

Mitch Rhodus
Mayor

Tim Meyers
Councilmember, At-Large

Matt Davidson
Councilmember, At-Large

Gwen Brill
Councilmember, At-Large



Leslie Besl
Councilmember, 1st Ward

Dale Paullus
Councilmember, 2nd Ward

Terry Senger
Councilmember, 3rd Ward

Adam Kraft
Councilmember, 4th Ward

**CITY OF FAIRFIELD CITY COUNCIL
REGULAR MEETING AGENDA
TUESDAY, OCTOBER 10, 2023 7:00 PM
5350 PLEASANT AVENUE, FAIRFIELD, OH 45014**

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

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

- 1. COUNCIL-MANAGER BRIEFING**
 - A. None.
- 2. BUSINESS MEETING CALL TO ORDER**
- 3. PRAYER/PLEDGE OF ALLEGIANCE**
- 4. ROLL CALL**
- 5. AGENDA MODIFICATIONS**
- 6. EXECUTIVE SESSION REQUESTS**
- 7. SPECIAL PRESENTATIONS**
- 8. CITIZEN COMMENTS**
- 9. PUBLIC HEARING(S)**
- 10. APPROVAL OF MINUTES**
 - a. Regular Meeting held September 25, 2023
- 11. OLD BUSINESS AND REPORTS**

A. COMMUNITY & PUBLIC RELATIONS

Councilmember Leslie Besl

B. DEVELOPMENT SERVICES

Councilmember Matt Davidson

1. Ordinance amending Ordinance No. 130-09 to modify the terms and provisions of the North Town Center Community Reinvestment Area, renaming the area the Fairfield Town Center Community Reinvestment Area, implementing Section 3735.65 through 3735.70 of the Ohio Revised Code, establishing and describing the boundaries of the Fairfield Town Center Community Reinvestment Area in the City of Fairfield, Ohio, designating a housing officer to administer the program, and creating a Community Reinvestment Housing Council and a Tax Incentive Review Council.

- Legislation - Third Reading
- Motion - Adoption

C. PARKS, RECREATION AND ENVIRONMENT

Councilmember Gwen Brill

D. PUBLIC SAFETY

Councilmember Dale Paullus

E. PUBLIC UTILITIES

Councilmember Adam Kraft

F. PUBLIC WORKS

Councilmember Terry Senger

G. FINANCE & BUDGET

Councilmember Tim Meyers

12. NEW BUSINESS

Motion to read all New Business by title only.

A. COMMUNITY & PUBLIC RELATIONS

Councilmember Leslie Besl

1. Simple Motion: Motion to approve the December 2023 Meeting Schedule for City Council Meetings.

B. DEVELOPMENT SERVICES

Councilmember Matt Davidson

1. Resolution imposing a temporary moratorium on the consideration and/or granting of any zoning, occupancy, building or other permits or applications relating to vape stores within the City of Fairfield and declaring an emergency.

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

C. PARKS, RECREATION AND ENVIRONMENT

Councilmember Gwen Brill

1. Ordinance to authorize the City Manager to execute an addendum to the contract with SwimSafe Pool Management, Inc. for the 2024 and 2025 calendar years and declaring an emergency.

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

D. PUBLIC SAFETY

Councilmember Dale Paullus

1. Simple Motion: Motion to request a hearing regarding a liquor permit application in the name of Valour Lounge LLC, 74 Donald Drive, Fairfield, OH 45014 (Permit Classes D5).
2. Ordinance to authorize the City Manager to execute an agreement for indigent legal representation for 2024 in the Fairfield Municipal Court with the Butler County Public Defender Commission/Butler County Board of Commissioners and declaring an emergency.

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

E. FINANCE & BUDGET

Councilmember Tim Meyers

1. Ordinance to amend Ordinance No. 155-22 entitled “An Ordinance to make estimated appropriations for the expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2023, and ending December 31, 2023.”

Non-Contractual Appropriations: \$35,000 for engineering for Route 4 sidewalk design between Donald Drive & Hicks Boulevard; \$10,000 for mini power zone (Water Division); \$7,015 for clarifier #2 & #4 rehab (Water Division); \$4,845 for clarifier inspection services (Water Division).

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

13. MEETING SCHEDULE

- A. Monday, October 23 - Council-Manager Briefing, 5:30 PM; Regular Meeting 7:00 PM
- B. Monday, November 13 - Council-Manager Briefing, 5:30 PM; Regular Meeting 7:00 PM
- C. Monday, November 27 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM

14. EXECUTIVE SESSION OF COUNCIL (IF NEEDED)

15. ADJOURNMENT

**City of Fairfield
Minutes
Regular Meeting of City Council
September 25, 2023**

Council-Manager Briefing

Retail Tobacco and Vape Stores

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

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

Development Services Director Greg Kathman presented the Retail Tobacco and Vape Stores update. See attached slides.

Business Meeting Call to Order

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

Prayer/Pledge of Allegiance

Councilmember Paullus led in prayer and Pledge of Allegiance.

Roll Call

Councilmembers present included:

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

Vice Mayor Meyers, seconded by Councilmember Davidson, moved to excuse Councilmember Besl. Motion carried 6-0.

Agenda Modifications

None.

Minutes Acceptance: Minutes of Sep 25, 2023 7:00 PM (Approval of Minutes)

Executive Session Requests

None.

Special Presentations

None.

Citizen Comments

None.

Public Hearing(s)

None.

Approval of Minutes

The Regular Meeting Minutes of September 11, 2023 were approved as written and submitted.

OLD BUSINESS AND REPORTS**Community & Public Relations**

Councilmember Leslie Besl

Development Services

Councilmember Matt Davidson

Ordinance amending Ordinance No. 130-09 to modify the terms and provisions of the North Town Center Community Reinvestment Area, renaming the area the Fairfield Town Center Community Reinvestment Area, implementing Section 3735.65 through 3735.70 of the Ohio Revised Code, establishing and describing the boundaries of the Fairfield Town Center Community Reinvestment Area in the City of Fairfield, Ohio, designating a housing officer to administer the program, and creating a Community Reinvestment Housing Council and a Tax Incentive Review Council.

Recommendation:

It is recommended that City Council approve this ordinance to establish CRA property tax abatement as a potential development tool throughout the Town Center area.

Councilmember Davidson presented the second reading of this ordinance.

RESULT: SECOND READING

Next: 10/10/2023 7:00 PM

Parks, Recreation and Environment

Councilmember Gwen Brill

Public Safety

Councilmember Dale Paullus

Ordinance to amend Section 373.14 Riding on Sidewalks of Chapter 373, Bicycles and Motorcycles, of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio.

Recommendation:

It is recommended that City Council adopt an ordinance to update Section 373.14 of the Traffic Code.

Councilmember Paullus presented the third reading of this ordinance.

ORDINANCE NO. 131-23. APPROVED 6-0.

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

Public Utilities

Councilmember Adam Kraft

Public Works

Councilmember Terry Senger

Ordinance to authorize the City Manager to execute a contract with Morton Salt, Inc. for purchase of road salt.

Recommendation:

It is recommended that City Council authorize and direct the preparation of legislation authorizing the City Manager to enter into a contract with Morton Salt, Incorporated for the purchase of road salt.

Councilmember Senger presented the third reading of this ordinance.

ORDINANCE NO. 132-23. APPROVED 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Terry Senger, Councilmember, 3rd Ward
SECONDER:	Dale Paullus, Councilmember, 2nd Ward
AYES:	Meyers, Davidson, Brill, Paullus, Senger, Kraft
EXCUSED:	Besl

Finance & Budget

Councilmember Tim Meyers

Ordinance to authorize the City Manager to execute an Employer Adoption Agreement with the Ohio Public Employees Deferred Compensation Board to offer a Roth 457 option to City of Fairfield employees.

Recommendation:

It is recommended that Council approve the City Manager entering into an agreement with the Ohio Public Employees Deferred Compensation Board to authorize the Roth 457 option to be offered to the City of Fairfield employees, through the City's deferred compensation program, as

an additional benefit which can assist employees to save for retirement.

Vice Mayor Meyers presented the third reading of this ordinance.

ORDINANCE NO. 133-23. APPROVED 6-0.

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

NEW BUSINESS

Councilmember Brill, seconded by Vice Mayor Meyers, moved to read all New Business by title only. Motion carried 6-0.

Development Services

Councilmember Matt Davidson

Motion to Suspend Second and Third Readings

Councilmember Davidson presented the first reading of this ordinance.

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

Ordinance to authorize the City Manager to execute the FY 2024 Community Development Block Grant application and agreement with Butler County, Ohio.

Recommendation:

It is recommended that City Council authorize the City Manager to execute and submit the FY 2024 Community Development Block Grant application which is due to Butler County by November 3, 2023.

ORDINANCE NO. 134-23. APPROVED 6-0.

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

Parks, Recreation and Environment

Councilmember Gwen Brill

Motion to Suspend Second and Third Readings

Councilmember Brill presented the first reading of this ordinance.

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

Ordinance to authorize the City Manager to enter into a contract with Landscape Structures, Inc. for the purchase of Harbin Park Play and Spray Ground Equipment and declaring an emergency.

Recommendation:

It is recommended that City Council authorize an appropriation of \$1,490,000.00 from the Parks Recreation Fund as detailed in the financial impact section and authorize the City Manager to enter into a contract with Landscape Structures, Inc.

ORDINANCE NO. 135-23. APPROVED 6-0.

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

Motion to Suspend Second and Third Readings

Councilmember Brill presented the first reading of this ordinance.

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

Ordinance to authorize the City Manager to enter into a contract with Majors Enterprises, Inc. for the Harbin Park Play and Spray Ground general construction and declaring an emergency.

Recommendation:

It is recommended that City Council authorize an appropriation of \$2,428,823.00 from the Parks Recreation Fund as detailed in the financial impact section and authorize the City Manager to enter into a contract with Majors Enterprises Inc. of Monroe, Ohio.

ORDINANCE NO. 136-23. APPROVED 6-0.

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

Public Utilities

Councilmember Adam Kraft

Minutes Acceptance: Minutes of Sep 25, 2023 7:00 PM (Approval of Minutes)

Motion to Suspend Second and Third Readings

Councilmember Kraft presented the first reading of this ordinance.

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

Ordinance to authorize the City Manager to enter into a contract with Larry Smith Inc., for the DDC Way Water Main Project and Meijer Drive/S. Gilmore Pressure Reducing Valve Project.

Recommendation:

It is recommended that City Council authorize the City Manager to enter a contract with Larry Smith Inc., and appropriate project funding in the amount of \$255,000.00 for a water system improvement project impacting DDC Way and Meijer Drive at S. Gilmore.. Rules suspension is being requested in order to expedite the project.

ORDINANCE NO. 137-23. APPROVED 6-0.

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

Public Works

Councilmember Terry Senger

Motion to Suspend Second and Third Readings

Councilmember Senger presented the first reading of this ordinance.

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

Ordinance to authorize the City Manager to enter into a contract with Majors Enterprises, Inc. for the construction of the 2023 Bruton Parish Storm Sewer Replacement Project and declaring an emergency.

Recommendation:

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

It is also recommended that City Council direct the preparation of legislation authorizing the City Manager to enter into a contract with Majors Enterprises, Inc for the construction of the 2023 Bruton Parish Storm Sewer Replacement Project

ORDINANCE NO. 138-23. APPROVED 6-0.

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

Finance & Budget

Councilmember Tim Meyers

Motion to Suspend Second and Third Readings

Vice Mayor Meyers presented the first reading of this ordinance.

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

Ordinance to amend Ordinance No. 155-22 entitled “An Ordinance to make estimated appropriations for the expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2023, and ending December 31, 2023” - Supplemental Appropriations.

Recommendation:

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

ORDINANCE NO. 139-23. APPROVED 6-0.

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

Motion to Suspend Second and Third Readings

Vice Mayor Meyers presented the first reading of this ordinance.

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

Ordinance to amend Ordinance No. 155-22 entitled “An Ordinance to make estimated appropriations for the expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2023, and ending December 31, 2023.”

Recommendation:

Minutes Acceptance: Minutes of Sep 25, 2023 7:00 PM (Approval of Minutes)

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. 140-23. APPROVED 6-0.

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

Motion to Suspend Second and Third Readings

Vice Mayor Meyers presented the first reading of this ordinance.

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

Ordinance to amend Ordinance No. 155-22 entitled “An Ordinance to make estimated appropriations for the expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2023, and ending December 31, 2023.”

Recommendation:

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

ORDINANCE NO. 140-23. APPROVED 6-0.

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

Meeting Schedule

Clerk Wilson read the following meeting schedule:

- A. Tuesday, October 10 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM
- B. Monday, October 23 - Council-Manager Briefing, 5:30 PM; Regular Meeting 7:00 PM
- C. Monday, November 13 - Council-Manager Briefing, 5:30 PM; Regular Meeting 7:00 PM

Executive Session of Council (if needed)

None.

15. ADJOURNMENT

The Regular Meeting adjourned at 7:31 PM.

Minutes Acceptance: Minutes of Sep 25, 2023 7:00 PM (Approval of Minutes)

ATTEST:

Clerk of Council

Mayor's Approval

Date Approved _____

Minutes Acceptance: Minutes of Sep 25, 2023 7:00 PM (Approval of Minutes)



Retail Tobacco & Vape Shops

Council-Manager Briefing
September 25, 2023

FAIRFIELD
OHIO

Dangers of Smoking & Vaping

- Smoking leads to:
 - More than 480,000 annual deaths
 - \$300 billion in healthcare and lost productivity costs
- Youth and young people are especially vulnerable to the harmful effects of nicotine
 - Harms the developing brain, specifically pre-frontal cortex
 - Affects attention, learning, mood, and impulse control
- Using nicotine in adolescence may increase the risk for future addiction to other drugs



FAIRFIELD
OHIO

Minutes Acceptance: Minutes of Sep 25, 2023 7:00 PM (Approval of Minutes)

Dangers of Smoking & Vaping

- E-cigarettes have been the most commonly used tobacco among U.S. youth since 2014
 - In 2020, 19.6% of U.S. high school students reported usage of e-cigarettes within the previous 30 days
 - E-cigarettes contain heavy metals like lead, volatile organic compounds, and cancer-causing agents
 - Flavored tobacco products mask the harshness of tobacco
 - The tobacco industry actively promotes flavored tobacco products
 - Initiation with a flavored tobacco product leads to an increased likelihood of further tobacco product use compared with initiation with an unflavored product
 - Flavored tobacco products increase the risk of youth initiation, hinder cessation, and contribute to health disparities



FAIRFIELD
OHIO

Dangers of Smoking & Vaping

- More than 375,000 tobacco retailers in the U.S.
- Youth living in areas with the highest density of retail tobacco outlets are more likely to have smoked than those in areas of the lowest density of outlets
- The number of tobacco retailers surrounding a school has been shown to increase students' susceptibility to future smoking
- Reducing the density and number of retailers may also curb exposure to tobacco marketing
- "Research supports licensing tobacco retailers, limiting retailer density, and limiting proximity to youth-oriented places."



FAIRFIELD
OHIO

Minutes Acceptance: Minutes of Sep 25, 2023 7:00 PM (Approval of Minutes)

Existing Federal & State Regulations

- Ohio law took effect on October 17, 2019 making it illegal to sell or give any tobacco product to anyone under age 21
- Unlike alcohol, there is no Ohio state license required to sell tobacco products
- 2009 federal law prohibits cigarettes from containing flavors other than tobacco or menthol, but does not include other products like e-cigarettes
- At least 5 states and 370 localities have restricted or prohibited the sale of all flavored tobacco products since 2019
 - Federal courts have found that federal law does not limit the authority of states and localities to restrict or limit the sale of tobacco products

FAIRFIELD
OHIO

Inventory of Businesses in Fairfield

- Zoning Inspectors field survey in July 2023
 - 42 businesses sell traditional tobacco products
 - 37 businesses sell vaping products
 - ~12 are almost exclusively “vape shops”
 - 20 businesses sell smoking paraphernalia



FAIRFIELD
OHIO



POTENTIAL LOCAL INITIATIVES

FAIRFIELD
OHIO

1. Enhanced Zoning Regulations

- Planning & Zoning Code Update nearly complete

- New Definition of Tobacco and Vape Store:

"Any store, stand, booth, or concession that devotes 30 percent or more of its display floor area to tobacco products, smoking accessories or devices, and/or electronic smoking devices or cartridges to purchasers for consumption or use."



- Permitted with Standards in C-3, C-3A, SE, and D-1 districts

- Set Back standards include:

- 100 feet from any A or R district
- 1,000 feet from another tobacco/vape store
- 1,000 feet from educational facility, pre-school, daycare, public park, or library

FAIRFIELD
OHIO

Minutes Acceptance: Minutes of Sep 25, 2023 7:00 PM (Approval of Minutes)

2. Update City Code

- **Existing Code Chapter 737 – Smoking Prohibitions**
 - Fairfield indoor smoking ban took effect on August 1, 2005
 - Ohio statewide ban approved by voters in 2006, took effect May 3, 2007
- **Consider updates, including:**
 - Update Chapter 737 to ensure compliance with state law
 - Establish 21 years old as minimum age to purchase tobacco in city
 - Other changes as identified



FAIRFIELD
OHIO

3. Enhance Enforcement Efforts

- Increase enforcement efforts to prevent sales to underage buyers
- Pursue personal accountability and/or increased financial liability criminal charges against owners



FAIRFIELD
OHIO

4. Create a Licensing Program

- Create and implement a retail tobacco licensing program
- Potential program includes:
 - Annual registration of all tobacco product retailers
 - Unscheduled compliance checks
 - Graduated civil penalties, such as:
 - 1st violation = \$ penalty
 - 2nd violation = higher \$ penalty and temporary license suspension
 - 3rd violation = higher \$ penalty and license revocation
- Challenges include:
 - Program administration (50+/- annual business registrations)
 - Administration of compliance checks
 - Pursuing and enforcing penalties



FAIRFIELD
OHIO

5. Ban Flavored Tobacco

- Enact a local ban on all flavored tobacco products
- Columbus and Bexley passed bans that are set to begin in 2024
- Has been discussed in other Ohio cities



FAIRFIELD
OHIO



DISCUSSION OF STATE POLITICAL DYNAMICS

FAIRFIELD
OHIO

Discussion & Next Steps



- Need direction from Council regarding desired regulatory framework, if any
- Consider temporary moratorium on new tobacco/vape stores

FAIRFIELD
OHIO

Minutes Acceptance: Minutes of Sep 25, 2023 7:00 PM (Approval of Minutes)



City Council Ordinance
Regular Meeting - October 10, 2023

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

Subject:

Fairfield Town Center Community Reinvestment Area

Legislation Title:

Ordinance amending Ordinance No. 130-09 to modify the terms and provisions of the North Town Center Community Reinvestment Area, renaming the area the Fairfield Town Center Community Reinvestment Area, implementing Section 3735.65 through 3735.70 of the Ohio Revised Code, establishing and describing the boundaries of the Fairfield Town Center Community Reinvestment Area in the City of Fairfield, Ohio, designating a housing officer to administer the program, and creating a Community Reinvestment Housing Council and a Tax Incentive Review Council.

Recommendation:

It is recommended that City Council approve this ordinance to establish CRA property tax abatement as a potential development tool throughout the Town Center area.

Background/Synopsis:

A Community Reinvestment Area (CRA) is an established area in which municipalities may partially abate property taxes for property owners that renovate existing or construct new buildings. To establish a CRA, the local jurisdiction must conduct a study to document deteriorated housing conditions and/or historically-significant properties within the area. Establishment of a CRA does not automatically abate property taxes for any property. Establishment of a CRA creates an area in which a municipality can consider granting property tax abatements to support and incentivize investment in real estate development and redevelopment.

Fairfield currently has three CRAs, including 1) City of Fairfield CRA along the Route 4 corridor and industrial areas to the northeast, 2) Gilmore Road CRA around the intersection of Gilmore and Mack Roads, and 3) North Town Center CRA encompassing the northern two quadrants of the Town Center, roughly bounded by Nilles Road on the south, River Road on the west, and Pleasant Run Creek on the north and east.

As the city continues to focus on strengthening the Town Center area, staff has identified development tools to assist in these efforts. In 2020, Fairfield City Council approved creation of a South Town Center TIF district that includes non-residential properties on both sides of the Pleasant Avenue corridor between John Gray Road and Nilles Road, including the southern two quadrants of the Town Center area. A North Town Center TIF district encompassing the northern two quadrants of the Town Center had been previously established.

Approval of this ordinance would expand the existing North Town Center CRA to include a similar

geography of the South Town Center TIF. The renamed Fairfield Town Center CRA will encompass approximately 387 acres and will allow the city to consider CRA property tax abatement to support real estate investment for properties throughout the Town Center.

Financial Impact:

Establishment of the Fairfield Town Center CRA does not abate property taxes. Approval of this ordinance simply provides another tool for Town Center revitalization and requires minimal expense for filing, monitoring, and annual reporting.

Emergency Provision Explanation:

N/A

Rule Suspension Requested:

No

Emergency Provision Needed:

No

Attachments:

1. Town Center CRA Ordinance
2. Exhibit A - Written Description - Town Center CRA Updated
3. Exhibit B - Boundary Map - Town Center CRA
4. Town Center CRA-Ord

ORDINANCE NO. ____-23

ORDINANCE AMENDING ORDINANCE 130-09 TO MODIFY THE TERMS AND PROVISIONS OF THE NORTH TOWN CENTER COMMUNITY REINVESTMENT AREA, RENAMING THE AREA THE FAIRFIELD TOWN CENTER COMMUNITY REINVESTMENT AREA, IMPLEMENTING SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF THE FAIRFIELD TOWN CENTER COMMUNITY REINVESTMENT AREA IN THE CITY OF FAIRFIELD, OHIO, DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM, AND CREATING A COMMUNITY REINVESTMENT HOUSING COUNCIL AND A TAX INCENTIVE REVIEW COUNCIL.

WHEREAS, the Council of the City of Fairfield, Ohio (hereinafter “Council”) desires to pursue all reasonable and legitimate incentive measures to assist and encourage development in specific areas of the City of Fairfield, Ohio that have not enjoyed reinvestment from remodeling or new construction;

WHEREAS, this Council adopted Ordinance 130-09 on September 26, 2009 establishing the North Town Center Community Reinvestment Area and providing for certain real property tax exemptions; and

WHEREAS, an updated survey of housing, a copy of which is on file in the office of the Director of Development Services as required by Ohio Revised Code (ORC) Section 3735.66 has been prepared for the area to be included in the proposed Fairfield Town Center Community Reinvestment Area (hereinafter “Community Reinvestment Area”);

WHEREAS, the maintenance of existing and construction of new structures in such area would serve to encourage economic stability, maintain real property values, and generate new employment opportunities; and

WHEREAS, the remodeling of existing structures and the construction of new structures in this Community Reinvestment Area constitutes a public purpose for which real property exemptions may be granted; and

WHEREAS, this Council finds and determines that the findings of the survey should be and hereby are incorporated into this Ordinance.

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

Section 1. The area designated as the North Town Center Community Reinvestment Area and the additional property added hereby shall be designated the Fairfield Town Center Community Reinvestment Area and constitutes an area in which housing facilities or structures of historical significance are located, and in which new construction or repair of existing facilities has been discouraged.

Section 2. Pursuant to ORC Section 3735.66, the Fairfield Town Center Community Reinvestment Area is hereby established in the following described area:

See attached Exhibit “A” which is incorporated herein by reference.

The Community Reinvestment Area is approximately depicted as the area outlined in yellow on the map attached to this Ordinance (see Exhibit “B”) and by this reference incorporated herein. The Community Reinvestment Area extends both north and south of Nilles Road and includes the area previously designated as the “North Town Center Community Reinvestment Area” in 2009.

Only commercial properties and/or industrial properties consistent with the applicable zoning regulations within the designated Community Reinvestment Area will be eligible for exemptions under this Program. For the purposes of this Program, a structure composed of four or more units of housing used for residential purposes are classified as commercial properties.

Section 3. All commercial or industrial properties identified in Exhibit “A” as being within the designated Community Reinvestment Area are eligible for this incentive. This proposal is a public/private partnership intended to promote and expand conforming uses in the designated area. As part of the project, the City of Fairfield, Ohio intends to undertake supporting public improvements in the designated area.

Section 4. Within the Community Reinvestment Area, the percentage of the tax exemption on the increase in the assessed valuation resulting from improvements to commercial or industrial real property and the term of those exemptions shall be negotiated on a case-by-case basis in advance of construction or remodeling occurring according to the rules outlined in ORC Section 3765.67. The results of the negotiation as approved by this Council will be set in writing in a Community Reinvestment Area Agreement as outlined in ORC Section 3735.671. Exemptions from real property taxation may be granted for the following periods:

- (a) Up to, and including, twelve (12) years, and up to, and including, one hundred percent (100%) for the remodeling of existing commercial and industrial and/or residential consisting of four or more units of housing facilities upon which the cost of remodeling is at least \$5,000, as described in ORC Section 3735.67, the term and percentage of which shall be negotiated on a case-by-case basis in advance of remodeling occurring.

- (b) Up to, and including, fifteen (15) years, and up to, and including, one hundred percent (100%) for the construction of new commercial, industrial and/or residential consisting of four or more units of housing facilities, the term and percentage of which shall be negotiated on a case-by-case basis in advance of construction occurring.

If remodeling qualifies for an exemption, during the period of the exemption, the exempted percentage of the dollar amount of the increase in market value of the structure shall be exempt from real property taxation. If new construction qualifies for an exemption, during the period of the exemption, the exempted percentage of the structure shall not be considered to be an improvement on the land on which it is located for the purpose of real property taxation.

Section 5. All commercial or industrial properties are required to comply with any state application fee requirements required by the ORC.

Section 6. To administer and implement the provisions of this Ordinance, the Director of Development Services is designated as the Housing Officer as described in Sections 3735.65 through 3735.70.

Section 7. That a “Community Reinvestment Area Housing Council” shall be created, consisting of two members appointed by the Mayor of the City of Fairfield, Ohio, two members appointed by the Council of the City of Fairfield, Ohio and one member appointed by the Planning Commission of the City of Fairfield, Ohio. The majority of the members shall then appoint two additional members who shall be residents within the area. Terms of the members of the Council shall be for three years. An unexpired term resulting from a vacancy in the Council shall be filled in the same manner as the initial appointment was made. The Community Reinvestment Area Housing Council shall make an annual inspection of the properties within the district for which an exemption has been granted under Section 3735.67 of the ORC. The Council shall also hear appeals under Section 3735.70 of the ORC.

A Tax Incentive Review Council shall be established pursuant to ORC Section 5709.85 and shall consist of three representatives appointed by the Board of County Commissioners, two representative of the municipal corporation, appointed by the Municipal CEO with City Council concurrence, the county auditor or designee and a representative of each affected Board of Education. At least two members must be residents of the City of Fairfield, Ohio. The Tax Incentive Review Council shall review annually the compliance of all agreements involving the granting of exemptions for commercial, industrial and/or residential consisting of four or more units of housing real property improvements under Section 3735.671 of the OCR and make written recommendations to the Council as to continuing, modifying or

terminating said agreement based upon the performance of the agreement.

- Section 8. This Council reserves the right to re-evaluate the designation of the Fairfield Town Center Community Reinvestment Area annually, at which time the Council may direct the Housing Officer not to accept any new applications for exemptions as described in Section 3735.67 of the OCR.
- Section 9. The Community Reinvestment Area Council shall make an annual inspection of the properties within the district for which an exemption has been granted under Section 3735.67 of the ORC. The council shall also hear appeals under 3735.70, of the ORC.
- Section 10. This Council hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of this Council, that all deliberations of this Council and for its committees, if any, which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements, including Section 121.22 of the ORC.
- Section 11. The City Manager of the City of Fairfield is hereby directed and authorized to send the Ohio Director of Development a copy of this Ordinance.
- Section 12. This Ordinance shall take effect at the earliest period allowed by law and the Fairfield Town Center Community Reinvestment Area shall be effective when the Ohio Director of Development assigns a unique designation by which the area shall be identified as described in ORC Section 3735.77.
- Section 13 A copy of this ordinance shall be forwarded to the Butler County Auditor, and a copy of this Ordinance shall be published in the Hamilton Journal News once a week for two consecutive weeks immediately following its passage.

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

Attachment: Town Center CRA Ordinance (3663 : Fairfield Town Center Community Reinvestment Area)

EXHIBIT A

Fairfield Town Center Community Revitalization Area

WRITTEN DESCRIPTION

Beginning at the intersection of the southern right-of-way line of Nilles Road and the centerline of River Road, then north along the centerline of River Road to a point just west of the northwest corner of lot 197. Then leaving the centerline of River Road, travel eastward along the north lot line of lot 197 to the southwest corner of lot 196, then north along the west lot line of lot 196 to the northwest corner of lot 196. Then eastward along the north lot line of lot 196 to the eastern right-of-way of Pleasant Avenue.

From this point, travel south along the eastern right-of-way of Pleasant Avenue, to a point at the lot line separating lots 1401 and 1402. Then follow the centerline of Pleasant Run Creek in a southeasterly direction to a point at the southern right-of-way of Nilles Road. Then follow the southern right-of-way line of Nilles Road to the northeast corner of lot 4406, then follow lot 4406 along the eastern and southern lot lines to the eastern right-of-way line of Bibury Road.

From this point, move west to where the southeast corner of lot 4423 intersects with the western right-of-way line of Bibury Road, then travel west along the southern lot line of lot 4423 to the southwest corner of lot 9570. Then follow the eastern lot line of part lot 364 to the southeast corner of part lot 364, then west along the southern lot line of part lot 364 to the northwest corner of lot 7277. Then south to the southeast corner of lot 363, then west along the southern lot line of lot 363 to the eastern right-of-way line of Pleasant Avenue.

From this point, travel south along the eastern right-of-way of Pleasant Avenue to a point at the lot line separating lots 5802 and 5183. Then travel east along the northern lot lines of lots 5183, 5181, 5180, 5179, 5178, and 5177 to the northeast corner of lot 5177. Then follow the eastern lot line of lot 5177 to the northern right-of-way line of Happy Valley Drive.

From this point, move south to where the northeast corner of lot 5176 intersects with the southern right-of-way line of Happy Valley Drive, then travel south along the eastern lot line of lot 5176 to the northeast corner of lot 519, then east following the northern, eastern, and southern lot lines of lot 13913 NE to the northwest corner of lot 6751. Then follow the eastern lot lines of lot 13913 and lot 517 to the southeast corner of lot 517, then east along the northern, eastern, and southern lot lines of lot 516 to the northeast corner of part lot

514. Then follow the eastern lot line of part lot 514 to the north right-of-way line of Augusta Boulevard.

From this point, move south to where the northwest corner of lot 8936 intersects with the southern right-of-way line of Augusta Boulevard, then travel south along the eastern lot line of part lot 514 to the southwest corner of lot 8932. Then follow the northern, eastern, and southern lot lines of lot 513 to the eastern right-of-way line of Pleasant Avenue.

From this point, move west to where the southeast corner of lot 538 intersects with the western right-of-way line of Pleasant Avenue, then travel west along the southern lot line of lot 538 to the southwest corner of lot 538. Then travel north along the western lot line of lot 538 to the northwest corner of lot 537, then follow the northern lot line of lot 537 to the southwest corner of part lot 535. Then follow the western lot line of part lot 535 to its intersection with the southwest right-of-way line of Ambassador Drive. Then move northeasterly to the centerline of Ambassador Drive and follow the centerline of Ambassador Drive to the centerline of Hunter Road.

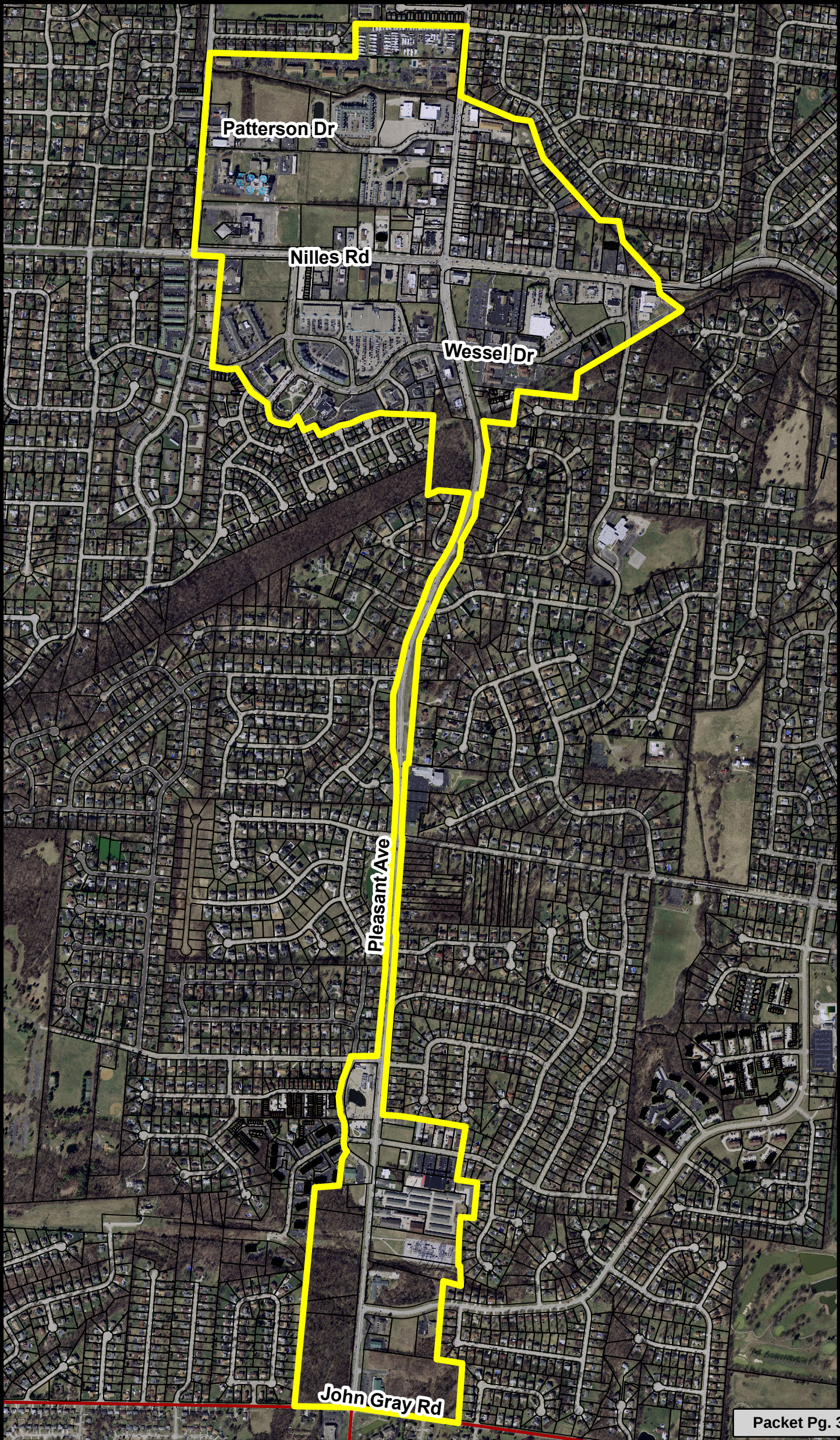
From this point, follow the centerline of Hunter Road to the western right-of-way line of Pleasant Avenue. Then travel north along the western right-of-way line of Pleasant Avenue to the southeast corner of lot 362, then follow the southern and western lot lines of lot 362 to the northwest corner of lot 12830. Then west along the southern lot line of remnant part lot 12866 to the eastern right-of-way line of Deis Drive.

From this point, move west to where the northeast corner of lot 12827 intersects the western right-of-way line of Deis Drive, then travel west along the northern lot lines of lots 12827 and 12826 to the southeast corner of lot 13357. Then follow the southern and western lines of lot 13357 to the southern right-of-way line of Fairfield Commons Drive.

From this point, move north to the centerline of Fairfield Commons Drive, then follow the centerline of Fairfield Commons Drive to the centerline of City Center Lane. Follow the centerline of City Center Lane to the south right-of-way line of Corydale Drive, then move west along the south right-of-way line of Corydale Drive to the northwest corner of lot 14114.

From this point, move north to where the southwest corner of lot 12859 intersects the northern right-of-way line of Corydale Drive, then follow the west lot lines of lots 12859, 329, and 11335 to the southeast corner of lot 4233. Then follow the southern lot line of lot 4233 to the eastern right-of-way line of Southgate Boulevard. Then travel north along the eastern right-of-way line of Southgate Boulevard to the southern right-of-way line of Nilles Road. Then travel west to the intersection of the southern right-of-way line of Nilles Road and the centerline of River Road, which is the point of beginning.

Town Center CRA Boundaries



Attachment: Exhibit B - Boundary Map - Town Center CRA (3663 : Fairfield Town Center Community Reinvestment Area)

ORDINANCE NO. ____-23

ORDINANCE AMENDING ORDINANCE 130-09 TO MODIFY THE TERMS AND PROVISIONS OF THE NORTH TOWN CENTER COMMUNITY REINVESTMENT AREA, RENAMING THE AREA THE FAIRFIELD TOWN CENTER COMMUNITY REINVESTMENT AREA, IMPLEMENTING SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF THE FAIRFIELD TOWN CENTER COMMUNITY REINVESTMENT AREA IN THE CITY OF FAIRFIELD, OHIO, DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM, AND CREATING A COMMUNITY REINVESTMENT HOUSING COUNCIL AND A TAX INCENTIVE REVIEW COUNCIL.

WHEREAS, the Council of the City of Fairfield, Ohio (hereinafter “Council”) desires to pursue all reasonable and legitimate incentive measures to assist and encourage development in specific areas of the City of Fairfield, Ohio that have not enjoyed reinvestment from remodeling or new construction;

WHEREAS, this Council adopted Ordinance 130-09 on September 26, 2009 establishing the North Town Center Community Reinvestment Area and providing for certain real property tax exemptions; and

WHEREAS, an updated survey of housing, a copy of which is on file in the office of the Director of Development Services as required by Ohio Revised Code (ORC) Section 3735.66 has been prepared for the area to be included in the proposed Fairfield Town Center Community Reinvestment Area (hereinafter “Community Reinvestment Area”);

WHEREAS, the maintenance of existing and construction of new structures in such area would serve to encourage economic stability, maintain real property values, and generate new employment opportunities; and

WHEREAS, the remodeling of existing structures and the construction of new structures in this Community Reinvestment Area constitutes a public purpose for which real property exemptions may be granted; and

WHEREAS, this Council finds and determines that the findings of the survey should be and hereby are incorporated into this Ordinance.

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

Section 1. The area designated as the North Town Center Community Reinvestment Area and the additional property added hereby shall be designated the Fairfield Town Center Community Reinvestment Area and constitutes an area in which housing facilities or structures of historical significance are located, and in which new construction or repair of existing facilities has been discouraged.

Section 2. Pursuant to ORC Section 3735.66, the Fairfield Town Center Community Reinvestment Area is hereby established in the following described area:

See attached Exhibit “A” which is incorporated herein by reference.

The Community Reinvestment Area is approximately depicted as the area outlined in yellow on the map attached to this Ordinance (see Exhibit “B”) and by this reference incorporated herein. The Community Reinvestment Area extends both north and south of Nilles Road and includes the area previously designated as the “North Town Center Community Reinvestment Area” in 2009.

Only commercial properties and/or industrial properties consistent with the applicable zoning regulations within the designated Community Reinvestment Area will be eligible for exemptions under this Program. For the purposes of this Program, a structure composed of four or more units of housing used for residential purposes are classified as commercial properties.

Section 3. All commercial or industrial properties identified in Exhibit “A” as being within the designated Community Reinvestment Area are eligible for this incentive. This proposal is a public/private partnership intended to promote and expand conforming uses in the designated area. As part of the project, the City of Fairfield, Ohio intends to undertake supporting public improvements in the designated area.

Section 4. Within the Community Reinvestment Area, the percentage of the tax exemption on the increase in the assessed valuation resulting from improvements to commercial or industrial real property and the term of those exemptions shall be negotiated on a case-by-case basis in advance of construction or remodeling occurring according to the rules outlined in ORC Section 3765.67. The results of the negotiation as approved by this Council will be set in writing in a Community Reinvestment Area Agreement as outlined in ORC Section 3735.671. Exemptions from real property taxation may be granted for the following periods:

- (a) Up to, and including, twelve (12) years, and up to, and including, one hundred percent (100%) for the remodeling of existing commercial and industrial and/or residential consisting of four or more units of housing facilities upon which the cost of remodeling is at least \$5,000, as described in ORC Section 3735.67, the term and percentage of which shall be negotiated on a case-by-case basis in advance of remodeling occurring.

- (b) Up to, and including, fifteen (15) years, and up to, and including, one hundred percent (100%) for the construction of new commercial, industrial and/or residential consisting of four or more units of housing facilities, the term and percentage of which shall be negotiated on a case-by-case basis in advance of construction occurring.

If remodeling qualifies for an exemption, during the period of the exemption, the exempted percentage of the dollar amount of the increase in market value of the structure shall be exempt from real property taxation. If new construction qualifies for an exemption, during the period of the exemption, the exempted percentage of the structure shall not be considered to be an improvement on the land on which it is located for the purpose of real property taxation.

Section 5. All commercial or industrial properties are required to comply with any state application fee requirements required by the ORC.

Section 6. To administer and implement the provisions of this Ordinance, the Director of Development Services is designated as the Housing Officer as described in Sections 3735.65 through 3735.70.

Section 7. That a “Community Reinvestment Area Housing Council” shall be created, consisting of two members appointed by the Mayor of the City of Fairfield, Ohio, two members appointed by the Council of the City of Fairfield, Ohio and one member appointed by the Planning Commission of the City of Fairfield, Ohio. The majority of the members shall then appoint two additional members who shall be residents within the area. Terms of the members of the Council shall be for three years. An unexpired term resulting from a vacancy in the Council shall be filled in the same manner as the initial appointment was made. The Community Reinvestment Area Housing Council shall make an annual inspection of the properties within the district for which an exemption has been granted under Section 3735.67 of the ORC. The Council shall also hear appeals under Section 3735.70 of the ORC.

A Tax Incentive Review Council shall be established pursuant to ORC Section 5709.85 and shall consist of three representatives appointed by the Board of County Commissioners, two representative of the municipal corporation, appointed by the Municipal CEO with City Council concurrence, the county auditor or designee and a representative of each affected Board of Education. At least two members must be residents of the City of Fairfield, Ohio. The Tax Incentive Review Council shall review annually the compliance of all agreements involving the granting of exemptions for commercial, industrial and/or residential consisting of four or more units of housing real property improvements under Section 3735.671 of the OCR and make written recommendations to the Council as to continuing, modifying or

terminating said agreement based upon the performance of the agreement.

- Section 8. This Council reserves the right to re-evaluate the designation of the Fairfield Town Center Community Reinvestment Area annually, at which time the Council may direct the Housing Officer not to accept any new applications for exemptions as described in Section 3735.67 of the OCR.
- Section 9. The Community Reinvestment Area Council shall make an annual inspection of the properties within the district for which an exemption has been granted under Section 3735.67 of the ORC. The council shall also hear appeals under 3735.70, of the ORC.
- Section 10. This Council hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of this Council, that all deliberations of this Council and for its committees, if any, which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements, including Section 121.22 of the ORC.
- Section 11. The City Manager of the City of Fairfield is hereby directed and authorized to send the Ohio Director of Development a copy of this Ordinance.
- Section 12. This Ordinance shall take effect at the earliest period allowed by law and the Fairfield Town Center Community Reinvestment Area shall be effective when the Ohio Director of Development assigns a unique designation by which the area shall be identified as described in ORC Section 3735.77.
- Section 13. A copy of this ordinance shall be forwarded to the Butler County Auditor, and a copy of this Ordinance shall be published in the Hamilton Journal News once a week for two consecutive weeks immediately following its passage.

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

ATTEST:

Clerk of Council

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

Clerk of Council



City Council Action Item
Regular Meeting - October 10, 2023

Submitted by: Alisha Wilson, Clerk
Submitting Department: Clerk

Subject:

December 2023 Schedule

Legislation Title:

Simple Motion: Motion to approve the December 2023 Meeting Schedule for City Council Meetings.

Recommendation:

It is recommended that Council, via simple motion, approve the December 2023 meeting schedule. City Council will meet on the first and second Mondays of December, December 4th and December 11th, 2023, for regular meetings.

Background/Synopsis: Each year, Council meets on the first and second Monday of December for a holiday schedule. For 2023, the December schedule regular meeting dates and times will be:

Monday, December 4, 2023 at 7:00 PM

Monday, December 11, 2023 at 7:00 PM

Council-Manager Briefings will be scheduled for 6:00 PM on these meeting dates if the need arises.

Financial Impact: None.

Rule Suspension Requested:

Emergency Provision Needed:



City Council Resolution
Regular Meeting - October 10, 2023

Submitted by: John Clemmons,
 Submitting Department: Legal

Subject:

Temporary Moratorium on Vape Stores

Legislation Title:

Resolution imposing a temporary moratorium on the consideration and/or granting of any zoning, occupancy, building or other permits or applications relating to vape stores within the City of Fairfield and declaring an emergency.

Recommendation:

It is recommended that the City adopt the resolution imposing a moratorium relating to new vape stores within the City of Fairfield.

Background/Synopsis: Studies indicate that electronic smoking devices can pose serious health risks. The City does not currently regulate the sale of electronic smoking devices. Prior to enacting legislation regulating vape stores, Council and staff will benefit from a better understanding of the issue associated with vape stores that may impact the health, safety and general welfare of the citizens of the City of Fairfield.

Financial Impact: None.

Emergency Provision Explanation: It is necessary to adopt the moratorium as an emergency to effectively regulate the sale of electronic smoking devices within the City of Fairfield because multiple retail businesses could quickly receive permits and engage in the sale of electronic smoking devices which may frustrate contemplated future revisions to the City of Fairfield Codified Ordinances.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

Yes

Attachments:

1. 2023-10-03 Vape Moratorium

RESOLUTION NO. _____

RESOLUTION IMPOSING A TEMPORARY MORATORIUM ON THE CONSIDERATION AND/OR GRANTING OF ANY ZONING, OCCUPANCY, BUILDING OR OTHER PERMITS OR APPLICATIONS RELATING TO VAPE STORES WITHIN THE CITY OF FAIRFIELD AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to the Constitution and laws of the State of Ohio and the Charter of the City of Fairfield, the City has the power to enact laws that are for the health, safety, and welfare of the citizens of Fairfield, including zoning laws and business regulations; and

WHEREAS, the City is considering regulating through zoning or otherwise the sales of “electronic smoking devices” as defined in the Ohio Revised Code section 2927.02; and

WHEREAS, The Codified Ordinances of the City of Fairfield do not currently regulate the sale of electronic smoking devices and businesses that sell electronic smoking devices within the City.

WHEREAS, the prevalence of illegal sales to minors from vape stores and health concerns have caused many cities to propose regulations dealing with location of vape stores, distance of vape stores to other uses including in particular those associated with minors; and

WHEREAS, prior to considering regulation of vape stores, City Council desires to have a better knowledge of the applicable federal and state laws and regulations and other issues generally associated with vape stores that may impact the health, safety, and welfare of the citizens of Fairfield; and

WHEREAS, a moratorium on certain matters relating to vape stores will allow the Planning Commission and City Council to more fully consider the issues prior to enacting any legislation; and

WHEREAS, given the time needed to fully review the current laws, trends, background, and issues that may be associated with vape stores and to propose, draft and present regulations, City Council believes that 180 days is a reasonable time to obtain the information it needs.

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

Section 1. Findings. The City Council finds and determines as follows:

(A) Studies indicate that electronic smoking devices can pose serious health

Attachment: 2023-10-03 Vape Moratorium (3694 : Temporary Moratorium on Vape Stores)

risks. The Center for Disease Control & Prevention (“CDC”) issued its Summary of Scientific Evidence which cites numerous references relating to the health concerns related to electronic smoking devices. The U.S. Food and Drug Administration (“FDA”) conducted a laboratory analysis of electronic cigarette samples and found that they contain carcinogens and toxic chemicals such as diethylene glycol, an ingredient used in anti-freeze. Moreover, American Lung Association (“ALA”) studies on electronic cigarettes found formaldehyde, benzene, and tobacco-specific nitrosamines coming from secondhand emissions.

(B) There has been a recent trend in the growth in popularity of electronic smoking products. Although they are marketed as alternatives to cigarettes because of perceived reduced health risks, electronic smoking products also contain nicotine. The State Legislature is considering legislation that would prohibit persons from selling, delivering, or causing to be delivered flavored nicotine products and other regulations of sales of electronic smoking devices.

(C) Without the enactment of this resolution, multiple retail businesses could quickly receive permits or other entitlements to engage in the sale or use of non-traditional forms of smoking products, including but not limited to electronic smoking devices, that may pose a threat to the public health, safety, and welfare. The use and sale of electronic smoking devices are recent developments and further research and consideration of the potential impacts that they might have on the public’s health, safety, and welfare is required to ensure that any negative impacts can be addressed and mitigated.

(D) The City Council directs that all such research be pursued as expeditiously as practicable. In order to prevent frustration of this research and the implementation of new regulations, the public interest, health, safety, and welfare require immediate enactment of this Resolution. The absence of this Resolution would impair the orderly and effective implementation of contemplated amendments to the code, and any further authorization to establish electronic smoking device businesses or vape stores within the City during the period of this moratorium may frustrate the contemplated updates and revisions to the code.

Section 2.

The City Council finds that there is a current and immediate threat to the public health, safety, and welfare based on the above findings, and upon that basis has determined that an emergency resolution prohibiting the issuance of new permits or entitlements for the establishment of new retail establishments selling electronic smoking devices in the City is warranted.

Section 3.

Pursuant to the findings stated herein, from and after the effective date of

this Resolution, a temporary one hundred eighty (180) day moratorium on the consideration and/or granting of any zoning occupancy, building or other permits or applications relating to vape stores or businesses that will sell electronic smoking devices is hereby imposed. No use permit, variance, building permit, business license or other applicable land use entitlement shall be approved or issued for the establishment or operation of new vape stores or retail businesses selling electronic smoking products in the City of Fairfield.

For purposes of this Resolution the term “vape store” means any establishment, structure, facility, vehicle, stand or cart that devotes any floor space or display area to the sale, display, marketing, bartering, trading or exchange of electronic smoking devices.

The terms defined above will be broadly and liberally interpreted to carry out the intent of this Resolution.

Section 4. If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Resolution is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Resolution or any part thereof. The City Council hereby declares that it would have adopted this Resolution and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Resolution irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end the provisions of this Resolution are declared to be severable.

Section 5. This Resolution is hereby declared to be an emergency measure necessary for the urgent benefit and protection of the City and its inhabitants for the immediate preservation of the public peace, health, safety and property for the reason that it is necessary to enable the City to effectively regulate the sale of electronic smoking devices in the City of Fairfield; wherefore, this ordinance shall take effect immediately upon its passage.

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

ATTEST:

Clerk of Council

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

Clerk of Council

Active Clients\City of Fairfield\Resolutions\2023\Vape Moratorium-Res

Attachment: 2023-10-03 Vape Moratorium (3694 : Temporary Moratorium on Vape Stores)



City Council Ordinance
Regular Meeting - October 10, 2023

Submitted by: Ben Mann,
 Submitting Department: Public Works

Subject:

Pool Management Contract Extension

Legislation Title:

Ordinance to authorize the City Manager to execute an addendum to the contract with SwimSafe Pool Management, Inc. for the 2024 and 2025 calendar years and declaring an emergency.

Recommendation:

It is recommended that City Council authorize the City Manager to enter into a contract extension with SwimSafe Pool Management, Inc. for the 2024 and 2025 calendar years.

Background/Synopsis:

This contract is for the management and operation of the City of Fairfield Aquatic Center on Augusta Boulevard. SwimSafe has been managing pool activities for the Parks and Recreation Department since the 2021 pool season. Staffing includes a pool manager and up to twelve life guards. SwimSafe will ensure that staffing will meet the City of Fairfield's minimum standards and exceed the requirements of the State Department of Health.

SwimSafe will be providing front desk attendants as part of this contract. SwimSafe begins preparation for the pool to open in April and works with City staff to properly close the pool in September.

Financial Impact:

None at this time. Funding for this contract has been through the operating budget.

Emergency Provision Explanation:

A suspension of rules and emergency provision is being requested in order to enter into a contract with SwimSafe as soon as possible in 2023 under the terms of the attached quotation. Staff believes it is necessary to move forward quickly in order to reserve a spot in SwimSafe's workload for the 2024 and 2025 seasons.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

Yes

Attachments:

1. 2023 SwimSafe Exhibit - Fairfield - 2024-2025 - Addendum
2. SwimSafe-Ord



ADDENDUM TO THE SWIMMING POOL MANAGEMENT AND MAINTENANCE AGREEMENT WITH CITY OF FAIRFIELD

Effective _____, 2023 City of Fairfield ("Client") agrees to amend the Swimming Pool Management and Maintenance Agreement ("Agreement") with SwimSafe Pool Management, Inc. ("SSPM"), originally dated February 1, 2021, and extended through December 31, 2023 under the following terms and conditions:

1. The Agreement will be extended through December 31, 2025 and the price will be \$254,500.00 for 2024 and \$262,400.00 for 2025 and payment shall be made in accordance with the revised Exhibit "A" attached hereto. Exhibit "B" is modified to include front desk personnel provided by SSPM.
2. If there is an increase of ten percent (10%) or more in any costs (including necessary wages paid to pool staff, chemicals, supplies, etc.) related to this Agreement, SSPM may present to Client a reasonable increase in the price of this Agreement based solely on SSPM's additional costs for providing the services stated herein. The Client, at its sole discretion, may accept the additional costs, negotiate with SSPM on additional costs acceptable to both parties, or cancel this Agreement 30 days from the proposed increase.
3. Except as otherwise provided herein, all other terms and conditions of the Agreement shall remain in full force and effect.
4. This offer shall lapse if not signed and returned by Client on or before October 10, 2023.

CITY OF FAIRFIELD

SWIMSAFE POOL MANAGEMENT

EXHIBIT "A"
Fees and Payment Schedule
City of Fairfield

January 1, 2024 - December 31, 2024

Month	Monthly Total
January	\$.00
February	\$.00
March	\$.00
April	\$20,000.00
May	\$43,000.00
June	\$54,000.00
July	\$54,000.00
August	\$54,000.00
September	\$29,500.00
October	\$.00
November	\$.00
December	\$.00
TOTAL	\$ 254,500.00

January 1, 2025 - December 31, 2025

Month	Monthly Total
January	\$.00
February	\$.00
March	\$.00
April	\$21,000.00
May	\$43,000.00
June	\$56,000.00
July	\$56,000.00
August	\$56,000.00
September	\$30,400.00
October	\$.00
November	\$.00
December	\$.00
TOTAL	\$ 262,400.00

EXHIBIT "B"

City of Fairfield 2024 - 2025

Pool Schedule, Hours of Operation, and Staffing

May 25 through September 2, 2024

May 24 through September 1, 2025

Monday	12:00 pm-8:00 pm
Tuesday	12:00 pm-8:00 pm
Wednesday	12:00 pm-8:00 pm
Thursday	12:00 pm-8:00 pm
Friday	12:00 pm-8:00 pm
Saturday	12:00 pm-8:00 pm
Sunday	12:00 pm-6:00 pm
Memorial Day	12:00 pm-8:00 pm
July 4th	12:00 pm-8:00 pm
Labor Day	12:00 pm-8:00 pm

*****School Hours start the week of August 12th, 2024 and August 11th, 2025. The pool will only be open on Saturday (12pm-8pm) and Sunday (12pm-6pm) for the weekends and Memorial Day (August 17-18, 24-25, and August 31-September 2, 2024).***

SSPM staffing will be as follows:

Pool Manager: One (1) Pool Manager, Assistant Manager or Head Lifeguard will be on duty during all hours of pool operation, including swim team, swimming lessons and any other event or party.

Lifeguards: Head lifeguards, lifeguards, and attendants will be staffed during all hours of operation. Staffing will exceed the required Department of Health and City of Fairfield staffing minimum standards.

Twelve (12) lifeguards will be provided from 12:00-4:00 PM and eleven (11) lifeguards will be provided from 4:00 PM to close.

Front Desk Attendant(s): Two (2) front desk persons will be provided from 11:30 am to 7:30 pm Monday - Saturday and 11:30 am to 5:30 pm on Sundays

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN ADDENDUM TO THE CONTRACT WITH SWIMSAFE POOL MANAGEMENT, INC. FOR THE 2024 AND 2025 CALENDAR YEARS 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 an addendum to the contract with Swimsafe Pool Management, Inc. for the 2024 and 2025 calendar years in accordance with the addendum on file in the office of the City Manager. This addendum is authorized as an emergency and without competitive bidding because of the professional nature of the services and the need to secure the future services at the present time.

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 availability of Swimsafe for the 2024 and 2025 seasons be secured; 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\2023\SwimSafe-Ord

Attachment: SwimSafe-Ord (3693 : Pool Management Contract Extension)



City Council Action Item
Regular Meeting - October 10, 2023

Submitted by: Alisha Wilson, Clerk

Submitting Department: Clerk

Subject:

Valour Lounge Liquor Permit - Hearing Requested

Legislation Title:

Simple Motion: Motion to request a hearing regarding a liquor permit application in the name of Valour Lounge LLC, 74 Donald Drive, Fairfield, OH 45014 (Permit Classes D5).

Recommendation:

It is recommended that City Council request, by simple motion, that **a hearing be held** on the liquor permit application in the name of Valour Lounge LLC, 74 Donald Drive, Fairfield, OH 45014 (Permit Classes D5).

Background/Synopsis: The City of Fairfield is in receipt of an application from the Ohio Division of Liquor Control for a D5 permit for the above liquor permit applicant. Background checks from the Building and Zoning Division and Police Department are attached for Council and staff's review.

Financial Impact: No financial impact.

Rule Suspension Requested:

Emergency Provision Needed:

Attachments:

1. ValourLounge.LiquorPermit

**DEPARTMENTAL
CORRESPONDENCE**

TO: Steve Maynard, Police Chief
Greg Kathman, Development Services Director
FROM: Alisha Wilson, Clerk of Council



DATE: September 21, 2023

SUBJECT: REQUEST FOR BACKGROUND CHECK – LIQUOR PERMIT

Attached is a liquor permit application in the name of Valour Lounge LLC, 74 Donald Drive, Fairfield, OH 45014 (Permit Classes: D5).

Please complete the necessary background check and submit your findings to me **no later than 11:00 AM on Monday, October 2** for the item to be added to Council's Regular Meeting agenda of Tuesday, October 10, 2023.

Thank you for your assistance.

c: Scott Timmer, City Manager
File

Attachment: ValourLounge.LiquorPermit (3698 : Valour Lounge Liquor Permit - Hearing Requested)

NOTICE TO LEGISLATIVE
AUTHORITYOHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

9179285		NEW		VALOUR LOUNGE LLC	
PERMIT NUMBER		TYPE		74 DONALD DR	
ISSUE DATE				FAIRFIELD OH 45014	
09 15 2023					
FILING DATE					
D5					
PERMIT CLASSES					
09	011	A		D91198	
TAX DISTRICT				RECEIPT NO.	

FROM 09/19/2023

PERMIT NUMBER		TYPE			
ISSUE DATE					
FILING DATE					
PERMIT CLASSES					
TAX DISTRICT				RECEIPT NO.	



MAILED 09/19/2023

RESPONSES MUST BE POSTMARKED NO LATER THAN.

10/20/2023

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
 REFER TO THIS NUMBER IN ALL INQUIRIES **A NEW 9179285**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING. ☐

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

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

(Signature)

(Title) - ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council☐ Township Fiscal Officer

CLERK OF FAIRFIELD CITY COUNCIL
 5350 PLEASANT AV
 FAIRFIELD OHIO 45014

Attachment: ValourLounge.LiquorPermit (3698 : Valour Lounge Liquor Permit - Hearing Requested)



Department of Commerce

Rev 2/10/2021

Mike DeWine, Governor
Jon Husted, Lt. Governor

Division of Liquor Control
Sheryl Maxfield, Director

Dear Local Legislative Authority Official:

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

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

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

FAX: (614) 644 – 3166

EMAIL: LiquorLicensingMailUnit@com.state.oh.us

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

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

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

Thank you in advance for your cooperation,

Division Licensing Section

Licensing Section
6606 Tussing Road
Reynoldsburg, OH 43068-9009

Fax 614-728-1281
TTY/TDD 800-750-0750
com.ohio.gov

An Equal Opportunity Employer and Service Provider

Attachment: ValourLounge.LiquorPermit (3698 : Valour Lounge Liquor Permit - Hearing Requested)

FAIRFIELD

O H I O

DEPARTMENTAL CORRESPONDENCE

Date: 9/26/2023

To: Alisha Wilson, Clerk of Council

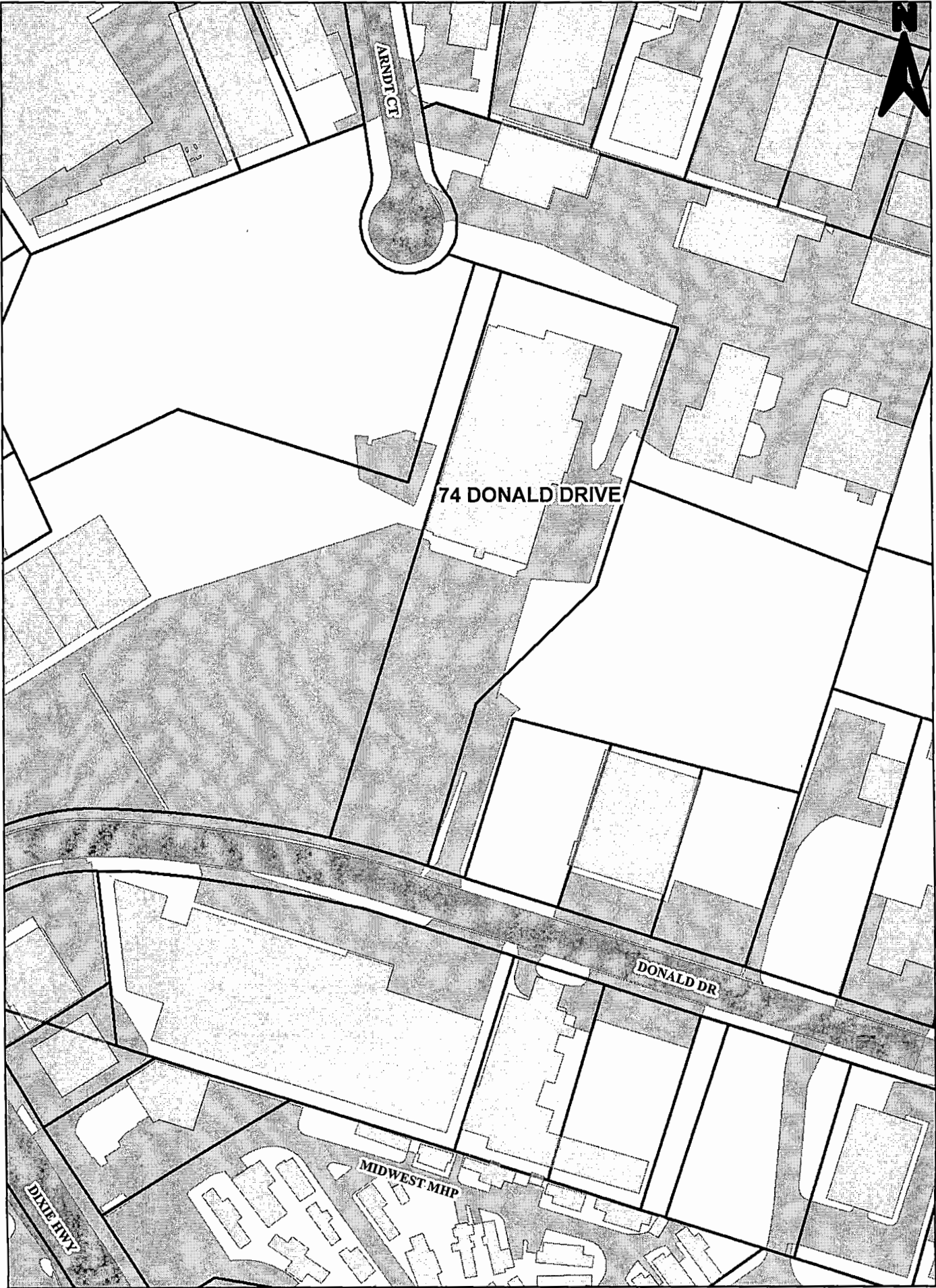
From: Greg Kathman, Development Services Director



Subject: Liquor Permit Application

The business located at 74 Donald Dr. in the name of Valour Lounge LLC is in the C-3, General Business Zoning District. A lounge is a conditional use in the C-3 zoning district. Valour Lounge has not obtained approval from the Planning Commission for conditional use approval to operate a lounge at this address. The Development Services Department recommends that Fairfield City Council request a hearing for this liquor permit application.

Attachment: ValourLounge.LiquorPermit (3698 : Valour Lounge Liquor Permit - Hearing Requested)



Attachment: ValourLounge.LiquorPermit (3698 : Valour Lounge Liquor Permit - Hearing Requested)

NAME OF ESTABLISHMENT Valour Lounge LLC

ADDRESS 74 Donald Drive

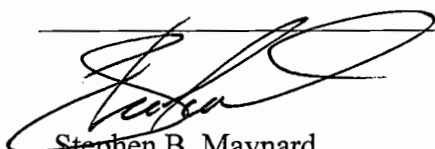
Fairfield, OH 45014

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

REMARKS:

Current Zoning regulations do not allow for the operation of the business. Therefore, doing so would

violate Local Ordinance.



Stephen B. Maynard
Chief of Police

HEARING REQUESTED: Yes ☒ No ☐

Date: September 29, 2023

Attachment: ValourLounge.LiquorPermit (3698 : Valour Lounge Liquor Permit - Hearing Requested)



City Council Ordinance
Regular Meeting - October 10, 2023

Submitted by: John Clemmons,
 Submitting Department: Legal

Subject:

Agreement with Butler County Public Defender Commission and Butler County Board of Commissioners to

Legislation Title:

Ordinance to authorize the City Manager to execute an agreement for indigent legal representation for 2024 in the Fairfield Municipal Court with the Butler County Public Defender Commission/Butler County Board of Commissioners and declaring an emergency.

Recommendation:

It is recommended that Council adopt an ordinance to authorize the City Manager to execute the agreement for indigent legal representation for 2024 in the Fairfield Municipal Court with the Butler County Public Defender Commission/Butler County Board of Commissioners. Rules suspension and the emergency clause are requested so that the agreement can be in place and reimbursement by the State of Ohio can be obtained in accordance with state guidelines.

Background/Synopsis:

The City previously provided legal representation for indigent defendants from its own funds by appointment of attorneys on a case-by-case basis. This new system which was started in 2011 has reduced the overall cost of indigent defense as stated above. The Butler County Public Defender Commission/Butler County Board of Commissioners will provide legal representation for all indigent defendants by providing four (4) public defenders including both felony and misdemeanor representation and state statute and City ordinance violations.

Financial Impact:

The Fairfield Municipal Court has estimated an annual savings of at least \$59,000.00 from the implementation of this agreement.

Emergency Provision Explanation:

Rules suspension and the emergency clause are requested so that the agreement can be in place and reimbursement by the State of Ohio can be obtained in accordance with state guidelines.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

Yes

Attachments:

1. Butler County Public Defender-Ord

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR INDIGENT LEGAL REPRESENTATION FOR 2024 IN THE FAIRFIELD MUNICIPAL COURT WITH THE BUTLER COUNTY PUBLIC DEFENDER COMMISSION/BUTLER COUNTY BOARD OF COMMISSIONERS 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 an agreement with the Butler County Public Defender Commission/Butler County Board of Commissioners for indigent legal representation in the Fairfield Municipal Court for 2024 in accordance with the agreement 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 this agreement be executed by December 1, 2023 to obtain state reimbursement 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

Active Clients\City of Fairfield\Ordinances\2023\Butler County Public Defender-Ord

Attachment: Butler County Public Defender-Ord (3692 : Agreement with Butler County Public Defender Commission and Butler County Board



City Council Ordinance
Regular Meeting - October 10, 2023

Submitted by: Alisha Wilson, Clerk
 Submitting Department: Clerk

Subject:

Non-Contractual Appropriations

Legislation Title:

Ordinance to amend Ordinance No. 155-22 entitled “An Ordinance to make estimated appropriations for the expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2023, and ending December 31, 2023.”

Recommendation:

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

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

\$35,000 for engineering for Route 4 sidewalk design between Donald Drive & Hicks Boulevard;
 \$10,000 for mini power zone (Water Division);
 \$7,015 for clarifier #2 & #4 rehab (Water Division);
 \$4,845 for clarifier inspection services (Water Division).

Financial Impact: \$56,860.00 from noted funding source.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

No

Attachments:

1. NonContractualAppropriations.101023
2. NonContractual 10-10-Ord



City Council Ordinance
Regular Meeting - October 10, 2023

Submitted by: Ben Mann,
 Submitting Department: Public Works

Subject:

Engineering Appropriation for Route 4 Sidewalk Design between Donald Drive and Hicks Boulevard

Legislation Title:

Engineering Appropriation for Route 4 Sidewalk Design between Donald Drive and Hicks Boulevard

Recommendation:

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

Background/Synopsis:

It is necessary for City Council to authorize the City Manager to enter into the attached agreement with American Structurepoint Inc. to design sidewalk improvements in the following location.

The improvements to be designed are:

- A sidewalk on Route 4 between Hicks Boulevard and Donald Drive (including some sidewalk along Donald Drive). The Route 4 walk would make a complete segment between Symmes and Nilles along the east side of Route 4. The Donald Drive walk would begin a segment to Crossroads School and the Stadium that will be completed at some point in the future.

This improvement was identified by staff as a way to connect pedestrian traffic in this part of the City. The connection of these sidewalk gaps is supported by the City's development of Fairfield Connects, the City's active transportation plan, developed in 2020.

The project is programmed in the current 2023-2027 CIP as 3PW26. We hope to fund the construction of this project with Community Development Block Grant Funding in 2025.

Financial Impact:

\$35,000.00 in total funding from the General Fund.

Emergency Provision Explanation:

Not applicable.

Rule Suspension Requested:

No

Emergency Provision Needed:

No

Attachments:

1. 2019.02612.CM.R0.PRO_2023-9-15_Fairfield



AMERICAN
STRUCTUREPOINT
INC.

9825 KENWOOD ROAD, SUITE 305
CINCINNATI, OHIO 45242
TEL 513.407.8317

September 18, 2023

Mr. Nick Dill, PE
City Engineer
City of Fairfield, Ohio
8870 N. Gilmore Road
Fairfield, Ohio 45014

Re: **SR-4 (Dixie Highway) Sidewalk Project
Hicks Boulevard to Donald Drive
Fairfield, OH 45014**

Dear Mr. Dill:

American Structurepoint, Inc. is excited to provide the following proposal for design services for the addition of sidewalks along the east side of SR-4 (Dixie Highway) from the intersection of Hicks Boulevard to the intersection of Donald Drive in Fairfield, Ohio. American Structurepoint is prepared to provide the detailed services outlined below based on e-mails from September 7, 2023 and discussion during the on-site field meeting on September 8, 2023.

PROJECT UNDERSTANDING

The City of Fairfield is seeking engineering services to design a sidewalk on the east side of SR-4 (Dixie Highway). The project will follow the Project Schematic Layout (Attachment A) and begin at the intersection of Hicks Boulevard at the existing curb ramp. The sidewalk will continue south along SR-4 along the property at 4820 Hicks Boulevard. The project will suspend at the south property line. The sidewalk will resume at the property at 4844 SR-4 and suspend again at the south property line. The project will resume at the property at 10 Donald Drive and add a sidewalk along the frontage at SR-4 and Donald Drive, connecting to the existing curb ramp at the intersection and ending the project at the east property line on Donald Drive.

Attachment: NonContractualAppropriations.101023 (3695 : Non-Contractual Appropriations)

SCOPE OF SERVICES

American Structurepoint will provide engineering services necessary to produce these results on a task basis, as listed below:

A. SURVEY

American Structurepoint will perform a limited topographic survey along the frontage of the properties at 4820 Hicks Boulevard, 4844 SR-4, and 10 Donald Drive identifying utilities, driveways, slopes, edges of pavement, and parking areas within public right of way limits.

1. Establish horizontal (Ohio South, NAD 1983) and vertical (NAVD 1988) survey control
2. Limited route topo survey
 - a. Surveying is limited to immediately in front of the above listed properties, from the face of adjacent road curb to the right-of-way line
3. Locate above ground evidence of utilities
 - a. American Structurepoint will make a request for record utility plans, and to have public utilities marked within public rights-of-way, by notifying the Ohio Utilities Protection Service (Ohio811) prior to beginning our survey. We will not be responsible for damages resulting from a utility company who does not respond, for utilities that are not marked or that are mismarked, or for inaccurate/incomplete utility plans provided to us. Determining the depth of utilities is not a part of this scope. Private utilities will need to be marked by the owner in order to be included in the survey.
4. Locate and invert storm and sanitary sewer structures within and adjacent to the site for design tie-in
5. Process raw survey data, drafting and creation of a TIN and contours (1-foot vertical interval) for design
6. Does not include any boundary research, search for boundary/right-of-way line monuments, or property line determination
 - a. Right-of-way lines will be shown based on available county GIS data

B. ROADWAY DESIGN

American Structurepoint will perform sidewalk design in locations specified in the Project Understanding, and produce a construction cost estimate and plan set including the following elements:

1. Title Sheet
2. General Notes
 - a. Will provide general notes standard with the project scope. The City of Fairfield will provide any preferential or special notes needed in the plans.
3. Typical Section
 - a. Will provide typical section for a bufferless sidewalk and sidewalk with tree lawn
4. General Summary
5. Plan Sheets
 - a. Will provide 20-scale plan view layout of sidewalk and curb. Will show plan view layout of drive aprons at 10 Donald Drive property only.

Mr. Nick Dill, P.E.
 September 18, 2023
 Page 3

6. Cross Sections

- a. Will be performed at 25' increments for the sidewalks in the frontage of the property at 4844 SR-4 only.
- b. Drive Details
 - a. Will provide pavement elevations for tie in points with existing pavement for the driveways at 10 Donald Drive property only.
- c. Drainage Design
 - a. Will layout 2 drainage structures for the property at 10 Donald Drive, one in the parking lot pavement and one in the tree lawn (if required). Drainage layout will be done in plan view only, locating the parking lot structure along an existing pipe as discussed during the field visit. Flowline elevations and tie-in details will be determined in the field by the contractor.

American Structurepoint shall have no responsibility for any services or work, except as expressly identified in our agreement or as subsequently agreed to in writing. Any and all actions, communications, or work by American Structurepoint related to the project shall be subject to the terms of our agreement, except as otherwise stated by American Structurepoint. We shall have no responsibility for oversight or supervision of the contractors or their employees, for the means and methods of construction, for the safety of persons on or off the job site, or the schedule. We shall have no responsibility to inspect for, or remove, hazardous materials.

We will perform these services in a manner consistent with the degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances. American Structurepoint's services are intended for the sole benefit of the client and are not intended to create any rights or benefits for any other parties. American Structurepoint shall not be responsible for the acts or omissions of the owner, the contractor and subcontractors, and their respective agents and employees, or any other persons or entities performing work on the project who are not under the direct control or authority of American Structurepoint.

We will exercise reasonable care to incorporate the design requirements of governmental authorities having jurisdiction over the project into the construction documents as those requirements are known and understood by reasonable and prudent engineers under the same or similar circumstances. Our duty to incorporate the design requirements of governmental authorities into the construction documents is limited to design requirements as they are known and understood by reasonable and prudent engineers at the time of preparation of the construction documents, but we shall have no responsibility or liability for costs resulting from revised or different interpretations of the design requirements by the governmental authorities after completion of the construction documents or new and different design requirements that are adopted after completion of the construction documents.

Following submission of design documents and requests for permits to governmental authorities for their review and approval as may be required, we have no control over the ability to influence the governmental review process and the time required to complete the process and we shall have no liability for loss, costs, or damages sustained or incurred by client as a result of delays or extended time required for governmental review process.

EXCLUSIONS

The scope of work identified in this document is based on American Structurepoint's knowledge of the project requirements at the time when this document was prepared and serves as the basis for the price proposal and agreed fee. However, changes in work may be required as the project develops, and more complete information becomes available. Such changes also may be dictated by revisions to written procedures included in manuals

Mr. Nick Dill, P.E.
 September 18, 2023
 Page 4

or decisions made by the city or other reviewing agencies. Although American Structurepoint routinely incorporates minor design changes in our work, we will notify the City in writing of any significant changes in the work that may require modification of the agreement and will maintain separate cost accounting for each specific issue.

The following services are specifically excluded from our proposal:

1. Establishing centerlines, property lines, or easement lines. City of Fairfield will provide the most current versions of GIS files to use in conjunction with the limited survey as described above.
2. Drainage computations, capacity analysis, or consideration of other drainage elements.
3. Curb ramp details.
4. Modification of any other driveways except for those located at the property at 10 Donald Drive.
5. Survey or design outside of right of way.
6. Design changes occurring after completion of final plans.

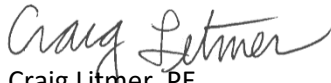
COMPENSATION

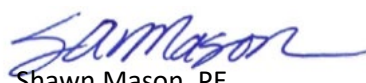
American Structurepoint estimates the following fees to complete the above-described scope of services. Compensation for services rendered will be lump sum and invoiced monthly on a percent-complete basis.

Task 1 – Construction Plans & Cost Estimate \$ 35,000

Mr. Dill, we thank you for this opportunity and look forward to working with you on this project. The fees for services contained in this proposal are valid for one year from the date of this letter. We are prepared to begin work on the project immediately upon receipt of a signed contract or a notice to proceed. If you have any questions or comments regarding this proposal, please do not hesitate to contact our office at (513) 407-8317.

Very truly yours,
 American Structurepoint, Inc.


 Craig Litmer, PE
 Project Manager – Transportation


 Shawn Mason, PE
 Regional Service Director – SW Ohio

CML/SAM: pmm

Enclosures

Attachment: NonContractualAppropriations.101023 (3695 : Non-Contractual Appropriations)

ATTACHMENT A – PROJECT SCHEMATIC LAYOUT

Hicks Boulevard

Dixie Highway / State Route 4

Donald Drive





City Council Information Item
Regular Meeting - October 10, 2023

Submitted by: Jason Hunold,
 Submitting Department: Public Utilities

Subject:

Water Division Mini Power Zone

Legislation Title:

Water Division Mini Power Zone

Background/Synopsis:

Critical electrical components downstream of Motor Control Centers within various Water Division operational areas are in need of replacement and/or upgrade in order to meet current electrical codes. Components will be procured from various City-approved vendors as needed.

The requested appropriation is for the purchase of a Mini Power Zone needed to provide the Water Treatment Plant's North High Service Pump Room with additional electrical capacity related to the High Service Pump #10 project.

The Public Utilities Department Maintenance Electrician will install the Power Zone in – house. A cost estimate from F.D. Lawrence Electric Co. has been attached for review.

Financial Impact:

An appropriation in the amount of \$10,000.00 is being requested for the purchase of a Mini Power Zone.

Funding for this project was included in the approved 2023-2027 Capital Improvement Program (CIP) under project 3WT16, Electrical Improvements. The funding source is the Water Replacement and Improvement Fund (604).

Attachments:

1. City of Fairfield - Mini PWR Zone_Q-4414883-PD-001_BOM_Total Price



F.D. LAWRENCE ELECTRIC CO.

ELECTRICAL DISTRIBUTION, AUTOMATION AND LIGHTING EQUIPMENT

Quality and Service Since 1904



Prepared By:

Vern Bastin
F D LAWRENCE ELECTRIC CO
3450 Beekman St
Cincinnati, OH 45223
vbastin@fdlawrence.com
D:5135421100

Proposal Name: City of Fairfield - Mini PWR Zone

Quote Name: City of Fairfield - Mini PWR Zone

Proposal Number: P-230921-4008964

Quote Number: Q-4414883

Quote Date: 09/21/2023

Through Addenda Number: 0

Sales Representative: Scott Funk

Conditions of Sale

This Quotation is subject to Coordinated Project Terms. See <https://www.se.com/us/en/download/document/0100PL0043/>

Quoted price in currencies other than U.S. Dollars is per the annual Schneider Electric exchange guidance.

Quote is valid for 30 days. Quoted lead times are approximate and subject to change.

Schneider Electric reserves the right to amend, withdraw or otherwise alter this submission without penalty or charge as a result of any event beyond its control arising from or due to the current Covid-19 epidemic or events subsequent to this epidemic / pandemic including changes in laws, regulations, by laws or direction from a competent authority.

Pricing

Total DISTRIBUTOR SELL PRICE

\$9,569.70

Attachment: NonContractualAppropriations.101023 (3695 : Non-Contractual Appropriations)

Seq #	Qty	Product Description
1	1	Designation : Product Details :MPZB22T2F-Mini Power Zone 22kVA 480D208Y120



City Council Information Item
Regular Meeting - October 10, 2023

Submitted by: Jason Hunold,
 Submitting Department: Public Utilities

Subject:

Water Division Clarifier #2 and #4 Rehab

Legislation Title:

Water Division Clarifier #2 and #4 Rehab

Background/Synopsis:

The City of Fairfield operates a Lime Softening Water Treatment Plant. The chemical Calcium Oxide, also known as Quick Lime, is used to precipitate and bind up calcium and magnesium existing in the City's raw water supply resulting in "softening" of the water. This chemical treatment process takes place in the City's four (4) Solids Contact Clarifiers. Solids Contact Clarifiers combine the functions of chemical treatment, mixing, flocculation and sedimentation.

The City's Solids Contact Clarifiers are in need of rehabilitation, including balancing, in order to increase the longevity of the Clarifiers. The requested appropriation is for the rehabilitation of Clarifiers #2 and #4. Rehabilitation of Clarifiers #1 and #3 was completed this past spring.

City staff recommends using Daniels Industrial Services for maintenance services required to rehabilitate the City's Solids Contact Clarifiers. Daniels has done similar work at the City's Wastewater Treatment Plant. A cost estimate for the services is attached for review.

Financial Impact:

An appropriation in the amount of \$7,015.00 is being requested for maintenance services required to rehabilitate two (2) of the City's Solids Contact Clarifiers (Clarifiers #2 and #4) during one (1) mobilization.

A previous funding request for Daniels Industrial Services for the rehabilitation of Clarifiers #1 and #3 (Water Division Clarifier Rehab) in the amount of \$14,030.00 was made on June 12, 2023, per City Council Ordinance 101-23. The cost for rehabilitation services for Clarifiers #1 and #3 was less than quoted leaving a remaining balance of \$7,015.00 in 3WT24. The requested appropriation in the amount of \$7,015.00, and the remaining balance of \$7,015.00, equals the quoted cost for the rehabilitation of Clarifiers #2 and #4.

Funding for this project was included in the approved 2023-2027 Capital Improvement Program (CIP) under project number 3WT24, Clarifier Rehab. The funding source is the Water Surplus

Attachment: NonContractualAppropriations.101023 (3695 : Non-Contractual Appropriations)

Fund, 605.

Attachments:

1. Est_1487_from_Daniels_Industrial_Services_LLC_113540



Daniels Industrial Services LLC

4901 Old Coopermill Rd
Zanesville, OH 43701
Ph:(740) 452-2036
Fax:(740) 452-7081

Quote

Date	Estimate #
9/27/2023	1487

Name / Address

City of Fairfield
Attn: Accounting Dept
5350 Pleasant Ave.
Fairfield, Ohio 45014

Rep	Project
DKD	23147 Clarifier Main...

Description	Qty	Rate	Total
Provide all labor, equipment and material to make the following modifications to existing clarifiers with (1) mobilizations. Scope -Level and balance (2) mechanisms -Drill holes and touch up paint in launders for scum prevention -Inspect mechanisms prior to startup Total Project Cost		14,030.00	14,030.00
		Subtotal	\$14,030.00
		Sales Tax (0.0%)	\$0.00
		Total	\$14,030.00

Attachment: NonContractualAppropriations.101023 (3695 : Non-Contractual Appropriations)



City Council Information Item
Regular Meeting - October 10, 2023

Submitted by: Jason Hunold,
Submitting Department: Public Utilities

Subject:

Water Division Clarifier Inspection Services

Legislation Title:

Water Division Clarifier Inspection Services

Background/Synopsis:

The City of Fairfield operates a Lime Softening Water Treatment Plant. The chemical Calcium Oxide, also known as Quick Lime, is used to precipitate and bind up calcium and magnesium existing in the City's raw water supply resulting in "softening" of the water. This chemical treatment process takes place in the City's four (4) Solids Contact Clarifiers. Solids Contact Clarifiers combine the functions of chemical treatment, mixing, flocculation and sedimentation.

The City's Solids Contact Clarifiers are in need of rehabilitation, including balancing, in order to increase the longevity of the Clarifiers. The requested appropriation is for inspection services relating to the rehabilitation project.

City staff recommends using Ovivo USA, LLC who are the service representatives/manufacturer of the existing Water Division Solids Contact Clarifiers. A cost estimate for the services is attached for review.

Financial Impact:

An appropriation in the amount of \$4,845.00 is being requested for inspection services relating to the Clarifier #2 and #4 Rehab Project.

Funding for this project was included in the approved 2023-2027 Capital Improvement Program (CIP) under project number 3WT24, Clarifier Rehab. The funding source is the Water Surplus Fund, 605.

Attachments:

1. Field Service Quote - City of Fairfield Public Utilities, OH



Worldwide Experts in Water Treatment

Ovivo USA, LLC

4246 Riverboat Rd., Suite 300
Salt Lake City, Utah 84123

Tel: 801.931.3000

Fax: 801.931.3080

12.E.1.a

Field Service Quote

ATTN: Adam Jacobsen c/o City of Fairfield Public Utilities, OH

1 - 8hr day of service by OVIVO, Field Service Engineer	\$1,200.00
2 - 8hr days of travel	\$2,400.00
Airline Fee	\$1,300.00
Rental Car	\$200.00
Per Diem (Food and Lodging)	\$500.00
Miscellaneous (any supplies, etc)	\$100.00
PREFERRED CUSTOMER DISCOUNT -15%	-\$855.00
Total	<u>\$4,845.00</u>

This is a budgetary quote and you will be billed for the actual costs of expenses plus 10% as well as actual cost of labor and travel hours. I have quoted one day on site and two days travel.

I have included the OVIVO Field Service Rate Sheet and our standard Terms and Conditions of service. These Terms and Conditions govern OVIVO's offer of services.

Please submit purchase order to:

OVIVO USA, LLC

4246 Riverboat Road, Suite 300
Salt Lake City, Utah 84123
Attn: Leon Corsey

Or via email at leon.corsey@ovivowater.com

You may also fax to: (801) 931-3090

**Thank You,
Leon Corsey**

Attachment: NonContractualAppropriations.101023 (3695 : Non-Contractual Appropriations)

ORDINANCE NO. _____

ORDINANCE TO AMEND ORDINANCE NO. 155-22 ENTITLED "AN ORDINANCE TO MAKE ESTIMATED APPROPRIATIONS FOR THE EXPENSES AND OTHER EXPENDITURES OF THE CITY OF FAIRFIELD, OHIO, DURING A PERIOD BEGINNING JANUARY 1, 2023, AND ENDING DECEMBER 31, 2023."

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

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

From:	Unappropriated General Fund	\$35,000
To:	10016023-233300 Engineering Services (CDBG Sidewalk Engineering 3PW26)	\$35,000
From:	Unappropriated Water Replacement & Improvement Fund	\$11,860
To:	60416023-233900 Other Professional Services (Clarifier Rehab Inspection Services 3WT24)	\$4,845
To:	60416025-252000 Improvements other than Building (Clarifier Rehabilitation 3WT24)	\$7,015
From:	Unappropriated Water Surplus Fund	\$10,000
To:	60516025-252000 Improvements other than Building (Electrical Improvements 3WT16)	\$10,000

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	_____	

Attachment: NonContractual 10-10-Ord (3695 : Non-Contractual Appropriations)

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\2023\NonContractual 10-10-Ord

Attachment: NonContractual 10-10-Ord (3695 : Non-Contractual Appropriations)