

Council met in special session with the following persons present: Mayor Richard Zink, Council President Richard Donley, Safety-Service Director Ralph Holt, Auditor Gary Lewis, Law Director Fred Beery and Clerk Beverly Brown.

President Richard Donley called the meeting to order at 6:30 p.m. at 130 Homestead Avenue in the Justice Center Municipal Court Room.

ROLL CALL:

Present: Mr. Lee Koogler, Mr. John Levo, Mrs. Bonnie Parr, Mr. Peter Pence, Mr. Dave Shoemaker, Mr. Brian Waller

Absent: Mr. Rod Daniels

There was a motion by Mr. Pence to excuse Mr. Daniels from the meeting due to a military commitment and Mr. Waller seconded the motion with all members present voting yea.

1. ORD. 2009-7 – TEMPORARY ANNUAL APPROPRIATIONS ORDINANCE- The clerk read the ordinance by title only for a second reading. Mr. Koogler made a motion to pass and adopt the ordinance and Mr. Shoemaker seconded the motion. All council members present voted yea; ordinance adopted.

2. RES. 09-62 – A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF HILLSBORO, OHIO TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT THROUGH THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S ASSISTANCE TO FIREFIGHTERS GRANTS (AFG) PROGRAM- The clerk read the resolution in full for a first reading.

President Donley said that the Safety-Service Director was not available, however; maybe the Mayor could answer questions. Mayor Zink replied, "I've got the scoop; what do you want to know?" Mr. Pence asked if the funds were specifically for fulltime firefighters and Mayor Zink replied, "They could be for a total of five people. They're going to ask for two full-time and three part-time or vice versa and hoping that the total of five will reduce the overtime enough to pay for the last year. You get them two years for free and the third year you have to pay for them if you get the grant. So we talked about this quite a bit today and have throughout several days. This application has to be in by Friday and what we're wanting to do is give them the approval to make the application. The whole thing is when you get them, if we do get the grant we'll be able to reduce the overtime on call-in. Ed's got a plan to utilize the volunteers more in the evenings when they are available. That's where it stands."

Mr. Koogler asked what they would pay for; salaries; salaries and benefits. Mayor Zink said they would pay for the whole thing. Mr. Koogler then asked about bunker gear and other things that would go into it and Mayor Zink said that he didn't know about bunker gear but he did know they would take care of salary and PERS. Mr. Koogler then asked about the health care benefit and Mayor Zink said, "I believe so". Mr. Koogler stated, "So our real costs other than possibly bunker gear are going to come in the third year?" Mayor Zink responded in the affirmative and then Mr. Koogler asked if we knew what the costs were going to be in the third year. Mayor Zink said, "No, because I didn't have them figure that because I don't know who's going to get paid what in the third year but the contract will be up before then and depending on the situation, you don't know whether you're going to be offering any raise increase or not. That's too far out to tell."

Mr. Koogler said that it says, "Requires compliance with program guidelines and assurances". Other than saying that we're going to keep them for two years and pay them a third; are there any other requirements or assurances? Mayor Zink responded, "This is the same thing that we passed last year or the year before and all council voted on and said "Go and do it". We didn't get funded so that's the only thing I can tell you."

Mr. Koogler said, "I'm never opposed to free money, please don't think I am. The only thing I'm concerned about are what our costs are going to be; whether we can....you know down the road if we're going to be able to meet that burden or not." Mayor Zink said, "Well, I'll tell you what we're going to have to do. We're going to have to make some sort of adjustment in that fire department. This thing has been kicked around now for about three months in committee and in all fairness to the committee, there have been other things come up and there's been no action taken on the part-time people in order to try to reduce the overtime. This is an opportunity to make a move to try to do something to show those guys over there that we're trying to staff the

department in order to reduce the overtime. And it will also let the citizens know that that's what we've got in mind."

Mr. Pence remarked, "I guess my concern is that I don't really think it's our responsibility to figure out how to staff their department." Mayor Zink said, "We know that they don't have enough people in it because if anybody has ever spent any time in the department, which I have; I've even gone on two life squad runs and a fire call because they didn't have enough firemen to go. Now, you know they're scraping the bottom of the barrel when they put me in a squad, but if you don't have enough people.....and I'll be truthful with you, if I was a mayor or council member from Leesburg; Hillsboro would be getting a bill. Mutual aid is one thing but when you have all your squads out; no more people to put out, you get a squad run; Leesburg comes over here and one Saturday here a couple of months ago; they had to come over here twice within two hours. That's not their responsibility. It's Hillsboro's responsibility. We have to do what we have to do in order to cover that station or if somebody has a heart attack; you say, 'Sorry, we can't come and pick you up until we get a crew back in'."

President Donley said that he could agree with part of the statement but he thought Hillsboro did a lot of covering for other departments. Mayor Zink replied, "Not that much. If you look at your report every month we do some mutual aid, however; we've got some of these people who are volunteer departments coming in here a lot and when they don't have to come all the way to Hillsboro, Leesburg will come to Samantha and stage and Lynchburg will come to Fairview and stage. A lot of times they will be all the way into town. This isn't a new problem, this is a problem that we've kicked around now for two years, this is an opportunity to find out if additional manpower is going to help it or not."

Mr. Koogler said, "I know in terms of the police department, I think when we did that we also had anticipated some employees were going to be retiring and if we were going to be keeping people on those spots would be open. What are we anticipating in terms of the fire department?" Mayor Zink said, "We're going to have.....I think one is going in June for sure. And that person is also fairly well up on the seniority list which also draws a pretty good package on the number of years for longevity pay." Mr. Koogler then asked besides that individual two years down the road do they have anybody else they anticipate retiring. Mayor Zink replied that there was something that he wasn't at liberty to say that might happen by the end of the month.

There was some discussion regarding when there might be another chance to apply. Mayor Zink said, "You know, I don't care what you do. Just say 'yes' or 'no'; you want to do it or you don't want to do it. If you want to do it; fine. If you don't we'll scrap the whole program and live with what we've got. I really don't care. Well, I do care but I'm tired of arguing about it. We've tried to do it for three months and got no place."

Mr. Pence said, "I guess my concern is that although, yes this will help; I think the problem is bigger than just two full-time firefighters and three part-time firefighters." Mayor Zink said, "We need two more people per shift is what we actually need to make a big dent in it, but hopefully that will be a band-aid until this economy turns around and we decide how we're going to finance the thing." Mr. Pence said, "I guess that would be my other concern is that three years from now we take full responsibility for these salaries and benefits and to be honest with you; where Highland County and Hillsboro is as far as economic status, I would not expect an increase in the city's revenues between now and then. I hope I'm wrong....." Mayor Zink said, "You know how much money life squad has brought in in the last few years? Right at two million dollars on life squad runs so they are partially self-supporting. I think right now we lack about \$70,000 Gary, of going to a million in the lock box and we've already put a million into CD's this year out of the lock box so there's money that comes in."

Auditor Lewis said, "That's a discussion for later, but a million was transferred from the lock box to that so that's the overall accounting procedure. It doesn't necessarily mean that it's purely and solely for theMayor Zink, "But we had to get a million dollars into the lock box?" Auditor Lewis replied, "But it was accrued within the lock box while other funds were spent from other accounts on behalf of it, so you have to look at the bottom line."

Mr. Koogler asked Mr. Lewis if he had an anticipated idea of what the cost would be if they went ahead and did this and hired two full-time and three part-time; what would you anticipate our costs to be in year three. Mr. Lewis said, "Well, part-time I don't know however many we have there but I can speak for the two full-time. To start them off it's going to cost thousands. And yet I don't know what this grant pays for with regard to, you know if they can do the whole gamut of everything to get started. But the first year you're talking about \$75,000; that's with wages, benefits, equipment, everything; about \$75,000. Then three years takes up you know because they go up and they have to be educated, they go up to a fireman to a EMT to a paramedic within

three years; that takes us up to about \$92,000 after three years. That's with 2009 wages, again like I said things could change with regard to wages; so maybe even more. They're not cheap."

The question was asked of the dollar value they were applying for and Mayor Zink said they were applying for positions; they're applying for five positions. Mr. Koogler asked, "If we apply for the grant, I guess my question would be if we wanted to look at the fine print so to speak, if we authorize the application for the grant; are we bound to accept it?" Mayor Zink replied, "No, you don't have to take free money if you don't want it. Whenever you read the fine print on the contract why if you want to say, 'You guys keep it and we'll limp', why you can do that."

Mr. Koogler asked, "Fred, as legal counsel by looking at the resolution that's been proposed; do you see this as binding the city that if we're successful in the grant application; are we bound to move forward with it or does it give us the discretion of whether to accept or not accept? I guess the issue is that time is of the essence. This has got to go in. If we need time, if we want to look at the fine print and review things; I want to know if we have that time?"

Mr. Beery responded, "Actually you can't spend the money unless you appropriate it. You would have to turn it back to them unless you appropriated the funds and so we don't appropriate it until we have them or they're secured in our hands and so until you pass an appropriation that money can't be spent so you have the power of the purse strings if in the end you decide that you want to fund it."

Mr. Koogler said, "I'm certainly, if time is of the essence I'm not opposed to trying to do something. I just want to look at the numbers long term I guess is all I'm saying." Mayor Zink said, "Well, I think we all have to look at it long term but we've got to sooner or later bite the bullet and make a decision on what we're going to do. They've thrown numbers together and worked on the committee for three or four months and this came along and this is a lot less expensive to the taxpayer at least for two years and with the reduction in overtime, over a three-year period. If it don't work out after that you're going to have to go back to the drawing board and you'd have to lay off some people and go back to the drawing board and figure out how you're going to fund it but at least it would be a three-year.....I can't see it costing very much at all out of the General Fund over the three year period."

Mr. Koogler stated, "I just know that in terms of talking about the budget with Gary; I mean I just know that we're extremely tight in 2010 and I'm concerned that we're not going to do much better in 2011 so it's just wanting to know the fine print; know where we're going to be at." Mayor Zink said, "Lee we've been watching that budget now for six years very close to make sure that we don't overspend. So it's not going to be a thing new in 2010 or 2011." Mr. Koogler said that it's just going to be tighter and Mayor Zink said, "It'll be tighter but it'll be watched also".

Mrs. Parr said, "I myself think that we need this program. I know that the guys are really, really busy and I understand where they're coming from. You know, it's free money for the first couple years." Mr. Shoemaker said, "Well, granted there is no such thing as 'free money' because the first two years they say is free and the third year we do have to pay; is that correct? We do have to keep them on for three years? Okay, so then at the end of the third year we'd have to look at our budget and see that if we cannot afford them; we just have to say, 'Fellows, you're the ones that's laid off' and it's a nasty thing to do. It leaves a nasty taste in your mouth, but the whole point of the matter is, if you're going to do this for two years and the third year work into it and we can't do it thereafter; that's the only recourse we have or to look at different avenues if there is such a thing."

Mr. Koogler asked, "Fred, have you looked at any of the legalities of say we got three years down the road; things haven't improved for the city; we had to do some lay-offs. I mean would we be bound not to be able to lay off those individuals because of the grant; would it have to be other firefighters. I mean do we have any idea of that?" Mr. Beery replied, "Well of course if you laid them off before the end of the third year, then you would either have to pay back a pro-rata share.....?.....unless you can show that you're financially stressed and unable to keep them on that third year. In order to do that you'd have to show citywide the problem and generally if our history is any indicator; you probably would not be able to show that kind of stress so you count on keeping them on till the end of the third year. At the end of the third year of course you can make a force reduction if you have to. I imagine Gary would already be anticipating our third-year payments and stocking-up to meet those obligations."

Mr. Levo said, "If you're going to have some retirements within this time period; cannot one of these individuals be moved into that position and the vacancy not be filled?" (Mr. Holt spoke at this time, however since he was not near a microphone there is no way to include his comments in the minutes.)

Mr. Levo made a motion to waive the three-reading rule and Mrs. Parr seconded the motion with all members present voting yea. Mrs. Parr made a motion to adopt and Mr. Levo seconded the motion. All members present voted yea; Resolution 09-62 adopted.

Mr. Shoemaker said that he wanted to address council and it didn't take any kind of legislation but it needed a regular vote of council. This involved a request to extend the time limit on the freeze of the sewer rates because of the bid openings until April 1, 2010. Mr. Beery said this could be added to the agenda and take a vote on it and announce it as your "will of council" and then take formal action again later at the next meeting. Without objection of any council member you can go ahead and proceed and announce your will.

Mr. Shoemaker made a motion to extend the sewer rate freeze until April 1, 2010 and Mr. Koogler seconded the motion. All members present voted yea; motion carried.

With nothing further to come before the meeting Mr. Levo made a motion to adjourn and Mr. Waller seconded the motion and all members present voted yea. Meeting adjourned.

Richard Donley, President

Beverly Brown, Clerk