

President McCreight addressed the council and said that before he called the session to order he wanted to read a resignation.

Dear President of Council, Mayor, Council Members and Citizens of Hillsboro.

It is with heavy heart that I present this letter. Due to the pending sale of our home, I am respectively resigning my position on Hillsboro City Council. This resignation shall become effective September 25th 2005.

Being on council to say the least has been an educational experience, full of questions, discussions, and the occasional argument thrown in for good measure. In the end I can say it was a pleasure to serve with the administration, council members, city employees, and the citizens of Hillsboro. I am proud to call all of you friends.

Thank You, Good Luck, and God Bless. Dave Shoemaker

President McCreight then asked Kris Norris to stand up and he administered the oath of office as she will fill the vacant position through the end of the year.

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

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

ROLL CALL:

Present: Mr. Kevin Chambers, Mr. John Dodds, Mr. Richard Donley, Mrs. Peggy McClellan, Mr. R. Paul Pence, Mrs. Kristine Norris, and Mr. Charles Walker.
Absent: None

Mr. Jeffrey Lyle of the Good News Gathering offered prayer for the meeting followed by Mayor Zink leading those present in the Pledge of Allegiance.

Minutes of the September 12, 2005 meeting were approved as presented.

The clerk read the following monthly reports by title only: Wastewater Treatment Plant, Water/Sewer Maintenance Department, Income Tax Bureau, Hillsboro Public Utilities, Street Department, Police Department, Water Treatment Plant, Fire Department, Life Squad, Water Meter Department and Auditor's Office

PUBLIC REQUESTS- None

COMMUNICATIONS – None

CITIZEN'S COMMENTS –

Mr. Eugene "Butch" Nartker said, "I believe everybody knows me. Especially after I made the front page of both papers the other day. As everybody knows by now, Highland County Fair Board has purchased the land at the end of Chariss Avenue where I live and several of my neighbors live. I've had a few discussions about it and my neighbors more or less, the ones who couldn't be here; wanted to know if I could be a spokesman for them. So I'm here tonight and we don't want any activity on that street. We've got rumors that the fair board has already met and talked about wanting to open our street up to have access to the land at the end of our street.

I talked to Charlie Baldwin, the president of the fair board by phone a couple three weeks ago on Monday evening. He said, 'I promise you that we have no idea, anything to do with your street at this present time.' He also said, 'If I lived there I wouldn't want that traffic on my street'. I said that's the reason why I'm talking to you now on the phone. Jim Groves told me that it was brought up in a meeting by another fair board member that they considered going to council here and see about using our street the week of the fair.

Mr. Holt told me and other members on our street that the planning commission that it's zoned

Residential A and B which means that they cannot have camp grounds or parking in that area. And that's their tentative plans according to what I've been told. The reason I'm here; I'm here to speak for....there's some of the neighbors here that probably want to speak, too; but the main reason I'm here is that council can override the planning commission. And in the past they have changed the zoning laws to whatever. So we hope that you will understand that; I don't believe that anybody that's sitting here tonight that lives on a nice quiet dead end street would want that fair traffic during the week of the fair. So we're here now and hopefully you people will understand and will go along with us and not open up the street to fair traffic the week of the Highland County fair. Thank you."

Mr. Walker indicated that he had heard the same thing that Mr. Nartker had heard and he was not in favor of it at all.

Mr. Nartker said, "I might add, we did receive information that there is supposedly some fair board members had contacted some of the city council members about....I don't know; that's what we were told. Well, you know; you hear things. That's the reason I'm here tonight because we're practically begging you; please do not open that street up. It's a nice quiet dead end street. We have young children on that street and I don't believe anybody here would want the same thing that we don't want. Thank you."

Mr. Walker said, "One of them said something jokingly about it and I said, 'No way'".

Mr. Dodds said that he would not be in favor of it because they already had an entrance within three hundred feet of it. He did not see any sense in putting another entrance in there.

Mr. Nartker continued, "Mr. Baldwin did tell me that on the phone also. I forgot to tell you that. He did tell me; he said, 'We don't need that street. We have plenty of access to that land without using your street.' But, there's been some things that this fair board has done without considering anybody else and went ahead and done it. Mr. Holt and Mr. Zink know what I'm talking about, so we just want to make sure that you people understand that we hope you will see it our way and not consider changing the zoning and open it up. Thank you."

Mr. Holt said, "Butch, I did send them a letter explaining that they were in the city; the property that they purchased was in the city and that they are not allowed to dump refuse on property within the city. I'm waiting for their reply."

Mr. Todd Harmon spoke and said, "I live on Chariss. Actually my property basically butts up with vacant land. I built my home eight years ago. My lot actually was a part of this vacant lot which was supposed to be Cheryl Heights Subdivision which of course has not been developed. That was the reason why I bought the lot was because that was supposed to be developed. That's the only reasonI just want the council to realize there is people that lives down there and even showing right now; the fair has willingly, basically dumped manure up there in a residential area. They're already showing now that to me they just can do basically what they want to do with it. And I was approached by the fair board president who told me that I ought to be glad they bought it instead of a developer, but I would rather see homes and children in my neighborhood than campers parked in my back lot. I just wanted you to realize that there's several home owners that has lived down there....lived down there for years. Yes, we deal with the fair once a week (sic), but now they're talking more of, right at our backdoors. Thank you."

Kathy Ledger said, "I live on 103 Chariss Avenue. And I am also strongly opposed to this from many viewpoints. Not only are there children that play on the street there and many people have pets and so on; but it is a dangerous intersection coming out on 73 and it would be very unsafe from that viewpoint, too; to bring more traffic coming out of that street. There's many, many accidents there every year including my own daughter who had an accident there. We do put up with fair noise each year, but it is behind us, beyond the creek; down the road. It is nothing to do with being right on our doorstep, which this would be. And it would be more than once a year. There are all sorts of activities that happen up at the fairgrounds; tractor pulls, shows of all different types and I'm sure that you're all aware of that. Strongly opposed to this for my property value. I'm a single mother of two and I don't appreciate the biggest investment I have deteriorating from this. Thank you."

Ann Randall said, "I live on Kayrean Plaza; it off-shoots from Chariss and I've already seen some campers when we had the fair; camping beyond the fence there. It is zoned for residential and I'm afraid that the plan is; if you don't zone it now for them to have campers, when the players change that they have bought it for purpose of having it become for parking or for

camping or for their purposes.” President McCreight said that it was currently zoned not to have campers. She continued, “And they had them already and I’m just afraid that we’re going to have to be very vigilant because they’ve already soiled our creek back there with their manure. I believe that was the campers that had their pigs or whatever they were showing there. Or build the drag racing back in there and the unbelievable noise that that would be. I don’t believe that it will be just for a week. They had a horse show after that and the campers there. I’m sure there would be revenue but you know, if you can imagine living there; and we do and I certainly hope that you will think about that as you go home and wonder what it would be to live next to that and to have to be vigilant next to your home. I thank you for your time.”

Mr. Pence said that he was 100% with these people and it’s zoned now and this type of camping should not have happened because it’s not zoned for that.

President McCreight said that they would have to keep a closer eye on things. Mayor Zink said that they were not aware at the time that the campers were there. If they had known they could have done something about it. He said that they had been out to that area two or three times and they understand why people in that area are upset. He said they would watch it next year and take whatever steps were necessary to correct the problem.

Mr. Richard Williams came forward and said, “I live 464 Walnut Street and I’m pretty sure that all of you know me. I’ve been coming up here I don’t know how long.” He appeared to be unhappy with a 15-inch pipe that was on his property. He had an agreement with Ralph Vanzant that he denied signing. He said that he had called the EPA and they had never been to 479 East Main Street. Mayor Zink said they had had a company last year that ran soil samples from the pipe all the way down to the storm sewer. Mayor Zink said that they had the documentation in the office and Mr. Williams said it didn’t mean anything; they could get that from anybody. Mayor Zink invited Mr. Williams to come up and they would pull it out and he would give Mr. Williams the address and the phone number of the company to call and ask. Mr. Williams said that he wanted the EPA in.

President McCreight said that he would let Administration take care of this because he didn’t think it concerned council at this time. Mr. Williams took exception to this and Mr. Holt asked if Mr. Williams would contact the EPA and have them come down and he would meet with them. Mr. Williams said, “No, no, no. I know you people. No way.” Mr. Holt said that he would like to go with her and Mr. Williams said that he wanted her to come to him. He wasn’t going to let Mr. Holt know, not in this world; maybe in the next when he’s dead.

President McCreight said that he thought the Administration was on top of it so there was nothing they could do about it right now unless they wanted the EPA to come down. Mr. Williams indicated that they were coming down.

Pat Conrad said, “I live on Kayrean Plaza. It will be a month the 9th of September the fairgrounds dumped a load of pig manure off on us and as of yet, they have not done anything with it. They just dumped it and walked away and we’re not going to let them do it. We expect them to put lime, plow it up, throw dirt over it or what. Right now the flies are so thick, you can’t get in and out of your house and we want something done about it. It’s been long enough now. Thank you.”

Mayor Zink explained that they had fifteen days to answer the letter on getting it cleaned up. Ms. Conrad said that nobody had told them anything so they didn’t know what was going on. Mayor Zink said they had told the citizens they would look in to it and that’s what they had done. Ms. Conrad said that she appreciated that.

Ron Hennison, Jr. said, “I’m kind of coming here on behalf of Good News Gathering and some youth of Hillsboro. We came to city council back in May and presented a project for the skate park and it was approved. It seems like there’s a decision or something up about the liability issues and the city council had put in an ordinance back in ’97 to eliminate skateboards, bikes and all this; four blocks from the center of town. So the kids basically have nowhere to go. This is kind of an outreach to kind of get the kids off the streets and have something to do and I understand that there are liabilities.

I have been doing some research since we started this on different projects, different communities that have gone through this process and it’s something that’s going across the country. Today I got some information from Anderson Township down in Cincinnati where they basically went through the same thing. They were concerned about the liability. I talked to Mr.

Holt this afternoon and he's definitely concerned about the liability. In this article....I've got some information here that I want to give to Mr. Walker and also Fred so they can kind of look over this; but there was actually a state Senate Bill #24 that was passed that granted sovereign immunity to governments so that they cannot be sued for anything on these different parks. So all of this information is in here. As a matter of fact this is the act itself; the bill that was printed off the internet. I've got the article from Anderson Township.

The biggest thing is that the kids have nowhere to go. This is kind of; instead of keep taking things away; it's kind of working with them a little bit. There's a lot of kids that are down there that are good kids. I know there's been reports of problems, but you're going to have that anywhere. The biggest thing that we're trying to do is....yes there are some problems, but is to put the responsibility back on the youth. If they want something; they have to earn it. They have to earn the respect, the responsibility to take care of something.

There's a group of gentlemen twenty to thirty years old that go all over the state and they've put a bunch of time in down there; a bunch of money as far as donating a ramp that they've probably got three thousand dollars. I know that there's been in excess of probably six thousand dollars spent just in the wood and things like that. Not only that; the business people that have donated. They're on board because.....there's one business in town that said, 'I'll help you in any way I can because it gets them out of my parking lot.' I can understand that. If you go through all of the different web sites in the different cities; that's what they're trying to accomplish. They're trying to get it away from the businesses and get it into an area.

I truly understand the liability issue, but I think if we look in to this Senate Bill #24 and see what that can do as far as relieving the city from that liability; I would at least like to give it a chance to go that route. Saturday morning....and it's kind of funny because there was a lot of planning going on over the last three months....that we had already planned a work detail for this past Saturday. Then Thursday we get the information in the mail that all this is going on....or in the newspaper. So Saturday morning I got down there early and I thought, if there is a liability concern; I've got pictures of that entire city park; of the liabilities. So it's not just the skate park. If you're going to look at the liability to shut something down; let's get a group together and look at....I'm not saying that I'm going to do it, but I will help somebody resolve the problem at the park.

We got tennis courts that the high school team uses and it's an embarrassment. I sorry, it's just that....and I understand the money situation and it's probably no fault of anybody here as far as what's happened over the years because I know things change. But I would like the council to take a look at this; the Safety Committee; Mr. Walker. There're are kids down there that care and there're guys down there that have put their time in. I just want you to take a look at it before you make a decision.”

COMMUNICATIONS FROM THE MAYOR:

Meetings attended in September:

September 7 - Met with CH2MHILL on design and building information for Sewer Treatment Plant

September 12 – Public Hearing & City Council meeting

September 13 – Proclamation for Operation Christmas Child & Sign Committee meeting

September 14 – Department Head meeting

September 20 – CIC meeting and Planning Commission

September 22 – Red Ribbon meeting at FRS and Proclamation for Hillsboro Homecoming

September 23 – Bid opening for repaving Harry Sauner Road

September 24 – Proclamation for VFW 106th year celebration

September 26 – Victim's Rights Board meeting

September 27 – CIC meeting

September 29 – Ribbon cutting for Going Postal @ 121 East Main

September 30 – Attended Monty Rayburn's retirement and swearing-in of new firefighter Brad Lewis

As you all know, Bill read a letter from Mr. Shoemaker and quite frankly, I would like to read this little statement:

It's with our regrets to see David Shoemaker leave City Council. I feel Mr. Shoemaker was an asset to the community by doing his homework on various issues concerning the city.

Dave

and I did not always agree on certain matters, however; I feel he did a very good job in reviewing situations and using his best judgment in fulfilling his duties in a timely manner.

Therefore, I have great respect for Mr. Shoemaker as a person and wish him well in the future.

And you're all aware, we have an issue on our ballots in the November election. This is for the half percent increase in the earnings tax. I think everyone has seen the financial reports and know that our department heads and employees have done a tremendous job in controlling expenses. However, there has been little progress made in capital improvements because the finances were not there.

In order for the citizens to understand the needs and how the monies will be spent if the tax is approved; we need to inform them and give them opportunities to have their questions answered regarding the increase. Several months ago we discussed this in council and I really haven't heard anything back as far as any education so I have reserved the County Administration Meeting Room for two separate meetings. One of them will be on October 13th on Thursday evening at 7:00 p.m. The other will be on Tuesday, October 18th at 7:00 p.m. I welcome any suggestions from city members and hopefully there will be enough interest generated to allow us to address these serious issues because without the funding; accomplishing our needs will be impossible. I would like for all the city council members to attend those if they have the time.

We know that the geographical area of Hillsboro has grown drastically since the last tax increase in 1986. And with growth comes extended services. Without more revenue it is impossible to make the necessary repairs and improvements to the infrastructure that is needed. Therefore, we need the general public to understand the needs so they can make an educated decision on what direction the city will go as far as improvements or being able to supply the same services that we now enjoy.

The next item is a little bit better; it's the completion of the water plant. The construction company has been paid and all debts have been satisfied. I talked with Mrs. Ryan on the Life Squad Improvement Fund and you all know council asked \$50,000 be set back last year and another \$50,000 this year. Presently in the Life Squad Improvement Fund there's \$67,000; so with the \$50,000 that I think there's legislation here this evening to transfer in to that fund; we'll be able to order a new life squad vehicle and it's none too early. I've talked with the chief and members of the Fire Department and they suggest that we go through the Ohio State Purchase Plan.

As I mentioned earlier, on Friday I swore in Scott Bradley Lewis as a new firefighter ending shortage and filling all three shifts. Anybody have any questions?

Mr. Walker wanted to know how long it would take to get a squad after they placed the order. Mayor Zink said that he wasn't sure but he did know that the money would be there when it got here. Mr. Holt said that he thought it would be good if they could begin to purchase the new squads on a rotation basis so they were not spending so much money on maintenance.

SAFETY-SERVICE DIRECTOR'S REPORT-

You'll have to be patient because I had this typed up but then I started thinking of things I needed to add so I might get confused here, so be patient. The Foill Company has begun replacing the sewer line that crosses South High Street. They started that this evening at 6 PM. They will be working all night through till 6 AM. Hopefully they will be able to do this within a week or two weeks. They'll get that closed back down so we can have access to South High Street.

The Sunesis Company, the company that's working on the South Lift Station began moving dirt this week so they're in the process of moving dirt and getting prepared for the tank that's going to be placed out at that location.

Information came up; we've been getting a lot of calls at the city office about what we're going to do with yard waste, limbs, grass and so forth. I talked with Mr. Pence this last week; I contacted Ohio EPA and left a message there. I also contacted the county health department because I was also advised by the Ohio EPA that I needed to work through them. I've left messages with the Ohio EPA twice; I talked with the lady here at the county. She's willing to work with the Ohio EPA but she's not sure what they want or what regulations that they need to follow. As soon as I get response back from them, Paul; I'll let you know where we're at. I assume we still want to look at the property behind the sewer plant where we delegated for the semi-pros to play. Is that correct?

I was unable to complete the expense report for last month. I'll get the information in all of your boxes tomorrow morning so you'll all know where we're at as far as percentages for the month. Tonight we've got the second reading of ordinances for the TIF Ordinances 2005-13 through 18. I would like to request that the third reading be suspended because there are two issues in those ordinances that we pass so that we can move on to a TIF Fund. So if we can do that this evening I'd sure appreciate it. It will also be the first reading of ordinances where we're trying to get the Willettsville culvert corrected. We've been trying for two years to get this done. Hopefully we'll get this completed at the beginning of next year or the end of this year.

Harry Sauner improvements; we've got the low bid for the repaving of Harry Sauner was from Miller Mason and was for \$244,783.00.

We're trying to replace....we've got two different pumps at two different locations that we are trying to upgrade with pumps. One of them is on 50 east. The other one is at South High Street; below South High Street on Dunlap Road. The one at Dunlap Road, the cost is going to be \$34,014. The monies have been appropriated for this year to have those replaced. The funds are in place to have it done. Along 50 east, because of the position of that one and the possible condition of Woodland Drive; we don't know what's going on with Woodland Drive; the cost of that will be about \$53,947 because of the size of pump that it needs and the ...?...we need for those pumps to work.

We've been getting a lot of complaints from individuals in the city. The Water Department is getting a lot of complaints. Of course, I'm asking them to contact me regarding the water and sewer deposit of \$150. Homeowners are questioning why the city is holding these deposits indefinitely and inquiring if they should be receiving interest on these deposits. I guess we need to talk with Fred and make a determination on how we want to handle those deposits.

You should all have received information from the Safety Committee. They are requesting the Administrative Policy for the Occupation Health and Safety be passed through council this evening for approval. That's all I have.

Mr. Pence asked if Woodland Drive would come in "scot-free" as far as the pumps were concerned. Mr. Holt said, "The only thing I can tell you is, that's already been sized. It's sized with 50 h.p. motors. Like the one at Dunlap; those are 20 h.p. motors because of just the usage and there's not a lot of usage there. There you have the usage plus you have that huge force main that we're pumping at the bottom of the hill all the way to the top of Route 50. So the engineers; we've already had engineers look at it again and it can handle Woodland Drive if that happens. One of the main things that they're looking at is; that we've purchased some pumps in the past. We want to make sure that we can use them if we lose a pump station somewhere; that we can take a pump from someplace else and physically go over and put it in another place. We don't have that capability now. So we want all the pumps so that we can use them all over the city. If we lose a pump we can have a backup; we can take it from somewhere else and make it work.

Mr. Pence made a motion to put the pumps out for bid and Mr. Dodds seconded the motion. Mr. Donley asked if this was to put it out for bid and wanted to know about the dollar amounts that were being used. Mr. Holt said that those were the estimated costs if we were to buy the pumps from Delaney & Associates. He said the bids would be for purchase of the pumps and installation. Mr. Walker asked if the city had the money to cover the cost of two pumps and Mr. Holt said that there was money allocated for these pumps. Mr. Donley then asked about backup pumps and Mr. Holt said, "What I'm saying is; when this is done; the type of pumps we have already are suitable for installation, same type of pumps. Where we want to be is that if we lose the pumps on South High Street; lightning strikes and takes those pumps out; we can go to another location and grab a pump, put it in there and make it work."

President McCreight said that these things have to run continually; there's no stopping. With no further discussion, all members present voted yea.

Mr. Holt said that the Safety Committee Administrative Policy for Occupational Health & Safety needed council's approval for enactment. Mr. Holt explained the city had its own Safety Committee and basically it's the employees' responsibility to make the rules for safety. With help from the State, they set up rules for safety for the employees. He said that this was a policy of the City of Hillsboro to take every precaution that is reasonable within the circumstances to insure the health and safety of municipal employees in all aspects of municipal operations. He

said that this committee was started to help reduce accidents and reduce costs and liability insurance.

President McCreight said that this was an organization within the company that makes sure that all the safety procedures are followed and most companies are doing that today. Mr. Holt said that he would make a copy for everyone tomorrow morning and they could hold it until next month. This will be addressed at the next council meeting.

AUDITOR'S REPORT-

Mrs. Ryan said, "The first thing I want to mention is the legislation that I have coming up later, which I hope you will pass this evening. I really need it and I want to make a comment. It doesn't substantially change anybody's departmental budget. The only one that it actually changes a departmental budget; it adds money to the Fire Department budget; probably the Life Squad section of theirs because they received grant money to buy defibrillators and that money wasn't appropriated so I've added an appropriation there. The rest of it is basically just moving funds to other locations but doesn't involve anybody's departmental budget. We discussed all of this at a Finance Committee meeting last week, but if you have any further questions; I'll be happy to answer them. I realize that it's kind of long and convoluted but I thought better to put it in one piece of legislation than write one for each fund.

Then I have two other requests for council. One of them concerns the computers in my office. We're currently probably using the oldest computers in the city building and none of them are under warranty nor can they be serviced by our contract provider and I fear that our main server is getting ready to "go-up" one day soon. I hope that council would consider using some of the money in contingency and perhaps some of the UDAG funds and put toward purchasing new computers for the auditor's office. Everybody else in the building got upgrades this year; we didn't and I think that our work is no less important than theirs.

The other item concerns security; physical security of my office. I've been told the door between the auditor's office and the conference room cannot be kept locked whenever there is a meeting. That means we can't leave for the day and leave that door locked if there is any kind of a council committee meeting or other meeting scheduled to be held in that room. No other office in the city building has this problem. Everybody else can lock their doors and rest assured that no one is going to disturb items on their desk or any work that they had in progress.

I can see two solutions to the problem that do not involve anything in the way of cost or much in the way of inconvenience. One of them would be to simply swap the locations of two offices in the building. The original floor plan called for the room that you're now using as a conference room to be used for the auditor's office file room and the state auditors when they came in and the room at the end of the hall near the door was supposed to be a conference room. That room is even slightly bigger than the room that you're now using and if you simply swap the furnishings there would be no cost to you and no problem as far as security is concerned in my office.

The other solution would be move to a different location. Either use this building for your meetings or perhaps the balcony in the front of the building at 130 North High Street. It's immaterial which way you do it, but I think it's unreasonable for us to have to leave our office unlocked and that's all that I have to comment on this evening.

Mrs. McClellan asked if anything had been stolen. Mrs. Ryan replied, "Nothing has been stolen that I know of, but my deputies have complained that work they were using and papers have been disturbed on their desks and that their desk drawers appear to have been opened and gone through and there's no way to lock that room."

Mr. Chambers said, "The only question I had was, when we were talking about hiring a computer technician or a computer specialist; you had stated that all of your computers and software and such; all had warranties on them. Do they not have warranties now?" Mrs. Ryan replied, "No. We have service contracts and our service contracts are still good as far as our software is concerned. The hardware is so old that they will no longer service it. We have some fairly old hardware. Come in a look at it." Mr. Chambers, "So in fact you will be needing a computer specialist." Mrs. Ryan, "We'll definitely need a hardware upgrade. No, we don't need a computer specialist. We simply need to go buy some things."

Mayor Zink, "Rose, what's he been doing in your office for two or three days?" Mrs. Ryan, "I haven't had him do anything. He did come in there when Cherri was unable to print something out of the free-standing computer. Has nothing to do with our accounting software. The cheap

little Dell computer, that's the only one that we allow to be used to hook to the internet which you required for communications with the offices. The only reason that we had it was for certain bank things and other reports that we use. But it has nothing to do with our accounting software." Mayor Zink, "Thought I'd ask."

Mr. Holt, "The issue that I understood in that conference room was; I understood you couldn't lock your office." Mrs. Ryan, "No, we could not lock our office." Mr. Holt, "And that's why we changed the door." Mrs. Ryan, "And we put a lock on the door. Now I'm told that we're not allowed to lock that door." Mr. Holt, "The issue with that is that we had a meeting there week before last and we were advised that because that's being used as a meeting room, and we were having a meeting; if something happened and blocked that exit; and you only have the one exit, then we are in violation of the fire laws." Mrs. Ryan, "Right." Mr. Holt, "My question is, how long has that building been open at 130 North High Street? How long has it been a city building?" Mrs. Ryan, "It was built I think in 1999. Someone correct me if my memory is wrong on that."

President McCreight, "But it's been used since that time as a conference room." Mrs. Ryan, "It's been used since that time." Mr. Holt, "Well we can't use the upstairs because we have to make it accessible to people in wheelchairs, so that's out." Mayor Zink, "Why don't we have all committee meetings right here? There's plenty of room. You don't have to worry about locking your office. You can lock your office and have it here because that conference room's not big enough to hold more than half a dozen people anyway. So have it out here where it's comfortable." Mrs. Ryan, "That was one of my suggestions." Mayor Zink, "Right on."

President McCreight asked Mr. Pence's committee to look into the auditor's computer systems and to get with Mr. Donley on the finances for it. Mr. Walker said, "When we started this, I didn't think we were going to have to put in a bunch of new computers." Mrs. Ryan replied, "We periodically buy new computers everywhere. I've held off on buying new computers for my office because of lack of funds."

REPORT OF STANDING COMMITTEES-

FINANCE COMMITTEE: Mr. Donley, Chairman

Mr. President, The police council and the Finance Committee had a meeting on September 29th and the Hillsboro City Building Conference Room. Called to order at 5:30 p.m. This was attended by the full Finance Committee which is comprised of Donley, Walker and Dodds. Other council members present were McCreight, McClellan and Chambers, Mayor Zink, Safety-Service Director Holt, Auditor Ryan. Also were members of the media, city employees and the public also attended the meeting.

Going through the items within the Finance Committee; reporting on the taxable income is that as we've had several discussions in the past and Mr. Holt reported at that time that it was an ongoing process. The Income Tax Bureau is looking in to it and trying to establish what route they want to go and so forth. It's something that we have discussed considerably so what I want to do with that is; just leave it in committee and rather than report on it every month, we'll just report on it as we get some information from the Administration or Tax Bureau.

Mr. Holt said that he had talked with Peggy [Income Tax Commissioner] and they have already begun the process; they got information from the Water Office and putting names into the computer. He had talked to her about the costs she was going to have and it was determined that they will need about \$20,000 more appropriated for her budget for forms, envelopes and cabinets.

He said there was a lady who worked in the administration office now who could work a couple hours in the morning to open mail and get things ready. He said that the process was already started.

Mr. Donley said, "Next is longevity pay. During our meeting there was some discussion on longevity and think the administration brought up the fact that there was a couple different ordinances on this already prepared and they just wanted something from council to make a decision on. What I have come up with and brought to the meeting tonight is some copies of the ordinances that were passed and I will just kind of run through them real quick and the Finance Committee, if you want to kind of follow along. If you'll notice, Ordinance #1988-31 states that in section 34.18, "It is hereby amended as follows: That all employees with four years of continuous service with the City of Hillsboro"....And what it does, it goes on and breaks it down four years, nine years, ten years and so on and so forth. And this was dated as passed in

December of 1988. And if you will notice on the next page there's an Ordinance #1989-10, that's, "An Ordinance to Amend Section 34-18, An Ordinance to Exclude Elected Officers from Longevity Benefits." It says, "All employees other than elected officials with four years or more of continuous service", and then it goes on and states the rest of it; a breakdown according to years. That was passed in June of 1989 which amended the first ordinance to specifically set out elected officers. Then again if you notice, on Ordinance 2001-6 which was introduced by the Finance Committee, David Myers as chairman; "An Ordinance to Set the Salary for the City Auditor". It states that "Ordained by the City Council of Hillsboro the Salary of the City Auditor is hereby set at \$37,620 per annum as a full-time position with all benefits of a full-time city employee. The ordinance shall become effective at the earliest time allowable." That went through three readings in March, April and May and was passed on May 7, 2001. As you can see, the ordinance itself has been amended a couple times and then there was an ordinance passed; that was the one in 2000 that was prepared by our city Law Director, Fred Beery; stating that the annual salary of that position with benefits of a full-time city employee. This would fall under the benefits of the longevity pay and I think that we all know that longevity is a one time a year pay. Comes out I believe in November and all city employees receive this. Also if you recall, back in 2003-15; you probably don't have a copy of that, but there was an ordinance that we passed where a lot of the benefits were frozen in which the longevity at that time was frozen to its current levels back in 2003.

To clarify the question on longevity pay, according to the latest ordinance that was written by Mr. Beery and passed by City Council; that position is to receive full benefits as a city full-time employee. So I guess my question at this time...the rest of the Finance Committee have any questions or any comments that they would like to discuss with this?

Mr. Dodds, "No, the ordinance is pretty well explanatory". Mayor Zink, "Does that repeal the other ordinance? I didn't have any problem with the longevity part; but you had two ordinances that did not correspond. One of them said no elected official could draw longevity pay. The other one said that the auditor was a full-time employee with full benefits, but it did not strike the auditor from the one back in '89 or whenever it was. And that's what I asked Fred about and he said, 'Well, one of them's got to be changed.' Right Fred?"

Mr. Beery, "Well, it says....The rule of construction in legislation is that the 'specific' controls over the 'general'. So you might look at it one way, that there wouldn't be any longevity pay for the elected position of auditor. But there there's another rule of construction that 'subsequent' legislation controls over 'previous' legislation. Looking at that one you would say, 'Well, Council manifests its intention to "except" the auditor from the previous "No elected official gets longevity pay"'. So, really it comes down to this; what is the intent of council? And so I think Mr. Donley puts it properly before council to say, 'Council, what's your intention?'. Leave it as it is, because practice now is; that longevity pay is given to the auditor. Or, Council's intent was that we give full benefits but not necessarily longevity pay because we specifically excepted it. Really, Council speaks for itself."

Mr. Donley- Okay, at this time, myself as a member of the Finance Committee; it's my recommendation, the other two members can have their say also; that we adopt Ordinance 2001-6 which shows that the position of the auditor is a full-time employee and is eligible for the longevity.

Mr. Chambers for clarification asked if this was to leave it with longevity and Mr. Donley answered in the affirmative since it was written that way and passed by full council with three readings in 2001. Mr. Dodds seconded the motion. Mr. Holt asked if this was the only position as an elected official who would receive longevity pay. Mr. Donley said, "My understanding is that that's the only one in the past or up to this point that has received any longevity pay." Mr. Walker said, "I think that that's something that needs to be changed down the road." Mrs. Ryan said, "I'll tell you another anomaly with benefits and that is the matter of health insurance. There is specific legislation granting health insurance to the mayor and the auditor but not to other elected officials." Mr. Holt asked, "That's specified in an ordinance, correct?" Mrs. Ryan said, "Yes, and so it that. Separate, just as that's a separate ordinance."

Mr. Donley- It's on the floor as a second I guess; so if there's any more questions or comments that anybody has. Mr. Chambers said, "Just before we vote; I'd just like to voice my opinion on it. I think that longevity is something that needs to be struck from this. Just to give my opinion before we vote."

Mr. Donley- That was my next comment I was going to make. It might be something that we

need to look in to and investigate a little further; what we want to do as far as the city auditor; as far as the amount of money that she's receiving or the person, whoever takes the position; is receiving and what benefits will be provided by the city. President McCreight asked if he [Mr. Donley] still wanted to go with the 2001-6. Mr. Donley responded that since it had been brought to the committee for some kind of approval; at this juncture for the auditor and for the administration to know how to proceed from this time forward he thought they needed to make a vote on it.

Mayor Zink said, "The only question I would have then; are we going back and clarify the ordinances? That was my main issue to start with. Because they need clarified so that when you read them you know what they mean." Mr. Beery remarked, "Well, you don't have to do anything more than council's previous intention through this motion as to clear up the question with the auditor's longevity pay. But by all means, you do want to go back and revisit this issue of longevity pay as Mr. Chambers points out. It has now reached a head where to have to decide, do you keep it or do away with it." Mrs. Ryan said, "Could I make an additional comment? I'll direct this at Kevin Chambers because you were probably not on Council; I don't think you were on Council in 2001. The auditor's office, the pay scale used to keep pace with department heads, the police and fire chief and for various reasons, has not over the years since I've been auditor. I barely make more than the deputies in my office. This was granted in one of those years when they said, 'Well, they can't give me a raise because of the "me too" clause and they decided to up the benefits and I was also given the education benefit which we no longer have. They granted me those benefits instead of giving me a pay raise. Then the year when most elected officials get a raise before their term starts; couldn't do that because there wasn't any money. I mean, it is a bit unrealistic to expect anyone to put in the hours that I do and go five years without a raise. And that's happened more than once."

Mr. Chambers, "I don't have any problem with whether it's you sitting there; Rose it's not anything that's directed against you. To me it's directed with the trend that we're trying to start as far as I'm concerned and I think it needs to be struck from there. That's my opinion. As long as I have a vote I will vote that way." Mrs. Ryan replied, "Right, but I'm just trying to give you...Hey, take it away if you want. I'm just trying to explain it."

Mrs. McClellan said, "I have a comment. We need to start thinking about, we're always saying we need to structure our...I'm just flabbergasted that one person out of all the elected officials is getting a longevity. That's just beyond me. I'm speechless! I didn't know that was going on." Mr. Donley said, "I might mention, I think other than myself and Mr. Chambers; that everybody in this council was on board when this longevity was packaged and three titles were read and everybody voted for it." Mrs. McClellan said, "That was back then. I knew about it, too. But now we're trying to cut corners." Vote as follows: Mr. Dodds, yea; Mr. Donely, yea; Mrs. McClellan, no; Mr. Pence, no; Mrs. Norris, yea; Mr. Walker, yes; Mr. Chambers, no. Motion passed.

President McCreight suggested that it be taken back in to committee and revisit that and get with Mr. Beery and rewrite that particular one. Mr. Donley said there were some other departments that they wanted to look at for the future as far as positions and pay and so forth.

Mr. Donley- Assistant Fire Chief- I recommend that this be removed from committee because we have had discussion in the past that that position is going to be put on hold for awhile and we have another firefighter that is being put on to kind of bring the force up a little bit and if in the future if there is a need or a feeling that we need an assistant fire chief; we can put it back in to council and address that issue then.

Also on the TIF District- There's some legislation that's already been passed last meeting on that. We've had discussion on it in council and what I think most of you realize that's going to be identified as a separate parcel on each one of them rather than what you call a district. Committee recommends that the procedures continue this way. Also, unless there's some other issues that some of the committee or council; I'd also like that to be removed from committee since we're doing that now this time.

Also my next one was on the Community Reinvestment- Our meeting was discussion on that was brought before council. We also had some discussion at the last council meeting as far as the community reinvestment area. It's my understanding from the rest of the committee and some of the members of council at the meeting that as far community reinvestment; it deals mostly with tax abatements and those abatements were for incentives to promote the revitalization or improvement which would possibly increase property valuation. However, Mr.

Beery has indicated that also that they kind of go hand-in-hand; TIF areas and TIF districts or TIF individual parcels and community reevaluation. So at this time Mr. President, it's the feeling of the committee to just table the Community Reinvestment issue and we'll deal with each individual parcel as it comes before council or before the administration.

Mr. President, that's respectfully submitted and also with number four was on the audit firm for the audit. We had some discussion with Mrs. Ryan at the committee meeting to where we just need to put that on hold for a while. There's going to be some issues with the state and state recommendations on auditing of the offices and so forth. If I understand her correctly; that's not something that needs to be done right away. Mrs. Ryan said, "The state of Ohio pretty much will take charge of helping us select an audit firm for next year and they will get in touch with us at the end of the year and if they don't; I've given Ralph the phone numbers and we'll have to get in touch with them to make sure they don't forget to get that process started." Mr. Donley said, "So I think also Mr. President, I don't know if that still needs to be in committee or not since the fact the auditor's going to follow up on that and Mr. Holt will be advised of what's needed. Rather than report on it every month; if it needs to come back to council we can do so at that time."

Mr. Holt said that they permitted to use the same company for the yearend report. Mrs. Ryan explained that this was the financial statement using GAAP accounting and is separate from the annual audit.

Mr. Donley- Mr. President, also the item is to look into the supervisors' and non-union wages which was put in committee on 9-12-05. I request that this be left in committee for further review.

Mr. Chambers made a motion to accept the report and Mrs. McClellan seconded the motion. All members present voted yea.

PROPERTY MAINTENANCE AND RESTORATION COMMITTEE- Mr. Pence, Chairman Thank you Mr. President. The committee met on September 13 at the city building. Members present were Mayor Zink, Safety-Service Director Ralph Holt, John Dodds, Peggy McClellan, President of Council Bill McCreight, David Shoemaker and myself.

The only item of business was signs for the Dakota Roadhouse restaurant on Harry Sauner Road. The sign had already been erected and no request had been received for signage. They also wanted two signs on the building. Steve Houseman who represented the restaurant had said that he did not realize that a permit was needed since he had a building permit. The committee granted a variance with Dodds, McClellan and myself agreeing. There was no further business.

You will also see that we have drawn up a form for the use of city parks. That is in our packets tonight. A place to take brush has been previously discussed. Thank you Mr. President.

Mr. Chambers reminded Mr. Pence that he had also attended the meeting. Mr. Holt said that he would like the council to consider rescinding the ordinance of forty-foot setback on Harry Sauner Road because I went back there; Dick and I measured the signs on the south side of Harry Sauner. The farthest one back is twenty-five feet and the closest is fifteen feet. On the north side the WalMart sign is at forty-three feet, the pizza place is at thirty-eight feet and the other sign that I believe belongs to Mr. Abbott is like forty-one feet or something. I think we need to look and see if we're going to make them do this.

Mr. Pence indicated that Mr. Beery had the ordinance made up for tonight but it didn't have it specified on the forty feet. Mr. Beery said that he didn't limit it to Harry Sauner Road and he looked to the committee for clarification. There was discussion on whether or not this should apply to all of Hillsboro and Mr. Beery said that he wanted to prepare the legislation to the committee's liking. Mr. Holt asked if it could be written so that the sign was on private property and the sign face itself did not overhang the right-of-way. Mr. Beery said that he would prepare the legislation to those specifications and they could go ahead and hear appeals of anyone until the legislation is enacted.

Mr. Donley asked about signs that are at ground level that can be damaged by snowplows and wanted to know if there was an exception for city liability. Mr. Beery said, "That's kind of an open question and you may want to consider that signs that may be damaged by throwing snow off of the right-of-way; won't get damaged or they're sturdy enough or make some kind of requirement; safety requirement for that. I really haven't given that much thought." Mr. Donley

then asked if they could require signs to be on poles to where they would be out of the direct flow of debris that is being thrown. Mr. Holt said that it would depend on the height of the pole and whatever restrictions you're going to require that height. Mr. Donley said that there were several that he could think of where signs created a "view" obstruction and if they were on poles six feet off the ground minimum, it would eliminate the "view" obstruction and also possibly eliminate the possibility of damage from road material being thrown against it. Mr. Beery agreed saying that a chunk of asphalt could really fly from a snow plow.

Mr. Donley made a motion to accept the Property Maintenance and Restoration report and Mr. Chambers seconded the motion. All members present voted yea.

STREET & SAFETY COMMITTEE, MR. WALKER, CHAIR.

Thank you Mr. President. The Safety Committee met on September 29th. Council members present were Mr. Dodds, Mr. Chambers, Mr. Donley, Mrs. McClellan and myself. Also present were Safety-Service Director Holt, Mayor Zink and Council President McCreight.

The first thing on the agenda was the quarry behind Oak Hills Estates. We held a public hearing on September 12th at 6 PM. We heard from several residents in the area and most were opposed to a fence around the area. The committee recommends that we take no further action on this project.

The second thing discussed was the lighting and sidewalks on Harry Sauner. The committee recommends that the safety-service director contact an engineer on the lighting system and get us a price of what it would take to figure that out.

There was some discussion on the problems at the skate board park and the problems will be looked in to.

Mr. Pence made a motion to accept the Street and Safety Committee report and Mr. Dodds seconded the motion. All members present voted yea except Mr. Chambers who was out of the room.

UTILITIES COMMITTEE; Mr. Dodds, CHAIR.

None

ZONING AND ANNEXATION COM.-Mr. Chambers, CHAIR.

None

COMMUNITY ENHANCEMENT COM.- Mr. Shoemaker, CHAIR

None

UNFINISHED BUSINESS-

Paving bid for Harry Sauner Road- Mr. Holt said that they had three bids. Miller-Mason bid \$244,783; John R Jurgensen bid \$350,663.99 and The Shelly Company bid \$257,714. The apparent low bidder was Miller-Mason. Mr. Pence made a motion to accept the Miller-Mason bid and Mr. Chambers seconded the motion. All members present voted yea. Miller-Mason bid approved.

PASSAGE OF ORDINANCES AND RESOLUTIONS:

ORD. 2005-10 – AN ORDINANCE TO ABOLISH THE SEWER SPECIAL ASSESSMENT FUND AND TRANSFER ANY REMAINING BALANCE TO THE GENERAL FUND

The clerk read this ordinance by title only for a third reading. Mrs. McClellan made a motion to accept the ordinance and Mr. Donley seconded the motion. All members present voted yea. Ordinance adopted.

SECOND READING OF ORDINANCES AND RESOLUTIONS:

ORD. 2005-13 thru 2005-18 – A motion to waive the three-reading rule on these ordinances was made by Mr. Walker and seconded by Mr. Donley. All members present voted yea.

ORD. 2005-13 – ORDINANCE TO DECLARE CERTAIN INFRASTRUCTURE IMPROVEMENTS TO BE A PUBLIC PURPOSE AND TO APPROVE A CERTAIN PARCEL TO BE A REINVESTMENT AREA – 619 Harry Sauner Road – Mrs. Norris made a motion to accept the ordinance and Mr. Walker seconded the motion. All members present voted yea. Ordinance adopted.

ORD. 2005-14 – ORDINANCE TO DECLARE CERTAIN INFRASTRUCTURE IMPROVEMENTS TO BE A PUBLIC PURPOSE AND TO APPROVE A CERTAIN PARCEL TO BE A REINVESTMENT AREA – 629 Harry Sauner Road – Mr. Donley made a motion to

accept the ordinance and Mr. Chambers seconded the motion. All members present voted yea. Ordinance adopted.

ORD. 2005-15 – ORDINANCE TO DECLARE CERTAIN INFRASTRUCTURE IMPROVEMENTS TO BE A PUBLIC PURPOSE AND TO APPROVE A CERTAIN PARCEL TO BE A REINVESTMENT AREA – 609 Harry Sauner Road – Mr. Donley made a motion to accept the ordinance and Mr. Pence seconded the motion. All members present voted yea. Ordinance adopted.

ORD. 2005-16 – ORDINANCE TO DECLARE CERTAIN INFRASTRUCTURE IMPROVEMENTS TO BE A PUBLIC PURPOSE AND TO APPROVE A CERTAIN PARCEL TO BE A REINVESTMENT AREA – 704 Harry Sauner Road – Mr. Donley made a motion to accept the ordinance and Mr. Chambers seconded the motion. All members present voted yea. Ordinance adopted.

ORD. 2005-17 – ORDINANCE TO DECLARE CERTAIN INFRASTRUCTURE IMPROVEMENTS TO BE A PUBLIC PURPOSE AND TO APPROVE A CERTAIN PARCEL TO BE A REINVESTMENT AREA – 110 Roberts Lane – Mr. Dodds made a motion to accept the ordinance and Mr. Donley seconded the motion. All members present voted yea. Ordinance adopted.

ORD. 2005-18 – ORDINANCE TO DECLARE CERTAIN INFRASTRUCTURE IMPROVEMENTS TO BE A PUBLIC PURPOSE AND TO APPROVE A CERTAIN PARCEL TO BE A REINVESTMENT AREA – 160 Roberts Lane – Mrs. Norris made a motion to accept the ordinance and Mr. Walker seconded the motion. All members present voted yea. Ordinance adopted.

FIRST READING OF ORDINANCES AND RESOLUTIONS-

RES. 05-29 – A RESOLUTION OF THE HILLSBORO CITY COUNCIL OF THE CITY OF HILLSBORO AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS WATER FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION – The clerk read this resolution in full for a first reading. Mrs. Ryan stated that this was a piece of legislation that needed to be passed before the loan could be closed. Mr. Dodds made a motion to suspend the three-reading rule and Mr. Donley seconded the motion. All members voted yea. Mr. Chambers made a motion to approve the resolution and Mr. Donley seconded the motion with all members present voting yea. Resolution passed.

RES. 05-30 – A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF HILLSBORO, OHIO TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED – A motion to suspend the three-reading rule was made by Mr. Pence and seconded by Mr. Dodds with all members voting yea. A motion to pass the resolution was made by Mr. Donley and seconded by Mr. Dodds. All members present voted yea. Resolution adopted.

RES. 05-31 – A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF HILLSBORO, OHIO TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO/PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED- This resolution was noted to be identical to Res. 05-30 except for the designation of “eliminate a sanitary sewer bypass at the Wastewater Treatment Plant”. Mr. Pence made a motion to suspend the three-reading and Mrs. Norris seconded the motion. All members present voted yea. A motion to accept the resolution was made by Mr. Dodds and seconded by Mr. Walker with all members voting yea. Resolution passed.

RES. 05-32 – A RESOLUTION TO INCREASE APPROPRIATIONS AND TO MAKE ADVANCES AND TRANSFERS TO CERTAIN FUNDS- The clerk read this resolution in full for a first reading. Mr. Walker questioned Section Four about prior transfers or expenditures and Mrs. Ryan explained that language was included to cover payments to James Gilbert for work on

the new water treatment plant which eliminated the need to call a special meeting of council. This referred only to those expenditures made prior to the legislation; nothing subsequent. This was done on the advice of the law director. Mr. Beery explained that Gilbert was authorized by previous legislation. The loan needs to be closed out as interest costs have piled up at the rate of about \$400 a day. The only payments made “prior to” had to do with the costs for the water plant.

Mr. Beery said, “In my opinion, that was already authorized because, generally authorized the administration to do all things necessary to prosecute that plant to completion; previous administrations for that matter, and nothing was done that was not in keeping with that legislation. Paragraph number four is kind of a pointless paragraph. I think it has more to do with “paid from what” than the fact that it’s being paid.” A motion to strike Section Four from the legislation was made by Mr. Walker and seconded by Mr. Chambers. All members present voted yea. A motion to waive the three-reading rule was made by Mr. Dodds and Mrs. Norris seconded the motion. All members present voted yea. A motion to accept the resolution was made by Mr. Chambers and seconded by Mrs. Norris and all members voted yea. Resolution adopted.

ORD. 2005-19 – AN ORDINANCE APPROVING THE FINAL DRAFT AMENDED SOLID WASTE MANAGEMENT PLAN OF THE ROSS, PICKAWAY, HIGHLAND, FAYETTE JOINT SOLID WASTE MANAGEMENT DISTRICT- The clerk read this ordinance in full for a first reading.

NEW BUSINESS:

Mr. Holt said that he would like to have permission to request qualifications for engineers for the wastewater treatment plant bypass elimination. A motion to grant permission was made by Mr. Pence and seconded by Mr. Dodds. All members present voted yea.

Mr. Donley in a statement said that it had been a pleasure to work with Mr. Shoemaker on council. Mr. Shoemaker had a lot of ideas that he had brought forth and they were always in the best interest of the city. He said he would also like to welcome Kris Norris to council.

He made a suggestion that at the next meeting they leave their summer attire for that more in keeping with the cooler weather.

Mrs. Norris said that she loved Hillsboro, she had grown up here, had lived here all her life and she wanted to be a part of the process that makes it a better place to live.

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.

William G McCreight

Beverly Brown, Clerk of Council