

**HILLSBORO CITY COUNCIL MEETING
and Joint Public Hearing to Vacate an Alley
Hillsboro Municipal Court – 130 Homestead Drive**

June 13, 2016

JOINT PUBLIC HEARING TO VACATE AN ALLEY

At 6:30 p.m., a joint public hearing of the Hillsboro Planning Commission and the Hillsboro City Council was held to hear comments on the proposed vacation of an alley on North West Street between two properties owned by Geoff Lowell, Lowell's Landscape. No one attended the hearing and Council President Pro-Tem Donley closed the comment period at 6:58 p.m.

CITY COUNCIL MEETING

At 7:00 p.m., Council President Pro-Tem, Richard Donley, 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

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

MOTION Ms. Aranyos moved, seconded by Ms. Wilkin, to excuse the absence of Mr. Alexander and Mr. Koogler. Vote: all yea. Council excused the absence of both members.

President Pro-Tem Donley led the council in prayer and Mayor Hastings led the Pledge of Allegiance.

MINUTES

There were no additions or corrections to the meeting minutes from the May 9, 2016 Regular Meeting. The minutes were approved as written.

MONTHLY REPORTS

There were no questions about the May 2016 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

There were no public requests.

COMMUNICATIONS

- Invitation to Relay for Life on June 24-25, 2016 at the Highland County Fairgrounds
- Ohio Division of Liquor Control – Notice to Legislative Authority regarding a transfer of License for Big Ernie's Pizza

CITIZENS' COMMENTS

Barb Cole, Hillsboro citizen, objected to the proposed yard-sale ordinance.

Ken Rentz, county resident, addressed Council with his concerns about the engineering of the proposed dog park in Liberty Park. He read a prepared statement outlining the history of the Hillsboro Dog Park Association's (HDPA) partnership with the City of Hillsboro. He distributed copies of emails and drawings and expressed his concern that the engineer hired by the City to design and build the dog park was not qualified. He said the engineer was charging too much for the components at the dog park such as watering dishes. Mr. Rentz' main concern was the plan for fence installation. He believes the fence posts should be set in concrete and the engineer plans to drive the posts. Mr. Rentz asked for the return of the \$5,000 contributed by the Hillsboro Dog Park Association and thanked Council for their past support.

Mayor Hastings told Council that after his meeting with Mr. Rentz earlier in the day, he spoke with Mr. Wilkin, Ms. Sansone, and Mr. Beery about returning the money. Administration must check with the Ohio Department of Natural Resources (ODNR) to determine if the commitment of the HDPA money was a condition of the grant. If ODNR approves, the City will return the money to HDPA then talk with ODNR about a different project at Liberty Park.

Ms. Wilkin asked why the \$5,000 from the HDPA is tied to the grant. Mayor Hastings said that many times grants are given on the condition that there is in-kind or cash donations that the grantee considers part of the grant. Sometimes there are no strings attached and the Administration will check with ODNR about this particular grant. The Mayor said he had no problem with reimbursing the money to HDPA if ODNR approves. Ms. Aranyos said she is disappointed that there can be no agreement and that both parties cannot come to terms on the dog park. Ms. Morris said she believed Mr. Rentz found the grant originally when the plan was to have it at the Old City Park. The plans for the park were then moved to Liberty Park after the NatureWorks (ODNR) grant was found. She believed the Old City Park was a better location. Mr. Rentz said the City did not want to spend all the grant money at the Old City Park.

Mr. Wilkin said that the engineering firm, Stantec, was brought in because the project was more than a dog park. It included improvements at Liberty Park that include the addition of a pavilion at Harmony Lake and signage. Mayor Hastings stated that the bottom-line is that Mr. Rentz wants the dog park built his way or it will not be built. The Mayor said he has not been involved with the dog park project after numerous initial meetings with Mr. Rentz over a year ago. He was not aware until recently of the ultimatum Mr. Rentz presented to the City. His meeting with Mr. Rentz earlier in the day revealed that Mr. Rentz wants the fence-posts set in concrete and if they are not set in concrete, Mr. Rentz did not want the park built. Mayor Hastings pointed out to Mr. Rentz that it was not Mr. Rentz' decision whether to set the posts in concrete. It is unacceptable for every tax-paying citizen who donates money to a project to then proceed to tell the City how to construct that project.

Mr. Rentz criticized the engineer and basically said that he, Mr. Rentz, should decide how it is built. Mr. Wilkin said that often grants contain specifications that must be met. Stantec was contracted to meet the specs of the dog park and the pavilion. The City's track-record with Stantec for getting grants and completing projects is very successful. The Administration is glad to have a good relationship with someone who has the best interests of the city in mind. To address Mr. Rentz' comment that the city hired Stantec because they do not know how to pursue grants: Mr. Wilkin cited the grant for the Moberly Branch Bike Trail. Heather Collins in the Mayor's Office wrote the grant with Mr. Lewis and Mr. Wilkin and the city was awarded a planning grant for the trail. Stantec was hired for this grant because it requires an engineered design to apply for the implementation grant. Stantec is the city's partner. They know what the design is, what the specifications are, and they understand the funding, which can be complicated. He expressed the city's trust in Stantec because they have proven themselves to be successful with many projects in the past years. Mr. Lewis asked Mr. Wilkin that if the dog park was built and the fence posts were not set in concrete and then the fence did not stand correctly, what would the city do. Mr. Wilkin stated that the city would repair it. Mr. Wilkin said that another issue is cost. He is also amazed that the project has "imploded" based on one aspect of the design: concrete.

Ms. Morris asked when the pavilion became a part of the project. Mr. Wilkin said the pavilion was a part of the NatureWorks grant from the beginning. Ms. Morris said that the grant changed the initial dog park plan. Mr. Lewis explained that the city received the grant amount because they included the pavilion in addition to the dog park. Mr. Lewis said that Mr. Rentz was "cutting his nose off to spite his face" because the grant is the HDPA's opportunity to get their dog park. Ms. Morris asked if there was a way to put a smaller dog park in the Old City Park. Mr. Wilkin said the issue only came up today and there has been no time for discussion. The City will check with ODNR.

Mr. Donley placed the issue in the Community Enhancement Committee so that everyone can become familiar with the problem. Mr. Rentz continued to promote the issue of fence posts in concrete to criticize the engineer's decision to drive the posts. Mr. Donley interrupted and ended the discussion. He invited Mr. Rentz to discuss it further during the committee meeting. Mr. Donley thanked Mr. Rentz for his input.

COMMUNICATIONS FROM THE MAYOR (Drew Hastings, Mayor)

Mayor Hastings told Council that he has heard many comments from people who say the city has not looked this good in years. He attributed the improvement in a large part to Code Enforcement Officer Phillip Lutton and thanked Phillip for his efforts.

The Mayor informed Council that the preliminary draft of the hotel feasibility study looks promising and when the final report is ready he will share it with Council. He anticipated two weeks to receive the final report. The zoning and code diagnosis study is also complete. The consulting company who prepared the document (McBride Dale Clarion) offered a format that modernized and cleaned-up zoning issues. He felt it was money well spent.

Mayor Hastings informed Council that they will need to have a special meeting to address the results of the FOP Fact Finding after the hearing on June 16, 2016. The FOP and Administration are at odds over some issues that he feels are unrealistic at best. Council will be required to vote on the findings of the fact finder's report. He told Council he was glad that the legislation to prohibit Uptown residential units on the first floor was before council for a vote since the public hearing for it was in January 2016.

The Mayor asked President Pro-Tem Donley to enter into Executive Session at some point during the meeting to discuss a legal matter. There were no questions for Mayor Hastings.

SAFETY AND SERVICE DIRECTOR'S REPORT

Mr. Wilkin announced Sharma Nartker as the May Employee of the Month. Sharma has worked behind the scenes for nine years as the janitor to various city buildings. He thanked her for all the hard work she does for the city.

The city received two bids for street paving, Cox Paving and Miller Mason, and a decision will be made soon. One contractor presented a bid for the sidewalk project and details for the project are being discussed. The pilot project is the 200 block of East Walnut, South East, South High, and East South Streets. It includes the Methodist and Catholic churches as well as the residential homes. Property owners in the project area will receive a letter in the next one to two weeks that describes the program and the method for completing the work.

The water office is finalizing the billing changes that resulted from the change in legislation last month to charge a minimum fee to all units. The change will be reflected in the July billing.

A demolition contractor and an engineer walked through the Colony Theatre again and will provide revised estimates for the demolition of the entire structure. Mr. Wilkin met with AT&T and AEP to discuss the relocation of the utilities in the alley behind the Colony. AEP is preparing to install a new telephone pole to accommodate electric and other utility needs in the alley. Mr. Wilkin will inform Council of the revised demolition cost once he receives the estimate.

The City was awarded a planning grant from Interact for Health for the development of a bike trail along Moberly's Creek along Northview Drive to Shaffer Park. There will be public meetings scheduled in July. Mr. Wilkin suggested that the public meetings be held in conjunction with the Community Enhancement Committee. There were no questions for Mr. Wilkin.

Mayor Hastings said he was not sure it was appropriate to place the issue of the dog park into a committee. He believes it is an administrative action and he assured Council that the Administration has no intention of working with Mr. Rentz for the building of the dog park or having interaction with him concerning the park in the years to come. Ms. Aranyos suggested contacting the HDPA and asking them to appoint a new "point" person. Ms. Morris knows several members and is concerned because Council already

agreed to pursue a dog park. She did not believe the project should be dropped after many citizens donated \$5,000 for a dog park. Mr. Lewis said that the grant included the \$5,000 donation and the city needs to check with ODNR before proceeding. He agreed that it is not a committee issue at this time. Ms. Morris was not sure that Mr. Rentz had the authority to decide to pull out of the dog park project. She thinks he took it upon himself to make the decision and it was not an association decision.

Mayor Hastings said he had no problem with pursuing a dog park. Ms. Morris said it would be in bad faith to pull out of the dog park project after so many people donated nickels and dollars for the park. Mayor Hastings explained that nearly every day someone asks about getting projects done in the city. He told Mr. Rentz when first approached about a dog park that it was not a high-priority project but Mr. Rentz was really motivated so Mayor Hastings supported him. But at some point the citizen needs to step back and let the City do their work. Mr. Rentz wants to micro-manage the construction of the dog park and that cannot be allowed. Ms. Aranyos said she remembers when the City switched the project to Liberty Park with the award of the NatureWorks grant and added to the project in order to get more money and Mr. Rentz said it was a great idea.

Mayor Hastings suggested that any Council members who know Dog Park Association members should talk with them and said that he was very open to approaching the project from a new angle. Mr. Wilkin reiterated that ODNR must be contacted before any decisions are made. The city is by no means trying to terminate the dog park project. The grant was submitted over a year ago. When recommendations are made by the engineer, the city is giving input because at the end of the day the city must maintain the park for many years. There are also insurance liability considerations concerning fence posts set in concrete which Mr. Wilkin shared with Mr. Rentz.

Mr. Donley said he would leave it in committee to allow other association members to comment on the issue and provide a new approach.

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 \$6,641,400.65 in the various accounts in the form of demand deposits and interim investments. Mr. Lewis asked for a motion to accept the reports as submitted.

MOTION Ms. Morris moved, seconded by Ms. Klein, to accept the Auditor's reports. There was no further discussion. Vote: all yeas. Council accepted the report.

Mr. Lewis explained the legislation he presented to Council:

- Increase appropriations in the 509 Wastewater Improvement Fund by \$4,600 to cover final attorney fees for the suit against CH2M Hill. The settlement of \$352,000 should be received next week

- Increase appropriations in the 201 Street Construction Maintenance and Repair Fund by \$250,000 due to an unanticipated direct payment from OPWC for the Hobart-Carl Smith Project that will be passed-through the city to ODOT.
- Increase appropriations in the Recreation Fund for \$30,000 from the Interact for Health planning grant for the Moberly Branch Connector Trail

Mr. Lewis said he was surprised by the donations received to help offset the cost of the hotel feasibility study. Several donations were received and it was a good idea to solicit for the donations. He also stated that it was a good sign that the city only received two bids for paving because he was told that everyone is very busy with paving.

There were no questions for Mr. Lewis.

PLANNING COMMISSION (Mayor Hastings, Chair)

The Zoning Appeals Board met at 4:30 p.m. on May 17, 2016 in the Hillsboro Firehouse Community room. Present for the meeting were Stephen Crouch, Tom Eichinger (Chair), Drew Hastings (Mayor), Bob Lambert, Buck Wilkin and Todd Wilkin (Safety and Service Director). The Board received a request for a variance to build a home spanning two lots on Crestwood Drive. The Board approved the variance contingent upon the execution of a quit claim deed that assured that the two properties will be conveyed together forever. The meeting adjourned at 4:43 p.m.

The Planning Commission met at 5:30 p.m. at the Firehouse. Present for the meeting were Stephen Crouch, Tom Eichinger (Chair), Drew Hastings (Mayor), Bob Lambert, Ruth Robbins, and Buck Wilkin. The Commission addressed an inquiry from Mayor Hastings regarding a division of property on Walnut Street. It was determined that a property cannot be split if it results in having access to the property via an alley only.

The Commission voted to change the date of the meeting to accommodate the schedule of the Safety and Service Director, who is a mandated member of the Commission. Starting June 20, 2016, the Planning Commission meetings will be held on the third Monday of the month at 5:30 p.m. at the Hillsboro Firehouse. The meeting adjourned at 5:40 p.m. There were no questions for the Mayor.

STANDING COMMITTEE REPORTS

FINANCE COMMITTEE (Dick Donley, Chair)

The Finance Committee met on June 6, 2016 at the Fire House on North East Street at 6:30 p.m. Present for the meeting were committee members Ann Morris, Bill Alexander, and Dick Donley. Also present were Council members Tracy Aranyos, Claudia Klein, Ann Morris, and Becki Wilkin. The agenda included discussion on the purchase of the property on Governor Trimble Place (referred to as the Armintrout Building) and an ordinance concerning peddlers and solicitors. Several business owners in the city attended the meeting and shared their views on the issues. On the matter of peddlers, Rick Pitzer spoke about trucks that used to sell furniture and bedding. He stated that he has been in the furniture business in Hillsboro for 30 years. The peddlers, which have not been in town for awhile, would bring truckloads of furniture and sell it without any

warranty and tell the buyers to contact local businesses that sell the same product for the warranty. The peddlers are not out any expense except for a minimal city license. Mr. Pitzer felt the current ordinance was not specific enough for such activities and that the license fees should be increased. Mr. Pitzer also spoke about the food trucks since he is the owner of a food diner. He stated that he has to abide by very stiff food preparation and health issues and did not think that the trucks were following the same requirements. He has been a business owner in town and has paid property taxes, city taxes, and been involved with the community. He requested that the committee review the present ordinance and investigate possibly other cities that have similar ordinances on peddlers and solicitors.

Mr. Phil Holthouse also spoke about the furniture peddlers. He has been retired for a while but had the same issues that Mr. Pitzer spoke about. They come to town with products that the city knows nothing about. He also advised that the state has very few inspectors to oversee the selling of these goods and that in itself causes problems.

Robin Morris spoke concerning the food trucks. He and others have invested a lot to own and operate a business in town. He also thinks that the trucks take away from local businesses that employ several people and pay taxes. They come to town, sell their product and leave. They really do not do anything to help the city grow. He and the others were also concerned with safety issues depending where the trucks were setup.

Geoff Lowell addressed the committee about individuals setting up a garden business on vacant lots in town. He has invested a considerable amount of money to open his business on North West Street. He did so because he lives here and wants to see the city grow and for new businesses to come to town. However, allowing individuals to open a business during peak times such as temporary garden centers and food trucks and then leaving town makes it difficult for someone to make that investment in a permanent business.

The committee thanked the individuals for presenting their concerns and ideas. The information they shared will be very helpful in reviewing and establishing legislation to meet the needs the city. It is recommended that this matter remain in committee so the Law Director can be consulted and the committee can present proposed legislation to Council.

The issue of the purchase of the Armintrout Building will remain in committee. There were no questions for Mr. Donley.

PROPERTY MAINTENANCE AND RESTORATION (Ann Morris, Chair)

There was no meeting. The committee will meet after they receive the estimates for the Colony demolition.

CIVIL SERVICE AND EMPLOYEE RELATIONS COMMITTEE (William Alexander, Chair) No report

STREET AND SAFETY COMMITTEE (Justin Harsha, Chair)

The Festival of the Bells Committee did not have a meeting in May and the next meeting is the same night as the Council meeting. There was no report.

UTILITIES COMMITTEE (Becki Wilkin, Chair)

No report. Mr. Wilkin asked if the matter of the minimum water fees could be removed from the committee's agenda. Mr. Donley removed the item from the agenda.

ZONING AND ANNEXATION COMMITTEE (Tracy Aranyos, Chair)

The Zoning and Annexation Committee met at 6:00 p.m. on June 6, 2016. Committee members Claudia Klein, Justin Harsha, and Tracy Aranyos were present. Also in attendance were Council members Becki Wilkin, Bill Alexander, and Ann Morris; Robin Morris, Joe Mahan, and Geoff and Cyndy Lowell.

The Committee discussed the detachment of the Wilson's property from the city at the corporation limit on S. R. 73 south. The issue with their property is that the larger portion is located within the city corporation limits, and a smaller portion is located in the county. The City does not provide utilities to the property and septic systems are not permitted within the corporation limits. This could cause problems for future sale or development of the property. The Committee had no concerns or problems with the request. Ms. Klein moved to recommend to Council the detachment of the Wilson property from the city. Mr. Harsha seconded the motion and all voted in favor of recommending detachment.

The Committee then discussed zoning legislation for the Historic and Business "G" District to permit residential spaces above the ground level only. They agreed with the recommendation of the Law Director, Safety and Service Director, and the Planning Commission's view that a separate "grandfather" clause was not needed to permit the continued non-conforming use of current residential properties and gas stations inside the Historic G District as long as the use is maintained within a year after sale or transfer of the property. If the property is vacant after one year the use would revert back to the required District "G" zoning. Mr. Harsha moved, seconded by Ms. Klein, to recommend to Council to permit residential spaces above ground level only in the Historic "G" District. All members voted in favor of the motion. The meeting adjourned at 6:15 p.m.

Ms. Aranyos asked President Pro-Tem Mr. Donley that all items for her committee be removed from the agenda. Mr. Donley removed the items from the agenda.

COMMUNITY ENHANCEMENT (Claudia Klein, Chair)

No report

UNFINISHED BUSINESS

No unfinished business

PASSAGE OF ORDINANCES AND RESOLUTIONS (THIRD READING)

- **Ordinance No. 2016-04** An Ordinance to Amend Sections 114.07 and 116.01, Et Seq., of the Hillsboro Code of Ordinances to Facilitate Yard Sales in the City.

Introduced by the Community Enhancement Committee

Ms. Klein said the legislation before Council is an update of the legislation enacted in 1987. She would like to see it passed and get it out of committee.

MOTION Ms. Aranyos moved, seconded by Mr. Morris, to approve and adopt Ordinance No. 2016-04. Vote: all yeas. Council approved and adopted the ordinance.

SECOND READING OF ORDINANCES AND RESOLUTIONS

No legislation

FIRST READING OF ORDINANCES & RESOLUTIONS

- **Resolution No. 16-23** A Resolution to Increase Appropriations in the 206 Recreation Fund *Introduced by the Auditor* The resolution is appropriation in nature and does not require suspension of the Three Reading Rule and the necessity of the legislation was explained by the Auditor.

Ms. Wilkin asked how the \$30,000 grant will be used. Mr. Wilkin explained that the money is for the planning of the trail in preparation of an application for the implementation grant to build the trail.

MOTION Ms. Morris moved, seconded by Ms. Klein, to approve and adopt Resolution No. 16-23. Vote: all yeas. Council approved and adopted the resolution.

- **Resolution No. 16-24** A Resolution to Increase Appropriations in the 509 Wastewater Improvement Fund *Introduced by the Auditor* The resolution is appropriation in nature and does not require suspension of the Three Reading Rule and the necessity of the legislation was explained by the Auditor.

MOTION Mr. Harsha moved, seconded by Ms. Aranyos, to approve and adopt Resolution No. 16-24. Vote: all yeas. Council approved and adopted the resolution.

- **Resolution No. 16-25** A Resolution to Increase Appropriations in the 201 Street Construction Maintenance and Repair Fund *Introduced by the Auditor* The resolution is appropriation in nature and does not require suspension of the Three Reading Rule and the necessity of the legislation was explained by the Auditor.

MOTION Mr. Harsha moved, seconded by Ms. Aranyos, to approve and adopt Resolution No. 16-25. Vote: all yeas. Council approved and adopted the resolution.

- **Ordinance No. 2016-06** An Ordinance to Amend Hillsboro Codified Ordinance 155.042 Historic and Business “G” District Zoning and to Declare an Emergency *Introduced by the Zoning and Annexation Committee*

MOTION Ms. Aranyos moved, seconded by Ms. Klein, to suspend the Three Reading Rule for Ordinance No. 2016-06. Vote: all yeas. Council suspended the Three Reading Rule.

MOTION Ms. Aranyos moved, seconded by Ms. Klein, to approve and adopt Ordinance No. 2016-06. Vote: all yeas. Council approved and adopted the ordinance.

- **Ordinance No. 2016-07** An Ordinance Vacating an Alley Within the City of Hillsboro, Highland County, Ohio *Introduced by the Hillsboro Planning Commission*

Mr. Donley explained that a public hearing was held prior to the Council meeting to hear comments on the vacation of the alley. No one was present to comment or object. The alley is adjacent to property owned by one person.

MOTION Mr. Harsha moved, seconded by Ms. Klein, to suspend the Three Reading Rule for Ordinance No. 2016-07. Vote: all yeas. Council suspended the Three Reading Rule.

MOTION Ms. Klein moved, seconded by Mr. Harsha, to approve and adopt Ordinance No. 2016-07. Vote: all yeas. Council approved and adopted the ordinance.

NEW BUSINESS

No New Business

Ms. Morris asked that Administration wait before returning the Dog Park Association money. She does not believe that Mr. Rentz has the legal right to ask for a return of the money donated by citizens of the city. Mr. Lewis said it would most likely be investigated with the Attorney General.

EXECUTIVE SESSION

President Pro-Tem Donley asked that Council enter into Executive Session at the request of Mayor Hastings to discuss a legal matter.

MOTION Mr. Donley moved, seconded by Ms. Klein, to enter into Executive Session. Vote: all yeas. Council entered into Executive Session at 8:20 p.m. to discuss legal matters.

Council returned to Regular Session at 8:48 p.m. There was no action taken by Council.

ADJOURN

At 8:48 p.m., Mr. Donley moved, seconded by Mr. Donley, to adjourn. Vote: all yeas.

The next scheduled meeting of the Hillsboro City Council is July 11, 2016 at 7:00 p.m. in the Hillsboro Municipal Court.

Richard Donley, President Pro-Tem

Debbie Sansone, Clerk