

September 11, 2017

HILLSBORO CITY COUNCIL MEETING
Hillsboro Municipal Court – 130 Homestead Drive

At 7:00 pm, President Pro-Tem Dick Donley called the Council meeting to order. Mayor Hastings, Mel McKenzie, Safety and Service Director; Gary Lewis, Auditor; Fred Beery, Law Director; Shawn Adkins, Public Utilities Superintendent, and Debbie Sansone, Clerk, were present for the meeting. President Lee Koogler was unable to attend.

ROLL CALL

Bill Alexander, Dick Donley, Tracy Aranyos, Justin Harsha, and Becki Wilkin were present. Claudia Klein and Ann Morris were unable to attend.

MOTION Ms. Aranyos moved, seconded by Mr. Harsha, to excuse the absence of Lee Koogler due to illness. Vote: all yeas.

MOTION Mr. Harsha moved, seconded by Ms. Aranyos, to excuse the absence of Ms. Klein due to illness. Vote: all yeas.

MOTION Mr. Harsha moved, seconded by Ms. Aranyos, to excuse the absence of Ms. Morris due to vacation. Vote: all yeas.

Mr. Alexander asked for a moment of silence in honor of the September 11, 2001 attacks and for the victims of Hurricane Irma. Mr. Alexander led the council in prayer and the Mayor led the Pledge of Allegiance.

MINUTES

There were no additions or corrections to the meeting minutes from the August 14, 2017 Regular meeting. The minutes were approved as written.

MONTHLY REPORTS

There were no questions about the August 2017 monthly reports and the clerk read the reports by title only: Auditor, Code Enforcement, Income Tax Bureau, Police, Public Works (includes Street Department), Wastewater Treatment, Water Meter, Water/Sewer Maintenance, and Water Treatment.

PUBLIC REQUESTS

Arianna Jackson, Hillsboro, asked Mr. Harsha why he did not “cry out” against the racist mayor in December of 2015 and quoted scripture from the Bible about racism. She referred to the Mayor as a “wicked ruler.” She accused the entire council of not doing anything about it. Ms. Jackson said a dark cloud will be over the city. She referred to her husband’s EEOC complaint against the city and the settlement he refused stating that his freedom of speech was violated. She read some Tweets written by the Mayor. Mayor Hastings attempted to answer Ms. Jackson’s questions but she continued to sermonize over his answers. Mr. Donley called for order using the gavel and when Ms. Jackson continued to speak he said he could have her removed. Ms. Jackson continued to speak

and referred to the Administration's request for her husband, Craig Jackson, to have an independent medical examination to determine his fitness for duty. She then referred to herself as "the Prophet of the Lord."

Mayor Hastings told Ms. Jackson that he did not believe she should put Council on the spot when her issues are obviously with the Mayor. He said she has never contacted him or spoken to him except in a public forum. Mr. Donley called for order using the gavel when Ms. Jackson continuously interrupted the Mayor. Mayor Hastings said that anyone is welcome to talk with him at any time on any issue no matter how sensitive. He offered to meet her somewhere to talk if she did not want to come to his office.

Ms. Wilkin said that she wanted to apologize that anything feels that collectively like that. She is certainly not. She has not seen all of the posts but has seen some and she does not agree with them. She said that Council does not have the power to stop the posts and she agrees with Mr. Harsha about setting up a meeting.

Mr. Jackson addressed Council about the letters he received regarding his independent medical exam. Mr. McKenzie addressed Mr. Jackson's questions about the change of the date of his exam explaining that the city's legal counsel advised an earlier exam because Mr. Jackson was being paid for his leave of absence. Counsel felt it was better to get a quick answer about Mr. Jackson's medical condition. Mr. Jackson wanted to argue the need for his leave of absence stating he did not want to be off work but Mr. McKenzie said he would not discuss Mr. Jackson's medical condition in a public forum. Mr. Donley said that as soon as a new appointment is set Mr. Jackson will be notified.

COMMUNICATIONS

- Cox Paving – Thanking Shawn Adkins, Hillsboro Police Department and the Citizens of Hillsboro for their cooperation during the US 62 paving project
- ODOT- Request Donation of Property for a US 62 North Project

CITIZENS' COMMENTS *No comments*

COMMUNICATIONS FROM THE MAYOR (Drew Hastings, Mayor)

Mayor Hastings said he never thought he would be so excited to see sidewalks as he was to see the new sidewalks on North High Street. He is glad to see that project underway.

He welcomed Interim Police Chief Shawn Kelly. Chief Kelly replaced former Interim Chief Browder who left the Hillsboro Police Department to pursue other interests. The Mayor thanked Sgt. Browder for his service to the city and to the department for nearly seventeen years and wished him the best of luck.

There have been a number of Downtown Redevelopment District (DRD) meetings with input from stakeholders, property owners, business owners, and many others. Council will soon have legislation to create the district. The DRD will be a major commitment to the Uptown and to the city as the county seat. The Mayor will send information to council prior to the legislation being presented.

The Hillsboro Area Economic Development Corporation (HAEDC) toured the Gross Feibel property and they are anxious to create a plan to redevelop the site. The North High Street property (old water plant property) will require significant fill that will take at least one year to settle. The site was ear-marked for a sports facility (Tyrel Cumberland) but to keep that project moving the Mayor proposes to develop the facility at the old city park on North Street. Mr. Cumberland is agreeable and the Mayor spoke with several council members who are also agreeable to the change. The Administration will look at a time frame and cost for the new site. Because the North High Street property is a good commercial site, the HAEDC will vote to list it with a Realtor and the proceeds of the sale will be split evenly between demolition efforts at the Gross Feibel property and the Colony Theater site for restoration. The Mayor asked Council to let him know if there were other options to consider for the funds.

There were no questions for the Mayor.

SAFETY AND SERVICE DIRECTOR'S REPORT (Mel McKenzie, SSD)

Mr. McKenzie received estimates for the Colony wall restoration, one being an estimate for Drivit stucco that was out of range for the city's budget. He is now looking at a spray foam that is water and weather proof and can be painted. He is also waiting on estimates for masonry wall. The rear steel beam was removed because of support issues but the main beam in the front will remain. As soon as the estimates are received to cover the brick he will get with the Property Maintenance and Restoration Committee to discuss what will be best economically.

The High Street paving is complete and it looks very good. Mr. McKenzie said that Cox Paving did a pretty good job. North East Street Reconstruction Phase II is progressing smoothly and only seems slow because there is a lot of existing infrastructure to work around. The project will move faster once they get to the curbs and sidewalks. The work was suspended during the week of the Highland County Fair to accommodate the fair traffic.

Mr. McKenzie recapped the hearing regarding the complaints by Wilkin-Wilkin Insurance and Steve Wilkin to place a temporary injunction on the City to stop any sidewalk replacement on their properties on the west side of South High Street. The injunction was overruled by Judge Coss in Common Pleas Court prior to the hearing but the hearing was held to consider the motion after the summons was served to the city. The decision was held in abeyance with the understanding that the city would follow proper administrative procedure. The city was in the process of this procedure prior to the court summons. Mr. McKenzie said that as long as he is the Safety and Service Director, the city will follow all the rules set by the Ohio Revised Code and City of Hillsboro Ordinances. He hopes that he clarifies reports that Council may have heard concerning that case.

Mr. McKenzie asked Council to suspend the Three Reading Rule for the legislation he presented to Council. There were no questions for Mr. McKenzie.

AUDITOR’S REPORT (Gary Lewis, Auditor)

Mr. Lewis presented the year-to-date fund report and the year-to-date bank report to Council. The reports show a balance of \$7,174,719.33 in various accounts in the form of demand deposits, savings, and investments.

MOTION Ms. Wilkin moved, seconded by Ms. Aranyos, to accept the Auditor’s reports. There was no further discussion. Vote: all yeas. Council accepted the report.

Mr. Lewis explained the legislation he recommended to Council:

- The increase of appropriations in the Land and Buildings fund is due to an unexpected employee insurance option
- Increase in appropriations for Building Inspections reflects the volume of permits issued and inspections required. The expenses are offset by the building inspection fees and there is no negative impact on the budget.
- The annual resolution to accept the amounts and rates of property taxes as determined by the Budget Commission of Highland County

There were no questions for Mr. Lewis.

PLANNING COMMISSION (Mayor Hastings)

The Planning Commission met at 5:30 pm. on August 21, 2017. Present for the meeting were Tom Eichinger, Charlie Guarino, Mayor Hastings, Joe Mahan, Ruth Robbins, and Rob Holt.

The Commission discussed the water taps and usage for the Board of Developmental Disabilities' group home. The Board of DD is considering two lots for development: one at 255 Beech Street and one at 350 John Street. The Commission will confer with the Safety and Service Director for the number of taps and meters required for the group home.

After hearing that a property on North High Street may request a variance to operate an eatery or a possible bed & breakfast, the committee discussed “mixed use” zoning and the possibility of issuing variances until the zoning codes is amended.

The Commission will budget for a University of Cincinnati planning intern for 2018. The intern will work on a master plan for the city. The zoning amendment project will not require all of the money appropriated and the excess can be used to pay the intern.

Mr. Eichinger asked for the Alley Vacation Request Form to be amended to include a review by the Police Department and Paint Creek Fire District to insure there are no access issues before vacating an alley. The Commission also discussed the update of other forms and the possibility of obtaining Council approval on all forms.

The zoning committee is reviewing the sign ordinance and plans to remove it from its current “stand alone” section in the Land and Use Code and place it within the Zoning

Code. Appeals and requests for variances would be addressed to the Planning Commission as a zoning issue instead of going to Council.

Mr. Eichinger discussed sidewalks. The Corp of Army Engineers performed a sidewalk survey in the past and rated the condition of the sidewalks. He suggested using the survey to help determine priorities for sidewalk repair. He also wants to develop a program/plan for sidewalk repair and have it approved by council. The meeting adjourned at 6:30 pm. The next meeting is September 18, 2017.

Mayor Hastings called Council's attention to the report of the Code Enforcement Officer for code activity in the past month. The report is relatively new in the packet Council receives each month. There were no questions for Mayor Hastings. Mr. Donley stated that he feels the current Planning Commission is very active in making improvements to the city through recommendations to Council.

STANDING COMMITTEE REPORTS

FINANCE COMMITTEE (Dick Donley, Chair) *No report*

PROPERTY MAINTENANCE AND RESTORATION (Ann Morris, Chair)
No report

CIVIL SERVICE AND EMPLOYEE RELATIONS COMMITTEE (William Alexander, Chair) *No report*

STREET AND SAFETY COMMITTEE (Justin Harsha, Chair)

Mr. Harsha had no report but asked for the dates for the Festival of the Bells for 2018 to allow the festival committee to start planning. The dates are July 5, 6, and 7, 2018.

MOTION Mr. Alexander moved, seconded by Ms. Wilkin, to approve the dates of July 5, 6, and 7, 2018 for the Festival of the Bells. Vote: all yeas.

UTILITIES COMMITTEE (Becki Wilkin, Chair) *No report*

ZONING AND ANNEXATION COMMITTEE (Tracy Aranyos, Chair) *No report*
Ms. Aranyos said there is legislation before Council to approve the zoning change at 246 East Main Street for the proposed tea room.

COMMUNITY ENHANCEMENT (Claudia Klein, Chair)

Mr. Harsha gave the report for Ms. Klein. A joint committee meeting was held by the Property Maintenance and Restoration Committee and the Community Enhancement Committee on August 24, 2017 at the Firehouse at 6:05 pm. Present for the meeting were Claudia Klein, Ann Morris, Becki Wilkin, and Justin Harsha. Also in attendance were Jason Brown, Rick Kisling, and Shawn Adkins, Public Works Superintendent.

The Committee discussed a location for the skate park. Mr. Brown suggested that the position of a part-time coordinator be created for the park. A skate park would fit at the

Old City Park tennis courts and the Mayor will contact the City of Wilmington about acquiring some of their old equipment. There are two park commissions “on the books”: Shaffer Park and another one. The property on West Main where the old high school was located was discussed as a location for the skate park. The committee discussed adding a concession stand to the soccer and pee-wee football fields to generate revenue. A suggestion was made to open the police shooting range one or two days each month. Donations for parking were discussed. Questions were raised about who owns the old reservoir and why it is locked. People used to walk their dogs around the reservoir. Rick Tipton announced that his group has full control of the Veterans Memorial at Liberty Park. Lowe's has donated a lot of materials to make a barrier to prevent people from driving on the memorial. It was the consensus of the committees that a park director is needed to maintain the parks. Organizations in town would be asked to contribute towards the parks. The committee recommends the creation of a park district with a part-time director. The meeting adjourned at 7:00 pm.

Ms. Aranyos asked if the part-time director position would be a volunteer or a paid position. Mr. Harsha said it would be a paid position. Mr. Donley said the committee is only recommending the park district to the Administration for their consideration.

UNFINISHED BUSINESS *No unfinished business*

PASSAGE OF ORDINANCES AND RESOLUTIONS (THIRD READING)

No legislation

SECOND READING OF ORDINANCES AND RESOLUTIONS *No legislation*

FIRST READING OF ORDINANCES & RESOLUTIONS

- **Resolution No. 17-31** A Resolution to Increase Appropriations in the General Fund, Land & Buildings (Health Insurance) by \$14,000 *Recommended by the Auditor* The resolution is appropriations in nature and does not require the suspension of the Three Reading Rule.

MOTION Mr. Harsha moved, seconded by Ms. Aranyos, to approve and adopt Resolution No. 17-31. Vote: all yeas.

- **Resolution No. 17-32** A Resolution to Increase Appropriations in the General Fund, Building Inspections, by \$30,000 *Recommended by the Auditor* The resolution is appropriations in nature and does not require the suspension of the Three Reading Rule.

MOTION Ms. Wilkin moved, seconded by Mr. Harsha, to approve and adopt Resolution No. 17-32. Vote: all yeas

- **Resolution No. 17-33** A Resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor *Recommended by the Auditor*

The resolution is appropriations in nature and does not require the suspension of the Three Reading Rule.

MOTION Mr. Harsha moved, seconded by Ms. Aranyos, to approve and adopt Resolution No. 17-33. Vote: all yeas.

- **Resolution No. 17-34** A Resolution to Accept the Bid from Dance Excavating, LLC for the North High ODNR Pathways Project *Introduced by the Safety and Service Director*

MOTION Ms. Aranyos moved, seconded by Mr. Harsha, to approve and adopt Resolution No. 17-34. Vote: all yeas.

- **Resolution No. 17-35** A Resolution Authorizing the Safety and Service Director to Submit an Application to OPWC (WWTP Belt Press) *Introduced by the Safety and Service Director*

Mr. Beery said it is not necessary to suspend the Three Reading Rule.

MOTION Ms. Aranyos moved, seconded by Ms. Wilkin, to approve and adopt Resolution No. 17-35. Vote: all yeas.

- **Resolution No. 17-36** A Resolution Authorizing the Safety and Service Director to Submit an Application to OPWC (North East Street Reconstruction Phase III) *Introduced by the Safety and Service Director*

MOTION Ms. Wilkin moved, seconded by Mr. Harsha, to approve and adopt Resolution No. 17-35. Vote: all yeas.

- **Ordinance No. 2017-06** An Ordinance to Amend the Zoning Map to Change Zoning of 246 East Main Street to Business and Residential D *Introduced by the Safety and Service Director*

Mr. Beery said Council can suspend the Three Reading Rule with three-quarters vote of the members present.

MOTION Ms. Aranyos moved to suspend the Three Reading Rule for Ordinance No. 2017-06. There was no second to the motion. The legislation received the first reading.

- **Ordinance No. 2017-07** An Ordinance to Donate Real Property to ODOT and to Declare an Emergency *Introduced by the Safety and Service Director*

Mr. McKenzie explained to Council that ODOT is replacing the culvert on US 62 North at the old reservoir and requires the property on either side of the highway. The property is wetlands and is no use to the City. There is an option to donate the property

or sell the property to ODOT. Mr. McKenzie believes it is a good-will gesture to donate the property. The project will not begin for another 12-18 months.

MOTION Mr. Alexander moved, seconded by Mr. Harsha, to suspend the Three Reading Rule for Ordinance No. 2017-07. Vote: all yeas

MOTION Mr. Wilkin moved, seconded by Mr. Harsha, to approve and adopt Ordinance No. 2017-07. Vote: all yeas.

NEW BUSINESS

Mr. Harsha reported an earlier meeting of the Property Maintenance and Restoration Committee to consider two requests for a sign variance. The first request was for sign replacements at the Wendy's restaurant on North High Street. The committee recommends approval of the variance for Wendy's. The second request was for a digital sign at Carpenter's House of Prayer on Fairground Road. The committee does not recommend a variance and will stick to the ordinance that states no more digital signs in the city.

MOTION Mr. Harsha moved, seconded by Ms. Aranyos, to approve a variance for multiple signs at Wendy's on North High Street. Vote: all yeas

MOTION Mr. Donley moved, seconded by Mr. Harsha, to deny the variance for a digital sign at Carpenter's House of Prayer on Fairground Road. Vote: all yeas.

Ms. Aranyos said there are volunteers to put the Christmas decorations up and asked if there is a date set to do this. Mr. Adkins said there is a problem with the wreaths catching the wind and breaking the light sockets in the street lights. Mr. Adkins said some smaller decorations that would not catch the wind would be better. Mr. McKenzie said he would look into the situation.

Mr. Donley said that High Street looks great, especially where there are curbs and gutters. He suggested that in the future curbs and gutters should be included in paving projects.

ADJOURN

MOTION Ms. Wilkin moved, seconded by Ms. Aranyos, to adjourn Vote: all yeas. Council adjourned at 8:22 pm.

The next scheduled meeting of the Hillsboro City Council is Tuesday, October 10, 2017, at 7:00 pm. in the Hillsboro Municipal Court.

Richard Donley, President Pro-Tem

Debbie Sansone, Clerk of Council
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