

**HILLSBORO CITY COUNCIL MEETING
PUBLIC HEARING FOR ANNEXATION
Hillsboro Municipal Court – 130 Homestead Drive**

October 13, 2015

PUBLIC HEARING FOR ANNEXATION

6:00 p.m.

At 5:58 p.m., Tracy Aranyos, Chair, Zoning and Annexation Committee, called the meeting to order. Ms. Aranyos explained that the intent of the annexation issue before the committee is to “clean up” the pockets of unincorporated properties that are surrounded by incorporated property. The hearing is for the purpose to hear comments and concerns from the citizens regarding annexation of their properties. Approximately one month prior, Mr. Beery, City Law Director, met with the county commissioners and Liberty Township trustees to explain the annexation and answer questions. Ms. Aranyos explained to the residents present that everything about their property would remain the same. Changes would be made only after the property transfers to a new owner and at that time the property is subject to all ordinances. An unincorporated property is under the jurisdiction of the Sheriff’s Department and not the Hillsboro Police Department. Water and sewer are not available to unincorporated properties. The city can make an agreement with the property owner to keep taxes the same as before annexation. It is also an advantage for city planning. The floor was opened for questions.

Jason Brown, North West Street, saw no advantage to annexation. If law enforcement is needed, the 911 dispatcher knows who to contact. There is a cost to adding city water and sewer to the property. He can do anything with his property without city restrictions. He plans to keep his property and his business for at least twenty years and plans to sell his business as his retirement. The buyer will want the same advantages.

Mr. Wilkin displayed a map showing the unincorporated properties. He explained that the Planning Commission met several months ago and decided to “clean up” the zoning map to include the unincorporated pockets. Mr. Wilkin explained that in the center of town there is a large property that is unincorporated and anyone could build anything on that property because it is not in the city and it is not zoned. Mr. Wilkin explained that any resident that received an annexation notice should disregard it. The current plan is to annex only vacant and commercial property at this time. A resident outside of the city would have five years after annexation to connect to the water and sewer. The Planning Commission did not want to burden the residents with that cost. The purpose of the annexation is to prevent development without any controls by the city.

Mr. Brown asked for clarification of the use of his property. Mr. Wilkin said that if Brown’s property was annexed, he could continue to use his land as part of his business. If Mr. Brown wanted to use his land to develop, he would then be subject to zoning and city ordinances because the use of the property changed, which Mr. Brown considered a disadvantage.

Mr. Bloom was concerned that city ordinance would prevent him from parking his semi-trucks on his property. He owns a large tract of land on the edge of the city limits and

does not want the use of that land to restrict his trucking business. Mr. Wilkin explained that the property in question was only a twenty-foot strip in front of the VFW. It would not effect his trucking business or his large tract of land. Mr. Bloom was told by a township trustee that there was a three-phase plan to annex even more property. Mr. Wilkin dispelled that rumor and showed Mr. Bloom the map outlining the small parcel to be annexed. The city is not interested in Mr. Bloom's property outside of the twenty-foot tract and there is no three-phase plan.

Brian Mycroft (Dairy Queen) asked if a family-transfer could be written into an agreement to protect the future of the property. Mr. Beery said that he must follow the state statute for annexation. The city can reach an agreement with the township trustees to cover a wide range of issues, part of which is development. He would like to hear from everyone what their issues are so that he might be able to include them in the agreement with the township trustees. Once the agreement is drafted, it will be given to the township trustees. There will be one agreement that fits all properties and benefits everyone. Mr. Mycroft did not see any benefit to annexation of his property. His biggest concern was having control over how he makes improvements to his property and a longer period to transfer the property but maintain the current rights he has as being in the township.

Mr. Beery said the purpose of the hearing was not to upset everyone but to inform everyone and to learn their concerns. There will then be one agreement with the township on how the city will treat properties that are annexed. It will be a master agreement that addresses all the concerns as much as possible. Mr. Mycroft did not have a problem annexing into the city but would like to see an agreement that allowed the property to be grandfathered if transferred to a family member. Mr. Brown asked if the property could be grandfathered if his business sold and would remain a motorcycle shop. Mr. Beery will see if it is possible.

Mayor Hastings said the foremost reason to annex the pockets is to prevent unwanted development, such as a large subsidized housing unit or residential drug treatment center in an area where it is not wanted. There are no controls if the property is not within the city. It is something he must consider as mayor of the city. Mr. Brown said that if someone wanted to build a six-story high-rise on his property it would be good for him. Mr. Donley related a situation in Pricetown. There was a factory that went out of business and an out-of-town company bought the property and stored 55-gallon drums of chemical waste in the building, floor to ceiling. The township had a very hard time getting the situation cleaned up. There was no zoning, no controls.

Mr. Crago owns the Dairy Bar on Route 50 East. He asked if his employees would be required to pay city income tax. Mr. Beery said it is one thing that can be included in the agreement. Mr. Crago said that his employees are low-wage workers and cannot afford the extra money taken out for taxes. Mayor Hastings said that an agreement could be made that would only affect new hires or if employment increased to a certain level. Mr. Crago said it would benefit him to a certain extent because he pays a premium for water and sewer. Zoning must also be determined at the time of annexation. It is very unlikely

that the use of the property as a dairy bar would change because there are other commercial properties in the area.

Mrs. Bloom wanted to clarify her property in question to annex near the Dairy Queen. There is a sign on that property and it will not be affected. Someone asked if all property owners had to sign the agreement. Mr. Beery explained that any property owner could sign the agreement or refuse to sign the agreement. Once the township and the city reached an agreement, the agreement will go to the County Commissioners. The property owner cannot be forced to annex under this plan. Council gave Mr. Beery the permission to approach people, he enlisted the help of the Zoning and Annexation Committee to contact people, and he wanted to get everyone together to try to work something out. Mr. Beery feels it is a very good opportunity to solve some zoning issues and help Planning Commission to do its job in regards to map platting. Mr. Wilkin said that property has the potential to be worth more as annexed property as opposed to unincorporated property.

Mr. Alexander asked if there was a benefit to annex in regards to fire insurance rates. Mr. Wilkin believes the ISO rating is for the fire coverage area but he was not certain and would need to check. He did, however, say that there is a benefit to annex if the property owner is currently paying 1-1/2 times the regular rate for water and that city residents are not paying 5.25 mils for fire protection as township residents are paying. The city pays for the fire coverage. There is also security in knowing what could be built on adjacent properties. When the cell tower was erected near the high school, the city received many calls asking why the city allowed the tower to be built in that location. The location is in the county and not in the city and there is no legislation to prevent the placement of the cell tower.

There is no determined timetable for the annexation but Mr. Beery will contact the township soon to start working on the agreement. He hopes to have an agreement ready by the first of the year. The agreement will apply to anyone who agrees to annex. The property owner, city council (by resolution), and the Liberty Township Trustees (by resolution) will sign the agreement. The agreement is presented to the County Commissioners. There is a provision that allows the county to sign the agreement if it is determined necessary by the county prosecutor.

The committee adjourned at 6:47 p.m.

CITY COUNCIL

7:00 p.m.

At 7:00 p.m., Council President Lee Koogler called the Hillsboro City Council meeting to order. The following were present for the meeting: Mayor Drew Hastings, Todd Wilkin, Safety and Service Director; Fred Beery, Law Director; and Debbie Sansone, Clerk.

ROLL CALL

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

Mr. Koogler 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 September 14, 2015. The minutes were approved.

MONTHLY REPORTS

There were no questions about the September 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.

PRESENTATION

Mayor Hastings recognized four international exchange students attending Hillsboro High School through exchange groups such as Rotary and CETUSA: Eli Rebekka Haugen, Trondheim, Norway; Jaime Carmona Sanchez, Madrid, Spain; Chollatee “Bright” Sanguanlertruthai, Thailand; and Moises Carrillo, Colima, Mexico. Mayor Hastings talked with each student and then thanked them for choosing to study in Hillsboro, Ohio. Each student was presented with a framed certificate naming them honorary citizens of Hillsboro, Ohio for the 2015-2016 school year. Superintendent Jim Smith joined the group and talked about the importance of welcoming students from other countries. Mayor Hastings invited all the students to visit the City Building and the Mayor’s Office.

PUBLIC REQUESTS

No requests

COMMUNICATIONS

No communications

CITIZENS’ COMMENTS

Richard Stiffler asked if the city had a back-up plan in regards to the problems at Paint Creek Fire District and if anyone is holding Paint Creek District accountable for not fixing the aerial truck that needs a \$20,000 part. President Koogler told Mr. Stiffler that he sits as the City’s representative on the Paint Fire/EMS board and the board is looking at all the problems critically and addressing how that department will move forward. President Koogler said he has no doubts that Paint Creek will do everything they can to maintain a professional fire department. The city has a three-year contract with Paint Creek and expects the District to meet their obligations to the city. Regarding a back-up plan, President Koogler said there is no reason to believe that the District will breach their agreement and the city expects it to be honored.

COMMUNICATIONS FROM THE MAYOR (Drew Hastings, Mayor)

Mayor Hastings said that the previous week was difficult for the City. If ever he had opportunity to see the city employees as a family, it was last week. Seth McCoy lost his son in an accident and then an accident on the North East Street project caused a worker to lose his life. He expressed his sympathy for the families involved. Mayor Hastings

specifically recognized Shawn Adkins who was first on the scene at both accidents. Shawn stepped-up and handled both situations very well.

AEP contracted with a company called Edko to inject trees that are a potential hazard to power lines with a growth regulator that slows the growth of the trees and makes the leaves smaller. It is an opt-out program but the Mayor feels there should be more information available to the residents in order to make a decision whether to allow the injection. Mayor Hastings will be contacting the AEP forestry representative and Edko for more information and will make this information available to the public.

The “Under the Radar” music event on October 9 was successful in spite of a light turnout. The event was scheduled on the same night as a home football game, which was not good timing. Regardless, the event was well received and there was some very good talent on stage. It was a good test to know how the music sounds in that location for future events on the proposed Plaza. Mayor Hastings expressed his hope that this event will grow each year.

The Director of Adena Health Care met with Mayor Hastings and explained the new facility on Roberts Lane. It is a primary care facility with x-ray capabilities and possibly pediatrics. Adena is leasing the former urgent care building until they can build their own facility in Hillsboro.

A group of developers met with the Mayor to propose a two to three-story family housing development on Pea Ridge Road. The group said that Hillsboro is “very eligible” for subsidized housing but the Mayor said it was not desirable for the city to be highly rated in this respect. The site was not favorable in a safety sense and the Mayor will keep Council advised of any further development.

There were no questions for Mayor Hastings.

SAFETY AND SERVICE DIRECTOR’S REPORT

Mr. Wilkin informed Council that his wife is due to have a baby at any time so if he gets the call he will leave the meeting immediately. The employee of the month is Heather Collins, who is a great asset to the city and the City administration. She works closely with all the city departments and her dedication and hard work should not go without recognition.

The 2016 budget should be ready for review by the Finance Committee in November. Mr. Wilkin highlighted some areas of the budget. There is \$300,000 for paving, money for an additional police officer, more funding for the parks and for demolishing dilapidated buildings. Funding to address zoning laws, correct the zoning map and to start the pilot sidewalk program is also in the budget.

The right turn lane project on North High Street is progressing and the pedestrian bridge is scheduled to be set on October 20. The road will be closed for a few hours while it is

being set. The accident on the North East Street project is being investigated by OSHA but work is allowed to continue.

Mr. Wilkin reiterated the Mayor's earlier comments stating that the city had to process a lot of emotions in the past ten days. One thing that Mr. Wilkin stresses to the department heads and employees that they must plan for that special event and last week three departments came together, working as a team to attempt to save a man's life. Words cannot express the events of the past week. Mr. Wilkin also recognized Shawn Adkins and said that because of Shawn's actions it is possible that three lives were spared.

There were no questions for Mr. Wilkin.

AUDITOR'S REPORT (Gary Lewis, Auditor)

Mr. Lewis was not present for the meeting. President Koogler presented the year-to-date fund report and year-to-date bank report with a balance of \$6,271,314.04 in various bank accounts and in investments and cash-on-hand for operational purposes. President Koogler asked for a motion from Council to accept the report. There were no questions for about the report.

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. Wilkin explained the resolution presented by the Auditor: additional appropriations are needed to finish the FY13 CHIP program.

PLANNING COMMISSION (Mayor Hastings)

The Hillsboro Planning Commission met on September 15, 2015 at 5:30 p.m. in the Hillsboro Firehouse Community Room. Present for the meeting were Stephen Crouch, Tom Eichinger, Mayor Hastings, Ruth Robbins, Buck Wilkin, and Todd Wilkin. The Commission discussed the priorities listed earlier in the year. Sidewalks were the Number One priority and the Sidewalk Maintenance Program was developed in March. Map platting, the Number Two priority, is also being addressed by the Commission. It was also discussed that Park Maintenance, the Number Three priority, was not a Planning Commission issue but Park Development would be an appropriate priority at Number Three.

Chairman Wilkin encouraged the Administration to implement the sidewalk program by notifying the property owners who have sidewalks in need of repair or replacement. Mr. Eichinger expressed his desire to be able to offer the residents some financial relief in some form. Mr. Wilkin is compiling prices from contractors and a list of approved contractors. The Tree Commission needs one more member and anyone interested should contact the Mayor's office.

Stephen Crouch is interested in pursuing map platting for future land use. Each year the priority list and map plat would be reviewed and revised. The Commission discussed park planning and a park committee.

Margaret VanFrank addressed the Commission regarding her property on South High Street in a “Residential A” zone but it has been a multi-unit for over twenty years. She has an interested buyer for the property but any variance that originally allowed the multi-family units would be null and void after the property transferred to a different owner because of the non-conforming use. The buyer is only interested in the property as a multi-unit home. The Planning Commission does not want to grant more variances and will not consider spot-zoning. After much discussion on the matter, Chairman Wilkin scheduled a Special Planning Commission meeting for September 21, 2015 to give the Commission time to research a solution to the problem. The meeting adjourned at 6:55 p.m.

On September 21, 2015, a Special Meeting was held to discuss the VanFrank property. The Commission entered into Executive Session at 5:35 p.m. and returned to the Special Session at 6:10. Mr. Barreras moved that the Planning Commission convene as the Board of Zoning Appeals. The Board of Zoning Appeals agreed to grant a temporary permit, allowed by Ordinance 155.064, for one year. The Commission made a commitment to restructure the zoning and fix zoning issues in the city. If the zoning efforts are not completed in one year, the Board of Appeals will renew the temporary permit until the rezoning is complete. The Board of Appeals and the Planning Commission adjourned.

Mayor Hastings noted that Mrs. VanFrank’s issue highlighted the need for the Planning Commission to create a master-zoning plan for the city. The Commission is looking for a consultant to help with the citywide zoning issues. This will be an important issue that will set the stage for much better planning for the city.

There were no questions for Mayor Hastings.

STANDING COMMITTEE REPORTS

FINANCE COMMITTEE (Dick Donley, Chair)

No report

PROPERTY MAINTENANCE AND RESTORATION (Ann Morris, Chair)

The Property Maintenance and Restoration Committee met on October 13, 2015 at 5:38 p.m. in the Municipal Court Room. The Committee verified that references to billboards should be removed from the Ordinance. The Committee approved a fee of \$25.00 for all yardarm signs and clarified the definition for projecting signs and yardarm signs. Other “house keeping” items were discussed to clarify the ordinance. Mr. Harsha moved to recommend the changes to Council and Mr. Donley seconded the motion. The Committee adjourned at 5:56 p.m.

There were no questions for Ms. Morris. Legislation will be presented to Council when drafted.

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)

The Annex/Zoning meeting was called to order at 6 P.M. October 13, 2015 prior to the regular City Council Meeting. In attendance were committee members Tracy Aranyos (Chair), Claudia Klein, and Justin Harsha. Also in attendance were Fred Beery, Todd Wilkin, Mayor Hastings, council members, Jason Brown, Ralph Bloom, Brian Mycroft, Willie Crago, and several other citizens. The topic was the possible annexation of pockets of unincorporated properties that are surrounded by incorporated properties within the city limits.

Safety Service Director Todd Wilkin explained to the public that the reason for this meeting was a recommendation from the Hillsboro Planning Commission to clean up lands that are vacant and are surrounded by incorporated lands, lands that currently have a home on them, and bring them into the city.

Jason Brown, Owner of Brown's Cycle Shop, stated that he does not want to annex into the city because right now the front part of his business is inside the city, while the back part of his property is not zoned and is county property. Because the back property is county, he does not need to worry about violating any ordinances for test-driving his cycles and quad runners or worry about noise violations. His biggest concern was that he has no retirement, and when he sells his business as-is; no one will purchase it if they lose the right to continue operating as he does now. Therefore, he feels his property value just plummeted \$20-\$30 thousand dollars. He does not see any perks at all. Council member Ann Morris stated that he does have perks for being inside city limits such as cheaper City utilities, Police, and Fire protection, along with location that brings in more business to him. Safety Service Director, Todd Wilkin, explained the following reasons, not as scare tactics but realities, to why we need to clean up these pockets for future city development. Someone could currently come in now and build a house next door, put in a septic system instead of using City Water, and the system could fail and back up into your property. They could currently decide to put in a pig farm, and because of no zoning, they could do that. The city would like to prevent those problems and say this is where you have to hook up and this is how you have to build. The City would like to hear all suggestions and consider all the possible "special circumstances" that each individual has in order to continue moving forward in the right direction to annex all these pockets of unzoned lands.

Ralph Bloom, of Bloom's Trucking located next to Dairy Queen, commented that he would have appreciated a phone call first instead of a letter. He said that he was told by a township trustee that there was a three-phase plan that the city was going to annex his whole property into the city. He said that he has 16 trucks and 20 employees and if they could no longer park on his property, because of an ordinance that prohibits parking large semi-trucks, he would be out of business. Todd Wilkin explained that his farm and business is not going to change one bit because that piece of property was outside the city limits. The piece of property the city wants to annex is a 20-foot piece between VFW and the Dairy Queen on the city right-of-way that used to be the railroad right-of-way.

Brian Mycroft, Dairy Queen owner, expressed that he agreed with Jason Brown about not being able to sell his property with all the current rules he can abide by now. He has concerns over how he can make improvements to his property like painting etc, and he does not want to have to go through the City's building inspections. He would also like to have family transfers included in a grandfather clause.

Mr. Crago, Buckeye Dairy Bar, stated that he would like to not tax his employees, because his employees do not currently pay any tax, that they are low wage workers and cannot afford any extra money.

City Law Director Fred Beery said all the citizens' concerns were perfectly valid and needed to be addressed. The City would like to reach an agreement with the township trustees to cover a wide range of issues such as economic development, which benefits the City, but does not hurt the townships in any way. Mr. Beery stated that this would be one agreement that fits everyone's concerns. Brian Mycroft and Jason Brown both stated that they were under the impression that each property owner would have their own separate agreement. Beery stated "You tell us what it is that concerns you, if it's something that's real important to you that for some reason we can't get the township and city to go along with, then we will come back to you and say I don't think this will work, do you still want in? This may end up that everyone's so uncomfortable with it that we don't do anything!" Jason Brown asked if 100% of the property owners have to sign this agreement for it to go through.

Fred Beery stated, "No, no property owner has to sign it. Any property owner that signs it gets in on the deal. If they don't, they don't. We could have just one of you guys say OK we'll do that, or none of you, or all of you. Once we get this agreement with the township hammered out and you or whoever is interested in it is OK with it, and the township's OK with it, then we're ready to move and present it to the county commissioners."

Jason Brown asked, "What about if there's someone that's not good with it?"

"Then they're out." Beery said.

"They don't come in the city limits?" Brown asked.

"No, we can't force you to." Beery stated.

Beery said the meeting was to see if we can get things worked out with the property owners and have them come into the city limits voluntarily. If not and no one agrees then this thing is done. But this is a good opportunity to get things cleaned up and let the Planning Commission do it's job. Mr. Beery said it would depend on the owner's input and the response from the trustees, which he is hoping after the first of the year sometime to have something to ask the trustees to look at. He assured the audience to stay in touch, but it would be around the first of the year at the earliest.

There was a motion to adjourn meeting at 6:47 P.M. by Claudia Klein and second by Justin Harsha.

COMMUNITY ENHANCEMENT (Claudia Klein, Chair)

No report

UNFINISHED BUSINESS

PASSAGE OF ORDINANCES AND RESOLUTIONS (THIRD READING)

None

SECOND READING OF ORDINANCES AND RESOLUTIONS

None

FIRST READING OF ORDINANCES & RESOLUTIONS

- **Resolution No. 15-35** A Resolution to Increase Appropriations in the 209 CHIP – Rehab Fun *Introduced by the Auditor* The resolution is appropriations in nature and does not require a suspension of the Three Reading Rule.

MOTION Mr. Donley moved, seconded by Ms. Klein, to approve and adopt Resolution No. 15-35. There was no further discussion. Vote: all yeas. The resolution was approved and adopted.

- **Resolution No. 15-36** A Resolution for Participatory Legislation for ODOT FY17 Small City Grant Project to Widen a Portion of High Street to Improve Traffic Flow (PID 101462) *Introduced by the Safety and Service Director*

MOTION Mr. Harsha moved, seconded by Ms. Aranyos, to read Resolution 15-36 in Title Only. Vote: all yeas. The resolution was read by Title Only.

MOTION Ms. Morris moved, seconded by Ms. Klein, to suspend the Three Reading Rule. Vote: all yeas. The Three Reading Rule was suspended.

MOTION Ms. Aranyos moved, seconded by Mr. Harsha, to approve Resolution No. 15-36. There was no further discussion. Vote: all yeas. The Resolution was approved and adopted.

- **Resolution No. 15-37** A Resolution for Consent Legislation for ODOT FY16 to Add Sidewalks to Hobart/Carl Smith Drive Within Corporation Limits (PID 101540)
Introduced by the Safety and Service Director

MOTION Ms. Wilkin moved, seconded by Ms. Klein, to read the resolution by Title Only. Vote: all yeas. The resolution was read by Title Only.

MOTION Ms. Aranyos moved, seconded by Ms. Morris, to suspend the Three Reading Rule. Vote: all yeas. The Three Reading Rule was suspended.

MOTION Ms. Klein moved, seconded by Mr. Harsha, to approve and adopt Resolution No. 15-37. Vote: all yeas. The resolution was approved and adopted.

NEW BUSINESS

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 November 9, 2015 at 7:00 p.m. in the Municipal Court.

Lee Koogler, President

Debbie Sansone, Clerk