

## **HILLSBORO CITY COUNCIL MEETING**

**November 08, 2021**

At 7:00 p.m. Council President Tom Eichinger called the Hillsboro City Council meeting to order. The following were present for the meeting: Clerk Kimberly Newman, Public Works Superintendent Shawn Adkins, Auditor Alex Butler, Mayor Justin Harsha and Law Director Fred Beery and Safety & Service Director Brianne Abbott.

### **ROLL CALL**

Mary Stanforth, Greg Maurer, Patty Day, Claudia Klein, and Adam Wilkin were present. Ann Morris and Mark Middleton were absent and excused.

**MOTION:** Greg Maurer moved to excuse Ann Morris and Mark Middleton, seconded by Claudia Klein. Vote all yeas, Ann Morris and Mark Middleton were excused.

Mr. Eichinger led the Council in prayer and Mayor Harsha led Council in the Pledge of Allegiance.

### **MINUTES**

There were no corrections to the October 12, 2021 minutes. They were approved as submitted.

### **MONTHLY REPORTS**

The October 2021 monthly reports were read by title only: Income Tax Bureau, Police Department, Public Utilities (includes Street Department, Water and Sewer Maintenance), Treasurer's (includes Expense and Revenue), Water Meter Department, Water Office (includes Water/Sewer Sales), Water Treatment, Wastewater Treatment, Code Enforcement and Auditor.

**COMMENTS FROM THE AUDITOR (Alex Butler, Auditor)**  
City Auditor Alex Butler had no report.

**PUBLIC REQUESTS:** None

**COMMUNICATIONS:** – None

**CITIZENS' COMMENTS:** Dr. Raja Nawaz spoke to council asking for assistance in financing the cost for the culvert repair at the Hillsboro Shopping Plaza on North High Street center entrance. Dr. Nawaz cited having tough times the past two years and that he had not received the cost estimate from the architect before today's date. Mary Stanforth, Chair of Finance asked Dr. Nawaz why he had not received the cost estimate before today, Monday November 8, 2021. Dr. Nawaz replied that the architect told him that he would submit the cost estimate to Dr. Nawaz as well as Shawn Adkins and that he – Dr. Nawaz, did not receive it via email, but he did gain a copy from the city earlier today. Shawn Adkins commented that the architect had discussed the cost estimate over the phone with Dr. Nawaz within the timeframe that Mr. Adkins received it via email. Lengthy discussion was had on the cost of the culvert repair, the issue of safety and the need for removal of culvert and repair of eroded entrance. Finance committee members Mary Stanforth and Greg Maurer both spoke that they were standing behind the decision

made at the prior Finance committee meeting to not give financial assistance to Dr. Nawaz, as the city does not have the money to do so at this time.

MOTION: Greg Maurer moved to deny the request from Dr. Nawaz for city funding for the culvert, seconded by Mary Stanforth. Vote all yeas. Request denied.

#### **COMMUNICATIONS FROM THE MAYOR (Justin Harsha, Mayor)**

Mayor Harsha announced plans for a possible green space on West Main Street. The city has acquired two properties at the old Highland Enterprise lot and the stockyards. Mayor Harsha stated he was sure people have seen some of the changes that have already been made, bringing in some of the dredgings from the creek, and the city will be gaining some topsoil from the Wallick development out on Fenner as well. The city would like to turn that into a green space for the citizens to enjoy. It could include an amphitheater, a playground for children, clean up the sidewalks in the front, get rid of the chain-link fence and replace with a nice new fence. The city is working on some preliminary plans to put together so it can be presented that at a later date.

#### **SAFETY AND SERVICE DIRECTOR/PLANNING COMMISSION REPORT (Brianne Abbott) See attachment # 1.**

#### **STANDING COMMITTEE REPORTS**

##### **FINANCE COMMITTEE (Mary Stanforth, Chair)**

- Wage & Pay Scale review/recommendations for city employees, joint with Civil Service and Employee Relations Committee.
- Ordinance 2021-12 An Ordinance to repeal the license fee associated with amusement devises in the City of Hillsboro.
- Ordinance 2021-18

Meetings were held on 10-21-2021 and 11-3-2021 and Ms. Stanforth read the meeting summaries. See attachment # 2

##### **PROPERTY MAINTENANCE AND RESTORATION (Ann Morris, Chair)**

Meeting was held joint with Community Enhancement. Stream lining permits and Planning Commission absorbing Design Review Board, Ordinance 2021-17. Meeting was held on 10-21-2021. See attachment # 3. Summary read by Claudia Klein. Ann Morris was absent.

##### **CIVIL SERVICE AND EMPLOYEE RELATIONS COMMITTEE (Mark Middleton, Chair)**

- Update Civil Service Manual
- Personnel manual Updates
- Wage & Pay Scale review/recommendations for city employees, joint with Finance.

No meeting. No questions asked. Mr. Middleton was absent.

##### **STREET AND SAFETY COMMITTEE (Adam Wilkin, Chair)**

No meeting. No questions asked.

##### **UTILITIES COMMITTEE (Greg Maurer, Chair)**

No meeting. No questions asked.

**ZONING AND ANNEXATION COMMITTEE (Patty Day, Chair)**

No meeting. No questions asked.

**COMMUNITY ENHANCEMENT (Claudia Klein, Chair)**

Meeting was held joint with Property Maintenance & Restoration. Stream lining permits and Planning Commission absorbing Design Review Board, Ordinance 2021-17. Meeting was held on 10-21-2021. See attachment # 3. Summary read by Claudia Klein.

**UNFINISHED BUSINESS**

**PASSAGE OF ORDINANCES & RESOLUTIONS (THIRD READING):**

Ordinance 2021-16 An Ordinance accepting of the dedication of Fenner Avenue.

MOTION: Adam Wilkin moved to approve and adopt Ordinance 2021-16, seconded by Greg Maurer, vote all yeas. Ordinance 2021-16 approved and adopted.

DISCUSSION: Brief discussion was had on third reading of Ordinance 2021-16.

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

**FIRST READING OF ORDINANCES & RESOLUTIONS:**

Resolution 21-59 A Resolution to authorize the Safety and Service Director to enter into a contract with the Fraternal Order of Police.

MOTION: Mary Stanforth moved to suspend the three-reading rule for Resolution 21-59, seconded by Adam Wilkin. Vote: Ms. Day-no, Ms. Klein-no, Mr. Maurer-yes, Ms. Stanforth-yes, Mr. Wilkin-yes. Resolution 21-59 three reading-rule suspension failed. Second reading at December council meeting.

DISCUSSION: Safety & Service Director Brienne Abbott told council members this resolution needs to go into effect for the 2022 budget, and pass as an emergency. Ms. Abbott stated the union negotiations were complete and the articles were provided to all council members for review. Patty Day asked about the negotiation process.

Ms. Abbott stated the city does not have any control over when the union decides to negotiate. The police union usually brings a full list of items that they're wanting to negotiate and their asks, Ms. Abbott said. She further stated it is a back and forth from there. The city was able to come up with a three-year contract, which in the past it's typically a one-year, so that was a positive outcome. They (Police Department) are the same with city employees right now, as inflation is super high, and they haven't had raises in a while. It's just kind of where the city is at. Their initial ask was 24 percent, and we got it down significantly.

Patty Day asked if their pay had been frozen. Ms. Abbott said that not everyone's had been, and no one received raises last year.

Ms. Day also asked if the city had hired a legal adviser for the negotiations. Ms. Abbott said that she and Police Chief Eric Daniels typically handle it, and that Mayor Harsha sat in this year as well.

President Tom Eichinger asked if the numbers associated with this resolution were

reflected in the 2022 budget proposal, which auditor Alex Butler answered that it was.

Resolution 21-60 A Resolution authorizing the city of Hillsboro to prepare and submit an application to participate in the Ohio Department of Natural Resources Land and Water Conservation Fund Program and to execute contracts as required.

MOTION: Greg Maurer moved to Suspend the Three-reading Rule for Resolution 21-60, seconded by Mary Stanforth. Vote Ms. Klein-yes, Mr. Maurer-yes, Ms. Stanforth -yes, Ms. Day-no, Mr. Wilkin-yes. Three -reading rule suspension for Resolution 21-60 approved.

MOTION: Mary Stanforth moved to approve and adopt Resolution 21-60, seconded by Greg Maurer. Vote Ms. Stanforth-yes, Mr. Wilkin-yes, Ms. Klein-yes, Ms. Day-no, Mr. Maurer-yes. Resolution 21-60 approved and adopted.

DISCUSSION: SSD Brianne Abbott briefly explained the application for financial assistance in this matter.

Resolution 21-61 A Resolution to supplement appropriations within the funds of the city.

MOTION: Claudia Klein moved to approve and adopt Resolution 21-61, seconded by Patty Day. Vote all yeas. Resolution 21-61 approved and adopted.

DISCUSSION: This Resolution includes an increase of \$48,125 to the Fire Pension Transfers fund and authorization of a transfer of \$48,125 from the Fire Pension Fund to General Fund, Auditor Butler said this is a residual dollar amount left over in the fund that will help our bottom line, in the General Fund.

Resolution 21-62 A Resolution to increase appropriations within the water revenue fund of the city

MOTION: Greg Maurer moved to approve and adopt Resolution 21-62, seconded by Adam Wilkin. Vote all yeas. Resolution 21-62 approved and adopted.

DISCUSSION: SSD Brianne Abbott stated this Resolution is for the Phase III Storm Sewer Project.

Resolution 21-63 A Resolution to increase appropriations within the general fund of the city

MOTION: Claudia Klein moved to approve and adopt Resolution 21-63, seconded by Patty Day. Resolution 21-63 approved and adopted.

DISCUSSION: This is needed for donations made to the Police Department.

Resolution 21-64 A Resolution to authorize a then and now purchase order

MOTION: Mary Stanforth moved to approve and adopt Resolution 21-64, seconded by Greg Maurer. Vote all yeas. Resolution 21-64 approved and adopted.

DISCUSSION: Auditor Butler explained the process and the need for a then and now when a purchase is made before a purchase order is opened.

Ordinance 2021-17 An Ordinance to transfer the function of the Design Review Board to the Hillsboro Planning Commission and to declare an emergency

MOTION: Claudia Klein moved to suspend the three-reading rule for Ordinance 2021-17, seconded by Patty Day. Vote all yeas, Three- reading rule suspended.

MOTION: Greg Maurer moved to approve and adopt Ordinance 2021-17, seconded by Claudia Klein. Vote all yeas. Ordinance 2021-17 approved and adopted

DISCUSSION: Council members were read by Claudia Klein, the committee meeting summary prepared by Ann Morris, the meeting was held Oct. 20, 2021. Ms. Morris was absent and excused from council meeting. Ms. Klein concluded the report by saying that transferring the DRB to the Planning Commission would be the first step toward streamlining the permit process. The committees voted unanimously to recommend the ordinance be brought before council.

Brief discussion was had after the committee meeting summary.

Ordinance 2021-18 An Ordinance to repeal all previous ordinances regarding the compensation for non-union city employees, and ordinance, establishing the compensation for non-union city employees and to declare an emergency.

DISCUSSION: Finance Committee Meeting summaries were read by Chair Mary Stanforth. Council President Tom Eichinger opened the floor for comments or questions. Council member Patty Day argued that council violated its own bylaws by not having a joint meeting of the finance committee and civil service-employee relations committee to consider the ordinance, as it is listed under both committees' agendas. Ms. Day cited that the city did not announce that the committee would be considering the pay ordinance during the meeting and felt a large piece of council members were missing from a lot of decisions that have come up, and that are on our emergency vote agenda.

President Tom Eichinger asked Ms. Day what her point was. Ms. Day stated that it should have been publicized, she felt that it is more than just the budget we're discussing at the finance committee meeting. Ms. Day also stated that this is council's rules and regulations, and that council did not follow them.

President Eichinger acknowledged that the civil service-employee relations committee should have been involved in discussion of the ordinance, asking if it changes where we are.

Ms. Day continued that it is on the agenda tonight as an emergent vote, we don't have a proposed budget for 2022, yet we're being asked tonight to vote on pay raises without a proposed budget, and to vote tonight for it to take effect immediately without a three-reading rule.

President Eichinger stated that the order of the legislation was a catch-22, as in order to prepare a 2022 budget that supports the pay raises, you have to know what the pay raises are. That is why the ordinance was put together, and that would have to be approved prior to the budget being approved in order for the budget that is being presented to be able to be accurate.

Council member Claudia Klein stated that she thought that it seems backward, and that she felt the 2022 budget should be done first, and then see what you have left over for the pay raises. Auditor Butler said that the city can plug in budget requests from department heads in order to determine what excess funds are available for wants instead of needs. Until we close the month of October can we have those predicable numbers of encumbered and unencumbered fund balances, we did do that, but I know that it was going to be under consideration to change the pay scale, and the payroll expenses are the driver of the budget. Agreeing it can appear backwards but the payroll expenses have such a big bearing on what we know to cut other places because the driver is the payroll. We can make those cuts prior to knowing what the payroll expenses will be, but it's like

trying to shoot at a moving target. Without knowing what those will be makes it near impossible to know how much we need to reevaluate other parts of the budget.

President Eichinger replied "Obviously, the boat was missed on not including the civil services-employee relations committee, I see that as a gap. That's true that we made a mistake there, or a mistake was made there." "I understand your question, Ms. Klein, or your comment, but in the process of looking at the budget, it's already been looked at from the point of view of, based on what we know at this point, can we afford to accommodate the pay proposal. It has been determined that that is possible."

President Eichinger added that the city determined the pay raise ordinance needs to precede the budget so that the budget to be presented that contains the pay raise is accurate, and if approved, we have a month and half to complete it.

Auditor Alex Butler explained the budget process at length and what we need to know at what point. Mr. Butler further stated he would like to have the completed budget ready for the regular December council meeting. A special council meeting can be held later in the month, but it would be best to have zipped up and ready to present at the regular December monthly meeting. In order to do that, we pretty much need to have this settled by the last week of November, first week of December.

Ms. Day again said that if council had done what they were supposed to do and had both committees working on the pay ordinance, there would have been six council people there, not three. Ms. Day then said "I'm not against pay raises, I'm just saying that we need to do the process correctly."

President Eichinger inquired of city law director Fred Beery regarding council's options for considering the pay ordinance. President Eichinger asked Mr. Beery, "In light of the fact that we did not include the civil service-employee relations committee in that meeting, is it appropriate to correct that, to have another meeting where we do include them, before we do a vote? Law Director Beery said, that was Eichinger's call and that placing items into committee is done at the council president's discretion. It's your call whether or not it's necessary to hold another meeting, or if you're having sufficient discussion right now.

Eichinger said that had the other committee been included, that would have accounted for two other council members, committee chair Mark Middleton and Claudia Klein, as Stanforth serves on both committees.

President Eichinger went on to say that there would have been two additional people involved in the meetings. Asking Ms. Day if she sees an issue at this point, such that it would cause anything to change? In light of the fact that three members of five voted to move the ordinance forward, would the other two members have changed that result? By the numbers, I would say they did not. Obviously, there might be a different discussion."

Ms. Day replied, "Are you asking me?" Eichinger told her he was asking "whether you think there would be any significant change in the recommendation that led to the ordinance" put on Monday night's agenda.

"There's no way for me to know that for sure, Mr. Middleton, he routinely votes yes and Ms. Klein, I don't know, she questions things." Day said, "We didn't follow our protocol and when we get to looking at the pay raises, I do have some concerns, personally, on the amount of raise, some being 15- to 30-percent increases for some, and you're asking us to make that decision tonight as an emergency. I will not be able to support that. Council needs to back up the cart and look at the numbers plugged in because we just received the information at noon on Thursday and no proposed budget.

We're talking about a lot of money across the board, and that doesn't even talk about the

union employees. If we decide that raises at that percentage that we've got on paper is what we want to do, then let's retro it to January 1st and give us a chance to look at the information before you expect us to vote on it."

President Eichinger told Day that the city has gone to a lot of trouble to determine that is fair for employees, which has been discussed during the finance committee meetings. If we need a little more time to look at it, that's one question, but we can't allow it to delay the setting of a budget, retroacting the thing in my mind, is a mistake, because it needs to be a part of the budget going in. Eichinger proposed tabling the ordinance until the regular December meeting and council taking action before voting on the budget itself. There's a risk to that, if it would not pass, then our budget is not going to work.

Council member Greg Maurer suggested considering scheduling a special meeting when all council members could be in attendance to vote on the proposed pay ordinance.

Mary Stanforth said the finance committee is next scheduled to meet Nov. 17 and said that they should jointly meet with the civil service-employee relations meeting. Eichinger said council could then hold a special meeting immediately after that, to consider the pay ordinance ahead of the regular December meeting, based on Maurer's suggestion. Ordinance 2021-18 was pulled from November 8, 2021 Council Meeting.

Ordinance 2021-19 An Ordinance to amend Section 153.05(B) of the City Code to clarify registration fee amounts

DISCUSSION: Safety & Service Director Brianne Abbott stated to the council members the proposed change is for the two-year registration fee of \$2,000, language. The code currently reads \$1,000, which, if you do the math, it does not add up. Patty Day asked of Ms. Abbott, "Currently if you have a vacant building, you're fined by the city \$1,000 the first year it's vacant?". Ms. Abbott replied "Actually, not currently, because for whatever reason the past few years no one has been enforcing it, It's on the books. It's something we can use for not only code enforcement, but economic development. And this is specific to commercial/industrial. It does not affect residential."

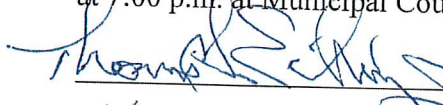
Ms. Day said she "would really like to see, personally, us work toward bringing businesses" to the city "instead of "penalizing businesses."

"I agree," Abbott said. "We have 16 developments in the works right now, which is fantastic. This is actually a tool that we're using with this. We're not trying to penalize businesses." Ms. Abbott added that dilapidated, and dangerous buildings would be what's covered by this ordinance, and the intent is not to target businesses. "It was actually on a webinar as an economic development tool to get more businesses here," Abbott said. Ms. Abbott cited the Dallas Music building on Beech Street as an example of dilapidated, and unsafe building that is to be demolished and that this tool could have been used on. Second reading will be at December 2021 meeting.

## **NEW BUSINESS:**

ADJOURN Motion: Adam Wilkin moved to adjourn, seconded by Greg Maurer. Vote all yeas. Council adjourned at 8:18 p.m.

The next scheduled meeting of the Hillsboro City Council is Monday December 13, 2021 at 7:00 p.m. at Municipal Courtroom 130 Homestead Drive.

 Tom Eichinger, President

 Kimberly Newman, Clerk