

Mitch Rhodus
Mayor

Tim Meyers
Councilmember, At-Large

Matt Davidson
Councilmember, At-Large

Gwen Brill
Councilmember, At-Large



Leslie Besl
Councilmember, 1st Ward

Dale Paullus
Councilmember, 2nd Ward

Terry Senger
Councilmember, 3rd Ward

Adam Kraft
Councilmember, 4th Ward

**CITY OF FAIRFIELD CITY COUNCIL
REGULAR MEETING AGENDA
MONDAY, SEPTEMBER 11, 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. 6:00 PM - Wastewater Treatment Plant Tour & Project Updates

2. BUSINESS MEETING CALL TO ORDER

3. PRAYER/PLEDGE OF ALLEGIANCE

4. ROLL CALL

5. AGENDA MODIFICATIONS

6. EXECUTIVE SESSION REQUESTS

7. SPECIAL PRESENTATIONS

a. Cassano's Proclamation

8. CITIZEN COMMENTS

9. PUBLIC HEARING(S)

10. APPROVAL OF MINUTES

a. Regular Meeting held August 14, 2023

11. OLD BUSINESS AND REPORTS

A. COMMUNITY & PUBLIC RELATIONS

Councilmember Leslie Besl

B. DEVELOPMENT SERVICES

Councilmember Matt Davidson

C. PARKS, RECREATION AND ENVIRONMENT

Councilmember Gwen Brill

D. PUBLIC SAFETY

Councilmember Dale Paullus

1. 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.
 - Legislation - Second Reading

E. PUBLIC UTILITIES

Councilmember Adam Kraft

F. PUBLIC WORKS

Councilmember Terry Senger

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

G. FINANCE & BUDGET

Councilmember Tim Meyers

1. 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.
 - Legislation - Second Reading

12. NEW BUSINESS

Motion to read all New Business by title only.

A. 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 - First Reading
2. Ordinance to authorize the City Manager to execute a Development Agreement with Cassandra A. Rodriguez & Ricardo A. Rodriguez related to the improvements at 5103 Pleasant Avenue within Fairfield's Town Center area and declaring an emergency.
 - Legislation - First Reading
 - Motion - Suspend Second and Third Readings
 - Motion - Adoption
 3. Ordinance to authorize the City Manager to apply for and accept an energy efficiency and conservation block grant and declaring an emergency.
 - Legislation - First Reading
 - Motion - Suspend Second and Third Readings
 - Motion - Adoption

B. PUBLIC SAFETY

Councilmember Dale Paullus

1. Simple Motion: Motion to request a hearing regarding a liquor permit application in the name of Aria Bistro & Lounge LLC, 5353 Dixie Highway, Fairfield, OH 45014 (Permit Classes D5).
2. Ordinance to authorize the City Manager to enter into a professional services agreement with Medicount Management Inc. to provide billing services for emergency medical transport and declaring an emergency.
 - Legislation - First Reading
 - Motion - Suspend Second and Third Readings
 - Motion - Adoption
3. Ordinance to authorize the City Manager to enter into a purchase agreement with Howell Rescue Systems for battery powered extrication tools with accessories and declaring an emergency.
 - Legislation - First Reading
 - Motion - Suspend Second and Third Readings
 - Motion - Adoption

C. PUBLIC WORKS

Councilmember Terry Senger

1. Ordinance to amend Section 953.01(a) of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio relative to the service fee for residential garbage and solid waste and recycling collection and declaring an emergency.
 - Legislation - First Reading
 - Motion - Suspend Second and Third Readings
 - Motion - Adoption
2. Ordinance to appropriate to public use certain interests in real property identified in plans prepared by LJB, Inc. entitled "South Gilmore Road Improvement Project" and declaring an emergency.
 - Legislation - First Reading
 - Motion - Suspend Second and Third Readings
 - Motion - Adoption

D. 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."
Contractual Appropriations: \$89,345 for battery powered extrication tools for Fire Department; \$36,000 for concrete replacement at Fairfield Aquatic Center (existing contract)
 - Legislation - First Reading
 - Motion - Suspend Second and Third Readings
 - Motion - Adoption
2. Ordinance to amend Ordinance No. 155-22 entitled "An Ordinance to make estimated appropriations for the expenses and other expenditures of the City of Fairfield, Ohio, during a period beginning January 1, 2023, and ending December 31, 2023."
Non-Contractual Appropriations: \$20,000 for 5103 Pleasant Avenue Development Agreement; \$11,000 for Public Utilities Water Division Window Repair; \$94,000 for desktop and mobile computers, monitors and phone handsets (multiple vendors); \$49,000 for data backup appliance and management devices; \$35,500 for Waterworks Park Facilities Maintenance Lighting Improvements.
 - Legislation - First Reading
 - Motion - Suspend Second and Third Readings
 - Motion - Adoption

13. MEETING SCHEDULE

- A. Monday, September 25 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM

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

14. EXECUTIVE SESSION OF COUNCIL (IF NEEDED)

15. ADJOURNMENT

**City of Fairfield
Minutes
Regular Meeting of City Council
August 14, 2023**

Council-Manager Briefing

Strategic Initiative Update

Mayor Rhodus called the briefing to order at 5:30 PM. Councilmembers present: Leslie Besl, Terry Senger, Adam Kraft, Tim Meyers, Matt Davidson and Gwen Brill.

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

City Manager Timmer and staff presented the update to the 2023 Strategic Initiative. 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 Brill led in prayer and Pledge of Allegiance.

Roll Call

Councilmembers present included:

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

Councilmember Davidson, seconded by Councilmember Besl, moved to excuse Councilmember Paullus. Motion carried 6-0.

Agenda Modifications

None.

Minutes Acceptance: Minutes of Aug 14, 2023 7:00 PM (Approval of Minutes)

Executive Session Requests

Councilmember Besl, seconded by Councilmember Davidson, moved for Executive Session to consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance and to consider the purchase of property for public purposes, the sale of property at competitive bidding, or the sale or other disposition of unneeded, obsolete, or unfit-for-use property. Roll call vote. Motion carried 6-0.

Special Presentations

a. Fire Department Oath of Office

Mayor Rhodus administered the ceremonial oath of office to Deputy Chief Chad Cooper, Deputy Chief Steve Conn and Lieutenant Matthew Hicks and congratulated them on their appointments.

Citizen Comments

State Rep. Jennifer Gross discussed the proposed property tax increase and the impact on Fairfield residents.

Public Hearing(s)

None.

Approval of Minutes

The Special Meeting Minutes of June 29, 2023 were approved as written and submitted.

OLD BUSINESS AND REPORTS

Community & Public Relations

Councilmember Leslie Besl

Development Services

Councilmember Matt Davidson

Parks, Recreation and Environment

Councilmember Gwen Brill

Public Safety

Councilmember Dale Paullus

Public Utilities

Councilmember Adam Kraft

Public Works

Councilmember Terry Senger

Finance & Budget

Minutes Acceptance: Minutes of Aug 14, 2023 7:00 PM (Approval of Minutes)

Councilmember Tim Meyers

NEW BUSINESS

Councilmember Besl, seconded by Councilmember Kraft, 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:	Gwen Brill, Councilmember, At-Large
AYES:	Meyers, Davidson, Brill, Besl, Senger, Kraft
EXCUSED:	Paullus

Ordinance to authorize the City Manager to execute a lease amendment with SprintCom LLC and declaring an emergency.

Recommendation:

Staff recommends that Council waive the second and third readings and pass as an emergency.

ORDINANCE NO. 109-23. APPROVED 6-0.

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

Parks, Recreation and Environment

Councilmember Gwen Brill

Motion to Suspend Second and Third Readings

Councilmember Brill presented the first reading of this ordinance.

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

Ordinance to authorize the City Manager to enter into a contract with Office Furniture Source, LLC for the Community Arts Center Furniture and Furnishings Replacement and declaring an emergency.

Recommendation:

Minutes Acceptance: Minutes of Aug 14, 2023 7:00 PM (Approval of Minutes)

It is recommended that City Council authorize an appropriation of \$74,900.00 from the Capital Fund among two vendors as detailed in the financial impact section.

ORDINANCE NO. 110-23. APPROVED 6-0.

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

Public Safety

Councilmember Dale Paullus

Simple Motion: Motion to not request a hearing regarding a liquor permit application in the name of Lenox Che Ventures 1 LLC, 4761 Dixie Highway, Fairfield, OH 45014 (Permit Class D1 & D2).

Recommendation:

It is recommended that City Council request, by simple motion, that **no hearing be held** on the liquor permit application in the name of Lenox Che Ventures 1 LLC, 4761 Dixie Highway, Fairfield, OH 45014 (Permit Class D1 & D2).

SIMPLE MOTION NO. 10-23. APPROVED 6-0.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Leslie Besl, Councilmember, 1st Ward
SECONDER:	Tim Meyers, Councilmember, At-Large
AYES:	Meyers, Davidson, Brill, Besl, Senger, Kraft
EXCUSED:	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 Besl presented the first reading of this ordinance.

RESULT:	FIRST READING Next: 9/11/2023 7:00 PM
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Public Utilities

Councilmember Adam Kraft

Motion to Suspend Second and Third Readings

Councilmember Kraft presented the first reading of this ordinance.

Minutes Acceptance: Minutes of Aug 14, 2023 7:00 PM (Approval of Minutes)

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

Ordinance to authorize the City Manager to enter into a contract with Prodigy Building Solutions, LLC for various building improvements at the City's Wastewater Treatment Plant and declaring an emergency.

Recommendation:

It is recommended that City Council authorize the City Manager to enter into a contract with Prodigy Building Solutions LLC, West Chester, Ohio, and appropriate project funding in the amount of \$767,996.00 for various building improvements at Public Utilities facilities. Rules suspension is requested in order to expedite the project.

ORDINANCE NO. 111-23. APPROVED 6-0.

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

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 first reading of this ordinance.

RESULT: FIRST READING Next: 9/11/2023 7:00 PM

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, Besl, Senger, Kraft
EXCUSED: Paullus

Ordinance to authorize the City Manager to enter into agreements with Duke Energy for LED Retrofit Improvements for various street lights and declaring an emergency.

Recommendation:

Minutes Acceptance: Minutes of Aug 14, 2023 7:00 PM (Approval of Minutes)

It is recommended that the City Council authorize the City Manager to enter into agreements with Duke Energy for the upgrade of street lights to LED lighting.

It is further recommended that Council authorize funding from the Capital Improvement Fund in the amount of \$100,000.

ORDINANCE NO. 112-23. APPROVED 6-0.

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

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:	Tim Meyers, Councilmember, At-Large
AYES:	Meyers, Davidson, Brill, Besl, Senger, Kraft
EXCUSED:	Paullus

Ordinance to authorize the City Manager to enter into a contract with Beau Townsend Ford for the purchase of three (3) Ford Edge vehicles for the Police Department and declaring an emergency.

Recommendation:

It is recommended that the City Council authorize and direct the preparation of legislation authorizing the appropriation of funding in the amount of \$149,222 from the Capital Improvement Fund for the purchase of (3) Ford Edges'. It is further recommended that City Council authorize and direct the preparation of legislation authorizing the City Manager to enter into a contract with Beau Townsend Ford, Vandalia, Ohio for the purchase of these vehicles.

ORDINANCE NO. 113-23. APPROVED 6-0.

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

Motion to Suspend Second and Third Readings

Councilmember Senger presented the first reading of this ordinance.

Minutes Acceptance: Minutes of Aug 14, 2023 7:00 PM (Approval of Minutes)

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

Ordinance to authorize the City Manager to execute and file the Ohio Department of Transportation (ODOT) Safety Grant Application and Agreement for financial assistance for the Route 4 / Seward Road Intersection Improvement Project and declaring an emergency.

Recommendation:

It is recommended that City Council authorize the preparation of legislation, authorizing the City Manager to execute and file the application for financial assistance, and (if successful) enter into an agreement with ODOT for a grant to fund a major portion of the Route 4/Seward Road Improvement Project.

ORDINANCE NO. 114-23. APPROVED 6-0.

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

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, Besl, Senger, Kraft
EXCUSED: Paullus

Ordinance to authorize the City Manager to enter into an agreement with the Ohio EPA for partial funding of implementation strategy development for a section of Pleasant Run Creek and declaring an emergency.

Recommendation:

It is recommended that City Council authorize the preparation of legislation authorizing the City Manager to enter into an agreement with the OEPA for the partial funding of Implementation Strategy Development for a section of the Pleasant Run Creek identified as HUC-12.

ORDINANCE NO. 115-23. APPROVED 6-0.

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

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: Tim Meyers, Councilmember, At-Large
AYES: Meyers, Davidson, Brill, Besl, Senger, Kraft
EXCUSED: Paullus

Ordinance to authorize the City Manager to execute and file the Ohio Public Works Commission (OPWC) Issue 1 Grant Application and agreement to fund a portion of the 2025 South Gilmore Road Improvements – Resor to Old Gilmore.

Recommendation:

It is recommended that City Council authorize the preparation of legislation authorizing the City Manager to execute and file the application for financial assistance, and (if successful) enter into an agreement with OPWC for a grant to fund a portion of the 2025 South Gilmore Improvements - Resor to Old Gilmore.

ORDINANCE NO. 116-23. APPROVED 6-0.

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

Finance & Budget

Councilmember Tim Meyers

Motion to Suspend Second and Third Readings

Vice Mayor Meyers presented the first reading of this resolution.

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

Resolution establishing the Butler County American Rescue Plan Act Fund and declaring an emergency.

Recommendation:

It is recommended that City Council approve the resolution to establish the fund with rule suspension and emergency.

RESOLUTION NO. 7-23. APPROVED 6-0.

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

Motion to Suspend Second and Third Readings

Vice Mayor Meyers presented the first reading of this resolution.

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

A resolution to authorize the City Manager to apply for, accept, and enter into a cooperative agreement for financing the construction of Wastewater Plant Aeration System Improvements Project between the City of Fairfield and the Ohio Water Development Authority and declaring an emergency.

Recommendation:

It is recommended that City Council approve this resolution for a financing agreement with the Ohio Water Development Authority, with rule suspension and emergency.

RESOLUTION NO. 8-23. APPROVED 6-0.

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

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 first reading of this ordinance.

RESULT: FIRST READING Next: 9/11/2023 7:00 PM

Motion to Suspend Second and Third Readings

Vice Mayor Meyers presented the first reading of this ordinance.

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

An ordinance determining to reduce and recertify special assessments levied for the purpose of constructing certain improvements and declaring an emergency.

Recommendation:

It is necessary for the City Council to pass an ordinance to reduce special assessments levied for the purposes of constructing certain improvements at the Cincinnati Mills Mall.

It is recommended that Council authorize and direct the preparation of legislation to reduce the special assessments levied for the purpose of constructing certain improvements at the parking garage located at the Cincinnati Mills Mall. In order to meet the special assessment deadline of Butler

County, a suspension of the rules and emergency are requested.

ORDINANCE NO. 117-23. APPROVED 6-0.

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

Motion to Suspend Second and Third Readings

Vice Mayor Meyers presented the first reading of this ordinance.

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

Ordinance levying special assessments for the repair of sidewalks (including aprons) in the City of Fairfield, Ohio and declaring an emergency.

Recommendation:

It is recommended that City Council authorize and direct the preparation of legislation to levy the assessments for the repair of sidewalks against lands and lots benefited by such improvements. The legislation will require the emergency clause since unpaid assessments will be billed to the property owners to allow 30 days for payment before certifying the outstanding balance to the County Auditor and issuing bonds.

ORDINANCE NO. 118-23. APPROVED 6-0.

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

Motion to Suspend Second and Third Readings

Vice Mayor Meyers presented the first reading of this ordinance.

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

Ordinance providing for the issuance of \$47,220.75 of bonds by the City of Fairfield, Ohio, to pay part of the cost of sidewalk repair in the City, and declaring an emergency.

Recommendation:

It is necessary for Council to authorize the issuance of Sidewalk Special Assessment bonds for 2023 in the amount of \$47,220.75.

It is recommended that City Council authorize and direct preparation of legislation to authorize the issuance of bonds for the repair of sidewalks against lots that benefited from the improvements. The legislation will require the emergency clause as unpaid assessments were certified to the County Auditor.

ORDINANCE NO. 119-23. APPROVED 6-0.

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

Motion to Suspend Second and Third Readings

Vice Mayor Meyers presented the first reading of this ordinance.

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

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. 120-23. APPROVED 6-0.

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

Motion to Suspend Second and Third Readings

Vice Mayor Meyers presented the first reading of this ordinance.

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

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. 121-23. APPROVED 6-0.

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

Motion to Suspend Second and Third Readings

Vice Mayor Meyers presented the first reading of this ordinance.

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

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.”

Minutes Acceptance: Minutes of Aug 14, 2023 7:00 PM (Approval of Minutes)

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. 122-23. APPROVED 6-0.

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

Meeting Schedule

Clerk Wilson read the following meeting schedule:

- A. Monday, September 11 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM
- B. Monday, September 25 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM
- C. Tuesday, October 10 - Council-Manager Briefing, 6:00 PM; Regular Meeting 7:00 PM

Executive Session of Council (if needed)

Council recessed to Executive Session at 8:00 PM

15. ADJOURNMENT

The Regular Meeting adjourned at 9:03 PM.

ATTEST:

Clerk of Council

Mayor's Approval

Date Approved _____

Minutes Acceptance: Minutes of Aug 14, 2023 7:00 PM (Approval of Minutes)



Strategic Initiative Review

City of Fairfield, Ohio

Strategic Initiative Champions: Greg Kathman, Nathaniel Kaelin,
Ben Mann, Mandi Brock, Adam Sackenheim/Erin Lynn, Laurie Murphy

Strategic Initiative Sponsor: Scott Timmer

August 14, 2023

CITY OF OPPORTUNITY

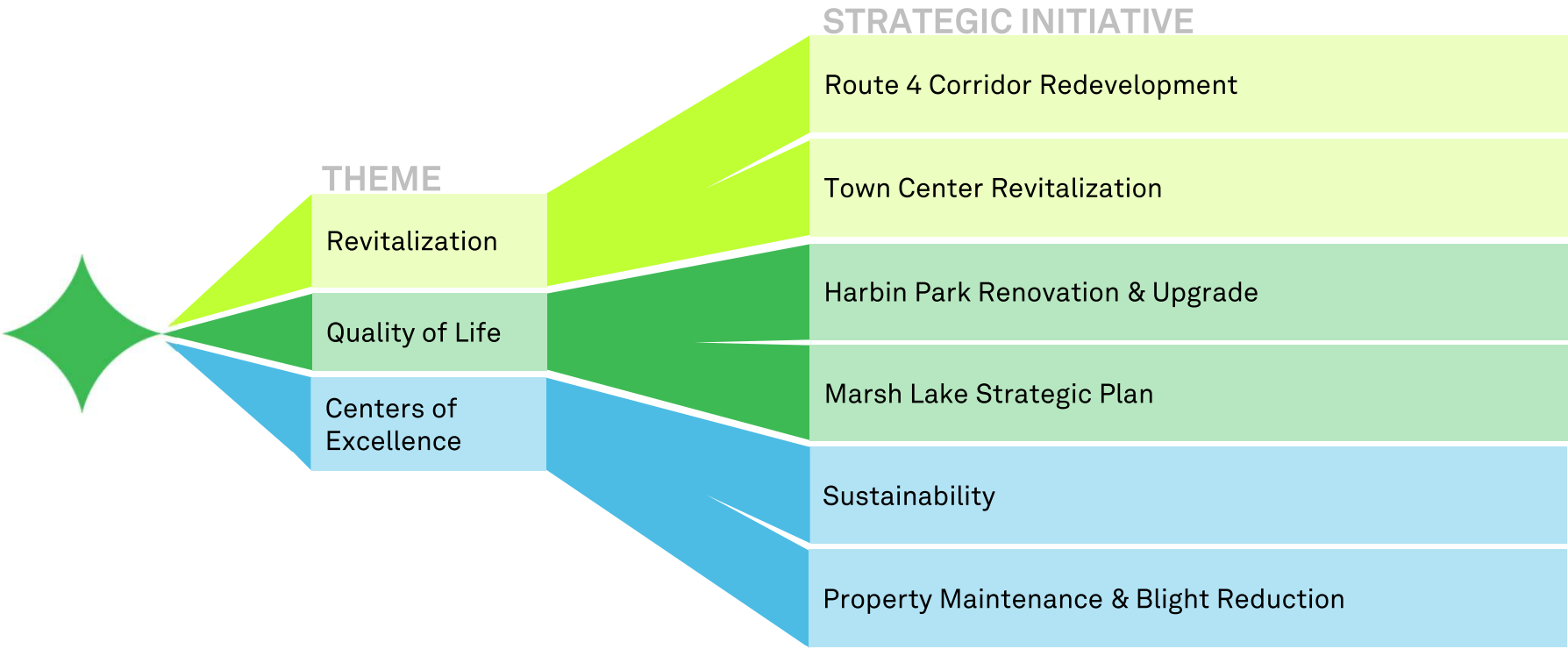
Minutes Acceptance: Minutes of Aug 14, 2023 7:00 PM (Approval of Minutes)

Agenda



- 2023 Strategic Focus
- Strategic Initiative Teams
- Strategic Initiatives
 - ✓ Scope & Objectives
 - ✓ Schedule
 - ✓ Performance
 - ✓ Discussion Points

2023 Strategic Focus



Minutes Acceptance: Minutes of Aug 14, 2023 7:00 PM (Approval of Minutes)

Strategic Initiative Teams



Route 4 Redevelopment Plan

Project Champion: Greg Kathman

Team: Erin Lynn
Nathaniel Kaelin
Chris Hacker

Harbin Park Renovation & Upgrade

Project Champion: Ben Mann

Team: Mandi Brock
Chris Addison
Nick Dill

Sustainability

Project Adam Sackenheim &
Champion: Erin Lynn

Team: Greg Kathman
Ben Mann
Brian Rose
Mandi Brock

Town Center Revitalization

Project Champion: Nathaniel Kaelin

Team: Mandi Brock
Chris Addison
Ben Mann
Nick Dill
Greg Kathman
Erin Lynn
Adam Sackenheim

Marsh Lake Strategic Plan

Project Champion: Mandi Brock

Team: Ben Mann
Nick Dill
Chris Addison
Greg Kathman
Erin Lynn
Nathaniel Kaelin
Adam Sackenheim

Property Maintenance & Blight Reduction

Project Champion: Laurie Murphy

Team: Greg Kathman
Lee Rosato
Jeff Timpe
Steve Maynard
Tom Lakamp
Sami Brandenburg

Minutes Acceptance: Minutes of Aug 14, 2023 7:00 PM (Approval of Minutes)

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Strategic Initiative Review
Route 4 Corridor Redevelopment
City of Fairfield, Ohio

Initiative Champion: Greg Kathman

CITY OF OPPORTUNITY

Minutes Acceptance: Minutes of Aug 14, 2023 7:00 PM (Approval of Minutes)

Route 4 Corridor Redevelopment Scope



Scope Description

Promote the revitalization and enhance the long-term viability of this vital commercial and transportation corridor through a variety of initiatives, including public infrastructure investments, strategic property and/or business investments, public-private partnerships, and the establishment of high-quality design standards.

Objectives

- Develop Funding Sources
- Strategic Property/Business Investment
- Enhance Visual Appearance
- Connectivity Alignment
- Infrastructure Improvements

Route 4 Redevelopment Plan

Project Champion: Greg Kathman

Team: Erin Lynn
Nathaniel Kaelin
Chris Hacker

Minutes Acceptance: Minutes of Aug 14, 2023 7:00 PM (Approval of Minutes)

Route 4 Corridor Redevelopment Schedule



Initiative Progress

Objective(s)

Develop Funding Sources

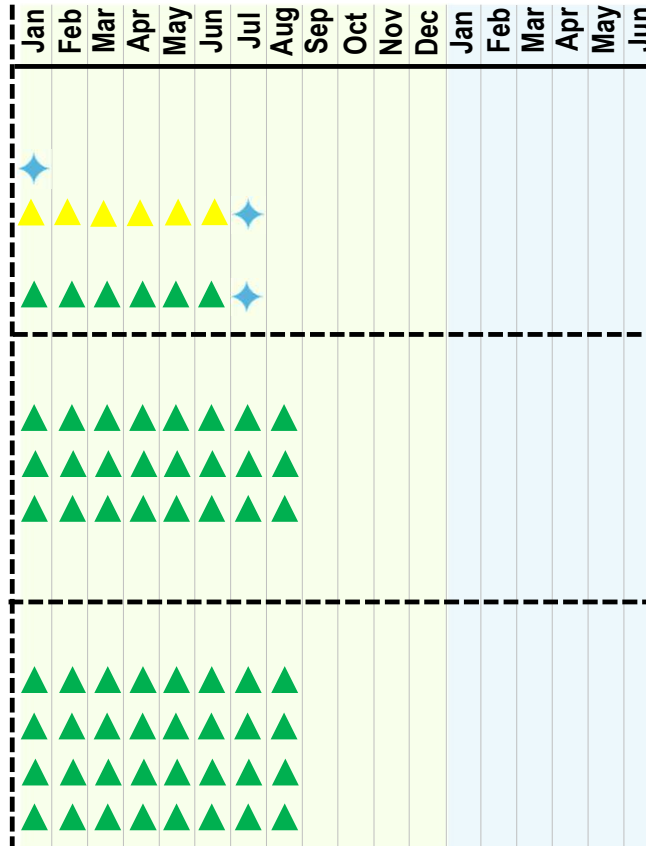
- Milestone 1: TED Fund
- Milestone 2: Northeast Area TIF
- Milestone 3: Grant Funding (Ongoing)
- Milestone 4: Butler County ARPA

Strategic Property/Business Investment

- Milestone 1: Stakeholder Engagement
- Milestone 2: Industry Expert Meetings
- Milestone 3: Strategy Development
- Milestone 4: Strategy Execution

Enhance Visual Appearance

- Milestone 1: Property Maint. Enforcement
- Milestone 2: Public Investments
- Milestone 3: Public-Private Partnerships
- Milestone 4: Update Zoning Code



Key Accomplishments

- TED Transfer Dec. 2022
- Northeast Area TIF finalized
- Roadway Grant for Route 4 received
- Butler County ARPA Received

- Stakeholder and Industry Expert meetings are ongoing

- Targeted Enforcement of Property Maintenance on Route 4
- Zoning Code Update 95% complete

- ▲ - On track
- ▲ - At Risk / Monitor
- ▲ - Review / May Need Support
- ★ - Milestone Completion Date

★ - Target Completion Date

CITY OF OPPORTUNITY

Route 4 Corridor Redevelopment Schedule



Objective(s)

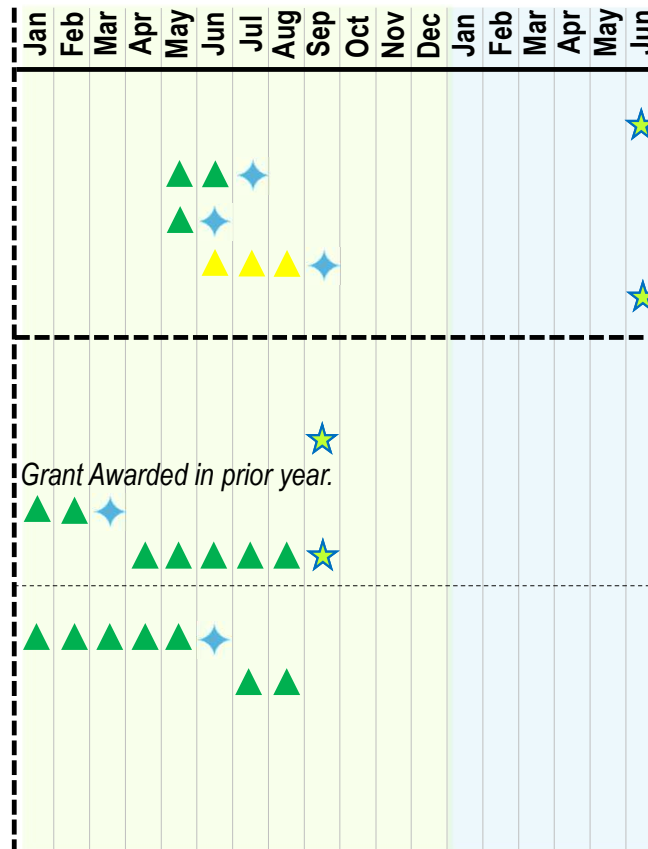
Connectivity Alignment

- Milestone 1: 2022 CDBG Construction
- Milestone 2: 2023 CDBG Application
- Milestone 3: 2023 CDBG Award
- Milestone 4: 2023 CDBG Construction

Infrastructure Improvements

- Milestone 1: Roadway
 - 1a: Grant Funding (Road)
 - 1b: Bid/Award Project (Road)
 - 1c: Construction (Road)
- Milestone 2: Symmes Road Rail Crossing
 - 2a: Grant Funding (Overpass)
 - 2b: P&E of RCE (Overpass)*

* Note: P&E Grant Estimated Completion is in 2025



Key Accomplishments

- 1,850 linear feet completed in 2022
- 2022 CDBG construction complete
- 2023 CDBG application submitted
- 1,150 liner feet private installation

- Roadway grant funding (Prior Year)
- Bid & Contract awarded
- Planning & Engineering (P&E) Grant Awarded for Rail Crossing Elimination (RCE)

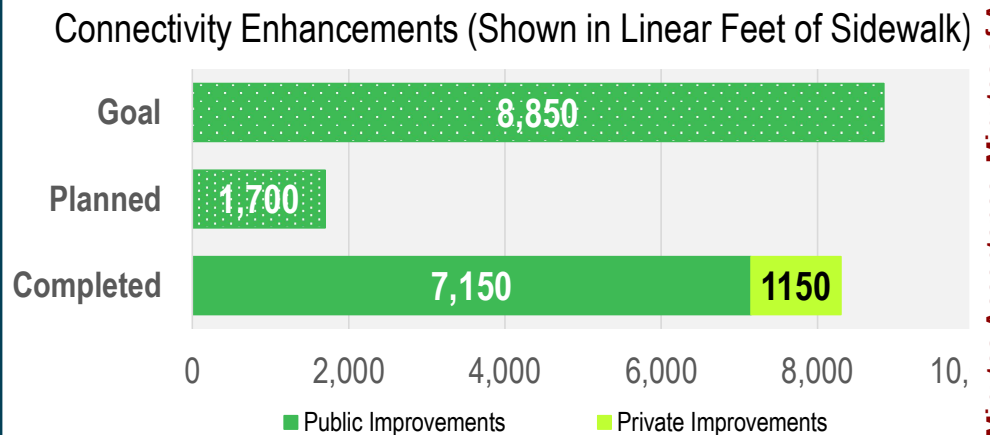
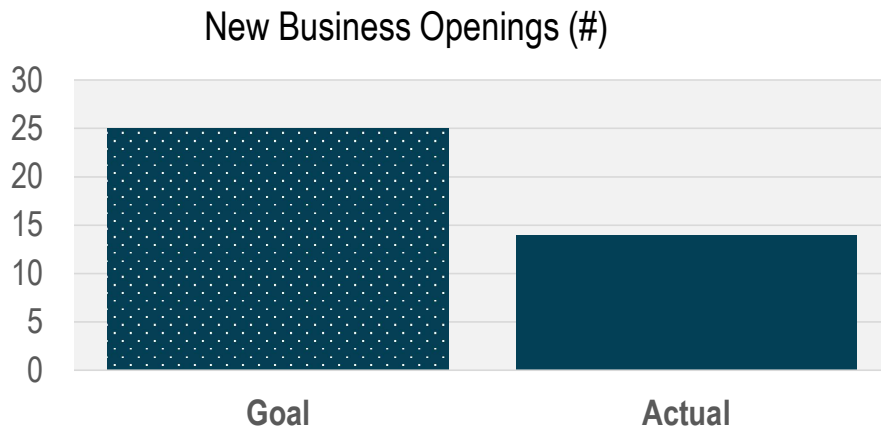
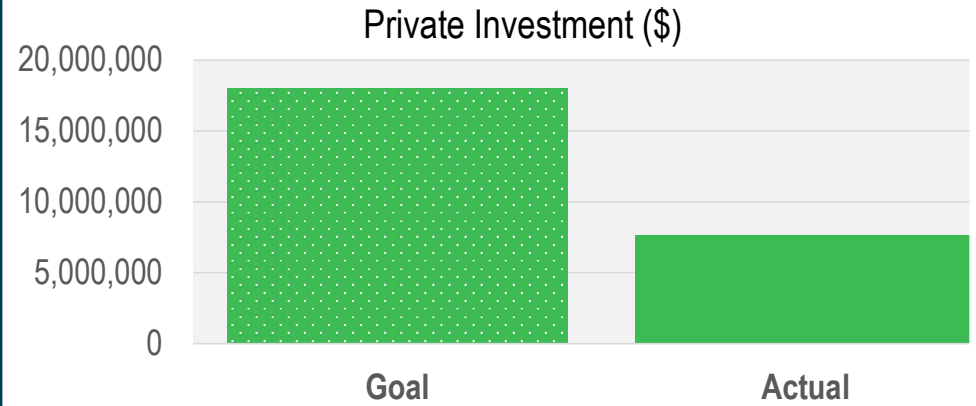
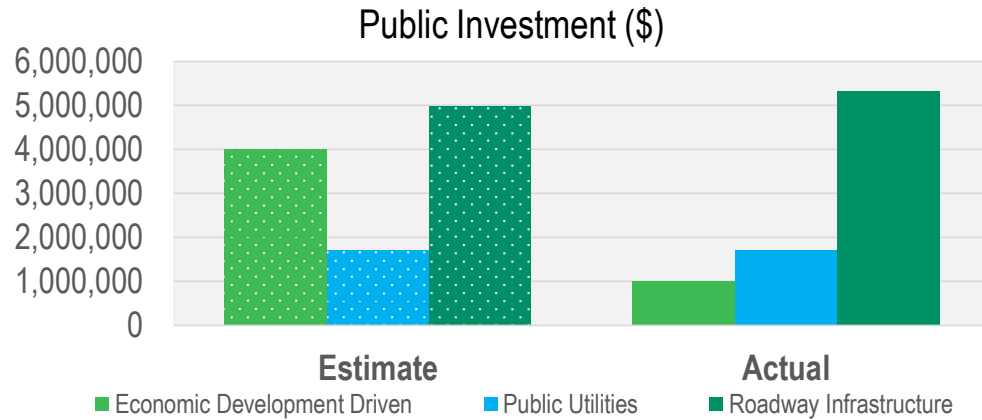
Initiative Progress

- ▲ - On track
- ▲ - Review / May Need Support
- ▲ - At Risk / Monitor
- ★ - Milestone Completion Date

★ - Target Completion Date

CITY OF OPPORTUNITY

Route 4 Corridor Redevelopment Performance



Minutes Acceptance: Minutes of Aug 14, 2023 7:00 PM (Approval of Minutes)

Route 4 Corridor Redevelopment Discussion



Discussion Points for Council-Level Collaboration	Direction Needed
Resource Requirements: • Funding ✓ Plan of Action: Continued Financial Support to the Transformative Economic Development (TED) Fund.	
Overlapping Priorities: • Property Maintenance & Blight Reduction ✓ Plan of Action: Collaborate with Strategic Initiative Team to align overall goals for corridor. • Town Center Revitalization ✓ Plan of Action: Closely coordinate both efforts to ensure that strategic property and/or business investments are balanced between Route 4 and the Town Center, and such projects are appropriate for each individual market.	 

Minutes Acceptance: Minutes of Aug 14, 2023 7:00 PM (Approval of Minutes)



Strategic Initiative Review
Town Center Revitalization
City of Fairfield, Ohio

Initiative Champion: Nathaniel Kaelin

CITY OF OPPORTUNITY

Minutes Acceptance: Minutes of Aug 14, 2023 7:00 PM (Approval of Minutes)

Town Center Revitalization Scope



Scope Description

Enhance the vitality of Fairfield's Town Center as a resident destination and desirable business location through investment in public assets, strategic properties and/or business investments, and quality programming.

Objectives

- Village Green Park Improvements
- Riegert Square Redevelopment
- Strategic Property Investment

Town Center Revitalization

Project Champion: Nathaniel Ka

Team: Mandi Brock
Chris Addison
Ben Mann
Nick Dill
Greg Kathman
Erin Lynn
Adam Sackenheim

Minutes Acceptance: Minutes of Aug 14, 2023 7:00 PM (Approval of Minutes)

Town Center Revitalization Schedule



Initiative Progress

Objective(s)

Village Green Park Improvements

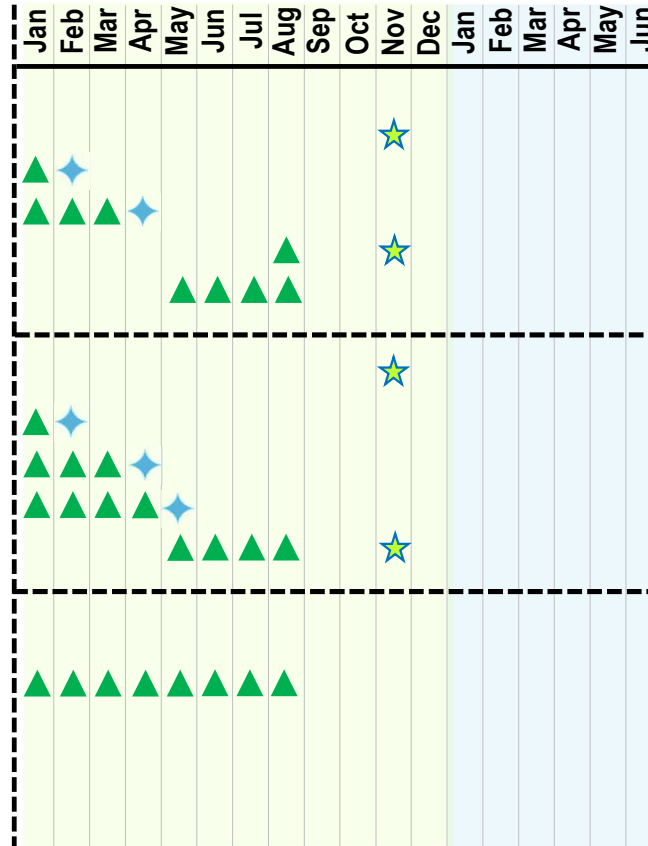
- Milestone 1: CIP Approval
- Milestone 2: Contract Approval
- Milestone 3: Construction Completion
- Milestone 4: Enhance Programs (Ongoing)

Riegert Square Redevelopment

- Milestone 1: CIP Approval
- Milestone 2: Property Owner Agreement(s)
- Milestone 3: Bid Award
- Milestone 4: Construction Completion

Strategic Property Investment

- Milestone 1: Identify Opportunities (Ongoing)
- Milestone 2: Negotiate Agreement(s)
- Milestone 3: Implement Project(s)



Key Accomplishments

- CIP Approval
- Park Board Contract Approval
- City Council Contract Approval
- Enhanced Programming

- Owner Agreements Signed
- Construction Bid Opening
- Contract Awarded

- Opportunity Identification Ongoing

- ▲ - On track
- ▲ - At Risk / Monitor
- ▲ - Review / May Need Support
- ★ - Milestone Completion Date

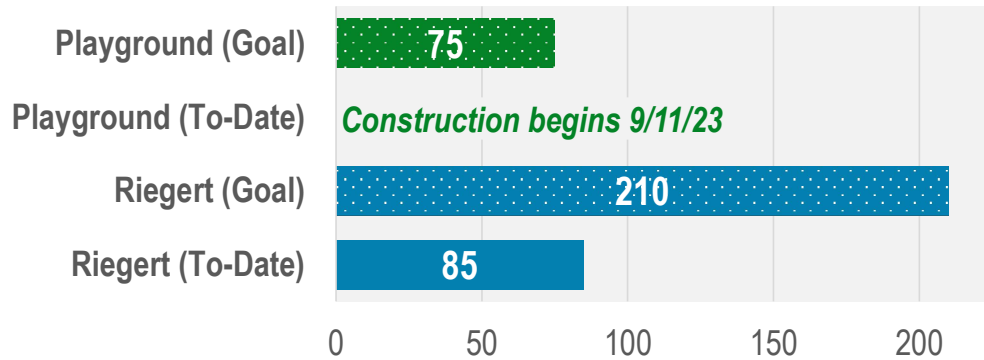
★ - Target Completion Date

CITY OF OPPORTUNITY

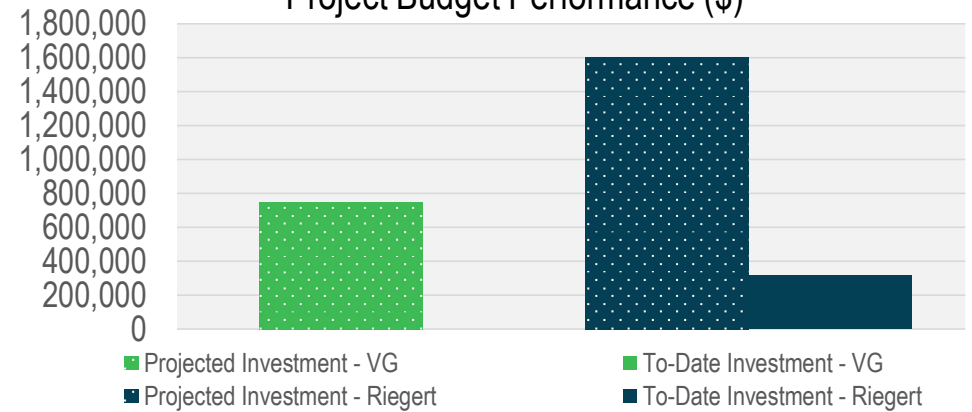
Town Center Revitalization Performance



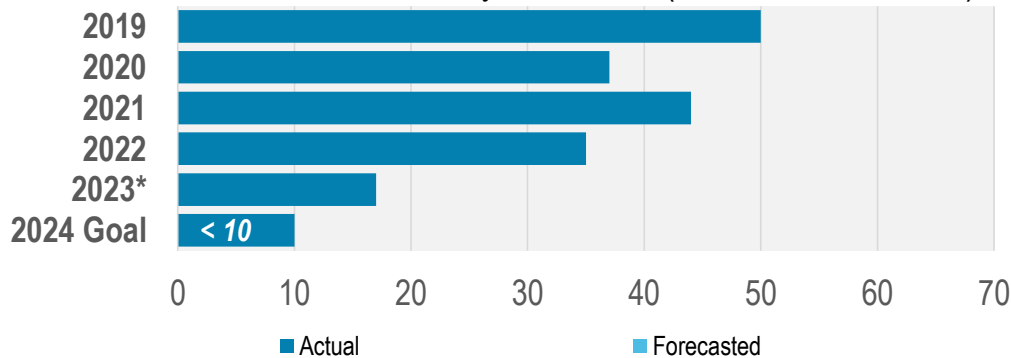
Village Green/Riegert Timeline Achievement (Days)



Project Budget Performance (\$)

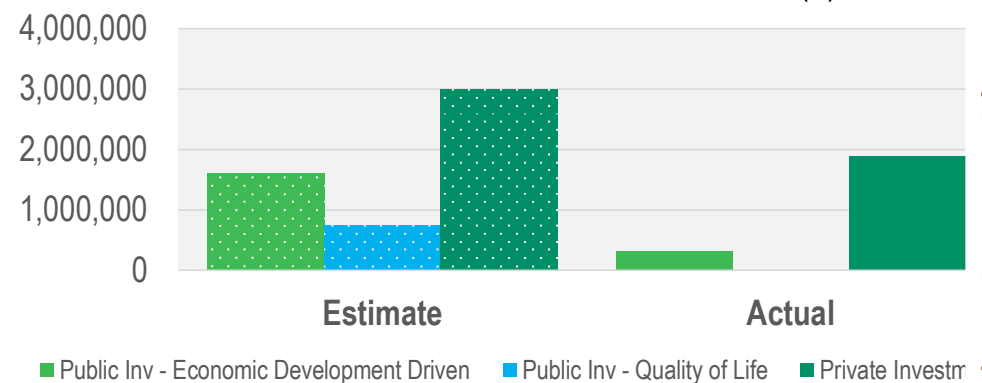


Pleasant Ave Enhanced Safety – Crashes (Wessel to Patterson)



* 2023 Forecasted based on Year-to-Date through 4/11/23

Level of Investment – Public & Private (\$)



Minutes Acceptance: Minutes of Aug 14, 2023 7:00 PM (Approval of Minutes)

Town Center Revitalization Constraints / Obstacles



Discussion Points for Council-Level Collaboration	Direction Needed
Resource Requirements: • Funding ✓ Plan of Action: Continued Financial Support to the Park Development and Transformative Economic Development (TED) Fund. • External Cooperation ✓ Plan of Action: Ensure positive messaging and consistent communication remain key to future developments.	Yes No
Competing Priorities: • Harbin Park Renovation & Upgrade ✓ Plan of Action: No concerns for the Town Center Initiative at this time. • Marsh Lake Strategic Plan ✓ Plan of Action: No concerns for the Town Center Initiative at this time. • Route 4 Corridor Redevelopment ✓ Plan of Action: Closely coordinate both efforts to ensure that strategic property and/or business investments are balanced between Route 4 and the Town Center, and such projects are appropriate for each individual market.	No No No

Minutes Acceptance: Minutes of Aug 14, 2023 7:00 PM (Approval of Minutes)



Strategic Initiative Review
Harbin Park Renovation & Upgrade
City of Fairfield, Ohio

Initiative Champion: Ben Mann

CITY OF OPPORTUNITY

Minutes Acceptance: Minutes of Aug 14, 2023 7:00 PM (Approval of Minutes)

Harbin Park Renovation & Upgrade Scope



Scope Description

Continued revitalization of Harbin Park with the goal of restoring the park's premier regional status.

Objectives

- Phase II Completion (Overlook & Restroom)
- Phase III Design/Construction (Upper Harbin)
- Phase IV Design (Lower Harbin)

**Harbin Park
Renovation & Upgrade**
Project Champion: Ben Mann

Team: Mandi Brock
Chris Addison
Nick Dill

Minutes Acceptance: Minutes of Aug 14, 2023 7:00 PM (Approval of Minutes)

Harbin Park Renovation & Upgrade Schedule



Objective(s)

Phase II Overlook & Restroom

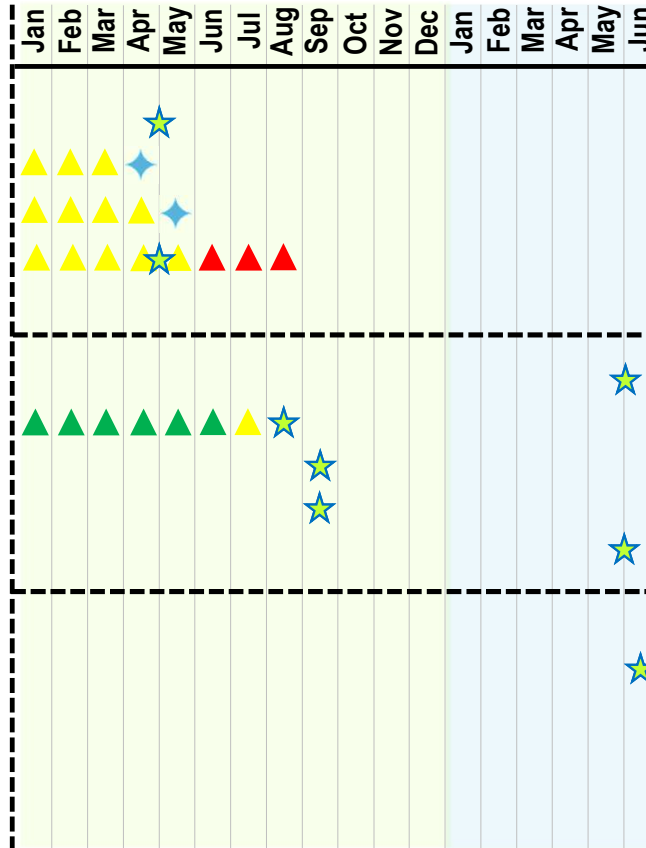
- Milestone 1: Construction Completion
- Milestone 2: Functional Opening
- Milestone 3: Punchlist Completion

Phase III Upper Harbin (Play Area)

- Milestone 1: Design Completion
- Milestone 2: Bid Opening/Award
- Milestone 3: Contract Authorization
- Milestone 4: Construction

Phase IV Lower Harbin

- Milestone 1: Design Completion
- Milestone 2: Bid Opening/Award
- Milestone 3: Contract Authorization
- Milestone 4: Construction



Key Accomplishments

- Open for the public in summer of 2023.

- 60% Plans Reviewed 7/31/23

- Anticipated Design Start 11/1/23

Initiative Progress

- ▲ - On track
- ▲ - At Risk / Monitor
- ▲ - Review / May Need Support
- ★ - Milestone Completion Date

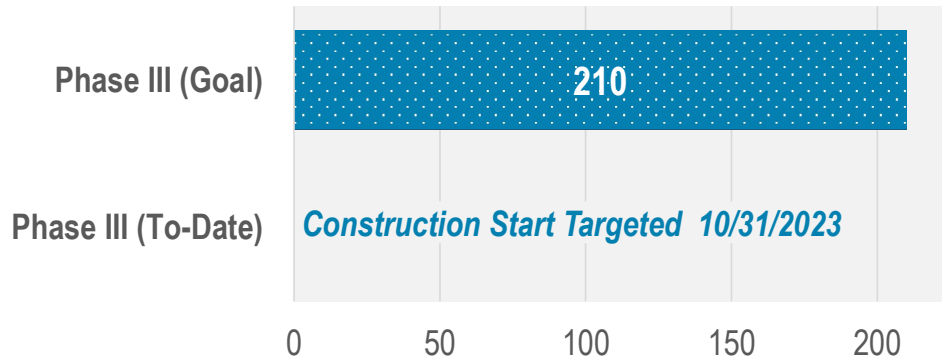
★ - Target Completion Date

CITY OF OPPORTUNITY

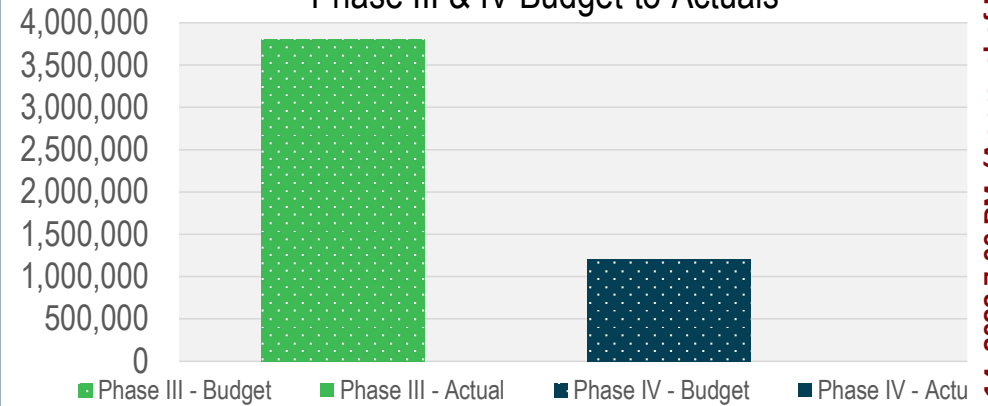
Harbin Park Renovation & Upgrade Performance



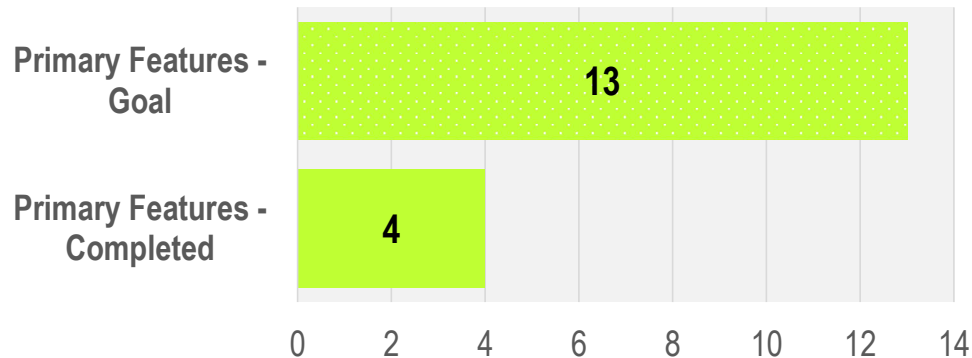
Phase III Construction Timeline Achievement



Phase III & IV Budget-to-Actuals



Master Plan Alignment



Measurable Usage Increase

Future Key Performance Indicators:

- Staff is reviewing options to provide utilization metrics for various City initiatives.

Harbin Park Renovation & Upgrade Constraints / Obstacles

Discussion Points for Council-Level Collaboration	Direction Needed
Resource Requirements: • Funding ✓ Plan of Action: Continued Financial Support to the Park Development Fund. • Software ✓ Plan of Action: In order to effectively measure park utilization; enhanced software may be required.	Yes No
Competing Priorities: • Town Center Revitalization – Village Green Playground Objective ✓ Plan of Action: Substantially complete renovation of Village Green Playground prior to full-scale launch. • Marsh Lake Strategic Plan ✓ Plan of Action: No concerns for the Harbin Park Initiative at this time.	No No

Minutes Acceptance: Minutes of Aug 14, 2023 7:00 PM (Approval of Minutes)



Strategic Initiative Review
Marsh Lake Strategic Planning
City of Fairfield, Ohio

Initiative Champion: Mandi Brock

CITY OF OPPORTUNITY

Marsh Lake Strategic Plan Scope/Objectives



Scope Description

Promote the redevelopment of Marsh Park as a water-based recreation site, preserving and capitalizing on the natural features to be a catalyst for economic and community development.

Objectives

- Pursue Trail Grant Funding
- Strategic Property Investment
- Explore Short-Term Programming
- Update Comprehensive Marsh Lake Strategic Plan

Marsh Lake Strategic Plan

Project Champion: Mandi Brock

Team:

- Ben Mann
- Nick Dill
- Chris Addison
- Greg Kathman
- Erin Lynn
- Nathaniel Kaelin
- Adam Sackenheim

Minutes Acceptance: Minutes of Aug 14, 2023 7:00 PM (Approval of Minutes)

Marsh Lake Strategic Plan Schedule



Initiative Progress

Objective(s)

Pursue Trail Grant Funding

- Milestone 1: Council Authorize TA Grant
- Milestone 2: Submit TA Grant Application

Strategic Property Investment

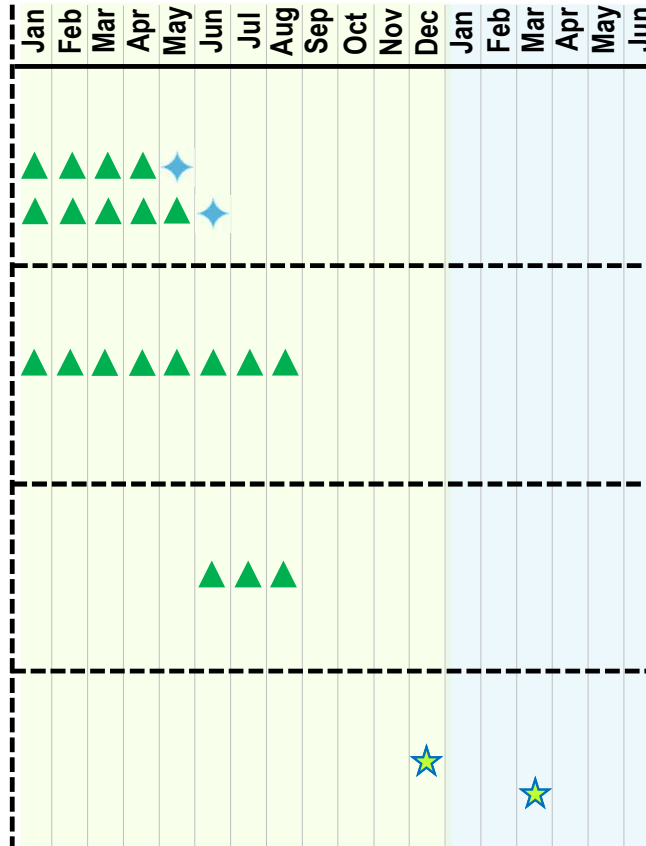
- Milestone 1: Identify Properties (Ongoing)
- Milestone 2: Necessary Memorandum(s)
- Milestone 3: Execute Agreement(s)

Explore Short-Term Programming

- Milestone 1: Determine Feasibility (Ongoing)
- Milestone 2: Program Event(s)

Strategic Plan Update

- Milestone 1: Issue Request for Qualification
- Milestone 2: Select/Authorize Contractor



Key Accomplishments

- Authorization of Transportation Alternative (TA) Grant on 5/22/23
- TA Grant submitted

- Property Identification and Consultant Review Ongoing

- Natural Trail Clearing (Spring)
- Trail Maintenance Completed (July)

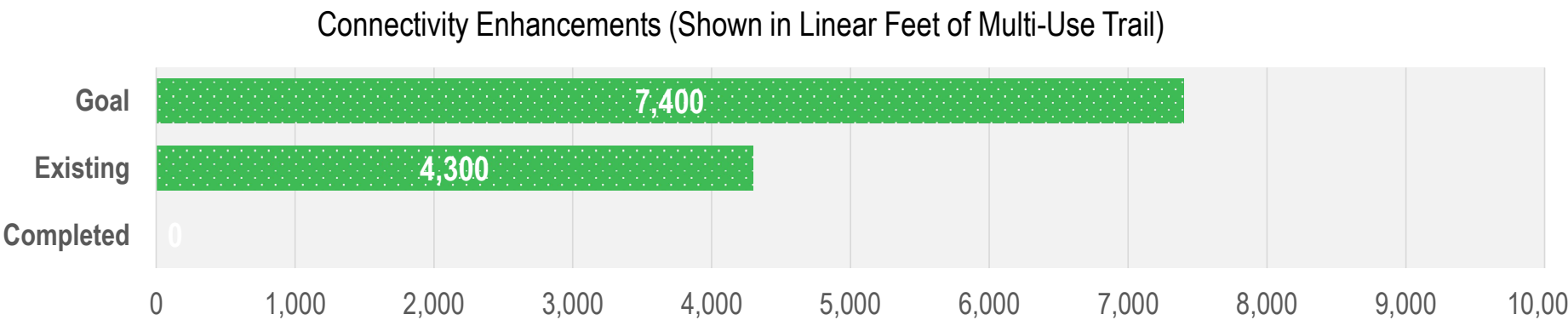
- ▲ - On track
- ▲ - At Risk / Monitor

- ▲ - Review / May Need Support
- ★ - Milestone Completion Date

- ★ - Target Completion Date

CITY OF OPPORTUNITY

Marsh Lake Strategic Plan Performance



TA Grant; Construction target is 2026/27

Future Key Performance Indicators:

- As part of the Marsh Strategic Plan document, future KPIs would be a deliverable
 - ✓ For Example: Marsh Lake Utilization

Minutes Acceptance: Minutes of Aug 14, 2023 7:00 PM (Approval of Minutes)

Marsh Lake Strategic Plan Discussion



Discussion Points for Council-Level Collaboration	Direction Needed
Resource Requirements: • Funding ✓ Plan of Action: Continued Financial Support to the Park Development Fund. • External Cooperation ✓ Plan of Action: Ensure positive messaging and consistent communication remain key to future developments.	Yes No
Competing Priorities: • Town Center Revitalization – Village Green Playground Objective ✓ Plan of Action: Substantially complete renovation of Village Green Playground prior to full-scale launch. • Harbin Park Renovation & Upgrade ✓ Plan of Action: Finalize Phase III conceptual plans, bid award, and Council authorization prior to full-scale launch. • Sustainability Plan ✓ Plan of Action: To ensure components of the Sustainability Plan are incorporated, we see the benefit of having a draft Plan prior to full-scale launch of the Marsh Lake Strategic Plan.	Yes Yes Yes

Minutes Acceptance: Minutes of Aug 14, 2023 7:00 PM (Approval of Minutes)



Strategic Initiative Review
Sustainability Planning
City of Fairfield, Ohio

Initiative Champions: Erin Lynn; Adam Sackenheim

CITY OF OPPORTUNITY

Sustainability Planning Scope



Scope Description

Implement a sustainable strategy into the founding tenants of quality of life within the City of Fairfield. Support and promote infrastructure innovation and programming while improving livability within the city by reducing the impact of city operations on natural resources and the environment.

Objectives

- **Initiative Administration**
- **Sustainability Plan Development**
 - ✓ Data Collection and Analysis
 - ✓ Communication and Community Engagement
 - ✓ Planning, Execution, and Tracking

Sustainability Planning

Project Champions: Erin Lynn; A n
Sackenheim

Team: Mandi Brock
Brian Rose
Ben Mann
Greg Kathman

Minutes Acceptance: Minutes of Aug 14, 2023 7:00 PM (Approval of Minutes)

Sustainability Planning Schedule



Initiative Progress

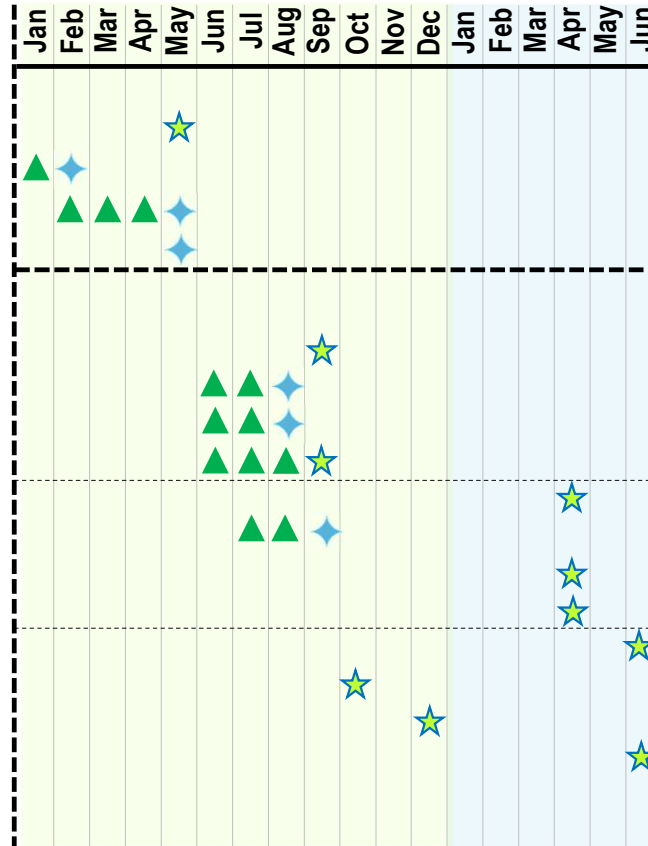
Objective(s)

Initiative Administration

- Milestone 1: Finalize RFP
- Milestone 2: Review & Select Vendor
- Milestone 3: Council Authorize Contract

Sustainability Plan Development

- Milestone 1: Data Collection & Analysis
 - 1a: Data Compilation
 - 1b: Data Analysis
 - 1c: GHG inventories/forecasts
- Milestone 2: Communication & Engagement
 - 2a: Communication Plan
 - 2b: Public Outreach
 - 2c: Implementation & Engagement
- Milestone 3: Planning, Execution, & Tracking
 - 3a: Plan Goals
 - 3b: Roadmaps & Priorities
 - 3c: Plan Development
 - 3d: Monitor Results (Ongoing)



Key Accomplishments

- RFP Issued & Responses Received
- Vendor Interviews Conducted
- Contract Awarded
- Data compilation in progress (Input from Duke Energy; Rumpke; OKI)
- Council interviews
- Consultant Key Location Visit
- Participation from Environmental Commission and Miami University; (Chamber of Commerce & Schools)

- ▲ - On track
- ▲ - At Risk / Monitor

- ▲ - Review / May Need Support
- ★ - Milestone Completion Date

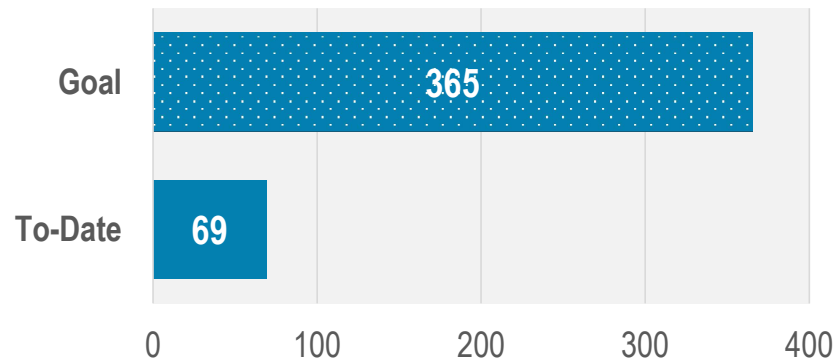
- ★ - Target Completion Date

CITY OF OPPORTUNITY

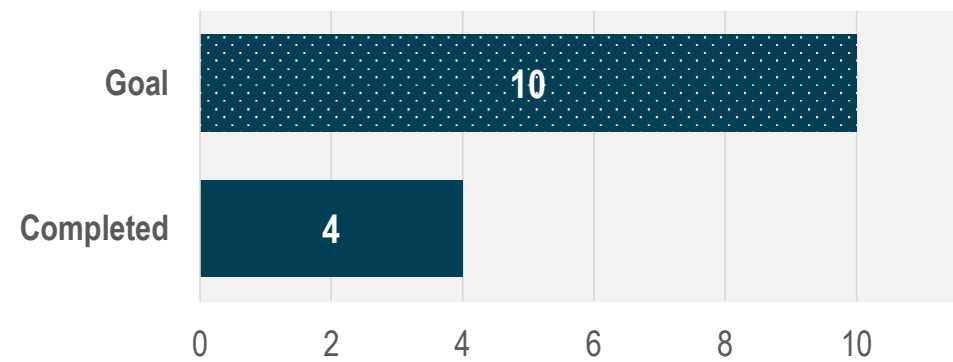
Sustainability Planning Performance



Sustainability Planning Timeline Achievement (Days)



Stakeholder Engagement Events (#)



Future Key Performance Indicators:

- As part of the Sustainability Plan document, future KPIs would be a deliverable
 - ✓ For Example: Carbon Footprint Reduction and/or Increase in Residential Recycling through Education and Programming

Minutes Acceptance: Minutes of Aug 14, 2023 7:00 PM (Approval of Minutes)

Sustainability Planning Discussion



Discussion Points for Council-Level Collaboration	Direction Needed
Resource Requirements: Funding: ✓ Plan of Action: - Allocate future capital funds to project-specific initiatives - Justify expenditures via ROI evaluation - Explore grant opportunities - Develop structure to rank, prioritize and support sustainable projects, and to consider sustainability in goods/service procurement	No
Overlapping Priorities: Marsh Lake Strategic Plan ✓ Plan of Action: Prior to Marsh Lake Strategic Plan, recommend substantial completion of Sustainability Goals in order to ensure overall Marsh Lake Strategic Plan alignment.	No

Minutes Acceptance: Minutes of Aug 14, 2023 7:00 PM (Approval of Minutes)



Strategic Initiative Review

Property Maintenance & Blight Reduction

City of Fairfield, Ohio

Initiative Champion: Laurie Murphy

CITY OF OPPORTUNITY

Property Maintenance & Blight Reduction Scope



Scope Description

Continue strategic enforcement of zoning and property maintenance codes so as to remove blighting influences and enhance the vitality and wellness of residential neighborhoods and commercial corridors.

Objectives

- Improve Tracking and Reporting Data
- Effective Neighborhood Strategy
- Strategic Property Investment

Property Maintenance & Blight Reduction

Project Champion: Laurie Murp

Team: Greg Kathman
Lee Rosato
Jeff Timpe
Steve Maynard
Tom Lakamp
Sami Brandenburg

Minutes Acceptance: Minutes of Aug 14, 2023 7:00 PM (Approval of Minutes)

Property Maintenance & Blight Reduction Schedule



Initiative Progress	Objective(s)	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Key Accomplishments
	Improve Tracking and Reporting Data - Milestone 1: Utilize Technology - Milestone 2: Enhance Software Capacity - Milestone 3: Integrate Data with GIS - Milestone 4: Departmental Collaboration	▲	▲	▲	▲	▲	▲	▲	▲											• Implementation of iPads in the field • Online Permitting • Established process with OpenGov for continuous improvement
	Strategic Property Investment - Milestone 1: Identify Properties (Ongoing) - Milestone 2: Necessary Memorandum(s) - Milestone 3: Execute Agreement(s)	▲	▲	▲	▲	▲	▲	▲	▲											• Property Identification and Consultant Review Ongoing • ARPA Funds dedicated • CIC Re-Started
	Effective Neighborhood Strategy - Milestone 1: Develop Communication Strategy - Milestone 2: Create Resident Welcome Packet - Milestone 3: Re-imagine NEAT - Milestone 4: Volunteer Program(s) - Milestone 5: Partner with Service Agencies	▲	▲	▲	▲	▲	▲	▲	▲											• Fairfield Flyer & Social Media Property Maintenance Spotlights • Fairfield FYI launch • Established Relationships with Service Agencies
		▲	▲	▲	▲	▲	▲	▲	▲											

▲ - On track
▲ - At Risk / Monitor

▲ - Review / May Need Support
★ - Milestone Completion Date

★ - Target Completion Date

CITY OF OPPORTUNITY

Property Maintenance & Blight Reduction Performance



Minutes Acceptance: Minutes of Aug 14, 2023 7:00 PM (Approval of Minutes)

Priority-Based Property Maintenance Data

- ✓ Establish priority levels grid for Code violations
- ✓ 2023 has been established as baseline year

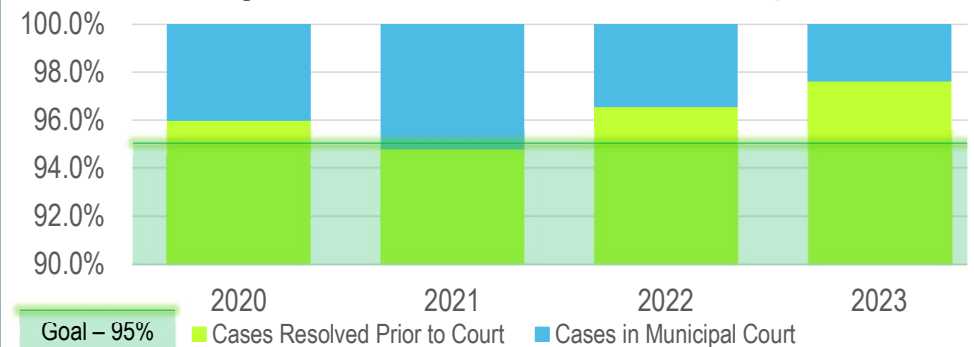
Location-Based Property Maintenance Tracking

- ✓ Establish a location-based indicator to assist with identifying target areas and strategy development
- ✓ 2023 has been established as baseline year
- ✓ KPI is designed to help identify and intervene in a strategic manner based on location-based data driven decisions

Volunteer Engagement

- ✓ KPI related to number of volunteers and volunteer activities is being developed as a way to measure enhanced volunteer efforts.

Percentage of Cases Closed Prior to Municipal Court



Note: Total Cases 2020-1,526; 2021-1,294; 2022-2,246; 2023 YTD-1,445; Total = 6,511

Property Maintenance & Blight Reduction Discussion



Discussion Points for Council-Level Collaboration	Direction Needed
Resource Requirements: • Funding ✓ Plan of Action: Continued commitment to properly staff Building & Zoning Division. • Technology ✓ Plan of Action: Improve data system to better track violations and compliance metrics. • Resident Buy-In ✓ Plan of Action: Seek buy-in from residents to work as a partner with the City to protect the community by reporting and supporting regulation of individuals or entities that are in non-compliance with City Ordinances.	No No No
Overlapping Priorities: • Route 4 Corridor Redevelopment ✓ Plan of Action: Collaborate with Strategic Initiative Team to align overall goals for both Initiatives. • Town Center Revitalization – Riegert Square Redevelopment Objective ✓ Plan of Action: Collaborate with Strategic Initiative Team to align overall goals for both Initiatives.	No No

Minutes Acceptance: Minutes of Aug 14, 2023 7:00 PM (Approval of Minutes)





City Council Ordinance
Regular Meeting - September 11, 2023

Submitted by: Erin Lynn, Planning Manager
 Submitting Department: Development Services

Subject:

Update of the Traffic Code of the City of Fairfield Codified Ordinances.

Legislation Title:

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.

Background/Synopsis:

In 2020 City Council adopted Fairfield Connects, a connectivity master plan for the city. The plan provided a framework for various pedestrian friendly routes for sidewalks and multi-use paths. In addition, it outlined a series of implementation strategies, one of which was to develop bicycle friendly policies and regulations. Chapter 373.14 of the Traffic Code addresses bicycles on sidewalks. The existing code states that only minors 15 years of age or less may be permitted to ride bicycles on sidewalks under certain conditions. In order to promote alternative transportation, it is recommended that Council allow bicyclists of all ages to ride bicycles on sidewalks under the same conditions.

Financial Impact:

There is no financial impact with this request.

Emergency Provision Explanation:

NA

Rule Suspension Requested:

No

Emergency Provision Needed:

No

Attachments:

1. Section 373.14-Ord
2. Section 373.14 Ex A

ORDINANCE NO. _____

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.

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

Section 1. Section 373.14 RIDING ON SIDEWALKS of Chapter 373, Bicycles and Motorcycles, of Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio, is hereby amended to read as follows:

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

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

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

ATTEST:

Clerk of Council

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

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2023\Sections 373.14-Ord

Attachment: Section 373.14-Ord (3640 : Update of the Traffic Code of the City of Fairfield Codified Ordinances.)

CHAPTER 373

Bicycles and Motorcycles

[NO CHANGES UNTIL SECTION 373.14]

373.14 RIDING ON SIDEWALKS.

(a) No person shall ~~[ride]~~ **OPERATE** a bicycle upon a sidewalk ~~[within a business district]~~ **WHERE SIGNS ARE ERECTED PROHIBITING SUCH OPERATION.** ~~[where there is less than twenty feet between the front of the business building and the back of the near curb.]~~

(b) ~~[Minors fifteen years of age or less may be permitted to ride bicycles on sidewalks where the buildings do not abut the paved parts of the sidewalk; provided that, when approaching a pedestrian or other person lawfully using the sidewalk, any minor riding on the sidewalk shall give audible warning by means of a bell or horn and shall yield the use of the sidewalk to the pedestrian or other person dismounting if necessary to do so.]~~ **WHENEVER A PERSON IS RIDING A BICYCLE UPON A SIDEWALK, SUCH PERSON SHALL YIELD THE RIGHT OF WAY TO ANY PEDESTRIAN AND SHALL GIVE AN AUDIBLE SIGNAL BEFORE OVERTAKING AND PASSING SUCH PEDESTRIAN.**

(c) ~~[The Chief of Police is authorized to erect signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, and when the signs are in place no person shall disobey them.]~~ **WHENEVER IN THE JUDGEMENT OF THE CITY MANAGER THE RIDING OF BICYCLES ON ANY SIDEWALK, ROADWAY OR PUBLIC PROPERTY CREATES AN UNDUE HAZARD TO PEDESTRIANS, BICYCLISTS OR VEHICULAR TRAFFIC, THE CITY MANAGER MAY PROHIBIT THE RIDING OF BICYCLES ON SUCH SIDEWALK, ROADWAY OR PUBLIC PLACE AND SHALL ERECT AND MAINTAIN, OR CAUSE TO BE MAINTAINED, APPROPRIATE SIGNS INDICATING SUCH PROHIBITION.**

(d) No person shall ride a motorized bicycle on a sidewalk, unless directed to do so by sign or signal or at the direction of a police officer.

(e) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

[NO FURTHER CHANGES TO THIS SECTION]

EXHIBIT "A"



City Council Ordinance
Regular Meeting - September 11, 2023

Submitted by: Ben Mann,
 Submitting Department: Public Works

Subject:

Approval of contract for purchase of road salt from Morton Salt, Inc.

Legislation Title:

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.

Background/Synopsis:

The purchase of road salt would be made under the new contract in conjunction with the Butler County Engineer's Office. The purchases would be for stocking of the salt building located at the Public Works Facility on North Gilmore Road. Restocking of road salt for the 2023/2024 season would be purchased from the 2023 and 2024 budget. The City currently is fully stocked on salt and purchases of additional salt will take place when needed.

The Public Works Department, in order to obtain better pricing and service, has participated in bidding submitted in conjunction with the Butler County Engineer's Office for the City's salt purchases for many years. The county contract for 2023 includes Butler County Engineer's Office, Butler County Water and Sewer, as well as participating Cities, Villages, and Townships within Butler County.

The Butler County contract was awarded to Morton Salt, Incorporated at the price of \$90.31 per ton for road salt dumped at our Public Works facility. This cost was an increase of about 5% from the \$85.92 per ton price in 2022.

The price was \$76.29 per ton in 2021. The price was \$74.71 per ton in 2020, \$73.21 per ton in 2019, \$62.98 per ton in 2018, \$58.73 per ton in 2017, \$68.42 per ton in 2016, \$74.19 per ton in 2015, \$66.71 per ton in 2014, and \$64.22 per ton in 2013.

Cargill, Inc. had been the low bidder from 2013 to 2020. Morton was the low bidder in 2021 and 2022.

Financial Impact:

Funding for routine purchases of road salt during the snow season is included in the operating budget for the Public Works Department.

Emergency Provision Explanation:

Not applicable.

Rule Suspension Requested:

No

Emergency Provision Needed:

No

Attachments:

1. 2023 CONTRACT
2. City of Fairfield
3. Specs
4. Morton Salt-Ord

CONTRACT NO 2023-1M

THIS CONTRACT, made and entered into this 10th day of July in the year Two Thousand Twenty Three by and between the Board of County Commissioners of Butler County, Ohio ("COUNTY"), and Morton Salt, Inc. ("CONTRACTOR").

WITNESSETH: That the CONTRACTOR has agreed, and by these presents does agree with the COUNTY for the consideration herein below mentioned, to provide at CONTRACTOR'S own proper cost and expense all necessary materials and labor of every description, and to carry out complete in good, firm, and substantial manner the Furnishing of ODOT Spec. 712.03 Bulk-Treated Sodium Chloride for Butler County, Cities, Villages and Townships. Exhibit A (Specifications), Exhibit B (Schedule for Billing and Delivery), the Legal Ad, the Description of Bid, the Schedule of Prices, the requirements of the Invitation to Bid (also including necessary forms), the Contract Bond, and any addenda or clarifications issued prior to bid selection are hereby incorporated into this contract.

The quantity of 8,850 tons (more or less, as provided in the Specifications) of ODOT Spec. 712.03 Bulk-Treated Sodium Chloride for County use shall be provided at a unit price of \$105.31 per ton for pile and \$90.31 per ton for dump. The quantity of 6,580 tons (more or less, as provided in the Specifications) of ODOT Spec. 712.03 Bulk-Treated Sodium Chloride for City and Village use shall be provided at a unit price of \$105.31 per ton for pile and \$90.31 per ton for dump. The quantity of 12,300 tons (more or less, as provided in the Specifications) of ODOT Spec. 712.03 Bulk-Treated Sodium Chloride for Township use shall be provided at a unit price of \$105.31 per ton for pile and \$90.31 per ton for dump. The quantities for County, City, Village and Township use are to be billed and shipped directly to the County; City, Village or Township, as indicated on the "Schedule for Billing and Delivery" and as arranged directly between each jurisdiction and the CONTRACTOR, at the foregoing unit prices without further cost to any jurisdiction for delivery.

CONTRACTOR hereby agrees to release, indemnify, defend, and hold harmless Butler County and its agencies, offices, officials, and all employees thereof from and against any and all liability, actions, claims, suits, demands, costs, expenses, penalties, fines, or judgments on account of any loss or damage to any person or property or any failure to comply with governmental laws and regulations which result from or arise out of any act or omission of the Contractor or its subcontractors or the agents, officers, employees, or material men of either, jointly or severally, while engaged in the work to be performed under this contract.

CONTRACTOR shall be responsible for the Contractor's work under this contract, and for the work of other parties undertaking any portion of the Contractor's responsibility or obligation, including compliance with all applicable local, State, and Federal laws and regulations concerning workplace safety.

IN WITNESS WHEREOF, the said COUNTY of Butler, Ohio, has caused its name to be affixed by the Board of County Commissioners, and CONTRACTOR has set its hand on the day and year aforesaid.

Paul J. Fife July 10, 2023
 Board of County Commissioners
as delegated by resolution

Approved as to form only:

Mary Anne Nardillo
 Assistant Prosecuting Attorney

Anthony Patton

Anthony Patton (Jun 22, 2023 15:27 CDT)

Authorized Representative of Contractor

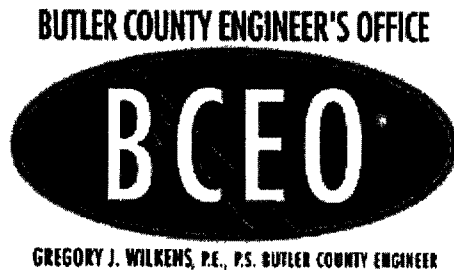
Anthony T Patton

Printed Name

Director, Bulk Deicing US Government Sales

Title

Attachment: 2023 CONTRACT (3631 : Approval of contract for purchase of road salt from Morton Salt, Inc.)



To: Ben Mann / Mandi Brock – City of Fairfield

From Paula Burton

Date. 7/10/23

RE Salt Contract 2023-1M CUSTOMER NUMBER

Ben & Mandi,

Morton Salt has been awarded the salt contract for 2023 at a price of \$90.31 per ton for dump

Morton Salt offers an online portal called myMorton where you can place your orders online (anytime day or night) at your convenience. That link is [Introducing the MyMorton Portal - Morton Salt](#)

You may also call
Customer Supply Chain Team
Bulk Deicing
Morton Salt, Inc.
855-665-4540

Your Customer Number is. 3739426

If you have any questions, please let me know

Thanks

Paula Burton
Administrative Secretary
513-785-4141
burtonp@bceo.org

Attachment: City of Fairfield (3631 : Approval of contract for purchase of road salt from Morton Salt, Inc.)

CONTRACT NO. 2023-1M

EXHIBIT "A"

SPECIFICATIONS

- 1 QUANTITY - Is approximate and is on a "more or less" basis. Supplier shall meet all needs through May 31, 2024. Actual orders may be more or less than estimated. Estimates indicated will be used solely for the purposes of making a tabulation of bids. The Contractor shall bid on the contract as a whole. Partial bids will not be separated or accepted.
2. PRICE - To be guaranteed through May 31, 2024
- 3 DELIVERY - Shall be made by the supplier within seventy-two (72) hours of notification.
- 4 BLOWER - Price quotes required for straight dump and for blower/piler (price per ton of materials).
- 5 ANTI-CAKING AGENT - To be contained in salt.
- 6 LOAD LIMITS - Vehicles hauling goods and/or materials for the Butler County Engineer's Office shall conform to the Ohio State Laws governing load weight limits of roads and bridges. The County Engineer will not be responsible for any goods and/or materials delivered by a vehicle not in compliance with such laws. Weight slips from vehicles indicating noncompliance may be turned over to the proper law enforcement agency for appropriate action. Vehicles shall be tarped and/or enclosed to prevent spillage of material.
- 7 TESTING - Material supplied shall be in conformance with the State of Ohio Department of Transportation "Construction and Material Specifications" Manual dated January 1, 2019. A notarized Certificate of Conformance from the Ohio Department of Transportation or a certified independent testing laboratory stating that the material as bid is in conformance with 712.03 shall be submitted along with the bid.

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT
WITH MORTON SALT, INC. FOR THE PURCHASE OF ROAD SALT.

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

Section 1. The City Manager is hereby authorized to enter into a contract with Morton Salt, Inc. for the purchase of road salt in accordance with the contract on file in the office of the City Manager.

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

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

ATTEST:

Clerk of Council

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

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2023\Morton Salt-Ord

Attachment: Morton Salt-Ord (3631 : Approval of contract for purchase of road salt from Morton Salt, Inc.)



City Council Ordinance
Regular Meeting - September 11, 2023

Submitted by: Laurie Murphy,
Submitting Department: City Manager's Office

Subject:

Approve and Authorize the Roth 457 option for City of Fairfield Employees

Legislation Title:

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.

Background/Synopsis:

Ohio Revised Code Section 148.04 authorizes employers to offer the Roth 457 option within its public employee deferred compensation program. The Roth 457 option has been identified as an additional benefit that can assist City employees to save for retirement by expanding their portfolio to include this option for possible tax savings.

Financial Impact:

There is no financial impact to the City of Fairfield.

Emergency Provision Explanation:

N/A

Rule Suspension Requested:

No

Emergency Provision Needed:

No

Attachments:

1. Roth 457-Ord

ORDINANCE NO. _____

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.

WHEREAS, pursuant to Ohio Revised Code 148.06, the City of Fairfield offers a deferred compensation program to employees through the Ohio Deferred Compensation program; and

WHEREAS, Senate Bill 220 was signed into law on March 19, 2017 to allow a Roth 457 option to be offered within public employee deferred compensation programs as an additional benefit that can assist employees to save for retirement; and

WHEREAS, employers who chose to offer the Roth 457 option to their employees must execute an Employer Adoption Agreement with the Ohio Public Employees Deferred Compensation Board; and

WHEREAS, Council endorses and authorizes the expansion of the Ohio Deferred Compensation program to include the Roth 457 option as a means for employees to expand their retirement portfolios and obtain possible tax advantages.

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

Section 1. The City Manager is authorized to execute the Employer Adoption Agreement and any and all other documents and/or agreements with the Ohio Public Employees Deferred Compensation Board necessary to implement the Roth 457 option for employees.

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

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

ATTEST:

Clerk of Council

Attachment: Roth 457-Ord (3628 : Approve and Authorize the Roth 457 option for City of Fairfield Employees)

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\Roth 457-Ord

Attachment: Roth 457-Ord (3628 : Approve and Authorize the Roth 457 option for City of Fairfield Employees)



City Council Ordinance
Regular Meeting - September 11, 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
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 southeastly 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 Bibary Road.

From this point, move west to where the southeast corner of lot 4423 intersects with the western right-of-way line of Bibary 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 374 to the southeast corner of part lot 374, then west along the southern lot line of part lot 374 to the northwest corner of lot 363. Then follow the eastern lot line of lot 363 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 west 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 northwest corner of lot 13913 NE, then follow the northern, eastern, and southern lot lines of lot 13913 NE to the intersection of lot 13913. Then follow the eastern lot lines of lot 13913 and lot 517 to the intersection with lot 516, then follow the northern,

eastern, and southern lot lines 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 northeast corner of part lot 514 intersects with the southern right-of-way line of Augusta Boulevard, then travel south along the eastern lot line of part lot 514 to its intersection with lot 513. 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.

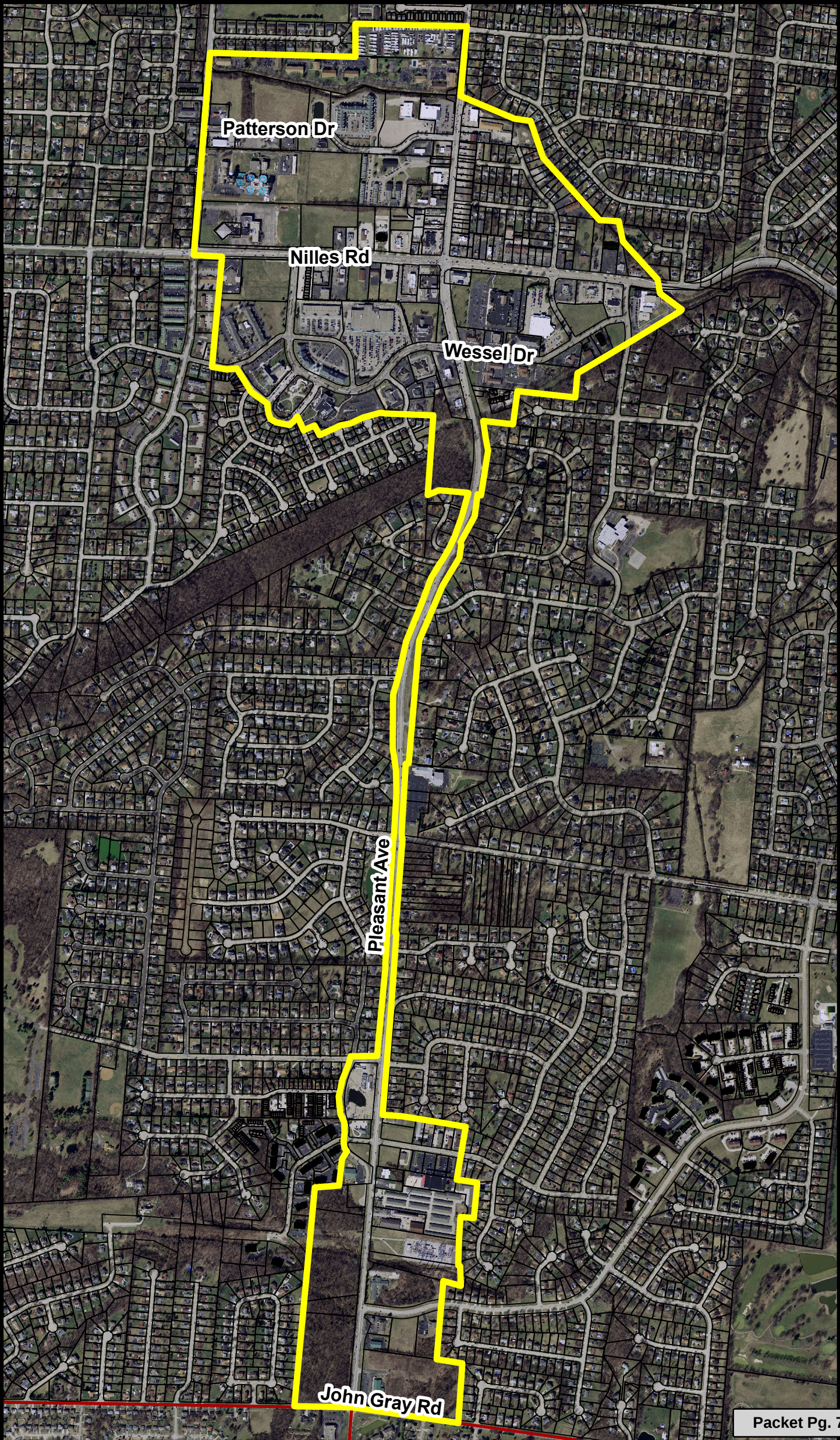
From this point, follow the centerline of Hunter Road the western right-of-way line of Pleasant Avenue. Then travel north along the western right-of-way line of Pleasant Avenue to the southeast corner of lot 362, then follow the southern and western lot lines of lot 362 to the southwest corner of remnant part lot 12866. Then follow 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 eastern lot 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 herby 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-Ord (3663 : Fairfield Town Center Community Reinvestment Area)



City Council Ordinance
Regular Meeting - September 11, 2023

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

Subject:

5103 Pleasant Avenue Development Agreement

Legislation Title:

Ordinance to authorize the City Manager to execute a Development Agreement with Cassandra A. Rodriguez & Ricardo A. Rodriguez related to the improvements at 5103 Pleasant Avenue within Fairfield's Town Center area and declaring an emergency.

Recommendation:

It is recommended that City Council suspend the rules requiring a second and third reading of this ordinance and pass as an emergency.

Background/Synopsis:

In 2021, the City completed the Pleasant Avenue Corridor Study, studying the corridor between Nilles Road and Pleasant Run Creek. Among other factors, the study reviewed vehicle crash data from 2017-2019. The majority of crashes were related to driveways onto Pleasant Avenue. The study noted the high number and improper alignment of driveways, which results in multiple conflict points and increases the complexity of navigating through the corridor.

Following completion of the study, Development Services staff worked with property and business owners within Riegert Square to develop improvements that will consolidate driveways, improve signage, and improve overall aesthetics of Riegert Square. With those improvements now underway, staff began meeting with property and business owners on the opposite side of Pleasant Avenue to discuss opportunities for similar aesthetic and safety improvements.

The property at 5103 Pleasant Avenue originally served as the City's first municipal building and fire station. During the City's ownership of the property, a wide curb cut extending across the near entirety of the property was created and the parking lot was paved across this same width, allowing parking within the right-of-way. This condition has remained after the property transitioned into private ownership.

The City has developed a plan with the current property ownership to create a central driveway to the property and narrow the curb cut to approximately 24 feet. A portion of the parking lot will be removed on either side of the new driveway and landscaping will be installed using similar plantings as the new landscaping at Riegert Square. Replacement of the curb and sidewalk will meet accessibility requirements.

The property owner has expressed a desire to install signage at the street for Rodriguez and Porter,

the current building occupant. The proposed agreement outlines a partnership structure for installation of the signage, including a city grant towards sign construction of 50% of the signage installation costs, up to \$2,500.

This ordinance authorizes the City Manager to enter into a Development Agreement with Cassandra A & Ricardo A Rodriguez, the fee simple owners of the property at 5103 Pleasant Avenue. The agreement provides for the City to construct the proposed curb, sidewalk, driveway, and landscaping improvements. The property owners will be responsible for ongoing maintenance of the improvements, including regular maintenance of the new landscaping.

Financial Impact:

The City budgeted \$60,000 for improvements to the west side of Pleasant Avenue within this year's CIP budget and has committed none of these funds to date. The improvements committed under this agreement are estimated to cost approximately \$20,000.

Emergency Provision Explanation:

Emergency approval of the ordinance is requested to ensure that agreements can be executed in a timely manner so that construction can advance on a similar timeframe to the Riegert Square improvements, resulting in earlier benefits to businesses in the Town Center area.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

Yes

Attachments:

1. 5103 Pleasant Agreement Merged - August 2023
2. Rodriguez-Ord

DEVELOPMENT AGREEMENT **(5103 Pleasant)**

THIS Development Agreement, "Agreement" is made and entered into this ____ day of September 2023 by and between the **City of Fairfield, Ohio**, an Ohio municipal corporation (hereinafter referred to as "**City**") and **Cassandra A & Ricardo A Rodriguez**, husband and wife (hereinafter referred to as "**Owner**").

WITNESSETH

WHEREAS, the City prioritizes the physical appearance and economic health of the Pleasant Avenue corridor, consistent with the 1993 Town Center Development Plan and 2019 Fairfield Forward Comprehensive Plan both adopted by Fairfield City Council; and

WHEREAS, the Owner is the fee simple property owner of 5103 Pleasant Avenue (hereinafter referred to as "Property"); and

WHEREAS, the City has created plans for physical improvements within the right-of-way and existing parking areas of the Property, including creation of a central driveway, replacement of the curb and sidewalk to meet accessibility requirements, installation of curbing and landscaping, and related improvements (collectively hereinafter referred to as the "Project"); and

WHEREAS, the City seeks to increase employment opportunities and to encourage the establishment of new jobs in the City, and to improve the economic welfare of the City and its citizens, in furtherance of the public purposes enunciated in Article VIII, Section 13 of the Ohio Constitution and Section 718.15 and 718.151 of the Ohio Revised Code; and

WHEREAS, the City believes that its financial incentive as contemplated in this Agreement will have a significant direct impact within the Fairfield community, improve the image and economic health of the Town Center, and have a positive impact on the revenues of the City through the creation and maintenance of job opportunities.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefits to be derived by the parties from the execution hereof, the parties herein agree as follows:

1. **Access:** Owner and City agree that the Project shall be completed in accordance with the terms of this Agreement and access to the Property shall be reconfigured as set forth herein and as shown on the development plan attached hereto as Exhibit A. The City, at its sole expense, will remove the existing driveway and replace same with a driveway creating a centrally-located curb cut and driveway apron approximately 24 feet wide all as shown in Exhibit A.

2. **Landscaping:** As part of the project, the City will remove asphalt from the portion of the Property adjacent to the new driveway apron and replace same with curb, sidewalk, and landscape beds parallel and adjacent to Pleasant Avenue as shown in Exhibit A. Owner agrees that the City shall have access to the property to construct the improvements. The City, at its expense, will install mulch and native plantings in the landscape beds. Following completion of the Project, Owner will maintain the mulch and plantings in the landscape beds including weeding, mulching, trimming and pruning of plantings, replacement of dead plants, and removal of trash and debris from the landscape beds.

3. **Business Signage:** Owner has expressed a desire to install a ground sign within the landscape beds to be created as part of the Project. Installation of a ground sign is not permitted under the zoning requirements of the D-1 Zoning District due to the size of the linear frontage of the Property. Should the Owner submit an application to the City's Board of Zoning Appeals seeking a variance to this linear frontage requirement to permit installation of a ground sign, City acknowledges and agrees that such a proposal is consistent with and will further the City's priorities expressed herein and therefore will be supportive of such application provided the size and design of the proposed ground sign are otherwise compliant with the City Planning and Zoning Code. The design of the sign may require review and approval by the City's Design Review Board and/or Planning Commission, depending on the current City requirements at the time of application.

4. **Sign Grant:** Should the Owner complete installation of a ground sign as described in Section 3 of this Agreement prior to October 31, 2024, the City will provide a grant to Owner in the amount of 50% of the design and construction costs for the sign, not to exceed \$2,500.00. After

installation of the ground sign, the City will disburse the grant funds to Owner upon receipt of: 1) documentation of an approved final inspection by the City's Building & Zoning Division; and 2) documentation of the actual costs for the sign as demonstrated by paid invoices for materials and contractor services. Owner will be responsible for all expenses related to the sign and its installation in excess of the amount of the grant.

5. **Parking Lot Improvements:** The City, at its expense, will provide new painted striping of the parking lot to designate parking spaces, as shown in Exhibit A. Should Owner notify City that Owner intends to repave the parking lot, seal the parking lot, or otherwise improve the asphalt pavement, the City agrees to delay the restriping until Owner completes such improvements, or until October 31, 2024, whichever is first.

6. **Historic Marker:** The Property contains a historic marker highlighting the history of the property as a former municipal building and fire house. The City will investigate repairs to this marker to improve the legibility of text and images. Owner agrees that the City may make improvements to the historic marker at the sole expense of the City.

7. **Additional Terms:**

(a) Non-Discrimination. By executing this agreement, Owner agrees not to engage in discriminatory hiring practices and acknowledges that no individual may be denied employment solely on the basis of race, religion, disability, color, national origin, or ancestry.

(b) Governing Law. This Agreement shall be governed by the laws of the State of Ohio as to all matters, including, but not limited to, matters of validity, construction, effect and performance.

(c) Forum and Venue. All actions regarding this Agreement shall be brought in any court of competent subject matter jurisdiction in Butler County, Ohio.

(d) Entire Document. This Agreement and its exhibits and any documents referred to herein constitute the complete understanding of the parties and merge and supersede any and all

other discussions, agreements and understandings, either oral or written, between the parties with respect to the subject matter hereof. Notwithstanding any representations to the contrary, or other facts, the parties are not bound to the provisions of this Agreement prior to full and final execution of this document by all parties.

(e) Severability. If any provision of this Agreement is held to be prohibited by or invalid under applicable law, such provision shall be ineffective only to the extent of such prohibition or invalidity, without invalidating the remainder of this Agreement.

(f) Assignment. Neither this Agreement nor any rights, duties, or obligations described herein shall be assigned or subcontracted without the prior express written consent of City. Notwithstanding the foregoing, this Agreement may be assigned without prior consent of City, but upon prior written notice to City, in the following instance: by Owner in the event of the sale of its Property.

(g) Successor in Interest. Each and all of the terms and conditions of this Agreement shall extend to and bind and inure to the benefit of not only the Owner, but to any and all successors and assigns.

(h) Notices. All notices, consents, demands, requests and other communications given hereunder shall be in writing and shall be deemed duly given if personally delivered or sent by mail, registered or certified, to the addresses set forth hereunder, or to such other address as a party hereto may designate in written notice transmitted in accordance with this provision.

City: City Manager
City of Fairfield
5350 Pleasant Avenue
Fairfield, Ohio 45014

Owner: Cassandra A & Ricardo A Rodriguez
5103 Pleasant Avenue
Fairfield, Ohio 45014

IN WITNESS WHEREOF, the City of Fairfield, Ohio, pursuant to Ordinance _____, has caused this instrument to be executed this ____ day of September, 2023, **Cassandra A Rodriguez** has caused this instrument to be executed this ____ day of _____, 2023, and **Ricardo A Rodriguez** has caused this instrument to be executed this ____ day of _____, 2023.

City:

City of Fairfield

Scott W. Timmer
City Manager

Owner:

Cassandra A. Rodriguez

Ricardo A Rodriguez

Approved as to Form:

John H. Clemmons
Fairfield City Law Director

Approved as to Content:

Gregory Kathman
Fairfield Development Services Director

FISCAL OFFICER'S CERTIFICATE

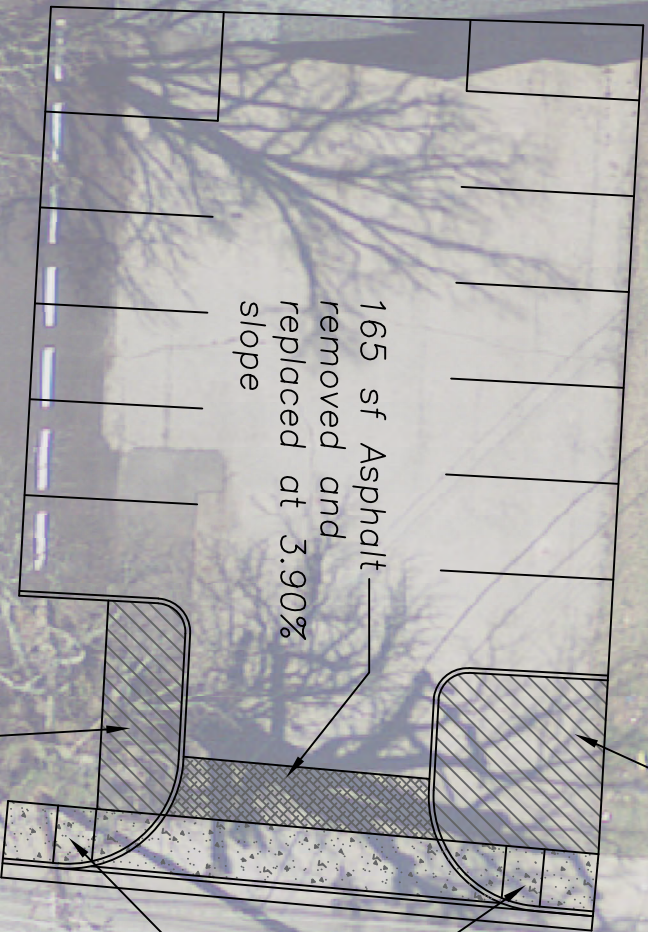
As fiscal officer for the City of Fairfield, I hereby certify that funds sufficient to meet the obligations of the City in this Agreement (including specifically the funds required to meet the obligation of the City in the year 2023) have been lawfully appropriated for the purposes thereof and are available in the treasury, and/or are in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This certificate is given in compliance with Ohio Revised Code Sections 5705.41 et seq.

Dated: September _____, 2023

Chris Hacker, Director of Finance
City of Fairfield, Ohio

EXHIBIT A

5103 Pleasant Ave.



202 CURB REMOVED	62 FEET
202 SIDEWALK REMOVED	372 SQ FT
202 PAVEMENT REMOVED	72 SQ YD
304 AGGREGATE BASE	10 CU YD
441 ASPHALT SURFACE COURSE (1-1/2")	1 CU YD
441 ASPHALT INTERMEDIATE COURSE (4")	2 CU YD
608 4" CONCRETE WALK	111 SQ FT
608 9" CONCRETE WALK	261 SQ FT
609 TYPE 2 CURB AND GUTTER (24" WIDE)	62 FEET
609 TYPE 6 CURB	101 FEET
659 TOPSOIL (6")	9 CU YD
659 SEEDING AND MULCHING	54 SQ YD
644 PARKING LOT STALL MARKING	217 FEET

Scale 1:20

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO EXECUTE A DEVELOPMENT AGREEMENT WITH CASSANDRA A. RODRIGUEZ AND RICARDO A. RODRIGUEZ RELATED TO THE IMPROVEMENTS AT 5103 PLEASANT AVENUE WITHIN FAIRFIELD'S TOWN CENTER AREA 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 a Development Agreement with Cassandra A. Rodriguez and Ricardo A. Rodriguez related to the improvements at 5103 Pleasant Avenue within Fairfield's Town Center Area 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 construction can advance on a similar timeframe to the Riegert Square Improvements; 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\Rodriguez-Ord

Attachment: Rodriguez-Ord (3659 : 5103 Pleasant Avenue Development Agreement)



City Council Ordinance
Regular Meeting - September 11, 2023

Submitted by: Greg Kathman,
 Submitting Department: Development Services

Subject:

Energy Efficiency and Conservation Block Grant

Legislation Title:

Ordinance to authorize the City Manager to apply for and accept an energy efficiency and conservation block grant and declaring an emergency.

Recommendation:

It is recommended that Council suspend the second and third readings and approve as an emergency.

Background/Synopsis:

The federal bipartisan Infrastructure and Jobs Act provided \$550 million funding for the Energy Efficiency and Conservation Block Grant program. This funding is allocated to states and units of local government to develop comprehensive energy plans and jump-start or enhance energy efficiency programs in their communities. According to program guidelines, Fairfield is eligible for \$76,610 of block grant funding.

Securing this grant will provide city staff an opportunity to develop highly-technical energy efficiency and conservation strategies for various city facilities, including the hiring of qualified subject matter experts. This grant opportunity aligns well with the more general comprehensive sustainability planning process currently underway.

Financial Impact:

This is a federal Block Grant opportunity with no local match requirement.

Emergency Provision Explanation:

Emergency approval is requested so as to not miss the application deadline.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

Yes

Attachments:

1. Energy Efficient Grant-Ord

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO APPLY FOR AND
ACCEPT AN ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT 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 apply for and accept an Energy Efficiency and Conservation Block Grant in accordance with the application and 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 the application deadline be met; 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\Energy Efficiency Grant-Ord

Attachment: Energy Efficient Grant-Ord (3671 : Energy Efficiency and Conservation Block Grant)



City Council Action Item
Regular Meeting - September 11, 2023

Submitted by: Alisha Wilson, Clerk

Submitting Department: Clerk

Subject:

Aria Bistro & Lounge Liquor Permit - Hearing Requested

Legislation Title:

Simple Motion: Motion to request a hearing regarding a liquor permit application in the name of Aria Bistro & Lounge LLC, 5353 Dixie Highway, 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 Aria Bistro & Lounge LLC, 5353 Dixie Highway, 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. AriaBistroLounge.LiquorPermit

**DEPARTMENTAL
CORRESPONDENCE**

TO: Steve Maynard, Police Chief
Greg Kathman, Development Services Director

FROM: Alisha Wilson, Clerk of Council

DATE: August 16, 2023

SUBJECT: REQUEST FOR BACKGROUND CHECK – LIQUOR PERMIT

Attached is a liquor permit application in the name of Aria Bistro & Lounge LLC, 5353 Dixie Highway, 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 Thursday, August 31** for the item to be added to Council's Regular Meeting agenda of Monday, September 11, 2023.

Thank you for your assistance.

c: Scott Timmer, City Manager
File

Attachment: AriaBistroLounge.LiquorPermit [Revision 1] (3668 : Aria Bistro & 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

0262000		NEW		ARIA BISTRO & LOUNGE LLC 5353 DIXIS HWY FAIRFIELD OHIO 45014
PERMIT NUMBER		TYPE		
ISSUE DATE				
07 24 2023				
FILING DATE				
D5				
PERMIT CLASSES				
09	011	A	D86237	
TAX DISTRICT		RECEIPT NO.		
				FROM 08/10/2023

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



MAILED 08/10/2023

RESPONSES MUST BE POSTMARKED NO LATER THAN. 09/11/2023

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 0262000

(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 OfficerCLERK OF FAIRFIELD CITY COUNCIL
5350 PLEASANT AV
FAIRFIELD OHIO 45014

Ohio**Department
of Commerce**

Rev 2/10/2021

Mike DeWine, Governor
Jon Husted, Lt. GovernorDivision 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
6608 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/llqr/llqr_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
6608 Tussing Road
Reynoldsburg, OH 43068-9009

Fax 614-728-1281
TTY/TDD 800-750-0750

Packet Pg. 97

FAIRFIELD

O H I O

DEPARTMENTAL CORRESPONDENCE

Date: 8/21/23

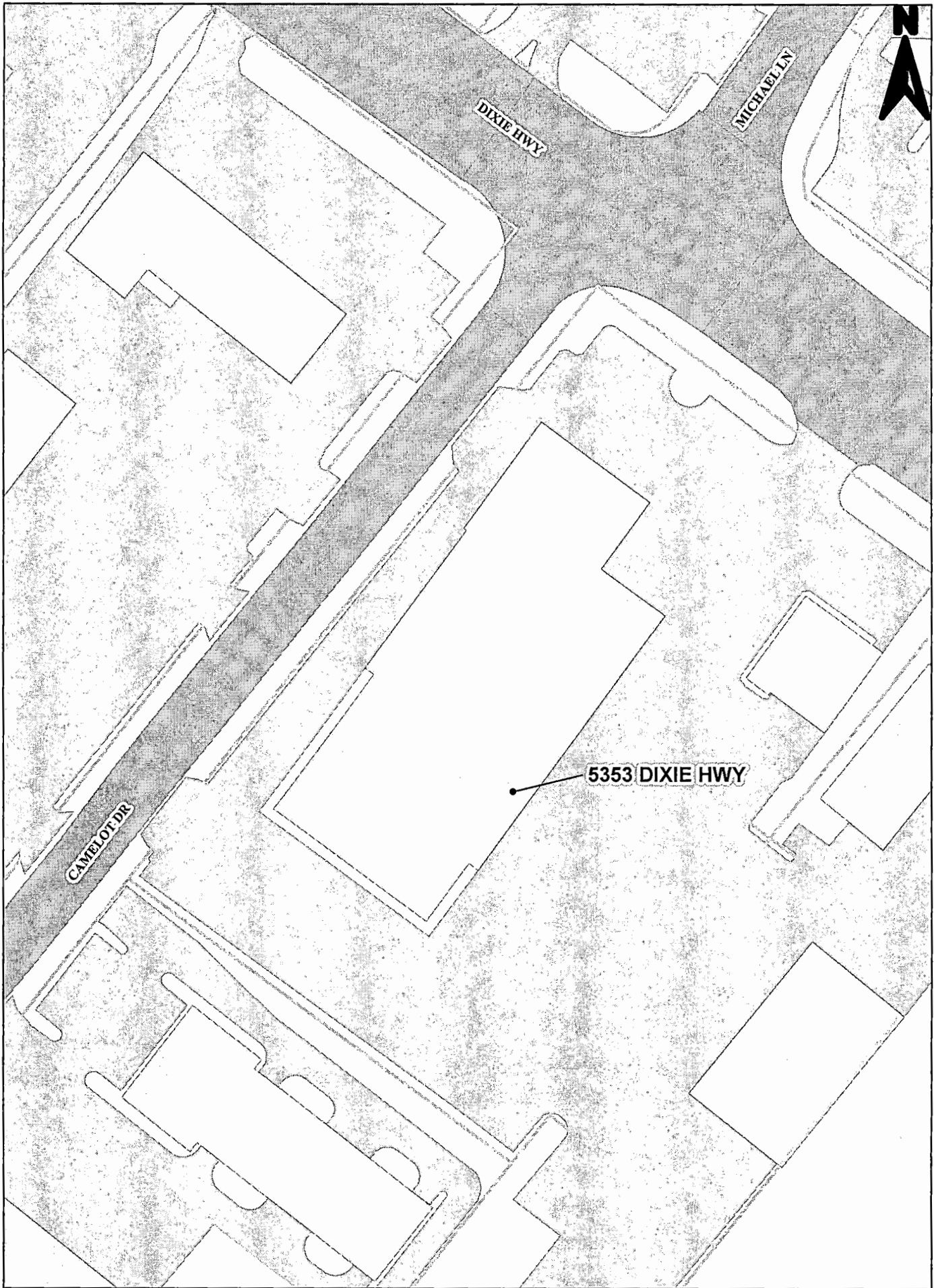
To: Alisha Wilson, Clerk of Council

From: Greg Kathman, Development Services Director 

Subject: Liquor Permit Application

The business at 5353 Dixie Hwy in the name of Aria Bistro & Lounge LLC, is in the C-3A, General Business District Modified. A restaurant is a permitted use within the C-3A zoning district. Should the applicant wish to operate this facility as a tavern, night club, or entertainment facility solely or in conjunction with the restaurant, a Conditional Use Permit must be secured through the Planning Commission.

Attachment: AriaBistroLounge.LiquorPermit [Revision 1] (3668 : Aria Bistro & Lounge Liquor Permit - Hearing Requested)



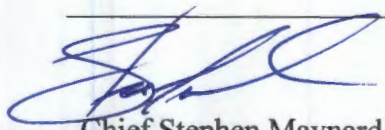
NAME OF ESTABLISHMENT Aria Bistro & Lounge LLC

ADDRESS 5353 Dixie Highway

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: We have been unable to verify the identity of the applicant or any other parties that may be associated with the business. Therefore, we have been unable to conduct a proper background investigation and are requesting a hearing.



Chief Stephen Maynard
Chief of Police

HEARING REQUESTED: Yes ☒ No ☐

Date: September 1, 2023



City Council Ordinance
Regular Meeting - September 11, 2023

Submitted by: Thomas Lakamp,
 Submitting Department: Fire

Subject:

EMS Billing Contract

Legislation Title:

Ordinance to authorize the City Manager to enter into a professional services agreement with Medicount Management Inc. to provide billing services for emergency medical transport and declaring an emergency.

Recommendation:

It is recommended that the City Council authorize and direct the preparation of legislation authorizing the appropriation of funding in the amount of 6.625% of annual gross amount of EMS billing revenue collected (approximately \$95,000 based on projected 2023 revenue). It is further recommended that City Council authorize and direct the preparation of legislation authorizing the City Manager to enter into a professional services agreement with Medicount Management Inc, 10361 Spartan Drive, Cincinnati, Ohio 45215.

Background/Synopsis: Medicount Management Inc. invoices patients for emergency medical transport. Medicount manages all of the invoicing and collections for EMS services. EMS billing provided over \$1,300,000 back into the fire levy fund in 2022.

Financial Impact: 6.625% of gross collected revenue estimated at \$95,000 based on 2023 projections from the Fire Levy Fund, 20305153

Emergency Provision Explanation: To provide for the continuation of billing services without interruption.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

Yes

Attachments:

1. #103 City Of Fairfield Client Service Agreement 05.22.2023
2. Medicount Management Inc-Ord

CLIENT SERVICES AGREEMENT

This Client Services Agreement (“Agreement”) entered into as of the ____ day of _____, 2023 (the “Effective Date”) by and between Medicount Management, Inc. (“Medicount”) and **CITY OF FAIRFIELD, BUTLER COUNTY, OHIO** (“EMS Agency”). Medicount and EMS Agency are individually a “Party” and collectively the “Parties”.

WHEREAS, EMS Agency provides emergency medical services (“EM Services”); and

WHEREAS, EMS Agency desires to retain Medicount to provide billing services for such EM Services pursuant to the terms and conditions in this Agreement.

NOW, THEREFORE, it is agreed between the Parties as follows:

1. **Billing Services.** Subject to the terms and conditions of this Agreement, EMS Agency hereby appoints Medicount as its exclusive billing agent for EM Services during the Term (defined hereafter). Medicount will provide EMS Agency with the billing services described in this Agreement and in **Exhibit A**, which is attached hereto and incorporated herein, as the same may be modified by the Parties from time to time (“Billing Services”).
2. **EMS Agency Obligations.** To facilitate the performance of the Billing Services, EMS Agency shall cooperate with Medicount and will fulfill the obligations outlined in this Agreement and in **Exhibit B**, which is attached hereto and incorporated herein, as the same may be modified by the Parties from time to time.
3. **Legal Compliance.** Notwithstanding anything to the contrary contained herein, EMS Agency acknowledges that it has read, understands, and will comply with all applicable local, state and federal laws, rules and regulations now existing or existing in the future (“Laws”) in submitting any claim and will provide Medicount with accurate and complete information for the submission of any claim on its behalf, including but not limited to the signature requirements outlined in this Agreement. Medicount will not accept any orders or demands from EMS Agency that it reasonably believes are not in compliance with applicable Laws and any submission of such orders or demands are grounds for immediate termination of this Agreement.
4. **Compensation.**
 - a. In exchange for the provision of the Billing Services, EMS Agency shall pay Medicount:
 - (i) a base rate fee equal to **6.625%** of the gross amount collected by Medicount and/or EMS Agency for EM Services (less refunds, “offsets” and deductions incurred by Medicount or EMS Agency for expenses and/or processing fees (including credit card

processing fees) incurred in collecting monies owed for EM Services); (ii) if applicable, the Flat Fee described in Section 4(c); plus (iii) any additional fees set forth herein or in any exhibit or addenda attached hereto, including but not limited to Third Party Costs defined in Section 4(b) and audit response rates described on Exhibit B (collectively, “Medicount Compensation”).

- b. EMS Agency will reimburse Medicount for all reasonable expenses and third party costs directly incurred in performing the Billing Services, including, but not limited to: (i) any fees assessed by governmental agencies or insurance providers for required provider numbers, licensing, certification, and recertification applications; (ii) any significant increases in the United States Postal Service rates or shipping rates; (iii) any ePCR billing software license fees or hardware purchased for use by EMS Agency that is charged to or paid by Medicount (collectively, “Third Party Costs”). Third Party Costs shall be invoiced monthly by Medicount to EMS Agency as costs are incurred and such Third-Party Costs will be reasonably substantiated by Medicount upon EMS Agency’s request.
- c. EMS Agency agrees to pay Medicount a flat fee if either of the following occur:
 - i. If EMS Agency chooses to bill a patient for EM Services which involve a Treat Non-Transport or a Non-Transport, such bills will be invoiced at a flat fee of \$15.00 per call, regardless of the charge amount and amount collected.
 - ii. If EMS Agency bills a healthcare facility or prison/jail facility for EM Services which transport a patient between two healthcare facilities or transport an incarcerated individual to a healthcare facility and the facility has been billed directly and does not pay for the billed charges after 90 days from the bill’s date, EMS Agency shall pay Medicount a flat fee of \$15.00 per call regardless of the charge amount and the amount collected.

5. **Collection of Funds.**

- a. Medicount will process all payments it receives from patients, third-party payors, or other billed parties for EM Services. Medicount will remit such funds to the EMS Agency according to the terms and conditions of this Agreement. In the event EMS Agency receives payments directly from insurance companies, billed parties, and governmental agencies for EM Services, EMS Agency shall keep records of all payments received and shall immediately notify Medicount of the payor, amount of payment, and patient identification.
- b. Funds for the EM Services may be remitted to either EMS Agency or Medicount with Medicare and Medicaid remitting payments directly to the EMS Agency daily and funds from insurance companies and other payors paid directly to Medicount. EMS Agency

acknowledges that the Medicount Compensation is due on all funds received by either Medicount or EMS Agency for EM Services. Medicount will provide a monthly statement to the EMS Agency setting forth the total funds received by EMS Agency and Medicount through the end of the prior calendar month and the Medicount Compensation (including Third Party Costs) due thereon. Medicount is hereby authorized to deduct the Medicount Compensation due from EMS Agency funds paid directly to Medicount. All remaining funds shall be remitted to EMS Agency monthly by ACH no later than the 28th day of each calendar month.

- c. EMS Agency authorizes Medicount to accept the following types of payments from patients for EM Services: checks, electronic checks, and ACHs, as well as the following credit cards – MasterCard, Visa, Discover, and American Express. A credit card processing fee is assessed to the patient and insurance provider, as applicable.
 - d. EMS Agency acknowledges that Paid to Patient Claims (“PDPTs”) are insurance claim payments paid directly to a resident/patient for the EM Service. If EMS Agency has chosen an insurance only billing policy and does not invoice a resident/patient for the EM Service and the resident/patient receives a PDPT from the applicable insurance company, Medicount may invoice the resident/patient an amount equal to the PDPT.
6. **Reporting.** Medicount will provide EMS Agency with commercially reasonable, Internet based access to review standard billing reports. Additional reports will be provided on an ad hoc basis to EMS Agency as requested at no additional cost unless the requested reports are outside the EMS billing business’s ordinary course.
7. **Security.**
- a. The Parties acknowledge that certain information provided by EMS Agency to Medicount may contain Protected Health Information (“PHI”) as defined under the Health Insurance Portability and Accountability Act (“HIPAA”) and the Health Information Technology for Clinical Health Act (“HITECH Act”). In providing Billing Services, Medicount is acting as a Business Associate as defined under HIPAA. Accordingly, the Parties shall be subject to and shall execute the Business Associate Addendum attached hereto as **Exhibit C.**
 - b. EMS Agency agrees that it shall be responsible for the maintenance of PHI maintained and stored by the EMS Agency in accordance with applicable Laws. To the extent that Medicount provides any collection devices to assist in the provision of Billing Services hereunder, EMS Agency shall be responsible for its users’ activity. EMS Agency shall immediately notify Medicount of, and use its best efforts to curtail, any of the following events (collectively a “Security Breach Event”): (i) any unauthorized use of any password or account or a known or suspected breach of security; (ii) any copying or distribution of any PHI; (iii) any use of false identity information to gain access to any of the Billing

Services; or (iv) any loss or theft of any hardware device on which a user has access to PHI or other information relevant to the Billing Services. If any Security Breach Event involves PHI and other personally identifiable information, EMS Agency shall comply with applicable notification requirements including, but not limited to, the breach notification requirements under the HITECH Act and any other notification requirements mandated by applicable Laws. To the extent that any patient requests and requires identity theft protection in connection with the disclosure of any PHI or personally identifiable information resulting from any Security Breach Event, the EMS Agency shall be responsible for all costs related to such protection.

8. **Record Retention.** Upon any termination of this Agreement, Medicount will make available to EMS Agency Billing Services records including, but not limited to, all patient information, monthly summaries, quarterly summaries, insurance information, insurance provider numbers, and any other records for a complete and secure download in the format in which such records are maintained by Medicount. EMS Agency hereby acknowledges that such records may be maintained by Medicount in SQL or other formats and if EMS Agency requests that such records be produced in some other format, EMS Agency shall be responsible for such costs. Such records shall be maintained and archived in accordance with Medicount's record retention policy and/or the applicable policy of any third party document storage provider.
9. **Exclusionary Rule Warranty.** EMS Agency acknowledges the Department of Health & Human Services Office of Inspector General ("OIG") has authority to exclude individuals and entities from federally funded health care programs (the "Exclusionary Rule"). OIG maintains and publishes a List of Excluded Individuals/Entities ("LEIE") who are excluded from participation in Medicare, Medicaid, and other federal health care programs. EMS Agency represents and warrants that it (a) has checked LEIE to confirm that none of its employees or agents is listed on LEIE or is otherwise prohibited from participating in federal health care programs; (b) will check LEIE monthly to confirm that none of its employees or agents has been added to LEIE or is otherwise prohibited from participating in federal health care programs; (c) will check LEIE before hiring any new employee to ensure the candidate is not listed on LEIE or is otherwise prohibited from participating in federal health care programs.
10. **Term; Termination.**
 - a. This Agreement shall commence upon the Effective Date and shall continue for a period of **Four (4) years** (the "Initial Term"). Unless formally extended by written agreement signed by both Parties prior to the termination of the Initial Term or any Renewal Term, this Agreement shall automatically renew for successive one (1) year terms (each a "Renewal Term") unless either Party provides written notice to the other Party of its intent not to renew the Agreement not less than one hundred eighty (180) days prior to the end of the Initial Term or the Renewal Term then in effect. Upon the commencement of the first Renewal Term, the base rate fee identified in Section 4(a)(i) shall increase by .25% over the initial base rate then in effect. For

each successive Renewal Term, the base rate fee shall increase by .25% over the rate for the immediately prior Renewal Term. The Initial Term and any Renewal Terms are collectively the "Term".

- b. This Agreement may be terminated (i) upon a material breach by either Party if such breaching party fails to cure a payment default within thirty (30) days of written notice of such default; (ii) upon sixty (60) days written notice of any other material default which is not cured within such sixty (60) day period; and (iii) as otherwise provided in this Agreement".
11. **Effect of Termination; Wind Down Period.** Upon any termination of this Agreement or its expiration, all rights, duties, and obligations of the Parties shall cease effective as the of termination or expiration date, except as provided in this Section 11. Medicount may continue providing Billing Services to work any claims billed before the termination for up to six months. Upon termination or expiration hereof, Medicount may continue providing patient and insurance company receivable services for One hundred eighty (180) days (the "Wind Down Period") to collect all EMS Agency's accounts receivable relating to EM Services rendered before the termination date ("Existing Accounts Receivable"). During the Wind Down Period, Medicount shall continue to receive the Medicount Compensation and EMS Agency shall cooperate and assist Medicount by timely reporting payments received by EMS Agency related to the Existing Accounts Receivable. Upon expiration of the Wind-Down Period, Medicount shall prepare a final accounting of all monies received by it or EMS Agency for EM Services and Existing Accounts Receivable and shall invoice EMS Agency for any fees or monies due to Medicount. EMS Agency may negotiate with Medicount for additional transitional services or the provision of additional data after the date of termination at EMS Agency's expense. Following termination or expiration hereof, the Parties shall remain bound by any confidentiality obligations outlined in this Agreement.
 12. **Contractor Relationship.** Medicount is acting as an independent contractor for EMS Agency, and it is not, nor shall it act as, an EMS Agency employee. Nothing in this Agreement shall be construed to create any partnership between the Parties.
 13. **Notice.** Any notice given under this Agreement shall be in writing and delivered to the Party by certified, registered, or express mail, return receipt requested, to the address set forth under each Party's signature. Either Party may change the address to which notice or payment shall be sent by written notice of same.
 14. **Miscellaneous.**
 - a. **Entire Agreement; Amendments.** This Agreement, including all exhibits, states the entire Agreement between the parties concerning the subject matter and supersedes all prior written and verbal understanding of the Parties concerning it. Any amendments or changes to this Agreement must be made in writing and executed by the Parties.

- b. Governing Law; Venue. This Agreement shall be deemed governed by and construed in accordance with the laws of the State of Ohio without reference to any conflict of law provisions. The Parties agree that any dispute arising out of or related to this Agreement shall be resolved in the state or federal courts located in the counties or counties where EMS Agency operates.
- c. Assignment. The EMS Agency may not assign this Agreement in whole or in part without the express written consent of Medicount. Medicount may assign this Agreement as part of a merger, consolidation, sale or transfer of all or substantially all of its assets.
- d. Severability. All provisions and parts of this Agreement are severable from the other.
- e. Counterparts. This Agreement may be executed in one or more counterparts, each of which when executed and delivered shall be an original, and all of which when executed shall constitute one and the same instrument. Signatures delivered by email in PDF format will be effective.

IN WITNESS, OF WHICH, the Parties executed this Agreement as of the Effective Date.

**EMS AGENCY:
CITY OF FAIRFIELD**

MEDICOUNT MANAGEMENT, INC.

By: _____

By: _____

Print Name: _____

Print Name: Joseph A. Newcomb

Title: _____

Title: President

Date: _____

Date: _____

Address:

Address: 10361 Spartan Drive
Cincinnati, OH 45215

EXHIBIT A

BILLING SERVICES PROVIDED BY MEDICOUNT

1. **Responsibilities of Medicount.** Medicount's provision of the Billing Services in no way negates the responsibility of EMS Agency to comply with its billing policies, applicable Laws, and this Agreement.
 - a. Medicount will assist EMS Agency, as necessary, to complete and submit credentialing applications to Medicare, Medicaid, and any third-party payor for the group and individual provider numbers when required for billing purposes.
 - b. Medicount will review the billing policies of EMS Agency and assist with development of policies and procedures in accordance with applicable Laws.
 - c. Medicount shall, if required, develop and maintain electronic data interfaces directly with EMS Agency's hospital service sites (to the extent permitted by such sites) to collect patient demographic data. EMS Agency will use its best efforts to cooperate with and otherwise assist Medicount in developing and maintaining such interfaces, including, but not limited to, communicating directly with hospital information technology staff, administration, and other staff members to authorize and otherwise enable the system.
 - d. Medicount will provide basic training to EMS Agency management personnel to facilitate the Billing Services upon commencement of the Agreement and thereafter as agreed to by the Parties.
 - e. Medicount will promptly process patient encounter information submitted by the EMS Agency and use the following using the Centers for Medicare and Medicaid Services ("CMS") Adopted Standards and Code Sets. Medicount will bill for EMS Services within guidelines established by EMS Agency and the insurance or third-party payor to whom the claim is submitted, provided in all cases such Billing Services will be in accordance with applicable Law, any billing policy adopted by EMS Agency, and this Agreement.
 - f. Medicount will use commercially reasonable efforts to accurately enter into its billing system all procedural and demographic data necessary for the patient third-party billing,

provided, however, that EMS Agency shall remain responsible for providing accurate and complete information to Medicount.

- g. Medicount will submit claims using the most effective means available for each payor. Electronic filing will be used to the extent available and when mandated.
 - h. Medicount will communicate with patients and third-party payors on a regular monthly cycle based on EMS Agency guidelines. Up to three (3) attempts will be made to communicate with patients where there is inadequate information for EM Services billing purposes. Medicount may use automatic dialing systems to obtain missing insurance information and other information needed to process the billing claim for EMS Agency. Medicount shall exercise its sole discretion as to the form and substance of any automatic-dialing-system dialogue.
 - i. Medicount will provide toll-free phone lines and customer service staff to respond to patient inquiries and otherwise assist patients with copayments, insurance claims, and other related matters.
 - j. Medicount will correspond with third-party payors to resolve any coding misinterpretations or other issues that may arise during claims processing and settlement and otherwise remain current on payors' claim-information requirements.
 - k. Medicount will advise EMS Agency on how to promote public awareness about the billing process, establishing rates, payor participation, and other topics as mutually agreed.
 - l. Medicount will undergo an annual SSAE 21 audit and provide results to the EMS Agency upon request.
 - m. Medicount will respond to requests for information from attorneys representing patients using ChartSwap.
2. **Amendment of Exhibit.** The Parties may amend this Exhibit A from time to time upon mutual written Agreement.

EXHIBIT B

RESPONSIBILITIES OF EMS AGENCY

1. **Responsibilities of EMS Agency.** The responsibilities listed on this Exhibit B is in no way a limitation of the requirement that EMS Agency comply with its billing policies, applicable Laws, and this Agreement.
 - a. EMS Agency will identify one administrative and one clinical representative to whom Medicount may address all matters related to Billing Services and this Agreement. Such representatives will have the power to bind the EMS Agency and will timely respond to questions and additional document requests of Medicount.
 - b. EMS Agency represents and warrants that all information provided to Medicount shall be accurate and complete. EMS Agency shall be solely responsible for information accuracy, and Medicount shall have no obligation to verify the accuracy of information provided by the EMS Agency.
 - c. EMS Agency will establish and enforce written policies and procedures in relation to the Billing Services, which will in all cases comply with applicable Laws and this Agreement.
 - d. EMS Agency will provide Medicount with all information and otherwise complete and obtain signatures (patient, crew, physician or other authorized individuals) on all documents, charts, and other information needed to enable Medicount to submit claims on behalf of EMS Agency in compliance with applicable Laws. EMS Agency represents and warrants that it will obtain, at a minimum, the information and forms described in this Section (d), which no way limits EMS Agency's requirement to provide accurate and complete information in accordance with applicable Laws. EMS Agency agrees that Medicount may rely upon the existence of patient and crew signatures, or other authorizations submitted to Medicount in conformance with applicable Laws, including those rules specified on **Exhibit F** and otherwise described in this Agreement.
 - i. Patient's complete name, gender, address, phone number, social security number (if available), and date of birth;
 - ii. Information pertaining to the EM Services run including, but not limited to, nature of the call, incident location and zip code, squad assessment, treatment and narrative, crew-member identifiers and training levels, receiving hospital, and transport mileage;
 - iii. Insurance information includes the patient's primary and secondary insurances, payor address(es), group, guarantor identification number, primary insured's name, social security number, relationship to the patient, address, date of birth, and gender, if available.
 - iv. Assignment of Benefits form with required signatures;

- v. Medical information releases with required signatures;
- vi. Advance Beneficiary Notice of Noncoverage form with required signatures ;
- vii. Certificate of Medical Necessity form with required signatures;
- viii. If required, physician signatures on medical charts and other necessary medical documents that meet Medicare guidelines; and
- ix. Crew Signatures and/or Signature Log

**ALL SIGNATURES (PATIENT & CREW) PER MEDICARE
RULES MUST BE LEGIBLE**

- e. EMS Agency will use their best efforts to document the diagnosis or medical condition that supports the medical necessity of a patient's services if one exists. Medicount shall not be responsible for claim denials, partial payments, or payment reductions resulting from EM Services that are not deemed **Medically Necessary** by third-party payors.
- f. EMS Agency will assist Medicount in resolving issues and otherwise facilitating the exchange of information between Medicount and any hospitals, labs, or other entities necessary to support claims' submission and will timely provide any information requested by patients or third-party payors.
- g. When applicable, the EMS Agency will timely refund any overpayments to patients or insurance providers or authorize Medicount to make such refunds on EMS Agency's behalf.
- h. Before, or contemporaneously with, execution of this Agreement, EMS Agency will provide to Medicount any information required to enable Medicount to establish claims and payments processing with Medicare, Medicaid, insurance companies, and third-party payors, including but not limited to any insurance provider numbers issued to EMS Agency, copies of EMS Agency certifications, copies of any applicable driver licenses, licensed EM Services vehicle titles, licensures from the State Department of Health, any provider applications completed or currently in process by any provider, and any other information necessary for credentialing.
- i. EMS Agency will assist Medicount with EMS Agency's Medicare and Medicaid applications and revalidations in a timely manner. EMS Agency will promptly forward all correspondence from Medicare, Medicaid, insurance companies, and other third-party payors to Medicount. EMS Agency will provide Medicount with timely notice of any new payment contracts, HMO or PPO relationships, or other contracts so that Medicount may accommodate changes as necessary.
- j. EMS Agency shall provide Medicount with at least thirty (30) days' advance written notice of any EM Services changes and any applicable BLS, ALS, ALS2, and mileage

rate changes. No rate change shall be applicable until the EMS Agency has received written confirmation from Medicount acknowledging the rate change notice. Upon such rate change, the EMS Agency agrees to monitor relevant Medicount reports to confirm that the rate changes are implemented. Medicount shall not be responsible for any losses, payment delays, or lost revenue resulting from the EMS Agency's failure to follow the above policy.

- k. EMS Agency agrees to abide by Medicount's Patient Hardship Policy attached hereto as **Exhibit D** unless the EMS Agency has its own written policy, which Medicount will follow.
 - l. EMS Agency shall review and audit Medicount's billing reports monthly to verify the accuracy of the reports including, but not limited to, implementation of rate changes, the number of runs and mileage submitted to Medicount, information sufficient to determine ALS and BLS coding, and any other information submitted to Medicount for billing purposes. EMS Agency shall promptly report any errors to Medicount, but in any event no later than ninety (90) days following the submission of the run to Medicount by EMS Agency. The EMS Agency shall reconcile its bank accounts for the deposit of monthly EMS payments with reports made available to the EMS Agency through Medicount's Customer Portal. The EMS Agency shall promptly report any discrepancy or deposit not reflected on Medicount's statement to ensure a proper accounting and appropriate accrediting of patient accounts. Such notice shall be provided in writing within thirty (30) days of the bank statement date. To the extent possible, Medicount shall submit or resubmit any paperwork necessary to correct such errors. If the EMS Agency fails to identify and notify Medicount of any errors within ninety (90) days following the run(s) submission, EMS Agency waives any claim it may have against Medicount for such errors.
 - m. EMS Agency shall use Medicount's Write Off Policy attached hereto as **Exhibit E** unless Medicount has received and acknowledged receipt of a policy EMS Agency which dictates how write offs are handled.
 - n. EMS Agency will grant Medicount full access to its ePCR software to enable Medicount to assist in solving any issues that may arise.
 - o. In the event of an outside audit request, EMS Agency agrees to reimburse Medicount at the hourly rate of \$150.00 per hour plus reasonable expenses incurred by Medicount in responding to such audit, including but not limited to the cost of document reproduction and legal fees.
2. **Amendment of Exhibit.** The Parties may amend Exhibit B from time to time upon mutual written Agreement.

EXHIBIT C

Business Associate Addendum

This Addendum is effective on the ____ day of _____ 2023 (the “Effective Date”) and is made part of the Client Services Agreement (“Agreement”) by and between **CITY OF FAIRFIELD** (“EMS Agency”) and **MEDICOUNT MANAGEMENT, INC.** (“Business Associate”) dated of even date herewith.

1. **Definitions.** Capitalized terms not otherwise defined in the Agreement shall have the meanings given to them in the Security, Breach Notification, and Enforcement Rules (the “HIPAA Rules”) as contained in Title 45, Parts 160 and 164 of the Code of Federal Regulations as the same may be amended, restated, supplemented or replaced (“CFR”) and are incorporated herein by reference.
2. **Prohibition on Unauthorized Use or Disclosure of Protected Health Information.** Business Associate acknowledges that any Protected Health Information (“PHI”) provided to Business Associate by EMS Agency or any PHI created, maintained or transmitted by Business Associate or any authorized subcontractor or agent in connection with providing services to, or on behalf of EMS Agency, shall be subject to this Addendum. Business Associate shall not use or disclose any PHI it receives, creates, maintains or transmits, except as permitted or required by the Agreement or as otherwise required by law or authorized in writing by EMS Agency, and then only if such use or disclosure would not violate the Privacy Rule if used or disclosed by EMS Agency. Business Associate shall comply with: (a) the HIPAA Rules as if Business Associate was a Covered Provider under such rules; (b) state laws, rules and regulations that apply to PHI and that are not preempted by the HIPAA Rules or the Employee Retirement Income Security Act of 1974 (“ERISA”) as amended; and (c) EMS Agency’s Health Information Privacy and Security Policies and Procedures as the same may be amended, restated, supplements or replaced.
3. **Use and Disclosure of Protected Health Information.** Except as otherwise permitted herein, Business Associate shall use and disclose PHI only to the extent necessary to satisfy Business Associate’s obligations under the Agreement or as required by law.
4. **Business Associate’s Operations.** Business Associate also may use PHI it creates for or receives from EMS Agency to the extent necessary for Business Associate’s proper management and administration or to carry out Business Associate’s legal responsibilities under the Agreement and hereunder. Business Associate may disclose PHI as necessary for such purposes only if:
 - a. The disclosure is required by law; or
 - b. Business Associate obtains reasonable assurance, evidenced by a written contract, from any person or organization to which Business Associate will disclose PHI that

such person or organization agrees to abide by the terms and conditions of this Addendum and specifically to: (i) hold such PHI in confidence and use or further disclose it only for the purpose for which Business Associate disclosed it to the person or organization or as required by law; and (ii) notify Business Associate (who shall then promptly notify EMS Agency) of any instance of which the person or organization becomes aware that the confidentiality of such PHI was breached.

5. **Data Aggregation Services.** Business Associate may use PHI to provide Data Aggregation Services related to EMS Agency's emergency medical services. Notwithstanding the preceding, Business Associate hereby acknowledges that it may not sell any PHI except as otherwise permitted under the HIPAA Rules.
6. **PHI Safeguards.** Business Associate shall develop, implement, maintain, and use appropriate administrative, technical, and physical safeguards to prevent the improper use or disclosure of any PHI received from or on behalf of EMS Agency.
7. **Electronic Health Information Security and Integrity.** Business Associate shall develop, implement, maintain, and use appropriate administrative, technical, and physical security measures and safeguards in compliance with the HIPAA Rules and other applicable laws and regulations to preserve the integrity and confidentiality of all electronically-maintained or transmitted PHI that Business Associate creates, maintains, transmits and/or receives from or on behalf of EMS Agency pertaining to an Individual. Business Associate shall document and keep these security measures current.
8. **Subcontractors and Agents.** Business Associate shall require each subcontractor or agent to whom it may provide PHI or Health Information received from or on behalf of EMS Agency or who otherwise create, receive, maintain, or transmit PHI on behalf of Business Associate to agree to the same restrictions, conditions, and requirements as to the protection of such PHI as are imposed on Business Associate by this Addendum.
9. **Access to PHI by Individuals.** Business Associate agrees to provide access, at the request of EMS Agency and during normal business hours, to PHI in a Designated Record Set to EMS Agency or, as directed by EMS Agency, to an Individual or an Individual's designee in order to meet the requirements of Section 164.524 of the CFR provided that EMS Agency delivers to Business Associate a written notice at least five (5) business days before the date on which access is requested. Subject to such notice requirements, Business Associate shall permit an Individual or an Individual's designee to inspect and copy PHI pertaining to such Individual in Business Associate's custody or control. Business Associate shall establish procedures for access to the PHI maintained by Business Associate in Designated Record Sets in the time and manner designated by EMS Agency to enable EMS Agency to fulfill its obligations under the HIPAA Rules. Business Associate shall produce PHI in electronic format if Individual requests such PHI to be delivered in such format and the PHI is readily producible in such format.

10. **Accounting to EMS Agency and Government Agencies.** Unless otherwise protected or prohibited from discovery or disclosure by law, Business Associate shall make its internal practices, books, and records relating to the use and disclosure of PHI received from or on behalf of EMS Agency or created, maintained, or transmitted by Business Associate available to EMS Agency and to the Secretary or its designee for the purpose of providing an accounting of disclosures to an Individual or an Individual's designee or determining Business Associate's compliance with the HIPAA Rules. Business Associate shall have a reasonable time within which to comply with a written request for such access to PHI and in no case will Business Associate be required to provide access earlier than at least five (5) business days before the receipt of written notice of the requested access date unless otherwise designated by the Secretary.
11. **Accounting to Individuals.** Business Associate agrees to maintain necessary and sufficient documentation of disclosures of PHI as would be required for EMS Agency to respond to a request by an Individual for an accounting of such disclosures in accordance with 45 CFR Section 164.528. Upon the request of EMS Agency, Business Associate shall provide documentation made by this Agreement to permit EMS Agency to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with Title 45, Part 164, Section 164.528 of the HIPAA Rules. Business Associate shall have a reasonable time within which to comply with such a request from EMS Agency and in no case shall Business Associate be required to provide such documentation in less than five (5) business days of Business Associate's receipt of such request. Except as provided for in this Agreement, if Business Associate receives a request for access to PHI, an amendment of PHI, an accounting of disclosure, or other similar requests directly from an Individual, Business Associate will redirect the Individual to the EMS Agency.
12. **Correction of Health Information/ Restriction on Disclosure.** Business Associate shall, upon receipt of notice from EMS Agency, promptly amend or correct PHI received from or on behalf of EMS Agency. Business Associate shall promptly identify and provide notice of such amendment to all agents and subcontractors who create, maintain, or rely on the PHI that is the subject of the amendment. Business Associate further agrees to comply with any restrictions on the disclosure of an Individual's PHI subject to the applicable limits under the HIPAA Rules.
13. **Minimum Necessary Determination.** Business Associate shall use its professional judgment to determine the minimum amount and type of PHI necessary to fulfill its obligations under the Agreement. Business Associate represents that it will request only the minimum necessary PHI in connection with its performance of duties under this Agreement. Business Associate acknowledges that EMS Agency will rely on its determination for compliance with the minimum necessary standards under Title 45, Parts 160 and 164 of the CFR.

14. **Reporting.** Business Associate shall report to EMS Agency any unauthorized use or disclosure of PHI of which it becomes aware that is not provided for in this Agreement, including breaches of unsecured PHI and any security incident. Business Associate shall report such unauthorized use or disclosure to EMS Agency's Privacy Official no later than 10 business days after Business Associate learns of such breach or security incident. Business Associate's report shall at minimum: (a) state the nature of the unauthorized use or disclosure of PHI; (b) identify the PHI used or disclosed; (c) identify the unauthorized user or recipient of the disclosure; (d) indicate what Business Associate has done or will do to mitigate any deleterious effect of the unauthorized use or disclosure; (e) indicate what corrective action Business Associate has taken or shall take to prevent future similar unauthorized use or disclosure; and (f) provide such other information, including a written report, as reasonably requested by EMS Agency's Privacy Official.

15. **Obligations of EMS Agency.**

- (a) EMS Agency shall notify Business Associate of any limitations in the privacy practices of EMS Agency under 45 CFR Section 164.520, to the extent that such limitation may affect Business Associate's use or disclosure of PHI.
 - (b) EMS Agency shall notify Business Associate of any changes in, or revocation of, the permission by an Individual to use or disclose his or her PHI, to the extent that such changes may affect Business Associate's use or disclosure of PHI;
 - (c) EMS Agency shall notify Business Associate of any restriction on the use or disclosure of PHI that EMS Agency has agreed to or is required to abide by under 45 CFR Section 162.522, to the extent that such restriction may affect Business Associate's use or disclosure of PHI.
16. **Right to Terminate for Breach.** Notwithstanding any other provision of this Agreement, EMS Agency shall have the right to terminate the Agreement if it determines, in its sole discretion, that Business Associate has violated a material term of this Addendum or any provision of Title 45, Parts 160 and 164 of the CFR. EMS Agency may exercise this right by providing written notice to the Business Associate of termination, with such notice stating the violation that provides the basis for the termination. Any such termination shall be effective immediately or at such other date specified by EMS Agency in its written notice.
17. **Return or Destruction of Health Information.** Upon termination, cancellation, expiration, or another conclusion of this Agreement, Business Associate, concerning PHI receipt from EMS Agency, or created, maintained, or received by Business Associate on behalf of EMS Agency, shall:

- (a) Retain only that PHI necessary for Business Associate to continue its proper management and administration or to carry out its legal responsibility.
 - (b) Return to EMS Agency or, if agreed to by EMS Agency, destroy the remaining PHI maintained by Business Associate in any form;
 - (c) Continue to use appropriate safeguards and comply with the HIPAA Rules with respect to electronic PHI to prevent use or disclosure of the PHI other than as provided for in this Section, for as long as Business Associate retains the PHI;
 - (d) Not use or disclose the PHI retained by Business Associate other than for the purposes for which such PHI was retained and subject to the same conditions set out herein that applied before termination;
 - (e) Return to EMS Agency the retained PHI when Business Associate no longer needs it for its proper management and administration or to carry out its legal responsibilities; and
 - (f) Transmit the PHI to another EMS Agency Business Associate at termination as requested by the EMS Agency.
18. **Continuing Obligations.** Business Associate's obligation to protect PHI received from or on behalf of EMS Agency shall be continuous and shall survive any termination, cancellation, expiration, or other conclusions of the Agreement.
19. **Automatic Amendment.** Upon the effective date of any amendment to the HIPAA Rules, the Agreement shall automatically be amended such that the obligations imposed on Business Associate as a Business Associate remains in compliance with such regulations.

IN WITNESS, WHEREOF, the Parties have executed this Addendum as of the Effective Date

EMS AGENCY:
CITY OF FAIRFIELD

BUSINESS ASSOCIATE:
MEDICOUNT MANAGEMENT, INC.

By: _____ ?

By: _____

Print Name: _____ ?

Print Name: Joseph A. Newcomb

Title: _____ ?

Title: President

EXHIBIT D**PATIENT HARDSHIP POLICY (if applicable)**

To establish a billing policy that allows for the waiver of ambulance transport fees based on established Department of Health and Human Services Poverty Guidelines, and to abide by decisions made by the United States Department of Health and Human Services, Centers for Medicare & Medicaid Services, and the Office of Inspector General (OIG).

SCOPE:

This policy pertains to all individuals transported by clients of Medicount Management, Inc. (MMI).

PROCEDURE:

1. Patients who are unable to pay their co-pays or deductibles or who are uninsured and unable to make payments may request a financial hardship review of their transport fee. Patients, or their designee, must complete an “EMS Hardship Waiver Form” which form requires inclusion of documentation to verify necessity of waiver.
2. The waiver application will be forwarded to the patient or patient’s representative for completion & return to Medicount. The ultimate determination will be noted on the form and in the patient’s account and transmitted by letter to the patient.

GUIDELINES:

1. If insurance information is provided, insurance must be billed out before a waiver request is approved or denied.
2. Payment plans will be set up so that the provided credit card is automatically charged the agreed to amount on a monthly basis.
3. A minimum \$50 per month payment plan will be implemented when possible.
4. A patient who provides a letter of approval of financial assistance from a medical facility will be approved by MMI for the same reduction amount unless the EMS Agency’s policy regarding write offs provides otherwise
5. A balance of approximately \$100 or less may be written off based on the patient’s economic circumstances.

Financial hardship determinations will be based on the following schedule (excluding collection clients):

2023 Poverty Guidelines: 48 Contiguous States (all states except Alaska and Hawaii)

Household/ Family Size	Per Year													
	25%	50%	75%	100%	125%	130%	133%	135%	138%	150%	175%	180%	185%	200%
1	\$3,645	\$7,290	\$10,935	\$14,580	\$18,225	\$18,954	\$19,391	\$19,683	\$20,120	\$21,870	\$25,515	\$26,244	\$26,973	\$29,160
2	\$4,930	\$9,860	\$14,790	\$19,720	\$24,650	\$25,636	\$26,228	\$26,622	\$27,214	\$29,580	\$34,510	\$35,496	\$36,482	\$39,440
3	\$6,215	\$12,430	\$18,645	\$24,860	\$31,075	\$32,318	\$33,064	\$33,561	\$34,307	\$37,290	\$43,505	\$44,748	\$45,991	\$49,720
4	\$7,500	\$15,000	\$22,500	\$30,000	\$37,500	\$39,000	\$39,900	\$40,500	\$41,400	\$45,000	\$52,500	\$54,000	\$55,500	\$60,000
5	\$8,785	\$17,570	\$26,355	\$35,140	\$43,925	\$45,682	\$46,736	\$47,439	\$48,493	\$52,710	\$61,495	\$63,252	\$65,009	\$70,280
6	\$10,070	\$20,140	\$30,210	\$40,280	\$50,350	\$52,364	\$53,572	\$54,378	\$55,586	\$60,420	\$70,490	\$72,504	\$74,518	\$80,560
7	\$11,355	\$22,710	\$34,065	\$45,420	\$56,775	\$59,046	\$60,409	\$61,317	\$62,680	\$68,130	\$79,485	\$81,756	\$84,027	\$90,840
8	\$12,640	\$25,280	\$37,920	\$50,560	\$63,200	\$65,728	\$67,245	\$68,256	\$69,773	\$75,840	\$88,480	\$91,008	\$93,536	\$101,120
9	\$13,925	\$27,850	\$41,775	\$55,700	\$69,625	\$72,410	\$74,081	\$75,195	\$76,866	\$83,550	\$97,475	\$100,260	\$103,045	\$111,400
10	\$15,210	\$30,420	\$45,630	\$60,840	\$76,050	\$79,092	\$80,917	\$82,134	\$83,959	\$91,260	\$106,470	\$109,512	\$112,554	\$121,680
11	\$16,495	\$32,990	\$49,485	\$65,980	\$82,475	\$85,774	\$87,753	\$89,073	\$91,052	\$98,970	\$115,465	\$118,764	\$122,063	\$131,960
12	\$17,780	\$35,560	\$53,340	\$71,120	\$88,900	\$92,456	\$94,590	\$96,012	\$98,146	\$106,680	\$124,460	\$128,016	\$131,572	\$142,240
13	\$19,065	\$38,130	\$57,195	\$76,260	\$95,325	\$99,138	\$101,426	\$102,951	\$105,239	\$114,390	\$133,455	\$137,268	\$141,081	\$152,520
14	\$20,350	\$40,700	\$61,050	\$81,400	\$101,750	\$105,820	\$108,262	\$109,890	\$112,332	\$122,100	\$142,450	\$146,520	\$150,590	\$162,800

Household/ Family Size	Per Year													
	225%	250%	275%	300%	325%	350%	375%	400%	500%	600%	700%	800%	1000%	
1	\$32,805	\$36,450	\$40,095	\$43,740	\$47,385	\$51,030	\$54,675	\$58,320	\$72,900	\$87,480	\$102,060	\$116,640	\$145,800	
2	\$44,370	\$49,300	\$54,230	\$59,160	\$64,090	\$69,020	\$73,950	\$78,880	\$98,600	\$118,320	\$138,040	\$157,760	\$197,200	
3	\$55,935	\$62,150	\$68,365	\$74,580	\$80,795	\$87,010	\$93,225	\$99,440	\$124,300	\$149,160	\$174,020	\$198,880	\$248,600	
4	\$67,500	\$75,000	\$82,500	\$90,000	\$97,500	\$105,000	\$112,500	\$120,000	\$150,000	\$180,000	\$210,000	\$240,000	\$300,000	
5	\$79,065	\$87,850	\$96,635	\$105,420	\$114,205	\$122,990	\$131,775	\$140,560	\$175,700	\$210,840	\$245,980	\$281,120	\$351,400	
6	\$90,630	\$100,700	\$110,770	\$120,840	\$130,910	\$140,980	\$151,050	\$161,120	\$201,400	\$241,680	\$281,960	\$322,240	\$402,800	
7	\$102,195	\$113,550	\$124,905	\$136,260	\$147,615	\$158,970	\$170,325	\$181,680	\$227,100	\$272,520	\$317,940	\$363,360	\$454,200	
8	\$113,760	\$126,400	\$139,040	\$151,680	\$164,320	\$176,960	\$189,600	\$202,240	\$252,800	\$303,360	\$353,920	\$404,480	\$505,600	
9	\$125,325	\$139,250	\$153,175	\$167,100	\$181,025	\$194,950	\$208,875	\$222,800	\$278,500	\$334,200	\$389,900	\$445,600	\$557,000	
10	\$136,890	\$152,100	\$167,310	\$182,520	\$197,730	\$212,940	\$228,150	\$243,360	\$304,200	\$365,040	\$425,880	\$486,720	\$608,400	
11	\$148,455	\$164,950	\$181,445	\$197,940	\$214,435	\$230,930	\$247,425	\$263,920	\$329,900	\$395,880	\$461,860	\$527,840	\$659,800	
12	\$160,020	\$177,800	\$195,580	\$213,360	\$231,140	\$248,920	\$266,700	\$284,480	\$355,600	\$426,720	\$497,840	\$568,960	\$711,200	
13	\$171,585	\$190,650	\$209,715	\$228,780	\$247,845	\$266,910	\$285,975	\$305,040	\$381,300	\$457,560	\$533,820	\$610,080	\$762,600	
14	\$183,150	\$203,500	\$223,850	\$244,200	\$264,550	\$284,900	\$305,250	\$325,600	\$407,000	\$488,400	\$569,800	\$651,200	\$814,000	

EXHIBIT E

MEDICOUNT MANAGEMENT, INC. WRITE-OFF POLICY

Revenue Cycle Management requires that claim receivables be written off after certain procedures have been followed. Following are Medicount Management, Inc.'s (MMI) guidelines for writing off a claim. Please note, writing off a claim is considered the last resort as uncollectible claims serve neither party.

A patient account will be written off if the following criteria are met:

1. **If all three:** No name, no address, no phone - write off immediately.
2. The account is submitted to a collection agency.
3. The patient account has gone through MMI's claims processing procedures:
 - a. Attempt to obtain patient insurance information from the hospital; electronically, face sheets, spreadsheets.
 - b. Run the patient through MMI's hospital patient database and all other available databases.
 - c. Send registration letter to patient requesting insurance information.
 - d. Attempt to contact the patient by telephone.
 - e. Send patient three (3) statements.
 - f. If any statements are returned, try to determine patient's correct address. If not available, no further statements need be sent.
 - g. Patient's insurance (primary, secondary, other) has paid out the maximum allowable under all policies and guidelines and no further amount is due.
 - h. The patient has not entered into an approved financial hardship plan.
 - i. If the balance is less than \$30 and "a" to "h" above have been met.

EXHIBIT F



CMS Signature Requirements

For medical review purposes, Medicare requires that services provided/ordered be authenticated by the author. The method used shall be a hand written or an electronic signature. Stamp signatures are not acceptable.

HANDWRITTEN SIGNATURE

A handwritten signature is a mark or sign by an individual on a document to signify knowledge, approval, acceptance or obligation.

- If the signature is **illegible**, ACs, MACs, PSCs, ZPICs and CERT shall consider evidence in a signature log or attestation statement to determine the identity of the author of a medical record entry.
- If the signature is **missing from an order**, ACs, MACs, PSCs, ZPICs and CERT **shall disregard the order** during the review of the claim.
- If the signature is **missing from any other medical documentation**, ACs, MACs, PSCs, ZPICs and CERT shall accept a signature attestation from the author of the medical record entry.

SIGNATURE LOG

A signature log lists the typed or printed name of the author associated with initials or an illegible signature. The signature log might be included on the actual page where the initials or illegible signature are used or might be a separate document. The provider should also list his/her credentials in the log.

SIGNATURE ATTESTATION STATEMENT

An attestation statement may be submitted to authenticate an illegible or missing signature on medical documentation. In order to be considered valid for Medicare medical review purposes, an attestation statement must be signed and dated by the author of the medical record entry and must contain sufficient information to identify the beneficiary.

Reviewers will consider all attestations that meet CMS requirements regardless of the date the attestation was created, except in those cases where the regulations or policy indicate that a signature must be in place prior to a given event or a given date.

The following page contains an acceptable form that suppliers may use as an attestation statement. However, CMS and CGS are neither requiring nor instructing suppliers to use this form or format.

ELECTRONIC SIGNATURES

Due to the potential for misuse or abuse with alternate signature methods, providers should use a system and software products which are protected against modification, etc., and should apply administrative procedures which are adequate and correspond to recognized standards and laws. The individual whose name is on the alternate signature method and the provider bears the responsibility for the authenticity of the information being attested to.

Please refer to the CMS Pub. 100-08, *Medicare Program Integrity Manual*, Chapter Three – Section 3.3.2.4 for additional information concerning signature requirements.



Revised August 8, 2013.
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ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH MEDICOUNT MANAGEMENT, INC. TO PROVIDE BILLING SERVICES FOR EMERGENCY MEDICAL TRANSPORT AND DECLARING AN EMERGENCY.

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

Section 1. The City Manager is hereby authorized to enter into a professional services agreement with Medicount Management, Inc. to provide billing services for emergency medical transport 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 billing services be continued without interruption; 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\Medicount Management Inc.-Ord

Attachment: Medicount Management Inc-Ord (3660 : EMS Billing Contract)



City Council Ordinance
Regular Meeting - September 11, 2023

Submitted by: Thomas Lakamp,
 Submitting Department: Fire

Subject:

Battery Powered Extrication Tools

Legislation Title:

Ordinance to authorize the City Manager to enter into a purchase agreement with Howell Rescue Systems for battery powered extrication tools with accessories and declaring an emergency.

Recommendation:

It is recommended that Council authorize the City Manager to enter into a purchasing agreement with Howell Rescue Systems located at 2673 Culver Ave, Kettering, Ohio 45429 to purchase Genesis extrication tools with accessories for the price of \$89,345.00

Background/Synopsis: The fire department currently has an aging set of gasoline powered extrication tools on all three front line fire apparatus. The purchase of the battery powered extrication tools will provide state of the art capability to cut through the new high strength metals currently utilized in the automotive industry. The tools will also permit the firefighter to utilize the tool further away from the apparatus and not restricted by hydraulic hose length or terrain. The Genesis tools were selected after the competitive bid process and were determined to be lowest and best.

Financial Impact: \$89,345.00 from the Capital Improvement Fund, project 3FD05

Emergency Provision Explanation: To provide for the health and safety of firefighters and the public.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

Yes

Attachments:

1. Howell Rescue Systems-Ord

ORDINANCE NO. _____

ORDINANCE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A PURCHASE AGREEMENT WITH HOWELL RESCUE SYSTEMS FOR BATTERY POWERED EXTRICATION TOOLS WITH ACCESSORIES AND DECLARING AN EMERGENCY.

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

Section 1. The City Manager is hereby authorized to enter into a purchase agreement with Howell Rescue Systems for battery powered extrication tools with accessories 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 the tools are needed to provide for the health and safety of firefighters and the public; 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\Howell Rescue Systems-Ord

Attachment: Howell Rescue Systems-Ord (3661 : Battery Powered Extrication Tools)



City Council Ordinance
Regular Meeting - September 11, 2023

Submitted by: Ben Mann,
 Submitting Department: Public Works

Subject:

Solid Waste and Recycling Services Contract - Codified Ordinance Amendment 953.01(a)

Legislation Title:

Ordinance to amend Section 953.01(a) of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio relative to the service fee for residential garbage and solid waste and recycling collection and declaring an emergency.

Recommendation:

It is recommended that City Council authorize and direct the preparation of legislation authorizing the City Manager to modify the ordinance pertaining to the rates in the contract with Rumpke of Ohio, Inc. for Solid Waste and Recycling Services.

Background/Synopsis:

This legislation is an ordinance to amend Subsection 953.01(a) of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio relative to the service fee for residential garbage and solid waste collection and recycling.

This is the second part to the modification of the contract with Rumpke of Ohio, Inc. to update the Codified Ordinances. All information regarding the ordinance is unchanged except the updated effective dates and associated monthly cost schedule.

This request is to modify the ordinance to reflect the approved change order to the original bid rates to the Rumpke of Ohio, Inc. contract which began September 1, 2017 for the collection of solid waste and recycling services. As part of the contract, the City chose to exercise a five-year extension of the contract at revised rates approved by City staff.

The change in contract prices are for the period of September 1, 2022 thru August 31, 2027.

Type of Service	Effective	Effective	Effective	Effective	Effective
	9-1-2022	9-1-2023	9-1-2024	9-1-2025	9-1-2026
Curbside	\$14.30	\$14.89	\$15.49	\$16.13	\$16.78
Dumpster	\$8.10	\$8.42	\$8.76	\$9.11	\$9.48

Financial Impact:

No financial impact, actual cost is billed to the property owners

Emergency Provision Explanation:

It is recommended that an emergency declaration with a suspension of rules and immediate adoption be approved by Council in order to update the Codified Ordinance to go along with the change in contract previously approved by change order.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

Yes

Attachments:

1. CHANGE ORDER 1 SIGNED
2. Section 953.01-Ord
3. Section 953.01-Ex A



CHANGE ORDER

Contract Name: Solid Waste Management Program

Contract No.: 2017-15 Issue Date: February 10, 2022
 Change Order No.: 1 Change Order Amount: \$0.00

This contract CHANGE ORDER is issued to: Rumpke of Ohio, Inc.
 for contract extension

in connection with the above contract with the City of Fairfield. Your proposal for making the following changes has been accepted:

Exercising the 5 year optional extension of the Waste Management Program per the attached revised bid prices for September 1, 2022 - August 31, 2027

Approved: [Signature]
 (Department Head)

This authorization of a modification of the contract is hereby adopted and ratified this 10th day of February, 2022 by authority of Section 9.02 (c) of the Fairfield Charter.

[Signature]
 Scott W. Timmer, City Manager

The undersigned Finance Director of the City of Fairfield, Ohio, hereby certifies that funds to cover payment for services or supplies embodied in this contract are presently available or in the process of collection and that Council has appropriated money for this purpose and it remains unencumbered.

[Signature] 3-2-22
 Jacob Burton, Finance Director

The amount of the contract will be increased/decreased in the sum of: per bid prices attached Dollars, with an increase/decrease in the contract time of 5 days/months/years.

CITY OF FAIRFIELD APPROVAL

[Signature]
 Dept. Head

RUMPKE OF OHIO, INC. CONTRACTOR APPROVAL

[Signature]
 Signature

Title: William J. Rumpke, Jr., President

Date: 2-17-22
 REV. 2000

Date: 2/16/22

AVAILABLE IN ALTERNATIVE FORMAT
 5350 Pleasant Avenue, Fairfield, Ohio 45014 513-867-5300 (TDD-867-5392)

Revised rates By Rumpke
2-1-2022

FIVE (5) YEAR CITY OPTION CONTRACT PERIOD

(SEPTEMBER 1, 2022 – August 31, 2027)

City will notify bidder of its exercise of option extension on or before February 15, 2022

Section A

Curbside Residential Waste Collection and Disposal and Recycling Service

Option Contract Year 1	\$ 14.30	per unit per month	Fourteen dollars and thirty cents Price per unit in WORDS
Option Contract Year 2	\$ 14.89	per unit per month	Fourteen dollars and eighty-nine cents Price per unit in WORDS
Option Contract Year 3	\$ 15.49	per unit per month	Fifteen dollars and forty-nine cents Price per unit in WORDS
Option Contract Year 4	\$ 16.13	per unit per month	Sixteen dollars and thirteen cents Price per unit in WORDS
Option Contract Year 5	\$ 16.78	per unit per month	Sixteen dollars and seventy-eight cents Price per unit in WORDS

Section B

Dumpster Residential Waste Collection and Disposal and Recycling Service

Option Contract Year 1	\$ 8.10	per unit per month	Eight dollars and ten cents Price per unit in WORDS
Option Contract Year 2	\$ 8.42	per unit per month	Eight dollars and forty-two cents Price per unit in WORDS
Option Contract Year 3	\$ 8.76	per unit per month	Eight dollars and seventy-six cents Price per unit in WORDS
Option Contract Year 4	\$ 9.11	per unit per month	Nine dollars and eleven cents Price per unit in WORDS
Option Contract Year 5	\$ 9.48	per unit per month	Nine dollars and forty-eight cents Price per unit in WORDS

ADDITIONAL SERVICES

Temporary Roll-Off Containers

The City of Fairfield requires the contractor to provide temporary open top roll-off containers for the City's use for weekend clean-ups, special events, and various other uses. Therefore, the City is requesting a bid amount for the use of these containers.

Option Contract Year 1 \$ 3.00 per day rental (30 Yard Container)

\$ 470.00 per dump \$ 39.00* ton

Option Contract Year 2 \$ 3.00 per day rental (30 Yard Container)

\$ 480.00 per dump \$ 39.00* ton

Option Contract Year 3 \$ 3.00 per day rental (30 Yard Container)

\$ 490.00 per dump \$ 39.00* ton

Option Contract Year 4 \$ 3.00 per day rental (30 Yard Container)

\$ 500.00 per dump \$ 40.00* ton

Option Contract Year 5 \$ 3.00 per day rental (30 Yard Container)

\$ 510.00 per dump \$ 40.00* ton

*Per dump rates quoted above include up to five (5) tons per load. Per ton rate will only apply after the load exceeds five (5) tons.

ADDITIONAL SERVICES (cont.)

Disposal of Debris, Brush, Trash and Other Non-Hazardous Materials

The City of Fairfield from time to time has the need to dispose of debris, brush, trash and other non-hazardous materials that are picked up by City forces which require the use of the landfill and/or transfer station and/or composting facility. Therefore, the City is requesting a bid for providing this service.

Disposal at landfill/transfer station:

Option Contract Year 1	\$ 14.00	per CY \$ *	per ton
Option Contract Year 2	\$ 14.00	per CY \$ *	per ton
Option Contract Year 3	\$ 14.50	per CY \$ *	per ton
Option Contract Year 4	\$ 14.50	per CY \$ *	per ton
Option Contract Year 5	\$ 15.00	per CY \$ *	per ton

Disposal at composting facility:

Option Contract Year 1	\$ 11.00	per CY \$ *	per ton
Option Contract Year 2	\$ 11.00	per CY \$ *	per ton
Option Contract Year 3	\$ 11.50	per CY \$ *	per ton
Option Contract Year 4	\$ 11.50	per CY \$ *	per ton
Option Contract Year 5	\$ 12.00	per CY \$ *	per ton

NOTE: If there is a cost for both cubic yardage (CY) and also tonnage (ton) list both, if there is no charge for one or the other leave that item blank.

*Disposal to be charged per cubic yard. All applicable governmental surcharges will be in addition to the quoted per cubic yard rates (currently \$8.45/ton for Butler County).

ORDINANCE NO. _____

ORDINANCE TO AMEND SECTION 953.01(a) OF ORDINANCE NO. 166-84, THE CODIFIED ORDINANCES OF FAIRFIELD, OHIO, RELATIVE TO THE SERVICE FEE FOR RESIDENTIAL GARBAGE AND SOLID WASTE AND RECYCLING COLLECTION AND DECLARING AN EMERGENCY.

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

Section 1. Section 953.01(a) of Ordinance No. 166.84, The Codified Ordinances of Fairfield, Ohio relative to the service fee for residential garbage and solid waste and recycling collection is hereby amended to read as follows:

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

Section 2. This Ordinance is hereby declared to be an emergency measure necessary for the urgent benefit and protection of the City and its inhabitants for the reason that the service fee charged coincides with current service contract rates; 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\Section 953.01- Ord

Attachment: Section 953.01-Ord (3664 : Solid Waste and Recycling Services Contract - Codified Ordinance Amendment 953.01(a))

EXHIBIT "A"

953.01 SERVICE FEE FOR RESIDENTIAL GARBAGE AND SOLID WASTE COLLECTION AND RECYCLING.

(a) In order to provide necessary funds for costs incurred in connection with the collection, disposal and recycling of residential garbage and solid waste in the City of Fairfield, a monthly service fee is hereby charged to every residential unit in the City, whether single family or multi-family or mobile home, based upon whether curbside or dumpster (including compactors) service is provided, as follows:

Type of Service	Effective 9/1/2022	Effective 9/1/2023	Effective 9/1/2024	Effective 9/1/2025	Effective 9/1/2026		
Dumpster	[\$14.30] \$8.10	[\$14.89] \$8.42	[\$15.49] \$8.76	[\$16.13] \$9.11	[\$16.78] \$9.48		
Curbside	[\$8.10] \$14.30	[\$8.42] \$14.89	[\$8.76] \$15.49	[\$9.11] \$16.13	[\$9.48] \$16.78		

~~[{Ord. 4-20. Passed 1-13-20.}]~~

[No further changes to this section.]



City Council Ordinance
Regular Meeting - September 11, 2023

Submitted by: John Clemmons,
 Submitting Department: Legal

Subject:

South Gilmore Road Improvement Project

Legislation Title:

Ordinance to appropriate to public use certain interests in real property identified in plans prepared by LJB, Inc. entitled "South Gilmore Road Improvement Project" and declaring an emergency.

Recommendation:

It is recommended that Council adopt an ordinance to appropriate the needed property interests for the South Gilmore Road Improvement Project.

Background/Synopsis:

This appropriation involves twenty-one (21) parcels with sixteen (16) different owners. This project involves the widening of southbound Gilmore Road from just North of Mack Road to approximately 600 feet North of River Road, a center turn lane, inclusion of a landscaped median and addition of sidewalks on the east side of South Gilmore Road from Mack Road to Resor Road and on the West side of South Gilmore Road from Mack Road North to Planet Drive. This project is scheduled to bid in 2024 with construction substantially completed in 2024. It is necessary for City Council to adopt a resolution declaring the intent and necessity of the South Gilmore Road Improvement Project from Mack Road to Resor Road.

The property has been appraised but the City has been unable to reach agreement with all the property owners. The Resolution of Intent and Necessity was previously adopted and notice thereof has been served in accordance with law.

Financial Impact:

The estimated cost of right-of-way acquisition for the South Gilmore Road Improvement Project at this time is \$85,241. This amount may increase through the negotiation and litigation process.

Emergency Provision Explanation:

Suspension of the rules and emergency is requested so that the appropriations may be completed in a timely manner to allow construction to begin during this construction season.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

Yes

Attachments:

1. South Gilmore Road Improvement Project-Ord

ORDINANCE NO. _____

ORDINANCE TO APPROPRIATE TO PUBLIC USE CERTAIN INTERESTS IN REAL PROPERTY IDENTIFIED IN PLANS PREPARED BY LJB, INC. ENTITLED "SOUTH GILMORE ROAD IMPROVEMENT PROJECT" AND DECLARING AN EMERGENCY.

WHEREAS, plans for the subject improvement prepared by LJB, Inc. and titled "South Gilmore Road Improvements Project" have been approved; and

WHEREAS, Council has determined that it is necessary to acquire certain fee simple interests and permanent and temporary easements in order to make the improvement identified as the South Gilmore Road Improvement Project; and

WHEREAS, Council deems it necessary at this time to proceed with the acquisition of the necessary real estate interests in the real property hereinafter described in order to accomplish the goals for acquisition and construction of said South Gilmore Road Improvement Project; and

WHEREAS, the Council of the City of Fairfield, on April 24, 2023 passed Resolution No. 4-23 which included said parcels, declaring the necessity and its intent to appropriate certain interests in the real estate identified in a document prepared by LJB, Inc.; and

WHEREAS, notice of the passage of said Resolution No. 4-23 has been served according to law for the real property described herein and return has been made to the Clerk of Council.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Fairfield, Ohio, not less than two-thirds (2/3) of the members elected thereto concurring, that:

Section 1. There is hereby appropriated to public use certain interests in the following described real property which are necessary for the public interest in order to accomplish the goals of the South Gilmore Road Improvement Project, to wit:

<u>Parcel No.</u>	<u>Owner(s)</u>
9 T	Karen S. Kerr
10T	Jeremy Wheeler
11 T	Kweku Gyamfi and Patienc Ofosu
12 WD / T	Michael F. Wicktora and Diane E. Wicktora
13 WD / T	Tika R. Ghimire & Damber K. Ghimire; Rukmeena Dhakal
14 WD / T	Vesal Born and Viktoria Moeung
15 T	Chandra Poudel and Bikram Poudel
16 T	William R. Metts, Trustee
28 T	William Wesley Grate & Lisa Marie Grate
29 T	Bal B. Bhandari & Hema Gurung; Ba; B. Thapa & Krishna A. Thapa
30 WD / T1 / T2 / T3	Villages of Wildwood
31 T	Ashwin Parekh & Kalpana Parekh

34 T	Theodore D. Merkin & Suzanne R. Merkin
35 T	Ray Rains & Etta Ruth Rains
36 T	Santos Mende3s Medrano & Odalys Gigato
43-T	Joseph E. Mays & Laticia Torra Mays

The legal descriptions and legal interests to be acquired on the above parcels are attached hereto and made a part of this ordinance directing appropriation. The approved appraised value of these parcels are as shown on the attached legal descriptions.

Section 2. The purpose of said appropriations described hereinbefore is for the public use, namely for the improvement identified as the South Gilmore Road Improvement Project.

Section 3. The Law Director or his deputized agents are hereby authorized and directed to commence proceedings in a proper court by filing a complaint for appropriation of the foregoing parcels at such time as the City has met the requirement of Section 163.04 of the Revised Code of Ohio. The City of Fairfield intends to take immediate possession of the property interests including any and all structures thereon to be acquired herein for the purpose of roadway construction. The Law Director is authorized to deposit the amount of the approved appraisals for the parcels described above with the Clerk of Courts of Butler County, Ohio upon filing of the complaints for appropriation.

Section 4. At any time prior or subsequent to the filing of said complaints for appropriation, the City Manager is hereby authorized to acquire by purchase any part or all of the interests in real property described in Section 1 hereof.

Section 5. This ordinance is hereby declared to be an emergency measure necessary for the urgent benefit and protection of the City and its inhabitants for the reason that the interests in the the property herein described for highway and utility purposes be acquired at the earliest possible date to permit the project to begin during this construction season; 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\South Gilmore Road Improvement- Ord

Attachment: South Gilmore Road Improvement Project-Ord (3662 : South Gilmore Road Improvement Project)



City Council Ordinance
Regular Meeting - September 11, 2023

Submitted by: Alisha Wilson, Clerk

Submitting Department: Clerk

Subject:

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.

\$89,345 for battery powered extrication tools for Fire Department;
 \$36,000 for concrete replacement at Fairfield Aquatic Center (existing contract)

Financial Impact: \$125,345.00 from noted funding source.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

No

Attachments:

1. ContractualAppropriations.091123
2. Contractual 9-11-Ord



City Council Ordinance
Regular Meeting - September 11, 2023

Submitted by: Ben Mann,
 Submitting Department: Public Works

Subject:

Appropriation for Parks Facilities Maintenance

Legislation Title:

Appropriation for Parks Facilities Maintenance Items – Concrete Replacement Work at Fairfield Aquatic Center

Recommendation:

It is recommended that City Council authorize an appropriation of \$36,000.00 from the Capital Fund for concrete work for Parks Facilities maintenance.

Background/Synopsis:

This project is for Parks Facilities concrete flat work needs around the swimming pool.

This request is for funding to replace existing deteriorated concrete. It has been several years since any significant concrete repairs have been made and this will be the first time the site was looked at comprehensively since construction.

The intent is to have Prus Construction mobilize this fall to do this work along with other miscellaneous concrete needs identified in the summer and early fall such as concrete repairs from water main breaks, gap sidewalk improvements, and other small needs from miscellaneous construction by Public Works. The other miscellaneous concrete work will be funded from various other sources.

The project is programmed in the 2023-2027 CIP as 3PR21 Facilities Maintenance.

Financial Impact:

\$36,000.00 from the Capital Fund for concrete work using the City's existing contract with Prus Construction.

Emergency Provision Explanation:

Not applicable.

Rule Suspension Requested:

No

Attachment: Contractual Appropriations.091123 (3670 : Contractual Appropriations)

Emergency Provision Needed:
No

ORDINANCE NO. _____

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

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

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

From:	Unappropriated Capital Improvement Fund	\$125,345
To:	40216025-253200 Capital Equipment (Battery Powered Extrication Tools 3FD05)	\$89,345
To:	40216025-252000 Improvements other than Building (Concrete at Aquatic Center 3PR21)	\$36,000

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

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

Clerk of Council			

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

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2023\Contractual 9-11-Ord

Attachment: Contractual 9-11-Ord (3670 : Contractual Appropriations)



City Council Ordinance
Regular Meeting - September 11, 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.

\$20,000 for 5103 Pleasant Avenue Development Agreement;
 \$11,000 for Public Utilities Water Division Window Repair;
 \$94,000 for desktop and mobile computers, monitors and phone handsets (multiple vendors);
 \$49,000 for data backup appliance and management devices;
 \$35,500 for Waterworks Park Facilities Maintenance Lighting Improvements.

Financial Impact: \$209,500.00 from noted funding source.

Rule Suspension Requested:

Yes

Emergency Provision Needed:

No

Attachments:

1. NonContractualAppropriations.091123
2. NonContractual 9-11-Ord



City Council Information Item
Regular Meeting - September 11, 2023

Submitted by: Matt Young,
Submitting Department: Public Utilities

Subject:

Public Utilities Water Division Window Repair

Legislation Title:

Public Utilities Water Division Window Repair

Background/Synopsis:

Several windows at the Water Treatment Plant have deteriorated and now leak. Due to dated construction methods, some have also cracked due to expansion and contraction. This appropriation will replace the cracked windows in the Superintendent's office and will provide funds to seal many other windows throughout the plant.

Financial Impact:

An appropriation for \$11,000.00 is being requested to repair leaking windows and replace broken windows in various locations throughout the Water Treatment Plant. 2023 funding for this project is included in the approved 2023-2027 Capital Improvement Program (CIP) under project 3WT15, Building Improvements. The funding source is the Water Replacement and Improvement fund - 604.

Attachments:

1. Fairfield Utility Quote - windows

FRANKS GLASS, INC.
5191 DIXIE HWY
Fairfield, OH 45014-3030

12.D.2.a

PH:513-829-8284 FAX:513-829-8481

Federal Tax ID: 31-1395315
State License: 52-222726

P/O#:	Cust State Tax ID: 31-6006598	Quote: QFFD063682
Taken By: Nathan	Cust Fed Tax ID:	Date: 8/7/2023
Installer: ESTIMATOR	Ship Via:	Time: 04:29 PM
SalesRep:	Adv. Code: Acct/Repeat	

Bill To: C5300	Sold To: C5300
----------------	----------------

City of Fairfield 5350 Pleasant Ave. Purchasing Office Fairfield, OH 45014	Fairfield Utility 5021 Groh Ln FAIRFIELD, OH 45014
---	--

(513) 867-5358 MAIN: (513) 867-5325

Qty	Part Number	Description	Sell	Total
3	COMMISC	3 new bronze operable windows with 3 new stationary window below	\$3,100.00	\$9,300.00
		Note: The glass will be grey over low-e tempered glass to match exisiting windows		
1	LABOR20	Comm Service Call, Labor to Install	\$1,200.00	\$1,200.00

Thank you for your patronage.
In Shop Installer: ESTIMATOR

Instructions:

Total:	
Sub Total:	\$10,500.00
Tax:	\$0.00
Total:	\$10,500.00

Attachment: NonContractualAppropriations.091123 (3669 : Non-Contractual Appropriations)



City Council Information Item
Regular Meeting - September 11, 2023

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

Subject:

3CM03 - Desktop and Mobile Computers, Monitors, and Phone Handsets

Legislation Title:

3CM03 Appropriation in the amount of \$94,000 is being requested for computer hardware

Background/Synopsis:

Replacement of City computing equipment is necessary to maintain computing and communications hardware that is compatible with, and capable of efficiently operating the software required by City employees and applications. Certain hardware detailed below was budgeted for replacement/addition in the 2023-2027 CIP (Capital Improvement Program.)

The replacement of VoIP Phone equipment, Police SRO laptops, and obsolete computing equipment for city and Public Utilities use was planned and budgeted for in CIP 2023-2027 to replace equipment that is becoming too old and/or will no longer be supported by the manufacturers. The estimated cost of replacements is **\$94,000** for hardware.

Public Utilities computer equipment will be funded as:

Water Fund - \$7,500

Waste Water Fund - \$7,500

Equipment will be purchased at Ohio State Contract or vendor discounted pricing, whichever is lower. Due to supply chain issues, exact vendor, manufacturer, model, and pricing details will be determined based on availability and pricing at the time of purchase.

Recommendation:

It is recommended that City Council authorize and direct the preparation of legislation for the appropriation of **\$94,000** from the Capital Improvement Fund and suspend the rules requiring the second and third reading.

Financial Impact:

An appropriation in the amount of **\$94,000** is being requested for the replacement of City computing equipment as is necessary for the continued operation of the City's overall computing systems. Funding for these efforts was included in the 2023-2027 Capital Improvement Program (CIP) under project 3CM03 'COMPUTER AND SERVER EQUIPMENT'.

Emergency Provision Explanation:

An emergency provision is necessary without competitive bidding in order to avoid unnecessary

renewal fees for the existing obsolete equipment and so that purchases and replacements can be made immediately.



City Council Information Item
Regular Meeting - September 11, 2023

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

Subject:

3CM03 - Data Backup Appliance and Management Devices

Legislation Title:

3CM03 Appropriation in the amount of \$49,000 is being requested for data backup hardware

Background/Synopsis:

Additional backup capacity was budgeted for in the 2023-2027 CIP (Capital Improvement Program.) under project 3CM03.

Electronic data storage utilized by city departments increases annually and are growing far more rapidly than in the past as new systems are brought online; older systems are replaced; and dramatic increases in storage of audio, video, and cell phone imaging files for investigations; increases in email capacity; and numerous other storage needs. As such, the need to properly backup, archive, and maintain proper retention of this data is growing much more rapidly than in the past as well. Additional capacity for data backups is needed to continue properly backing up the city's electronic data.

Stonefly is a VEEAM software recommended partner and was selected to provide an immutable, air-gapped backup appliance based on cost per terabyte (TB) of capacity, direct software integration, included professional implementation services, and direct support of equipment. Stonefly is a sole-source supplier of their appliances and additional management equipment/workstations will be purchased at Ohio State Contract or discounted pricing, whichever is lower.

Recommendation:

It is recommended that City Council authorize and direct the preparation of legislation for the appropriation of **\$49,000** from the Capital Improvement Fund and suspend the rules requiring the second and third reading.

Financial Impact:

An appropriation in the amount of **\$49,000** is being requested for the replacement of City computing equipment as is necessary for the continued operation of the City's overall computing systems. Funding for these efforts was included in the 2023-2027 Capital Improvement Program (CIP) under project 3CM03 'COMPUTER AND SERVER EQUIPMENT'.

Emergency Provision Explanation:

An emergency provision is necessary without competitive bidding in order to avoid unnecessary

renewal fees for the existing obsolete equipment and so that purchases and replacements can be made immediately.



City Council Ordinance
Regular Meeting - September 11, 2023

Submitted by: Ben Mann,
 Submitting Department: Public Works

Subject:

Appropriation for Waterworks Park Facilities Maintenance Items

Legislation Title:

Appropriation for Waterworks Park Facilities Maintenance Items – Lighting Improvements for Playing Courts

Recommendation:

It is recommended that City Council authorize an appropriation from the Capital Fund for \$35,500.00 for the materials and labor needed for Waterworks Park lighting improvements.

Background/Synopsis:

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

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

This request is for \$13,820.00 plus \$1,180.00 for contingencies to sandblast and repaint the eight existing 30' metal poles lighting the tennis courts and partially lighting the basketball courts. A quote from Brian Bros. is attached.

This request is also for \$9,838.72 plus \$661.28 for contingencies to supply replacement luminaires and other needed electrical supplies. A quote from FD Lawrence Electric is attached.

This request is also for \$9,112.86 plus \$887.14 for contingencies for labor and wire needed to remove and replace the existing fixtures with new LED fixtures and to replace the existing pole wiring and install connector kits for each luminaire. A quote from Capital Electric is attached.

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

Financial Impact:

\$35,500.00 from the Capital Fund (\$32,771.58 with \$2,728.42 for contingencies and other Parks

Department needs).

Emergency Provision Explanation:

Not applicable.

Rule Suspension Requested:

No

Emergency Provision Needed:

No

Attachments:

1. Brian Bros Painting- City of Fairfield Waterworks Park Light Po
2. S100905560-0001
3. Waterworks Park Lighting Upgrade

F.D. LAWRENCE ELECTRIC CO.

ELECTRICAL DISTRIBUTION, AUTOMATION AND LIGHTING EQUIPMENT

THE F.D. LAWRENCE ELECTRIC CO.
3450 BEEKMAN STREET
CINCINNATI, OH 45223
Phone 513-542-1100
Fax 513-542-2422



Quotation

EXPIRATION DATE	QUOTE NUMBER
08/25/2023	S100905560
THE F.D. LAWRENCE ELECTRIC CO. 3450 BEEKMAN STREET CINCINNATI, OH 45223 Phone 513-542-1100 Fax 513-542-2422	PAGE NO.
	1 of 1

QUOTE TO:

SHIP TO:

CITY OF FAIRFIELD
ATTN FINANCE DEPT
5350 PLEASANT AVE
FAIRFIELD, OH 45014

CITY OF FAIRFIELD
ATTN FINANCE DEPT
5350 PLEASANT AVE
FAIRFIELD, OH 45014

CUSTOMER NUMBER	CUSTOMER PO NUMBER		JOB NAME / RELEASE NUMBER	SALESPERSON	
1137				RODGERS BASTIN	
WRITER		SHIP VIA	TERMS	SHIP DATE	FREIGHT ALLOWED
BRANDON LEE			PASS ALONG 10TH	08/24/2023	No
ORDER QTY	DESCRIPTION			UNIT PRICE	EXT PRICE
18ea	RAB A17-4T375 AREA A17 T4 375W LED Nonstock Item at FDL 1 WEEK LEAD TIME			426.136/ea	7670.45
18ea	RAB A17-SF-KIT Nonstock Item at FDL			23.864/ea	429.55
2ea	SQD 8903LO60V02 120V CONTACTOR OPEN STYLE 2 IN STOCK @ FDL			596.805/ea	1193.61
1ea	HOFF A1412CHS 14 X 12 X 6 C/HINGE Nonstock Item at FDL 1 WEEK LEAD TIME			222.096/ea	222.10
1ea	HOFF A14P12 PANEL ONLY 49 IN STOCK @ FDL			25.150/ea	25.15
1ea	INT-MAT ET1105C 24-Hour 30 Amp SPST Electronic Timeswitch Clock Voltage 120-277V Type 1 Steel Enclsoure			265.196/ea	265.20
1ea	INT-MAT EK4536 120-277 Vac; Heavy Duty Electronic "T" Locking Type			18.041/ea	18.04
1ea	INT-MAT K121 LOCKING TYPE RECEPTACL Nonstock Item at FDL 1 WEEK LEAD TIME			14.615/ea	14.62
Taxes not included, they will be included on invoices when applicable! All Quotes are valid for 24 hours only!!				Subtotal	9838.72
				S&H Charges	0.00
				Amount Due	9838.72

Attachment: NonContractualAppropriations.091123 (3669 : Non-Contractual Appropriations)



3150 Encrete Lane • Dayton., OH 45439

Voice (937) 424-2550 • Fax (937) 297-1365

QUOTE SHEET

To:	Ben Mann	Fax #	
Company:	City of Fairfield, OH	Phone #	
# Of Pages:	2	Date:	9/1/2023
From:	Steve Taulbee		
RE:	Waterworks Park Lighting Upgrade		

Please find attached our quotation for this project.

The following clarifications apply to this quotation:

- Quotation is valid for 30 days and is subject to receiving a contract with agreed terms and conditions or a Purchase Order. Work may be performed under the existing City of Fairfield Maintenance contract.
 - Capital Invoices are to be paid in full upon completion of work within 30 days of date on invoice, with no retention withheld. Sales tax is *not* included. Performance bond (if required) is not included.
 - Work shall be performed during our normal work hours; premium time is excluded.
 - Capital Electric shall supply the No. 10 AWG cable and fuse kits to be installed at each pole. The City of Fairfield will supply the new light fixtures, mounting hardware and lighting control components which will be installed by Capital Electric.
-
- Please note: Capital Electric reserves the right to revise pricing if all quoted items are not awarded.

Thank you for the opportunity,

Steve Taulbee (937) 604-6115

CONFIDENTIALITY NOTICE: The documents accompanying this transmission contain certain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entitled named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopy information is strictly prohibited. If you have received this telecopy in error, please notify us immediately by telephone to arrange for the return of the document(s) to us. Thank you.

PROJ: Waterworks Park Lighting Upgrade
LOC: 5021 Groh Lane, Fairfield, OH
EST: Steve Taulbee
P.O. Box 1353, Dayton, OH 45401
Tel: 937-424-2550 Fax: 937-297-1365

REF #	ITEM DESCRIPTION	QUANTITY	UNIT	BID PRICE	
				UNIT	TOTAL
1	REMOVAL OF EXISTING LIGHT FIXTURE	18.00	EA	105.61	1,900.98
2	INSTALLATION OF CITY SUPPLIED LIGHT FIXTURES	18.00	EA	105.61	1,900.98
3	NO. 10 AWG, POLE AND BRACKET CABLE	1000.00	FT	2.06	2,060.00
4	UPGRADE LIGHTING CONTROL PANEL	1.00	EA	1,626.04	1,626.04
5	CONNECTOR KIT FUSED, PULL APART	18.00	EA	90.27	1,624.86
GRAND TOTAL					\$9,112.86

Attachment: NonContractualAppropriations.091123 (3669 : Non-Contractual Appropriations)



Brian Bros. Painting & Restoration, LLC

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

August 25, 2023

Proposal Submitted To:

City of Fairfield

8870 North Gilmore Rd.

Fairfield, Ohio 45014

Re: **Waterworks Park Court Light Poles**

5133 Groh Lane

Fairfield, Ohio 45014

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

(8) 30' Metal Poles-

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

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

*Apply a full coat of premium-quality Sherwin-Williams KemBond Rust-inhibitive Primer.

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

*Clean up as the work is completed.

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

Price: **\$13,820.00**

Respectfully Submitted,

Brian Toopes

Brian Bros. Painting & Restoration LLC

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 Water Replacement Fund	\$11,000
To:	60416025-254000 Buildings & Improvements <i>(Window Repair at Water Treatment Plant 3WT15)</i>	\$11,000
From:	Unappropriated Tax Increment Equivalent Fund	\$20,000
To:	22016025-252000 Improvements other than Building <i>(Pleasant Avenue West Redevelopment 3DV04)</i>	\$20,000
From:	Unappropriated Capital Improvement Fund	\$163,500
To:	40216025-252000 Improvements other than Building <i>(Lighting at Waterworks Tennis Courts 3PR04)</i>	\$35,500
To:	40216024-241100 Computer Supplies/Software <i>(Electronic Data Storage 3CM03)</i>	\$49,000
To:	40216025-253400 Computer Equipment <i>(Desktop and Mobile Computers, Monitors, and Phones 3CM03) (Multiple vendors)</i>	\$79,000
From:	Unappropriated Sewer Surplus Fund	\$7,500
To:	62416025-253400 Computer Equipment <i>(Desktop and Mobile Computers, Monitors, and Phones 3CM03)</i>	\$7,500

Attachment: NonContractual 9-11-Ord (3669 : Non-Contractual Appropriations)

From:	Unappropriated Water Surplus Fund	\$7,500
To:	60516025-153400 Computer Equipment <i>(Desktop and Mobile Computers, Monitors, and Phones 3CM03)</i>	\$7,500

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

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

ATTEST:

Clerk of Council

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

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2023\NonContractual 9-11-Ord

Attachment: NonContractual 9-11-Ord (3669 : Non-Contractual Appropriations)