

Steve Miller
Mayor

Ron D'Epifanio
Council Member at Large

Chad Oberson
Council Member at Large

Bill Woeste
Council Member at Large



Leslie Besl
Council Member, 1st Ward

Craig Keller
Council Member, 2nd Ward

Debbie Pennington
Council Member, 3rd Ward

Tim Abbott
Council Member, 4th Ward

**CITY OF FAIRFIELD CITY COUNCIL
REGULAR MEETING AGENDA
MONDAY, OCTOBER 28, 2019 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.

- 1. COUNCIL-MANAGER BRIEFING**
 - A. 6:00 PM - 2020 Grant Request Discussion & 2020 Operating Budget
- 2. BUSINESS MEETING CALL TO ORDER**
- 3. PRAYER/PLEDGE OF ALLEGIANCE**
- 4. ROLL CALL**
- 5. AGENDA MODIFICATIONS**
- 6. EXECUTIVE SESSION REQUESTS**
- 7. SPECIAL PRESENTATIONS AND CITIZEN COMMENTS**
- 8. PUBLIC HEARING(S)**
 - a. Ride 4 Heroes Presentation
 - b. Council on Aging Presentation - Marc Bellisario
- 9. APPROVAL OF MINUTES**
 - a. Regular Meeting held October 15, 2019
- 10. OLD BUSINESS AND REPORTS**

A. COMMUNITY & PUBLIC RELATIONS COMMITTEE

Leslie Besl, Chair; Debbie Pennington, Vice Chair; Craig Keller, Member

B. DEVELOPMENT SERVICES COMMITTEE

Bill Woeste, Chair; Tim Abbott, Vice Chair; Ron D'Epifanio, Member

C. PARKS, RECREATION AND ENVIRONMENT COMMITTEE

Craig Keller, Chair; Bill Woeste, Vice Chair; Debbie Pennington, Member

D. PUBLIC SAFETY COMMITTEE

Ron D'Epifanio, Chair; Craig Keller, Vice Chair; Tim Abbott, Member

E. PUBLIC WORKS COMMITTEE

Chad Oberson, Chair; Ron D'Epifanio, Vice Chair; Bill Woeste, Member

F. PUBLIC UTILITIES COMMITTEE

Debbie Pennington, Chair; Chad Oberson, Vice Chair; Leslie Besl, Member

G. FINANCE & BUDGET COMMITTEE

Tim Abbott, Chair; Leslie Besl, Vice Chair; Chad Oberson, Member

11. NEW BUSINESS

A. DEVELOPMENT SERVICES COMMITTEE

Bill Woeste, Chair; Tim Abbott, Vice Chair; Ron D'Epifanio, Member

1. Ordinance to authorize the City Manager to execute the FY 2020 Community Development Block Grant (CDBG) Applications and Agreements with Butler County, Ohio and declaring an emergency.
 - Motion - Read by Title Only (Optional)
 - Legislation - First Reading
 - Motion - Suspend Second and Third Readings
 - Motion - Adoption
2. Ordinance to adopt new sections 1143.26.1 and 1143.31 and amend various sections of the Zoning Code of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio.
 - Motion - Read by Title Only (Optional)
 - Legislation - First Reading
 - Set Public Hearing Date - November 11, 2019

B. PUBLIC UTILITIES COMMITTEE

Debbie Pennington, Chair; Chad Oberson, Vice Chair; Leslie Besl, Member

1. Ordinance to authorize the City Manager to enter into a contract with Insituform Technologies, LLC, for inversion re-lining and rehabilitation of sanitary sewer lines.
 - Motion - Read by Title Only (Optional)

- Legislation - First Reading
- Motion - Suspend Second and Third Readings
- Motion - Adoption

C. FINANCE & BUDGET COMMITTEE

Tim Abbott, Chair; Leslie Besl, Vice Chair; Chad Oberson, Member

1. Ordinance to establish salaries and hourly rates for certain Municipal Court employees of the City of Fairfield, Ohio and to authorize and limit the numbers and types of certain Municipal Court employees to repeal Ordinance No. 27-19 and all amendments thereto and declaring an emergency.
 - Motion - Read by Title Only (Optional)
 - Legislation - First Reading
 - Motion - Suspend Second and Third Readings
 - Motion - Adoption
2. Ordinance to amend Ordinance No. 127-18 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, 2019, and ending December 31, 2019.”

Contractual Appropriations: \$166,500 for inversion re-lining of sanitary sewer lines.

 - Motion - Read by Title Only (Optional)
 - Legislation - First Reading
 - Motion - Suspend Second and Third Readings
 - Motion - Adoption
3. Ordinance to amend Ordinance No. 127-18 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, 2019, and ending December 31, 2019.”

Non-Contractual Appropriations: \$7,400 various facility and grounds improvements at Water Treatment Plant; \$7,440 Water Treatment Plant flooring.

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

D. PUBLIC WORKS COMMITTEE

Chad Oberson, Chair; Ron D'Epifanio, Vice Chair; Bill Woeste, Member

1. Ordinance to authorize the City Manager to enter into an agreement with Duke Energy for LED Retrofit Improvements for Various Street Lights – Phase 1.
 - Motion - Read by Title Only (Optional)
 - Legislation - First Reading
 - Motion - Suspend Second and Third Readings

- Motion - Adoption
2. Ordinance to amend Ordinance No. 127-18 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, 2019, and ending December 31, 2019.”
- Contractual Appropriations: \$150,000 for LED Retrofit Improvements to Street Lights.
- Motion - Read by Title Only (Optional)
 - Legislation - First Reading
 - Motion - Suspend Second and Third Readings
 - Motion - Adoption

12. MEETING SCHEDULE

- A. Monday, November 11 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM
- B. Monday, November 25 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM
- C. Monday, December 2 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM

13. EXECUTIVE SESSION OF COUNCIL (IF NEEDED)

14. ADJOURNMENT

**City of Fairfield
Minutes
Regular Meeting of City Council
October 15, 2019**

Council-Manager Briefing

A. 5:30 PM - SAFER Grant Discussion; 2020 Budget (Municipal Court); 2020 Grant Presentations

Vice Mayor Debbie Pennington called the briefing to order at 5:30 PM. Elected officials present: Leslie Besl, Craig Keller, Tim Abbott, Ron D'Epifanio, Chad Oberson, Bill Woeste and Judge Joyce Campbell.

Staff members present: Mark Wendling, Alisha Wilson, Scott Timmer, Dan Wendt, Jenna Trice, Greg Kathman, Dave Butsch, Steve Maynard, Don Bennett, Adam Sackenheim.

Fire Chief Don Bennett and Finance Director Scott Timmer discussed the SAFER Grant. Judge Campbell presented her 2020 Operating Budget. Council heard grant requests from community organizations for the 2020 budget year. See attached slides.

Business Meeting Call to Order

Mayor Steve Miller called the Regular Meeting to order at 7:00 PM.

Prayer/Pledge of Allegiance

Councilmember Keller led in prayer and Pledge of Allegiance.

Roll Call

Councilmembers present included:

Attendee Name	Title	Status	Arrived
Ron D'Epifanio	Council Member at Large	Present	
Chad Oberson	Council Member at Large	Present	
Bill Woeste	Council Member at Large	Present	
Leslie Besl	Council Member, 1st Ward	Present	
Craig W. Keller	Council Member, 2nd Ward	Present	
Debbie Pennington	Council Member, 3rd Ward	Present	
Tim Abbott	Council Member, 4th Ward	Present	
Steve Miller	Mayor	Excused	

Agenda Modifications

None.

Executive Session Requests

None.

Minutes Acceptance: Minutes of Oct 15, 2019 7:00 PM (Approval of Minutes)

Special Presentations and Citizen Comments

a. Allison Reed, Ohio EPA - Source Water Protection Efforts

Allison Reed, from the Ohio EPA, presented city officials with a certificate commending source water protection efforts in the City of Fairfield.

b. Citizen Comments

Ashley Hillis, 5246 Sherry Road - Mr. Hillis commented that he would like to see the city work with Butler Tech for projects such as signage. He stated that it could save the city money and give the students real-life experience. Mayor Miller thanked him for his idea and challenged staff to find ways to collaborate with Butler Tech for appropriate projects.

Robert Kraemer, 5690 Genevieve Place - Mr. Kraemer thanked the city for building the dog park. He stated that it is beautiful and is such a great amenity.

Judy Abbott, 218 Zack Court - Mrs. Abbott commented that the restrooms at the dog park are too far away for handicap people. She stated that the ramp goes out and around and there needs to be a more direct way to access the restroom facility. Staff explained that the restroom facility had to be built up out of the flood zone and the ramp had to conform to ADA requirements for grading, which is the reason it had to be built out so far and wind around.

Public Hearing(s)

None.

Approval of Minutes

The Regular Meeting Minutes of September 23, 2019 were approved as written and submitted.

OLD BUSINESS AND REPORTS

Community & Public Relations Committee

Leslie Besl, Chair; Debbie Pennington, Vice Chair; Craig Keller, Member

Development Services Committee

Bill Woeste, Chair; Tim Abbott, Vice Chair; Ron D'Epifanio, Member

Parks, Recreation and Environment Committee

Craig Keller, Chair; Bill Woeste, Vice Chair; Debbie Pennington, Member

Public Safety Committee

Ron D'Epifanio, Chair; Craig Keller, Vice Chair; Tim Abbott, Member

Ordinance to amend Chapter 505, entitled Animals and Fowl, of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio.

Recommendation:

Due to recent court decisions and the need to provide for more effective enforcement animal control it has become necessary to update the City's animal control statutes. It is recommended that City Council have a first reading on this item at the September 9, 2019 meeting.

Councilmember D'Epifanio presented the third reading of this ordinance. He then invited James Miller, 147 Martha Lane, to share the pictures of his attack by pit bulls with Council and apologized that no one looked at them at the previous meeting. He took the pictures and passed them around the dias to each Councilmember.

Crystal Mack, 62 Woodstock Drive - Ms. Mack stated that she is a US Navy veteran and in her time in the service, she learned that you cannot judge a book by its cover. She stated that the same applies to dogs and pit bulls and that their training matters. She stated that she does not feel you can put a ban on all of them because of a few accidents.

Miley Richey, 2782 Andrew Avenue, Hamilton - Ms. Richey stated that all animals have differences in their personalities. She stated that little dogs can be mean just as big dogs can be mean. She said that big dogs and little dogs are the same other than differences in their size. She does not think pit bulls should be banned just for their size and appearance.

Kelly Williams, 2782 Andrew Avenue, Hamilton - Ms. Williams stated that Miley Richey is her niece and that she has raised Miley and her brother for the past 5 years and they do rescue with her. She stated that she has taught them that education is very important and its all in the way that a dog is raised. She stated that she has scars all over from being bitten by little dogs, but has never been bitten by a big dog. She stated that there were no bully breeds at the dog park today, but there was a collie that bit a child and caused a big fight. That is proof that it is not just the pit bull causing these incidents.

Natalie Hillis, 5246 Sherry Road - Ms. Hillis stated that she is a volunteer at the Butler County Animal Friends Humane Society and had offered to foster a pit bull, but they asked where she lived and she was unable to foster because she lives in Fairfield. She stated that in her comments at the last meeting, she gave her condolences to Mr. Miller for his attack because she had also been attacked by a dog before, but it wasn't the dog's fault that she was left unattended. She stated that the ordinance could be a disservice to renter and people living paycheck to paycheck and while none of that applies to her, she was there to be a voice to people that were unable to attend. She has done more research and now understands that the penalties have been raised in such a way that an accident of someone's pet getting out could impact people's licensures and livelihood. She said that something that was a minor misdemeanor has been raised to a fourth degree misdemeanor. She stated that this will impact a majority of the community and no one will want to claim their pets from the shelter for risk of being charged with a crime for an accident. She suggests that Council seriously consider the impact this will have on the majority of the community and would like to see it put on the ballot for the community to vote on.

Ashley Hillis, 5246 Sherry Road - Mr. Hillis stated that homeowner's insurance will not cover an incident that happens off of your property. He asked for clarification on that.

Minutes Acceptance: Minutes of Oct 15, 2019 7:00 PM (Approval of Minutes)

Michael Garland, 500 Wessel Drive - He stated that he has been an insurance agent for eleven years, both independent and currently with State Farm, and he has friends that are still independent agents that he consulted with on the insurance requirement. He stated that there are two components that extend from homeowner's, renter's or condo insurance and that is medical payments and liability coverage. The minimum medical payments insurance required by the Department of Insurance is \$1,000 and minimum liability is \$100,000. He stated that those two components of insurance follow you at all locations, not just at the home. Councilmember Abbott asked if all insurance companies cover all breeds of dogs. Mr. Garland stated that not all companies cover all dogs, but most are getting broader with their coverage. He stated that it is wise to confirm with individual insurance companies.

Kurt Frymouth, 7378 Dustcommander Court - He stated that he talked to 22 insurance companies and 20 covered all breeds, regardless of breed and size, 1 covered all under 50 pounds and 1 had a list of breeds not covered.

Jeff Rader, 4472 Rita Mae Drive - Mr. Rader stated that his daughter has a pit bull and has never had a problem with it. He stated that he has had dobermans all his life, which used to be a breed that people didn't want you to have. He feels the city is trying to legislate fiscal responsibility, which is not what the city should do. He stated that we have to have car insurance, but people drive without it and if they get caught and get their license taken away, they will still continue to drive. Personally, he carries a million dollar umbrella policy because he thinks it is a good idea.

Judy Abbott, 218 Zack Court - Mrs. Abbott stated she is not in favor of lifting the ban, that she has seen a lot of people get hurt by pit bulls. She stated that they have a mean streak, just like some people, it's in their DNA. She stated that their friend had a pit bull that she rescued that was very cute, but that her friend stated she could see instincts in it that it would turn. She has a neighbor that had a pit bull in Village Green and she reported it, so a nephew took it in Hamilton. She stated that any dog can turn on you, but that a bite from a chihuahua only requires a bandaid. She stated that she adopted a calico kitty that had been used in dog fighting and tossed around by pit bulls and it had damage to its eyes because of it. She stated that she went to the dog park on Saturday and was talking to people and watched a pit bull charge at German Shepherds and another part pit bull charge at other dogs, with children around.

Katherine Hartung, Joseph's Legacy dog foster and legal advocate - Ms. Hartung thanked Council for considering the ordinance and stated that she appreciates the time, effort and thought put into this. She stated that she doesn't agree with the insurance part. She asked how the insurance requirement would be enforced.

Councilmember D'Epifanio stated that he is not an animal hater and has had several dogs over his lifetime. He stated that an installer for a company he works with adopted a pit bull as a 7 week old pup and his wife would sit in the van all day with Buster while he went in a home to install flooring. He stated that one day, the installer came in wrapped all the way to his neck and told him the pit bull attacked him while he was taking a nap. The vet told them to get the pit bull a companion and the pit bull killed the puppy that night. His brother-in-law adopted a pit bull from a litter of pits and attacked his 2 year old granddaughter. He stated that pit bull bites are not a nuisance bite, that they bite to kill. He stated that he worries about his grandkids that have a pit bull in the home at their mother's house. He cited statistics from a study done by pediatricians on dog attacks and pit bull attacks. He stated that he personally contacted 173 residents by phone and 127 wanted the ban to stay in place, 29 said to remove it and 17 said they didn't care either way. He stated that a lot of them stated that they would not use our park if pit bulls would be there. He stated that the 12th Court of Appeals said they have not had a case come before them. He stated that no matter what the cost is for keeping the ban, it is not worth the cost of the life of a child.

Councilmember Oberson asked for an answer to Ms. Hartung's question regarding insurance enforcement. Mr. Wolterman stated that he would not guide the police department to randomly request proof of insurance, but if there was an incident and there was no proof of insurance, an additional citation would be issued.

Councilmember Woeste stated that we should always look at the facts and that the CDC and US Veterinary Society facts are in contradiction to statistics reported by Councilmember D'Epifanio. He stated that councilmembers are charged to use common sense and facts to make a decision, not emotions.

Councilmember Abbott thanked everyone for coming and showing their interest in the issue. He agrees with the statement that the issue should be put before the voters on the ballot. He would like to see the City Manager and Law Director find a way to get this on the ballot for the voters.

Councilmember Oberson stated that he agrees, this is a harsher rule and is more demanding to pet owners. He stated that the ordinance will put the responsibility on the owner, not on the pet. He stated that there has to be some consequence when something happens.

Clerk Wilson called a roll call vote. Motion failed 3-4.

Mayor Miller excused himself and turned the meeting over to Vice Mayor Debbie Pennington to finish old and new business.

RESULT:	DEFEATED [3 TO 4]
MOVER:	Ron D'Epifanio, Council Member at Large
SECONDER:	Chad Oberson, Council Member at Large
AYES:	Oberson, Woeste, Besl
NAYS:	D'Epifanio, Keller, Pennington, Abbott

Public Works Committee

Chad Oberson, Chair; Ron D'Epifanio, Vice Chair; Bill Woeste, Member

Public Utilities Committee

Debbie Pennington, Chair; Chad Oberson, Vice Chair; Leslie Besl, Member

Finance & Budget Committee

Tim Abbott, Chair; Leslie Besl, Vice Chair; Chad Oberson, Member

NEW BUSINESS

Community & Public Relations Committee

Leslie Besl, Chair; Debbie Pennington, Vice Chair; Craig Keller, Member

Simple Motion: Motion to approve the December 2019 Meeting Schedule for City Council Meetings.

Recommendation:

It is recommended that Council, via simple motion, approve the December 2019 meeting schedule. City Council will meet on the first and second Mondays of December, December 2nd and December 9th, 2019, for regular meetings. There will also be an oath of office on December 30, 2019 for the 2020 terms.

SIMPLE MOTION NO. 19-19. APPROVED 7-0.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Leslie Besl, Council Member, 1st Ward
SECONDER:	Tim Abbott, Council Member, 4th Ward
AYES:	D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

Public Utilities Committee

Debbie Pennington, Chair; Chad Oberson, Vice Chair; Leslie Besl, Member

Motion to Read by Title Only

Motion to read one ordinance by title only.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Debbie Pennington, Council Member, 3rd Ward
SECONDER:	Tim Abbott, Council Member, 4th Ward
AYES:	D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

Motion to Suspend Second and Third Readings

Councilmember Pennington presented the first reading of this resolution.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Debbie Pennington, Council Member, 3rd Ward
SECONDER:	Craig W. Keller, Council Member, 2nd Ward
AYES:	D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

Resolution permitting a Hamilton property owner to receive City of Fairfield, Ohio sanitary sewer service.

Recommendation:

It is recommended that City Council pass a resolution to authorize the City of Fairfield's Public Utilities Department to provide sanitary sewer service to the property at 85 Distribution Drive, Hamilton, Ohio 45014, for the use of that property only. Rules suspension is requested to expedite property development and building construction.

RESOLUTION NO. 9-19. APPROVED 7-0.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Debbie Pennington, Council Member, 3rd Ward
SECONDER: Chad Oberson, Council Member at Large
AYES: D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

Finance & Budget Committee

Tim Abbott, Chair; Leslie Besl, Vice Chair; Chad Oberson, Member

Motion to Read by Title Only

Motion to read the following two ordinances by title only.

RESULT: CARRIED [UNANIMOUS]
MOVER: Tim Abbott, Council Member, 4th Ward
SECONDER: Craig W. Keller, Council Member, 2nd Ward
AYES: D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

Ordinance to Amend Ordinance no. 127-18 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, 2019 and ending December 31, 2019." - Supplemental Appropriations - Transfers of Monies

Recommendation:

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

ORDINANCE NO. 100-19. APPROVED 7-0.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Tim Abbott, Council Member, 4th Ward
SECONDER: Bill Woeste, Council Member at Large
AYES: D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

Motion to Suspend Second and Third Readings

Councilmember Abbott presented the first reading of this ordinance.

RESULT: CARRIED [UNANIMOUS]
MOVER: Tim Abbott, Council Member, 4th Ward
SECONDER: Leslie Besl, Council Member, 1st Ward
AYES: D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

Ordinance to amend Ordinance No. 127-18 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, 2019, and ending December 31, 2019."

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. 101-19. APPROVED 7-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tim Abbott, Council Member, 4th Ward
SECONDER:	Chad Oberson, Council Member at Large
AYES:	D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

Motion to Suspend Second and Third Readings

Councilmember Abbott presented the first reading of this ordinance.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Tim Abbott, Council Member, 4th Ward
SECONDER:	Bill Woeste, Council Member at Large
AYES:	D'Epifanio, Oberson, Woeste, Besl, Keller, Pennington, Abbott

Meeting Schedule

Clerk Wilson read the following meeting schedule:

- A. Monday, October 28 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM
- B. Monday, November 11 - Council-Manager Briefing, 5:30 PM; Regular Meeting 7:00 PM
- C. Monday, November 25 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM

Executive Session of Council (if needed)

None.

14. ADJOURNMENT

The Regular Meeting adjourned at .

The Regular Meeting adjourned at 8:05 PM.

ATTEST:

Clerk of Council

Mayor's Approval

Date Approved _____

Minutes Acceptance: Minutes of Oct 15, 2019 7:00 PM (Approval of Minutes)



City Council Ordinance
Regular Meeting - October 28, 2019

Submitted by: Erin Lynn,
 Submitting Department: Development Services

Subject:
 2020 CDBG Application

Legislation Title:
 Ordinance to authorize the City Manager to execute the FY 2020 Community Development Block Grant (CDBG) Applications and Agreements with Butler County, Ohio and declaring an emergency.

Recommendation:
 Authorize the City Manager to execute the FY 2020 Community Development Block Grant (CDBG) application.

Background/Synopsis:

A safety-focused improvement to realign the intersection of Dixie Highway, Michael Lane and Camelot Drive by removing the offset between the side streets is proposed for FY 2020. The improvement will reduce potential conflicts and increase the efficiency of the intersection. The city received a safety grant from the Ohio Department of Transportation (ODOT) to make this improvement due to the high number of vehicular crashes. The CDBG grant will assist in the financial gap not covered by the ODOT safety grant.

CDBG is a source of funding to support areas that are designated as Low to Moderate Income (LMI) such as this area. The proposed roadway realignment project meets the national objective of benefitting a low to moderate income neighborhood.

Financial Impact:
 The requested grant allocation is for \$123,125. The CDBG Cooperation Agreement between the City of Fairfield and Butler County entitles Fairfield to no less than 10% of the CDBG funds the County receives in that program year.

Emergency Provision Explanation:
 The executed FY 2020 CDBG application is due to Butler County by November 6, 2019.

Rule Suspension Requested:
 Yes

Emergency Provision Needed:
 Yes

Attachments:

1. aerial
2. CDBG-Ord

Project Location and Service Area Map -
Roadway Realignment (S.R. 4 at Michael

11.A.1.a

Attachment: aerial (1370 :

109.06
BG 2

Route 4

Michael Ln

Project
Location

Packet Pg. 15

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE FY 2020 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATIONS AND AGREEMENTS WITH BUTLER COUNTY, OHIO AND DECLARING AN EMERGENCY.

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

Section 1. The City Manager is hereby authorized to execute the FY 2020 Community Development Block Grant (CDBG) applications and agreements with Butler County, Ohio in accordance with the applications and agreements on file in the office of the City Manager.

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 applications are due by November 6, 2019; wherefore, this ordinance shall take effect immediately upon its passage.

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

ATTEST:

Clerk of Council

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

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2019\CDBG-Ord

Attachment: CDBG-Ord (1370 : 2020 CDBG Application)



City Council Ordinance
Regular Meeting - October 28, 2019

Submitted by: Erin Lynn,
 Submitting Department: Development Services

Subject:

Changes to the Zoning Code

Legislation Title:

Ordinance to adopt new sections 1143.26.1 and 1143.31 and amend various sections of the Zoning Code of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio.

Recommendation:

It is recommended that City Council have a first reading on this ordinance at the October 28, 2019 meeting and set the joint public hearing date for November 11, 2019.

Background/Synopsis:

It is necessary to periodically update various provisions of the code to address relevant zoning issues within the City and to clarify existing zoning regulations.

Code elements that are being reviewed include:

1. Addition, modification and deletion of definitions for the following:
 - a) Junkyards
 - b) Kennel
 - c) Motor Vehicle
 - d) Motor Vehicle Service Facility
 - e) Motor Vehicle Repair Garage (replace Motor Vehicle Repair, major and minor)
 - f) Motor Vehicle, Boat, Recreational Vehicle or Trailer Sales Area
 - g) Motor Vehicle Storage Yard
 - h) Nightclub
 - i) Restaurant
2. Modification of the General Regulations to permit temporary portable storage containers in commercial zoning districts and to establish conditions for rain barrels in residential zoning districts.
3. Minor clarification of the C-2 and D-1 Zoning Districts related to motor vehicle service facility.
4. Modification of the C-3 and C-3A Zoning Districts to allow motor vehicle service facility and motor vehicle repair garage as conditional uses.
5. Modification of the M-1 and M-2 Zoning Districts to allow motor vehicle repair garage and motor vehicle storage yard as conditional uses.

Financial Impact:

There is no financial impact with this request.

Emergency Provision Explanation:**Rule Suspension Requested:**

No

Emergency Provision Needed:

No

Attachments:

1. Zoning Code-Ord
2. 2019 formatted code changes

ORDINANCE NO. _____

ORDINANCE TO ADOPT NEW SECTIONS 1143.26.1 AND 1143.31 AND
AMEND VARIOUS SECTIONS OF THE ZONING CODE OF ORDINANCE
NO. 166-84, THE CODIFIED ORDINANCES OF FAIRFIELD, OHIO.

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

Section 1. New sections 1143.26.1 and 1143.31 are hereby adopted and sections 1133.01, 1143.26, 1159.01, 1159.02, 1159.03, 1159.05, 1159.06, 1159.07, 1165.01, 1165.03, 1165.04, 1165.05, 1165.06, 1165.07, 1168.01, 1168.02, 1168.03, 1169.01, 1169.02, 1169.03, 1169.04, 1169.05, 1169.06, 1169.07, 1173.01, 1173.02, 1173.03, 1173.04, 1173.05, 1173.06 and 1173.07 of the Zoning Code of Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio are hereby amended to read as follows:

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

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

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

ATTEST:

Clerk of Council

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

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2019\Zoning Code-Ord

Attachment: Zoning Code-Ord (1371 : Changes to the Zoning Code)

EXHIBIT A

CHAPTER 1133 Definitions

1133.01 Definitions.

CROSS REFERENCES

Subdivision regulations definitions - see P. & Z. 1105.01

Sign definitions - see P. & Z. 1187.02

Building Code definitions - see BLDG. Ch. 1303

1133.01 DEFINITIONS.

As used in Titles Three, Five and Seven of Part Eleven - Planning and Zoning Code, the following words and phrases shall have the following meanings ascribed to them in this section.

(1) – (41).....

(42) "Junkyard" means:

1. Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, **including auto wrecking yards**, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including **establishments for the sale, purchase or storage of used cars in operable condition or** storage of materials incidental to manufacturing operations;
2. **ANY ESTABLISHMENT, PLACE OF BUSINESS OR PROPERTY UPON WHICH MOTOR VEHICLES ARE KEPT FOR THE PRIMARY PURPOSE OF DISASSEMBLING, DISMANTLING, CUTTING UP, STRIPPING OR OTHERWISE WRECKING SUCH MOTOR VEHICLE TO EXTRACT PARTS, COMPONENTS OR ACCESSORIES; OR**
3. **ANY ESTABLISHMENT, PLACE OF BUSINESS OR PROPERTY UPON WHICH TEN (10) OR MORE UNLICENSED, PARTIALLY DISASSEMBLED, WRECKED OR INOPERABLE MOTOR VEHICLES ARE KEPT OR STORED.**

(43) "Kennel" means any structure or lot on which more than **two** **FOUR** dogs or cats over four months of age are kept.

(44) – (59).....

(60) "Motor vehicle repair, major" means general repair, rebuilding or reconstruction of engines, motor vehicles or trailers; collision services, including body, frame or fender straightening or repair; overall painting or paint shop.

~~(61) "Motor vehicle repair, minor" means incidental body or fender work, other minor repairs, painting, and upholstering, replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half tons capacity, but not including any operation named under "motor vehicle repair, major" or any other term or phrase similar thereto.
(Ord. 94-84. Passed 7-9-84.)~~

(60) "MOTOR VEHICLE" MEANS ANY MACHINE DESIGNED OR INTENDED TO TRAVEL OVER LAND, SEA OR AIR BY SELF-PROPULSION OR WHILE ATTACHED TO ANY SELF-PROPELLED VEHICLE, I.E. CAMPER, TRAILER, TRAVEL TRAILER.

**(63.1) "Motor vehicle fuel dispensing facility" means a place where gasoline or alternative fuel/power/energy is sold at retail to the public and deliveries are made directly into or onto motor vehicles and no other motor vehicle service is performed. The sale of gasoline or other motor vehicle fuel, alternative power/energy under this definition must be the primary use. Retail grocery and/or convenience store sales are permitted. Vending machines and outdoor retail display do not constitute retail sales under this definition unless specifically approved by the Planning Commission.
(Ord. 36-13. Passed 4-22-13.)**

~~(63.2) "Motor vehicle service facility" means a place where automobile service including removal and replacement of lubricants, tires, batteries, accessories or supplies, for operating or equipping motor vehicles are performed for the public.~~
ANY ESTABLISHMENT OR PLACE OF BUSINESS WHICH IS MAINTAINED AND OPERATED FOR THE PRIMARY PURPOSE OF PERFORMING ROUTINE MAINTENANCE OF MOTOR VEHICLES SUCH AS REMOVAL AND REPLACEMENT OF LUBRICANTS, TIRES AND BATTERIES FOR THE PUBLIC AND WHICH MAY INCLUDE RETAIL SALES OF FUELS, LUBRICANTS, AIR AND/OR FOR WASHING OPERABLE MOTOR VEHICLES. THIS DEFINITION DOES NOT INCLUDE ANY ESTABLISHMENT, PLACE OF BUSINESS OR PROPERTY UPON WHICH STORAGE OR REPAIR OF ANY UNLICENSED, PARTIALLY DISMANTLED OR INOPERABLE MOTOR VEHICLES TAKES PLACE.

(63) "MOTOR VEHICLE REPAIR GARAGE" MEANS ANY ESTABLISHMENT OR PLACE OF BUSINESS WHICH IS MAINTAINED AND OPERATED FOR THE PRIMARY PURPOSE OF MAKING GENERAL REPAIR, REBUILDING OR RECONSTRUCTION OF ENGINES AND WHICH MAY INCLUDE MAKING GENERAL REPAIR TO MOTOR VEHICLE QUARTER PANELS, DOORS, FENDERS, BUMPERS, OTHER PARTS OF AUTO BODY, FRAMES OR OTHER EXTERIOR SURFACES OR PROVIDING COLLISION SERVICES INCLUDING BUT NOT LIMITED TO PAINTING, FRAME

STRAIGHTENING OR FRAME DISSECTING. THIS DEFINITION DOES NOT INCLUDE ANY ESTABLISHMENT, PLACE OF BUSINESS OR PROPERTY UPON WHICH TEN (10) OR MORE UNLICENSED, PARTIALLY DIASSEMBLED, WRECKED OR INOPERABLE MOTOR VEHICLES ARE KEPT OR STORED.

- (623.1) "Motor vehicle, ~~boat, recreational vehicle or trailer~~ sales area" means **ANY ESTABLISHMENT, PLACE OF BUSINESS, PROPERTY OR** an open area used for the display, storage, sale, lease or rental of new or used motor vehicles, ~~including motorcycles and motor scooters, boats, recreational vehicles or trailers~~ in operable condition.
(Ord. 108-17. Passed 10-23-17.)
- (63.2) **"MOTOR VEHICLE STORAGE YARD" MEANS ANY ESTABLISHMENT, PLACE OF BUSINESS OR PROPERTY USED BY A TOW COMPANY OR WRECKER OR OTHER BUSINESS FOR TEMPORARY STORAGE OF OPERABLE MOTOR VEHICLES, OR INOPERABLE MOTOR VEHICLES DESIGNATED TO BE TRANSPORTED TO A MOTOR VEHICLE REPAIR GARAGE OR JUNKYARD. THIS DEFINITION DOES NOT INCLUDE ANY ESTABLISHMENT, PLACE OF BUSINESS OR PROPERTY UPON WHICH TEN (10) OR MORE UNLICENSED, PARTIALLY DIASSEMBLED, WRECKED OR INOPERABLE MOTOR VEHICLES ARE KEPT OR STORED.**
- (64) **"NIGHTCLUB" MEANS ANY ESTABLISHMENT, INCLUDING BUT NOT LIMITED TO, BARS, LOUNGES, TAVERNS, DANCE HALLS AND POOL HALLS, THAT SERVES ALCOHOL AND/OR BEER AND PROVIDES ENTERTAINMENT THROUGH ANY OF THE FOLLOWING: AMPLIFIED MUSIC, DANCING, TABLE GAMES, VIDEO GAMES AND/OR OTHER LIVE ENTERTAINMENT ACTIVITIES. THIS DEFINITION DOES NOT INCLUDE RESTAURANTS OR BANQUET HALLS THAT PROVIDE THE ABOVE ENTERTAINMENT IF THE BUSINESS CLOSSES ON OR BEFORE 12:00 A.M. EVERY DAY OF THE WEEK.**
- (64.1) "Nonconforming use" means a use of a building or land legally existing at the time of adoption of the Zoning Ordinance, or any amendment thereto, and which does not conform with the use regulations of the district in which located.
- (65) – (70)....
- (70.1) "Restaurant" means any establishment where food or drinks are primarily served by a waitress or waiter to the general public in a dining area for consumption within the principal building. Carry-out services must be accessory to the service by waitresses and waiters. **THIS DEFINITION DOES NOT INCLUDE**

NIGHTCLUBS, fast food restaurants, drive-thru facilities and vending machines **are not included in this definition.**
(Ord. 90-84. Passed 7-9-84.)

CHAPTER 1143
Effects of Districting; General Regulations

1143.01 – 1143.25.....

1143.26 PORTABLE STORAGE STRUCTURES UNITS WITHIN A OR R ZONING DISTRICTS AND ON ALL OTHER PROPERTY USED FOR RESIDENTIAL PURPOSES IN ANY OTHER ZONING DISTRICT OR PLANNED UNIT DEVELOPMENT.

(a) For the purposes of this section, “portable storage unit” means any enclosed unit made of metal or other durable construction material designed for permanent or temporary storage of personal property which is designed to be transported by vehicle and is left on site in an A or R Zoning District or on any other property used for residential purposes in any other zoning district or planned unit development.

(b) Portable storage units are permitted as a temporary use for a period not to exceed thirty days within any one year period.

(c) Portable storage units must be located on a paved surface and outside the City right- of-way.

(d) If the portable storage unit is being used to store personal property as a result of a major calamity at the residence (i.e. fire, flood or other event where there is significant property damage), the Building Inspector may extend the time period to a maximum of ninety days total within a one year period.

(e) Portable storage units may not exceed a size of 1200 cubic feet on the interior. All portable storage units in excess of 1200 feet are prohibited in residential areas as defined in subsection (a) above. (Ord. 26-06. Passed 2-27-06.)

1143.26.1 PORTABLE STORAGE CONTAINERS WITHIN THE C-1, C-2, C-3, C-3A, D-1, D-1A, B-1, SE, ST, AND C-4 ZONING DISTRICTS AND ON ALL OTHER PROPERTY USED FOR NON- RESIDENTIAL PURPOSES IN ANY OTHER ZONING DISTRICT OR PLANNED UNIT DEVELOPMENT.

(A) FOR THE PURPOSES OF THIS SECTION, “PORTABLE STORAGE CONTAINER” MEANS ANY ENCLOSED CONTAINER MADE OF METAL OR OTHER DURABLE CONSTRUCTION MATERIAL DESIGNED FOR STORAGE OF PROPERTY WHICH IS DESIGNED TO BE TRANSPORTED BY MOTOR VEHICLE AND IS LEFT ON SITE. THE DEFINITION OF PORTABLE STORAGE CONTAINER INCLUDES, BUT NOT LIMITED TO, SHIPPING CONTAINERS, CARGO CONTAINERS OR SEMI-TRUCK TRAILERS.

(B) PORTABLE STORAGE CONTAINERS MAY BE USED WITHIN THE C-1, C-2, C-3, C-3A, D-1, D-1A, B-1, SE, ST, AND C-4 ZONING DISTRICTS AND ON ALL OTHER PROPERTY USED FOR NON- RESIDENTIAL PURPOSES IN ANY OTHER ZONING DISTRICT OR PLANNED UNIT DEVELOPMENT AS A TEMPORARY ACCESSORY USE, FOR A PERIOD NOT TO EXCEED NINETY (90) DAYS WITHIN ANY ONE-YEAR PERIOD, EXCEPT THAT STORAGE FOR CONSTRUCTION OR REMODELING SHALL NOT EXCEED 180 DAYS.

(C) PORTABLE STORAGE CONTAINERS SHALL BE SUBJECT TO THE FOLLOWING REQUIREMENTS:

- (1) PORTABLE STORAGE CONTAINERS SHALL NOT EXCEED FORTY (40) FEET IN LENGTH OR TEN (10) FEET IN WIDTH OR TEN (10) FEET IN HEIGHT.**
- (2) VERTICAL STACKING OF PORTABLE STORAGE CONTAINERS OR STACKING OF OTHER MATERIALS OR MERCHANDISE ON TOP OF ANY PORTABLE STORAGE CONTAINER IS PROHIBITED.**
- (3) PORTABLE STORAGE CONTAINERS SHALL BE PLACED ON A HARD DURABLE SURFACE SUCH AS ASPHALT OR PORTLAND CONCRETE.**
- (4) PORTABLE STORAGE CONTAINERS SHALL BE PLACED AT THE REAR OF THE PROPERTY BEHIND BUILDING(S) IN SUCH A MANNER AS TO MINIMIZE THEIR VISIBILITY FROM THE STREET AND ADHERE TO SIDE AND REAR YARD SETBACK REQUIREMENTS.**
- (5) PORTABLE STORAGE CONTAINERS SHALL BE KEPT IN GOOD CONDITION, FREE OF RUST, DAMAGE, GRAFFITI, AND PROPERLY MAINTAINED AT ALL TIMES.**

1143.27 – 1143.30.....

1143.31 RAIN BARRELS WITHIN A OR R ZONING DISTRICTS AND ON ALL OTHER PROPERTY USED FOR RESIDENTIAL PURPOSES IN ANY OTHER ZONING DISTRICT OR PLANNED UNIT DEVELOPMENT.

(A) FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS ARE DEFINED AS:

- (1) “RAIN BARREL” MEANS A CONTAINER DESIGNED OR USED TO COLLECT RAINWATER FROM A COLLECTING STRUCTURE.**
- (2) “COLLECTING STRUCTURE” MEANS ANY HOUSE, GARAGE, BUILDING OR CANOPY FROM WHICH RAINWATER IS DIVERTED FOR COLLECTION IN A RAIN BARREL(S).**

(B) LOCATION. RAIN BARRELS AND ACCESSORIES ARE NOT PERMITTED IN THE FRONT OR STREET SIDE YARD AND SHALL BE LOCATED WITHIN 12 INCHES OF A COLLECTING STRUCTURE.

(C) APPEARANCE. RAIN BARRELS ARE TO BE EARTH TONE COLORS. RAIN BARRELS THAT DO NOT MEET THIS REQUIREMENT ARE TO BE SCREENED FROM VIEW BY EITHER A COLLECTING STRUCTURE OR A VINYL OR PRESSURE TREATED WOOD PRIVACY FENCE THAT IS OF A WHITE OR AN EARTH TONE COLOR.

(D) HEIGHT. THE HEIGHT OF THE RAIN BARREL, INCLUDING THE PEDESTAL RISER STAND, SHALL NOT EXCEED SIX FEET IN HEIGHT FROM GRADE. AN ELEVATED PLATFORM IS PERMITTED, BUT THE HEIGHT OF THE RAIN BARREL AND PLATFORM TOGETHER SHALL NOT EXCEED SIX FEET IN HEIGHT FROM GRADE.

(E) MAXIMUM SIZE AND NUMBER. THE MAXIMUM CAPACITY OF A RAIN BARREL SHALL NOT EXCEED 100 GALLONS. IF TWO OR MORE RAIN BARRELS ARE INTERCONNECTED, THEY MUST BE SCREENED FROM VIEW BY EITHER A COLLECTING STRUCTURE OR A VINYL OR PRESSURE TREATED WOOD PRIVACY FENCE THAT IS OF A WHITE OR EARTH TONE COLOR.

(F) RAIN BARRELS SHALL BE OPERATED IN SUCH A MANNER AS TO AVOID CREATING A PUBLIC OR PRIVATE NUISANCE.

CHAPTER 1159
C-2 Central Business District

1159.01 Principal permitted uses.	1159.05 Lot area, frontage and yard requirements.
1159.02 Conditional Uses	1159.06 Courts.
1159.03 Accessory uses.	1159.07 Height regulations.
1159.04 Required conditions.	

CROSS REFERENCES

Exceptions and modifications - see P. & Z. Ch. 1180

Signs - see P. & Z. Ch. 1187

Service stations; garages - see P. & Z. Ch. 1189

Nonconforming uses - see P. & Z. Ch. 1198

1159.01 PRINCIPAL PERMITTED USES.

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

- (a) General. Any use permitted and as regulated in the C-1 District, except as modified herein and except that no residential uses are permitted.
- (b) Retail and Service. Art and antique shops, artist supply stores, interior decorating shops, furniture and appliance stores, self-service laundries, dry cleaning shops, department stores, variety and dime stores, dry goods and apparel stores, laundry pick-up stores, supermarkets.
- (c) Office. Business and/or professional offices; office buildings.
- (d) Bank. Banks, savings and loans and other similar financial organizations with or without drive-through facilities.
- (e) Restaurants and Fast Food Restaurants. Restaurants and fast food restaurants provided the principal building is distant not less than 100 feet from a principal structure in any A or R District. This subsection does not include drive-through facilities.
- (f) School and Studio. Trade or business schools provided machinery which is used for instruction purposes is not objectionable due to noise, fumes, smoke, odor or vibrations; photographic studios, dancing studios, radio and telecasting studios and the like.
- (g) Printing and Related Trade. Publishing, job printing, lithographing and blueprinting, etc.

(Ord. 94-16. Passed 10-24-16.)

1159.02 CONDITIONAL USES.

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

- (a) General. All conditional uses permitted and as regulated in the C-1 District, except as modified herein.
- (b) Retail and Service. Any other retail business or service establishment or use which is determined by the Commission to be of the same general character as the above principal permitted uses, but not including any use which is first permitted or which is not permitted in the C-3 District.
- (c) Veterinary Hospital or Clinic. Veterinary hospitals and clinics, excluding any outside kennels, cages, exercise runs or keeping of animals.
- (d) Drive-thru Facilities. Any establishment with drive-thru facilities as defined in Section 1133.01(29.1) except bank drive-thru facilities which are a principal permitted use.
- (e) Entertainment. Nightclubs, game rooms, theaters, billiard parlors, bowling alleys, teen clubs, taverns and similar enterprises but not within 100 feet of a principal structure located in any A or R District.
- (f) Motor Vehicle Service FACILITY. ~~Motor vehicle service facility.~~
- (g) Clinic. (Ord. 94-16. Passed 10-24-16.)

1159.03 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any principal permitted or conditional use shall be permitted in conjunction with such use, including the following:

- (a) General. Accessory uses and structures as permitted and as regulated in the C-1 District, as well as accessory uses and structures not otherwise prohibited customarily accessory and incidental to any of the foregoing permitted C-2 uses.
- (b) Signs. As regulated and defined in Chapter 1187.
(Ord. 155-92. Passed 12-14-92.)

1159.04 REQUIRED CONDITIONS.

All conditions as specified for the C-1 District, except for new merchandise in the case of art and antique shops.

(Ord. 155-92. Passed 12-14-92.)

1159.05 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed, except as provided in Chapter 1180.

(a)

	<u>Lot Area</u> (Sq. Ft.)	<u>Lot</u> <u>Frontage</u> (feet)	<u>Front</u> <u>Yard</u> <u>Depth</u> (feet)	<u>Side Yard Width</u> (feet)	<u>Rear Yard Depth</u> (Feet)
Non-Residential Uses	10,000	None	25	None; except when adjoining an A or R District, then no less than 10 feet.	None; except when adjoining an A or R District, then no less than 10 feet.

(b) Residential. Prohibited.

(c) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
C-2	Business	25' adjoining A and R Districts	6' adjoining A and R Districts

(Ord. 155-92. Passed 12-14-92.)

1159.06 COURTS.

Same as required in the A-1 District.

(Ord. 155-92. Passed 12-14-92.)

1159.07 HEIGHT REGULATIONS.

No principal or accessory structure shall exceed a height of three stories or forty feet, whichever is lower, except as provided in Section 1180.02 and except when expressly authorized as a conditional use by the Planning Commission.

(Ord. 94-16. Passed 10-24-16.)

CHAPTER 1165
C-3 General Business District

- | | |
|-----------------------------------|--------------------------------|
| 1165.01 Principal permitted uses. | 1165.05 Lot area, frontage and |
| yard 1165.02 Conditional uses. | requirements. |
| 1165.03 Accessory uses. | 1165.06 Courts. |
| 1165.04 Required conditions. | 1165.07 Height Regulations. |

CROSS REFERENCES

- Exceptions and modifications - see P. & Z. Ch. 1180
Trailer parks - see P. & Z. Ch. 1185
Signs - see P. & Z. Ch. 1187
Service stations; garages - see P. & Z. Ch. 1189
Nonconforming uses - see P. & Z. Ch. 1198

1165.01 PRINCIPAL PERMITTED USES.

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

- (a) General. Any use permitted and as regulated in the C-2 District except as modified herein.
- (b) Retail and Service. Laundries, clothes cleaning or dyeing establishments, used merchandise stores.
- (c) Wholesale. Any wholesale business and mail order houses, including incidental warehousing; commercial greenhouses.
- ~~(d) Motor Vehicle Service Facility.~~
- ~~(e) Motor Vehicle Fuel Dispensing Facility.~~
- ~~(f) Motor Vehicle Service. Major or minor motor vehicle repair, repair garages, body and fender shops, and paint shops, but not including junk storage, all subject to the provisions of Chapter 1189 and provided that buildings shall be at least fifty feet from any A or R District, and shall have no openings adjoining the A or R District other than stationary windows and fire escapes.~~
- ~~(g) Animal Hospital, Veterinary Clinic. Animal hospitals, kennels, display and housing or boarding of pets and other domestic animals, provided that any enclosure or building in which the animals are kept shall be at least one hundred feet from any A or R District and at least fifty feet from any other C District. Exercise runs shall be enclosed on four sides by an unpierced well-maintained fence or wall at least six feet in height.~~
- ~~(h) Commercial Recreation Facility.~~
- ~~(i) Building and Related Trade. Carpenter shops, electrical, plumbing, paint shops, heating and tin shops, paper-hanging shops, furniture upholstering and similar enterprises, but not within fifty feet of any A or R District.~~

- (jH) Bottling Works. Bottling of soft drinks or milk and distribution stations therefor, providing a building used for such processing and/or distribution, shall be at least 100 feet from any A or R District.
- (kI) Signs. As regulated and defined in Chapter 1187.
- (lJ) Drive-Thru Facilities. Any establishment with drive-thru facilities as defined in Section 1133.01(29).
- (mK) Car Washes.
(Ord. 89-15. Passed 10-13-15.)

1165.02 CONDITIONAL USES.

- (a) General. All conditional uses as permitted and as regulated in the C-2 District, except as modified herein.
- (b) Trailer Park. Subject to the provisions of Chapter 1185.
- (c) Warehousing Storage and Trucking Terminal. Warehouses for the storage of merchandise and materials, trucking or motor freight stations or terminals, carting, expressing or hauling establishments, contractor and building material yards, providing no such uses are conducted within 200 feet of any A or R District.
- (d) Laboratory. Experimental film or testing laboratories, provided no operation shall be conducted or equipment used which would create hazards, noxious or offensive conditions.
- (e) Manufacturing. The manufacturing, compounding, processing, packaging and assembling of products, such as:
 - (1) Bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food and meat products except fish, sauerkraut, vinegar, yeast and the rendering or refining of fats or oils.
 - (2) Musical instruments, toys, novelties, rubber or metal stamps and other small rubber products.
 - (3) Electrical and electric appliances, instruments and devices, television sets, radios, phonographs.
 - (4) Electric and neon signs, billboards and other commercial advertising structures; light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
- (f) Public Utility. Public utility buildings and structures including storage yards.
- (g) Self-Service Car Washes.
- (h) Residential. One residential use only where such use is incidental to a principal permitted use.
- (i) Other Uses. Any other use which is determined by the Commission to be of the same general character as the above permitted uses, but not including junk yards or any use other than those above, which is first permitted in the M-1 District or which is prohibited in the M-1 District. (Ord. 94-84. Passed 7-9-84.)
- (j) Sexually Oriented Businesses. Sexually oriented businesses may be permitted as conditional uses, subject to the following specific conditions:
 - (1) No sexually oriented business shall be located within a radius of 1,000 feet of any residentially zoned or used property.

- (2) No sexually oriented business shall be located within a radius of 1,000 feet of any church, synagogue, permanently established place of worship, school, library, park or public playground.
- (3) No sexually oriented business shall be located within 1,000 feet of any other sexually oriented business and no building, premises, structure or other facility that contains any sexually oriented business shall contain any other kind of sexually oriented business.
- (4) Distances for purposes of this subsection shall be from property line to property line along the shortest possible course, regardless of any customary or common route or path of travel, i.e., "as the crow flies" and includes both property in the City of Fairfield and in any other political subdivision.
(Ord. 124-17. Passed 11-27-17.)

(k) Flea Markets. Subject to the following required conditions:

- (1) No outdoor sales, display or storage.
- (2) Compliance with all Building Code requirements including submission and approval of a proposed plan showing aisles and emergency ingress and egress.
- (3) Only one special event sign as defined and regulated in subsection 1187.03(i) shall be permitted.
(Ord. 9-98. Passed 2-9-98.)

(l) Motor Vehicle, ~~Boat, Recreational Vehicle or Trailer~~ Sales Areas. May be located only on properties with principal street frontage on State Route 4 and located northwest of the intersection of State Route 4/Bypass 4/Ross Road, and subject to additional conditions as determined by the Planning Commission including, but not limited to:

- (1) Ingress, egress and internal circulation.
- (2) Sight distance and visibility.
- (3) Setback of displays or storage from right-of-way, sidewalk or edge of pavement.
- (4) Perimeter curbing, buffering, landscaping, parking lot striping and other similar aesthetic and/or safety requirements.
- (5) Minimum lot size of one (1) acre and minimum principal street frontage on State Route 4 of 100 feet.
- (6) Inoperable or junk motor vehicles, boats, recreational vehicles and trailers are not permitted on site. All repair and detailing beyond washing shall be completed in an enclosed building.

(m) Storage Shed or Barn, Carport or Play Structure Sales Areas. Subject to additional conditions as determined by the Planning Commission including, but not limited to:

- (1) Ingress, egress and internal circulation.
- (2) Sight distance and visibility.
- (3) Setback of displays or storage from right-of-way, sidewalk or edge of pavement.
- (4) Perimeter curbing, buffering, landscaping, lot coverage and other similar aesthetic and/or safety requirements.

- (5) Coverage of all outdoor display areas with an asphalt or Portland cement binder pavement so as to provide a durable, dustless surface.
(Ord. 108-17. Passed 10-23-17.)
- (n) Banquet Hall.
- (o) Self-Service Storage Facility.
(Ord. 123-18. Passed 12-3-18.)
- (P) MOTOR VEHICLE SERVICE FACILITY.**
- (Q) MOTOR VEHICLE REPAIR GARAGE.**

1165.03 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any principal permitted or conditional use shall be permitted in conjunction with such use including: Accessory uses and structures as permitted and as regulated in the C-2 District and such other accessory uses and structures not otherwise prohibited which are customarily accessory and incidental to any of the foregoing permitted C-3 uses. (Ord. 94-84. Passed 7-9-84.)

1165.04 REQUIRED CONDITIONS.

Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water carried waste. (Ord. 94-84. Passed 7-9-84.)

- (a) Closed Buildings. All businesses, services or processing shall be conducted wholly within a completely enclosed building except for incidental display of merchandise, sale of motor vehicle fuel, lubricants and other fluids at service stations, loading and unloading operations, parking and such outdoor display or storage of vehicles, merchandise, materials and equipment as does not exceed five percent (5%) of the gross floor area of the principal permitted structure upon the lot or 5,000 square feet, whichever is less. The maximum height permitted is four feet measured from grade to top of display. The display must not interfere with any pedestrian or vehicular sight distance upon the site or any public thoroughfare. Automobile and other motor vehicle sales, boat sales, outdoor recreation, recreational vehicle sales, manufactured housing sales, construction and farm equipment sales and rental, nursery sales and lumber sales in side and rear yards only are excluded from the requirements of this subsection. The Planning Commission may authorize incidental outdoor display or storage which it determines to be similar to or not more objectionable than those uses already excluded from the requirements of this subsection.
(Ord. 154-96. Passed 10-15-96.)
- (b) Night Operation. No building customarily used for night operation, such as a bakery or milk bottling and distribution station, shall have any opening, other than stationary windows or required fire exits, within 100 feet of any A or R District, and any space used for loading or unloading commercial vehicles in connection with such an operation shall not be within 100 feet of any A or R District. (Ord. 94-84. Passed 7-9-84.)
- (c) Facade Design. After March 31, 2011, all new structures on parcels which abut a regional thoroughfare as defined in the comprehensive plan may not use metal siding or "smooth face" concrete block as the exterior finish material on any facade facing the regional thoroughfare. (Ord. 98-10. Passed 11-8-10.)

1165.05 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed, except as provided in Chapter 1180.

	<u>Lot Area</u> (Sq. Ft.)	<u>Lot Frontage</u> (Feet)	<u>Front Yard Depth</u> (Feet)	<u>Side Yard Width</u> (feet)	<u>Rear Yard Depth</u> (Feet)
(a) Nonresidential Uses	10,000	None	20	None; except when adjoining A or R Districts, then not less than 25 feet.	None; except when adjoining A or R Districts, then not less than 25 feet.

(b) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
C-3	Business	25' adjoining A and R Districts	6' adjoining A and R Districts

(Ord. 94-84. Passed 7-9-84.)

1165.06 COURTS.

Same as required in the A-1 District. (Ord. 94-84. Passed 7-9-84.)

1165.07 HEIGHT REGULATIONS.

No principal or accessory structure shall exceed three stories or fifty feet, whichever is lower, except as provided in Section 1180.02 and except when expressly authorized as a conditional use by the Planning Commission.

(Ord. 94-84. Passed 7-9-84.)

CHAPTER 1168 D-1 Downtown District

- 1168.01 Purpose.
- 1168.02 Principal permitted uses.
- 1168.03 Conditional uses.
- 1168.04 Accessory uses.
- 1168.05 Prohibited uses.
- 1168.06 Required conditions.
- 1168.07 Lot area, frontage, height regulations and yard requirements.
- 1168.08 Courts.
- 1168.09 Application of D-1 requirements.
- 1168.10 Design review guidelines.
- 1168.11 Design requirements.
- 1168.12 Procedure.

CROSS REFERENCES

- Exceptions and modifications - see P. & Z. Ch. 1180
- Signs - see P. & Z. Ch. 1187
- Service stations; garages - see P. & Z. Ch. 1189
- Nonconforming uses - see P. & Z. Ch. 1198
- Off-street parking and loading - see P. & Z. Ch. 1183
- Underground electric and lighting - see P. & Z. Ch. 1125
- Sidewalks - see P. & Z. Ch. 1184

1168.01 PURPOSE.

The purpose of the Downtown District is to provide for a high quality, secure, visually interesting, architecturally integrated, comfortable and convenient environment that can attract a high volume of pedestrian activity in a strong cultural, institution, office and commercial presence. The D-1 District regulations and Design Guidelines for the D-1 District shall ensure the desired quality development.
(Ord. 130-94. Passed 9-26-94.)

1168.02 PRINCIPAL PERMITTED USES.

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

- (a) General. Any use permitted and as regulated in the C-1 District, except as modified herein and except that no residential uses are permitted.
- (b) Retail and Service. Art and antique shops, artist supply stores, interior decorating shops, furniture and appliance stores, self-service laundries, dry cleaning shops, department stores, variety and dime stores, dry goods and apparel stores, laundry pick-up stores, supermarkets.

- (c) Office. Business and/or professional offices; office buildings.
- (d) Financial. Banks, savings and loans and other similar financial organizations with or without drive-through facilities.
- (e) Restaurants. Restaurants without drive-through facilities.
- (f) School and Studio. Trade or business schools provided machinery which is used for instruction purposes is not objectionable due to noise, fumes, smoke, odor or vibration; photographic studios, dancing studios, radio and telecasting studios and the like.
- (g) Printing and Related Trade. Publishing, job printing, lithographing and blueprinting, etc.
(Ord. 94-16. Passed 10-24-16.)

1168.03 CONDITIONAL USES.

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

- (a) Restaurants. Restaurants as defined in Section 1133.01(70.1).
- (b) Retail and Service. Any other retail business or service establishment or use which is determined by the Commission to be of the same general character as the above principal permitted uses, but not including any use which is first permitted or which is not permitted in the C-3 District.
- (c) Veterinary Hospital or Clinic. Veterinary hospitals and clinics, excluding any outside kennels, cages, exercise runs or keeping of animals.
- (d) Drive-thru Facilities. Any establishment with drive-thru facilities as defined in Section 1133.01(29) except bank drive-thru facilities which are a principal permitted use. This is defined as an operation where transfer of goods and services to the customer is designed to be done while the customer remains in the vehicle.
- (e) Institutional. Schools and colleges for academic instruction, churches, and church schools.
- (f) Fruit and Vegetable Stores.
- (g) Entertainment. Night clubs, game rooms, theaters, billiard parlors, bowling alleys, teen clubs, taverns and similar enterprises, but not within 100 feet of any R District and subject to all applicable regulations and such permits as may be required by law.
- (h) Wind Turbines. An alternative energy device designed to harness the natural wind currents to produce energy.
- (i) Motor Vehicle Fuel Dispensing Facility.
- (j) Motor Vehicle Service FACILITY. ~~Motor vehicle service facility.~~
- (k) Day Care Center.
- (l) Clinic.
(Ord. 94-16. Passed 10-24-16.)

1168.04 – 1168.12.....

CHAPTER 1169

M-1 Industrial Park District

- | | |
|-----------------------------------|---|
| 1169.01 Principal permitted uses. | 1169.05 Prohibited uses. |
| 1169.02 Conditional uses. | 1169.06 Lot area, frontage and yard requirements. |
| 1169.03 Accessory uses. | 1169.07 Height regulations. |
| 1169.04 Required conditions. | |

CROSS REFERENCES

Exceptions and modifications - see P. & Z. Ch. 1180
 Off-street loading and parking - see P. & Z. Ch. 1183
 Signs - see P. & Z. Ch. 1187
 Nonconforming uses - see P. & Z. Ch. 1198

1169.01 PRINCIPAL PERMITTED USES.

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

- (a) Warehousing for Storage, Wholesale or Distribution and Trucking Terminal.
 Warehouses for the storage, wholesale or distribution of merchandise and materials, manufactured products, supplies, equipment and trucking or motor freight stations or terminals, carting, expressing or hauling establishments, contractor and building material yards, providing no such uses are conducted within 200 feet of any A or R District.
 (Ord. 123-18. Passed 12-3-18.)
- (b) Laboratory. Experimental film or testing laboratories, provided no operation shall be conducted or equipment used which would create hazards, noxious or offensive conditions.
- (c) Manufacturing. The manufacturing, compounding, processing, packaging and assembling of products, such as:
 - (1) Bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food and meat products, except fish, sauerkraut, vinegar, yeast and the rendering or refining of fats or oils.
 - (2) Products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal, except where presses over twenty tons rated capacity are employed, shell, textiles, tobacco, wax, wood, except where saw and planing mills are employed, yarns.
 - (3) Musical instruments, toys, novelties, rubber or metal stamps and other small rubber products.
 - (4) Electrical and electric appliances, instruments and devices, television sets, radios, phonographs.

- (5) Electric and neon signs, billboards and other commercial advertising structures; light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
- (d) Public Utility. Public utility buildings and structures, including storage yards. (Ord. 94-84. Passed 7-9-84.)

1169.02 CONDITIONAL USES.

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

- (a) Foundry. Casting of lightweight nonferrous metals for electric foundry not causing noxious or offensive conditions.
- (b) Heliport. As restricted by the Federal Aviation Authority.
- (c) Retail and Service. Any retail business or service establishment determined by the Commission to have been clearly demonstrated as necessary to serve the needs of the industrial park area, including restaurants, cocktail lounges, motels, banks and business or professional offices. (Ord. 94-84. Passed 7-9-84.)
- (D) MOTOR VEHICLE REPAIR GARAGE.**
- (E) MOTOR VEHICLE STORAGE YARD.**

1169.03 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any principal permitted or conditional use shall be permitted in conjunction with such use including off-street parking facilities subject to the provisions of Chapter 1183.

Signs. As regulated and defined in Chapter 1187. (Ord. 94-84. Passed 7-9-84.)

1169.04 REQUIRED CONDITIONS.

Processes and equipment employed in goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water carried waste.

Closed Buildings. All businesses, services or processing shall be conducted wholly within a completely enclosed building except for loading and unloading operations and accessory off-street parking.

(Ord. 94-84. Passed 7-9-84.)

1169.05 PROHIBITED USES.

(a) Dwelling. Dwellings and residences of any kind; trailer parks, schools, hospitals, clinics and other institutions for human care, except where incidental to a permitted principal use; provided, however, that any of the aforesaid uses legally existing in the M-1 District at the time of the adoption of the Zoning Ordinance or any amendment thereto, shall not be classified as a nonconforming use as defined in Section 1133.01(a)(64) and shall not be subject to the provisions of Chapter 1198.

(b) Offensive Uses. No use shall be permitted or authorized to be established or maintained which, when conducted under adequate conditions and safeguards, in compliance with the provisions of the Zoning Ordinance and any additional conditions or requirements prescribed by

the Planning Commission is, or may become, hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, beat frequency, refuse matter or water carried waste.

(Ord. 94-84. Passed 7-9-84.)

1169.06 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed, except as provided in Chapter 1180.

(a) Nonresidential Use.

- (1) Front yard. The minimum required front yard shall be fifty feet. A strip adjacent to the front street lot line and having a minimum depth of twenty feet shall be appropriately landscaped and maintained except for designated pedestrian, vehicular and utility accessways. The remainder of the front yard may be used for off-street automobile parking.
- (2) Side yards.
 - A. The minimum required side yard shall be six feet; however, a designated fire lane fifteen feet wide shall be provided on one side of the building for interior lots. When adjoining an A or R District, the minimum required side yard shall be not less than fifty feet, of which fifteen feet must be designated as a fire lane. A street side yard shall be a minimum of thirty feet, appropriately landscaped and maintained except for designated pedestrian, vehicular and utility accessways.
 - B. Fire separations for high hazard buildings shall be in accord with Chapter 69 Industrial Buildings of the Ohio Building Code.
 - C. On a corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one-half and ten feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along such street lines fifty feet from the point of intersection.

- (b) Residential Use. Dwellings or other residential buildings are not permitted in M-1 District. Existing dwellings in case of reconstruction shall be the same as required in the R-1 District.

- (c) Lot Area. The minimum lot area shall be 10,000 square feet.

- (d) Screening and Buffering.

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

(Ord. 94-84. Passed 7-9-84.)

1169.07 HEIGHT REGULATIONS.

Within 200 feet of any A or R District, no structure shall exceed three stories or fifty feet in height, except as provided in Section 1180.02 and except when expressly authorized as a conditional use by the Planning Commission.
(Ord. 94-84. Passed 7-9-84.)

CHAPTER 1173
M-2 General Industrial District

- | | |
|-----------------------------------|---|
| 1173.01 Principal permitted uses. | 1173.05 Prohibited uses. |
| 1173.02 Conditional uses. | 1173.06 Height regulations. |
| 1173.03 Accessory uses. | 1173.07 Lot area, frontage and yard requirements. |
| 1173.04 Required conditions. | |

CROSS REFERENCES

- Exceptions and modifications - see P. & Z. Ch. 1180
Signs - see P. & Z. Ch. 1187
Nonconforming uses - see P. & Z. Ch. 1198

1173.01 PRINCIPAL PERMITTED USES.

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

- (a) General. All uses permitted and as regulated in the M-1 District, except as modified herein.
- (b) Uses 100 Feet From A or R District. The following uses are permitted provided no part of a building occupied by such uses shall have any opening other than stationary windows or required fire exits within 100 feet of any A or R District.
 - (1) Blacksmith, welding or other metal working shop, excluding punch presses over twenty tons rated capacity, drop hammers and other noise-producing machine operated tools; machine shops.
 - (2) Foundry, casting lightweight nonferrous metals or electric foundry not causing noxious fumes or odors.
 - (3) Bag, carpet and rag cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.
 - (4) Ice manufacturing and cold storage plant; creamery or bottling plant.
- (c) Uses 200 Feet From A or R District. The following uses are permitted when located not less than 200 feet from any A or R District:
 - (1) Inflammable liquids, underground storage only, not to exceed 25,000 gallons.
 - (2) Building material sales yards, including concrete mixing, lumber yards including millwork, open yards for storage, sale of feed and/or fuel and contractors' equipment storage.
- (d) Public Utility. Public utility buildings and structures.
- (e) Signs. As regulated and defined in Chapter 1187.
- (f) Uses 300 Feet From A or R District. The following uses are permitted when located not less than 300 feet from any A or R District and not less than 100 feet from any other district:

Acetylene manufacturing in excess of fifteen pounds pressure per square inch.

Acid manufacturing, except as specified as a conditional use in Section 1165.02.

Asbestos manufacturing.

Automobile assembly.

Bleaching, cleaning and dyeing plant of large scale production.

Boiler shops, machine shops, structural steel fabricating shops, railway car or locomotive shops, including repair, metal working shops employing reciprocating hammers or presses over twenty tons rated capacity.

Candle or sperm oil manufacturing.

Coal yards.

Cooperage works.

Dextrine, starch or glucose manufacturing.

Disinfectant, insecticide or poison manufacturing.

Dye and dyestuffs manufacture.

Emery cloth or sandpaper manufacturing.

Enameling, lacquering or japanning.

Felt manufacturing.

Flour or grain mill.

Forge or foundry works.

Gas, generation or storage for illumination or heating.

Grain drying or poultry feed manufacturing from refuse, mash or grain.

Hair or hair products manufacturing.

Lime or lime products manufacturing.

Linoleum, oilcloth or oiled goods manufacturing.

Match manufacturing.

Meat packing; but not stockyards or slaughterhouses, specified as a conditional use in Section 1165.02.

Oil, paint, shellac, turpentine, varnish or enamel.

Paper and pulp manufacturing.

Perfume manufacturing.

Pickle, sauerkraut or sausage manufacturing.

Plaster manufacturing.

Poultry slaughterhouse, including packing and storage for wholesale.

Printing ink manufacturing.

Radium extraction.

Sandblasting or cutting.

Sawmill, the manufacture of excelsior, wood fiber or sawdust products.

Sewage disposal plant.

Shoddy manufacturing.

Shoe blacking or polish or stove polish manufacturing.

Soap manufacturing.

Steam power plant, except where accessory to a permitted principal use.

Stone and monument works employing power-drive tools.

Storage, drying, cleaning of iron, junk, rags, glass, cloth, paper or clipping, including sorting, refining, baling, woodpulling and scouring.
Sugar refining.

Tar or asphalt roofing or waterproofing manufacturing.

Tar distillation or manufacturing.

Vinegar manufacturing.

Wire or rod drawing; nut, screw or bolt manufacturing.

Yeast manufacturing.

(Ord. 94-84. Passed 7-9-84.)

1173.02 CONDITIONAL USES.

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

(a) Generally. Any other use that is determined by the Commission to be of the same general character as the above permitted uses and is so regulated.

(b) Uses 500 Feet From A or R District. The following uses are permitted when located not less than 500 feet from any A or R District and not less than 200 feet from any other district and subject to such conditions and requirements as may, in the opinion of the Commission, be necessary to protect adjacent property and prevent conditions which may become noxious or offensive:

Ammonia, chlorine or bleaching powder manufacture.

Animal black, lampblack, boneblack or graphite manufacture.

Celluloid or pyroxyline manufacturing or explosive or inflammable cellulose or pyroxyline products manufacture or storage.

Cement, lime, gypsum or plaster of Paris manufacture.

Crematory.

Creosote manufacture or treatment.

Distillation of coal, petroleum, refuse, grain, wood or bones, except in the manufacture of gas.

Explosives manufacture or storage, except for small arms ammunition.

Fertilizer, compost; manufacture or storage.

Fish curing, smoking or packing, fish oil manufacture or refining.

Garbage, offal, dead animals, refuse, rancid fats; incineration, reduction or storage.

Glue manufacture, size or gelatin manufacture where the processes include the refining or recovery of products from fish, animal refuse or offal.

Hogfarm.

Junkyards.

Livestock feeding yard.

MOTOR VEHICLE REPAIR GARAGE.

MOTOR VEHICLE STORAGE YARD.

Petroleum or inflammable liquids production, refining and storage above ground.

Rubber, caoutchouc or gutta-percha manufacture and treatment from crude or scrap material or the manufacture of balata.

Slaughtering of animals or stockyards.

Smelting of ferrous or nonferrous ores.

Storage, curing or tanning of raw, green or salted hides or skins.

Sulphurous, sulphuric, nitric, picric, carbolic or hydrochloric or other corrosive acid manufacture.

Any other use, which in the opinion of the Commission, is of a similar character as those specified above. (Ord. 94-84. Passed 7-9-84.)

- (c) Wind Turbines. An alternative energy device designed to harness the natural wind currents to produce energy.
(Ord. 98-10. Passed 11-18-10.)
- (d) Self-service Storage Facility.
(Ord. 123-18. Passed 12-3-18.)

1173.03 ACCESSORY USES.

Accessory uses, buildings or structures customarily accessory and incidental to any principal permitted or conditional use shall be permitted in conjunction with such use. (Ord. 94-84. Passed 7-9-84.)

1173.04 REQUIRED CONDITIONS.

- (a) Enclosure Not Required. Any use may be conducted in the M-2 District within or without a building or enclosure, subject only to distance requirements where applicable.
- (b) Junkyards. All junkyards shall be enclosed by a well maintained solid board fence or wall not less than eight feet high. (Ord. 94-84. Passed 7-9-84.)

1173.05 PROHIBITED USES.

Same as specified in the M-1 District. (Ord. 94-84. Passed 7-9-84.)

1173.06 HEIGHT REGULATIONS.

Within 200 feet of any A or R District, no structure shall exceed three stories or fifty feet in height and no structure in any case shall exceed in height the distance measured to the centerline of any adjoining street; except as provided in Section 1180.02. (Ord. 94-84. Passed 7-9-84.)

1173.07 LOT AREA FRONTAGE AND YARD REQUIREMENTS.

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

- (a) Nonresidential.
 - (1) Lot area. 10,000
 - (2) Lot frontage. None.
 - (3) Front yard depth. Thirty feet.
 - (4) Side yard depth. The minimum required side yard shall be six feet; however, a designated fire lane twenty feet wide shall be provided at the discretion of the Fire Chief or his designee after review of the applicable fire code. When adjoining an A or R District, the minimum required side

yard shall be not less than fifty feet, of which twenty feet must be designated as a fire lane. A street side yard shall be a minimum of thirty feet, appropriately landscaped and maintained except for designated pedestrian, vehicular and utility accessways.

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

(b) Screening and Buffering.

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

(Ord. 36-13. Passed 4-22-13.)



City Council Ordinance Regular Meeting - October 28, 2019

Submitted by: Adam Sackenheim,
Submitting Department: Public Utilities

Subject:

Contract for sanitary sewer lining, and related contractual appropriation

Legislation Title:

Ordinance to authorize the City Manager to enter into a contract with Insituform Technologies, LLC, for inversion re-lining and rehabilitation of sanitary sewer lines.

Recommendation:

It is recommended that City Council authorize the City Manager to enter into a contract with Insituform Technologies, LLC and appropriate funding in the amount of \$166,500.00 from the Sewer Replacement and Improvement Fund for inversion re-lining of sanitary sewer lines. Rules suspension is requested in order to expedite the project.

Background/Synopsis:

The proposed project includes re-lining sanitary sewers that are in good overall structural condition to correct broken and cracked pipes and joints, and to address lines experiencing root intrusion. Re-lining is a process that installs a new interior lining surface within the pipe, and bridges over breaks, cracks and joints in the line. This process extends the service life of an existing sewer without having to replace the line.

This project was included in the 2019-2023 Capital Improvement Program. This project includes activities that upgrade the sanitary sewer system to reduce excessive flows related to wet weather events, along with preventing sewer blockages due to excessive root intrusion. The 2019 project will rehabilitate and line approximately one (1) mile of public sewer lines under Symmes Road between River Road and Route 4.

The proposed project was prepared for formal competitive bidding, with five (5) bids received and opened on October 7, 2019. Staff is recommending that the bid be awarded to Insituform Technologies, LLC of Chesterfield, MO, the lowest and best bidder. The bids are summarized on the attached sheet.

Financial Impact:

Funding for this project is included in the 2019-2023 Capital Improvement Program under project number 9WW01 – Sanitary Sewer Rehabilitation. The funding source is the Sewer Replacement and Improvement Fund. A small amount of contingency funding is also requested for this project.

Emergency Provision Explanation:

NA.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

No

Attachments:

1. Copy of 2019 Sewer Rehabilitation via the Cured-in-Place Pipe Method
2. Insituform Technologies LLC-Ord

City of Fairfield

Bid Tabulation for "2019 Sewer Rehabilitation via the Cured-in-Place Pipe Method"

October 7, 2019, City of Fairfield Council Chambers

Engineer's Estimate \$172,500.00

Item #	Line	Footage	Size	Material	Depth	Bidder								
						Insight Pipe Contracting, LLC 232 East Lancaster Road Harmony, PA 16037 724-452-6060			United Survey, Inc. 25145 Broadway Avenue Cleveland, OH 44146 440-439-7250			Inland Waters Pollution Control, Inc. 4086 Michigan Avenue Detroit, MI 48210 313-899-3014		
						Thickness	Cost per foot	Total	Thickness	Cost per foot	Total	Thickness	Cost per foot	Total
1	S246-11 to S246-10	370	8"	VCP	13'	Blank	\$ 37.95	\$ 14,041.50	6 mils	\$ 26.00	\$ 9,620.00	Blank	\$ 34.00	\$ 12,580.00
2	S246-10 to S246-09	375	8"	VCP	13'	Blank	\$ 40.00	\$ 15,000.00	6 mils	\$ 26.00	\$ 9,750.00	Blank	\$ 34.00	\$ 12,750.00
3	S246-09 to S246-08	406	8"	VCP	16'	Blank	\$ 37.00	\$ 15,022.00	6 mils	\$ 40.00	\$ 16,240.00	Blank	\$ 34.00	\$ 13,804.00
4	S246-08 to S246-07	344	8"	VCP	16'	Blank	\$ 41.00	\$ 14,104.00	6 mils	\$ 47.00	\$ 16,168.00	Blank	\$ 34.00	\$ 11,696.00
5	S246-07 to S246-06	349	8"	VCP	16'	Blank	\$ 36.75	\$ 12,825.75	6 mils	\$ 28.00	\$ 9,772.00	Blank	\$ 36.00	\$ 12,564.00
6	S246-06 to S246-05	264	8"	VCP	12'	Blank	\$ 39.20	\$ 10,348.80	6 mils	\$ 28.00	\$ 7,392.00	Blank	\$ 34.00	\$ 8,976.00
7	S246-04 to S246-03	324	8"	VCP	10'	Blank	\$ 37.68	\$ 12,208.32	6 mils	\$ 28.00	\$ 9,072.00	Blank	\$ 34.00	\$ 11,016.00
8	S246-03 to S246-02	326	8"	VCP	12'	Blank	\$ 36.00	\$ 11,736.00	6 mils	\$ 28.00	\$ 9,128.00	Blank	\$ 34.00	\$ 11,084.00
9	S246-12 to S246-01	403	8"	VCP	11'	Blank	\$ 38.50	\$ 15,515.50	6 mils	\$ 28.00	\$ 11,284.00	Blank	\$ 34.00	\$ 13,702.00
10	S246-13 to S246-12	400	8"	VCP	10'	Blank	\$ 37.33	\$ 14,932.00	6 mils	\$ 27.00	\$ 10,800.00	Blank	\$ 34.00	\$ 13,600.00
11	S245-13 to S245-12	66	8"	VCP	14'	Blank	\$ 59.80	\$ 3,946.80	6 mils	\$ 36.00	\$ 2,376.00	Blank	\$ 34.00	\$ 2,244.00
12	S245-12 to S245-11	197	8"	VCP	12'	Blank	\$ 41.86	\$ 8,246.42	6 mils	\$ 36.00	\$ 7,092.00	Blank	\$ 34.00	\$ 6,698.00
13	S245-11 to S245-10	217	8"	VCP	12'	Blank	\$ 43.50	\$ 9,439.50	6 mils	\$ 36.00	\$ 7,812.00	Blank	\$ 34.00	\$ 7,378.00
14	S245-10 to S245-09	219	8"	VCP	11'	Blank	\$ 40.00	\$ 8,760.00	6 mils	\$ 37.00	\$ 8,103.00	Blank	\$ 34.00	\$ 7,446.00
15	S245-09 to S245-08	227	8"	VCP	15'	Blank	\$ 37.20	\$ 8,444.40	6 mils	\$ 36.00	\$ 8,172.00	Blank	\$ 34.00	\$ 7,718.00
16	S245-08 to S245-07	223	8"	VCP	15'	Blank	\$ 47.00	\$ 10,481.00	6 mils	\$ 29.00	\$ 6,467.00	Blank	\$ 34.00	\$ 7,582.00
17	S245-07 to S245-06	388	8"	VCP	11'	Blank	\$ 38.00	\$ 14,744.00	6 mils	\$ 29.00	\$ 11,252.00	Blank	\$ 34.00	\$ 13,192.00
18	S245-06 to S245-05	313	8"	VCP	13'	Blank	\$ 37.80	\$ 11,831.40	6 mils	\$ 29.00	\$ 9,077.00	Blank	\$ 34.00	\$ 10,642.00
19	S245-05 to S245-04	339	8"	VCP	17'	Blank	\$ 36.00	\$ 12,204.00	6 mils	\$ 29.00	\$ 9,831.00	Blank	\$ 34.00	\$ 11,526.00

* Bidders are asked to provide pricing for thermoplastic unit prices.

No quantities are anticipated for this year's program at this time.

Total Contract Amount	\$	223,831.39	\$	179,408.00	\$	196,198.00
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These bids will be reviewed by the Public Works Department and a recommendation will be made to Council.

There is no guarantee that the contract will be awarded to the lowest bidder. Contracts are awarded to the bidder deemed to be the best and the lowest.

Bidder								
SAK Construction, LLC 864 Hoff Road O'Fallon, MO 63366 636-385-1000			Insituform Technologies, LLC 17988 Edison Avenue Chesterfield, MO 63005 636-530-8000			Granite Inliner, LLC 4143 Weaver Court Hilliard, OH 43026 614-529-6440		
Thickness	Cost per foot	Total	Thickness	Cost per foot	Total	Thickness	Cost per foot	Total

6 mils	\$ 37.70	\$ 13,949.00	6 mils	\$ 28.65	\$ 10,600.50	6 mils	\$ 49.00	\$ 18,130.00
6 mils	\$ 37.70	\$ 14,137.50	6 mils	\$ 28.65	\$ 10,743.75	6 mils	\$ 49.00	\$ 18,375.00
6 mils	\$ 37.70	\$ 15,306.20	6 mils	\$ 28.65	\$ 11,631.90	6 mils	\$ 49.00	\$ 19,894.00
6 mils	\$ 37.70	\$ 12,968.80	6 mils	\$ 28.65	\$ 9,855.60	6 mils	\$ 49.00	\$ 16,856.00
6 mils	\$ 37.70	\$ 13,157.30	6 mils	\$ 28.65	\$ 9,998.85	6 mils	\$ 49.00	\$ 17,101.00
6 mils	\$ 37.70	\$ 9,952.80	6 mils	\$ 28.65	\$ 7,563.60	6 mils	\$ 49.00	\$ 12,936.00
6 mils	\$ 37.70	\$ 12,214.80	6 mils	\$ 28.65	\$ 9,282.60	6 mils	\$ 49.00	\$ 15,876.00
6 mils	\$ 37.70	\$ 12,290.20	6 mils	\$ 28.65	\$ 9,339.90	6 mils	\$ 49.00	\$ 15,974.00
6 mils	\$ 37.70	\$ 15,193.10	6 mils	\$ 28.65	\$ 11,545.95	6 mils	\$ 49.00	\$ 19,747.00
6 mils	\$ 37.70	\$ 15,080.00	6 mils	\$ 28.65	\$ 11,460.00	6 mils	\$ 49.00	\$ 19,600.00
6 mils	\$ 37.70	\$ 2,488.20	6 mils	\$ 28.65	\$ 1,890.90	6 mils	\$ 49.00	\$ 3,234.00
6 mils	\$ 37.70	\$ 7,426.90	6 mils	\$ 28.65	\$ 5,644.05	6 mils	\$ 49.00	\$ 9,653.00
6 mils	\$ 37.70	\$ 8,180.90	6 mils	\$ 28.65	\$ 6,217.05	6 mils	\$ 49.00	\$ 10,633.00
6 mils	\$ 37.70	\$ 8,256.30	6 mils	\$ 28.65	\$ 6,274.35	6 mils	\$ 49.00	\$ 10,731.00
6 mils	\$ 37.70	\$ 8,557.90	6 mils	\$ 28.65	\$ 6,503.55	6 mils	\$ 49.00	\$ 11,123.00
6 mils	\$ 37.70	\$ 8,407.10	6 mils	\$ 28.65	\$ 6,388.95	6 mils	\$ 49.00	\$ 10,927.00
6 mils	\$ 37.70	\$ 14,627.60	6 mils	\$ 28.65	\$ 11,116.20	6 mils	\$ 49.00	\$ 19,012.00
6 mils	\$ 37.70	\$ 11,800.10	6 mils	\$ 28.65	\$ 8,967.45	6 mils	\$ 49.00	\$ 15,337.00
6 mils	\$ 37.70	\$ 12,780.30	6 mils	\$ 28.65	\$ 9,712.35	6 mils	\$ 49.00	\$ 16,611.00

\$	216,775.00	\$	164,737.50	\$	281,750.00
----	------------	----	------------	----	------------

Insituform:
lowest & best bid

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A
CONTRACT WITH INSITUFORM TECHNOLOGIES, LLC FOR INVERSION RE-
LINING AND REHABILITATION OF SANITARY SEWER LINES.

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 Insituform Technologies, LLC for inversion re-lining and rehabilitation of sanitary sewer lines in accordance with the bid 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.

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2019\Insituform Technologies, LLC-Ord

Attachment: Insituform Technologies LLC-Ord (1372 : Contract for sanitary sewer lining, and related contractual appropriation)



City Council Ordinance
Regular Meeting - October 28, 2019

Submitted by: Carol Mayhall,
 Submitting Department: City Manager's Office

Subject:

Wages and Salaries for Municipal Court

Legislation Title:

Ordinance to establish salaries and hourly rates for certain Municipal Court employees of the City of Fairfield, Ohio and to authorize and limit the numbers and types of certain Municipal Court employees to repeal Ordinance No. 27-19 and all amendments thereto and declaring an emergency.

Recommendation:

It is recommended that City Council approve this Ordinance for an additional part-time Magistrate in the Municipal Court, suspending the rules and declaring an emergency

Background/Synopsis:

This position will be responsible for arraignment of prisoners on weekends and holidays, conduct civil hearings in the absence of the Civil Magistrate, assist the Judge by hearing minor misdemeanor traffic violations, and serve in the absence of the Judge.

Financial Impact:

\$35,000 per year

Emergency Provision Explanation:

The Court has been conducting arraignments of prisoners each week day, weekends and holidays. With the upcoming holidays and the Judge's schedule, the position is needed as soon as possible.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

Yes

Attachments:

1. Magistrate
2. Court 10-28-19



City Council Ordinance
Regular Meeting - October 28, 2019

Submitted by: Eddie Roberts,
Submitting Department: Municipal Court

Subject:
Magistrate

Legislation Title:
New Position

Recommendation:
The Court requests the hiring of a Magistrate to serve part time at an annual salary of \$35,000.00.

This position will be responsible for arraignment of prisoners on the weekends and holidays, serve in the absence of the Civil Magistrate conducting civil hearings, assist the Judge by hearing minor misdemeanor traffic violations and serve in the absence of the Judge. The Court has been conducting arraignments of prisoners each week day, weekends and holidays, with the upcoming holidays and the Judges Schedule the position is needed as soon as possible.

Rule Suspension Requested:
Yes

Emergency Provision Needed:
Yes

Attachment: Magistrate (1380 : Wages and Salaries for Municipal Court)

ORDINANCE NO. _____

ORDINANCE TO ESTABLISH SALARIES AND HOURLY RATES FOR CERTAIN MUNICIPAL COURT EMPLOYEES OF THE CITY OF FAIRFIELD, OHIO AND TO AUTHORIZE AND LIMIT THE NUMBERS AND TYPES OF CERTAIN MUNICIPAL COURT EMPLOYEES TO REPEAL ORDINANCE NO. 27.19 AND ALL AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

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

- Sec. 1 Ordinance No. 27.19, and all other prior Ordinances inconsistent herewith, are hereby repealed.
- Sec. 2 The salaries and hourly rates and related information contained herein are applicable only to those positions authorized in this Ordinance. Pay decisions relative to all these positions excluding those which salaries are mandated by the State of Ohio, are at the discretion of the Municipal Judge for the City of Fairfield.
- Sec. 3 All positions established in this Ordinance are considered “at will” and those employees in said positions serve at the pleasure of the Municipal Judge of the City of Fairfield.
- Sec. 4 All rates established by this Ordinance shall either be the maximum authorized rate or the range for each respective position as shown.
- Sec. 5 In the department of General Government are the following classifications of jobs and rates of pay:

A. Municipal Court

One (1) Municipal Judge*			**
One (1) Clerk of Courts/Court Administrator*	32,056-62,566 per annum		
One (1) Chief Probation Officer	53,426-104,276 per annum		
One (1) Secretary to the Judge	20.35-37.77 per hour		
Two (2) Chief Deputy Clerks	45,897-68,843 per annum		
Eleven (11) Deputy Clerks	19.57-25.19 per hour		
One (1) Imaging Clerk	19.57-23.01 per hour		
One (1) Bailiff*	22.13-27.30 per hour		
Three (3) Probation Officers	22.13-27.30 per hour		
TWO (2) One (1) Civil MagistrateS (PT)*	[29,217-30,100] 30,100-35,000 PER ANNUM		
Three (3) Acting Judges			**
Four (4) Visiting Judges***			**
Two (2) Community Service Officers (PT)	18.44-21.91 per hour		
Eight (8) Deputy Bailiffs (PT)	21.01-25.85 per hour		

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

(** Salary mandated by State of Ohio)

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

- Sec. 6 The salaries, rates and conditions established in Section 5 of this Ordinance shall be effective from and after April 1, 2019. Until the rates are changed, the former rates shall apply. Notwithstanding any other provision of this ordinance, an employee under the age of sixteen (16) may be paid a wage rate less than the Ohio Minimum Wage Rate provided such rate is not less than that established under the Federal Fair Labor Standards Act or its successor law.
- Sec. 7 The Municipal Judge is authorized to hire up to one additional person for each position authorized in this ordinance to allow for overlap training and transitioning. Generally, such instances would occur when a current employee has given notice of retirement or resignation and a replacement not currently employed by the City is able to be hired before the departure of the employee. Such training overlaps would be of short duration, generally, not to exceed 60 days.
- Sec. 8 This Ordinance is hereby declared to be an emergency measure necessary for the urgent benefit and

protection of the City and its inhabitants so that the recommended changes can take effect in a timely manner; wherefore this Ordinance shall take effect immediately upon its passage.

Passed _____

Mayor's Approval

Posted _____

First Reading _____

Rules Suspended _____

Second Reading _____

Emergency _____

Third Reading _____

ATTEST:

Clerk of Council

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

Clerk of Council



City Council Ordinance
Regular Meeting - October 28, 2019

Submitted by: Alisha Wilson, Clerk
 Submitting Department: Clerk

Subject:

Contractual Appropriations

Legislation Title:

Ordinance to amend Ordinance No. 127-18 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, 2019, and ending December 31, 2019.”

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.

\$166,500 for inversion re-lining of sanitary sewer lines

Financial Impact: \$166,500 from noted funding source.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

No

Attachments:

1. Contractual 10-28-1-Ord

ORDINANCE NO. _____

ORDINANCE TO AMEND ORDINANCE NO. 127-18 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, 2019, AND ENDING DECEMBER 31, 2019."

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

Section 1. Ordinance No. 127-18, the 2019 Appropriation Ordinance, is hereby amended in the following respects:

From:	Unappropriated Sewer Replacement & Improvement Fund	\$166,500
To:	62316025-252000 Improvements Other Than Building (Sanitary Sewer Rehabilitation 9WW01)	\$166,500

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

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

ATTEST:

Clerk of Council

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

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2019\Contractual 10-28-1-Ord

Attachment: Contractual 10-28-1-Ord (1377 : Contractual Appropriations)



City Council Ordinance
Regular Meeting - October 28, 2019

Submitted by: Alisha Wilson, Clerk
 Submitting Department: Clerk

Subject:

Non-Contractual Appropriations

Legislation Title:

Ordinance to amend Ordinance No. 127-18 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, 2019, and ending December 31, 2019.”

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.

\$7,400 various facility and grounds improvements at Water Treatment Plant;
 \$7,440 Water Treatment Plant flooring

Financial Impact: \$14,840.00 from noted funding source.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

No

Attachments:

1. NonContractualAppropriations.102819
2. Non Contractual 10-28-Ord



City Council Information Item Regular Meeting - October 28, 2019

Submitted by: Adam Sackenheim,
Submitting Department: Public Utilities

Subject:

Appropriation for various facility and grounds improvements at the Water Treatment Plant

Legislation Title:

Appropriation for various facility and grounds improvements at the Water Treatment Plant

Background/Synopsis:

An appropriation in the amount of \$7,400.00 is being requested for various facility, building, and grounds improvements at the City's Water Treatment Plant.

In an effort to continue to upgrade and refresh the Water Treatment Plant, the following improvements are necessary:

- New siding / exterior panel system above the main entry-way to the Plant;
- New parking stops / blocks for the front vehicle parking lot at the Plant; and
- New concrete paver blocks for the landscaping areas in the front yard of the Plant.

The new siding / exterior panel system will be provided and installed by American Way Exteriors, per the attached proposal. Cost will be approximately \$5,500.00

Parking stops will be ordered from a specialty vendor and installed by City staff. Cost is estimated at \$1,000.00, per attached estimate for similar-type item.

Concrete landscape paver blocks will be procured from local landscape supply distributor and installed by City staff. Cost is estimated at \$900.00, per attached estimate for similar-type item.

Financial Impact:

An appropriation in the amount of \$7,400.00 is being requested for various building improvements at the City's Water Treatment Plant. Funding for this project is included in the 2019-2023 Capital Improvement Program under project 9WT18 – Facility, Grounds & Landscaping. The funding source is the Water Surplus Fund.

Attachments:

1. American Way Exteriors quote - WTP entry
2. Traffic Safety Store parking blocks
3. Home Depot paver blocks



American Way Exteriors
 7666 McEwen Rd.
 Washington Township, OH
 45459
 Phone: 937-221-8860
 Fax: 855-766-3293

08/22/2019

Claim Information

Company Representative
 Jeff Wiles
 Phone: (513) 404-9566
 jeff@americanwayexteriors.com

Mr. Gene Schalk
 5021 Groh Lane
 Fairfield, OH 45014
 (513) 207-5031

Job: Mr. Gene Schalk

Fairfield City Hardie Estimate

	Qty	Unit
James Hardie Panel 4x10 Smooth Panel Primed	6	EA
James Hardie Trim Board 5/4 x 6" x 12' Smooth	9	BD
James Hardie Trim Board 5/4 x 4" x 12' Smooth	2	BD
James Hardie HardieWrap Weather Barrier - 9'x150'	1	RL
ACM Painted Aluminum .024 Trim Coil - 24"x50'	1	RL
James Hardie Color Matched OSI Quad Caulking (12 Oz)	8	EA
James Hardie Panel Labor / Prime board painting	125	SF
Dumpster	1	EA
		\$5,367.45

TOTAL

\$5,367.45

 Company Authorized Signature

 Date

 Customer Signature

 Date

 Customer Signature

 Date

Attachment: NonContractualAppropriations.102819 (1378 : Non-Contractual Appropriations)

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Largest Inventory. Fastest Shipping.

Traffic Safety Supplies Delivered FAST!

🇺🇸 Live Customer Support

800-429-9030

🏠

☰ All Products ▶

🔍 Search for cones, bumps, signs, etc...

Go

Login or Register

🛒 18 Items in Cart

Items in Your Shopping Cart

Item	Quantity	Each	Price
 6' Recycled Rubber Parking Block without Hardware PBRRGYS Included Hardware: 12" Steel Spikes - Asphalt or Gravel Color: Black/Yellow Reflective	18 Update	\$48.25	\$868.50 Remove

Shipping Summary

Please enter your zip code:

Calculate Shipping

Order Summary

Subtotal: **\$868.50**

Shipping: Not calculated yet

Attachment: NonContractualAppropriations.102819 (1378 : Non-Contractual Appropriations)



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Forest Park, OH

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Item	How To Get It	Qty	Item Total
Get Bulk Pricing of \$1.64 on this item when you purchase at least 288 units.			
 Pavestone 4 in. x 11.75 in. x 6.75 in. Model #81100	 In-Store Pick Up 920 in stock at Cincinnati, OH 45240 Change FREE  Ship to Home  Express Delivery Starting at \$8.99 for delivery	400 \$1.64/Item \$1.82/Item Save 10%	\$656.00
Save for Later Save to Favorites Remove			

Subtotal	\$728.00
Savings	-\$72.00
Pick Up In Store	FREE
Sales Tax (determined in later step)	---
Total	\$656.00
You Saved 10% Off Your Item	

Attachment: NonContractualAppropriations.102819 (1378 : Non-Contractual Appropriations)



City Council Information Item
Regular Meeting - October 28, 2019

Submitted by: Jason Hunold,
 Submitting Department: Public Utilities

Subject:

Water Treatment Plant Flooring

Legislation Title:

Water Treatment Plant Flooring Improvements

Background/Synopsis:

Flooring in the Water Treatment Plant's atrium is in need of replacement. The existing flooring has exceeded its life expectancy and is beginning to peel from the subfloor. A proposal to demo existing tile, and to install new luxury vinyl plank/base flooring, by Spectra Flooring, is attached for review.

Additionally, an existing rear entry steel door at the Water Treatment Plant has rusted and is showing signs of failure and a replacement door is necessary. A proposal for a replacement door is attached for review. Water Division Staff will install the new door.

Financial Impact:

An appropriation in the amount of \$7,440.00 is being requested to have new flooring installed in the Water Treatment Plants atrium and for the purchase of a replacement entry door.

Funding for this project is included in the 2019-2023 Capital Improvement Program under project number 9WT15, Building Improvements. The funding source is the Water Surplus Fund.

It is recommended that City Council authorize an appropriation in the amount of \$7,440.00 from Water Surplus Fund to have new flooring installed in the Water Treatment Plants atrium and for the purchase of a replacement entry door.

Attachments:

1. Flooring JOB_34993_100319_122423
2. WTP Door 2114_0001

Shaw Contract Flooring Services, Inc. d/b/a
Spectra Contract Flooring - Cincinnati Kovach
5 Kovach Drive
Lockland, OH 45215

Phone: (513) 733-0176
Fax: (513) 733-0176

11.C.3.a

SPECTRA™
CONTRACT FLOORING
A Berkshire Hathaway Company

Proposal Submitted To Future Valued Customer		Attention ..		Phone () -		Fax () -		Date 10/03/19	
				Job Name Fairfield Water Division Lobby				Job # 34993	
Street .				Job Street 5021 Groh LN				Proposal ID 49328	
City, State and Zip West Chester, OH 45069		Architect	Date of Plans	Add #	Job City, State and Zip FAIRFIELD, OH 45014		Customer Job # None	Customer P None	

We hereby submit specifications and estimates for:

Item Description	Pric
Furnish and install vinyl plank and base in the main lobby of the water division. Demo of existing tile and minor floor prep included.	\$6,180.0
*Figured as normal working hours	
*No dumpster included	
*Minor floor prep figured as one skim	
Base Bid Total:	\$6,180.0

We PROPOSE to perform the work complete in accordance with the specifications and as described above for the SUM of:

Signature: _____ **Jeremy Capan** Cell: (513) 305-3885 **\$6,180.0**
Email: jeremy.capan@spectracf.com

Conditions of Proposal:

1. This proposal may be withdrawn if not accepted within 30 days of its issuance. Spectra will consider reasonable requests to engage in negotiations for revisions to this Proposal, including signing a subcontract that incorporates the terms of this Proposal. A proposal not accepted within 30 days will be subject to price escalation for materials.
2. This proposal is subject to credit review and approval. Payment terms are net 30 days. A convenience fee of 2% will be added if paying via credit card. Past due invoices are subject to service charges of 1.5% per month (18% per annum). In the case of any default, Customer shall pay Spectra's reasonable attorney fees and costs, including those on any appeal even if no suit or action is filed.
3. All work shall be performed in a workmanlike manner according to industry standards. Areas to receive flooring shall be free and clear of debris. Any changes to the work shall be performed only after execution of a written change order.
4. Prior to commencement of Spectra's work: (a) Customer shall test all concrete sub floors receiving flooring for vapor emission levels and alkalinity per manufacturers' recommendations utilizing ASTM F2170 and/or F1869 and provide written results to Spectra, including a list of any sealers applied to the concrete sub floor; (b) If Customer does not provide such reports at least 10 days prior to commencement of Spectra's work, then Customer shall provide Spectra with access to all concrete sub floors for appropriate testing and Customer shall be responsible for the costs of such testing; and (c) Any concrete sub floors not meeting manufacturers' requirements for installation will require correction or the execution of a separate waiver agreement.
5. All work is contingent upon strikes, accidents or delays beyond Spectra's control. Customer shall carry insurance for all hazards, including fire. Spectra's workers are fully covered by Worker's Compensation and Liability Insurance.
6. Customer represents and warrants that: (a) the project site contains no hazardous or other dangerous substances, either exposed or concealed; or (b) Customer has given written notice to Spectra of all such substances and their location(s). To the fullest extent permitted by law, Customer shall indemnify, defend and hold Spectra harmless from any damage claim, loss, expense and attorney fees related to Spectra's liability, if any, including any federal or state statute related to hazardous or other dangerous substances.
7. Spectra is fully licensed, bonded, and insured. This proposal does not include participation in any CCIP/CCIP or related programs. Requests for Spectra to participate in such programs may result in additional costs.

ACCEPTANCE OF PROPOSAL: The above prices, specifications, and conditions are satisfactory and are hereby ACCEPTED.

You are authorized to do the work as specified.

Customer: Future Valued Customer Signed: _____ Date: _____

QUOTE

2851 E. Kemper Road
Cincinnati, OH 45241
Questions: (513) 242-1100

QUOTE NUMBER	392988QU
QUOTE DATE	10/16/2019
CUSTOMER REQUISITION	
MODE OF DELIVERY	
CUSTOMER	202959
CONTACT	

SOLD TO	CITY OF FAIRFIELD 5350 PLEASANT AVE FAIRFIELD, OH 45014 USA
----------------	--

SHIP TO	CITY OF FAIRFIELD 5350 PLEASANT AVE FAIRFIELD, OH 45014 USA
----------------	--

JOB *** REAR DOOR

LINE	QTY	ITEM	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1.000	1	WHMF	F16 534 3070 LR RPD 4" HD D & D GALV WELDED HOLLOW METAL FRAME	321.0000	321.0
2.000	1	HMD	L18 3070 LR GALV 1/2 LITE BLANK HOLLOW METAL DOOR	891.0000	891.0
3.000	3	03557	BB1279 NRP US26D 4.5 X 4.5 STANDARD WEIGHT HINGE	7.0000	21.0
4.000	1	16748	891SV MIL 36" JAMB SEAL	3.5000	3.5
5.000	2	16750	891SV MIL 84" JAMB SEAL	8.0000	16.0

RECEIPT REQUIRED FOR REFUNDS OR EXCHANGES.

Stock materials are subject to 45% restocking fee. Special order materials are not returnable. No returns after 90 days.

This quotation is subject to the Terms and Conditions found at <http://laforceinc.com/about/terms-conditions/>, which are incorporated in full by this reference. The Terms and Conditions will be sent by mail to the Buyer upon request. LaForce, Inc. limits acceptance to the Terms and Conditions, and objects to any other additional or different terms in the Buyer's purchase order or acceptance.

FREIGHT \$0.00

SUBTOTAL \$1,252.50

SALES TAX \$0.00

TOTAL \$1,252.50

PAY TERMS:

QUALIFICATIONS

- Quote is valid for 30 days from date of quotation unless otherwise stated herein.
- Past due accounts are subject to a service charge of 1.5% per month on the unpaid balance.
- This offer is conditioned upon approval of credit by LaForce on the purchaser.
- No sales, use or other taxes included unless otherwise stated herein in writing.
- See attached qualifications and terms for this project.

Attachment: NonContractual Appropriations.102819 (1378 : Non-Contractual Appropriations)

QUOTE

Thank you for this opportunity to quote your needs. Please sign and return this quote and attached qualifications or send a written purchase order, and we will proceed with your order. LaForce, Inc. is not able to accept verbal purchase authorizations at this time. We look forward to working with you. If you have any questions, or need further information, please give me a call.

Thank You,

GREG FOOTE
Email: GFoote@laforceinc.com
Phone: 513-242-1100

GREG FOOTE
Email: GFoote@laforceinc.com
Phone: 513-242-1100

Quote Number: 392988QU

Authorized By: _____

Company: _____

Date: _____

Attachment: NonContractualAppropriations.102819 (1378 : Non-Contractual Appropriations)

ORDINANCE NO. _____

ORDINANCE TO AMEND ORDINANCE NO. 127-18 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, 2019, AND ENDING DECEMBER 31, 2019."

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

Section 1. Ordinance No. 127-18, the 2019 Appropriation Ordinance, is hereby amended in the following respects:

From:	Unappropriated Water Surplus Fund	\$14,840
To:	60516025-252000 Improvements Other Than Building (Facility and Grounds Improvements 9WT18 (\$7,400); Building Improvements 9WT15 (\$7440))	\$14,840

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

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

ATTEST:

Clerk of Council

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

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2019\Non Contractual 10-28-Ord

Attachment: Non Contractual 10-28-Ord (1378 : Non-Contractual Appropriations)



City Council Ordinance
Regular Meeting - October 28, 2019

Submitted by: Ben Mann,
 Submitting Department: Public Works

Subject:

LED Retrofit Improvements for Various Street Lights – Phase 1

Legislation Title:

Ordinance to authorize the City Manager to enter into an agreement with Duke Energy for LED Retrofit Improvements for Various Street Lights – Phase 1.

Recommendation:

It is recommended that the City Council authorize the City Manager to enter into an agreement with Duke Energy for the upgrade of 250 to 300 street lights to LED lighting. It is further recommended that Council authorize funding from the Capital Improvement Fund in the amount of \$150,000.

Background/Synopsis:

City staff has been working with Duke Energy for a multi-year plan to replace the existing arm-mounted street lights with LED lighting. The LED lights will reduce outage time and energy usage compared to the existing mercury vapor and high pressure sodium lighting as well as provide a more uniform light.

The project area for this first phase of street lighting retrofits is the area north and east of Route 4.

The street lights within Fairfield are paid for by the City but owned and maintained by Duke Energy.

Estimates to replace arm mounted street lighting for the entire City are between \$900,000 and \$1,000,000 and will be implemented over several years. The energy savings for this project will equal the capital investment by the City after approximately 8 to 9 years. This project is scheduled in the existing Capital Improvement Program as 9PW41.

Financial Impact:

\$150,000.00 from the Capital Improvement Fund for Duke Energy.

Emergency Provision Explanation:

A rules suspension is being requested in order to authorize this within this calendar year.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

No

Attachments:

1. 32104178 CONTRACT
2. Duke Energy-Ord



5/31/2019

FAIRFIELD, CITY OF GENERAL STREET LIGHTING
5350 PLEASANT AVE
FAIRFIELD, OH 45014-3567

Subject:
5350 PLEASANT AVE
FAIRFIELD, OH 45014

Dear Valued Customer:

Thank you for the opportunity to provide you with new outdoor lighting. Enclosed are two copies of the Outdoor Lighting Service Agreement, (the "Agreement"), along with a site drawing showing the light pole locations for your review and approval. A detailed description of the lighting equipment is shown on page 2 of the Agreement.

This Agreement also indicates the different estimated monthly payment choices available for the lighting system. These monthly costs are divided into three components (Equipment, Maintenance and Energy Usage), and are based on the estimated work order costs of the Equipment described in the Agreement, which are unique to this installation. The equipment charges will no longer be reflected on your monthly bill at the end of Initial term you choose. This will be a one-third to one-half ($1/3 - 1/2$) decrease of the total bill, depending on the type of Equipment and the wattage of the lights. The estimated Energy and the Maintenance charges will continue for as long as the Equipment is in service. Please review pages 3 & 4 of the Agreement for more detailed information regarding terms.

Options A through F represent your choices for the monthly lighting system payment amount. You may choose to pay the total lump sum amount, upfront, or spread this cost over 1, 3, 5, 7, or 10 years. The Energy and Maintenance charges will remain the same no matter which Option is chosen. Please choose the Option you prefer and write the corresponding letter in the box near the bottom of page 1 of the Agreement.

At the bottom of page 2 is a disclaimer with regard to the amount of light output. This indicates that the lights to be installed are pursuant to your request and may or may not meet minimum Illuminating Engineering Society (IES) standards.

Please sign both copies of the document, return one copy to my attention at the address noted below and retain one for your records. Please note that this proposed Agreement and the dollar amounts quoted will expire ninety (90) days from the date of this letter. If we do not receive your signed Agreement within that time period, a new agreement and proposal will be issued only at your request.

If you require revisions, or there arise unforeseen circumstances which change the original estimated cost of this installation, we will review the situation with you and, if necessary, send you a new proposal. Your signature on this Agreement is your approval for us to order the materials, process the work order and proceed with the installation.

Sincerely,

Mitch Eberenz
mitch.eberenz@duke-energy.com

Attachment: 32104178 CONTRACT (1375 : LED Retrofit Improvements for Various Street Lights – Phase 1)

OUTDOOR LIGHTING SERVICE AGREEMENT

Agreement Information	Equipment, Energy and Maintenance			FRFOLCLM0000014434		5/31/2019
	Agreement Coverage			Agreement Number		Current Date
73502209	32104178	75025	S485	V462	FRFOL	UDES
Customer Account Number	Request Number	Corp.	CP Center	LOC	Work Code	Rate Code

OUTDOOR LIGHTING SERVICE AGREEMENT



Duke Energy Ohio, 139 East Fourth Street, Cincinnati, OH 45202

Business Name				This Agreement has an Initial Term selected by Customer.
Customer Name	FAIRFIELD, CITY OF GENERAL STREET LIGHTING			
Service Location or Subdivision				The Initial Term begins when Service is in operation; after expiration thereof, Service continues with annual renewals, until either party terminates with written notice to the other party.
Service Address	5350 PLEASANT AVE			
Service Address				
Service City, State, Zip code	FAIRFIELD	OH	45014	
Mailing Name	FAIRFIELD, CITY OF GENERAL STREET LIGHTING			Notes:
Mailing Business Name				
Mailing Address	5350 PLEASANT AVE			
Mailing Address				
Mailing City, State, Zip code	FAIRFIELD	OH	45014-3567	

PROPOSALS BELOW ARE VALID FOR 90 DAYS FROM THE CURRENT DATE. PROPOSAL EXPIRATION IS 8/29/2019

AGREEMENT MUST BE SIGNED AND RETURNED BEFORE THE EXPIRATION DATE.

After the Initial Term expires, the monthly equipment charges will no longer be reflected on the monthly bill, though and energy and maintenance charges continue for the life of the lighting system covered by this agreement.

CHOOSE THE EQUIPMENT PAYMENT AMOUNT AND ASSOCIATED INITIAL TERM	EQUIPMENT Monthly Amount for System Per Option	MAINT. & Operating System Amount Per Month	ENERGY USE *Estimated Monthly Total	TOTAL NUMBER OF LIGHTS in Project	*ESTIMATED system charge total during initial term	**AVERAGED Estimated Monthly Charge PER LIGHT	
						DURING Initial Term	AFTER Initial Term
Option A - Onetime Lump Sum for Equipment	\$144,228.08	\$526.84	\$64.46	273	\$591.31	\$2.17	\$2.17
Option B - 1 Year Agreement Initial Term	\$12,560.48	\$526.84	\$64.46	273	\$13,151.78	\$48.18	\$2.17
Option C - 3 Year Agreement Initial Term	\$4,354.87	\$526.84	\$64.46	273	\$4,946.17	\$18.12	\$2.17
Option D - 5 Year Agreement Initial Term	\$2,986.41	\$526.84	\$64.46	273	\$3,577.72	\$13.11	\$2.17
Option E - 7 Year Agreement Initial Term	\$2,414.69	\$526.84	\$64.46	273	\$3,005.99	\$11.01	\$2.17
Option F - 10 Year Agreement Initial Term	\$2,006.62	\$526.84	\$64.46	273	\$2,597.93	\$9.52	\$2.17

* Estimated Energy is based on current charge per kWh and does not include taxes and energy rate tariff riders which will cause slight fluctuation in monthly costs.

** The ENERGY portion may cover more than one luminaire wattage size which results in estimated Averaged Monthly costs shown above. The ENERGY may also be METERED. If this option is chosen the Energy usage information above is superseded by the METERED usage and charges.

See Section I, page 2 for further lighting equipment and cost detail. Requests for changes in number of lights and poles, pole locations, equipment or other requests will result in a recalculation of the amounts above. Please see attached drawing or Exhibit 'A' for the proposed placement of lighting equipment.

PLEASE INDICATE INITIAL AGREEMENT TERM CHOICE FROM OPTIONS ABOVE (A,B,C,D,E,F)

☐

DECLINE

☐

IN WITNESS WHEREOF, the parties hereto have caused two copies of this Agreement to be executed by a duly authorized representative(s), effective the Current Date first written above. This Lighting Service Agreement ("Agreement") is made and entered into by the subsidiary of Duke Energy Corporation, a Delaware corporation, named above (hereafter, "Company"). Neither Duke Energy Corp. nor any of its other affiliated companies are parties to this Agreement.

Duke Energy Representative

AND

Customer / Representative

Signature

Signature

Printed Name

Mitch Eberenz

Printed Name

Date

5/31/2019

Date

If more space is required for additional Customer signatures, please attach a dated letter with signatures on it and reference this Agreement

OUTDOOR LIGHTING SERVICE AGREEMENT

WITNESSETH:

WHEREAS, Customer desires to have: a Company-owned outdoor lighting system ("System"), on designated property; and

WHEREAS, Company has the ability to own, install, operate and maintain an outdoor lighting system.

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

SECTION I. – EQUIPMENT AND INSTALLATION

- 1.1 In accordance with conditions set forth herein, Company agrees to install for Customer all necessary equipment to provide, operate and maintain an outdoor lighting system. The cost of any additional electrical distribution facilities required to provide energy to the System may or may not be included in the monthly terms of this Agreement according to Company discretion.
- 1.2 A detail of the locations of the equipment constituting said System is set forth in a drawing or print marked "EXHIBIT A", which is attached hereto, made a part hereof and incorporated herein by reference.
- 1.3 The System consists of the following:

A. LUMINAIRE DETAIL INFORMATION

	LUMINAIRE STYLE DESCRIPTION LED = Light Emitting Diode, HPS = High Pressure Sodium, MH = Metal Halide Lamp Source	INITIAL LUMENS	LAMP WATTS	IMPACT WATTS	EST ANNUAL KWH EA	MAINT/ OPERATION CHG EACH	*EST. ENERGY CHG	NUMBER OF LIGHTS	*ESTIMATED LINE TOTAL
6	Roadway LED 70W Gray (RAL7038) Type III	6,261	70	0.0700	291	\$1.93	\$0.15	29	\$60.27
7	Roadway LED 220W Gray (RAL7038) Type III	18,642	220	0.2200	915	\$1.93	\$0.47	39	\$93.46
8	Roadway LED 150W Gray (RAL7038) Type III	12,642	150	0.1500	624	\$1.93	\$0.32	30	\$67.44
9	Roadway LED 110W Gray (RAL7038) Type III	9,336	110	0.1100	458	\$1.93	\$0.23	109	\$235.78
10	Roadway LED 50W Gray (RAL7038) Type III	4,521	50	0.0500	208	\$1.93	\$0.11	66	\$134.37
SECTION I - A - TOTALS								*ESTIMATED MONTHLY TOTAL COST	\$91.32

*Tariff riders and sales tax are not included therefore the total billing amount will be different than listed above.

B. ENERGY USAGE – BASED ON UTILITY REGULATORY COMMISSION APPROVED RATES

Current Rate per kWh 0.006117 Rate Effective Date 1/2/2018 Estimated Annual Burn Hours 4,160

**CALCULATION FOR ESTIMATING UNMETERED ENERGY USAGE	
Impact Watts = the energy used by the lamp watts plus ballast watts.	
a. Impact watts times estimated Annual Burn Hours as shown in lines above equal annual watt hours.	c. Annual kWh divided by twelve (12) months equals monthly kWh.
b. Annual watt hours divided by 1000 hours equals annual kilowatt hours (kWh).	d. Monthly kWh times current rate per Kwh equals the monthly dollar amount for each item.

C. POLE TYPE AND QUANTITY UTILIZED IN THIS PROJECT* (existing and new pole installation information)

ITEM #	POLE DESCRIPTION	POLE QUANTITY
1	Existing Pole	1
2	Existing Pole	1
3	Existing Pole	1
4	Existing Pole	1
5	Existing Pole	1
6	Existing Pole	1
7	Existing Pole	1
8	Existing Pole	1
9	Existing Pole	1
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OUTDOOR LIGHTING SERVICE AGREEMENT

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Attachment: 32104178 CONTRACT (1375 : LED Retrofit Improvements for Various Street Lights – Phase 1)

OUTDOOR LIGHTING SERVICE AGREEMENT

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Attachment: 32104178 CONTRACT (1375 : LED Retrofit Improvements for Various Street Lights – Phase 1)

OUTDOOR LIGHTING SERVICE AGREEMENT

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Attachment: 32104178 CONTRACT (1375 : LED Retrofit Improvements for Various Street Lights – Phase 1)

OUTDOOR LIGHTING SERVICE AGREEMENT

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* Existing poles have no pole installation charges; new pole charges are included in Luminaire details.

1.4 LIGHTING LAYOUT DESIGN DISCLAIMER (CUSTOMER TO SIGN WHEN APPLICABLE)

Company has installed the System in accordance with Customer's specifications concerning the design and layout (including pole locations, number and types of lights). Company has not designed the System. Customer is responsible for all aspects of the design and layout of the System. Customer understands that its design and layout of the System may not be in accordance with minimum footcandle and lighting uniformity standards. Therefore, Customer agrees to release, indemnify, hold harmless, and defend Company from and against any and all claims, demands, causes of action, liabilities, losses, damages, and/or expenses resulting from (or alleged to result from) the design and/or layout of the System, including damage to or destruction of personal property, personal injuries including death, and reasonable attorneys' fees.

Customer's Signature _____

Date _____

OUTDOOR LIGHTING SERVICE AGREEMENT

SECTION II – CUSTOMER OPTIONS FOR SYSTEM OPERATING HOURS

ALL HOURS OF OPERATION FOR ANY OPTION MUST BE BETWEEN THE HOURS OF DUSK-TO-DAWN (ONE HALF HOUR AFTER SUNSET TO ONE HALF HOUR BEFORE SUNRISE) TO QUALIFY FOR THIS ENERGY USAGE RATE

- 2.1 Option A is the typical dusk-to-dawn photoelectric cell automatically operated System. Lights turn on approximately 1/2 hour after sunset and shut-off 1/2 hour before sunrise. This may be a monthly estimated energy usage based on luminaire impact wattage and lamp source equally over twelve months (See Section I - B, above) or metered using actual energy usage plus a monthly meter charge.
- 2.2 Option B - AVAILABLE FOR ONLY MUNICIPAL OPERATED AREAS AND WITH COMPANY APPROVAL. This option is exclusively for seasonal lighted ornaments operated from 120 volt outlets which are mounted near the top of Company poles. Company reserves the right to approve the ornament weight, size, wattage and attachment arrangements before installation. The ornament weight limit is 25 pounds. Initial costs of wiring, outlets and other associated costs will be borne by the Customer on a time and material basis before being energized. Seasonal ornamental lighting will operate dusk to dawn during the months of November 15th through the following January 15th. The total days of operation are approximately 61.
- 2.2.1 After the initial permanent installation of outlets on the poles, the ornaments must be installed and removed seasonally on Company-owned poles between the hours of 8:00 a.m. and 5:00 p.m. by a qualified electrician. Once an outlet is installed any additional outlet maintenance will result in a Customer charge on a time and equipment use basis and billed on a separate invoice for each occasion.
- 2.2.2 Seasonal Ornamental Lighting estimated wattage for each ornament is limited to 350 watts. The estimated Annual usage is 320-333 Kwh for each outlet.

SECTION III – ENERGY USAGE COST CALCULATION - See Page 1

- 3.1 Except as otherwise provided in this Agreement, Customer shall pay Company the monthly energy charges. Monthly charges are based on estimated unmetered charges using the calculation methods shown on Page 1 of this Agreement and adding any energy tariff riders and applicable sales tax. Both unmetered and metered outdoor lighting energy usage charges are based on the per kilowatt hour amount approved by the appropriate State Utility Commission.
- 3.2 The "Schedule of Rates, Classifications, Rules and Regulations for Electric Service", and/or General Terms and Conditions of the Company, and all amendments thereto, are filed with and approved by the appropriate State regulatory entity, (the "Commission") and shall be deemed a part of this Agreement as if fully set forth herein.

SECTION IV – SYSTEM MAINTENANCE

- 4.1 Normal maintenance includes the replacement or repair of any item included in the System except seasonal outlets. Maintenance is performed after notification from the Customer that a problem exists and/or during a Company scheduled maintenance cycle. Company will stock only the most common equipment; acquisition of some repair parts could cause a delay in permanent repair.
- 4.2 Normal maintenance covers ordinary wear and tear with proper use of the System. Repairs or replacements requested as a result Customer caused damage will be performed on a time and material cost basis, in which instance an estimate of costs will be provided to the Customer before the work begins. Company reserves the right to charge Customer for repair costs incurred due to vandalism.

- 4.3 Maintenance does not include partial or full System replacement or major repairs due to System age. While many Systems last 15 to 25 years, different types of lighting equipment have different life spans. Lighting equipment suppliers may also discontinue manufacture of certain equipment. End of life for a System will be determined by the Company.
- 4.4 Company reserves the right to update or modify the monthly maintenance charges to reflect changes in Company costs for materials and labor no more often than every three years on a Company assigned schedule, which may not coincide with the term of this Agreement.
- 4.5 Company reserves the right to charge a fee equal to a minimum of one hour labor and transportation costs for trips to disconnect and reconnect lights in a Company-owned lighting System when requested to do so more times than the Company deems necessary.

SECTION V – PAYMENT

- 5.1 Customer hereby agrees to pay Company the monthly costs set forth in accordance with the applicable tariff rate for the energy provided for the term of this Agreement. The estimated monthly amount due are summarized on Page 1 of this agreement and are current at the time the Agreement is initiated. A monthly bill will be rendered and due each month in accordance with the applicable tariff rate and payment rules. Any Customer charge that is not paid in full on or before its due date, shall incur a late fee.
- 5.2 Should any change in the energy usage monthly charges be ordered by the Commission, then payments by Customer to Company for this service shall thereafter be made upon the basis of such new rates as changed and approved by the Commission.

SECTION VI – TERM OF AGREEMENT

- 6.1 Service under this Agreement shall commence as soon as practicable after the System is installed and operational. The Company shall notify Customer in writing as to the date on which service will begin.
- 6.2 The initial term of this Agreement, during which Customer shall take and Company shall render service hereunder, shall be in accordance with the Option indicated on page 1 of this Agreement ("Initial Term"). After the Initial Term, this Agreement shall continue in force and effective in successive automatic one-year extensions unless terminated by either party upon sixty (60) days written notice.

SECTION VI – OTHER TERMS AND CONDITIONS

- 7.1 Other Terms and Conditions set forth in Exhibit "B" hereof are incorporated herein by reference and made a part of this Agreement
- 7.2 This Agreement constitutes the final written expression between the parties. It is a complete and exclusive statement and supersedes all prior negotiations, representations, or agreements, either written or oral, with respect to the System. However, nothing herein shall preclude either party from commencing an action for unpaid bills, other damages, or breach of prior agreements during the time they were in effect.
- 7.3 This Agreement, the construction of this Agreement, all rights and obligations between the parties to this Agreement, and any and all claims arising out of or related to the subject matter of this Agreement (including tort claims), shall be governed by the laws of the State in which the service is rendered without regard to its conflict of laws provisions.

OUTDOOR LIGHTING SERVICE AGREEMENT

EXHIBIT 'B' - OTHER TERMS AND CONDITIONS

- 1 All System facilities installed by Company under this Agreement are and shall remain the property of Company. The termination of this Agreement for any reason whatsoever shall not in any way affect such ownership by Company, deprive Company of the right either to remove any or all property comprising the System or any part thereof or to use the same in or in connection with the rendering of other service by Company.
- 2 If Customer requests part or all of the System's removal before the end of the System's useful life, including by reason of termination of this Agreement, Customer must pay Company's unrecovered costs of the System minus any salvage value, to be determined at the sole discretion Company, plus System removal costs.
- 3 The obligations of Customer to pay the monthly invoice and any applicable late fees or any amount due and owing to Company as a result of this Agreement or in connection with the rights and privileges granted hereby, are independent of the liabilities or obligations of Company hereunder. Customer shall make all such payments due to Company without any deductions, setoffs or counterclaims against such payments on account of any alleged breach or default by, or claims against, the Company pursuant to this Agreement or otherwise or on account of any claims against or default by any third party.
- 4 Company's installation of the System is contingent upon obtaining adequate easements and rights-of-way, if necessary, and Customer agrees to assist the Company when necessary in obtaining easements or rights-of-way which shall include permission to install and maintain service lines and facilities required for serving and providing the System.
- 5 Company is an independent contractor and not an agent or employee of Customer and nothing contained in this Agreement shall be so construed as to justify a finding of the existence of any relationship between Company and Customer inconsistent with that status. Company shall have exclusive control of and responsibility for its labor relations.
- 6 Company does not warrant nor guarantee the safety of Customer or any third party, nor does it warrant or guarantee the security of Customer's property or any third party property, lighting levels, or uniformity of lighting as a result of Customer's use of the System. Company is not liable for any injury to Customer, or any persons or property arising out of the System use other than that arising from the sole negligence of the company. COMPANY EXPLICITLY DISCLAIMS WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE, EITHER EXPRESSED OR IMPLIED, OR ARISING FROM COURSE OF DEALING OR USAGE OF TRADE.
- 7 If a breach or default occurs, the non-breaching party shall provide the breaching party with a thirty (30) day written notice to cure such default or breach, or if the defect cannot be cured within thirty (30) days, the breaching party shall nonetheless commence to cure such defect and shall, in good faith, complete such cure in as timely and expeditious manner as is feasible in the circumstances. If the breaching party fails to cure or to commence the cure of the defect within the prescribed time frame set forth herein, the non-breaching party, at its sole discretion, shall provide notice to the breaching party of the immediate termination of this Agreement. Events beyond Company's control, including but not limited to acts of nature, electricity outages, and inability to obtain needed replacement parts, shall not constitute breaches of this Agreement.
- 8 Customer desiring a Company-installed System on a public rights-of-way or on other property not under customer's jurisdiction must provide the Company with written permission from the entity with legal jurisdiction over that right-of-way or property before installation will begin. Customer must reimburse Company for costs associated with obtaining easements.
- 9 Company reserves the right to refuse to install Company equipment on another's property, however, any Company agreement to install System luminaires or other Company facilities on poles or structures owned by a third entity is contingent upon receiving written consent for such installation from that entity. Customer will be required to reimburse the Company for monthly fees charged for pole contacts for System attachments on poles or structures not owned by the Company, (i.e., owned by other utilities or entities). This fee will be imposed only when contacting or modifying existing poles to allow for clearances required for the System equipment.
- 10 Company shall not be liable for any claims, demands, cause of action, liabilities, loss, damage or expense of whatever kind or nature, including attorney fees, incurred by Customer for actions involving a structure not Company-owned on which the Company has placed Company-owned equipment at Customer request. Additionally, the Company will not be responsible for any repairs needed by the structure that is not owned by Company. If the structure becomes unsuitable, or unsafe to support Company-owned equipment the Company retains the right to remove the equipment from the structure. If Company equipment is removed under these conditions Customer will owe Company a pro-rated amount for the removed equipment plus removal costs minus salvage value.
- 11 When changes are requested by Customer at any time after the System is installed and before the normal end of System life, Company will evaluate and estimate the costs of the changes. The changes will be made after the Customer pays the agreed upon amount if any to make changes. Changes include such matters as relocating poles, changing luminaire styles (post top, cobrahead, floodlight), their locations, wattage, and lamp source (e.g., metal halide, high pressure sodium). Any such agreed upon changes will be documented either by a new or an amended Agreement. New equipment added to the System will require a new Agreement.
- 12 If any part, term, or provision of this Agreement is adjudged by a court of competent jurisdiction to be contrary to the law governing this Agreement, the validity of the remaining parts, terms, and provisions shall not be affected thereby.
- 13 This Agreement, and all the terms and provisions hereof, shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors, personal representatives, and/or permitted assigns.
- 14 Each party to this Agreement represents that it is sophisticated and capable of understanding all of the terms of this Agreement, that it has had an opportunity to review this Agreement with its counsel, and that it enters this Agreement with full knowledge of the terms of the Agreement.
- 15 No delay of or omission in the exercise of any right, power or remedy accruing to any party under this Agreement shall impair any such right, power or remedy, nor shall it be construed as a waiver of any future exercise of any right, power or remedy.
- 16 Neither party shall assign this Agreement without the prior written consent of the other party, which consent, if given shall not relieve the party of making such assignment from full responsibility for the fulfillment of its obligations under this Agreement. PROVIDED, THAT the Company may assign this Agreement to its parent or any subsidiary entity or to an affiliate.

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH DUKE ENERGY FOR LED RETROFIT IMPROVEMENTS FOR VARIOUS STREET LIGHTS – PHASE 1.

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

Section 1. The City Manager is hereby authorized to enter into an agreement with Duke Energy for LED retrofit improvements for various street lights – phase 1 in accordance with the agreement 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.

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2019\Duke Energy-Ord

Attachment: Duke Energy-Ord (1375 : LED Retrofit Improvements for Various Street Lights – Phase 1)



City Council Ordinance
Regular Meeting - October 28, 2019

Submitted by: Alisha Wilson, Clerk
 Submitting Department: Clerk

Subject:

Contractual Appropriations

Legislation Title:

Ordinance to amend Ordinance No. 127-18 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, 2019, and ending December 31, 2019.”

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.

\$150,000 for LED Retrofit Improvements to Street Lights

Financial Impact: \$150,000 from noted funding source.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

No

Attachments:

1. Contractual 10-28-2-Ord

ORDINANCE NO. _____

ORDINANCE TO AMEND ORDINANCE NO. 127-18 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, 2019, AND ENDING DECEMBER 31, 2019."

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

Section 1. Ordinance No. 127-18, the 2019 Appropriation Ordinance, is hereby amended in the following respects:

From:	Unappropriated Capital Improvement Fund	\$150,000
To:	40216025-252000 Improvements Other Than Building (Street Light Replacement 9PW41)	\$150,000

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.

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2019\Contractual 10-28-2-Ord

Attachment: Contractual 10-28-2-Ord (1379 : Contractual Appropriations)