

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

ABSENT: None

Mr. Lewis led the assembly in prayer followed by Boy Scouts from Bright Local leading in the "Pledge of Allegiance".

The minutes of the September 8, 2008 meeting and the October 7, 2008 Special Council meeting were accepted with a correction of changing "Mr. Holt" to "Mr. Hope" on page five of the minutes of the September 8, 2008 meeting.

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

PUBLIC REQUESTS: None

COMMUNICATIONS: None

CITIZEN COMMENTS: None

#### COMMUNICATIONS FROM THE MAYOR:

September 3 - Went to Senator Brown's roundtable

September 4 - Wedding

Joint Property & Maintenance and Street & Safety Committee meeting

September 8 - Met with WDC on new police & fire buildings

Council meeting

September 9 - Two weddings

September 10- Highland House expansion meeting

September 12 - Interviews for Water & Sewer Maintenance laborer

September 15 - Wedding

Interview for Water & Sewer Maintenance laborer

September 16 - Met with WSRW representatives on trying to improve the sound system we have on cable

Finance Committee meeting

September 18 - Wedding

September 19 - Wedding

September 23 - Property & Maintenance Committee meeting

September 24 - Two weddings

September 25 - Seventieth Anniversary of the Colony Theater

As you know the remainder of hurricane Ike passed through Hillsboro on Sunday, September 14<sup>th</sup> causing considerable tree damage along with power outages. All of our city crews were involved with various aspects pertaining to the storm. The Street Department employees were busy cutting down trees to open streets; the Water and Sewer Maintenance Department used the vac-truck to pump sewer lift stations as well as installing by-pass pump on US Route 50. This was all done to prevent overflows.

The Fire and EMS Department had several calls during the event. The Police Department was also very busy locating downed trees and limbs and notifying our street crew the priorities so the streets would be open for emergency traffic. The bright spot during the

evening was the way drivers proceeded with caution and used courteous driving and observed safety practices at intersections while the electricity was off.

The other item pertaining to storms is a strong possibility that the city will be reimbursed for 75% of the clean-up costs by FEMA. Ralph and I attended a preliminary meeting with FEMA representatives on Wednesday, October 8<sup>th</sup> to discuss the cost of manpower and equipment that was used in the clean-up following the storm event. Although this is not a sure thing, we are submitting the information that FEMA has requested in order to be reimbursed if this area does meet the criteria to be eligible for the aid.

Last Saturday some of you may have seen the folks that were demonstrating on the corner of North High Street and Harry Sauner Road. The city was notified that they were going to be at the location for one hour. We checked with Law Director Mr. Beery and there was nothing we could do to disallow this demonstration. I myself spent a full hour monitoring the situation from 10:30 to 11:30. There were a few minor problems that the Police Department handled with no major incidents.

It was brought to our attention by our Street Superintendent, Steve Pence; that four catch-basins needed updated before the blacktopping begins on North West Street. After investigating the basins it was determined that the corrections needed to be handled in the next couple of days. Ralph and I did go down there this morning along with Mr. Levo and they had corrected those places on the storm drains. Any questions?

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

The city was required to give site borings for their property at North East Street at the future site of the Fire Department and also the property on West Walnut Street, the future site of the Police Department. Those were bid out and the lowest bid came in at \$3, 400 by PSI. Those borings are completed and sent to the engineer. The city was also required to have site plans for both projects. That was bid out and the lowest bid was Shaffer Engineering at the cost of \$10, 000.

On October 9<sup>th</sup> due to the short frame we have for health insurance; we bid out our health insurance for 2009. We basically just ran out of time and we have to have those bids out so we can get them back in and review them so we can get the insurances in before January.

Yesterday morning Jonathan Mosely from Public Entity Risk Services came down and he came down to visit our Skate Park. He responded to me today by email. I would like to read to council what his response was.

“I strongly encourage the city to close the Skate Park given the overall condition of the ramps and platforms. My concern is that if the city allows the park to remain open, one could successfully argue the city has a wanton disregard for public safety and/or being negligent. Such an argument could have a very real and very negative impact on any immunity afforded by the city under ordinance O.R.C. Chapter 2744. In addition unless the city can secure the park against unwanted trespass; the city should remove the equipment. If the city desires to have a Skate Park, I encourage the city to look into purchasing of ramps and platforms that are professionally designed, and made as “homemade” the equipment tends to degrade and does not normally stand up to continued use. When establishing the park, attention should be paid to providing successful landing areas. Currently the main platform ramp is butted against gravel. Steps should be taken to insure that the platforms, ramps and other equipment are being well maintained. Inspection protocol should be established where checklists are frequently completed to document that the equipment does not fall into a state of disrepair. I’m attaching the Skateboard Inline Skating Laws Control Guidelines.”

He provided those guidelines to us. After he did his inspection I closed the park, locked the gates. I feel that we need to contact those people who are monitoring the Skate Park and who are supporting the Skate Park and if they want that equipment; ask them to remove it. If they don't remove it I think we need to remove it and I think we need to keep the gates locked. That's the end of my report.

Mr. Daniels asked if Mr. Holt had shared the report with the people who were trying to run the park. Mr. Holt answered that he had not since he had just received the report that morning. Mr. Daniels said that he thought it would be a good idea to share the report with them.

Mr. Holt replied, "I've shared other concerns with them. My concern is that we continually pick-up trash there and try to maintain that area. From looking at the equipment with the inspector Monday morning, I guess I'm tired of trying to express my concern with them. I know that they all have good intentions. I think they all work and are very, very busy and I don't know how much support they can show to the Skate Park. The issue I have is the Skate Park is city property. It's our liability. It's not the people who support the Skate Park; it's the city's liability. So we're responsible and if you take the opportunity to go down there and look at the equipment; I don't want to be in a position where I get a call that someone's got hurt down there because a screw's sticking up. When we were down there Monday they had extended the ramp on one of the jumps by adding two pieces of wood and a concrete block. I'm through with it. If council wishes to buy the equipment and get the funding from the Auditor to purchase the equipment and put it in there; that's another story. As it sits right now, I think it's time for us to walk away."

Mr. Daniels said, "As of right now I think they are unaware of even what the requirements are as far as from the inspector since they don't have the report. We gave them the permission to go in there and redo it and then we authorized it so I think would only be fair to at least let them see this and explain to them why." Mr. Holt said that he would share it.

Mr. Levo said that since the issue had been in the Street & Safety Committee earlier, he thought the members of the committee would support Mr. Holt in the closing of the park.

#### AUDITOR'S REPORT:

You have in your possession the Year-To-Date Bank Report and the Year-To-Date Fund Report and the bank balance matches the unexpended fund balance as it should.

With regard to Income Tax collections, last month I advised you that we were 3.77% below where we should be based on my original projection for the year. I am pleased to inform you that in September our collections reduced that deficit to 2.19%. In addition, so far this month, we are ahead of last October's collections by approximately \$20,000. If this trend continues, repeat- if it continues, our tax collections should end the year where I predicted it would be.

I have several pieces of legislation for you this evening. One piece is for the transfer of funds from the Contingency Fund to the Street Fund. This is necessary due to the unexpected shortage of salt this season. In years past we were able to split the cost between two fiscal years. However, the shortage has necessitated purchasing our entire allotment all at once to insure that we had product for the entire season. Because this is an unusual and unexpected expense, I ask that this legislation be passed this evening.

Another piece of legislation for you this evening is the annual resolution accepting the amounts and rates as determined by the county budget commission. This is an annual resolution that is the result of your passage of a resolution to adopt an annual tax budget. The funds that benefit from this are the General Fund, Bond Retirement, Police and Fire Pension and the Board of Health.

The next three pieces of legislation that I have for you are inter-related. First is the issuance of \$780,000 of bonds for the police station improvements. Second is the issuance of \$1,940,000 of bonds for the fire station construction and the third is the consolidation of the police station bonds and the fire station bonds. Now this third piece is done for the purpose of making the complete sale of the bonds more attractive to institutions who would be interested in purchasing them.

Since the previous legislation that I just mentioned are connected with the EMS run increases that were enacted by Council in May, I would like to give you an update on where we stand in regard to those collections. As stated when the increases were enacted, we expected a delay in payment of the increased rates of three to four and a half months. What I did not expect at all was a decrease in payments from what they were this time last year. However, that is exactly what happened. Instead of seeing a gradual rise in income, we experienced a decrease of approximately \$4,800 from this time last year. This did not make any sense at all and I immediately alerted Mr. Holt of the situation. Upon review by our billing company, it was discovered that a box on a particular form, that is necessary for HIPPA purposes, was not properly marked. In addition, it was discovered that this was a new requirement and that many other departments were experiencing the same difficulty. The result was that the claims were being held in limbo. The issue has been resolved, a great many claims have been re-billed and we should finally start seeing an increase in EMS revenues but it will be delayed a little bit further.

That is the end of my report. Should anyone have any questions, I will be happy to answer them. If there are no questions, I request a motion for the approval of my report.

Mr. Koogler made a motion to accept the report and Mr. Waller seconded the motion. All members voted yea; report approved.

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

No meeting.

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

Finance did meet this past month. The only issue we had addressed at that time was a letter I had received from the Commissioners which we did discuss and I do apologize to the Commissioners and I do see Mr. Rector here, but I've been a little remiss in getting my letter back to you, but I did get it mailed out this week. At that meeting we did discuss the situation in the county and the city and obviously we are very sympathetic to the situation that the county finds itself in, but due to our own concerns and the projects that we have gone forth with; the committee recommended to continue to monitor our situation and that of the county's and see if assistance could be maybe offered later but at the present due to our own concerns with our issues we felt we could not do anything further at this time.

Otherwise that's all the issues that the committee has addressed at this time. We are planning to meet next week on Tuesday at 5:30 in the city building. It will be a joint meeting with the Employee Relations and Civil Service. We're going to meet jointly with them at that time to discuss various issues we have coming up including but not limited to that of non-union employee pay raises for the calendar year 2009. Also continue discussing health insurance as the bids are out and where we may be and that's pretty much it.

Mr. Holt requested that when the various committees meet he would like to have what is going to be on the agenda so that when they attend, if there are questions they can be prepared to answer the questions.

UTILITIES COMMITTEE- Mr. Shoemaker, Chairman

STREET & SAFETY COMMITTEE- Mr. Levo

PROPERTY MAINTENANCE & RESTORATION-Mrs. Parr Chairman

The Property Maintenance & Restoration Committee met on September 23, 2008 at 5:30 p.m. at the City Building. The meeting was called to order and the committee members present were Brian Waller, David Shoemaker and Bonnie Parr. Also present were Councilman Tim Young and Mayor Dick Zink.

1. Jerry Sheppard was asking for a sign to be put at 212 Hobart Drive. With not enough information, David Shoemaker made a motion to table this until we get more information. Brian Waller seconded the motion; motion carried.
2. Dean Elliot, Wildfire Motors at 130 Muntz Street, Hillsboro; was asking the committee for a 6" by 36' three-sided sign on his building. Brian Waller made a motion to give a variance on Mr. Elliot's sign and David Shoemaker seconded the motion. Vote was 3-0; motion carried.
3. Awning Permits- with discussion made on this permit, David Shoemaker made a motion to change the cost of awning permits. With no advertising on the awning, it would be \$50.00. With advertising on it the cost would be \$100.00 with a non-refundable fee as written. Bonnie Parr seconded the motion and the motion passed with a 2-1 vote.
4. Building Permits- with lots of discussion, Brian Waller made a motion to keep charges the same except to pull out the new sign charges which will go on the new sign conditions and charges just finished in August of 2008. Bonnie Parr seconded the motion and the motion carried with a 2-1 vote.
5. Yard Sale Permits- There was short discussion and Brian Waller made a motion to keep the same \$2 charge. David Shoemaker seconded the motion which passed with a vote of 3-0.
6. Fence Permit- After discussion, Brian Waller made a motion that was seconded by David Shoemaker to put a \$15 charge on this permit. Motion carried with a 3-0 vote.

With nothing else to come before the committee; the meeting was adjourned. Bonnie Parr

The Property Maintenance & Restoration Committee met on September 29, 2008 at 5:30 p.m. in the Conference Room of the City Building. The meeting was called to order with all committee members present; Brian Waller, David Shoemaker and Bonnie Parr. Also present were Safety-Service Director Ralph Holt and Mayor Dick Zink.

1. A billboard request from Jerry Sheppard which was requested to be placed on Schwan's property on Hobart Drive. With short discussion, David Shoemaker made a motion to deny the request and Bonnie Parr seconded the motion. With a vote of 3-0 the motion carried.
2. Went over certain questions on sign ordinances.

With nothing else; the meeting was adjourned. Bonnie Parr

The Property Maintenance & Restoration Committee met on October 7, 2008 at 6:30 p.m. The members in attendance were Brian Waller, David Shoemaker and Bonnie Parr. Others in attendance were council members Tim Young and John Levo, SSD Ralph Holt and Mayor Dick Zink.

1. Sonic Sign on Corner of 73 North and Harry Sauner- After deep discussion, David Shoemaker made a motion to okay Sonic's application for a pylon sign with an electronic message sign below with color and time on message sign. Will be accepted with timer hold on set at five-second minimum and ten-second maximum. Brian Waller seconded the motion. The vote was 3-0; motion carried.

With nothing else there was a motion to adjourn.

Mr. Young made a motion to accept the report and Mr. Levo seconded the motion and all members voted yea. Committee report accepted.

UTILITIES COMMITTEE- Mr. Shoemaker, Chairman

No report.

CIVIL SERVICE AND EMPLOYEE RELATIONS- Mr. Levo, Chairman  
No report.

ZONING AND ANNEXATION COMMITTEE- Mr. Young, Chairman  
No report.

COMMUNITY ENHANCEMENT COMMITTEE- Mr. Waller, Chairman  
No meeting.

STREET & SAFETY COMMITTEE- Mr. Levo, Chairman

Council members do have a report from the October 7<sup>th</sup> meeting. What we did was go over the Skate Park, the Street Department and some of the chip and seal issues, street repaving and the first look at the city fire ordinances. Today Mayor Zink did indicate that he, Mr. Holt and myself; we did take a look at some of the streets in town. I do want to report that North West Street is coming along very well, but there is one issue out there that I would like....I wish that Chief Thompson was here to address the issue.

Apparently citizens of Hillsboro can't read or do not understand the meaning of "Road Closed". I see that we have some safety issues out there as well as impeding the progress of construction workers trying to complete that project on time. I would like to see that the city see about having....and I know that we have a shortage of officers, but maybe to put someone out there and to start writing some tickets.

Mr. Holt asked if Mr. Levo wanted them to pay someone overtime to do that. Mr. Levo said, "Well, if we have somebody that can do that I guess for a short period of time, maybe every once in awhile. Excuses, 'Well, I'm going uptown' or 'I'm going to the library', those people shouldn't be on that street as you well know. You indicated that you ran into the same situation out there yesterday; so, I guess make some examples."

Mayor Zink related that on Thursday they had two officers on duty and one had to go to court so they had to call someone in on overtime to cover the road. They just don't have anyone to put out there unless they want to bring a second officer in on overtime. He said that they had been out there numerous times and it's the same.

**UNFINISHED BUSINESS- None**

#### **PASSAGE OF ORDINANCES AND RESOLUTIONS-**

1. ORD. 2008-16 – AN ORDINANCE TO ESTABLISH THE ANNUAL SALARY OF MEMBERS OF COUNCIL -The clerk read the legislation by title only for a third reading. Mr. Koogler made a motion to approve the ordinance and Mrs. Parr seconded the motion with all members voting yea except Mr. Shoemaker who voted nay. Ordinance passed.

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

1. RES. 08-32 – A RESOLUTION TO ADOPT A FIXED ASSET POLICY- The clerk read the resolution by title only for a second reading.

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

1. ORD. 2008-19 – AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$780,000 OF BONDS BY THE CITY OF HILLSBORO, OHIO, FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTING POLICE STATION IMPROVEMENTS IN THE CITY, AUTHORIZING AN OFFICIAL STATEMENT AND DECLARING AN EMERGENCY- The clerk read the ordinance by title only for a first reading. Mr. Shoemaker made a motion to waive the three-reading rule and Mr. Koogler seconded the

motion with all members voting yea. Mrs. Parr made a motion to pass the ordinance and Mr. Shoemaker seconded the motion with all members voting yea. Ordinance adopted.

2. ORD. 2008-20 – AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$1,940,000 OF BONDS BY THE CITY OF HILLSBORO, OHIO, FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTING FIRE STATION IMPROVEMENTS IN THE CITY, AUTHORIZING AN OFFICIAL STATEMENT, AND DECLARING AN EMERGENCY- The clerk read the ordinance by title only for a first reading. Mr. Lewis explained that they have a very narrow window of opportunity to get the financing with the current economic situation and he would ask for a waiver on the three-reading rule. Mr. Koogler made a motion to waive the three-reading rule and Mr. Waller seconded the motion with all members voting yea.

Mr. Shoemaker said that previously they had approve 1.7 million dollars and wanted to know what the extra was going to be used for. Mr. Lewis referred them to charts they had previously been given and pointed out the columns that he took into consideration. He also pointed out the alternative choices for storage and soil compaction. There was lengthy discussion concerning this issue.

Mr. Beery asked if it was everyone's understanding that what they had was an architectural estimate. He said that eventually they would have someone bid on the contract and it might be higher than the estimate and if it is no more than 10% higher, you could go ahead with the deal and of course if it's under, happily go forward with the deal. He said that maybe this was too much concern over the architectural estimate because they would have to eventually approve the bid. To the extent you're going up a little bit, that would allow for a little bit higher bid to be justified. Still it's going to be a competitive bid.

Mr. Holt said that from looking at WDC's history on other projects; most of the jobs that they work on come in under the engineering estimate. He said that he couldn't say that their firehouse would come in under bid because he doesn't know that.

Mr. Beery said that he didn't think this was a spending measure that they are into, it just pretty much sets the high-water mark of the possible low bid a little higher. They can still reject any and all bids. He said that they won't be spending taxpayer money until they accept the bid. For clarification, Mr. Holt asked if they say they need 1.9 million bonding and they only need 1.7; we could pay the other \$200,000 back. Mr. Beery said that they might not even have to sell the bonds.

Mr. Koogler made a motion to adopt the ordinance and Mrs. Parr seconded the motion. All members voted yea except Mr. Shoemaker who voted nay. Ordinance passed.

3. ORD. 2008-21 – AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$2,720,000 OF BONDS BY THE CITY OF HILLSBORO, OHIO, FOR VARIOUS PURPOSES IN THE CITY, AUTHORIZING AN OFFICIAL STATEMENT AND DECLARING AN EMERGENCY- The clerk read the ordinance by title only for a first reading. Mr. Lewis explained that what it essentially does is when the bonds are issued and available for purchase, this will allow them to be sold as a whole to make it more attractive to an institution who might want to invest in them. Mr. Koogler made a motion to suspend the three-reading rule and Mr. Waller seconded the motion with all members voting yea. Mr. Koogler made a motion to adopt the ordinance and Mrs. Parr seconded the motion. All members voted yea except Mr. Shoemaker who voted nay. Ordinance adopted.

4. RES. 08-38 – A RESOLUTION TO AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT FOR CULVERT REPLACEMENT ON STATE ROUTE 247 AND TO DECLARE AN EMERGENCY- The clerk read the resolution in full for a first reading. Mr. Koogler made a motion to waive the three-reading rule and Mr. Levo seconded the motion with all members voting yea. Mr. Koogler made a motion to approve and adopt and Mr. Shoemaker seconded the motion with all members voting yea. Resolution passed.

5. RES. 08-39 – A RESOLUTION TO TRANSFER FUNDS FROM THE CONTINGENCY FUND TO THE STREET FUND- The clerk read the resolution in full for a first reading. Mr. Koogler made a motion to approve and adopt the resolution and Mr. Young seconded the motion. All members voted yea; resolution adopted.

6. RES. 08-40 – A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR- The clerk read the resolution by title only for a first reading. Mr. Koogler made a motion to adopt the resolution and Mr. Shoemaker seconded the motion with all members voting yea. Resolution adopted.

7. ORD. 2008-22 – AN ORDINANCE TO AMEND CHAPTER 153 OF THE CITY CODE- The clerk read the ordinance by title only for a first reading.

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

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Richard Donley, Council President

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Beverly Brown, Clerk of Council