

HILLSBORO CITY COUNCIL MEETING
Hillsboro Municipal Court – 130 Homestead Drive

June 8, 2015

At 7:00 p.m., Council President Lee Koogler called the Hillsboro City Council meeting to order. The following were present for the meeting: Todd Wilkin, Safety and Service Director; Gary Lewis, Auditor; and Debbie Sansone, Clerk.

ROLL CALL

Bill Alexander, Tracy Aranyos, Dick Donley, Justin Harsha, Claudia Klein, Ann Morris, and Becki Wilkin were present.

President Koogler led the council in prayer and the Pledge of Allegiance.

MINUTES

There were no additions or corrections to the minutes from the Regular Meeting on May 11, 2015. The minutes were approved.

MONTHLY REPORTS

There were no questions about the May 2015 monthly reports and the Clerk read the reports by title only: Auditor, Income Tax Bureau, Police, Public Utilities, Street, Wastewater Treatment, Water Meter, Water/Sewer Maintenance, and Water Treatment.

PUBLIC REQUESTS

COMMUNICATIONS

The Clerk received no correspondence

CITIZENS' COMMENTS

Jennifer Reed addressed Council regarding the ongoing property maintenance violation on her property at 522 Johnson Street. She asked President Koogler to clarify his statement from the previous council meeting regarding the roles of Council and Administration, and how the ordinance is interpreted. President Koogler explained that the role of Council is to legislate by gathering facts and information to create a piece of legislation, present that information to the Law Director to draft the legislation to allow Council to make their wishes legal. Council then decides whether to enact the legislation. If not vetoed by the Mayor, it becomes law. Once the legislation is passed, it is Administration's job to enforce the legislation. Ms. Reed questioned the interpretation of the property maintenance ordinance. President Koogler said it is the role of the Law Director to give a legal opinion to Council. Ms. Reed asked that the Administration stop their action (of cutting her yard when it is too tall), visit her property and provide a verbal interpretation of the legislation, allowing her to correct what Administration believes is in violation. President Koogler explained that Council has reviewed the statute twice and unanimously agreed that they did not want to look at it again as it pertains to Ms. Reed's property. He said that if Ms. Reed wishes to solicit council members with additional information and any member comes to him with a request to review the matter further, he

would consider it. Otherwise, there is nothing more to discuss as a legislative body on the issue. Ms. Reed believes that she is not violating the ordinance and she is not asking for a variance. President Koogler advised that litigation through the courts is an alternative for her. He recognized Ms. Reed's passion for the issue but at this point Council has made their determination. Ms. Reed asked if Council would stop action on her property and President Koogler referred her to Administration. Mr. Wilkin said that he would check his schedule and contact Ms. Reed.

COMMUNICATIONS FROM THE MAYOR (Drew Hastings, Mayor)

No report.

SAFETY AND SERVICE DIRECTOR'S REPORT

Due to recent surgery on his throat, Mr. Wilkin said his report would be brief. The employee of the month of May is Shawn Adkins. Shawn is always ready for whatever task is set before him and he is willing to serve the citizens of Hillsboro with any requests. On behalf of the city, Mr. Wilkin expressed appreciation for the job Shawn has done for the last seventeen years.

Mr. Wilkin also thanked all of the city employees who helped during the power outage on Saturday, June 6. Extra employees were called-in from the Police Department, Street Department, and the water and sewer plants. Generators at the water and sewer plants consume 75 – 125 gallons of fuel per hour and the plants have enough fuel to operate for seventeen hours. Service was not interrupted at either plant. Mr. Wilkin did receive complaints that the traffic lights were not working and a plan is being created to remedy that problem in the downtown area.

The Vietnam Veterans Wall was a success and Mr. Wilkin praised the employees for all their hard work to prepare the park for the event. The city has partnered with the Masonic Temple to change the parking configuration on East Beech Street that will add four additional parking stalls. Two right turn lanes were added uptown to help keep the traffic moving. Four youth workers were hired to help during the summer. This is the third year the city has used the youth workers and the program is very successful.

Mr. Wilkin referenced the monthly police report citing 176 year-to-date drug arrests comparing it to the total arrests for 2014, which were 189 drug arrests. The police department is making a very great effort to stop the drug epidemic in the city.

There were no questions for Mr. Wilkin.

AUDITOR'S REPORT (Gary Lewis, Auditor)

Mr. Lewis presented the year-to-date fund report and year-to-date bank report with a balance of \$6,588,192.57 in various bank accounts and in investments and cash-on-hand for operational purposes. Mr. Lewis asked for a motion from Council to accept the report. There were no questions for Mr. Lewis.

MOTION Ms. Aranyos moved, seconded by Ms. Wilkin, to accept the Auditor's report. There was no discussion. Vote: all yeas. The report was accepted.

Mr. Lewis had no other items to present to Council. There were no questions for Mr. Lewis.

PLANNING COMMISSION (Mayor Hastings, Chair)

(Ms. Sansone reported on the Planning Commission for Mayor Hastings.) The Planning Commission met at 5:30 p.m. on May 19, 2015, in the Hillsboro Firehouse Community Room. Present for the meeting were Buck Wilkin, Chair, Ruth Robbins, Kevin Barreras, and Tom Eichinger. The committee approved the minutes from the April meeting. Jack Rogers and James Sweet addressed Planning Commission with a request to add two rental units on Mr. Rogers' property at Main & Oak Streets. The Commission asked Mr. Sweet to contact the Building Inspector because they did not believe the units being discussed would meet the building standards. There was no action taken. The Commission approved the combining of three parcels on East Main Street (144 and 146 East Main). The meeting adjourned at 6:15 p.m.

STANDING COMMITTEE REPORTS

FINANCE COMMITTEE (Dick Donley, Chair)

No report

PROPERTY MAINTENANCE AND RESTORATION (Ann Morris, Chair)

The Hillsboro Property Maintenance and Restoration Committee met on Friday, May 29, 2015 at 5:00 p.m. in the Firehouse meeting room. Present for the meeting were committee members Dick Donley, Justin Harsha, and Ann Morris. Also present were Bill Alexander, Tracy Aranyos, and Council President Lee Koogler. The committee discussed placing the Colony Theatre in the newly formed Hillsboro CIC. One option that has been explored is to raze the rear portion of the theatre to add additional parking and renovate the front portion into offices, meeting rooms, and public restrooms. This would benefit shoppers, festival-goers, and people using the Uptown Plaza when it comes to fruition. The intent is to keep the same look for the front of the Colony, possibly better. Mr. Harsha moved to present a resolution to Council to place the Colony in the CIC, seconded by Mr. Donley.

The second item on the agenda was the Uptown Plaza. The Plaza Committee presented a detailed report to the committee, and a rendering of what it might look like when completed. Ms. Morris thanked the Plaza Committee for the work they put into the report. Conceptual ideas surrounding the Plaza venture include additional parking behind the Colony Theatre (25 spaces) and at the site of the Armintrout law office building (10-12 spaces) will offset parking lost with the creation of the Plaza. The bricks from the Armintrout building could possibly be used for the walkway through the Plaza to keep an historic look. The CIC could manage Uptown parking lots, providing income to the CIC for Economic Development. Uptown workforce could utilize the parking lot, freeing spaces for shoppers.

The Administration is working hard to attract a hotel to the Uptown area. Creating a plaza and increasing parking, as well as creating an entertainment district, will help support their efforts to attract developers. There has been rapid progress in Uptown residential living and more units are expected to be developed. Ms. Morris referenced letters from Todd Barnes, prospective business owner, and HURP, Hillsboro Uptown Renaissance Project, both supporting the Plaza. Funding for the Plaza can come from public funds, private funds, donations or a combination of all three. Paint Creek Fire District agrees to work with the city to create a plan to access their fire equipment when Governor Trimble is closed to traffic. The committee recommends moving forward with a more detailed plan for the Plaza that can be shared with the public. To date there have been two public meetings held by the Plaza Committee and an on-line survey was available. More than 300 Hillsboro Citizens opted to take part in the survey and a strong majority was in favor of the plaza concept.

Mr. Harsha moved that the Committee recommend to Council that the Administration commence with a comprehensive plan for the development and funding of the Plaza. Mr. Donley seconded the motion and the vote was unanimous.

The committee discussed lowering the sign permit fee to simplify the overall sign permit procedure and make it more affordable for business owners. Changes to the ordinance include a proposed fine if signs are built or constructed without following the sign ordinance rules and regulations. Signs in the Uptown area still require approval from the Design Review Board. The recommendation was made to lower all sign permit fees to \$100.00. The meeting adjourned at 6:00 p.m.

There were no questions for Ms. Morris.

President Koogler clarified the recommendation to Council that the city should move forward with a more comprehensive plan for the Plaza even though they are not agreeing to construct the Plaza at this time. The plan should deal with parking issues, funding, street closure, how it will affect property owners at that location, etc. Ms. Morris agreed.

MOTION Ms. Morris moved, seconded by Ms. Aranyos, to move forward with plans for the Plaza. There was no further discussion. Vote: all yeas.

CIVIL SERVICE AND EMPLOYEE RELATIONS COMMITTEE (William Alexander, Chair)

No report

STREET AND SAFETY COMMITTEE (Justin Harsha, Chair)

There was no meeting of this committee but Mr. Harsha shared information with Council regarding a meeting he had with Mr. Beery and Mr. Wilkin. Previously Mr. Harsha suggested enacting a penalty based structure to discourage landlords from renting to drug-related tenants. After a meeting with Mr. Beery and Mr. Wilkin, it was decided that it would not be a good idea. His committee will continue to listen to any ideas to address

the drug problem. Mr. Harsha asked that the drug issue be taken out of his committee until he has something more to address. The drug issue was removed from the Street and Safety Committee. Mr. Alexander asked if there was legislation in place to address repeat offenders. Mr. Wilkin said there was not but there is legislation that allows the city to condemn a property used in the production of meth until the property owner certifies that the property is free of meth and can be safely occupied.

UTILITIES COMMITTEE (Becki Wilkin, Chair)

No report

ZONING AND ANNEXATION COMMITTEE (Tracy Aranyos, Chair)

The Zoning and Annexation Committee met on June 3, 2015, at 5:15 p.m. at the Hillsboro Firehouse. In attendance were committee members Claudia Klein, Justin Harsha and Tracy Aranyos. Also attending were Jason Brown, Ken Bradford, Pam Limes, Betty Bishop, and Ann Morris. Ms. Aranyos read the ordinance to the audience: to direct the law director to act as agent to the city and property owners to annex all unincorporated land that is entirely surrounded by incorporated city land. Jason Brown expressed concerns that his property on North West Street could no longer be used to test motorcycles if his property was annexed. He was concerned that he would be fined for excessive noise. He was advised to speak with the Law Director. He said that he wanted something in writing before agreeing to annexation.

There are four possibilities for annexation: 1) allow the law director to negotiate with major land owners to petition the County Commissioners and Court to annex into the city, 2) all property owners to negotiate with the law director to agree with commissions on single land lots, 3) city owns land or "Eminent Domain" and will be annexed into the city, and 4) a merger plan, which the city has never had to use) is put in place, then it gets put on a ballot and everyone votes on it. The meeting adjourned at 5:45 p.m.

There were no questions for Ms. Aranyos.

COMMUNITY ENHANCEMENT (Claudia Klein, Chair)

The Community Enhancement committee met on June 8, 2015 at 6:00 p.m. Present for the meeting were committee members Dick Donley, Becki Wilkin, and Claudia Klein. Also present were council members Ann Morris and Tracy Aranyos; Pam Limes, (inaudible), and Pastor Bill Bowman. Mr. Donley commented that the food give-away at Liberty Park has not had problems in the past and served several communities, not just Hillsboro. Pastor Bowman addressed the safety issues. Mr. Donley moved, seconded by Ms. Wilkin, to recommend that council approve the food give-away at Liberty Park. The meeting adjourned at 6:15 p.m.

There were no questions for Ms. Klein

President Koogler said it was his understanding that the recommendation would have no opposition from Administration provided that an application is filed with the Administration.

MOTION Mr. Donley moved, seconded by Mr. Harsha, that council consider the recommendation of the committee and approve the use of Liberty Park for the food give-away on September 19, 2015. There was no further discussion. Vote: all yeas.

President Koogler said the city received a grant from the Elks for a mural and placed the matter in Ms. Klein's committee.

UNFINISHED BUSINESS

There was no unfinished business.

PASSAGE OF ORDINANCES AND RESOLUTIONS (THIRD READING)

None

SECOND READING OF ORDINANCES AND RESOLUTIONS

- ***Ordinance No. 2015-04 An Ordinance to Authorize and Direct the City Law Director to Act as Agent to the City of Hillsboro and Property Owners to Cause the Annexation into the City of all Unincorporated Land That is Entirely Surrounded by the Incorporated Lands of the City. Introduced by the Safety and Service Director***

FIRST READING OF ORDINANCES & RESOLUTIONS

- ***Resolution No. 15-__ A Resolution to Authorize the Transfer of the Colony Theatre Property to the Hillsboro Community Improvement Corporation Introduced by the Property Maintenance and Restoration Committee***

President Koogler explained that because the State has not yet issued a Charter Number to the Hillsboro CIC, the organization is defacto and Council can not move forward with the legislation. President Koogler opened the floor for discussion. Council can take a floor vote if they so desire, which means council would formalize "it" in terms of written legislation which would be done after the fact. If Council votes to go forward with it, the legislation will still need to legally recognize the legislation that would be presented after the CIC is legally recognized by the State of Ohio.

Mr. Alexander asked if it would be the first reading and President Koogler said "we could do that." Mr. Alexander asked if the Three Reading Rule could be suspended, although he did not anticipate that happening, and President Koogler answered in the affirmative. Council can take a roll call vote and treat it like a first reading once the legislation is numbered. President Koogler explained that if Council wanted complete autonomy on the decision, if there is a decision, it will have a first reading. If council wants it to be a decision that is formally ratified, then they should have a roll call vote.

MOTION Ms. Morris moved, seconded by Mr. Alexander, to have a roll call vote to place the Colony Theatre in the CIC understanding the legislation was presented

previously on the recommendation from the committee. There was no further discussion. Vote: all yeas.

- **Resolution No. 15-__** A Resolution to Authorize the Transfer of the Former Bus Barn Property to the Hillsboro Community Improvement Corporation *Introduced by the Safety and Service Director.*

President Koogler again explained that because the State of Ohio has not yet legally recognized the Hillsboro CIC, Council cannot proceed with the legislation but may proceed in the same manner as for the Colony Theatre. He further explained that the property was offered for bid and AEP was the sole bidder. The intention to place it in the CIC is a conduit to transfer the property. Notice was given to AEP that their bid would be rejected so that the property could be placed in the CIC. AEP was not opposed to the situation and still intends to purchase the property for the bid price.

MOTION Ms. Morris moved, seconded by Ms. Klein, to express council's intention to place the property in the CIC once legislation is presented. There was no further discussion. Vote: all yeas.

- **Ordinance No. 2015-06** An Ordinance to Amend the City Sign Ordinance to Reflect a Maximum Permit Fee of One Hundred Dollars *Introduced by the Property Maintenance and Restoration Committee*

MOTION Ms. Aranyos moved, seconded by Ms. Klein, to read the Ordinance by title only. Vote: all yeas.

President Koogler suggested that the Ordinance be revised "sooner than later" to reduce the fees to a more manageable level.

MOTION Mr. Donley moved, seconded by Ms. Klein, to suspend the Three Reading Rule. Vote: all yeas.

MOTION Ms. Aranyos moved, seconded by Mr. Harsha, to approve and adopt Ordinance No. 2015-06. There was no further discussion. Vote: all yeas. The ordinance was approved and adopted.

NEW BUSINESS

President Koogler said that the lodging tax has been debated for some time and there was an Audit of the Highland County Visitors' Bureau that raised an issue regarding the City's tax. He discussed the issue with the Mayor and the Law Director and it is incumbent upon Council to address the issue. Mr. Beery considers it a permissible excise tax. President Koogler wants to end the debate. Mr. Beery will seek resolution of the matter from the Attorney General's office and he hopes to have a response within thirty days. President Koogler did not feel the issue was germane at the prior council meeting but has had time to discuss a moratorium on the lodging tax with the Law Director. The matter could be placed in the Finance Committee or a moratorium could be placed on the

tax until the Attorney General's office makes a decision. Mr. Koogler apologized to Mr. Wilkin for not discussing it with him.

Mr. Donley suggested placing a moratorium on the tax. He said council has heard from the county prosecutor regarding how the law is interpreted and what the city can and cannot do. Also, the State Auditor is suggesting the same thing. It will need to be discussed when the opinion is made. Rather than place it in committee, Mr. Donley will move to place a moratorium on the tax.

MOTION Mr. Donley moved, seconded by Mr. Harsha, to place a moratorium on the lodging tax. There was no further discussion. Vote: all yeas. There will be a moratorium on the city's lodging tax that will continue until the issue is decided.

ADJOURN

At 7:53 p.m., Mr. Donley moved, seconded by Ms. Klein, to adjourn. Vote: all yeas.

The next scheduled meeting of the Hillsboro City Council is July 13, 2015 at 7:00 p.m. in the Municipal Court.

Lee Koogler, President

Debbie Sansone, Clerk

