

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

**January 9, 2016**

**HILLSBORO CITY COUNCIL AND HILLSBORO PLANNING COMMISSION**  
**JOINT PUBLIC HEARING**

At 6:30 p.m., the Hillsboro City Council and the Hillsboro Planning Commission held a joint public hearing to hear comments and answer questions regarding a proposed amendment to the Hillsboro Code of Ordinances: 155.064 Powers of Board of Appeals and 155.006 Nonconforming Uses. There were no public comments or questions.

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, Gary Lewis, Auditor; 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 the Pledge of Allegiance. Mayor Hastings was in a meeting at that time.

**MINUTES**

There were no additions or corrections to the meeting minutes from the December 12 (Regular), December 16 (Special), or December 22 (Special) meetings. The minutes were approved as written.

**MONTHLY REPORTS**

There were no questions about the December 2016 monthly reports and the clerk read the reports by title only: Auditor, Income Tax Bureau, Police, Public Utilities (includes Street Department), Wastewater Treatment, Water Meter, Water/Sewer Maintenance, and Water Treatment. Council also received annual reports from Public Works, Public Utilities, and Wastewater Treatment.

**PUBLIC REQUESTS**

No public requests

**COMMUNICATIONS**

- Ohio Division of Liquor Control – Notice of License Request at 115 West Main Street (Slow & Low BBQ) Council did not ask for a hearing on the matter.
- Highland County Commissioners – Request municipal member to serve on the Land Bank Committee

**CITIZENS' COMMENTS**

No citizens' comments

President Koogler told Council there is a threat of litigation against the City of Hillsboro and outside counsel is representing the city. He asked for a motion to enter into Executive Session with Council alone to meet with legal counsel.

**MOTION** At 7:05 p.m., Ms. Aranyos moved, seconded by Ms. Wilkin, to enter into Executive Session to confer with legal counsel. Vote: all yeas. Council entered into Executive Session.

At 7:42 p.m., President Koogler asked for a Roll Call Vote to return to Regular Session. Vote: all yeas.

**COMMUNICATIONS FROM THE MAYOR (Drew Hastings, Mayor)**

Mayor Hastings' report was a combination of current activities and the Mayor's report. He had productive meetings with Gary Silcott, Stantec Engineering, and the city will proceed with Phase II of the North East Street project. The project did not rank high enough for the original funding but OPWC offered a \$100,000 grant and a zero-percent loan for \$295,000 for the project. Phase II from North Street to Collins Avenue will be completed during the summer (2017). Phase III will complete the street from Collins to Greenfield Pike. The city will seek funding from an ODOT grant for the High Street corridor and more sidewalks on West Main to Glenn Avenue. The Colony Theatre has been approved for demolition. The front portion from the glass doors which includes the marquee will be preserved. There is a steel infrastructure within this portion which makes it structurally sound to stand on its own. The Mayor would like to have the demolition completed by spring.

The street department will place new signs on North High Street to require southbound semi trucks to use Carl Smith Drive instead of Harry Sauner Road. It will eliminate the right-hand turn at the Pizza Hut from High Street onto Harry Sauner Road. The police department will monitor the traffic after the signs are installed.

There is a fairly large development planned on Careytown Road next to First State Bank between Lowes and Wal Mart. Mayor Hastings hopes to have more information on that development at the next council meeting. The Pepsi Warehouse on North High Street will house a Harbor Freight store soon. A gunsmith shop hopes to open on Governor Trimble in the near future.

Legislation will be presented to council later to change the hotel tax ordinance to provide revenue to the Visitors Bureau. Mayor Hastings had a number of meetings with Destiny Bryson, Director, Highland County Visitors Bureau, and was impressed with the efforts of her office. She is creating marketing items to be placed at rest stops along I-71 and in hotels and convention centers in Cincinnati. Ms. Bryson contacted hotel developers to consider Hillsboro as a location for development. The Mayor said that increasing the contribution to the Visitors Bureau is a small amount compared to the benefit the city gains from their efforts. He encouraged council to approve the legislation.

The Downtown Redevelopment District (DRD) is a perfect answer to creating a coherent plan for Uptown Hillsboro. He thinks the DRD should be placed in the Finance and Community Enhancement committees to determine which parts of the Uptown area are created but he would like to gather more information for Council so that they have something to work with when it does go into committee. Mayor Hastings has been talking with the City Manager of Portsmouth who is working on a DRD as well.

The Mayor asked President Koogler if he would place revenue-related legislative items such as permits and licenses into committee to review the cost of these items. Many fees have not been updated. He also asked that taxi licenses be reviewed to consider including taxi-like services that use city street and traffic resources. There were no questions for the Mayor. President Koogler placed the matter of permit and license review in the Finance Committee.

### **SAFETY AND SERVICE DIRECTOR'S REPORT**

No report

### **AUDITOR'S REPORT (Gary Lewis, Auditor)**

Mr. Lewis presented the year-to-date fund report and the year-to-date bank report to Council. The reports show a balance of \$6,732,092.57 in various accounts in the form of demand deposits, savings, and investments.

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

Mr. Lewis said he is submitting the annual transfer resolution to Council.

### **PLANNING COMMISSION (Mayor Hastings)**

The Planning Commission met on December 19, 2016 at the Hillsboro Firehouse. Tom Eichinger, Chair, Mayor Hastings, Ruth Robbins, Buck Wilkin, and Joe Mahan were present for the meeting. Mayor Hastings announced that the city contracted with Gary Silcott from Stantec Engineering to assist with SSD duties until a new SSD is hired. The SSD is required to serve on the Planning Commission but Gary will not attend the meetings. He will be available at any time to answer questions. Gary has engineered and managed many projects for the city in the past few years and is familiar with Hillsboro and many of the department heads. The Commission accepted the resignation of Buck Wilkin and welcomed new member, Joe Mahan.

David Brown presented a plan for multi-family units on Taylor Court. Questions regarding zoning for multi-family units in Residential B, setbacks, sidewalks, parking, and the space between the buildings must be addressed. Mr. Silcott will review the plan in January when he begins as interim SSD. Mr. Eichinger will also speak with Mr. Brown about his plan.

The meeting adjourned at 6:50 p.m. The Commission will hold its annual Organizational Meeting on January 17, 2017 followed by a special meeting for regular business. The meetings are open to the public.

## **STANDING COMMITTEE REPORTS**

### **FINANCE COMMITTEE (Dick Donley, Chair)**

No report. Mr. Donley asked that the Review of Solicitor Ordinance be removed from his committee. The review was completed and legislation amended in 2016. President Koogler was given legislation regarding the funding of the Visitors Bureau prior to the Council meeting and read the legislation to Council because there were not enough copies for everyone. Mr. Donley said the Finance Committee has had discussions on the matter but did not decide on a percentage to give the Visitors' Bureau. President Koogler said Council can discuss and debate the ordinance when it comes time to vote.

### **PROPERTY MAINTENANCE AND RESTORATION (Ann Morris, Chair)**

The Property Maintenance and Restoration Committee met jointly with the Finance Committee on January 9, 2017 at 6:03 p.m. A full council was present. The topics of discussion were the CIC and the Design Review Board. Functionality and improvements to these boards were entertained and discussed. After several ideas and current situations were discussed, the meeting adjourned at 6:40 p.m. There were no questions for Ms. Morris.

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

No report

### **STREET AND SAFETY COMMITTEE (Justin Harsha, Chair)**

Mr. Harsha reported on the Festival of Bells meeting. General business was discussed. There were no questions for Mr. Harsha.

### **UTILITIES COMMITTEE (Becki Wilkin, Chair)**

No report

### **ZONING AND ANNEXATION COMMITTEE (Tracy Aranyos, Chair)**

No report

### **COMMUNITY ENHANCEMENT (Claudia Klein, Chair)**

No report. Ms. Klein asked President Koogler to remove the Dog Park issue from her committee.

## **UNFINISHED BUSINESS**

No unfinished business

## **PASSAGE OF ORDINANCES AND RESOLUTIONS (THIRD READING)**

- **Ordinance No. 2016-17** An Ordinance to Repeal the Establishment of a Board or Commission (CIC/HAEDC) *Introduced by Aranyos, Klein, and Morris*

There was no discussion and no recommendation from the Property Maintenance and Restoration Committee. No motion was made and the legislation died for lack of a vote.

- **Ordinance No. 2016-18** An Ordinance to Repeal the Establishment of a Board or Commission (Design Review Board) *Introduced by Aranyos, Klein, and Morris*

There was no discussion.

**MOTION** Ms. Aranyos moved, seconded by Ms. Klein, to approve and adopt the ordinance. Vote: Mr. Harsha, no; Ms. Klein, yes; Ms. Morris, no; Ms. Wilkin, no; Mr. Alexander, no; Ms. Aranyos, yes; and Mr. Donley, no. The motion failed. The ordinance was not adopted.

- **Ordinance No. 2016-19** An Ordinance to Establish a Charge to Fund Inflow and Infiltration Abatement in the Sewer Department *Introduced by the Safety and Service Director*

Mr. Lewis asked that a vote on the legislation be delayed. The passage would have an adverse effect from the intended purpose. Section Three states the surcharge provided by this legislation shall be a substitution of \$2.00 with additional fees provided by Ordinance 2008-4 so that the net effect shall be a zero increase in sewer charges created by this legislation. However, Ordinance 2008-4 deals only with the increase in rates in 2008. President Koogler's legislation referred to Ordinance 2007-8. Mr. Lewis said that Ordinance 2007-8 is the correct ordinance reference. President Koogler said that if the amendment was made after it was originally introduced then there needs to be an amendment on record by Council and voted upon. As it is an amendment at a later date it should be "cleaned up" and passed later with the suspension of the Three Reading Rule.

Mr. Lewis said that in 2007 the Law Director had a reason to designate the amount as a percentage. It reads that the Auditor shall designate 54% of the first \$8.00 of the minimum charge as and for sewer plant upgrade debt retirement and the balance of the first \$8.00 be 46% of the minimum charge as <inaudible> sewer improvement and repair expenses. Since the city is looking towards storm sewer abatement, Mr. Lewis suggested that the language should be changed to read that the Auditor shall designate 40.5% for sewer debt retirement, 34.5% for sewer improvement, and 25% for storm sewer maintenance. President Koogler said the Ordinance needs to be rewritten. He placed it back into the Utilities Committee and asked Ms. Wilkin to coordinate with Mr. Lewis and Mr. Beery to be sure the language is right.

## **SECOND READING OF ORDINANCES AND RESOLUTIONS**

- **Ordinance No. 2016-20** An Ordinance Amending Chapter 155 (Zoning Code) Section 155.006 Nonconforming Uses of the Ordinances of the City of Hillsboro, Ohio *Introduced by President Pro-Tem of Council*

- **Ordinance No. 2016-21** An Ordinance Amending Chapter 155 (Zoning code) Section 155.0064 (Powers of Board of appeals; Variances, Special Exceptions, and the Like) of the Ordinances of the City of Hillsboro, Ohio *Introduced by President Pro-Tem of Council*

## FIRST READING OF ORDINANCES & RESOLUTIONS

- **Resolution No. 17-01** A Resolution for the Transfer of Various Funds for Fiscal Year 2017 *Recommended by the Auditor* The resolution is appropriations in nature and does not require the suspension of the Three Reading Rule.

**MOTION** Mr. Donley moved, seconded by Ms. Aranyos, to approve and adopt Resolution No. 17-01. Vote: all yeas. Council approved and adopted the resolution.

- **Resolution No. 17-02** 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

President Koogler recommended suspension of the Three Reading Rule.

**MOTION** Ms. Aranyos moved, seconded by Ms. Klein, to suspend the Three Reading Rule. Vote: all yeas. Council suspended the Three Reading Rule.

**MOTION** Ms. Morris moved, seconded by Ms. Klein, to approve and adopt Resolution No. 17-02. Vote: all yeas. Council approved and adopted the resolution.

- **Ordinance No. 2017-01** An Ordinance to Repeal Legislation Providing for Automatic Increases in Water and Sewer Rates and to Declare an Emergency *Introduced by the Utilities Committee*

Ms. Wilkin said it is the recommendation of the Utilities Committee to approve and adopt the ordinance.

**MOTION** Ms. Aranyos moved, seconded by Ms. Klein, to suspend the Three Reading Rule. Vote: all yeas. Council suspended the Three Reading Rule.

**MOTION** Ms. Wilkin moved, seconded by Ms. Klein, to approve and adopt Ordinance 2017-01. Vote: all yeas. Council approved and adopted the ordinance.

**Ordinance No. 2017-02** An Ordinance to Amend Section 35.90 of the Hillsboro Code of Ordinances to Modify the Distribution of Funds *Introduced by the Mayor*

Mr. Donley said that the Finance Committee has looked at this issue and they were in favor of the direction the Visitors Bureau is going. He recommended that the legislation

go before Council for passage. When asked by President Koogler, Mr. Lewis said he was not sure that any contribution to the Visitors Bureau should be tethered to the lodging tax. If the lodging tax is gone the Visitors Bureau will still need funding from the city. He thought it was more logical to have stand-alone funding for the Visitors Bureau at whatever rate Council decides. Mayor Hastings said he did not want the Visitors Bureau to be required to come to the city every year to ask for funding. The only complaint the city has received about the lodging tax is from the county. If the city used lodging tax to fund the Visitors Bureau, it would remove the county's argument against the city tax because they would lose the funding for their Visitors Bureau. President Koogler asked if it mattered how it was funded because the ordinance is written that Council must review the funding each year and if they do not the Visitors Bureau is not funded.

Ms. Klein questioned (A)(4) of the ordinance that states the tax will be levied no sooner than January 1, 2006. President Koogler explained that was taken from the original ordinance in 2005. Ms. Wilkin questioned where the funds are coming from because it was not discussed during the budget talks. Mr. Donley explained that the hotel tax is placed in the General Fund and even though it was not discussed during budget talks the funds are available. Mayor Hastings said the issue of funding the Visitors Bureau came about with the change of the director and the brick-and-mortar commitment to Downtown Hillsboro with their new office. Ms. Bryson, the director, has been very supportive of Hillsboro as well as Highland County.

Mr. Donley said the issue has been discussed for a few months and the Visitors Bureau has taken a step forward with the new director and it would be a good gesture on the part of the city to increase funding to the Visitor's Bureau.

**MOTION** Mr. Donley moved, seconded by Ms. Morris, to suspend the Three Reading Rule for Ordinance No. 2017-02. Vote: Mr. Donley, yea; Mr. Harsha, no; Ms. Klein, yea; Ms. Morris, yea; Ms. Wilkin, no; Mr. Alexander, yea; and Ms. Aranyos, yea. The motion requires six votes to suspend the Three Reading Rule. The motion did not pass and the ordinance received a first reading.

## **NEW BUSINESS**

A representative for Harbor Freight requested variances for additional signs on the former Pepsi building on North High Street. Council reviewed pictures of the proposed signage. The Property Maintenance and Restoration Committee moved and voted to recommend that Council approve the variances.

**MOTION** Mr. Harsha moved, seconded by Ms. Morris, to approve the sign variances for Harbor Freight. Vote: all yeas.

President Koogler received a request from Council members Aranyos, Klein, and Morris to review police dispatching. The matter was placed in the Street and Safety Committee.

Mayor Hastings was meeting with special counsel when the Liquor Control Request for Hearing (Slow and Low) was discussed. He asked President Koogler if any action was taken on the request and under what circumstances would Council request a hearing.

President Koogler said the Council has the right to object to a license if, for example, it is in the vicinity of a school or is a public safety issue.

**ADJOURN**

**MOTION** At 8:44 p.m., Mr. Harsha moved, seconded by Ms. Aranyos, to adjourn. Vote: all yeas.

The next scheduled meeting of the Hillsboro City Council is Monday, February 13, 2017, at 7:00 p.m. in the Hillsboro Municipal Court.

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Lee Koogler, President

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Debbie Sansone, Clerk