

Council met in regular session with the following persons present: Mayor Richard Zink, Law Director Fred Beery, Auditor Rosemary Ryan and Clerk Beverly Brown.

President William G McCreight called the meeting to order at 7:00 p.m.

ROLL CALL:

Present: Mr. Kevin Chambers, Mr. Richard Donley, Mrs. Peggy McClellan, Mr. R. Paul Pence, Mr. David Shoemaker and Mr. Charles Walker.

Absent: Mr. John Dodds

The Reverend Mr. Dan Lamb offered prayer for the meeting followed by Mayor Zink leading those present in the Pledge of Allegiance.

Minutes of the regular meeting of May 2, 2005 were approved as presented.

The clerk read the following monthly reports by title only: Wastewater Treatment Plant, Hillsboro Public Utilities, Auditor's Office, Water Meter Department, Water Treatment Plant, Street Department, Income Tax Office, Fire Department and Life Squad. Mayor Zink said that they did not get a report from Water/Sewer Maintenance because the computer blew up.

PUBLIC REQUESTS-

1. A request for the old Blackburn Milligan Co. building now occupied by Morgan Fence which was grandfathered in as a commercial property when the zoning ordinance was adopted and has been used for business purposes since that time; to continue as a commercial property with change of ownership in Residential A zoning.

Mr. Jon Hapner was representing the property owner, Mrs. Scott; in this request. He said it was built originally as an overall factory and they made lifejackets there during the war after which Blackburn and Milligan occupied it until sometime in the nineties. Since then it has been used by several businesses the last being Morgan Fence. He said the realtor had a problem because anyone who is looking for federal financing comes and looks at the zoning map and they find it is in a residential territory. He said that what they were asking for was not rezoning, not spot zoning or anything like that; it was simply an acknowledgement that it is a commercial building and it is for commercial uses and the purpose of that is to be able to show that to the next appraiser that comes up and looks at the property. He said with that, they were asking for council's favorable consideration of the same.

Mr. Hapner said that with the new appraisal techniques; one of the things that they do is go down to the city offices and find out what the zoning is on a designated property. He said that was what they were dealing with here and it is presently occupied by the Morgan Fence Company. He said they were not asking to change anything; simply to acknowledge the current status of it; to acknowledge that is a pre-existing continuing use.

Mr. Shoemaker mentioned 155.006 Section E that states, "Once a building is sold the ownership of that building goes back to Residential A rather than business". Mr. Hapner said that that was not constitutional. It deprives the owner of the building of the use of it. He said that he didn't have the exact cases but that's been litigated before. He said that was put in most of the zoning ordinances in the 50's but since then it has been eliminated. He said the class of zoning or use of it can be lost by lack of use; but it can't be lost by sale.

Mr. Shoemaker asked Law Director Beery about this being unconstitutional and Mr. Beery said, "Of course I don't have the case at my fingertips to which Mr. Hapner refers. I think it's a much simpler matter than worrying about the constitutionality of it; it's a commercial building with no other use. It's not suitable for residential at all. It's got a huge parking area and basically to deny the use of this as a commercial premises would probably be arbitrary capricious. That's where I would come down on it. That we would really have a hard time saying that this is anything but a commercial property. I don't want you to get into a 'spot zoning' situation. I agree with Mr. Hapner that you shouldn't change the zoning. You just need to acknowledge the status of it as commercial property and leave it at that. Whether you reflect it in your minutes; it would probably be more beneficial to the owners to have it in a resolution that they could use and then just note that on your zoning map that that's the situation with it. Again, if they cease to use it; if the building's torn down and the parking lot is ground up, I suppose it would be

residential and that's how it would remain till the zoning is changed.”

Mr. Shoemaker wanted to know if basically this was a variance and Mr. Beery said technically it was not; it more of a settlement of a legal issue; a legal dispute and you do that by resolution. He said that he knew they were concerned about residential dwellings. Mr. Chambers asked what would happen if it were to burn down and Mr. Beery said that they would have to put it back up or comply with the zoning map. They could restore it within a year without substantial changes.

Mrs. Kirby Ellison spoke and said, “I’m Administrative Assistant and as Mr. Hapner stated, a lot of times places will call our office to check zoning, appraisers and everything. And what we do; we take the address, we go to the book and just see what it’s zoned. I understand what you’re asking for but I think that council needs to consider if that’s the vein they want to go in; removing that ...in Residential A because that is what I tell people when they call us about a property that is zoned Residential A being used as commercial or multi-housing. We do have other properties in Hillsboro that are sitting because they cannot be sold. I think unless you look at the whole picture and go back and look at the ordinances and make the changes, that that’s what you deem necessary; you’re putting me in an awkward position in dealing with appraisers and with the public on the zoning. I going to have one person come in and say, ‘Yeah, we made an exception here, kind of; but we don’t fall underneath this’”

Mr. Beery said, “I think that is mischaracterization, Kirby. There is no exception being granted here whatsoever. It’s a settlement of a legal issue; a legal dispute; being done by a resolution. There will be a notation on the zoning map of that resolution number. If anyone else wants to bring another situation in and argue their point; they’re free to. Many have and we’ve turned down a lot of people; the planning commission and this council has. I’m not advocating for one position or another, but I do think that Mr. Hapner makes a point.”

Mr. Donley asked if a resolution was drawn up that stated that “so and so” structure on “so and so” address has always been used as a commercial enterprise building and if that facility in any way would change or whatever; then it would revert back to the zoning that is presently in that area and as long as that building is maintained the way it is now, as a commercial facility; that it’s acceptable by the city? Mr. Beery responded that that was the sort of settlement they needed so that they can get the appraisers off their backs and move the property. Mrs. Ellison asked if that would run with land and not the owner and Mr. Beery answered in the affirmative. President McCreight asked if Mr. Beery could have the resolution by the next council meeting and Mr. Beery responded that he would. President McCreight put this in Mr. Chamber’s committee to work with Mr. Beery to get the legislation for the next meeting.

Mrs. Scott wanted to clarify if it had been granted and they were just drawing it up and Mr. Beery said she pretty much had a verbal commitment but until it was on the books.... Mr. Beery responding to President McCreight’s question, said that they could make a motion to approve the request; but it would not be much good until it was a resolution. Mr. Donley said, “What if we propose a resolution this way that we go ahead and vote on the agreement tonight verbally that the party’s have been here and discussed what they are. We’ve discussed with our legal counsel what the ramifications are and then I’ll put in the motion that nothing is finalized until it goes through the committee for review and is brought back to council in the July meeting for a final vote.” Mr. Shoemaker seconded the motion and all members present voted yea.

Mrs. McClellan voiced her concern over the elderly persons in her ward who are having some problems with the connect/disconnect fees and she was reminded that this went through council and had three readings before it was enacted. President McCreight said that the rules adopted by the city are standard practice for the county and the villages. Mayor Zink said that from the billing date to the shut-off date there was at least twenty-five days. President McCreight said that the utility companies weren’t trying to be hard; they were running a business and they have bills to pay, too. He said that the farther you let someone slip, the worse it seems to get and it compounds.

#### COMMUNICATIONS –

1. A letter dated June 2, 2005 to city officials – After thirty-three years of service to the Hillsboro Fire and Rescue, the citizens of Hillsboro and Highland County; I announce my retirement as of July 17, 2005. This will complete thirty-three years of service to the Hillsboro Fire and Rescue. I served 5 years as a firefighter, 1 year as a lieutenant and twenty-seven years as assistant fire chief. This will be a total of thirty-eight years of public service counting 5 years at Rocky Fork Lake State Park. Sincerely, David Lowell, Assistant Chief

#### CITIZEN'S COMMENTS –

Brandon Jackman spoke saying, “I met with Mr. Zink and Mr. Holt approximately two weeks ago trying to start up a small community service at Liberty Park. I was thinking of on a Friday or Saturday evening about dusk and calling it “Movies in the Park” showing family movies, free admission. Pretty much bring your lawn chairs, bring your blanket throw it on the ground at the amphitheater and watch “Finding Nemo” or whatever. It’s something nice for the family to do. Good wholesome entertainment and it doesn’t cost you anything. With my meeting with them I was informed of an ordinance that council has that Liberty Park closes at dark. So Mr. Holt and Mr. Zink asked me to show up this evening to present this before council. Whether it’s just a motion, variance; what way this needs to go or if you folks had any questions.”

President McCreight said that he thought it should go into a committee to be investigated and voted upon. He asked that this be placed in the Property Maintenance and Restoration committee for review. Mr. Jackman said that he was thinking to starting sometime in July and doing it four to six weeks to see what the turnout would be like and maybe if the turnout was decent; maybe extending it or continuing it next summer. Make it a Hillsboro tradition kind of thing; make it nice for the families. He said at this point it was a “grass roots” kind of thing. It is still in the planning stages because he didn’t want to get in to it too deep if it was going to be shot down.

Mr. Jackman said that he had been out at the amphitheater and he thought he could use a laptop for a DVD player with just a standard overhead projector that hooks into the laptop and then maybe stitching together a couple white sheets for a makeshift screen and hang it in front of the amphitheater for the backdrop. He said his problem with closing the park early was that a movie would not show up until it was dark; the light would wash it out. President McCreight said that when the committee met; they would have Mr. Beery there to address any legal issues that might arise.

Mr. Jackman said that some of the businesses in town had expressed an interest in helping with some of the initial costs. He told Mr. Pence that he could be reached at his home for further information.

#### COMMUNICATIONS FROM THE MAYOR:

“Since I’m going to make a report for Ralph and myself tonight; I’m going to pass on the meetings that we had in May and I would just like to make a comment; you all know that I would like to thank Dale Zornes for his efforts with Time Warner regarding donation of the bucket truck to the city of Hillsboro. The donation was greatly appreciated.

Next we have an ordinance this evening pertaining to grass mowing in the city. We fought this problem all last summer and we do not intend to do the same this year. When this ordinance is read, I would like to see the three-reading rule suspended and it passed as an emergency for the health, safety and welfare of our citizens.

On May 10 I met with the committee from Good News Gathering on the improvements at the West Beech Skate Park. Ron Hennison, Jr and Rick Earley and Paula Kaiser were in attendance. They already started working down there this past weekend and I was out of town and didn’t get a chance to stop down, but Ron called this morning and told me the improvements they had made and things were going real well there. We discussed the operations and signs to be posted at the park. Everything seems to be in order and the committee has begun the clean-up and the rebuilding of the equipment needed to put the park in operation.

Also would like to thank the members of the Finance Committee with Mr. Donley’s report that will be read later in going after the half percent earnings tax on the fall ballot. I think we all have got to realize that the situation that we had out on West Main Street last week when we had a storm sewer cave in. We had to dig it up and there’s concrete about eight inches under the brick which is under a couple layers of blacktop and I know that the guys worked on it about twelve hours one day and they’re still working on it. I talked to Steve this morning and they’ve got a problem getting something they needed to finish the job. That’s the very thing that we’ve been talking about earlier on these finances. I think there is sixty feet that they had to replace there and I saw a picture in the paper of it which if you didn’t get to see it; you walked up there and here’s a hole in the ground and they have to slide this huge pipe back in to a square hole which isn’t very much fun, but I watched them Thursday night for awhile in the rain work on it. Anyway, that’s what some of the money would be used for if the earnings tax is passed.

On June 23 one of the items that we'll be looking at purchasing if the tax is passed; will be demonstrated in the 100 block of West Walnut Street at approximately 8:00 a.m. I know that Steve Pence will be inviting all members of council. He'll send you an e-mail to remind you; but we'd like anybody from city council and interested citizen to come and see this demonstration. It's called an asphalt zipper and it would allow the street department to repair sections of pavement or alleys without having to do the entire street. This can be used in areas where smaller sections of streets begin to crumble. Last summer we did a section of West Pleasant Street and so far it has held up real well and it would be a thing where we wouldn't have to blacktop the entire street. We could go in and take a section of it and use this zipper and tear up that asphalt and pack it down and it holds real well.

The other thing I would like to acknowledge a letter that Dave Lowell sent us and thank him for his thirty-three years of dedication to the Fire and Rescue Service of Hillsboro."

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

"I know that Ralph has been working on these things and I jotted down some notes here. I know that he's talked with Rose and it has been determined that there is some money in the TIF Fund and I believe the Muni Motor Vehicle Fund to allow us to repave Harry Sauner Road. We would like council's permission to put that out for bid and at the same time; we want the striping put on; not the paint; the other kind that you bake on so hopefully it stay for a long period of time. Ralph's asked me to run that past you.

The other thing would be the position as a System's Engineer and this person would be responsible for all computer related activities throughout the city including Municipal Court. I know you've got a letter in your packet, but the salary would be split among all departments. The water office, administration, street department, sewer and water maintenance, sewer plant, water plant, municipal court and tax department would each pay a share equally because we'll all be using this computer engineer. I don't think it will kill anyone's budget but it is something we really need with so many things coming down the road that we're going to be required to use the computer for like; isn't it IRS next year Fred or 2007 we have to go online with them and do our reporting? This is something we need as soon as we can get it.

Signs in the city. Last week we got a notice that the state will be taking down all signs in the right-of-way. After this meeting this evening, people should know that we're going to be taking signs down. I would say two weeks and if the signs aren't down in the city right-of-ways; then we will be taking them down and taking them down to the street department and they can pick them up down there. 153.13 of our ordinance states, 'No sign shall be placed in the right-of-way of city streets by any person, firm or corporation unless authorized by the safety-service director.' I guess if anyone knows of any written permission that they have from a previous safety-service director, they should bring that to our attention before we take the signs down. The deadline on that will be the 17<sup>th</sup> of this month.

I have a request here from a lady, Virginia Louderback on Northview Condo Association. They would like a street light back in that new section of Northwoods and I would like for that to go into Utilities Committee. The only other thing I believe is that I got this flyer and it was on Ralph's desk from the Highland County Foster and Adoptive Parents Association. I guess, again I'm not positive on this because like everyone knows that Ralph's off sick and this was laying on the desk, but I believe they want to set up at some traffic light in town like a toll road like the Fire Department did at 911; to raise money for what they're saying is a summer camp for foster children and also 'Tax for Hugs' that they're asking about. You know I think helping these kids that are in foster homes is a great thing, but I don't know how the rest of you feel; but I'm a little leery on having people run out in the street, just anybody; and collecting money. Again, I really don't know, I don't know everything there is to know about this and if you would like to wait until Ralph gets back; but it was there and he wanted me to bring it up. If you want to put that into a committee or just say 'no' or wait until next month." President McCreight put this request in the Community Enhancement Committee for review.

In response to the request to put out bids for paving on Harry Sauner; a motion to put out bids was made by Mr. Pence. Mr. Chambers asked if it had been decided if they were going to change the way the lanes are and Mayor Zink said that once they put it down they would be able to see the lanes. Mr. Chambers then asked if they were still going to weave them in and out and Mayor Zink responded that they were not going to widen it. He said that if they were marked he thought they should be able to follow the arrows. Mr. Chambers then asked if they were going to widen out to the deceleration lane and Mayor Zink said that they hadn't planned on that. He said it would take a lot of repairs to do that and it's going to cost probably a lot more than they

have the money to do. For clarification Mr. Donley said, "You're basically saying the existing Harry Sauner street, is what will be paved and the deceleration lanes will not be." Mr. Walker seconded the motion and all members present voted yea with the exception of Mr. Chambers who voted nay.

Mayor Zink said that another thing that they needed to look at out there when the money became available; was street lighting. He said that it was awful dark in that section and at night when it is raining it's really hard to see. President McCreight said that the 73 intersection was also dark. Mr. Donley said another thing they need to look in to is sidewalks because there are many people who walk up through there from the apartments to Wal-Mart and other places and it's very dangerous the way they walk. President McCreight asked for the Street and Safety Committee to look at this and work with administration on finding a solution.

President McCreight asked Finance Committee to look in to the position of Computer Specialist. Mr. Walker asked if he was going to work full-time at this or was he going to work full time as a police officer and still work this. Mayor Zink said that it would probably be 95% of the time for quite some time because a lot has to be done in Municipal Court. Mrs. Ellison said that they had talked with different departments on paying for the salary and everything and in the body of the ordinance it discusses that. She said that they were really in a pinch; they weren't planning on spending any extra money for the position. They were just taking money that is already in the accounts and in the court. She said the court was in a position where they were really in need of someone; so they either needed to go with Eric or they would end up paying for consulting fees. Mr. Walker said that his question was whether he was going to do police officer or this other. Mrs. Ellison said that he would not be doing police work and they wouldn't be paying for him all the time the way they are now.

Mr. Chambers asked if there was a salary set on this position and Mayor Zink said it would be the same salary basically that he is drawing at the present time. Mayor Zink that he hadn't talked to him about it. Ralph talked with him about it. Mrs. Ellison said that they were not asking for an increase in funds to pay the position; they were just asking them to create the position within in an ordinance so they can move forward with it. She said that they were going to take a little here and take a little there. Mr. Chambers asked if they would then have to hire another police officer and the mayor answered in the affirmative.

Mrs. Ryan said that she thought this should be placed in committee. She said that she and Ralph had talked about it and everybody's budget is so tight she didn't know who could give up enough to fund that particular position and obviously it's not going to cut costs, it's going to increase costs by at least \$75,000.00 somewhere or other. She said that she thought they needed to know exactly where it was going to come from because she did not see where anyone had a surplus in their budgets right now. Mayor Zink said, "Well maybe Rose you can suggest where we're going to get about \$60 to \$80 an hour to pay a computer expert to come in and work on our computers". Mrs. Ryan said that we really hadn't needed to pay that and Mayor Zink that they going to. She said that Mr. Hersey used to come in and do that quite reasonably and in her office they don't need it because the service contract that they have is only a couple thousand dollars a year. She said that most departments in the past had had similar service agreements that are considerably less than funding another employee.

Mayor Zink said that he was just laying it out to council to do what they wanted to do but he said, "But I think we need it and I think that it's our call whether we need it or not". Mrs. Ellison said, "We're in a situation where we really do need this position. In the last year and a half we've planned more with the computers, more in the state and different levels, everything is computerized. Our reports are computerized." Mr. Donley said that when they have their committee meeting they will have all of the department's budgets there and so forth and they will review before they make a decision.

#### AUDITOR'S REPORT:

I have only one thing to add to the written report and that is there are two transfers made last month. A transfer from the Rural Development Water Reserve Fund to the Water Revenue Fund that was in accordance with the legislation you passed at the May council meeting. There is a transfer from the Sewer Revenue Fund to the Sewer Debt Retirement Fund of \$150,000 that is routine for this time of year because that's how we pay the sewer debt retirement on the sewer plant that was constructed in 1988-1989.

#### HILLSBORO PLANNING COMMISSION REPORT:

Hillsboro Planning met May 17, 2005. There was a request from a resident on 17 Highland

Drive to establish a computer shop. No representative was present; no action taken. Item two was rezoning on Willettsville Pike. No representative was present; no action taken. Item three, request for zoning change on Uhrig from Residential A to Business C. The commission agreed to hold a public hearing in July on this. There will be a public hearing before the next council meeting on this. Request for rezoning of three properties on Chillicothe Avenue. No representative was present; no action taken.

Unfinished business; SSD Holt informed the commission that the driveway cut for Lowes is going to be approximately 699 feet from the Harry Sauner light on 73. In conjunction with this information; planning member Eric Smith presented a proposal that the Lowes' driveway cut would become a city street between Careytown Road and 73. This street would have left and right turn lanes. If this would be approved the end of Careytown Road would be closed; accessing on to Harry Sauner Road. That was just for information of unfinished business. That completes the planning commission report.

#### **REPORT OF STANDING COMMITTEES-**

**FINANCE COMMITTEE:** Mr. Donley, Chairman

The Finance Committee report is...I think each one of you have a copy of the city income tax through 5-31-05 so you've had a chance to look over it a bit. It's pleasantly pleasing to see that revenues for the first quarter are up about \$21,000. Somewhere in that area and that through the first two months of the second quarter; things are looking good and we've had a little bit of increase in our income tax revenues. It is on the increase which is a positive point. Everything else is holding. I spoke with Mrs. Ryan one day last week comparing our unencumbered balances with this period a year ago and we're running a little bit ahead of our balance this time last year. We're still holding pretty close to our appropriations in our budget which I give credit to all of the departments for doing so and holding that down.

Also, Mr. President; finance committee meeting was held on May 12 in the city building's conference room. Present at that meeting which occurred at 5:00 p.m. was myself, Mr. Walker, Mr. Dodds, Mayor Zink, safety-service director, the auditor Rose Ryan, council members Paul Pence and Kevin Chambers. If there is anyone else I apologize for not getting your name on there, but the purpose of this meeting was to decide if the proposed one half percent additional income tax should be submitted to the voters in November. Discussion followed as to the immediate need and purpose of the proposed tax increase. While monies for city operations are remaining stable, capital improvements cannot be accomplished at this time due to the lack of funding.

The administration submitted the following areas of need: Police and fire facilities, street repair and improvements and some special needs paid for by the General Fund such as capital improvements and assets. Also there was discussion that none of the proposed tax increase would be used for personnel or for personal benefits. The committee strongly suggests that the language on the ballot is clearly written to this extent and for the period of three years only. The committee therefore reports that a .5% income tax for the period of three years; strictly earmarked for capital improvements as previously set forth should be approved by the whole council and ask that legal counsel submit the proposed ballot language to this committee and administration for their review prior to submission to the Board of Elections. We also request that the funds for this tax issue be approved in advance so that the auditor may be able to appropriate for budget and appropriate monies for the expense of the election. That is respectfully submitted from myself as chairman.

Also, Mr. President; we held a quick finance committee meeting prior to the council meeting this evening. Some of the discussion there on the hotel tax; there had been some concerns from the operators in town and some of the council members also. The committee talked reference that issue and came to the consensus; the members that are here tonight; that the way that the ordinance is proposed now and written at 7% tax; would remain. Three percent of the tax is collectible per state and city ordinance I guess and that the remaining percentage would be used for the inspection of these facilities and for fire prevention and so forth. So request that that remain the same.

Also there was some discussion on mandatory collection of the income tax. Some discussion was there; briefly I just wanted to bring it to the attention of the committee and council and request it to be left in my committee. We're going to do some more investigation on the expense that would be involved as far as setting up such a collection data base and so forth and how that might be handled.

Some of the other standing committee issues that we have is with the municipal court. We had some discussion on that. We have set up a tentative meeting for next Wednesday at 1:00 p.m. with the county commissioners, the committee and anyone else from council that wishes to attend, our law director and administration to attend that meeting. I think that pretty well covers what's in my standing report. I've covered everything but assistance with the new unions and that is being handled by the administration since the law requires it to be that way. That concludes the report of the finance committee. A motion to accept the report was made by Mr. Walker and seconded by Mr. Chambers.

Mr. Shoemaker questioned why the committee had back-pedaled since in previous months they had given the impression they would "stay the course". Have the city work with the budget they had in hand and wait till the end of the year before deciding to put a tax on. He said that it concerned him that it had all changed recently. He had been sick and was unable to attend the last meeting so he had to ask his question at the council meeting. Mr. Walker said, "My feeling was, and I brought it up and we all talked about it; that the city council is getting blamed for everything. So let's put the thing on the ballot; let the people of Hillsboro decide what they want to do. Whether they want these repairs made or whether they do not want these repairs made. If they do not want the repairs made; that's fine. If they do want the repairs made; we're going to have to pass this issue and I think we're going to have to let the people of Hillsboro decide whether they want this thing or not. And it's all been laid out. The administration has laid out everything that the money is to be spent for and it's not to go beyond that. That's my feeling and that's what we discussed at great length at the meeting."

Mr. Pence said that he thought that Mr. Walker's assessment was correct. Mr. Shoemaker expressed his opinion that they seemed to be taking the easy way out, taking it to the taxpayer; when they had been elected or appointed to serve the taxpayer and do their wishes and now they are back-pedaling. Mr. Walker disagreed saying that they were putting it out there to let them decide. Mr. Shoemaker said that they had given a recommendation two months earlier to "stay the course" and now they were back-pedaling. Mr. Walker said that he didn't feel like they were because it was laid out what they were going to do and it wasn't that way before. Mr. Shoemaker said, "We have monies coming in. The incomes are coming in better than they ever have before, and what is happening is; now that you're putting this out here; even though the monies are coming in better, you have this administration that has not looked at all possibilities; in my opinion." Mayor Zink said, "I tell you what, you come up and spend three or four days and we'll look at it Bud. I'll cut everything that I can cut."

Mr. Shoemaker asked, "Have you looked at the sale of property?" Mayor Zink replied, "Yeah, we looked at it but how you gonna sell it? You've got to have it surveyed because it was never surveyed whenever we bought the building if that's the one you're talking about?" Mr. Shoemaker said, "Yes sir, it is. And we have other property that could be sold or considered." Mayor Zink said, "We may have a use for that property. It could be a place to put the police department if we get the money to build one." Mr. Shoemaker stated, "My contention is that not every rock has been overturned. This is an earnings tax that's hurting the earning people; the hardworking people. It's not fair to the working people of Hillsboro or to the people who live outside of Hillsboro who work here."

Mr. Pence said, "I've had several working people talk to me about it and they're for it a hundred percent. They say that we got to get the police department straightened up; we've got to get the streets in. How you going to afford that?" Mr. Shoemaker responded, "You haven't taken everything in to consideration. Two to one of the people that I've talked to are against it." Mayor Zink said, "It don't matter to me. We either put it on the ballot and the people decide or we forget repairing anything. We let the safety building fall down around our ears and when these holes come in the streets like they happened last Wednesday; we won't repair them. We'll just let the trucks fall in them."

Mr. Chambers said, "First of all, we really do need to commend every department for staying in their budget. I don't think there is any question that we all feel that they are doing a tremendous job not spending money that they don't have to spend. They're doing what they can, but these capital improvements that are so capital intense, so much money that is needed to do these repairs. That money even though our income is coming in ahead of what it has been before; in order to do those large capital expenses, we're going to have to have a much larger influx of cash. I don't think there is any question about that and I will echo what Charlie has said, if the citizens of Hillsboro do not want that; then we'll live with that as long as they want to live with that."

Mr. Donley said, "I think that it's an issue that when we made the budget appropriations, we appropriated funds to operate through 2005. We knew it was going to be tight and I think we told the people we were going to do. We would operate on that proposed budget that was appropriated, through 2005; which we are going to do because the election is not until November. Myself, I was like you Dave, I'm not one in favor of raising taxes. It's a committee of three and the committee of three voiced their concern, after this I guess it's going to a vote of the whole council whether or not this proposal goes to the ballot. I think from what I got during the open meeting we had out at the school was; the people says, 'If you can show us where the need is, and you can show us that you don't have the funds to do this and that you have exhausted most means to do it.' I might throw out a question for Mr. Beery, too; if this does go through and there is a tax increase and we write a stipulation that it's only for a three-year period and that a portion of those funds can only be used for capital improvements which is fire and safety or for infrastructure and so forth. Not for wages, not for benefits, not for rehiring and so on and so forth. If that can be written that way and put to the voters; I think that, like the other committee members say, and council is that the voters will speak one way or another. I agree with you; a lot of people I talk to are probably going to vote against it. But I think, I not saying; it's not my idea to put this tax out here. It was brought before my committee which I have a responsibility as a committee chairman to present it to the full committee and let the full committee make a recommendation. The full committee heard it, the majority of the committee said that this was what they wanted to do. Other members of council have voiced their concerns and what they want to do. That's the democratic way of doing it I guess. Now, it's going to be up to us taking this to the citizens of Hillsboro. If they feel that we're not budgeting our monies appropriately, and we're not administering our finances appropriately; then they will say 'No'. It's just for a total of three years and at the end of three years that tax will not be there any more. My feeling is that we're telling these people that in this three year period this is what we're going to do. If we can't do that in that three-year period; that's it. But I'm like you; I don't know how it will go. I'm still operating on the assumption that it's not going to pass; that our budget is there to work with. We're going to have to stay within those budget guidelines because we don't know the outcome of that election. And it could be the fact that we're right back here again next year trying to appropriate a budget that we can live with and continue to keep our streets in repair and our equipment running. I'm not saying I'm out there one hundred percent in favor of tax because nobody wants tax. But I kind of see Charlie's recommendation and Paul and the others is that the whole community decides what they want to do for the next three years as far as developing a better street system and better equipment to work with and fire and safety and so forth. That's kind of where I'm coming from on it. I don't know Dave how else to say it, the fact that if you think it's back-pedaling, I guess that's fair. But I don't think...we told the people when we appropriated the budget in the first place that, 'This is our budget, this is what we have to work with for 2005 and we're going to stay within that budget.' We're just saying that if that's what you voters want us to do, we will earmark that money for a three-year period and that's the way we will use it. At the end of that three years it will come back off again and we won't approach you again. We're going to have to make a commitment; it's going to be three years. We can't say at the end of three years...we can't lie to the voters and say that we want it for three years and then at the end of the third year say we're going to have to continue to renew it. I'm not going to say that. That's why if we can do it, and Mr. Beery says that he thinks that's the way we can do it is; that we earmark it for the three-year period.

I recognize your objection to it. I appreciate that because that's why we have a committee of seven people here to voice their opinions. It's just like when we go to full council; the majority rules and the majority of the committee was that we would present it to the council and then present it to the voters. That's my responsibility I feel; to do that."

Mayor Zink said, "Well I feel like council asked administration to break these things down. First they asked the department heads to tell them what you need. Then they asked us to put it down in some sort of order; which we did. It's there in black and white and I'm like everybody else; I don't like taxes either, but I tell you what; if we're going to continue to let things disintegrate like they have been, for lack of funds; we might as well all hang it up. We've got to get this stuff fixed and the monies...I don't know where its going to come from Dave unless you go with an earning's tax. I think that everybody's made based on the information they had at the time and we're all going to do things that maybe next week we won't think it's so great, but on the other hand; it was the thing to do at the time."

Mr. Donley said, "I think that the citizens bring issues to us that they want to see corrected and so forth and we tell them that this is our budget, we have to work within it. I guess what the council and committee is saying is, 'Okay, if you want your city to do this and do that, you're

going to have to help us out a little bit.' If they say 'No', if they don't think we're doing a good job, I guess that's why they have free elections. If they don't think the council's doing what they do; they can remove us the next time they come around."

With no further discussion; a vote resulted as follows: Mrs. McClellan, yes; Mr. Pence, yes; Mr. Shoemaker, no; Mr. Walker, yes; Mr. Chambers, yes; Mr. Donley, yes.

PROPERTY MAINTENANCE AND RESTORATION COMMITTEE-Mr. Pence, Chairman  
The pylon signs that's on your agenda; Ralph and I were going to discuss that so we'll just leave that there. The same way with Boone Realty. I think he has already contacted them but I'm not sure. The sign for Subway, they put the sign application in and put the sign up before we got the application. The semi-pro football team; I guess that was my mistake, I did not get that in my committee but I'll keep that in there for next month.

"The committee met on May 18<sup>th</sup> at the Hillsboro City Building at 5:00 p.m. In attendance were Mayor Zink, Safety-Service Director Ralph Holt, councilman Dodds, president of council McCreight, Sign Committee councilman Chambers and myself. Our guest was Melanie Gray a representative of Valley City Signs. Her company has a contract to do the signage at the new Fifth Third Bank. They requested two signs over the tower entrance at the new facility. They have two signs on their building at this time and according to our ordinance 153.45; there will be one sign to a designated premises. They requested a variance to allow them to put up these signs. The committee wanted to disallow the variance, however; if they would agree to take the two signs off the older portion of the building; we would allow two signs on the new tower. The committee did agree to allow Fifth Third Bank to put up a temporary banner at the tower during the grand opening but not to extend over thirty days."

Fifth Third had sent a counter-proposal that Mayor Zink gave to Mr. Pence. He said that it had just been faxed to him today and proposed that they would take one sign down if the committee would allow the two on the tower. Mr. Donley said that if no one from Fifth Third could attend that Todd Donley would come if contacted. Mr. Pence said that it doesn't mention that they also have a big sign in the yard. That makes three signs and they want two more.

There was discussion on the request from the semi-pro football team to use the city park for "3-on-3" basketball and the Lion's Club use of the courts for their "3-on-3" tournament. There was concern over the trash and Mr. Walker said that if they use it, it should be their responsibility to clean it up. Mr. Walker made a motion to accept the report and Mr. Shoemaker seconded the motion. Since an answer was needed before the next council meeting on the request for the basketball court; it was determined that it would be left for the committee to make the decision on this request. The motion was amended to approve everything except the portion concerning the basketball courts. This would remain in committee for their decision. All members present voted yea.

#### STREET & SAFETY COMMITTEE, MR. WALKER, CHAIR

Mr. Walker reported that they had not had a meeting and everything would remain in committee

#### COMMUNITY ENHANCEMENT COM.- Mr. Shoemaker, CHAIR

"Thank you Mr. President. Community Enhancement Committee; we had a meeting that we reported on in May and we put out surveys to all the businesses up town. I have all but one survey turned in. We had forty businesses polled. Thirty-five of those businesses approved of the Festival still being uptown; five were against that. We've had some very interesting comments. We had complaints on other things that involved people's concerns with the city. That was beside the point, so we do have about a 95% ratio of people that want to leave it uptown. Some people objected to the fact that they closed the streets early but that's part of being in Hillsboro. There's a lot of people that said that it is great for our business. I had some ideas that are positive ideas that I gave to Mr. Donley to carry forth to the Festival of the Bells committee for their consideration. That's the extent of that.

The possible special assessment; I'm still working on that and I'll have something in the near future. I would like to have that remain in committee. Mr. Donley made a motion to accept the report and Mrs. McClellan seconded the motion. Mr. Donley said that he appreciated the effort the council put in to contacting the businesses. He said that he thought the Festival was beneficial to the growth of Hillsboro and the activities that take place in Hillsboro. He thanked Mr. Shoemaker for his efforts in spearheading the survey. He said that he had also received a lot of issues that they needed to focus upon, other than the Festival. He said that they would probably be bringing those to administration. Mayor Zink said that he wanted them to bring up

the issues as soon as possible because he would like to know what they were other than the people they don't have to mark tires and they're parking all over the street and leaving their cars there all day; also the damage that is being done on Saturday night. He said that he had worked for three hours; 8:00 p.m. to 11:30 p.m. with Officer Cumberland the other night; walking the streets trying to hold down problems up there. He said if there were more than that to let him know. President McCreight said that that was the big complaint that he heard for Friday night. Mayor Zink said that there wasn't much they could do when they were short-handed. He said that they were just lucky that there were no major emergencies that came up and they were able to spend all three hours walking the streets.

Mr. Shoemaker said they were written in the report and he would give Mayor Zink a copy to keep on file. Mayor Zink said he would like to thank council because it didn't make any difference to him where the Festival was held; however, he had received a complaints and he thought he should bring it to council. He said if something like that happens again; whether he's for it or against it; he will bring it to council. With no further comments; all members present voted yea.

UNFINISHED BUSINESS – Mr. Shoemaker said that he couldn't personally work with the 'cruise-in' this year but Mr. Donley had agreed to take on that responsibility. Mr. Donley said that he would like to make the announcement that the first one would be Friday, June 24, 2005 in uptown Hillsboro. He said anyone with questions could call city administration and he reminded the council members that they had agreed to do 'dash plaques'. They usually start putting out cones around 5:00 p.m.

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

RESOLUTION 05-16 – A RESOLUTION TO APPROPRIATE AN ADDITIONAL MONIES IN THE GENERAL FUND AND WATER FUNDS – The clerk read this resolution in full for a first reading. A motion to waive the three-reading rule was made by Mrs. McClellan and seconded by Mr. Shoemaker. For clarification Mr. Donley asked if the Police Department had received the donations and Mrs. Ryan replied that they had received most of it and Chief Thompson knew that he could only spend what he had received. A motion to approve the resolution was made by Mrs. McClellan and seconded by Mr. Chambers with all members present voting yea. Resolution adopted.

#### **NEW BUSINESS:**

A motion to move the July 2005 and September 2005 council meetings forward one week was made by Mr. Walker and seconded by Mrs. McClellan. All members present voted yea.

ORDINANCE 2005-3 – AN ORDINANCE TO ABATE NOXIOUS WEEDS – The Clerk read this ordinance in full for a first reading. A motion to waive the three-reading rule was made by Mr. Chambers and seconded by Mr. Pence with all members present voting yea. A motion to approve the ordinance was made by Mr. Pence and seconded by Mrs. McClellan with all members present voting yea. Ordinance approved.

ORDINANCE 2005-4 – AN ORDINANCE TO CREATE THE POSITION OF SYSTEMS ADMINISTRATOR – This ordinance was read in full by the clerk for a first reading.

RESOLUTION 05-17 – A RESOLUTION TO AUTHORIZE THE MAYOR TO APPLY FOR A COMMUNITY DEVELOPMENT BLOCK GRANT FORMULA FUNDS FOR FY 2005 AND DESIGNATE THE AREA(S) OF INTEREST – A motion to waive the three-reading rule was made by Mrs. McClellan and seconded by Mr. Chambers. All members present voted yea. A motion to accept the resolution was made by Mrs. McClellan and seconded by Mr. Chambers with all members voting yea. Resolution adopted.

ORDINANCE 2005-5 – AN ORDINANCE TO APPROVE ANNEXATION OF LANDS ALONG THE NORTH CORPORATION LINE OF THE CITY ZONING CLASSIFICATION – This ordinance was read in full by the clerk for a first reading. A motion to waive the three-reading rule was made by Mr. Walker and seconded by Mr. Shoemaker with all members present voting yea. A motion to approve the ordinance was made by Mr. Shoemaker and seconded by Mr. Walker with all members present voting yea. Ordinance approved.

ORDINANCE 2005-6 – AN ORDINANCE TO AMEND THE ZONING MAP TO PROVIDE THE NEWLY ANNEXED LANDS ALONG THE NORTH CORPORATION LINE OF THE CITY ZONING CLASSIFICATION – The ordinance was read in full by the clerk for a first reading. A motion to waive the three-reading rule was made by Mr. Walker and seconded by

Mr. Shoemaker with all members present voting yea. A motion to approve the ordinance was made by Mr. Shoemaker and seconded by Mrs. McClellan with all members present voting yea. Ordinance adopted.

RESOLUTION NO. 05-18 – A RESOLUTION TO AMEND THE TAX INCREMENT DISTRICT – The clerk read this resolution in full for a first reading.

Mr. Pence brought to the attention of the council, the April 18, 1996 Planning Commission report. He said in that report it stated very plainly that it was the intention of the people who owned the Oak Hills Subdivision that they would put up a chain-link fence with barbed-wire to keep people away from the quarry. He said that that had not been done and he had had complaints from real estate agents and from people who live there. He said there is a family across from him with three little children and they are worried because it's about fifty feet down to the water from the cliff.

He said that he had spoken to the law director who thought there was an ordinance; however, there is none. He said that he would like to have that problem put in to a committee where an ordinance might be prepared to cover this situation as well as any other pits or quarries that might be around. President McCreight asked for Mr. Walker to take it in his committee for resolution.

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

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Bill McCreight, President

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Beverly Brown, Clerk of Council