

HILLSBORO CITY COUNCIL MEETING
Hillsboro Municipal Court – 130 Homestead Drive

July 13, 2015

At 7:00 p.m., Council President Pro-Tem Dick Donley called the Hillsboro City Council meeting to order. The following were present for the meeting: Mayor Hastings, Todd Wilkin, Safety and Service Director; Fred Beery, Law Director; Gary Lewis, Auditor; and Debbie Sansone, Clerk.

ROLL CALL

Tracy Aranyos, Dick Donley, Justin Harsha, Ann Morris, and Becki Wilkin were present.

MOTION Ms. Aranyos moved, seconded by Mr. Harsha, to excuse President Koogler (vacation), Mr. Alexander (vacation), and Ms. Klein (ill). There was no discussion.
Vote: all yeas.

Mr. Donley led the council in prayer and Mayor Hastings led the Pledge of Allegiance.

MINUTES

There were no additions or corrections to the minutes from the Regular Meeting on June 8, 2015. The minutes were approved.

MONTHLY REPORTS

There were no questions about the June 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.

Mr. Donley commented that the city employees are working very hard this summer and the city looks very nice. He thinks the employees are working well with Administration and things are looking good.

PUBLIC REQUESTS

No requests

COMMUNICATIONS

- Ohio Housing Finance Agency – OHFA Award of Housing Tax Credits for Hi-Land Terrace Apartment renovation
- Davison of Liquor Control – Notice of application for C1, C2 License (Flagway)
- Equality Ohio- Request that Hillsboro initiates LGBT-inclusive nondiscrimination local ordinance

Council did not request a hearing for the liquor license application.

CITIZENS' COMMENTS

Richard Stiffler referenced a Zippia.com survey that Hillsboro was the worst place in the state to get a job. He also referenced a NerdWallet survey that said Hillsboro was the 21st

best place in the state to start a business. He described the jobs he would like to have in Hillsboro (warehouse work). He wanted to know if Hillsboro could connect to the railroad between Greenfield and Leesburg. Mr. Stiffler said that there are very few jobs in Hillsboro listed on Ohio Means Jobs and he cannot afford to drive thirty or forty miles for a job that pays \$8.50. Mr. Donley said that all small towns are struggling now and Mr. Stiffler wanted to know what Hillsboro was doing to attract jobs. Mr. Donley explained that the city now has an economic development coordinator (Kim Abbott), and there are efforts to attract business. He feels that the city is moving in the right direction and all the city can do is keep trying. Mr. Wilkin and Ms. Abbott are working constantly to attract business. Mr. Stiffler said he was tired of excuses.

Jennifer Reed addressed Council regarding the yard maintenance violation she received on her property on Johnson Street. Mr. Donley commented that Council knew why Ms. Reed was present and everyone knew what she would say. He said that Administration has spoken, Council has spoken, and the committee has spoken. He allowed Ms. Reed to ask her questions. She started by saying that she is disappointed in the refusal of Council to address the legal fault in the city's ordinances. As is, the ordinances are open to subjective interpretation by those tasked with enforcing them. As a result the rights of the citizens of Hillsboro are being violated. She does not know why Council wants to dismiss her and silence discussion rather than being open to the possibility that the language of the ordinance as written is being used to violate her rights and infringe on the rights of every citizen, depending on the uneducated and subjective determination of the Administration's staff. Therefore, she wanted to ask four questions.

What is Council's understanding of the purpose and intent of the ordinance as written? Mr. Donley explained that the city controlled the infrastructure and the environment of the city – buildings, trees, grass, etc. Legislation is reviewed by committees and the Law Director and he believes the ordinances are properly submitted and properly passed. Council has reviewed the ordinance and found it appropriate as it stands.

Is it not Council's job, who is elected by the citizens and whose salaries are paid by tax dollars, to design ordinances that are clearly written, easily understood, and not left to the uneducated subjective interpretation and enforcement or personal opinion by the staff of the Administration? Mr. Donley answered that he did not feel the Administration was uneducated, he did not feel that the Law Director was uneducated, and he did not feel that the Council members were uneducated. The laws are not black and white and must be interpreted and everyone will interpret differently. Mr. Donley took exception that Ms. Reed would say that everyone was too uneducated to interpret the law. Ms. Reed thinks that laws should be written to be absolutely clear with no room for a personal opinion or subjective interpretation.

She was told at one of the meetings that it is not Council's or Administrations' desire to infringe on the rights of the citizens, however, every attempt to discuss the language of the ordinance and the vagueness and lack of clarity, has been shut down and dismissed. This Council has been mistaken from the beginning by the assumption that she was seeking a variance when what she wanted was clarity to the legal language so it could not

be left to the open interpretation or whims of a single official. A law cannot be enforced by opinion and a citizen cannot be held in violation of an ordinance that is based upon the open subjective interpretation of one individual. This council seems intent on shifting their elected responsibility by leaving the interpretation of the ordinance up to the Administration staff rather than taking on the task of clarifying the language of the law. She would like to know the reasons for Council's lack of concern and a (inaudible) in the language of the ordinances which puts every property at risk of violation and which threatens enforcement by personal opinion. Does Council want a law that is clearly defined and protects the rights of the citizens or does it prefer to shift the responsibility of a vague ordinance that leaves the interpretation and enforcement open to the whim of any Administration or agenda? Fairness and clarity of the law is not too much to ask of elected officials.

Ms. Aranyos said that she did not feel that Ms. Reed had been "shut down" and not given opportunity to explain her position. Ms. Aranyos spent five hours with Ms. Reed as have Mr. Harsha and others and Ms. Aranyos reviewed all the information provided by Ms. Reed. Naturescaping must appear that it is being attended and Ms. Reed's yard does not appear to be attended. All seven council members arrived at the same conclusion that Ms. Reed was in violation of the ordinance. Ms. Aranyos said that she did not believe that conclusion will change.

Mr. Donley said that Ms. Reed has been informed of the legal action she can take regarding the violation. Ms. Reed does not feel it is her responsibility to prove the law is illegal, but is Council's responsibility. Mr. Harsha said that all the council members believe the ordinance is written correctly. If Ms. Reed believes it is poorly written, it is her responsibility to take action.

Ms. Wilkin asked if there was a reason Ms. Reed was not taking legal action. Ms. Reed reiterated that she was not responsible. Mr. Donley ended the conversation by telling Ms. Reed that if she wanted to continue with legal action it was her right and Council would not address the issue further.

Ronald J. Smith, with Bob Skoogs, Sr., Bob Skoogs, Jr. and Mr. Bradley, addressed Council with a request to change the zoning to Commercial on North High Street from the property with the airplane on the stump south to the insurance company next to Wendy's. He asked that the property be taxed as residential until it was used as commercial property. In 1998, a developer was interested in purchasing the properties. It is something that could bring jobs to the area and the road would be widened which would improve the safety aspect of the road. An engineer is working on a drawing to widen the road. Mr. Smith asked how they should proceed. Mr. Skoogs, Jr., said they are very willing to cooperate with the city to get this done. Mr. Donley placed the matter into the Zoning and Annexation committee for a fact-finding meeting. Mr. Wilkin recommended that the Committee meeting be treated as the first Public Hearing on rezoning. Ms. Aranyos will contact the Clerk to publish a public notice for the committee meeting as a public hearing.

Sherry Young, 144 Terrace Avenue, reported tall grass on James Treadway's property between her property and the Springlake Condos. She checked with the city office and Mr. Treadway had not picked up his certified letter notifying him of a violation for tall grass. Ms. Young asked if there was a time limit before the problem could be addressed. She also said the grass covered the manhole. Mr. Wilkin said he would check on the violation.

Mr. Donley said Council welcomes people to come forward and inform them about problems in the city.

COMMUNICATIONS FROM THE MAYOR (Drew Hastings, Mayor)

"There is no bad. I've looked to see if anything in this month's Mayor's report was negative or a downer. I cannot find any.

This is an interesting item, though. I've given some speeches of late that talk about the issues facing us as a country. They aren't Democrat vs. Republican, they are Urban vs. Rural. That many urban problems will seek to locate in rural areas and that urban culture and values will increasingly be pushed on rural communities. Our Group Home legislation was a good example of how we protected ourselves from it.

So, three days after the Supreme Court's decision on gay marriage, I get a letter from Equality Ohio, a Columbus-based group of activists that wasted no time in wanting Hillsboro to enact special legislation to protect gays from job and housing discrimination. We don't need it because all people have due process under the law in these areas. The part that was rather insulting to me was that three times in their one-page letter they say that passing these ordinances will make sure that Hillsboro is attracting the best & brightest talent and employees. I wasn't aware that being heterosexual was such a limitation on me. No wonder we've been floundering around out here cluelessly for so long. I'm not sure how we got anything done.

On to more positive stuff. You have a concise resolution before you tonight to get the new CIC and our Economic Development efforts underway. We would like to get this passed tonight and be able to start planning. I attended the CIC meeting last week and they are excited to start development efforts. Starting next month I will report to council on all CIC activities.

We lost six parking spaces last month due to adding turn lanes uptown, further reason why, as part of a master parking plan, we would like to plan for more parking by creating approximately 25 spaces at the rear of the Colony and another 12 spaces later with the Armintrout property. It will make us more competitive Uptown for revitalization. The commercial zoning of North High that the gentlemen tonight proposed is to remain competitive and I am sure they will have adequate parking. I would like for Council to schedule a committee meeting for the Plaza and Colony efforts in the next two weeks and by that time we should have some closer cost estimates. Renderings of the Colony and Plaza hopefully will be available by then.

The new fire rating – the ISO went from 5 to 3. This is the biggest news of the month. It is a big deal for the residents of Hillsboro and will save them money. It is boring and unsexy but it is the type of thing that makes us job friendly.

Sometimes there are things about the Festival of the Bells that I am not crazy about but I admire any group that can keep a festival going for thirty-one years. That is a heck of an achievement. This might be a good time (because we have things coming up on the radar for the next year or two and we have a great economic development person in place who is good with events) for the city to become more involved with the Festival of the Bells, maybe become a city sponsor and partner with making an already good festival even better than it is.”

Ms. Aranyos asked how frequently the CIC will meet. Mayor Hastings asked the CIC to meet at least every two weeks until they get up and running but he will ask and let Council know.

Mr. Donley clarified that the CIC has their by-laws, insurance, etc all set. Mayor Hastings said they are up and running.

SAFETY AND SERVICE DIRECTOR’S REPORT

Mr. Wilkin announced Kyle Dwelly as the June Employee of the Month. He is an officer with the Hillsboro Police Department and in the past month has put a lot of effort and assistance in helping to move HPD in the right direction by helping to write policies and standards. He has been with the city for less than a year but has made a huge impact during that time. Officer Dwelly was the leading officer for arrests during June. Mr. Wilkin also thanked Kim Abbott, Economic Development Coordinator, for her hard work to plan events in Hillsboro. Unfortunately, two events were cancelled due to a power outage and bad weather. The “Under the Radar” event will be rescheduled for later this year. The Amazing Race is on August 8 in Liberty Park and Mr. Wilkin encouraged sponsors and participants to sign up for the race.

Street paving started on June 6 but because of the “monsoon season” work has been delayed. Paving will begin again as soon as the rain subsides. North East Street repairs will begin soon and the right-turn lane at Pizza Hut and the Pedestrian Bridge will begin in the next thirty days, weather permitting.

The City of Hillsboro was awarded an ODOT grant to assess the signaling and timing of traffic lights throughout the city. The interconnect system, a central clock that “talks” to all the lights in town, is the main issue. A new wi-fi or hardwire interconnect system will be installed at no cost to the city and will be in place before school starts in the fall. The ODOT survey shows that the intersections at Fenner and 73 and Pea Ridge and 73 warrant a traffic light. It costs approximately \$100,000 to install a new light at an intersection. In the past three years there have been sixteen accidents reported at Pea Ridge and 73. Widening 73 at Fenner was considered, adding a left turn lane for cars turning onto Fenner Road. The poles are the biggest expense when adding a light to an intersection and the city may have some poles that can be used to reduce the cost.

Another intersection to discuss is Oak and Main at the Library. ODOT determined that a light at that intersection is not warranted. Mr. Wilkin will set the light to flash for sixty days, post a sign stating the intent for placing the light on flashing mode, and invite public comment and recommendations.

The Hillsboro Police Department continues to have success attacking drugs in the city. In 2014, there were 191 total drug arrests. In 2015, through June, there have been 201 drug arrests due to a great effort by Chief Whited and his department. Mr. Wilkin also impressed upon Council that the drop in the insurance ISO rating is very significant. The rating is based on the fire district personnel, equipment, systems in place, and water pressure. Paint Creek Fire District has done a great job with fire protection and the water loop projects and infrastructure work completed in the past two years made a significant contributed to the drop in the ISO rating.

The Hillsboro Water Office implemented an ACH payment plan and currently there are sixty-two people paying their water bill with an ACH payment. Mr. Wilkin encouraged people to contact the water office if they are interested in using the plan. There is no charge for making an ACH payment. Mayor Hastings said he was the first volunteer to test the system and it works flawlessly.

There were no questions for Mr. Wilkin.

Ms. Aranyos commented that she heard positive comments about Chief Whited's officers and the great job they did during the Festival of the Bells, especially the one named Shawn. Chief Whited thanked her and said that Shawn Kelly was their "poster child."

AUDITOR'S REPORT (Gary Lewis, Auditor)

Mr. Lewis also recommended the ACH payment method. He said if you use a credit card online, there is a \$2.50 charge but if you call on the phone or stop at the office and use the credit card, there is no charge. Mr. Lewis presented the year-to-date fund report and year-to-date bank report with a balance of \$6,263,491.63 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. Morris moved, seconded by Ms. Aranyos, to accept the Auditor's report. There was no discussion. Vote: all yeas. The report was accepted.

Mr. Lewis explained the legislation presented to Council:

A resolution to increase appropriations in the 205 Fire Pension fund for \$1,500 will correct a minor oversight that did not include the fees that are automatically deducted from the City's semi-annual real estate tax settlement. Even though the city does not physically receive the money, it must be accounted as a gross receipt and subtracted as an expense.

A resolution to adopt a tax budget for 2016. There was a public hearing on the tax budget prior to the Council meeting. The tax budget shows justification for the real estate taxes that are dispersed from the county to the city and serves as a basis for the annual operating budget.

Last week the tax department personnel attended a meeting about the effects of House Bill 5 which was passed as income tax reform. As a result of this legislation, the current city ordinance regarding tax collection will need to be amended. At that time it can be determined how the changes effect collection for the city.

PLANNING COMMISSION (Mayor Hastings, Chair)

The Planning Commission met at 5:30 p.m. on June 16, 2015 in the Hillsboro Firehouse Community Room. Present for the meeting were Buck Wilkin, Chair, Mayor Hastings, Todd Wilkin, Safety and Service Director, Ruth Robbins and Tom Eichinger. The committee approved the minutes from the May meeting.

The Commission is waiting for a deed from the Highland County Agricultural Society before giving final approval to the Society to construct a fence and plant trees at the end of Chariss Avenue. The deed is for enough property at the end of Chariss for a cul-de-sac to facilitate a turning area for emergency vehicles.

Several property owners attended the meeting to express their interest in rezoning the east side of North High Street from SR 138 (Wendy's) to the driveway for the Hillsboro Water/Maintenance building (almost to Alley 21). They would like to develop their property as commercial and they feel they could find a developer if the zoning was appropriate. If the property was developed, High Street would be widened in that section. The group would like for both sides of the street to be rezoned but in 1988 when the effort was made to rezone, the property owners on the west side of High Street and on Springlake opposed the change. A group representing the property owners will meet with Mr. Wilkin and an engineer to discuss the pros and cons as they relate to infrastructure and traffic counts. The Planning Commission will not make a recommendation to Council until they have a report from Mr. Wilkin.

The Planning Commission discussed the sidewalk program and the importance of keeping it moving forward. Issues such as assessments, permits, and funding need to be resolved. Suggestions were made to prepare a sidewalk information packet that could be left on each resident's door, place information on the city's Web site, and include a newsletter in the monthly water bill.

STANDING COMMITTEE REPORTS

FINANCE COMMITTEE (Dick Donley, Chair)

No report

PROPERTY MAINTENANCE AND RESTORATION (Ann Morris, Chair)

There was no meeting but there are several things the Committee is still working on. One is the Uptown Plaza and the other is placing the Colony Theatre in the CIC. The committee is compiling numbers for the Plaza and will hold a committee meeting in the next couple of weeks.

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

No report

STREET AND SAFETY COMMITTEE (Justin Harsha, Chair)

No report

UTILITIES COMMITTEE (Becki Wilkin, Chair)

No report

ZONING AND ANNEXATION COMMITTEE (Tracy Aranyos, Chair)

There was no meeting and no report and Council will hear the third reading of the ordinance to annex unincorporated property in the city. There were no questions for Ms. Aranyos.

COMMUNITY ENHANCEMENT (Claudia Klein, Chair)

No report

UNFINISHED BUSINESS

Ms. Morris asked to discuss the lodging tax moratorium and Mr. Donley said it would be addressed in "New Business."

PASSAGE OF ORDINANCES AND RESOLUTIONS (THIRD READING)

- **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*

Vote: all yeas. The Ordinance was approved and adopted.

SECOND READING OF ORDINANCES AND RESOLUTIONS

None

FIRST READING OF ORDINANCES & RESOLUTIONS

- **Resolution No. 15-25** A Resolution to Authorize and Direct the Safety and Service Director to Convey Certain Property to the Community Improvement Corporation and to Declare an Emergency *Introduced by the Property Maintenance and Restoration Committee and the Safety and Service Director*

Mr. Harsha thought that the CIC would look into other options for the Colony Theatre before it was decided to raze the back of the theatre for parking. He thought the legislation would be worded that way. Mayor Hastings said the issue has been up in the air and leaning towards razing the back of the theatre because no plan has emerged for developing the entire property. Ms. Wilkin had a group of investors that had some interest (but did not commit). Mr. Harsha asked that the CIC explore options before removing the back of the Colony.

Mayor Hastings will ask the CIC to not pursue demolition of the rear until there is satisfaction that it cannot be renovated in its entirety. He would be in favor of saving the rear if someone could do it. He explained that the legislation was written as presented because the demolition of the rear was the best scenario available for the property because the city needs a master parking plan and demolition of the rear of the theatre would provide twenty-five parking spaces. However, Mayor Hastings did not have an issue with giving more time to pursue other options. The CIC will most likely want to know how much time Council will want or what they can do to explore the options.

The Mayor does not believe the CIC will do anything that will directly oppose the wishes of Council and the city because they exist to work with the city and would not alienate themselves but until the property is in their hands they will not look at options for it. Mr. Beery clarified that he intentionally made the legislation vague because he knew there was no plan and that no one knows what will become of the property. Before it goes into the CIC, Council authorizes the Mayor to sign an order and put it into the CIC and see if they will accept the project. The Mayor can limit the project if that is Council's concern, until such time that Council has no other alternatives. Council is not binding themselves.

Ms. Aranyos moved to amend the legislation to add Mr. Harsha's comments to the legislation as it pertains to the Colony. Ms. Morris asked that before they voted, she would like to put a time limit on the exploration of options for the Colony. There have been explorations and attempts for several years to save the Colony and she would like to see it move forward. Mr. Donley asked the Administration to make an agreement with the CIC that included a time-limit for making a decision.

Mr. Beery suggested that Council make a motion to ask the Mayor to submit the CIC agreement on the Colony to Council for review at some point and then pass the legislation after that as it is and that way Council has not overlooked the possibility to restore the entire structure. It needs to be transferred to the CIC and Council needs to make a motion that the Administration submit the agreement on the Colony for approval prior to signing it with the CIC. It can include a time frame or whatever council wants. Ms. Morris said that with all the surveys that have been conducted, even if the money comes forward to revitalize the Colony, it is not in the majority of the public's best interest because they wanted parking. Mr. Beery said that would be a debate for another time. He said it is important to make a motion to have the Mayor bring the Colony Theatre agreement to Council, then it will come back to Council prior to reaching an agreement with the CIC on anything. Then the transfer can move forward which is the

lynch-pin for everything. It is a two-step process: Council authorizes the transfers, the Mayor reaches the agreement on what the CIC will do for the city.

MOTION Ms. Aranyos moved, seconded by Mr. Harsha, to have the Mayor submit an agreement on the CIC with the Colony Theatre and to report back to Council before any action is taken on it. There was no further discussion. Vote: all yeas.

MOTION Ms. Aranyos moved, seconded by Mr. Harsha, to suspend the Three Reading Rule on Resolution 15-25. There was no discussion. Vote: all yeas. The Three Reading Rule was suspended.

MOTION Ms. Morris moved, seconded by Ms. Aranyos, to approve and adopt Resolution No. 15-25. There was no further discussion. Vote: all yeas. The Resolution was approved and adopted.

- **Resolution No. 15-26** A Resolution to Increase Appropriations in the 205 Fire Pension Fund *Introduced by the Auditor* The resolution is appropriations in nature and does not require a suspension of the Three Reading Rule.

MOTION Mr. Harsha moved, seconded by Ms. Aranyos, to approve Resolution No. 15-26. There was no further discussion. Vote: all yeas. The Resolution was approved and adopted.

- **Resolution No. 15-27** A Resolution to Adopt a Proposed 2016 Tax Budget for the City of Hillsboro as Set Forth in the Attached Exhibit *Introduced by the Auditor*

MOTION Ms. Morris moved, seconded by Mr. Harsha, to approve and adopt Resolution No. 15-27. There was no further discussion. Vote: all yeas. The resolution was approved and adopted.

NEW BUSINESS

MOTION Ms. Morris moved to remove the moratorium on the lodging tax.

Mr. Harsha asked Mr. Beery to comment on the issue. Mr. Beery said he gave a legal opinion on the matter and he does not see anything that has changed in the tax. He was out of town when the moratorium was placed on the tax and did not know exactly what aroused the concerns of the state examiner (Visitors Bureau audit) to make reference to the city's lodging tax and view it as improper. After Mr. Beery reviewed his notes with the Safety and Service Director, he sees no change in his opinion (that the tax is valid) and suggests Council lift the moratorium on the tax.

The moratorium was a legal maneuver to protect the city in the event there was a valid concern. He believes the current ordinance is valid. He advised that if Council is against the lodging tax, the legislation should be repealed, not just a moratorium against it. If

Council wants to keep the tax, the moratorium should be lifted. Mr. Beery felt that the moratorium protected the city's legal interest and that is what President Koogler had in mind when he proposed the moratorium in June. Ms. Aranyos said she thought it was a safe vote at the time because Mr. Beery was not present to advise Council. Mr. Beery again stated that a moratorium is not the way to terminate the lodging tax. It has been done before and there is a precedent for it when there were water rates scheduled to go into effect. The moratorium was used to delay the increases. Mayor Hastings asked that if Council believes the tax is appropriate and should stay in place, what is the next move in regards to the moratorium? Mr. Beery said that Ms. Morris' motion to lift the moratorium is the action to take.

Ms. Aranyos seconded the motion. Vote: all yeas. The moratorium on the lodging tax was lifted.

Regarding the Colony Theatre, Mayor Hastings suggested that the Administration send out a Request for Proposals to contractors and developers in the Cincinnati and Dayton areas to see if there is interest. Mr. Harsha agreed that it would be a good opportunity to see if there is interest. Ms. Wilkin (inaudible). Ms. Wilkin said it is a hard process to put out there for anyone to purchase the property. Mayor Hastings agreed and said in 2005 he performed for a Colony fund raiser that raised thousands of dollars. The Colony was in bad shape then and has been deteriorating ever since. The city did not take possession of it until 2014. Ms. Wilkin asked why the city took the Colony back and Mayor Hastings explained that it had a reversionary clause.

ADJOURN

At 8:26 p.m., Mr. Harsha moved, seconded by Ms. Wilkin, to adjourn. Vote: all yeas.

The next scheduled meeting of the Hillsboro City Council is August 10, 2015 at 7:00 p.m. in the Municipal Court.

Dick Donley, President Pro-Tem

Debbie Sansone, Clerk