OH 45241
513-733-1001

www.neyrapaving.com

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Notes:

- All work is to be completed in a workmanlike manner according to standard practices as weather permits. All work is warranted for a period of one year from date of completion. Neyra will not be responsible for cracks caused by weather conditions or ground movements, worn sealer, paving and concrete that is subjected to premature traffic.
- Neyra is not liable for water that does not drain properly on asphalt surfaces with less than 2% slope.
- Neyra is not liable for any existing surface damage that occurs due to normal construction traffic while work is being performed.
- Neyra is not responsible for damage to underground utilities.
- If Additional Mobilizations are required Neyra will add $2,000.00 per additional requested mobilization.
- Subgrade to be provided to Neyra Paving at +/- .5" when others are performing earthwork or excavation.
- Any testing required by Neyra Paving will be an added charge.
- Project Schedule: the above proposal is based on scheduling our work Monday – Saturday.
- This proposal may be withdrawn if not accepted within 7 days. Our Suppliers have indicated to us that due to the instability of the world oil market pricing precautions need to be taken. Therefore, contracts issued after 7 days of the quote date will need to be confirmed and approved in conjunction with our suppliers.
- Any permits and/or inspection fees required by governmental agencies will be billed extra, at cost.
- Proposal excludes "staged" construction. Any maintenance and/or repairs of temporary base and/or asphalt pavement used by construction traffic will be an extra to the contract.
- All work is to be completed in a workmanlike manner according to standard practices as weather permits. All work is guaranteed to be installed as specified and is warranted for a period of one year from date of completion.
- Our work and workers are fully insured.
- Terms Net 30 days. There is a 1 1/2% per month service charge on all past due amounts.
- Neyra Paving is a Certified MBE with the Southern Ohio Minority Business Council.
- Due to fuel pricing instability fuel surcharges will apply over $4.00 per gallon.

Exclusions: (unless included in line item pricing)

Permits	Core Samples	Testing	Bid Bound	Signage	Pipes / Utilities
Underdrain	Integral Sidewalks	Prime Coat	Performance Bond	Asphalt Patching	Fence posts & foundations
Undercuts	Geotechnical Engineer	Staking/Layout	Geotextile Fabrics	Brick Pavers	Excess Cleaning of Asphalt
Excavation			Thermoplastic Striping		Utility Location other than OUPS

Very truly yours,

Gus Madden

NEYRA PAVING

ACCEPTANCE OF PROPOSAL - the above or attached prices and specifications are satisfactory and are hereby accepted. You are authorized to do the work as specified.

Accepted Dollar Amount $

Signature

Name (Please Print)

Date / /

City Council Ordinance
Regular Meeting - November 27, 2023

Submitted by: Ben Mann,
Submitting Department: Public Works

Subject:
Appropriation for Waterworks Park Facilities Maintenance Items – Fence Painting Improvements

Legislation Title:
Appropriation for Waterworks Park Facilities Maintenance Items – Fence Painting Improvements for Playing Courts

Recommendation:
It is recommended that City Council authorize an appropriation from the Capital Fund for $36,050.00 for the materials and labor needed for Waterworks Park fence painting improvements.

Background/Synopsis:

This project is for Parks Facilities maintenance items at Waterworks Park related to fencing for the tennis and basketball courts. Two of the four tennis courts will be repurposed as six pickleball courts once the courts are resurfaced. Ahead of resurfacing, we are proposing to appropriate money now for the painting of the existing fence and will move forward with rehabilitating the asphalt next year. We will likely need to pave before we can refurbish the fence but we may try to get the fence work (replacing the mesh) under contract soon so that we can order fencing replacement materials.

Lighting improvements were done under various purchase orders. Capital Electric was selected under our existing contract with them for signal and lighting work.

This request is for sandblasting and repainting the fence posts and cross bracing around the tennis courts and the basketball courts. A quote from Brian Bros. is attached.

The project is programmed in the 2023-2027 CIP as 3PR04 Waterworks Park Tennis Courts.

Financial Impact:

$36,050.00 from the Capital Fund.

Emergency Provision Explanation:

Not applicable

Rule Suspension Requested:
No

Emergency Provision Needed:
No

Attachments:
1. Brian Bros Painting- City of Fairfield Waterworks Park Fence Posts

Brian Bros. **Painting & Restoration, LLC**

4808 W. Versailles Rd. • Piqua, Ohio 45356 • (937) 773-3458 • Fax: (937) 773-5736

November 1, 2023

Proposal Submitted To: **City of Fairfield**

8870 North Gilmore Rd.

Fairfield, Ohio 45014

Re: **Waterworks Park Fence Posts & Cross Bars**

5133 Groh Lane

Fairfield, Ohio 45014

Scope of Work: Brian Bros. Painting & Restoration will provide all labor, materials/paint, supplies, services, lift-truck, sand-blast and spray equipment, to complete the following tasks:

Includes All Fence Posts & Cross Bars Surrounding the Existing Tennis Courts and Basketball Courts- Performed Prior to the installation of New Black Chain-link Fence Mesh (by others)-

*Prep the perimeter, and protect any surfaces that are not being coated.

*Sandblast each post to an SSPC-SP6 Commercial blast, removing at least 70% of the existing coatings.

*Apply (2) coats of premium-quality Sherwin-Williams DTM Gloss Black Enamel.

*Clean up as the work is completed.

*We are fully-insured, Ohio BWC and OSHA 30 Certified, and have been in business over 63 years.

Price: **$36,050.00**

Respectfully Submitted,

Brian Toopes

Brian Toopes

Brian Bros. Painting & Restoration LLC

www.brianbrospainting.com

City Council Information Item
Regular Meeting - November 27, 2023

Submitted by: Lance Kennedy,
Submitting Department: City Manager's Office

Subject:
3CM05 - Video Surveillance Equipment Maintenance

Legislation Title:
3MC05 - Information Technology - Video Surveillance Equipment Appropriation in the amount of $35,000 is being requested to purchase and replace equipment: Video Surveillance System Equipment

Background/Synopsis:
Scheduled replacement of information technology hardware is planned for and was approved of in the 2023 - 2027 Capital Improvement Program under project 3CM05. Ohio State bid pricing is used when state bid pricing is the lower cost option.

The routine replacement, maintenance, and upgrade of the city's current camera surveillance system is necessary to maintain functionality of the system. As part of this ongoing effort a number of older cameras are scheduled for replacement as part of the 2023 – 2027 Capital Improvement Plan based on age, degraded functionality, and critical nature of the specific cameras.

Financial Impact:
An appropriation in the amount of **$35,000** is being requested for the upgrade and/or replacement of camera surveillance equipment for the continued operation of the city's video security surveillance systems. Funding for these efforts was included in the 2023-2027 Capital Improvement Program (CIP) under project **3CM05** 'Camera Surveillance System'.

Emergency Provision Explanation:
An emergency provision is necessary without competitive bidding in order to avoid unnecessary renewal fees and extended order fulfillment time for the equipment, and so that purchases and replacements can be made immediately. Due to current equipment shortages, and rapidly changing pricing the quantity and model(s) of cameras to be purchased will be based on pricing and availability at the time of purchase.

FAIRFIELD
OHIO

City Council Information Item
Regular Meeting - November 27, 2023

Submitted by: Lance Kennedy,
Submitting Department: City Manager's Office

Subject:
3CM01 - Network Infrastructure

Legislation Title:
3CM01 - Network Infrastructure

Background/Synopsis:
Scheduled upgrade of the city's network infrastructure, and related equipment was planned for in the approved 2023-2027 Capital Improvement Program under project 3CM01. Ohio State bid pricing is used when state bid pricing is the lower cost option.

The essential network infrastructure equipment currently utilized at the Municipal Building, Municipal Building Annex, Public Works, North Trace Golf Course, Parks Maintenance, and Broadview Pumping Station locations is in need of replacement due to age, technical support, and software updates of the existing equipment.

Financial Impact:
An appropriation in the amount of $70,000 (including freight) is being requested for the upgrade or replacement of city networking equipment as is necessary for the continued operation of the City's overall computing systems. Funding for this effort was included in the 2023-2027 Capital Improvement Program (CIP) under project 3CM01. Emergency provision is requested as equipment availability is limited and would allow for utilization of Q4 pricing incentives.

Attachments:
1. CBTS City of Fairfield - Cisco Networking Quote ver3 11.13.23

Quote No:	**Est. ID RF149936704EU DID-74050070**
Project Name:	**City of Fairfield - Cisco Network Quote ver3**
Created On:	**13 Nov 2023**
Expiration Date:	**13 Dec 2023**
Account Manager:	**Ryan Satzger | ryan.satzger@cinbell.com**
Inside Sales:	**Lauren Clavey | Lauren.clavey@cbts.com**
CBTS Address	**221 East 4th St., Cincinnati, Ohio, 45202 Fax-513-841-5072**

cbts Consult Build Transform Support

Qty	Part Number	Description	Service Duration (Months)	Estimated Lead Time (Days)	Unit Price	Extended Price
10	**PWR-C5-1KWAC=**	1KW AC Config 5 Power Supply	---	14	$ 1,693.28	$ 16,932.80
10	CAB-TA-NA	North America AC Type A Power Cable	---	14	$ -	$ -
					Secondary PS SubTotal	**16,932.80**
5	**C9200CX-8P-2X2G-E**	Catalyst 9000 Compact Switch 8 port PoE+, 240W, Essentials	---	21	$ 949.52	$ 4,747.60
5	CON-SNT-C9200C88	SNTC-8X5XNBD Catalyst 9000 Compact Switch 8 port PoE+	36	N/A	$ 402.90	$ 2,014.50
5	C9200CX-NW-E-8	C9200CX Network Essentials, 8-port license	---	21	$ -	$ -
5	CAB-TA-NA	North America AC Type A Power Cable	---	14	$ -	$ -
5	SCAT9200CXUK9-179	Cisco Catalyst 9200CX XE 17.9 UNIVERSAL	---	21	$ -	$ -
5	C9200CX-DNA-E-8	C9200CX Cisco DNA Essentials, 8-Port Term Licenses	---	21	$ -	$ -
5	C9200CX-DNAE8-3Y	C9200CX Cisco DNA Essentials, 3Y Term License, 8P	36	N/A	$ 144.32	$ 721.60
5	NETWORK-PNP-LIC	Network Plug-n-Play Connect for zero-touch device deployment	---	3	$ -	$ -
5	RACKMNT-19-CMPACT	19 in Rackmount for 9200CX switches	---	21	$ 35.49	$ 177.45
					C9200CX-8 SubTotal	**7,661.15**
3	**C9200L-24P-4G-E**	Catalyst 9200L 24-port PoE+, 4 x 1G, Network Essentials	---	14	$ 1,431.52	$ 4,294.56
3	CON-SNT-C920L24G	SNTC-8X5XNBD Catalyst 9200L 24-port PoE+, 4 x 1G, Net	36	N/A	$ 625.68	$ 1,877.04
3	C9200L-NW-E-24	C9200L Network Essentials, 24-port license	---	14	$ -	$ -
3	PWR-C5-600WAC/2	600W AC Config 5 Power Supply - Secondary Power Supply	---	14	$ 1,128.85	$ 3,386.55
6	CAB-TA-NA	North America AC Type A Power Cable	---	14	$ -	$ -
6	C9200-STACK-BLANK	Catalyst 9200 Blank Stack Module	---	14	$ -	$ -
3	C9200L-DNA-E-24	C9200L Cisco DNA Essentials, 24-port Term license	---	14	$ -	$ -
3	C9200L-DNA-E-24-3Y	C9200L Cisco DNA Essentials, 24-port, 3 Year Term license	36	N/A	$ 288.64	$ 865.92
3	NETWORK-PNP-LIC	Network Plug-n-Play Connect for zero-touch device deployment	---	3	$ -	$ -
					C9200L SubTotal	**10,424.07**
5	**C9200CX-12P-2X2G-E**	Catalyst 9000 Compact Switch 12-Port PoE+, 240W, Essentials	---	21	$ 1,070.93	$ 5,354.65
5	CON-SNT-C920CXPO	SNTC-8X5XNBD Catalyst 9000 Compact Switch 12-Port PoE	36	N/A	$ 455.04	$ 2,275.20
5	C9200CX-NW-E-12	C9200CX Network Essentials, 12-port license	---	21	$ -	$ -
5	CAB-TA-NA	North America AC Type A Power Cable	---	14	$ -	$ -
5	SCAT9200CXUK9-179	Cisco Catalyst 9200CX XE 17.9 UNIVERSAL	---	21	$ -	$ -
5	C9200CX-DNA-E-12	C9200CX Cisco DNA Essentials, 12-Port Term Licenses	---	21	$ -	$ -
5	C9200CX-DNAE12-3Y	C9200CX Cisco DNA Essentials, 3Y Term License, 12P	36	N/A	$ 144.32	$ 721.60
5	NETWORK-PNP-LIC	Network Plug-n-Play Connect for zero-touch device deployment	---	3	$ -	$ -
5	RACKMNT-19-CMPACT	19 in Rackmount for 9200CX switches	---	21	$ 35.49	$ 177.45
					C9200CX-12 SubTotal	**8,528.90**
3	**C9300-24P-A**	Catalyst 9300 24-port PoE+, Network Advantage	---	21	$ 2,824.16	$ 8,472.48
3	CON-SNTP-C93002PA	SNTC-24X7X4 Catalyst 9300 24-port PoE+, Network Adva	36	N/A	$ 1,922.50	$ 5,767.50
3	C9300-NW-A-24	C9300 Network Advantage, 24-port license	---	14	$ -	$ -
3	SC9300UK9-176	Cisco Catalyst 9300 XE 17.6 UNIVERSAL UNIVERSAL	---	14	$ -	$ -
3	PWR-C1-605WAC-P	605W AC 80+ platinum Config 1 Power Supply	---	21	$ -	$ -
3	PWR-C1-605WAC-P/2	605W AC 80+ platinum Config 1 SecondaryPower Supply	---	21	$ 591.44	$ 1,774.32
5	CAB-TA-NA	North America AC Type A Power Cable	---	14	$ -	$ -
3	C9300-SSD-NONE	No SSD Card Selected	---	14	$ -	$ -
3	STACK-T1-1M	1M Type 1 Stacking Cable	---	14	$ 94.63	$ 283.89
3	CAB-SPWR-150CM	Catalyst Stack Power Cable 150 CM - Upgrade	---	14	$ 47.32	$ 141.96
3	TE-C9K-SW	TE agent for IOSXE on C9K	---	21	$ -	$ -
3	C9300-DNA-A-24	C9300 DNA Advantage, 24-port Term Licenses	---	14	$ -	$ -
3	C9300-DNA-A-24-3Y	C9300 DNA Advantage, 24-Port, 3 Year Term License	36	N/A	$ 951.04	$ 2,853.12
3	D-DNAS-EXT-S-T	Cisco DNA Spaces Extend Term License for Catalyst Switches	---	21	$ -	$ -
3	D-DNAS-EXT-S-3Y	Cisco DNA Spaces Extend for Catalyst Switching - 3Year	36	N/A	$ -	$ -
3	TE-EMBEDDED-T	Cisco ThousandEyes Enterprise Agent IBN Embedded	---	14	$ -	$ -
3	TE-EMBEDDED-T-3Y	ThousandEyes - Enterprise Agents	36	N/A	$ 591.44	$ 1,774.32
3	C9300-NM-8X	Catalyst 9300 8 x 10GE Network Module	---	21	$ 1,206.54	$ 3,619.62
3	NETWORK-PNP-LIC	Network Plug-n-Play Connect for zero-touch device deployment	---	3	$ -	$ -
3	**4PT-KIT-T2=**	4 Point Type 1 rack mount kit New	---	14	$ 124.20	$ 372.60
					C9300-24 SubTotal	**25,059.81**
				Total		**$68,606.73**

****Taxes and Freight Not Included****

Client Signature

Statement of Confidentiality

ORDINANCE NO. __________

ORDINANCE TO AMEND ORDINANCE NO. 155-22 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, 2023, AND ENDING DECEMBER 31, 2023."

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

Section 1. Ordinance No. 155-22, the 2023 Appropriation Ordinance, is hereby amended in the following respects:

From:	**Unappropriated Capital Improvement Fund**	**$141,050**
To:	40216025-252000 Improvements other than Building *(Waterworks Parks Tennis Courts Improvements 3PR04)*	$36,050
To:	40216025-253400 Computer Equipment *(Surveillance Camera System Improvements 3CM05 [$35,000]) (Network Infrastructure Upgrades 3CM01 [$70,000])*	$105,000
From:	**Unappropriated American Rescue Plan Act Fund**	**$49,710**
To:	26616025-252000 Improvements other than Building *(Good Neighbors Park Path)*	$49,710

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\2023\NonContractual 11-27-Ord