

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. Koogler, Mr. John Levo, Mrs. Bonnie Parr, Mr. David Shoemaker, Mr. Brian Waller and Mr. Tim Young

ABSENT: Mr. Charles Walker

Mr. Levo made a motion to excuse Mr. Walker and Mrs. Parr seconded the motion with all members voting yea.

Mr. Lewis led the assembly in prayer followed by Mayor Zink leading in the "Pledge of Allegiance".

The minutes of the February 10, 2008 meeting were accepted as presented.

MONTHLY REPORTS: Income Tax Office, Street Department, Hillsboro Public Utilities, Police Department, Wastewater Treatment Plant, Auditor's Office, Water-Sewer Maintenance Department, Water Meter Department, Fire Department and Life Squad

#### PUBLIC REQUESTS:

1. Municipal Court Judge David McKenna came forward to ask council to look favorably upon a request that the Hillsboro Municipal Judge position be converted from a part-time position to a full-time position. He said that the work load is already that of a full-time position and the judge is the only position in the court that is not already a fulltime position.

He said that the nature of the cases that they have are increasingly more complicated. The case load itself has not increased tremendously in the eight plus years that he has been in office; they average between 7,000 and 8,000 cases a year. The problem is the amount of work involved on each case increasingly grows and if you have 7,000 and you spend even five minutes more on each case on average; that's a lot more time. He said that the civil side has increased with credit card lawsuits that are coming in at a rate of about fifty to seventy-five a month right now because of the economy.

He said that there were three funding authorities that pay his salary. There is the local share of the Municipal Court salary which for a part-time judge is \$35,500 that is set by statute. The city of Hillsboro is responsible for 60% of that amount and the county Commissioners are responsible for the other 40%. The Commissioners have already passed a unanimous resolution supporting the request, understanding that they're going to be picking up the additional cost for their share which would be \$10,500 for the full-time municipal judge; this is set by statute. The local share is \$61,750 which would be an increase of \$26,250 which would be split 60/40 between the city and the county. The increased cost to the city would be \$15,750.

The only increase would be the incremental increase in salary and there would be no change of operations in the court and the jurisdiction of sixteen of the seventeen townships would remain the same. It is not the council's decision whether or not to convert from part-time to full-time; that takes an act of the legislature. The reason he was asking was when the process works he has to have input from all of the local agencies that would be affected. The Highland County Bar Association passed a unanimous resolution and he has letters of support from Sheriff Ward and from Judge Judkins.

If the legislature were to act on the request; it would be no sooner than January 1, 2009. It would not affect any of the 2008 budget.

Mr. Koogler said that as an attorney who practices in the court fairly regularly; he could state that there is certainly a need for the court to go full-time. He said if council were not to support this, he thought the judge would very well be looking at getting a magistrate which would cost the city.

Judge McKenna said, "I love this job. I like the job. I'm trying to do as good a job as I can, but anybody that works full-time I think can understand that you can do a better job working full-time than you can part-time. My responsibilities aren't going to change too much; I'll just be putting in more time. I can pay more attention to some of the administrative details and I believe just be more efficient operations and having a chance to pay attention to some of the things and be proactive instead of reactive to the problems. I could justify the extra costs of savings to the city just from more efficient operations."

2. Robert Cantrell of First Stop in Hillsboro came forward and stated that they had been in Hillsboro for ten years and they were trying to get a C-1/C-2 liquor license. He said that this would give him a more competitive edge at that location (US 50) if he could get the license. He said this is location number ninety-two and they are very conscious of the liquor laws and they have training programs on alcohol and tobacco for their employees. He said that so far they haven't had any problems in other locations.

President Donley asked if Mr. Cantrell had a license that he could transfer in and Mr. Cantrell answered in the affirmative. Mr. Beery said that he did speak with Mr. Cantrell's attorney and basically explained that in this community typically council considers this and makes a reference to the mayor rather than the mayor giving approval in advance and then council making a decision later when the license comes through. Mr. Beery said that he (Cantrell's attorney) understood that, since that is the way that London, Ohio does it. So whatever council's wishes are; a resolution can be circulated or it could be put in the Safety Committee for consideration.

President Donley said that he was putting it into the Safety Committee and have them review it and they could bring it back next month at the council meeting and they would act upon it at that time.

COMMUNICATION: None

CITIZEN COMMENTS:

Albert Lakes came forward with a problem he had with the Hillsboro Public Utilities and President Donley suggested that he take up the problem with the Safety-Service Director. Mr. Lakes then had a question about Amish and sales tax and President Donley told him that sales tax went to the county. He moved on to "Slow Moving Vehicle" signs and a complaint about the raise for the law director. Mr. Holt asked for Mr. Lake's telephone number.

Mr. Barnhouse wanted information on the public hearing for rezoning and Mr. Young told him that it would be before the next council meeting.

Jamie Armstrong had some concerns about the property in the city that is in a deteriorating condition and wanted to know what was being done. Mr. Holt said that they couldn't just take the property away from the owner; it had to be done legally. Mr. Armstrong then made comment about the condition of the sidewalks and said that in the city(?) they would go around and mark the sidewalks that have to be replaced and give them a time to do it and if they don't do it; the city does it and it's assessed on their taxes. President Donley said that this was something that they were aware of.

Mr. Armstrong then suggested using teenagers to work with the parks and Mr. Holt informed him that there are teenagers now that are interested in the park on Railroad Street and they are going to start working down there. The city does not have a program per se for teenagers to do that.

## COMMUNICATIONS FROM THE MAYOR:

Meetings attended this month:

February 7 - Finance Committee  
February 8 - Utilities Committee  
February 11 – Council meeting  
February 13 – OVRDC – County Caucus  
    Safety Committee  
    Housing Advisory Committee  
February 14 – 2 Weddings  
February 19 – Planning Commission  
February 20 – Judged chili contest at Heartland  
    Swore in a new firefighter  
    Wedding  
    Utilities Committee  
February 21 – Wedding  
February 22 – Swore in a new police dispatcher  
February 25 – Wedding  
    Met with representative from the Army Corps of Engineers  
    to discuss some possible financing for the Wastewater Treatment Plant  
February 26 – Revolving Loan Fund Committee  
February 28 – Utilities Committee  
February 29 – Wedding

The first thing I would like to do is compliment Dave Shoemaker and the members of his Utilities Committee which would be Bonnie Parr and Tim Young for their tireless work and efforts regarding the financing of the Wastewater Treatment Plant upgrade and review of the different scenarios presented by RCAP.

I realize your work has been made much more difficult with false numbers being printed in the news media. For example, last Tuesday there was a “Letter to the Editor” stating that the city is considering a 35% rate increase and then adding a property assessment of \$2116 to each user. The letter went on to say if a person couldn’t pay the \$2116 up front, the city was considering adding to you your property taxes at \$115 a month for the next forty years. In case anyone didn’t get it straightened out, that is entirely false and there was also no reference made to the charging of 4.5% for forty years.

I guess my point is that these EPA mandates are going to be a burden on all of us and Utilities Committee has and is looking at the best method for financing the upgrades and at this time has not made a proposal to City Council on which route to take. Instead of listening to rumors, give these people credit for the hard work they’re doing. Don’t try to second guess them and wait and see what their efforts will provide.

The next thing I have is, I stated earlier I swore in Greg Lucas as a new firefighter and also Shawn Kelly as dispatcher for the Police Department. We also received a letter from the Underground Fuel Storage Tank Division of the state and that letter also included a bill totaling \$6,550. This was for charges dating back to 1989 and evidently the city had not paid for the license since ’89. This came up as another surprise to our office and I’m sure it did to financing. That’s the end of my report. Any questions?

## SAFETY-SERVICE DIRECTOR’S REPORT:

This is very short. Last week beginning on a Friday was busy for the city with the amount of snowfall that we received and the way the weather came in in two separate snowfalls. The squad, police and street departments were very busy most of the weekend. After a lot of work, the street department had the main streets cleared Sunday morning and they spent the rest of the day getting the residential streets cleared. Today we worked on trying to get alleys cleared.

The next issue we will probably face with the temperatures in the 40's and 50's will be the possible overflows at our South Lift Station at the Sewer Plant because of surface water getting into our sewer lines. This concludes my report.

#### **AUDITOR'S REPORT:**

Thank you Mr. President. You have in your packets my usual reports and as usual they are balanced as they should be. You also have copies of the Annual Appropriations Ordinance that the Finance Committee approved last Monday. To go along with the Appropriations Ordinance are three transfer resolutions and if you have any questions on any those, I'll be happy to field those at this point in time.

Also note that the state auditor has elected to have our audits performed by an independent private accounting firm for the next five years. I'm please to report that through the selection process supervised by the state auditor, that the firm of Balestra, Harr and Scherer has been selected to do those audits for the next five years. That is the end of my report and at this time I would be happy to answer any questions and would also entertain a motion for approval of the report.

Mr. Koogler made a motion to approve the Auditor's report and Mr. Levo seconded the motion with all members present voting yea.

#### **HILLSORO PLANNING COMMISSION- Mr. Young**

The Planning Commission did set up a public hearing for 6:00 p.m. before our April meeting for the Langston property on Chillicothe Avenue. They are requesting rezoning. The same situation for the school property on Chillicothe Avenue and that one was set up for 6:30 p.m.

#### **REPORT OF THE STANDING COMMITTEES- FINANCE COMMITTEE – Mr. Koogler, Chairman**

Finance last met last Monday evening. The issues on the agenda were that of the proposed appropriations bill for the fiscal year 2008. Also discussed at that time was the issue of the township fire contracts. In regards to the 2008 appropriations bill as offered by the Auditor to Finance Committee after much deliberation, that was unanimously recommended that that legislation be presented to Council and approved by Council.

In regards to the issue of the fire contracts for the various townships, a recommendation was made to the committee for an annual increase of 7.773% which was advocated by the Finance Committee. We're asking the Council to do the same. In regards to determining the duration of those contracts, whether they would be annual or every two or three years; we'll leave that issue up to Council as a whole. I would say that I believe Finance is cautiously optimistic about our financial situation this year, though obviously concerned that our revenues are down in general at this point, but we'll keep a watchful eye this year to see where we go financially in terms of making any additional appropriations.

Mr. Koogler then made a motion that the fire contracts have an increase of 7.773% and that it be negotiated with the various townships. He thought that they needed to make a determination as to the number of years and he was not opposed to doing it every two years. Mr. Waller seconded the motion for the 7.773% increase and all members present voted yea. Mr. Levo made a motion to make these two-year contracts and Mr. Koogler seconded the motion. All members present voted yea.

#### **PROPERTY MAINTENANCE & RESTORATION-Mrs. Parr Chairman**

We haven't had any meetings but I have a couple times tried to get hold of Mr. Koogler and I think at this time, after the meeting we need to get together and figure out when we're going to have a meeting on some buildings and maybe some renovation or whatever we need to do.

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

No report.

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

Mr. Levo stated that he had talked to Mr. Walker before coming to the meeting this evening and the only thing that he had on the agenda was a request for Mrs. Parr and Mr. Koogler to have a joint meeting with the Safety Committee concerning the buildings; also a request to Mr. Beery about the council learning session; in-service training.

Mr. Beery said that just so everyone would know; they hoped to do a little in-service training to kind of explain generally, council duties and any other topic of government that you might be interested in and see if they couldn't answer any questions they had. He said that they would like to separate that from some official business of council because they don't want to be put in the situation of being limited one way or the other on time or whether you had to attend, for that matter. He hoped that everyone would attend at some point. He said the invitation was open whenever they would like to set it up; weekends, it didn't matter; evenings?

President Donley said that he would speak with Mr. Walker and have him go ahead and pick a date, check with Mr. Beery and then they would notify council of the time and place.

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

In the essence of time, what you will find before you tonight when you came in is packets that I have arranged for you. We had a meeting on the 20<sup>th</sup> of February, the 27<sup>th</sup> of February, the 28<sup>th</sup> of February and March the 5<sup>th</sup>. It's much too lengthy to go into for me to explain it to you. What I would urge you to do is go through those packets, read them and when you are totally confused; you can contact Kirby. Yeah, call me and I will send you to Kirby or to Ralph and between the three of us we'll try to get you an idea of what we have talked about.

We have extensively talked about things for the Wastewater Treatment Plant and also rates. Our next meeting is going to be on Thursday, March 13<sup>th</sup> at 6:00 p.m. at the City Building. What the committee is going to be looking over at that point in time is; we've gathered all this information and what we're going to do is start the process of elimination. That's the only way I can think of; the best way to do this and what we're going to start with is what type of plant we're going to be looking at. That's the February 27<sup>th</sup> meeting with the engineers that we had and the information that you will find in the packet; that's what we're going to be going over and looking at in the process of elimination.

Once we get this process elimination done on the type of plant; then we can go in to the different scenarios of funding through RCAP. That will be our next meeting and that is the conclusion of my report.

**ZONING AND ANNEXATION COMMITTEE- Mr. Young, Chairman**

Nothing in that committee.

**COMMUNITY ENHANCEMENT COMMITTEE- Mr. Waller, Chairman**

Nothing in that committee.

**UNFINISHED BUSINESS- None**

**PASSAGE OF ORDINANCES AND RESOLUTIONS-**

1. ORD. 2008-1 – AN ORDINANCE TO AMEND THE LODGING TAX IN THE CITY OF HILLSBORO- The clerk read the ordinance by title only for a third reading. Mr. Koogler made a motion to approve and adopt and Mr. Waller seconded the motion. All members present voted yea; ordinance adopted.

## **FIRST READING OF ORDINANCES AND RESOLUTIONS-**

1. ORD. 2008-2 – AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES OF THE CITY OF HILLSBORO, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2008. The clerk read the ordinance in full for a first reading. Mr. Koogler made a motion to approve and adopt and Mr. Levo seconded the motion with all members present voting yea. Ordinance passed.

2. RES. 08-4 – A RESOLUTION TO TRANSFER FUNDS FROM THE SEWER REVENUE FUND TO OTHER SEWER FUNDS WITHIN THE CITY- The clerk read the resolution in full for a first reading. Mr. Koogler made a motion to approve and adopt and Mr. Shoemaker seconded the motion. All members present voted yea; resolution adopted.

3. RES. 08-5 – A RESOLUTION TO TRANSFER FUNDS FROM THE WATER REVENUE FUND TO OTHER WATER FUNDS WITHIN THE CITY OF HILLSBORO- The clerk read the resolution in full for a first reading. Mr. Shoemaker made a motion to adopt and Mrs. Parr seconded the motion. All members present voted yea; resolution passed.

4. RES. 08-6 – A RESOLUTION TO TRANSFER FUNDS FROM THE GENERAL FUND TO OTHER FUND ACCOUNTS WITHIN THE CITY OF HILLSBORO- The clerk read the resolution in full for a first reading. Mr. Koogler made a motion to approve and adopt and Mrs. Parr seconded the motion with all members present voting yea. Resolution adopted.

5. RES. 08-7 – A RESOLUTION TO SUPPORT AND APPROVE THE CHANGE OF STATUS OF THE HILLSBORO MUNICIPAL COURT JUDGE FROM PART-TIME TO FULL-TIME- The clerk read the resolution in full for a first reading. Mr. Koogler made a motion to adopt the resolution and Mrs. Parr seconded the motion. All members present voted yea; resolution adopted.

### **NEW BUSINESS:**

With no further business to come before the Council, Mr. Koogler made a motion to adjourn and Mr. Shoemaker seconded the motion with all members approving. Meeting adjourned.

---

Richard Donley, Council President

---

Beverly Brown, Clerk of Council