

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

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

ROLL CALL: Mr. William Alexander, Mrs. Bonnie Parr, Mr. Peter Pence, Mr. David Shoemaker, Mrs. Mary Brown Turner and Mr. Brian Waller

ABSENT: Mr. Roderick Daniels

Mr. Waller made a motion to excuse Mr. Daniels due to his military obligation and Mr. Alexander seconded the motion with vote as follows: Mr. Alexander, yea; Mrs. Parr, yea; Mr. Pence, no; Mr. Shoemaker, no; Mrs. Brown-Turner, no; Mr. Waller, yea. Due to the tie President Koogler cast an affirmative vote; Mr. Daniels excused.

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

The minutes of the January 11, 2010 regular meeting were accepted as presented.

MONTHLY REPORTS: Auditor's office, Police Department, Street Department, Wastewater Treatment Plant, Water-Sewer Maintenance Department, Water Meter Department, Hillsboro Public Utilities, Income Tax Bureau

PUBLIC REQUESTS: None

COMMUNICATIONS: None

CITIZEN COMMENTS:

Jason Brown spoke about the fire inspections and said that he thought they (council) had done the right thing when they agreed not to charge. He said that more business owners were worried about the inspections. Originally they had been told they had to charge the fees because they couldn't afford to do the inspections unless there were fees imposed. Now the fees have been waived but they are still going to do the inspections. In 2010 the funds are going to be cut by \$50,000 so if they didn't have the funds to do it before without charging fees, he wanted to know how they were going to do the inspections now with a smaller budget. He said that people were confused; they were scared that in order to get the funds they would be heavily penalized if there are discrepancies in the code. He said that he was speaking on behalf of a lot of the business owners.

President Koogler said there is a recommendation that the fees would be repealed and it would be addressed by council later. He said in terms of looking at the budget and what is being proposed at this time he said they would be addressing the budget later as well.

Mayor Zink said, "The only thing I can say is I don't have a problem with the fees going away but I think we still need to keep the inspections in and it wouldn't be anything.....if somebody did have something wrong in their building it's to their benefit to fix it. It's not anything up to the city to worry about except the building burning down or half the city. If you have something in your building that needs fixed; you should fix it."

Mr. Holt said, "I agree with the mayor. You have a responsibility to the people in Hillsboro and the customers who walk into your building to make sure it's safe."

President Koogler said that in terms of your question having to do with reduced budgets and having wanted to charge the fees before yet still intending to do the inspection; I'm not sure how the Fire Department intends to man it or to do it. I guess I could defer to the Chief if he could answer that question.

Chief Powell responded, “Well as we have the manpower we will do the inspections as we always have. It’s not our intention to raise a bunch of money with fines or those types of things. The purpose of it is for safety. (?) We simply do what we can the best we can with the manpower that we have. (?) We’ll just go ahead and manage the best we can. There will not be in any way, shape or form inspectors going out and purposely penalizing anybody to raise any kind of money. They are there to see that your businesses are safe and find the issue that will cause problems with your safety. Sometimes there are issues that people don’t even know they have that are a danger to them and they don’t realize it. It’s always been a partnership; the businesses have supported our education programs in the schools for the kids through their donations.

Mr. Brown continued saying, “This all started off with the thought from the assistant fire chief that inspections were mandated by the State. I said they weren’t. We did have a meeting a couple weeks ago and he told me I didn’t understand; that they were. I called the Fire Marshal’s office again and was told that they weren’t. From what I understand it is City Council’s decision on whether or not these inspections are going to happen. I know that Assistant Puckett’s saying that it is state code that it has to be done but I’ve been reading through the inspection codes for the past week and the code.....They use this word “Code” a lot but it’s really a real vague thing that when you read through it you understand that the state has set that up into individual interpretation. One inspector might look at it and see it differently than another does, but nowhere does it say that the requirements are to inspect the buildings every year. Now it does say that they have to enforce the code, but typically how that works is if there is a complaint; reading about how other cities do this; if there is a direct complaint to the fire department then they go out and inspect it and if they see something that’s not up to code, then they are forced to take actions to fix that. As far as saying that he can’t enforce the code unless he inspects all of the buildings, that’s not how most cities do that. That was just information because city council is the one that’s going to vote on this and I think they need to hear both sides and not just the assistant fire chief. That’s coming from the state Fire Marshal’s office and from the state code.

I was watching the video of the meeting four nights ago and Mr. Zink made a statement about a \$10 fix could have prevented Magee’s from catching on fire. Was it ever determined what caused that fire?

Mayor Zink said that from his understanding it was a frayed extension cord. Mr. Brown asked if a report had been done on that and Mayor Zink asked Assistant Chief Puckett if he knew. Assistant Chief Puckett said he couldn’t off the cuff. Mayor Zink said that he happened to be up there that night and they were lucky the whole block didn’t go. Mr. Brown said that he thought City Council was going to make their decision based on what they were hearing and it was not a \$10 fix that could have prevented that. He said it was more like a \$20,000 fix that could have prevented that. He said that he talked to the owner of Magee’s; he did not sign the petition but he did tell what happened. It was an electrical wire that shorted out inside of conduit inside of the walls that set the building on fire. Mr. Brown said that if you had x-ray vision and a sixth sense to tell exactly where that cord was maybe it would have been a \$10 fix but telling City Council that a \$10 fix could have prevented that fire in hopes of them enacting this law that all businesses should be inspected is kind of misleading. That would have been a much bigger fix. You would have had to tear the walls out, the conduit, the electrical wiring and redone it all.

Mayor Zink said, “I’m just telling you what I heard. I’m not an inspector and like you say; I can’t see through conduit. Someone told me it was a frayed extension cord, so that’s the thing that I said. If I’m wrong I would like to be excused and tell you that I’m very sorry.”

Janet Shaffer addressed Council and said that she lived on the corner of North East and Willow. She said that she had seen Mr. Holt about two weeks ago as she had concerns about parking as you would go down Willow it would be on the left on the north side. Mrs. Shaffer had pictures to show some of what her complaint concerned. She had seen a police officer who told her that years ago there was parking on only one side of the street.

After listening to Mrs. Shaffer, President Koogler took her contact information and asked the Street and Safety Committee to take a look at it.

Buck Wilkin said that he had looked up information from other cities to see how they handled inspection fees. He said that it was about twenty-five dollars for a business. It wasn't a revenue producer; it was a service. His fear was that they wanted to make it a revenue producer versus a service. He said it was a very simple system that went through the basics. His hope was that if they installed this program of inspections that it would not be a revenue producer to help underwrite the cost of the Fire Department. He would like to see it as a service at a very minimal fee to businesses and as an aid to help the business protect their property in a reasonable manner.

Mr. Bob Hottle said that some of things that have him worried is.....if you go around a stop sign you have very good idea of what you're going to pay as a penalty. This is mandated by the state anyway so why does City Council have to put an ordinance in; is that overruling the state? Is there any history in this town of having a problem and the only one that we've had a fire at in the last fifty years that he could remember was Magee's; which was inspected.

He said that he had talked to Mr. Musser also and it was no ten dollar fix; it was a wire in a conduit in a wall. He was told the only way it could have been found was to tear the wall out, rewire and put in new conduit. He didn't think there was a businessman in town that doesn't care about his business. He said it was like putting up a smoke detector. When businessmen go to work they don't sleep; they have to work. If there is a smell of smoke they are going to smell it before the smoke detector does. And if they are not in there and the smoke detector goes off; who's going to hear it unless they get charged for one that is hooked into the Fire Department.

He said that right now business people cannot afford this. It's just real, real fishy, us wondering; and maybe I'm wrong; but everybody on the street.....I'm sure some of you have heard from some of them; this all smells fishy that this all come up at this point in time. It's the worst time in the world that you guys could come.....

If you go into these older buildings and they say we are going back to grandfather in when the building was built. Well if that's the case then there's not much looking at these buildings that were built in 1860 because there wasn't a fire code then. So you say you're going to grandfather into that then what's the use of coming in and checking? I think business people think enough of their business....I mean that's our wellbeing....that's our bread and butter. We're not going to go and do something stupid to burn the thing down on purpose.

He said that it bothered him that if they want to do this; delay it, talk it out and set up some fees so they know what they're doing. He said that they have no idea what they're going to charge or what they will have to pay if they go to court. He said that he could tell them that 65 in a 55 is \$109. He thought the least they could do was give them a chart of fees. He said there was nowhere they could call or get on the internet and find any other city that is doing it. He said they had gone sixty-five years without and he wanted to know why it all of a sudden had to happen now at the worst time for the business people in the community. He said there were a lot of businesses on the edge and asked if they wanted an empty uptown when they were all trying hard to make it.

A question was asked about the readings of the Fire Code and Mr. Beery replied, "In my opinion it is passed and if there is a challenge to it, then we'll have to take a look at that and see if it's a valid challenge. For right now Council adopted it, it's the law in the city. How sturdy that law is I don't know but that's what it is."

Dorie Bishop of Highland County Recycling said that she wanted to report to Council that Highland County had received a grant to conduct a county-wide litter pick-up campaign. She said that it was a litter pick-up and not a community clean-up. She said that they would be canvassing the whole county during March, April and May. She said the grant did not require any matching funds so they were not asking for any money but she was asking for their support. She said that Mary Brown Turner had volunteered to be

the leader for the city of Hillsboro's clean-up. She hoped that as members attended other organizations and clubs that they would pass the word of the pick-up campaign.

Bill Campbell with the Colony Theater asked when discrepancies are found in a business, who determines and how much time would they have to get that all straightened out. President Koogler said that in some of the meetings they have had, they tried to address that and it was his understanding that the Fire Department would have every intention of really working with the business owner; coming back once, twice maybe three times trying to get something taken care of before he thought they would take any sort of punitive action against that property's owner.

Katy Farber with the Chamber of Commerce in Highland County said, "I think the only thing that I would like Council to be sure when you're considering passing this is....I have a problem and I think the business owners do with the word "hoping for". And it is not the punitive side but what happens if someone's found.... the recourse and the timetable to correct those and making sure that that's a standard; not just as is per business and of course if there's some "life safety" issue....having something written down....a guideline to distribute to the business owners is what I'm hearing that they would like to have so that they feel that this ordinance has gone all the way through so they will know what to expect from these inspections."

Drew Hastings said, "Just two questions I wondered about; (A) Where was the resolution on the....where are we with the Parker House situation? If somebody could answer that, where is that; what stage is that (?)." Mr. Holt said that the pre-trial was March 31<sup>st</sup>. Mr. Hastings continued, "And also is this council or is the city; who is responsible for hillsboro.net the web site that keeps things up. I noticed that a lot of the talk that we've had over the last few weeks primarily for the fire thing; it seems that a lot of times crossed wires as to when some of the special committee meetings are or what was said in some of the last minutes and I just wanted to voice my interest in seeing the web site kept a little more up-to-date. If there's a special council meeting or in getting the minutes of the past meeting posted up a little bit faster so we can look at that stuff so we have a little clearer idea....a little more up to speed."

President Koogler said that they were trying to address the issue of having better public records from the standpoint of (1) we've invested the money in recording equipment that we have here today. Also the intention is going to be that committee meetings will be held here at this place so there is also a record rather than just a committee chairman's notes. There will be a record; it will be recorded as well. In regards to the website he said that he did know that the Systems Administrator is the person that is responsible for updating the website. He said that when a committee meeting is held it's to be advertised in the newspapers. Usually the radio and newspapers are used in order to get the information out. He said they were trying to make reasonable accommodations to get as much information as possible to the public.

#### **COMMUNICATIONS FROM THE MAYOR:**

Meetings attended last month:

January 6 - Finance and Utilities Committee joint meeting

January 7 - Wedding

January 14 - CIC

January 15 - Civil Service and Handbook Committee

Finance Committee

January 19 - City School Business Advisory Board meeting

Public Hearing

Planning Commission meeting

January 20 - Finance Committee

Buildings & Grounds Committee

2 Weddings

January 21 - Proclamation at the Catholic School

January 22 - CIC meeting

January 25 - Wedding

January 27 – Street and Safety Committee  
Finance Committee  
January 28 – Street and Safety Committee

January saw the move of the Fire Department to this new building here on North East Street and I think they are pretty much settled in by now. The fire employees have been working on cleaning out the old fire station and cleaning the modular; repainting the walls and so on. The first bid on the modular was a very low bid which was rejected. The building has been re-bid with a lot more interest and those bids will be opened on February 19<sup>th</sup>. There was some question as to why the modular is still there. Due to the clean-up and touch-up being done by the firefighters in between their runs because we could not hire anyone to do the updates and the fact that I did not feel it was warranted to spend \$5000 to \$6000 to have it moved to a storage location is the reason. The bids will be opened on the 19<sup>th</sup> of February, hopefully we can make a sale and the greatest and latest problem will be solved.

Groundbreaking for the new Wastewater Treatment Plant will be held on Friday, February 26<sup>th</sup> at 1:00 p.m. at the new plant site located at the southeast corner of Liberty Park.

Next I would like to congratulate the Safety Committee on the meeting they held on the fire inspection ordinance. I know this took a lot of your time, however; the end result was one you should be proud of. The recommendation you decided on was the best for everyone. Any questions?

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

Mr. President, I have a very short report. The Wastewater Treatment Plant upgrade will begin March 1<sup>st</sup>. The upgrade will take approximately twenty-four to twenty-seven months.

I have two pieces of legislation on the agenda for this evening. An ordinance that allows me to enter into an agreement with Capital Recovery Systems, Inc. for the collection of delinquent, outstanding emergency medical service billing, including within the 33% service fee in addition to the delinquency.

Also a resolution to allow me to contract with Peg Beekman to provide wage and hourly compliance monitoring for the Wastewater Treatment Plant Improvements. That ends my report.

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

Ladies and gentlemen of council, you should have in your possession the monthly Year-to-Date Fund Report and the Year-to-Date Bank Report and note that the bank balance matches the unexpended fund balance.

After a lot of work by the Finance Committee and several others this past month, I am pleased to announce that we have come to a balanced budget. As a result there is a litany of legislation to present to you this evening to make that budget come to fruition. The first piece of legislation is the annual permanent appropriations ordinance. The appropriations described therein correlates with the expense side of the worksheets that I've provided each and every one of you.

Next is the resolution for the transfer of various funds. This too is budget related and describes and authorizes the movement of money within the budget to allow for the proper funding of our various departments.

The next item is an ordinance to establish salaries and wages of department heads and assistants. For the past couple of years department heads have been paid on an hourly basis. This ordinance returns them to a salary basis like they were prior to 2007 and like it is in virtually all other municipalities. It is hoped that this measure will help alleviate at least some of the overtime expenditures primarily within the General Fund departments but also within our Enterprise Fund departments as well.

The last item is a resolution for the equitable distribution of costs of administrative services. Our Enterprise Funds have always been supplemented somewhat by the General Fund in that services provided by the Service Administration office and the Auditor's office have been paid for by the General Fund. This measure helps alleviate the financial pressure on the General Fund by redistributing 50% of the administrative costs to the Enterprise Funds.

That is all I have for you this evening; if there are no questions I do request a motion from the floor to accept the reports that I've submitted to you this evening. Mr. Pence made a motion to accept the report and Mr. Waller seconded the motion with all members present voting yea; report approved.

## **HILLSBORO PLANNING COMMISSION-**

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

Before I get started I would just like to take this opportunity to thank Mr. Lewis for his hard work. We've been hard at it all month long; my committee members and other members of council who have participated and Fred Beery and Administration.

A meeting of the city of Hillsboro Finance Committee was held January 15, 2010 at 5:15 in the conference room of the City Administration Building. Peter Pence, chairman and committee members Dave Shoemaker and Bill Alexander were present as well as City Auditor Gary Lewis, Mayor Dick Zink, Council member Bonnie Parr, Mary Brown Turner and Council President Lee Koogler.

The agenda for this meeting was the 2010 budget, the 2011 fire contracts and report on the value for the modular building that was used by the Fire Department. All committee members were given a copy of the 2010 fire contracts between the city and townships. Chairman Pence asked the committee members to become familiar with these contracts so that in the coming months the committee could begin working on the contracts for 2011.

Chairman Pence informed the committee that he had researched the value for the Fire Department's modular building. The NADA value for the modular was \$21,924.65. Mr. Lewis gave the committee an overview of the 2010 budget and informed the committee that at the current time the city would be facing a budget deficit of approximately \$475,000. Mr. Lewis gave all committee members a copy of the 2010 expense budget as well as the copy of the 2010 revenue budget. Mr. Lewis asked the committee to review the information so that informed decisions could be made on possible cuts. The committee agreed to review the budget information and meet again the following week to discuss possible options.

A meeting of the city of Hillsboro Finance Committee was held on January 20, 2010 at 4:00 p.m. in the conference room of the City Administration Building. Myself, committee members Dave Shoemaker and Bill Alexander were present as well as the City Auditor Gary Lewis, Mayor Dick Zink, Safety-Service Ralph Holt and council member Bonnie Parr. The agenda for this meeting was the 2010 budget. The committee received an update from Mr. Lewis on his efforts to present a balanced budget for fiscal year 2010. Mr. Lewis informed the committee that at the current time the 2010 reflected the 2009 budget and that with the adjustments that he had made we would still be facing a deficit of approximately \$355,000.

At that time discussion began on possible solutions to balance the budget. The committee went into executive session to discuss personnel issues at 4:30 p.m. and exited executive session at 4:35 p.m. Before the meeting adjourned, Mr. Lewis informed the committee that he would keep looking for possible solutions to the city's budget issues. Before the meeting closed it was agreed that the committee would meet again the next week.

A meeting of the city of Hillsboro Finance Committee was held January 27, 2010 at 6:15 p.m. in the conference room of the City Administrative Building. Myself, committee members Dave Shoemaker and Bill Alexander were present as well as the City Auditor Gary Lewis, Mayor Dick Zink, Safety-Service Director Ralph Holt, Council President Lee Koogler, Law Director Fred Beery and council member Mary Brown Turner.

The agenda for this meeting was the 2010 budget and collection services for the EMS. Mr. Lewis gave an update on the budget projections for 2010 and proposed two possible solutions to address the budget deficit. The first recommendation was to make all department heads salaried positions. The second was to share administration costs with 50% being paid from the General Fund, 25% from the Water Fund and 25% from the Sewer Fund. Mr. Lewis stated that this would reduce the deficit by approximately \$177,000. There was also discussion about TIF money being returned to the General Fund. The exact amount of the TIF money was unknown but was being researched.

At 7:40 p.m. the committee went into executive session to discuss union contracts and exited executive session at 7:05 p.m. [sic] Motion was made to share administrative costs being 50% General Fund, 25% Water Fund and 25% Sewer Fund; the motion passed 3-0. Salary for department heads was tabled so further consideration could be given.

The Finance Committee met on the 3<sup>rd</sup> of February at 5:45 p.m. in the small conference room in the Administration Building. Myself, Bill Alexander and Dave Shoemaker were present along with Mayor Dick Zink, Safety-Service Director Ralph Holt, council member Mary Brown Turner and Brian Waller and the Auditor Gary Lewis.

The first thing on the agenda was contracting with Peg Beekman to monitor prevailing wage payments for a period of two years while the Wastewater Treatment Plant Upgrade was taking place. There was a motion made to contract with Peg Beekman for two years for an amount of \$25,000. The motion carried 3-0.

2010 Budget was the second thing on the agenda. It was determined that \$250,000 approximately could be returned to the General Fund from the TIF and it was also talked about in order to balance the budget; \$25,000 being taken out of the Contingency Fund and added to the General Fund. Between the reallocation of where the administrative costs were being paid from, the department heads being put on salary, the TIF money being returned and the money from the Contingency; Mr. Lewis was able to get the city back into the black by about \$2800.

Which brings us to....there was a motion to establish salaries and wages for department heads; it was voted on and it carried 3-0. Mr. Holt made a recommendation that council pass a resolution that would allow him to enter into an agreement with the collection service agency to try to improve our collection for EMS services. That concludes my reports.

President Koogler said that he knew it had been a busy month and wanted him to know how much he appreciated the committee's hard work. President Koogler then asked, "In regards to those recommendations my understanding I think is that legislation has been prepared for council to look at this evening, but it is the recommendation of your committee that after looking into it that we pass those resolutions and ordinances; is that correct?" Chairman Pence answered, "That is correct."

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

Property Maintenance and Restoration Committee met on January 20, 2010 at 5:05 p.m. Those committee members present were Bill Alexander and Bonnie Parr. Rod Daniels was not present for the meeting, however; President Koogler said that Mr. Shoemaker would be sitting in on our committee in place of Mr. Daniels. Also present were Mr. Shoemaker, Mayor Zink, Safety-Service Director Holt and President Koogler and Mr. Willis.

First on our agenda was the old Fire and Police Department building. After discussion, Mr. Alexander made a motion to allow Mr. Holt to have the building appraised right away. Mrs. Parr seconded the motion; motion carried.

Running second on our agenda was the running of the softball field at Liberty Park. After lots of discussion Mr. Alexander made the motion that the directors of the Softball Park keep an enter book so if there were any questions on how it was run it would be present. Mr. Shoemaker seconded the motion; motion carried.

Third on our agenda was the softball tournaments. Next was discussed and on the teams wanting to have tournaments which we decided that in order to obtain a field you will ask to donate \$35 a day to the directors, John Perkins and Eric Willis. They will take care of all the reservations of such. Mr. Shoemaker made a motion to okay this and Mr. Alexander seconded the motion; motion carried.

Fourth on the agenda was the security lights at the softball fields. The softball guys had asked for a security light at the fields. This had been tabled before. Mr. Holt asked Mr. Willis to get with AEP and get an estimate on this project and get back with him.

Fifth on the agenda concerned the bathrooms which was tabled at this time by a motion from Mr. Shoemaker and seconded by Mrs. Parr.

Sixth was the phone lines for the soccer fields at the Liberty Park. After discussion Mr. Shoemaker made a motion to deny the phone lines and Mr. Alexander seconded the motion; motion was carried.

Just a big thanks to the committee for their time on these matters. Meeting adjourned-  
Bonnie Parr

I request a motion from council to accept the committee's decision. Mr. Shoemaker made a motion to accept the report and Mr. Waller seconded the motion with all members present voting yea; report accepted. Mrs. Parr requested that numbers 2, 3 and 5 be taken out of her committee.

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

The Civil Service and Employee Relations Committee met in the Conference Room at the City Building on January 15, 2010. Members present included Mary Brown Turner, Peter Pence and Chair Bill Alexander. Also in attendance were Mayor Zink, Auditor Lewis, Council President Koogler.

Bereavement leave was addressed at this meeting. Peter Pence moved that the Civil Service Handbook section on bereavement leave be amended to limit leave to a period ending the day of the funeral. Motion was seconded by Mary Brown Turner and was passed unanimously.

Mr. Pence made a motion to accept the report and Mary Brown Turner seconded the motion with all members voting yea; report accepted.

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

It was a pretty eventful month for us; we had three meetings. Mr. Shoemaker will be reading the report from the first meeting on the 27<sup>th</sup>.

On the 28<sup>th</sup> I would like to thank everybody; business owners and community for coming out and voicing their opinions on the Fire Code issue. We called the meeting to order at 6:00 p.m. with members Bill Alexander, Dave Shoemaker and sitting in for Dave Shoemaker was Peter Pence. All members were present; others in attendance were Mary Brown Turner and President Lee Koogler. After lots of discussion we adjourned at 8:15 p.m.

On February 3<sup>rd</sup> the meeting was called to order at 5:00 p.m. The agenda was to discuss the input from the public to rescind the ordinance or not. All members were present including Safety-Service Director Ralph Holt, Mayor Dick Zink, Ed Puckett and Chief Jerry Powell. Nothing else was discussed so we adjourned at 5:45 p.m.

President Koogler asked if there was any recommendation and Mr. Waller said there was no recommendation from that meeting. President Koogler then asked if Mr. Shoemaker had the minutes from the first meeting.

Mr. Shoemaker responded in the affirmative. The Street and Safety Committee met on January 27, 2010 at the City Building. Those in attendance were committee members Alexander and Shoemaker; absent was Chairman Waller. Also attending were other council members, administration, Chief Powell and Assistant Chief Puckett.

On the agenda was Ordinance 2009-2. After a brief discussion I moved to recommend to council to repeal ordinance 2009-2 and place it back into committee for further review. Bill Alexander seconded the motion. The floor was then open to discussion. Mr. Puckett advised the committee of the pros and cons of repealing the ordinance and stated that since fire inspections are mandated, he had the authority to continue inspections even if the ordinance was repealed.

Mr. Alexander withdrew his second for the motion to repeal and without a second I withdrew the motion. After a great deal of discussion by all present, the consensus was the fees within the ordinance was what had the business people concerned. Bill Alexander moved to recommend to council to amend the ordinance to rescind the fees. I was unable to second the motion due to a conflict of interest. Mr. Waller was contacted by phone via a conference call; I explained the motion on the floor and the discussion that had preceded it. Mr. Waller seconded the motion and a vote was taken with Mr. Alexander voting yes, Mr. Waller voting yes and I abstained; motion passed.

Being no further business before the committee; the meeting was adjourned. Reported respectfully by Dave Shoemaker.

President Koogler for clarification asked Mr. Shoemaker if legislation had been prepared and if it was the recommendation of the committee to pass the legislation and Mr. Shoemaker responded in the affirmative.

UTILITIES COMMITTEE- Mr. Shoemaker, Chairman

At this time we have nothing to report; we have not had any meetings to speak of. We want to get into the groundbreaking and then once the legislation and everything is passed tonight we will be looking at projecting some numbers in for future rate considerations.

ZONING AND ANNEXATION COMMITTEE- Mr. Daniels, Chairman

Nothing.

COMMUNITY ENHANCEMENT COMMITTEE- Mrs. Brown Turner, Chairman

Thank you Mr. President. I was challenged after my first meeting when you said something about that you hadn't received a report from this Community Enhancement Committee for a long time. So that was a challenge to me and I am very, very excited about a clean-up for three months; March, April and May. The very thought of us picking up papers and a lot of things that we are seeing that are bothering us. I'm excited about it from the standpoint of what we might be able to do with getting people interested, excited about all of us doing something about the way our town looks. I am blessed with a good friend in Dorie Bishop who preceded me with her introduction. I was going to spring a surprise on you and introduce Dorie to the group. But with her Highland Recycling and Litter Prevention position was able to help us in so many ways as far as providing bags and providing vests and providing gloves. I would appreciate being given the position of chairman of this clean-up of this March, April and May position please.

President Koogler said that he didn't think there was any problem with that and he thought they would all try to do their part to pitch-in.

**UNFINISHED BUSINESS- None**

**PASSAGE OF ORDINANCES AND RESOLUTIONS- None**

**SECOND READING OF ORDINANCES & RESOLUTION- None**

**FIRST READING OF ORDINANCES & RESOLUTIONS-**

1. RES. 10-4 – A RESOLUTION FOR THE EQUITABLE DISTRIBUTION OF THE COSTS OF ADMINISTRATIVE SERVICES- The clerk read the resolution in full for a first reading. Mr. Pence made a motion to pass the resolution and Mrs. Parr seconded the motion. All members present voted yea; resolution adopted.

2. ORD. 2010-2 – AN ORDINANCE TO ESTABLISH SALARIES AND WAGES OF DEPARTMENT HEADS AND ASSISTANTS- The clerk read the ordinance in full for a first reading. Mr. Pence made a motion to suspend the three-reading rule and Mr. Shoemaker seconded the motion with all members present voting yea.

At this point Mayor Zink stated, "Mr. President, I have one problem with this and after the discussion in the meeting the other night with the Assistant Fire Chief, right now we're already a person down in that department and with the Assistant Chief not being allowed to collect overtime, he's not going to get up at two or three o'clock in the morning; which I wouldn't; and go on these calls. So I think we ought to come back with Assistant Chief and put that in the same category as the Collection and Distribution Supervisor. That would be my suggestion so I would like for you to think about that before you vote on this. I have mentioned that to Mr. Pence."

President Koogler said, "We have a motion to suspend the three-reading rule and the mayor has interjected some thought for Council. With that being presented, is it the desire to go forward with a vote at this time and the committee could certainly continue to look at that issue if it chose to. Regardless we have suspended the three-reading rule so we have to take it to a vote at this point. So is there a motion to approve and adopt the legislation? Well, if we've suspended the three reading rule and if there's no motion to approve and adopt; the legislation would fall for want of anybody moving to approve and adopt."

3. ORD. 2010-3 – AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF HILLSBORO, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2010- The clerk read the ordinance in full for a first reading. Mrs. Parr made a motion to adopt the ordinance and Mr. Waller seconded the motion. All members present voted yea; ordinance adopted.

Mr. Lewis said, "Mr. President, may I have a word?" President Koogler responded in the affirmative. Mr. Lewis continued, "I just want the Council to understand that you just passed an appropriations' bill that these other pieces of legislation correlate with that. One of them was the salaries issue and that includes in here an extremely tight budget but you did not pass one that could have possibly saved as much as \$50,000 within salaries. Now that's perfectly fine if you don't want to pass that, but know that what you passed here this evening means; just want everybody to understand what that means is that should the Assistant Fire Chief, should you want to revisit that and allow him to collect overtime; they're perfectly capable of doing anything like that if that's what you so desire. But within this budget, it must be within this budget and that specifically outlines exactly what that is within the various departments. So I just want you to understand that. If you don't pass this...remember also that this goes a month without taking effect by law; so we're already here in February; it wouldn't go into effect until March, so if you delay that another month it won't go into effect until May which means more and more debt is going to be put into this appropriation. So I just want you to understand."

Mr. Holt said, "I have a question. If the monies that were appropriated for this year for fire, police, the rest of the budgets are almost identical to 2009; isn't that correct?" Mr. Lewis said that it was pretty close. Mr. Holt continued, "And one person down in the Fire Department right now; the employee's gone; I'm not paying a yearly salary; I'm not paying insurance, I'm not paying his overtime."

Mr. Lewis said, "But what you do have is an increase of \$76,000 in health insurance and you also have the \$210,000 payment for the new construction that we have." Mr. Holt replied, "I thought that was bonded out, that we....." Mr. Lewis responded that it was bonded but you have to pay the bond back and that begins this year.

President Koogler said, "Well regarding the issue at hand which was the proposed legislation; that being 2010-2; after consulting with our legal advisor; at this point it died for lack of any sort of motion to approve and adopt and a second. It would take a unanimous vote by Council at this time to readdress that issue here this evening. If not it would be something that would need to come back from committee again."

Mr. Lewis said, "That's perfectly fine. I just want council to understand that the appropriations budget that was passed also includes provision with that measure in there. That's just what I'm making you aware of." Mr. Pence said, "Yes, the budget was based off of....." Mr. Shoemaker asked, "Mr. President, wouldn't that have its first reading? It wouldn't actually....." President Koogler replied, "Well, we moved to suspend the three-reading rule so it was to be for a vote and the fact that there was no motion to approve and adopt and a second; it has died for lack of consideration unless it is unanimously revived by Council this evening. Otherwise I'm certainly going to place it back in committee for committee to look at it. As we've got to have a balanced budget we're still looking at everything so I'm certainly going to have Finance look at it again but it's a question of whether or not Council wishes to unanimously retract its position. If not, it dies at this time for lack of a motion and a second."

Mr. Shoemaker asked, "Mr. Lewis, what is the timeframe that you have to have this in to the county?" Mr. Lewis responded, "My budget here is passed so I'll do it tomorrow." President Koogler asked for Council's wishes and Mr. Pence made a motion to revive and Mrs. Brown Turner seconded the motion. Mr. Shoemaker asked, "Mr. Lewis, do you have to turn it in tomorrow?" Mr. Lewis responded that he could do it Wednesday. Mr. Shoemaker then asked, "What I'm saying is simply this. I think some people have been brought up into a situation that the mayor had brought up something and I think it should actually be looked at. I mean we shouldn't just push through it just because...."

Mr. Lewis said, "You can look at that later on your own volition....." Mayor Zink began talking, "I'll give you time to look it if you pass it because I'll probably veto the legislation and you'll have some time to look at it because I feel that strongly that we need that extra body to answer emergency calls." Mr. Lewis said, "We're missing an extra body; understood that. I guess I know we had talked at one time and discussed about the utilization of part-time individuals to fill that position. I will also bring up as well; I can't confirm this, but there is a rumor that there is a resignation tendered on the Mayor's desk for the Assistant Fire Chief." Mr. Holt spoke, "That's rumor isn't it?" Mr. Lewis responded, "It's rumor at this point in time....and in the goodness of his heart I would certainly hate to see the Mayor being more or less held hostage by something like that." Mayor Zink replied, "Hey, I don't be held hostage by nobody including the Auditor. Now, let me tell you something...." Mr. Lewis asked President Koogler to have questions directed to the bench and Mayor Zink continued, "We are responsible for the safety of our citizens. Now then, we've got two people that since the legislature in Columbus decided that they can live any place; they don't have to live where they can be on call; we don't have those two people answering. If you have somebody that's sick and you have two squads out, you need this extra body to help take care of the citizens when you've got emergency calls."

Mr. Lewis said, "Wouldn't argue with that whatsoever; he's perfectly correct. Especially with regard to what the state has done to the local municipalities. All I'm saying is that we have the appropriations that is passed and we're going to act accordingly to that."

President Koogler said, “Where I see procedurally see us at at this point is that we have a motion and a second to revive which would call for a vote. At this time it would take a unanimous vote of Council; if not the ordinance would not go forward this evening. So if we could call roll at this time.”

Roll call as follows: Mrs. Parr, no; Mr. Pence, yes; Mr. Shoemaker, yes; Mrs. Brown Turner, yes; Mr. Waller, yes; Mr. Alexander, yes. Without a unanimous vote it would not carry forward at this time.

4. ORD. 2010-4 – AN ORDINANCE TO REPEAL FIRE DEPARTMENT INSPECTION FEES AND TO DECLARE AN EMERGENCY- The clerk read the ordinance in full for a first reading. Mr. Waller made a motion to suspend the three-reading rule and Mrs. Brown Turner seconded the motion with all members present voting yea. Mr. Waller made a motion to approve and adopt and Mrs. Brown Turner seconded the motion. All members present voted yea except Mr. Shoemaker who abstained due to conflict of interest and Mrs. Parr who voted “no”. Ordinance passed.

5. ORD. 2010-5 – AN ORDINANCE TO ENTER INTO A CONTRACT WITH CAPITAL RECOVERY SYSTEMS INC AND TO DECLARE AN EMERGENCY- The clerk read the ordinance in full for a first reading. Mrs. Parr made a motion to suspend the three-reading rule and seconded by Mr. Pence with all members present voting yea. Mrs. Parr made a motion to adopt the ordinance and Mr. Shoemaker seconded the motion. All members present voted yea; ordinance adopted.

6. RES.10-5 – A RESOLUTION TO ENTER INTO A CONTRACT WITH PEGGY E BEEKMAN AND TO DECLARE AN EMERGENCY- The clerk read the resolution in full for a first reading. Mr. Shoemaker made a motion to suspend the three-reading rule and Mrs. Brown Turner seconded the motion with all members present voting yea. Mr. Shoemaker made a motion to approve and adopt and Mrs. Parr seconded the motion. All members present voted yea; resolution passed.

7. RES. 10-6 – A RESOLUTION FOR THE TRANSFER OF VARIOUS FUNDS- The clerk read the resolution in full for a first reading. Mr. Pence made a motion to approve and adopt and Mr. Waller seconded the motion with all members voting yea; resolution adopted.

**NEW BUSINESS:**

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

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Lee Koogler, Council President

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Beverly Brown, Clerk of Council