

**For Comments on an Amendment to Zoning for Historic District “G”
Hillsboro City Council and Hillsboro Planning Commission**

President Koogler opened the meeting at 6:00 p.m. to hear public comments on the proposed amendment to the zoning ordinance to prevent first floor residential units in the Uptown Historic District “G”. Mayor Hastings added that the change to the ordinance is nothing that is not being done in many cities like Hillsboro. Mr. Wilkin said the recommendation comes from the Planning Commission.

Joe Mahan, business owner in Historical Business District “G”, said his family owns the building where his business is located. The building consists of first floor retail and a vacant second story. He approves of the proposed amendment. He said our business district is small and is not getting any larger. Mr. Mahan said that if vacant first-floor space is converted to residential space it will deter businesses from purchasing property because they would need to convert the space back to retail. Because the Uptown district is small, the city could possibly end up with an Uptown with mostly residential space and little retail space. He supports an amendment to the zoning that allows retail or service-oriented businesses only. Mr. Mahan also supports second-story residential space.

Sally Renk, business owner and property owner in the Historical Business District “G”, asked what happens to the first-floor residential units that currently exist. President Koogler said that anything that is currently first-floor residential will be grandfathered into the zoning. Mayor Hastings said that this legislation is something that would not have been in Council’s consciousness twenty years ago. However, after prolonged recession and prolonged store-front vacancies, it is possible that building owners could rent the space as residential because they could not rent it as retail. Once that happens, the options to have a vibrant Uptown are gone because there is no space to develop or occupy as commercial. Historically, that has not been a problem, but now owners may consider alternative uses for the space even though it may not be the best use. The Mayor said that the Planning Commission and the Administration want to keep the Uptown district *commercial* so that a plan can be made for creating a shopping/entertainment district. The amendment to the legislation will create continuity.

Mr. Alexander asked if the front-only of the buildings would be grandfathered in. Mr. Beery said it would be a non-conforming use and would be extinguished in the event of a failure to use it for the current use (residential) for a period of one year or the change of ownership. Mr. Alexander asked if a property that was residential for a number of years would become business when the property is sold. Mr. Beery said a transfer of ownership (sometimes property is not sold) would revert the property to the current zoning. Mr. Alexander asked if that would include transfer from parent to child. Mr. Beery said “yes” unless they obtained an exemption. Someone asked if that would apply to “town homes” in the district. Mayor Hastings clarified “town homes” as the homes east of the Marathon station on East Main Street. He did not think those home would be affected because they were built for residential use. Mr. Beery said that if the homes were in the “G” District an exception would be required to allow them to exist as “non

conforming use” – once ownership changes or the use discontinues for a period of a year under current rules. Mr. Wilkin stated that the amendment specified “first floor residential in commercial use buildings.” Mr. Beery said that was correct that those homes are not “commercial use” buildings.

Ms. Morris expressed concerns about the first floor residential unit her and her husband have and that if anything happened to them their children could not keep the building as “first floor residential.” They created the residential unit not knowing that the ordinance would change. Ms. Morris said she asked about this issue but did not get an answer and was told she needed to wait for the meeting. Mr. Wilkin asked how her building use was listed by the building inspector. One building along the alley is residential and the barber shop next to it is commercial. Mayor Hastings said that the building was initially residential in the 1800’s. Mr. Wilkin said the stated use of the building is important. If the stated use is residential and the amended legislation states that there can be no residential in commercial use buildings, Ms. Morris would not have a problem. Mr. Beery agreed with Mr. Wilkin’s assessment but cautioned against spot zoning. The amendment needs to be uniform throughout “G.” Mr. Beery did not have a problem making a “commercial vs. residential” distinction but spot zoning would not be uniform or fair to everyone. Ms. Morris said she totally understands the need for the amendment to control the look and use of the Uptown area but she had just completed her residential unit when this issue arose. Mayor Hastings said this was the first time he realized it would impact his own property on Beech Street.

President Koogler asked if the matter should be returned to Planning Commission. Mr. Wilkin suggested that the council committee discuss the current Planning Commission recommendation. President Koogler placed the matter into the Zoning and Annexation committee and asked for the first reading of the proposed amendment. Ms. Morris expressed her appreciation for placing the matter into committee to work out the problem of “grandfathering” the first floor residential properties. President Koogler said the amendment affected the Mayor as well. Mayor Hastings said he understands the “big picture” and why the amendment is needed and he will abide by whatever the ordinance states. Ms. Morris asked if there was a way to consider the heirs when writing the amendment. Mayor Hastings suggested that she could transfer her property now before the legislation is passed. President Koogler said the committee will need to look at the issue and decide how to deal with the amendment. Mayor Hastings said he would like to hear unbiased public input regarding this matter.

The Public Hearing ended at 6:23 p.m. President Koogler thanked everyone for attending.

**HILLSBORO CITY COUNCIL MEETING
Hillsboro Municipal Court – 130 Homestead Drive**

January 11, 2016

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; 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 Mayor Hastings led the Pledge of Allegiance.

MINUTES

There was a correction to the Regular Meeting minutes on December 14, 2015. Ms. Wilkin asked that the name “Bobby Captain” be corrected to “Rodney Captain.”

MOTION A motion was made (inaudible), seconded by Ms. Aranyos, to correct the name “Bobby Captain” to “Rodney Captain” in the December 14, 2015 minutes. Vote: all yeas. The minutes were approved as amended.

There were no additions or corrections to the Special Meeting minutes from December 21, 2016. The minutes were approved as written.

MONTHLY REPORTS

There were no questions about the May 2015 monthly reports and President Koogler 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

Steve Cacaro, Little Caesar’s Pizza, requested a sign variance. Mr. Cacaro met with the Property Maintenance and Restoration Committee earlier in the evening and the report will be given later in the Council meeting.

COMMUNICATIONS

The Clerk received no correspondence

CITIZENS’ COMMENTS

Jim Maddicks, Concord Road, told Council that several people requested documents for the anonymous donation for approximately \$78,000 made in 2013 to be used at the Mayor’s discretion. He has seen the documents and they are redacted. Under the Sunshine Laws, he asked President Koogler if he could provide that information. President Koogler said he is not the person who handles public records requests in the city. There is a protocol in place to handle requests and Ms. Sansone is the Records

Custodian. He told Mr. Matticks that if he is not receiving what he is requesting, President Koogler can have the discussion with Ms. Sansone and will consult with Mr. Beery. Then he will speak further with Mr. Matticks about the issue.

Steve Williams, citizen, stated that he made a formal request at the last council meeting for council to address the actions of Mayor Hastings and asked if Council will conduct a review or hold hearings into his conduct. President Koogler said he had a conversation with Mr. Harsha regarding Mr. Williams' request. In light of recent events, he has not acted further on the request and it may take a little time before Council takes any action. Mr. Williams reiterated that he and the group he represents are still asking for official action from Council in the form of a reprimand, such as censure.

President Koogler requested that Council enter into Executive Session to consult with Mr. Beery, legal advisor.

MOTION Ms. Aranyos moved, seconded by Ms. Klein, to enter into Executive Session to confer with counsel. Vote: all yeas. At 7:06 p.m., Council entered into Executive Session.

MOTION Mr. Donley moved, seconded by Ms. Klein, to return to Regular Session. Vote: all yeas. At 7:20 p.m., Council returned to Regular Session. There was no action taken by Council as a result of the Executive Session.

COMMUNICATIONS FROM THE MAYOR (Drew Hastings, Mayor)

Mayor Hastings met with Speaker Rosenberger to present the City's request for Capital Budget funds. The initial request was approximately \$650,000 and included funds for a sidewalk maintenance revolving loan fund. After speaking with Speaker Rosenberger, he learned that capital budget funds could not be used for a revolving loan fund. The follow-up request will be slightly less but it looks promising.

The Mayor stated that transparency in public affairs works best, so he provided Council with a copy of an email he recently received from an elected official along with the Mayor's response. His attitude is to deal with problems head-on and not let rumor take over. He wants to keep Council in the loop particularly as it may have ripple effects on Council. Council may read the email at their leisure.

Mayor Hastings said he did not have time to meet with Mr. Beery to introduce Power Ball legislation in the hopes that Council members and elected officials would commit to donating a portion of their winnings to resolve City debt. Instead, he appealed to their moral sense of obligation if anyone wins the lottery. There were no questions for Mayor Hastings.

SAFETY AND SERVICE DIRECTOR'S REPORT

Mr. Wilkin announced Annette Black as the employee of the month for December. Annette is a Deputy Auditor and has worked with the city for over eighteen years. December is a difficult month for the Auditor and his team and Annette has worked many

hours to be sure the end of the year has been closed-out properly. Mr. Wilkin thanked her for her service and dedication.

Mr. Wilkin wished Council a “Happy New Year.” As he reflected on the accomplishments of the past year he realized the city needs to jump into the 2016 budget aggressively. Several projects are scheduled for 2016: Harry Sauner Road widening from Pizza Hut to Kibler Lumber (\$950,000); South East Street Reconstruction, storm gutters and curbs (\$350,000); South High curbs and gutters (\$64,000); and a pavilion and dog park at Liberty Park (\$103,000).

The Administration advertised for a City Engineer/Water Sewer Streets Manager position to fill the vacancy after Randy Barr retires. Hopefully a decision will be made by the last week of January. Randy’s last day is February 29, 2016. The City will also advertise for a new Code Enforcement Officer and he hopes to have someone in place by late February. Both positions were listed in the 2016 budget.

Negotiations with the Hillsboro Police Department union (FOP) continue. A meeting is scheduled for January 25, 2016. Mediation with CH2M Hill engineering company is scheduled for January 27, 2016 regarding the wastewater treatment plant. If nothing is resolved through mediation, arbitration is the next step.

Mr. Wilkin asked Council to look at the Tax Commissioner’s report to see that income taxes are up 7.42% for 2015 which is approximately \$250,000. 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 \$5,984,852.61 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. Klein, to accept the Auditor’s report. There was no discussion. Vote: all yeas. Council accepted the report.

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

PLANNING COMMISSION (Mayor Hastings, Chair)

The Hillsboro Planning Commission met at 5:30 pm on December 15, 2015 in the Hillsboro Firehouse Community Room. Present for the meeting were: Kevin Barreras, Stephen Crouch, Tom Eichinger, Drew Hastings, Buck Wilkin, Chair, and Todd Wilkin.

Liz Fields from McBride-Dale-Clarion, a zoning consultant firm, presented an outline of work for planning services to improve the zoning in Hillsboro. Her company specializes in zoning issues and have revised zoning ordinances for Springdale, Blue Ash, Monroe, Piketon, and Defiance, to name a few. She explained the steps it takes to learn what is best for the city and how interviews and public hearings will be conducted to assess and

outline Phase I of the zoning “makeover.” The committee moved to authorize the Safety and Service Director to negotiate with McBride-Dale-Clarion to diagnose and assess zoning problems, targeting initial problem areas in Phase I.

Mark Wilson requested the detachment of his property on SR 124. There is no plan to extend municipal water and sewer to the property but as long as the property is incorporated, he cannot install a septic system. The Commission moved to detach the 1.1 acres and make it unincorporated property.

Renee Elam requested the vacation of an alley between 316 and 310 Muntz Street. Ms. Elam was not present but the Commission discussed the pros and cons of vacating the alley. There was no motion made to vacate the alley.

Stephen Crouch will attend a Planning Commission seminar in Cincinnati on January 22, 2016. The meeting adjourned at 6:30 p.m. There were no questions for Mayor Hastings.

STANDING COMMITTEE REPORTS

FINANCE COMMITTEE (Dick Donley, Chair)

Mr. Donley said there was no meeting. President Koogler removed the 2016 Budget Review from the Committee agenda. He also removed the Entertainment District review but will revisit the topic later in the year. President Koogler said he was asked if there would be a meeting to discuss Grow! Highland County and Mr. Donley said he would have a meeting. There were no questions for Mr. Donley.

PROPERTY MAINTENANCE AND RESTORATION (Ann Morris, Chair)

The Property Maintenance and Restoration Committee met on January 11, 2016 at 6:30 p.m. Committee members Justin Harsha, Dick Donley, and Ann Morris were present for the meeting. All other Council members were also present. Steve Cacaro, Little Caesar’s Pizza, asked for a variance for a rooftop sign at their new location at the former Long John Silver’s building on Harry Sauner Road. The sign measures 30” x 175”. He will use the existing frame work and electrical connections. The sign will say “Little Caesar’s” and Council was given a rendering of the sign for reference. Mr. Donley moved to approve the sign variance, seconded by Mr. Harsha. All members were in favor. The meeting adjourned at 6:36 p.m. There were no questions for Ms. Morris.

MOTION Mr. Donley moved, seconded by Mr. Harsha, to approve the variance for the roof top sign at Little Caesar’s. Vote: all yeas.

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

No report

STREET AND SAFETY COMMITTEE (Justin Harsha, Chair)

Mr. Harsha said there was no meeting. He received notice from Michael Bradford that the first Festival of the Bells meeting was scheduled for the same night as Council. In the

future, Mr. Bradford will try to schedule the meeting on a different night. There were no questions for Mr. Harsha.

UTILITIES COMMITTEE (Becki Wilkin, Chair)

Ms. Wilkin said there was not meeting. She met with the Mayor to discuss the information she needed to present to her committee and a meeting is scheduled for January 13, 2016. There were no questions for Ms. Wilkin.

ZONING AND ANNEXATION COMMITTEE (Tracy Aranyos, Chair)

Ms. Aranyos said there was not meeting. President Koogler placed the issue of the amendment to Historic District “G” in the Zoning and Annexation Committee and asked Ms. Aranyos to report at the next meeting. There were no questions for Ms. Aranyos.

COMMUNITY ENHANCEMENT (Claudia Klein, Chair)

The Community Enhancement committee held a joint meeting with the Finance Committee on December 10, 2015 (Ms. Klein was not present at the December meeting to give her report). All Council members were present. Joe Mahan, President of HUBA; Gary Lewis, Auditor; Barb Cole, candidate for County Commissioner, and several other people were also present for the meeting. President Koogler will check with the Liquor Control Board to learn what is necessary to obtain liquor licenses Uptown to attract businesses. The meeting adjourned at 6:30 p.m. President Koogler left the Entertainment District issue on the committee agenda to act as a reminder.

UNFINISHED BUSINESS

There was no unfinished business.

PASSAGE OF ORDINANCES AND RESOLUTIONS (THIRD READING)

None

SECOND READING OF ORDINANCES AND RESOLUTIONS

- **Ordinance No. 2015-09** An ordinance to Amend the Sign Ordinance to Provide for Fee Changes and Additional Sign Options *Introduced by the Property Maintenance and Restoration Committee.* There was no discussion.

FIRST READING OF ORDINANCES & RESOLUTIONS

- **Resolution No. 16-01** A Resolution to Enter Into an Agreement with the Highland County Commissioners to Provide Legal Counsel to Indigent Persons Charged with Serious Offenses and Loss of Liberty Offenses in the Municipal Court *Introduced by the Safety and Service Director*

President Koogler explained that the resolution was required by the County each year.

MOTION Mr. Donley moved, seconded by Ms. Aranyos, to suspend the Three Reading Rule. There was no discussion. Vote: all yeas. Council suspended the Three Reading Rule.

MOTION Ms. Klein moved, seconded by Mr. Harsha, to approve and adopt Resolution No. 16-01. There was no discussion. Vote: all yeas. Council approved and adopted the resolution.

President Koogler said a resolution to authorize the Safety and Service Director to lease property at 120 Governor Foraker Place was considered but not placed on the agenda. He asked the Finance Committee to review the structure of the acquisition before preparing legislation.

- **Ordinance No. 2016-01** An Ordinance to Amend Hillsboro Codified Ordinance 155.042 Historic and Business “G” District Zoning and to Declare an Emergency *Introduced by the Hillsboro Planning Commission*. Based on the Public Hearing held earlier in the evening, President Koogler gave the ordinance a first reading and placed the matter into the Zoning and Annexation Committee. The ordinance may be amended at the time of the second reading.

NEW BUSINESS

ADJOURN

At 7:43 p.m., Ms. Klein moved, seconded by Mr. Harsha, to adjourn. Vote: all yeas.

The next scheduled meeting of the Hillsboro City Council is February 8, 2016 at 7:00 p.m. in the Hillsboro Municipal Court.

Lee Koogler, President

Debbie Sansone, Clerk