

In attendance were President Richard Donley, Mayor Richard Zink, Safety-Service Director Ralph Holt, Auditor Gary Lewis, Law Director, Fred Beery and Clerk Beverly Brown.

President Donley opened the meeting at 7:00 p.m. .

ROLL CALL: Mr. Kevin Chambers, Mr. Lee Koogler, Mr. John Levo, Mrs. Bonnie Parr, Mr. David Shoemaker, Mr. Charles Walker and Mr. Tim Young

ABSENT: None

Mrs. Parr led the assembly in prayer followed by Mayor Zink leading in the "Pledge of Allegiance". The minutes of the July council meeting were approved with recognition of two words that had been misspelled.

#### CITIZEN OF THE MONTH-

Mrs. Parr presented the award to Mr. Willard Parr for over fifty years of keeping citizens informed with reports from WSRW radio and for helping young people get started in the broadcasting industry.

MONTHLY REPORTS: Reports had been received from: Wastewater Treatment Plant, Hillsboro Public Utilities, Income Tax Bureau, Water Meter Department, Water Treatment Plant, Street Department, Water/Sewer Maintenance Department, Police Department, Fire Department, Life Squad and Auditor's Office.

#### PUBLIC REQUESTS:

Janet Shaefer of 334 North East Street had received notice that she needed to fence her swimming pool. She said that she was unclear after reading the ordinance of whether her pool was covered by the terms of the ordinance. She explained to the council the structure of her pool and said that she didn't understand why she would have to fence something that would only be in place for two and a half months and then be removed for the winter.

Mr. Beery said that the only thing he heard that would make it fall under the ordinance was the depth of water exceeding two and a half feet. President Donley asked for this request to be put into the Street & Safety Committee for review of the ordinance.

Delbert Clark from 132 West Josie Avenue had come to see if there were any ordinances that would prohibit people from parking cars in their front yards. Mr. Holt explained that the city had no ordinance to prohibit the parking of cars on private property. Mayor Zink said that as long as there isn't an ordinance against it and as long as they are not parked on the city right-of-way; there is no law that says that they can't park in their yard.

COMMUNICATIONS: None

CITIZEN COMMENTS: None

#### COMMUNICATIONS FROM THE MAYOR:

July 6 - Wedding

July 10 – Council Meeting

July 11 – CIC Meeting

July 17 – Wedding

Joint Township Fire Protection Meeting

July 19 – Lowe's Board Cutting

Met with Auditor's and 5<sup>th</sup> 3<sup>rd</sup> Bank Representatives on Bonding

July 24 – Wedding

July 26 – Attended Manufacturing Council

July 28 – Wedding

The last month saw a lot of headway toward the resolution of our housing for the Police and Fire Departments. As you all know, the modular is now in place and being used and the architect hopefully will be selected at tonight's meeting with the recommendation of the committee.

The next thing that we have to do is select a site or sites. I think that is pretty urgent and I appreciate the Finance Committee meeting this evening to hopefully discuss some of the issues on the funding. I know the auditor will agree that right now there is no funding and there has to be a decision made on how we're going to handle that.

The state approved our temporary housing for the Fire Department and the modular. It's granted for twenty-four months and we only have twenty-three months left to achieve our permanent goal. I would like to invite all members of council after tonight's meeting, to stop by and go into the modular; take a look at it and look at the living conditions that the firemen are now into in the temporary quarters; then walk out and go down and go in where they had been sleeping and get an idea of what they put up with for years. And I can say this; I was as much to blame as anybody else. The years I served on council we always heard that we needed a new building. We needed to do something with the building. Well, it always got put on the back burner; so now the time has come up where it's really bit us.

Another idea I would like to throw out; I think I mentioned this before; is once the engineering firm is hired and put in place; I would like for them to take a look at tearing down the building that's where the old police headquarters were, up to the current Fire Department equipment bay. If there's enough square footage there, we might be able to house the Fire Department for the next thirty to forty years. That was something that the architect would have to tell us. And then contact the lawyers that own the building which is Pence and Armintrout; to get a sale price on that and remove that whole section. If it is feasible to do that; and we have to get the facts first and find out exactly what it would cost to tear it down and rebuild it in that same spot, but we do own the ground there. And next is the fourteen acres out by the homeless shelter on Homestead Road. We need to get a cost in constructing a new police building on that site. There's plenty of space there; plenty of room to expand. We'd also have a place to put our vehicles that we confiscate and with the use of the laptop computers now; the need to go into the office to fill out reports has been greatly reduced and I think you can see that by the way the arrests are going up. They have more time that they can spend out on the road.

This is just something to think about and I really appreciate anything that these committees can do in order to get this thing rolling and make some decisions so we can get on with the permanent building site for both departments. Any questions?

#### SAFETY-SERVICE DIRECTOR'S REPORT:

The Water Fill Station is completed. We've begun setting up accounts with those haulers who use the facility more than four times a year. The cost to set up an account is \$65 and the charge for water is a dollar per gallon. They will be billed on a monthly basis.

The new EMS squad is almost complete. It should be delivered this month. The old squad will be transferred to the Water/Sewer Maintenance Department to be used to house the camera and recording devices for the monitoring and inspection of our sewer infrastructure. We also will be using the equipment to inspect our storm sewers.

I'm excited to hear that the downtown merchants are meeting tomorrow night to possibly re-establish the Downtown Merchant's Association. I believe that this is a very positive step by the merchants to provide the city with input and feedback. This will also allow the city to apply for grants and other funding for the downtown area that we weren't allowed to apply for because we did not have an active association in our city. That concludes my report.

## AUDITOR'S REPORT:

My report is very brief as well. There is a transfer of \$250,000 that was made to the Sewer Debt Fund and that completes the transfers for that fund authorized by council under Res. 06-2. Legislation proposed by my office and before you for approval this evening are as follows:

06-40 – Another donation was made for the Liberty Park playground. This resolution authorizes the transfer of the donation from the General Fund where it is received in, to the Recreation Department for continued playground improvement.

06-41 – This is a housekeeping measure. We've already received the funds that are listed in the resolution. They have been or will be utilized on the South Lift Station in the current I/I project associated with the wastewater system upgrade study. The inclusion of these funds into the budget requires approval by council because they exceed the amounts set forth in the budget ordinance adopted earlier this year by council.

Again, these funds have already been received and are allocated for the purpose that they are intended; therefore, I respectfully request the waiving of the three-reading rule. That's all I have.

## REPORT OF THE STANDING COMMITTEES-

FINANCE COMMITTEE – Mr. Koogler, Chairman

We met prior to this evening's meeting to go through a few issues. First being that of URS asking for additional funds from the city which were originally I think \$28,000 or something along those lines. It's my understanding that the city's negotiated that down to \$17,017.00. It was voted by the Finance Committee that that be presented to all of council for a full discussion debate in a vote this evening.

There was also the issue in regards to what we are charging currently the townships which we provide fire services to. It was voted by the committee to advocate that the city go ahead and propose \$14 per person to each of the townships as the fees that we would be charging for the next year for the various townships to pay the city for the fire protection that we do provide to them. We would also recommend the council go along with that recommendation. I think it is rather urgent I think at this point, we have how much time, how many days was it that we needed....we have ten days in which we need to respond or do something on that; so we asked that we would act immediately.

Finally, in regards to the financing of a Police and Fire Department; we did meet in executive session at 6:04 p.m. and got out executive session at 6:47 p.m. We ultimately came up with this; but before we do that I'll kind of go through a few things. I did meet last month with the safety-service director, the mayor, the auditor as well as 5<sup>th</sup> 3<sup>rd</sup> Bank. We did discuss financing options for a Police and Fire Department in terms of floating municipal bonds for the construction of such structures. It was discussed that we borrow 2.5 million dollars for 25 years at a rate of 5.25% interest that we would be looking at a hit out of the General Fund of roughly \$180,000 a year. If we did that over 30 years, we would be looking at a hit of \$162,000 and some change per year. Also it was discussed at that meeting the various other finance options that we had in terms of doing a one-year note and eventually converting that into bonds and some other things. The committee obviously has some concerns at the sort of hit that the General Fund would take on an annual basis. Our position at this time; it is my understanding that the committee has looked; I believe it is the Property Committee, has looked into the selection of an architect so I think it would be the position of our committee at this time, that we would wait and see in terms of the architect, what they could give us in terms of fees for new construction and renovation of the existing structure. Based upon that we would ultimately make a formal recommendation to council at that time as to what our financing options are for a new Fire and Police Department. That is all out of my committee at this time.

## PROPERTY MAINTENANCE & RESTORATION- Mr. Chambers, Chairman

We did meet three times over the last month. Property Maintenance & Restoration Committee met July 25<sup>th</sup> in the conference room of the city administration building. All members of the committee were present as well as safety-service director Holt, and as I was corrected later; mayor Zink. First on the agenda was Mr. and Mrs. Daniels of 921 North High Street request for a sign at their consignment shop business located inside their home. As this is a residential district, a variance would be needed to approve this request. Mr. and Mrs. Daniels are within the square footage requirements in order to have their shop within Residential A; but the sign that they have requested falls under a "monument" sign which is not permitted without a variance. A sign of two square feet or less mounted on the residence is what is permitted. Mrs. Daniels was not in agreement with the ordinance stating that their legal counsel told them that the variance granted to the previous property owners; the Fields, would pass on to them. Safety-service director Holt and myself both advised the Daniels that according to the ordinance, this was not the case. The ordinance reads that the variance goes away with the change of ownership. After more discussion that was repeating itself, the motion to deny the sign request was made by myself and seconded by Mr. Shoemaker. Mrs. Parr joined for a vote of three to nothing in favor of recommending to council that the request be denied.

Next on the agenda was a request questioning why the city was allowing churches to advertise events on banners on light poles in the center of town. The fear was that a satanic or otherwise offensive supposed church organization could also make the same requests to the city in the future. After discussing the policy of the past that these signs of all kinds were allowed; a motion was made by Mr. Shoemaker seconded by Mrs. Parr with a consenting vote by myself to keep the separation of church and state intact and recommend to council as a whole to not permit any church related banners to be hung on or from city property in town at any time in the future.

Next on the agenda was the potential employment of an architectural firm. The field was narrowed to three potential firms which will be interviewed in executive session July 31<sup>st</sup>. Motion to adjourn was made by Mrs. Parr, seconded by Mr. Shoemaker.

The Property Maintenance & Restoration Committee met July 31<sup>st</sup> at the Cable TV Access Building at 1:00 p.m. for the purpose of interviewing potential architectural firms for employment. The committee was in executive session during the entire meeting. In attendance were committee members Shoemaker, Parr and myself, council member Young, safety-service director Holt, mayor Zink, fire chief Powell and police representative Barr.

The Property Maintenance & Restoration Committee met August 7, 2006 at 5:00 p.m. at the Cable TV Access Building. All committee members were present in addition to council members Charlie Walker, John Levo and Tim Young, council president Dick Donley, mayor Dick Zink, safety-service director Ralph Holt, auditor Gary Lewis, police chief Nick Thompson and fire chief Jerry Powell.

I immediately asked for a motion to go into executive session inviting council members and the administration officials while saying that I would be excusing myself from the matter at hand because of a potential conflict of interest. Committee member Mrs. Parr made the motion seconded by committee member Mr. Shoemaker. The committee came out of executive session at 5:35 p.m. A motion was made by Mr. Shoemaker to recommend to the council as a whole to enter into negotiations for the purpose of retaining the services of the WDC Group for conducting studies towards the potential construction and/or renovation of properties for the use of the Police and Fire Departments. The motion was seconded by Mrs. Parr with myself abstaining. As this was the only item on the agenda; a motion to adjourn was made by Mrs. Parr, seconded by Mr. Shoemaker.

One other item that I was asked by President Donley to submit; were some of the reasons that the Property & Restoration Committee are recommending that the City of Hillsboro enter into negotiations to employ the architectural firm of WDC Group for employment

for the studies relating to potential construction and/or renovations by a vote of two to nothing with committee member Chambers abstaining.

1. Close-by work in the past such as fire stations in Clarksville, Stonelick & Leesburg. They designed seven fire stations in the last three years.
2. Multi-department designs, five in the last five years including Washington Court House.
3. Design work for volunteer and full-time operations.
4. Availability to start at once and complete surveys within a short time-span.
5. Levy assistance experience.
6. Bond and grant writing experience.
7. On site availability every day on any job site.
8. Gut feeling.

Mr. President, that's all I have at this time.

#### CIVIL SERVICE AND EMPLOYEE RELATIONS- Mr. Levo, Chairman

The Hillsboro Civil Service & Employee Committee met on July 25, 2006 during the council work session. Mr. Shoemaker and Mr. Levo attended; Mr. Koogler was absent. Other members of council and administration were present. Chairman Levo stated there were some issues assigned jointly to his committee and the Finance Committee. He said that he believed since Mr. Walker and he were members of the Finance Committee; the matter regarding the hiring of an additional police officer could be discussed and a recommendation made. He would prefer the issues regarding salaries be held until Mr. Koogler could attend.

Mr. Levo stated he had discussed the \$50,000 cost of hiring an additional officer with Auditor Lewis. It was determined that this expense was not budgeted and other funds were not available. Mr. Levo then asked for a motion to deny Chief Thompson's request for an additional officer at this time, but for council to readdress the issue during the first or second quarter of 2007. Mr. Shoemaker made the motion and Mr. Walker seconded. Motion passed. With no further business to discuss, the committee meeting was adjourned.

#### STREET & SAFETY COMMITTEE- Mr. Walker, Chairman

We did not have a meeting this month.

#### UTILITIES COMMITTEE- Mr. Shoemaker, Chairman

The Hillsboro Utilities Committee met on July 21, 2006 during council work session. Committee members in attendance were Dave Shoemaker and Tim Young. Absent was Kevin Chambers. Also present were other members of council and administration.

The subject of this meeting was reviewing the water ordinance. The ordinance was reviewed by members of the committee and recommends to the council the following:

The Utilities recommends that the Ord. 2004-23 be amended with the approved revisions. And you will see the new approved revisions in the Ord. 2006-8 that is coming before legislation tonight. I would like to thank Mr. Beery for diligently working on that with me and getting that taken care of. I do appreciate that very much.

The only thing else that I have in the Utilities Committee is the wastewater preliminary comments. They've pulled their monitoring out did they? (Mr. Holt responded in the affirmative.) Do we have a report on that yet? (Mr. Holt said that they hadn't. But they gave the city two extra weeks because there were two faulty monitors so they left them in place two more weeks with no charge to get the readings.) Okay, so we're set to get a report any time then.

The water adjustment bills that were going to be discussed before the meeting; will be discussed immediately following with my committee. That's all I have Mr. President.

ZONING AND ANNEXATION COMMITTEE- Mr. Young, Chairman  
He said there was nothing in his committee at this time.

COMMUNITY ENHANCEMENT COMMITTEE- Mrs. Parr, Chairman  
There is nothing in the committee at this time.

#### UNFINISHED BUSINESS-

President Donley said that he was going to skip out of line and go back on the reports. He said on the fire contracts, the recommendation was that they submit to council on the \$14 per person population. Mr. Walker made a motion to approve the recommendation and Mrs. Parr seconded the motion. All members voted yea; recommendation approved.

Next was the request to deny the sign request from the Daniels. A motion to deny was made by Mr. Shoemaker and seconded by Mr. Chambers. All members of council voted yea; recommendation to deny was approved.

Last was the recommendation to approve WDC Group as architects for proposals for construction and/or renovation of Fire and Police Department quarters. A motion to approve the recommendation was made by Mr. Koogler and seconded by Mr. Levo. All members voted yea; recommendation approved.

Discussion followed concerning the additional monies for URS. Mr. Koogler asked for input from Mr. Beery who stated that he had not worked with them to know what they were doing. He said that it could be a perfectly legitimate charge and very common especially where you have a project like clearing up our SSO's which is like slap one down and the next one pops up. There is not a lot of certainty to that particular project. Determining whether they're giving us value is sort of an administration decision.

Mr. Koogler then asked if administration felt that the \$17,000 that it was negotiated down to is reasonable. Mr. Holt asked what is reasonable. Mr. Koogler then asked if Mr. Holt was saying that they should pay the \$17,000. Mr. Holt said, "I don't know if that is too high or not. That's why when we brought the legislation to you we were kind of looking for your help in this. I know that with URS's help and Sunesis's help; we've corrected a problem with the EPA by taking the overflows away from the south side of Hillsboro. I thought we paid them well for that. Kirby is the one who worked so hard to reduce that cost from \$24,000 to \$17,000. Is that a good cost? It's as far down as we can get it. That's what we're telling you. We can't get it any lower than that. If you don't want to pay that then we'll have to look at going to litigation I guess. But it's whatever council feels.....they feel is fair."

Mr. Koogler then asked of Mr. Beery, "In terms of cost/benefit analysis, we're talking \$17,000 versus potential litigation for the city; what, if you could propose any sort of formal recommendation; what would it be?" Mayor Zink said, "I'll tell you. Cutting down these overflows; we could have been fined \$10,000 a day and if it costs an extra \$17,000; EPA worked with us while we were getting this process all done and I think \$17,000 is cheap for what we could have had to be paying all the time."

Mr. Beery stated, "Well, the mayor makes a good point that we're getting to a little bit. That the risks that we might have to pay them if we reject it is 50/50. We have to pay something; that's 90% certain. Could they get more out of us? Yeah, that's a possibility, too; a 10% chance. So the cost/benefit in terms of litigation; that's what it is. You would probably get by with less; probably won't have to pay that much. But in terms of the benefit of what they did; yeah, it's true we had some problems and really it's responding to EPA's concerns that was the value of this. It wasn't necessarily their engineering expertise; it's more their political expertise in answering each and every one of the concerns from EPA as they arose and we were having troubles even while the project was going on. Sanitary sewer events, not necessarily overflows; I don't think any of them made it to the creek, but we certainly had events and we had to deal with each one of those. So balance; I would have to say the mayor's recommendation is perfectly valid."

Mr. Walker asked, “Well, why do we sign any more contracts then? Every one we’re had, we’ve got hammered with and just pay them and thank you and go on. Let’s quit signing contracts; just tell them to come in and do the work they need to do and forget it.” Mr. Holt said, “I don’t want to do that Charlie.” Mr. Walker responded, “Well, I’m sorry. This is the third one in a row that we’ve done the same thing to. There is no sense to have a contract if we’re just going to pay them whatever they ask us.”

**PASSAGE OF ORDINANCES AND RESOLUTIONS- None**

**SECOND READING OF ORDINANCES AND RESOLUTIONS-None**

**FIRST READING OF ORDINANCES AND RESOLUTIONS-**

RES. 06-40 – A RESOLUTION TO TRANSFER ADDITIONAL MONIES IN THE GENERAL FUND- The clerk read this resolution in full for a first reading. A motion to waive the three-reading rule was made by Mr. Koogler and seconded by Mr. Levo. All members of council voted yea. A motion to approve the resolution was made by Mr. Shoemaker and seconded by Mr. Koogler with all members voting yea. Resolution passed.

RES. 06-41 – A RESOLUTION TO INCREASE APPROPRIATIONS- The clerk read this resolution in full for a first reading. A motion to waive the three-reading rule was made by Mr. Koogler and seconded by Mr. Shoemaker. All members of council voted yea. A motion to pass the resolution was made by Mr. Walker and seconded by Mr. Levo with all members of council voting yea. Resolution adopted.

ORD. 2006-6 – AN ORDINANCE IMPLEMENTING SECTIONS 3735.65 THROUGH 3735-70 OF THE OHIO REVISED CODE ESTABLISHING AND DESCRIBING THE BOUNDARIES OF COMMUNITY REINVESTMENT AREA IN THE CITY/VILLAGE OF AND DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM AND CREATING A COMMUNITY REINVESTMENT HOUSING COUNCIL AND A TAX INCENTIVES REVIEW COUNCIL. The clerk read the ordinance by title only for a first reading. President Donley asked Mr. Young to take this into the Zoning and Annexation Committee for review.

RES. 06-42 – A RESOLUTION TO AUTHORIZE THE INCREASE OF CONTRACT PAYMENT TO URS ENGINEERING- The clerk read the resolution in full for a first reading. Mrs. Parr made a motion to waive the three-reading rule which died for lack of a second.

ORD. 2006-7 – AN ORDINANCE PROVIDING FOR THE CONSTRUCTION OF CERTAIN PUBLIC INFRASTRUCTURE IMPROVEMENTS WITHIN THE CITY BY CREATING A TAX INCREMENT FINANCING AREA ENCOMPASSING CERTAIN PARCELS OF REAL PROPERTY, DECLARING IMPROVEMENTS TO SUCH PARCELS TO BE A PUBLIC PURPOSE, EXEMPTING SUCH IMPROVEMENTS FROM TAXATION, REQUIRING THE OWNERS OF SUCH PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND, DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS MADE, TO BE MADE OR IN THE PROCESS OF BEING MADE BY THE CITY THAT DIRECTLY BENEFIT, OR THAT ONCE MADE WILL DIRECTLY BENEFIT, THOSE PARCELS AND APPROVING AND AUTHORIZING THE EXECUTING OF ONE OR MORE TAX INCREMENT FINANCING AGREEMENTS; AND DECLARING AN EMERGENCY- The clerk read this ordinance by title only for a first reading. President Donley asked Mr. Young to review this in the Zoning and Annexation Committee.

ORD. 2006-8 – AN ORDINANCE TO AMEND ORDINANCES 2004-7 AND 2004-23 TO PROVIDE FOR BILLING AND COLLECTION FOR WATER- The clerk read this ordinance in full for a first reading.

NEW BUSINESS:

President Donley mentioned that next year the Festival of the Bells would be on July 5, 6 and 7, 2007. He thought maybe the council would go ahead and approve those days since there would be additional activities for the city's bicentennial. Mr. Levo made a motion to give the authority to the Festival of the Bells committee to operate those three days in downtown Hillsboro. Mr. Walker seconded the motion and all council members voted yea except Mr. Shoemaker who voted nay. Motion approved.

Mr. Willard Parr said that he appreciated the award recognition as "Citizen of the Month".

With no further business to come before the council; a motion to adjourn was made by Mr. Shoemaker and seconded by Mr. Koogler. Meeting adjourned.

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Richard Donley, Council President

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Beverly Brown, Clerk of Council